

STAFF ANTI HARASSMENT AND BULLYING

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REVIEW

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Policies may be subject to review and revision at any time, notwithstanding that the next review date has not been reached. Review dates are for guidance only; all policies will remain in force until a review has taken place and been formally approved by the Trust.

Policy Statement

- 1.1 The purpose of this policy is to ensure that all employees are treated, and treat others, with dignity and respect, free from harassment and bullying. All employees should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
- 1.2 Employees must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.3 The Trust will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under the Trust's Disciplinary Policy. In many cases it will amount to gross misconduct leading to summary dismissal.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time or departed from where this is considered appropriate.

2 Who is covered by this policy?

This policy covers all employees, consultants, contractors, casual workers and agency workers.

3 What is Harassment?

- 3.1 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 3.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 3.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 3.4 Harassment may include, by way of example:
 - unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
 - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone, eg as gay or lesbian; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

3.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him/her.

4 What is Bullying?

4.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

- Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority;
- deliberately excluding someone from meetings or communications without good reason.

4.2 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not, of itself, amount to bullying.

5 Informal Steps

5.1 Any employee who believes they are being bullied or harassed, should initially consider raising the problem informally with the person responsible, if the employee feels able to. The employee should explain clearly to the person concerned that their behaviour is not welcome or makes him/her uncomfortable. If this is too difficult or embarrassing, the

employee should speak to the Headteacher (in the case of a member of school staff) or the CEO (in the case of a member of the centralised Trust staff) who will provide confidential advice and assistance in resolving the issue formally or informally.

- 5.2 Any employee who is not certain whether an incident or series of incidents amounts to bullying or harassment should initially contact a member of the School Leadership Team, the Headteacher informally for confidential advice, or the CEO (in the case of a member of the centralised Trust staff).
- 5.3 If informal steps have not been successful or are not possible or appropriate, employees should follow the formal procedure set out below.

6 Raising a Formal Complaint

- 6.1 Any employee wishing to make a formal complaint about bullying or harassment, should submit it in writing to the Headteacher (in the case of a member of school staff) or the CEO (in the case of a member of the centralised Trust staff) whose role will be to achieve a solution wherever possible and to respect the confidentiality of all concerned. A member of school staff wishing to make a formal complaint about bullying or harassment by the Headteacher should submit it in writing for the attention of the Chief Executive Officer (CEO). A member of school/centralised Trust staff wishing to make a formal complaint about bullying or harassment against the CEO should submit it in writing to the Chair of the Trust Board.
- 6.2 A written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 6.3 As a general principle, the decision whether to progress a complaint is up to the employee who has complained. However, the Trust has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

7 Formal Investigations

- 7.1 Complaints will be investigated in a timely and confidential manner and only those directly involved will know about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The Headteacher will appoint the appropriate person or in the case of a complaint against the Headteacher, the CEO will appoint. In the case of centralised Trust staff, the CEO will appoint the appropriate person. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 7.2 A meeting will be arranged with the complainant, usually within five working days of receiving the complaint, so that an account of events can be given.
- 7.3 Employees have the right to be accompanied by a work colleague or a trade union representative, who must respect the confidentiality of the investigation. The investigator will arrange further meetings with the employee as appropriate throughout the investigation.

- 7.4 Where a complaint is about an employee, the Trust may consider suspending that employee on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 7.5 Where the complaint is about someone connected to the Trust but not an employee, the Trust will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the Trust and the rights of that person. Where appropriate, the Trust will attempt to discuss the matter with the third party.
- 7.6 It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasised to them.

8 Action Following the Investigation

- 8.1 If it is considered that harassment or bullying has occurred, prompt action will be taken to address it.
- 8.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust Disciplinary Policy.
- 8.3 Where the harasser or bully is not an employee, appropriate action will be taken to address it with the third party.
- 8.4 Whether or not the complaint is upheld, the Trust will consider how best to manage the ongoing working relationship between the complainant and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 8.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the Trust Disciplinary Policy.

9 Appeals

- 9.1 Any employee who is not satisfied with the outcome may appeal in writing.
- 9.2 An appeal meeting will be held, normally within five working days of receiving a written appeal. This will be dealt with impartially by a more senior person in the Trust who has not previously been involved in the case (although they may ask anyone previously involved to be present). The employee may bring a work colleague or trade union representative to the meeting.
- 9.3 The person hearing the appeal will confirm the final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

10 Protection and Support for Those Involved

- 10.1 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

- 10.2 Any employee who believes they have suffered any such treatment should inform the Headteacher. If the matter is not remedied, the employee should raise it formally using the Trust Grievance Policy or this policy if appropriate.
- 10.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under the Trust Disciplinary Policy.
- 10.4 It is important for the Headteacher or a member of the Leadership Team to check with a complainant that the harassment/bullying has stopped and that there has been no victimisation.

11 Confidentiality and data protection

- 11.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.
- 11.2 If the complaint is upheld, information about the complaint will be placed on both employees' personnel files, along with a record of the outcome and of any notes or other documents compiled during the process.
- 11.3 If the complaint is not upheld, information about the complaint along with the notes will be placed on the complainants personnel file only.
- 11.4 Breach of confidentiality may give rise to disciplinary action under the Trust Disciplinary Policy.