



NEU Harassment and Bullying Model policy checklist

This checklist should be used alongside the NEU's model policy on harassment and bullying to help you negotiate a policy acceptable to the union. Non-negotiable points (ie those required by law or union policy) are highlighted in red. You may not be able to secure everything on this checklist – if that is the case, you will need to consult members on whether the proposed policy is sufficiently positive to be acceptable. More advice can be found on the NEU website at: neu.org.uk/help-advice

Part 1: Policy statement

Introductory section

Is it clear that all forms of bullying and harassment are prohibited and will not be tolerated?
Is the employer taking steps to eliminate bullying and harassment occurring?
Is training provided to all members of staff on workplace harassment and bullying?
Is there a commitment from the employer that they will fully meet their responsibilities under the Equality Act 2010, and the public sector equality duty?

Definition of harassment

Is there a clear definition of harassment and examples of potential harassing behaviour? (See NEU model harassment and bullying policy. The Equality Act 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 or humiliating environment”.)

Definition of bullying

Is there a clear definition of bullying and examples of potentially bullying behaviour? (See NEU model harassment and bullying policy.)

Legal framework

Does the policy refer to the Equality Act 2010 (the main legal framework through which harassment is unlawful when in relation to one or more protected characteristic)?
Does the policy explain that harassment is also unlawful when a person is harassed because they are believed to have a protected characteristic (whether they actually have it or not) and when they associate with someone with a protected characteristic?

Part 2: Harassment and bullying complaints procedure (If not dealt with via the standard grievance procedure)

Is the complaints procedure characterised by a preliminary informal procedure, followed by a formal procedure if this is not successful or possible?

Informal stage

Is the complainant encouraged to approach the harasser and explain that their behaviour is unwelcome and/or offensive and request that it ceases?

Is the complainant given the option of asking a trade union representative, colleague or member of management to make the initial approach if they do not feel comfortable doing so?

Is the complainant able to proceed directly to the formal stage if they are not comfortable approaching the harasser informally or cannot do so for any other reason?

Formal stage

Is the complainant required to submit their formal complaint in writing with as much detail regarding the incident(s) as possible?

If the head teacher is the subject of the complaint, does the policy state that they will have no involvement in the procedure, and that the chair of governors will appoint a member of the governing body to oversee the complaints procedure instead?

Investigation

Is there the right for the complainant to be accompanied at all meetings by a trade union representative or colleague and have the opportunity to make oral submissions?

Is an investigating officer appointed on receipt of a complaint of harassment and/or bullying?

Is it clear that the investigating officer will be appointed by the head teacher, unless they are the subject of the complaint? If the head teacher is the subject of the complaint, is it clear that a designated member of the governing body will appoint the investigating officer instead?

Is the investigating officer required to be impartial, without any previous dealings in the case?

Is the investigating officer required to commence the investigation without undue delay and complete it within 15 working days, unless there are exceptional circumstances to prevent this?

Is the investigation required to involve a formal meeting attended by the investigating officer, complainant and head teacher (or nominated member of the governing body)?

Recommendations

Is the investigating officer required to provide findings as to whether the alleged conduct took place, and make a recommendation(s) for further action?

Do the possibilities for recommendations consist of:

- a recommendation to institute disciplinary action because there is evidence to support that harassment has taken place, or
- a recommendation to take further action that is not disciplinary action as the behaviour was not so serious as to warrant it (this may include an instruction to the individual to stop the behaviour(s) in question and/or a requirement to receive training), or
- a recommendation to take no further action on the complaint. This would be appropriate where there is lack of evidence to suggest what had taken place, or the original complaint is found to be untrue.

Is it clear that the complainant will face disciplinary action if their complaint was found to be untrue and malicious?

Appeal

Is the complainant given the option to appeal if they are dissatisfied with the decision made following the investigation?

Is the complainant provided with at least ten working days in which to lodge an appeal?

Is it made clear that the appeal will be heard by a panel comprising members of the governing body, and who have had no previous dealings with the case?

Is there the right for the complainant to be accompanied at the appeal hearing by a trade union representative or colleague, and to make oral submissions?

Is the decision made by the appeals panel final?

Further considerations

Is the complainant given the choice of transfer to another location/post if their complaint is upheld but the harasser is not removed from the school/college?
Is it clear that this transfer will not lead to a disadvantage in their terms and conditions?

Monitoring

Is the equality monitoring of the policy undertaken annually or, at the very least, biennially?
Will the results of equality monitoring be shared with the recognised trade unions?

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