

# **TACKLING HARASSMENT & BULLYING IN SCHOOLS**

## **NUT GUIDELINES**

### **ISSUES OF CONCERN**

Harassment at work demands action by employers, employees and trade unions. Harassment affects working conditions, health and safety and undermines equality at work.

The NUT takes harassment at work very seriously as an equal opportunities issue for teachers and pupils. Indeed, the Union's Code of Professional Conduct deems it to be unprofessional conduct, "for any teacher to discriminate, to harass or be guilty of discriminatory or offensive remarks by reference to the race, nationality, colour, ethnic origin, disability, gender or sexual orientation of others including, in particular, colleagues and pupils".

The issue of workplace bullying is also of concern to teachers.

This document will be of value to all members, including school representatives, teacher governors, headteachers and deputy headteachers, as well as to local secretaries and other officers.

### **SUMMARY**

Harassment and bullying can take many forms, but the common feature of this behaviour is that it is unwanted by the victim.

The NUT believes that harassment and bullying are unacceptable.

### **POLICIES FOR SCHOOLS**

The NUT is seeking to negotiate the establishment within all local education authorities of policies and agreed procedures to deal with issues of harassment and bullying as they apply to teachers and to pupils.

### **WHAT IS HARASSMENT?**

Harassment is unwanted behaviour which is offensive to the person involved, causing her or him to feel threatened, humiliated or patronised. Such behaviour can interfere with the person's work performance, undermine job security and create a threatening or intimidating work or learning environment.

Harassment may be experienced by an individual on the basis of their sex, race, sexual orientation, disability, religion, class, cultural or language difference.

Harassment can take many forms, including:

- physical contact such as unnecessary touching;
- threatened or actual physical abuse or attack;
- verbal abuse such as suggestive remarks, jokes, name calling;
- display or distribution of offensive material, graffiti or badges; and
- non-verbal abuse such as offensive gestures and body language.

In extreme forms, harassment can constitute serious criminal offences such as assault, rape or incitement to racial hatred.

## **WHAT IS BULLYING?**

Bullying is a form of harassment in which the bully undermines and belittles or assaults the recipient. Bullies may seek to exploit others' perceived personal weaknesses, either because they enjoy the exercise of such power or because they are under pressure themselves, or even because they believe such behaviour is the best means of managing relationships.

Common examples of bullying include:

- the allocation of additional workload;
- withholding of work responsibility;
- changing priorities and objectives unreasonably;
- the imposition of impractical deadlines;
- excessive and unreasonable supervision; and
- unnecessary invoking of disciplinary or capability procedures.

All such behaviour is clearly disadvantageous for the person subject to those measures.

Bullying may also involve abuse and undue criticism in front of colleagues and pupils.

## **COMMON FEATURES**

In many cases the behaviour of the harasser or bully may not be easily linked to any specific factors and may appear to be completely arbitrary. It may, in such cases, derive from the relationship between the two people involved. Power is often an important element.

In practice, forms of harassment and bullying may overlap.

A common feature of all harassment and bullying is that it is unwanted by the person

For those who are harassed and bullied, the result may be stress which can involve depression or illness. Harassment can affect work performance and cause absenteeism. Harassment can have direct effects upon a person's mental and physical wellbeing and can have a detrimental effect on the ability to fulfil potential.

## **HARASSMENT AND PUPILS**

Incidents of harassment and bullying are not confined to adults. Pupils may be harassed by other pupils or by adults and pupils may harass other pupils or adults. Harassment and bullying affect pupils' ability to learn. Pupils should know who to turn to for help if they are being harassed or bullied. They also need to be taught why harassment is unacceptable.

## **ADDRESSING HARASSMENT: ADVICE TO MEMBERS AND SCHOOL REPRESENTATIVES**

The harassed member may be seeking to secure better understanding from someone who may otherwise be unaware of the perhaps unintentional effect of remarks or actions.

It is essential that members feel confident that their complaints will be treated seriously and sensitively. NUT school representatives have a responsibility to act speedily and are advised to seek prompt advice from the appropriate regional office in England or in Wales from the Wales Office, NUT Cymru. Even if representatives are unable to handle the matter themselves, they should assist members in approaching the relevant Union office.

The first step in tackling harassment is to make it clear to the alleged harasser that the behaviour is unacceptable. The member may find it difficult to challenge the person concerned and may wish to be accompanied by the Union representative.

If the member feels unable to speak in person to the individual concerned, then the request to desist may be put in writing. The ideal outcome at this stage is for the unacceptable behaviour to stop so that the member's environment can become secure and non-threatening.

If the unacceptable behaviour continues or if the member wishes to report the matter, the NUT representative is advised to contact the appropriate regional office in England or in Wales, the NUT Wales Office, NUT Cymru, for advice. In particular, if the person who has harassed or bullied is in a senior management position in the school, the representative should seek assistance from the appropriate NUT office.

The Union should be advised immediately of any alleged retaliation leading, for example, to complaints about the member's work or of the imposition of unreasonable workload.

The member concerned should be urged to keep notes, detailing incidents of harassment, including dates and times.

If it is decided to make an oral or written report, the person who has alleged to have harassed the member should be informed of the complaint. Assistance should be

sought from the local secretary or regional office or, in Wales, the NUT Wales Office, NUT Cymru.

An allegation of harassment is a serious matter for the person against whom the complaint is made. Members in this position have equal rights to representation from the NUT and should be advised of the service available from the regional office or, in Wales, the NUT Wales Office, NUT Cymru. Building understanding is important in the early stages of dealing with a complaint.

## **LEGAL REMEDIES**

There may be legal remedies to some forms of harassment. Decisions as to whether or not the NUT supports moves to seek legal remedies will be determined through the Union's agreed procedures following reference to a regional office or, in Wales, the NUT Wales Office, NUT Cymru.

Harassment based on gender, race or disability can be unlawful discrimination, for which, depending on the circumstances of the case, there can be legal remedy through employment tribunals. Employers can be liable for the distress and financial loss caused by the actions of employees who harass others and should take all reasonable steps to avoid and prevent harassment from occurring. Victimisation, in the form of retaliation by the harasser to complaints made, can also amount to unlawful discrimination.

Under health and safety legislation, an employer is under a duty to provide a safe system of work from employees and to take reasonable steps to prevent staff from being injured at work. Such injury can include psychiatric injury resulting from harassment or bullying at school. Again, this legal duty of care is an incentive for an employer to act to prevent bullying or harassment occurring.

In extreme cases, such as where violence or fear of violence is involved, the criminal law can be an appropriate remedy, including the grant of injunctions to restrain the perpetrators.

## **LEGAL AND PROFESSIONAL SUPPORT FROM THE NUT**

The requirements of law can be a benchmark in developing and implementing equal opportunities policies which specifically address harassment. The Union can offer sensitive and confidential legal and professional support in relation to individual cases and, where necessary, can act by providing free legal assistance from its own in-house solicitors. Experienced staff, including a solicitor, are available to offer advice and give guidance to members in Wales at the NUT Wales Office, NUT Cymru and in England at the nine regional offices.