

ANTI BULLYING AND HARASSMENT POLICY

1. Purpose and general principles

- 1.1 The Trust has a zero tolerance to bullying and harassment and is committed to enabling employees to work without fear and to be treated with dignity and respect.
- 1.2 When a formal complaint of bullying or harassment is made it will be investigated and appropriate action will be taken. Where a student is found to have bullied or harassed a member of staff, this will be dealt with by the student behaviour procedure.
- 1.3 If an employee does not believe that their complaint under this policy is being taken seriously or dealt with in accordance with agreed procedures, they may raise a grievance. At all stages of this procedure, employees are encouraged to seek support from their trade union.
- 1.4 Confidentiality will be maintained as far as possible, however, if an employee decides not to take any action to deal with an issue and the circumstances described are very serious. The Trust reserves the right to investigate in accordance with its duty of care to ensure the safety of all employees who may be affected by the alleged behaviour.
- 1.5 Managers have a duty of care to intervene at the earliest opportunity and take appropriate action to resolve situations wherever possible if they become aware of any bullying or harassing behaviour.
- 1.6 The procedure has been designed to deal with complaints of bullying and/or harassment in a sensitive and professional manner. It seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances. Throughout this procedure, all those involved will be treated fairly and with due sensitivity, respect and understanding.
- 1.7 This procedure should be used to deal with complaints of bullying or harassment only. The procedure does not cover issues which are more appropriately dealt with by the grievance procedure.
- 1.9 This procedure is separate from the disciplinary procedure which may be used following the result of an investigation under this procedure. Where an employee is found to have committed an act of bullying or harassment this may be viewed as misconduct or in serious cases an act of gross misconduct.
- 1.10 It is recognised that in bringing a complaint, the complainant must be protected from further harassment or detriment arising from the alleged incident(s) and associated complaint, and as such reasonable steps will be taken to safeguard the complainant.

2. Definitions

- 2.1 Bullying and harassment are terms which are used interchangeably by most people, and many definitions include bullying as a form of harassment. For the purposes of this policy the definitions of each are:
- 2.2 **Harassment** as defined in the Equality Act 2010 is: 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.

2.2.1 In addition the Equality Act includes provision for:

Harassment based on association.

It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic.

Harassment based on a perception.

It is unlawful to discriminate against or harass any individual based on a perception that they have a particular protected characteristic when they do not, in fact, have the protected characteristic.

2.2.2 Harassment may be repetitive or an isolated incident, and can be against one or more individuals. It may be:

Physical: Unwanted contact, assault, gestures, intimidation or aggressive behaviour.

Verbal: Unwelcome remarks, suggestions, propositions, malicious gossip, jokes or banter based on any of the above characteristics

Non-verbal: Offensive literature or pictures, graffiti, computer imagery, isolation or non-cooperation or exclusion from social activities

2.3 **Bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means: that undermine, humiliate, denigrate or injure the recipient.

2.4 Different types of behaviour can amount to bullying. Bullying can be:

- Physical, verbal or mental, or a mix of all three;
- Passive, for example exclusion, silent treatment or withdrawal, or aggressive, for example intimidation, threats or humiliation;
- Obvious and public, or subtle and hidden; and
- Face to face, or via the telephone, email, text or social networking, including cyber-bullying.

Further examples can be found at appendix 1.

2.5 **Victimisation** is defined as where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. A claim of victimisation cannot be made if the employee acted maliciously, in making or supporting a complaint which was found to be false or unjustified.

3. Stage 1. Informal procedure

3.1 Complaints of bullying or harassment should be submitted as promptly as possible and normally be within 3 months of the date of the incident(s) complained of, unless the circumstances are such that it was not possible to submit the complaint within this timeframe.

3.2 It is preferable to deal with complaints of this nature informally if possible. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions may be reached quickly in these circumstance with minimum risk of embarrassment, suffering, disruption to work and working relationships.

- 3.3 It may be sufficient for the complainant to raise the problem as soon after the incident as possible asking that the behaviour stops and that it is unwelcome. If the employee cannot do this for themselves as it's too difficult, this initial approach can be made by a manager, colleague or trade union representative.
- 3.4 If the matter is inappropriate for informal resolution given the nature of the concern, or if the employee feels the matter has not been resolved at this stage, and other methods of resolution are not appropriate, the employee should proceed to stage 2.

4. Stage 2. Management intervention

- 4.1 The complainant should arrange to discuss the matter formally with their manager and both parties have a responsibility to ensure that this meeting takes place within 5 working days of the request. The alleged act(s) of bullying or harassment and the factual background should be clearly defined at this meeting by the complainant.
- 4.2 If the manager is the alleged harasser, the complainant should approach the Headteacher or the Chief Executive Officer of the Trust.
- 4.3 If the Headteacher or the Chief Executive of the Trust is the alleged harasser, the complainant should approach the Chair of Governors / Chair of Trustees.
- 4.4 The complainant and their manager / other relevant post holder as outlined above, will mutually agree the action to be taken to aim to resolve the situation. This could include the manager speaking to the other party or initiating the formal procedure at stage 3.
- 4.5 Agreed actions, and if appropriate outcomes, will be confirmed in writing.

5. Stage 3 Formal procedure

- 5.1 The employee should prepare a written statement of their complaint detailing the relevant facts including what happened, dates, places, names of individuals involved including witnesses, how the complainant felt and the action taken to date. This should be sent to the Headteacher / Chief Executive of the Trust in confidence.
- 5.2 If the Headteacher / Chief Executive is the alleged harasser, the complainant should send their written complaint to the Chair of Governors / Chair of Trustees.
- 5.3 The complaint will be acknowledged as soon as possible but within 5 working days of receipt. The complainant will also be advised that an investigation will take place which normally involves asking questions and taking a statement from all parties involved or named in the complaint, including the complainant, and may include clarification or further information being sought.
- 5.4 The complainant will be advised that every effort will be made to conclude the investigation and write the report within 15 working days of the receipt of the complaint. Where this is not possible the complainant will be advised of the delay with an indication of the likely completion date.
- 5.5 The person against whom the complaint has been made should be informed of the complaint by the Headteacher and given a copy of the complaint together with a copy of this policy as soon as possible. They will also be advised to contact their trade union.
- 5.6 The Headteacher / CEO will either complete the investigation or nominate an appropriate Investigating Officer who is independent, of appropriate seniority and suitably qualified to carry out the role with a view to completing the investigation within 15 working days of receipt of the formal complaint.

- 5.7 The role of the Investigating Officer is to investigate the circumstances and facts surrounding the complaint by asking questions and taking a statement from all parties involved or named in the complaint, including clarification from the complainant. The Investigating Officer will compile a report of their findings including copies of all statements taken.
- 5.8 In cases which appear to involve serious misconduct, and there is good reason to separate people in order to relieve the stress and pressure on one or both parties to prevent the risk of further incidents or to prevent victimisation, it may be necessary to suspend the person who has been complained about. Suspension may only be approved by a Headteacher or the Chair of Governors.
- 5.9 Suspension will only be approved when all other courses of action have been explored such as redeployment. Where suspension is necessary it will be on full pay and is a neutral act which does not imply any guilt. Support will be provided to the suspended party through their manager, or where this is not appropriate, another member of senior staff appointed by the Headteacher.
- 5.10 Temporary redeployment of one or both parties should be considered as an alternative to suspension. The complainant should be given the choice, though normally the other party would be redeployed rather than the complainant where it is possible to take this action without impacting on students.
- 5.11 The Investigating Officer should, as soon as possible, invite the complainant to a meeting to initiate the investigation. The complainant has the right to be accompanied at this meeting by a work colleague or trade union representative.
- 5.12 At the meeting the complainant will be informed that the meeting is part of the investigation into the complaint made and that it will be documented and used as evidence in relation to the complaint. The complainant will have the opportunity to fully explain what has happened and the Investigating Officer will have the opportunity to ask any questions and discuss any points that require further clarification. Following this meeting a statement will be compiled which will be signed and dated.
- 5.13 The Investigating Officer will invite the other party to a separate meeting where they will have the opportunity to respond to the allegations made against them. They may be accompanied by a work colleague or trade union representative at the meeting. Following this meeting a statement will be compiled which will be signed and dated.
- 5.14 The Investigating Officer will then meet with any witnesses cited by either party. Witnesses will be informed that the meeting is part of an investigation into a complaint and that it will be documented and used as evidence in relation to the complaint. Following this meeting a statement will be compiled which will be signed and dated.
- 5.15 Where there is conflicting evidence the Investigating Officer may need to meet with any or all of the parties again to clarify and complete the investigation.
- 5.16 On conclusion of the investigation, the Investigating Officer will compile a report of their findings and recommendations which will include copies of the signed statements taken.
- 5.17 The report together with supporting information will be provided to the Headteacher / the Chief Executive Officer (or the Chair of Governors/ Chair of Trustees) and a panel consisting of the Headteacher / CEO and two governors (other than a staff governor) who have not been involved in the complaint will meet to review the report and determine their findings. It will not normally be necessary for any of the parties to attend this meeting.

- 5.18 Outcomes of this meeting might include:
- Mediation (subject to both parties agreeing to mediation)
 - Arrangements for both parties to work as separately as possible
 - Requirement for one or both parties to attend training
 - A recommendation to redeploy one or both parties either on a temporary or permanent basis on no less favourable terms and conditions of employment.
 - Instigate monitoring arrangements
 - Initiate the disciplinary procedure as misconduct may have occurred
- 5.19 The decision taken at this stage is final. Appeals taken in any decision relating to initiating the disciplinary procedure will be dealt with as part of that procedure.
- 5.20 If the complainant does not believe that their complaint has been taken seriously or dealt with in accordance with these procedures, it remains open to them to pursue this through the grievance procedure.

6. Malicious allegations

- 6.1 Unfounded allegations of bullying and/or harassment made for malicious reasons will not be tolerated. Any such cases will be investigated and dealt with under the disciplinary procedure and may be serious enough to constitute gross misconduct.

7. Protection against victimisation

- 7.1 Employees are protected from victimisation as a result of bringing a complaint. If an employee feels that they have been victimised following a complaint of bullying or harassment, they should raise a complaint under the grievance procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary matter which if proven may be serious enough to constitute gross misconduct.

8. Record keeping

- 8.1 A confidential record of complaints and investigations will be retained which will include the names of the people involved, dates, the nature of the incident(s), the outcome, the action taken, and any follow-up and monitoring information.
- 8.2 Such records will be retained for 6 years.

9. General Data Protection Regulation

- 9.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

Document management

Review cycle:	Every 2 years
Next review due:	July 2020
Policy owner	Head of Human Resources
Approving body:	Board of Trustees
Equality Analysis completed:	3.8.17

Appendix 1

There are many different types of bullying. An employee who is bullied may experience one, or a combination of, different kinds of bullying. The following is an indicative and not an exhaustive list.

- Serial bullying:** This is where the bully targets people one at a time, covering their tracks and moving on when there is a danger of being held accountable.
- Pressure bullying:** This is where personal or work-related stress or pressure causes a person to become short tempered, irritable or oppressive at work towards others, perhaps unwittingly, and this behaviour deteriorates into bullying. It is similar to secondary bullying.
- Secondary bullying:** This is where people who are under pressure from a bully start to behave in a similar way towards others, sometimes unwittingly. It is similar to pressure bullying.
- Corporate bullying:** This is where an employer uses coercive methods, for example the threat of dismissal or an inappropriate amount of surveillance, to oppress employees and impose draconian work conditions.
- Cyber bullying:** This is misuse of the internet, email or mobile phones to send aggressive messages and threats.
- Predatory bullying:** This is where the bully picks on a victim to demonstrate power to others.
- Dispute-related bullying:** This is where bullying develops out of a conflict that has festered and got out of hand
- Merry-go-round bullying:** This is where the bully chooses different people to bully on a regular basis, leaving everyone on edge wondering when it will be their turn.
- Good-cop/bad-cop bullying:** This is where people work in tandem, one of them appearing friendly to elicit the person's weak points, and then passing this information on to another person to enable them to target the bullying.
- Vicarious bullying:** This is where someone is deceived and/or manipulated by another person into carrying out aggressive behaviour on their behalf.
- Gang bullying :** Sometimes referred to as mobbing, this is where the victim is bullied by a group, often with a ringleader who co-opts others through manipulation, fear or coercion