



# **Policy to combat bullying and harassment at work**

## Information sheet

Information box

For further advice contact: Lead Officer: Health, safety and wellbeing

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### Version control

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1.0	Lin Poole	7 April 2010	First draft after consultation with SB, MC
2.0	Lin Poole	28 April 2010	After review with LG
3.0	Lin Poole	22 June 2010	After Executive Board
4.0	Glyn Coles	1 December 2010	Revised version following consultation
5.0	Gina Carrington	August 2013	Review and revision of the 2010 version. Impact assessment carried out.

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**This document has been translated by Trosol (English to Welsh)**

- A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

- An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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## Introduction

### Organisational commitment

- 1 Estyn recognises that bullying and harassment can have a detrimental effect on the wellbeing of employees and on the efficiency of the organisation. We expect all those who work for us to behave and speak appropriately when dealing with others with whom they may come into contact during their work.
- 2 Bullying or harassment can be discriminatory and, in certain circumstances, unlawful. Estyn will not tolerate bullying or harassment of any kind and will continue to ensure that this behaviour does not take place in Estyn.

### Policy aim

- 3 We aim to work closely with managers, staff and trade union representatives to promote a working environment that is free from hostility, bullying and harassment, where staff can contribute effectively to achieving business objectives and where they engage in open communication and constructive, formal and informal discussion of work-related problems with their colleagues and managers.

### Definitions

- 4 **Bullying:** There are many definitions of bullying but drawing on work done by ACAS it may be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.
- 5 An occasional bout of anger would not normally be deemed as bullying although a single act may amount to bullying or harassment if it is sufficiently serious.
- 6 Bullying, like other forms of harassment, does not necessarily occur on a face-to-face basis and may take the form of written or telephone communication, or unfair treatment. It usually takes place over a period of time and behaviour considered bullying by one person might be considered firm management by another.

The following are examples of colleague to colleague and management bullying behaviour, although the list is not exhaustive:

- open aggression, threats, belittling efforts – often in front of others;
- ridiculing or demeaning someone;
- consistently criticising an individual, victimising them or treating them unfairly;
- ignoring, marginalising or excluding an individual;

- constantly taking credit for others' work, but never taking appropriate responsibility when things go wrong;
- unnecessarily withholding information;
- excessive supervision and unnecessary monitoring;
- overruling a person's authority, reducing a job to routine tasks, well below skills and capabilities;
- setting impossible objectives or too much work, setting up an individual to fail;
- blocking training opportunities without good cause; and
- refusing reasonable requests for leave or help.

In addition, bullying may also cover unacceptable behaviour in meetings either between colleagues or with management in which members of staff show disregard for their effect on others present such as exhibiting hectoring or aggressive behaviour.

7. Harassment: There are many forms of harassment. For the purpose of this policy statement the term is used to describe **behaviour which is unwanted and not reciprocated by the recipient and is perceived by them to be offensive, demeaning, intimidating or humiliating, regardless of whether it was meant to cause offence**. What might be harmless fun in one context can be very damaging in another. The test is whether the offender is committing actions that a reasonable person in the position of the offender would expect to give rise to harassment.
8. The term is used generically and covers all areas protected by anti-discrimination law. Breaches of anti discrimination law may be pursued through criminal prosecution proceedings.

## **Scope of policy**

### **To whom does this policy apply?**

- 9 This policy applies to all permanent employees of Estyn, and seconded and temporary staff regardless of their age, gender, gender identity, disability, race, ethnic or national origin, religion or belief, sexual orientation or marital status, responsibilities for dependants, working patterns (such as the need, or desire to work part-time hours) or other irrelevant considerations.
- 10 Nothing in this policy should be taken to suggest that Estyn has an employment relationship with secondees or with temporary staff.

## Procedures

### Estyn procedure for dealing with allegations

- 11 We encourage staff to report any instances of bullying or harassment whether directed toward them or a colleague. Any allegations of bullying or harassment made against Estyn employees will be treated seriously and will be investigated by reference to Estyn's Grievance Policy and Procedure and, if necessary, by reference to Estyn's Discipline Policy and Procedure. Estyn managers will also respond to implicit or informal allegations, for example, references to bullying and harassment made in casual conversations, to ensure that such allegations are either clarified and formally dealt with or are withdrawn.
- 12 Secondees or temporary agency personnel, as non-employees of Estyn, are not covered by Estyn's policies for staff. Nevertheless, allegations of bullying or harassment made against such persons will be taken seriously and investigated before decisions are made about whether any further action should be taken. This will mirror the initial investigation stage for staff. Acting in this way will ensure a fair and consistent approach across the organisation in dealing with such allegations.
- 13 Where an allegation of bullying or harassment made against an Estyn employee is found to be substantiated, the issue will be dealt with by reference to [Estyn's Discipline Policy](#). It may also be referred, under Estyn's Continuous Performance Review system, as an example of undesirable behaviour and noted in the individual's performance record. Where an allegation of bullying or harassment made against a secondee or an agency worker is found to be substantiated, the secondment agreement/contract will be terminated with immediate effect and the secondee's/agency worker's employer notified of the reasons for the termination.

### Dealing with unfounded allegations

- 14 Unfounded allegations of bullying or harassment are also regarded by Estyn as a serious matter. Should an allegation of bullying/harassment be raised that is subsequently found to have been brought mischievously, inappropriately, as an attempt to misuse Estyn's procedures or to frustrate any other legitimate management process in Estyn, then appropriate action will be taken under [Estyn's Discipline Policy](#). Unfounded allegations of bullying or harassment made by a secondee or an agency worker may result in the secondment agreement/contract being terminated with immediate effect and the secondee's/agency worker's employer notified of the reasons for the termination.

**Policy agreement form**

**Policy to combat bullying and harassment**

**This policy and its associated procedures are agreed by Estyn's management and Trades Unions**

**Signed on behalf of Estyn's management:**



**Name: Strategic Director**

**Date: July 2013**

**Signed on behalf of Estyn's Trades Unions:**



*Philip Barry*

**Names: Huw Collins FDA**

**Philip Barry PCS**

**Date: 26 July 2013**

**29<sup>th</sup> July 2013**