

## NEU Guidance for Reps and Local Officers

**This guidance advises workplace representatives, safety representatives and local officers on how to deal with cases of harassment and bullying of NEU members.**

### **Harassment and bullying: NEU policy**

1. Harassment and bullying at work is totally unacceptable and requires firm action by employers, employees and trade unions. It can result in difficult working conditions, undermine health and safety and produce feelings of isolation, despair and even fear. In extreme circumstances it can lead to school staff leaving a workplace or even leaving the profession altogether.
2. The NEU takes harassment and bullying at work very seriously both as an equality and health and safety issue for staff and pupils. Indeed, the NEU's Code of Professional Conduct for Members deems it to be unprofessional conduct:

*'Members should not discriminate against, harass, or make any discriminatory or offensive remarks against others, including in particular, colleagues and pupils, on grounds of race, nationality, colour, ethnic or national origin, disability, gender, sex, marital status, trans-gender status, sexual orientation, or religion, religious belief or similar philosophical belief; and further, members should not harass, discriminate or make discriminatory remarks against others on grounds of age, class, caring responsibilities or other status or personal characteristic in circumstances in which such discrimination may objectively be considered unfair.'*

3. Bullying is a form of indiscriminate harassment, not necessarily linked to any of the above factors, but equally unacceptable. This document will be of value to school representatives, safety representatives and local officers. Harassment and bullying of school staff can be tackled effectively with NEU support and solidarity among staff. A strong NEU presence in schools, together with co-operation between unions, is the key to securing a supportive and non-threatening working environment.

### **Workplace harassment and bullying policies**

4. The NEU believes employers should develop policies and procedures, in consultation with unions, to deal with harassment and bullying of staff by colleagues, managers, pupils and parents.
5. The NEU believes workplace harassment and bullying policies should:
  - prohibit harassment and bullying;
  - contain clear definitions of what constitutes harassment and bullying;
  - explain how issues can be raised by individual employees and what will happen;

- encourage reporting of all incidents and make staff aware of their entitlements and rights;
  - set out the responsibility of managers and employers to address the issue;
  - explain what support is available to staff who feel they are being harassed or bullied; and
  - make links where appropriate to whole school policies on equality.
6. The NEU has prepared a model harassment and bullying policy with an accompanying checklist to assist in negotiations and to ascertain if an employer's policy is acceptable.

### **Common features of harassment and bullying**

7. In many cases the behaviour of the alleged 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. Abuse of power is normally a significant element. Harassment or bullying by pupils or colleagues may be motivated by forms of prejudice such as sexism, racism, ageism, disablism or by homophobia, biphobia or transphobia.
8. Staff may experience harassment and bullying from colleagues, governors, parents or from pupils.
9. In practice, forms of harassment and bullying may overlap.
10. A common feature of all harassment and bullying is that it is unwanted by the person subject to those actions. Some forms of harassment are perceived by staff to be difficult to challenge and harder to report because of the acceptance of some forms of bullying behaviour as 'normal', such as sexual harassment of female staff by pupils. For example, women teachers commonly report that they are encouraged to ignore sexist language and the sexist or sexual content of language between pupils or directed at them because 'boys will be boys' or because 'it's a joke'.
11. For those who are harassed and bullied, the result may be stress which can involve anxiety, depression or illness. Harassment and bullying can affect work performance and cause absence from work. Harassment and bullying can have direct impact upon a person's mental and physical wellbeing and can have a detrimental impact on their ability to fulfil their potential.

### **What is harassment?**

12. Under the Equality Act 2010, harassment in relation to 'protected characteristics' is unlawful, and employees can take a case to an employment tribunal if they experience harassment in the workplace which hasn't been resolved by their employer.
13. The Equality Act 2010 defines harassment as;

*'Unwanted conduct related to a relevant protected characteristic, [which] has the purpose or effect of violating [an individual's] dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for [that individual].'*

### **Harassment and bullying**

14. The 'protected characteristics' covered by the Equality Act are; age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. There are a variety of reasons why a person may be subjected to harassment including class, cultural or language differences and membership or non-membership of a trade union, but only the protected characteristics are covered by the Equality Act.
15. Harassment can cause a person 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 working or learning environment.
16. Whether harassment is intentional or unintentional, the key feature is its effect on the person rather than the motive of the perpetrator.
17. Harassment can take many forms. These include:
  - the display or distribution of offensive material, graffiti or badges;
  - non-verbal abuse such as offensive gestures and body language;
  - inappropriate comments about someone's appearance;
  - intrusive questioning about someone's private life;
  - verbal abuse such as suggestive remarks, "jokes" and name calling;
  - physical contact such as unnecessary touching; or
  - threatened or actual physical abuse or attack.
15. In extreme cases, such as stalking, assault, rape, incitement to racial hatred or homophobic hate crime, harassment may constitute a serious criminal offence.
16. Freedom of expression may sometimes be used as a defence to allegations of harassment. Freedom of expression is a fundamental right and employers should recognise that workers have the right to express their religious, political and philosophical beliefs in the workplace within limits. Freedom of expression can never be used as justification for making statements/comments which discriminate against or harass, or incite violence or hatred against other people or groups, particularly by reference to their protected characteristics.
17. Employers may seek to prevent or ameliorate conflict in the workplace by adopting a code of conduct which includes how workers should approach the discussion of religious, political and philosophical beliefs at work. This could include:
  - outlining the importance of treating colleagues with respect;
  - an expectation for employees to behave in line with the values of the organisation;
  - examples of when it might not be considered appropriate to discuss personal views with colleagues; and

- advice on how much a worker might share about their personal views, being particularly careful of any power imbalance, e.g. between an NQT and a member of the SLT.

## **What is bullying?**

18. Bullying is a form of indiscriminate harassment in which the alleged 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.
19. Common examples of bullying by colleagues or senior managers include allocating additional workload, withholding work responsibility, changing priorities and objectives unreasonably, imposing impractical deadlines, excessive and unreasonable supervision or lesson observation or unjustified invoking of disciplinary or capability procedures. Bullying may also involve abuse and criticism in front of colleagues and pupils.
20. Some bullies, particularly those in senior management roles, behave the way they do because of the intolerable pressure placed on them from outside the school, for example from Government policies or OFSTED/ESTYN. This type of bullying is, in many cases, easier to deal with than that of the deliberate bully who believes that a bullying management style is the best way of achieving objectives. Both types of bullying are, however, equally damaging for the recipient and neither can ever be justified.
21. The common feature of the different forms of behaviour which constitute harassment and bullying is that it is behaviour unwanted by the recipient. It is important, however, to distinguish between reasonable management instructions even those which may be unwelcome, and bullying.
22. It is also important to note that misunderstandings between colleagues do sometimes occur which can lead to a perception that bullying is taking place. In some of these cases, it will be possible to resolve the issue through informal discussion between the two parties.
23. Where there is uncertainty as to whether a member is being bullied, the NEU harassment and bullying questionnaire can be used. It is available at the end of this document. It may help clarify whether the member is experiencing bullying behaviour. The survey can also be distributed throughout a workplace, to establish if there is a more widespread bullying problem which would be best tackled collectively.

## **Addressing harassment and bullying: advice to members and school representatives**

24. It is essential that members feel confident that their complaints will be treated seriously and sensitively. NEU school representatives and safety reps who receive complaints from members are advised to seek prompt advice from the NEU Adviceline in England, NEU Cymru in Wales or NEU Northern Ireland. Even if school representatives are unable to handle the matter themselves, they should assist members in approaching the relevant source of advice.
25. Employers should deal with all allegations of harassment and bullying consistently.

## ***Harassment and bullying***

26. 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 an NEU representative. If the member is an NQT they may wish to seek advice from their mentor, provided that they are not the alleged bully.
27. 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 allegedly unacceptable behaviour to stop so that the member's workplace can become secure and non-threatening. If the alleged bully is unwittingly behaving in an unacceptable way, as a result of being under pressure themselves, then this informal approach can be extremely successful in changing behaviour.
28. If the unacceptable behaviour continues, or the member wishes to take the matter further, the NEU representative is advised to contact the NEU Adviceline in England, NEU Cymru or NEU Northern Ireland.
29. In particular, if the person who has harassed or bullied is in a senior management position in the school, the representative should seek urgent assistance from the NEU.
30. The NEU 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.
31. The member concerned should be urged to keep notes, detailing incidents of harassment, including dates, times and witnesses to the behaviour and the member's response to the behaviour. If the member has been bullied via technologies (e.g. email, social media, text) they should make copies or take screenshots of this. It is advisable to keep these notes at home, rather than on the school premises.
32. If the member decides to make an oral or written complaint via the school's formal process, the alleged harasser will be informed of the complaint via this process. Assistance with the process of logging a formal grievance/complaint should be sought from the NEU.
33. An allegation of harassment and bullying is a serious matter for the person against whom the complaint is made. Members in this position have equal rights to representation from the NEU and should contact the NEU Adviceline in England, NEU Cymru or NEU Northern Ireland.
34. Further guidance for members experiencing harassment and bullying, including specific guidance on cyberbullying, is available on the NEU website, <https://neu.org.uk/>.

### **Collective complaints**

35. Where bullying or harassment in a school is thought to be widespread, for example within a department by senior management, workplace representatives should seek advice from the NEU Adviceline in England, NEU Cymru or NEU Northern Ireland. It is possible that such cases of bullying will be best dealt with as a collective matter.

### **Legal remedies**

36. In cases involving violence, or fear of violence, employers should act quickly. All schools and employers should have effective procedures for dealing with violence. In

### ***Harassment and bullying***

criminal cases the employer should involve the police. Alternatively the employer should consider civil proceedings to obtain an injunction to restrain the perpetrator/s.

37. The Equality Act offers protection to staff from unlawful harassment in the workplace, (when it is in relation to the protected characteristics). There is no parallel legislation offering specific protection from workplace bullying but the Human Rights Act prohibits inhuman and degrading treatment which may cover indiscriminate bullying. Employers have statutory and common law duties to protect employees from mental and physical injury at work.
38. Harassment based on age, disability, gender reassignment, race, religion or belief, sex and sexual orientation is unlawful under the Equality Act 2010. If a person is experiencing unlawful harassment and they have tried to get it resolved by their employer, but this has not brought about a resolution, they might be advised to take their claim to an Employment tribunal. Strict time limits apply. A claim to a tribunal about harassment must be lodged within 3 months of the last act of harassment taking place.
39. To protect any award of compensation, a complaint to a tribunal of unlawful harassment should be preceded by a written grievance.
40. It is important to be aware, that since April 2014, any employee wishing to make a claim via an employment tribunal must notify Acas (Advisory, Conciliation and Arbitration Service) of their intention. Acas will attempt to resolve the issues via 'Early Conciliation', if this fails, they will issue a certificate which is required in order to progress a claim through an employment tribunal.
41. Separate fact sheets giving members more information on the different strands of harassment can be found on the NEU website.
42. Employers may 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, may also amount to unlawful discrimination under the Equality Act.
43. Under health and safety legislation, an employer is under a duty to provide a safe system of work for employees and to take reasonable steps to prevent staff from being injured at work. Such injury can include physical or mental ill health, including depression or anxiety resulting from harassment or bullying at school. This legal duty of care is an incentive for an employer to act to prevent harassment or bullying occurring.

### **Employer equality policies**

44. If schools are to reduce levels of all forms of harassment and bullying, explicit strategies are necessary. Equality policies should be consistent with the harassment and bullying policy and make it clear that harassment in relation to one or more protected characteristic, or harassment and bullying in any other form will not be tolerated. They should explicitly refer to strategies to prevent such incidents and to how the employer will meet their legal duties. The NEU advises that equality policies should state that the school will take action to protect all staff from all forms of harassment.

## **The role of occupational health services**

45. Some employers operate confidential self-referral systems which allow staff to receive support and counselling which may, in turn, give them the confidence to contact their union and begin to address the alleged bullying to which they have been subjected.
46. Such systems can also act as an alert to the employer that there may be a widespread problem with bullying in a particular school.

## **The role of school safety committees**

47. Strengthening NEU organisation at school level helps members and NEU representatives/safety representatives deal more effectively with health and safety concerns, including harassment and bullying. Bullying can be defeated and solidarity among staff is the best way of putting in place procedures to prevent bullying.
48. School safety committees provide an effective forum to monitor the measures taken by schools to address health and safety problems in schools, including harassment and bullying. They can also do much to promote a climate in which harassment and bullying is not tolerated. Where members are concerned at levels of bullying in their workplace, they can raise the issue collectively via one of the Union representatives on the Committee. Issues can then be resolved either through the introduction and implementation of agreed policies or, where such procedures already exist, by seeking to ensure that they are adhered to. School safety committees are not however, a means through which individuals, who have alleged that they have been bullied, seek redress. They are, rather, a collective means of preventing bullying.
49. Research has shown that in workplaces with joint safety committees, injury and ill health rates are 50 per cent lower than in workplaces with no such arrangements. School based safety committees do, therefore, have an important role to play in creating and maintaining a safe and healthy work environment that is free from harassment and bullying.
50. Employers are required to establish a safety committee under Regulation 9 of the Safety Committees Regulations 1977 if this is requested in writing by at least two safety representatives of a recognised trade union. The request could, therefore, come from the NEU safety representative and the safety representative of another teaching union or of a support staff union. The employer then has 3 months in which to establish the committee. The composition of the committee is subject to local negotiation. However, there should not be more management than union representatives. School based safety committees can play an important role in terms of feeding particular concerns into employer safety committees.
51. Further NEU guidance on school safety committees is available at <https://neu.org.uk/>.

## **Further information and support**

### [Education Support Partnership](#)

NEU Harassment and Bullying Model Policy and Checklist

NEU guidance for members at <https://neu.org.uk/>

Bullying

Cyberbullying

Sexual Harassment

Race Harassment

Disability Harassment

Religion or Belief Harassment

Sexual Orientation Harassment

Transgender Harassment

Age Harassment

Tackling Stress

### **Other Guidance**

[ACAS - Bullying and Harassment at Work – A Guide for Managers and Employers](#)

[ACAS - Bullying and Harassment at Work – Guidance for Employees](#)

[ACAS - Managing Conflict at Work](#)

[LRD - Tackling Bullying and Harassment – A trade unionist's guide](#)

***NEU Health and Safety Briefing  
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## **Appendix 1 – Informal request to stop workplace harassment or bullying – Sample letter for local officers and caseworkers**

This sample letter may be used by members - on the advice of their caseworker - where they believe they are being harassed or bullied at work. The letter may be used in circumstances where an individual rather than a collective response to harassment or bullying is appropriate. The aim of the informal letter is to stop the unwanted behaviour quickly without the need to use formal procedures. If the behaviour continues, the letter may be used in evidence by the member. It is hoped that this sample letter will be a useful tool. It does, however, need to be used with care. Case workers will need to make careful judgments about where it will assist in resolving individual cases.

[Date]

Dear [Colleague]

I am writing to you to ask that you stop **[e.g. making broad criticisms about black students; intimidating me; putting your arm around me; telling 'jokes' about my transgender status; using 'disablist' language in front of me; making humiliating remarks about my faith; belittling older teachers; making coarse homophobic remarks]**. I find this behaviour **[e.g. offensive; undignified; intimidating; hostile; degrading; humiliating]** and it is having a detrimental effect on me and my working situation.

On **[date]** at **[time]** you **[e.g. told the 'joke', etc]** and I **[said that I found the comment offensive, etc]**. On **[date]** at **[time]** you **[made a similar comment, etc]**.

I feel **[uncomfortable, bullied, offended, etc]** when you **[make such comments, etc]** and I feel aggrieved that you have continued to do so even after I have made it clear to you that I find your behaviour **[offensive, etc]**.

If you stop **[e.g. using 'disablist' language]** I will not take this matter any further. If you continue with this behaviour I will have no choice but to take the matter up formally in accordance with the **[school/college]** staff harassment and bullying policy.

If you have any comments to make to me about this letter, I would be grateful if you do not approach me when I am alone. I would be prepared to attend an informal meeting with **[e.g. NEU representative, or line manager]**.

I hope that we can resolve this matter quickly without damaging our professional relationship.

Yours sincerely

[Member]  
[optional]: cc NEU representative  
Line Manager

## Appendix 2 – Collective bullying questionnaire

Name (optional): \_\_\_\_\_

The NEU is conducting this survey of members at \_\_\_\_\_ and your contribution is valued.

1. Have you, in the last 3 years, had any symptoms which you attribute to stress at work which resulted in your absence from work?

YES	
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NO	
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2. Have you, in the last 3 years, had any illness which you attribute to stress at work which did not result in your absence from work?

YES	
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NO	
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3. If you answered **YES** to either of the questions above, do you attribute your stress to any of the following? (Please tick all that apply).

- Management style
- Bullying/harassment
- Victimisation
- The implementation of change
- Lack of support from the head/principal/school management
- Pupil behaviour
- Workload

4. Have you in the last 3 years witnessed bullying or harassment of another member of staff?

YES	
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NO	
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5. Have you ever considered, or are you now considering leaving the school for another post because of the reasons ticked above?

YES	
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NO	
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6. Have you ever considered, or are you now considering leaving the profession because of the reasons ticked above?

YES	
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NO	
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You are invited to make additional comments on any of the issues above, or any other school related matters on the reverse of this sheet.

**Appendix 3 – Are you being harassed or bullied? Questionnaire for NEU reps and local officers.**

This questionnaire may be used by NEU workplace representatives or safety representatives who are assisting NEU members who are being harassed or bullied or who wish to survey members in their school to ascertain the extent of a bullying culture. It may also be helpful for individual members who wish to clarify in their own mind that what they are experiencing is, in fact, unacceptable harassment or bullying.

Most bullying involves a series of incidents over time. However a single one-off incident may have precisely the same impact as a series of incidents over time. It can in consequence be every bit as intimidating, rejecting and hurtful as a series of events over time.

Experiencing any of the behaviour listed in this questionnaire on a repeated or systematic basis, or any combination of the behaviour, might mean that bullying is taking place. It is important to seek NEU advice where members believe that action needs to be taken against alleged bullies.

This is not an exhaustive list: NEU members may want to record other examples as well as ticking the points which apply to them.

**Typical bullying behaviour:**

- 1. Constant questioning of your judgement, methods of working with pupils or planning, although they are no different from others in your team
- 2. Shouting at you, or using a reprimanding tone, to undermine your authority in front of others, whether colleagues, parents or pupils
- 3. Always praising other categories of staff, while ignoring your contributions or dismissing your opinions
- 4. Making vague allegations without disclosing the evidence or naming names
- 5. Issuing threats of disciplinary action to destabilise you
- 6. Making you feel inadequate and that you are not suited for the job
- 7. Making you feel that however much you do it is not enough
- 8. Insinuating that your job or your class is easy compared to others
- 9. Criticising or blaming you for incidents without checking the full story or asking your view point
- 10. Trivialising your work or your achievements
- 11. Excluding you from decision making
- 12. Insinuating that you should get a job elsewhere

***Harassment and bullying***

13. Blanking you out when meeting you in corridors
14. Changing your job description without consultation
15. Giving your post of responsibility to someone else
16. Making it difficult for you to go through the threshold or UPS2 and 3
17. If you are part time, not informing you of changes and blaming you for not complying with new school policies

**Changes to your health, your state of mind and your life in general which you believe to be the result of the behaviour you have been experiencing**

1. Anxiety
2. Heart palpitations
3. Frequent tiredness
4. Skin problems
5. Sleep problems
6. Loss of appetite
7. Loss or increase in weight
8. Eating disorders
9. Drinking more alcohol than usual
10. Headaches/Migraines
11. Irritable bowel syndrome
12. Stomach pains
13. Irregular periods
14. Loss of libido
15. Regularly becoming ill during school holidays
16. Alopecia
17. Not wanting to discuss the problem with friends
18. Obsessively discussing the issues with friends or partner

***Harassment and bullying***

- 19. Not enjoying sport or cultural activities previously enjoyed
- 20. Finding yourself taking the odd "duvet day" when you really cannot cope
- 21. Being tearful for no obvious reasons
- 22. Feeling paranoid
- 23. Losing your temper or becoming tearful more easily than usual
- 24. Loss of confidence and self esteem