



Bullying and Harassment Policy

Approved By: Trustees

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1. Terms of Reference

1.1 This policy applies to all employees of the West Norfolk Academies Trust.

1.2 Definitions:

- “Executive Headteacher” also refers to any other title used to identify the Executive Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Executive Headteacher.
- “Companion” refers to a person chosen by the employee to accompany him/her at a formal meeting, who shall be a trade union representative or a workplace colleague. A companion is entitled to speak to the employee during any meeting, and confer privately, but may not answer questions on the employee’s behalf.

2. General Principles

2.1 The West Norfolk Academies Trust seeks to ensure that all staff are treated, and treat others, with dignity and respect, free from harassment and bullying. Staff should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

2.2 The West Norfolk Academies Trust will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. All employees, governors and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases it may amount to gross misconduct leading to summary dismissal.

2.3 This policy covers harassment or bullying which occurs both in and out of the workplace, such as on school visits, or at events, or work-related social functions and on social networking sites. It covers bullying and harassment by staff, governors and volunteers and also by third parties such as suppliers or visitors to our school, which includes parents.

2.4 This policy is non-contractual and it may be amended at any time.

3. What is Harassment?

3.1 Harassment is any unwanted physical, verbal or non-verbal conduct which 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 (including, 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, for example:
 - 3.4.1 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;
 - 3.4.2 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;
 - 3.4.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 3.4.4 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);
 - 3.4.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - 3.4.6 mocking, mimicking or belittling a person's disability;
 - 3.4.7 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - 3.4.8 outing or threatening to out someone as gay or lesbian; or
 - 3.4.9 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 or 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.

- 4.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
 - 4.2.1 shouting at, being sarcastic towards, ridiculing or demeaning others;
 - 4.2.2 physical or psychological threats;
 - 4.2.3 overbearing and intimidating levels of supervision;
 - 4.2.4 inappropriate and/or derogatory remarks about someone's performance;
 - 4.2.5 abuse of authority or power by those in positions of seniority; or
 - 4.2.6 deliberately excluding someone from meetings or communications without good reason.
- 4.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

5. What the Law Says

- 5.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (which includes colour, nationality, ethnic or national origin), religion or belief, sex or sexual orientation.
- 5.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know, or ought to know, would be harassment, which includes causing someone alarm or distress.
- 5.3 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 5.4 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.

6. Informal Process

- 6.1 An employee who is being bullied or harassed must attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every member of the school community has personal rights and this includes being made aware that their attention or behaviour is perceived by another as

bullying or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behaviour on the recipient. An employee who is being bullied or harassed should explain clearly to the perpetrator that their behaviour is not welcome or makes them feel uncomfortable.

- 6.2 If an employee finds it too difficult or embarrassing to speak directly with the other person, then they should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.
- 6.3 If informal steps have not been successful, or are not possible or appropriate due to the seriousness of the allegations, an employee should follow the formal procedure set out below.

7. Formal Procedure

- 7.1 The Trust’s Grievance Procedure cannot be used in addition to, or as substitution for, this procedure, for the same complaint.
- 7.2 An employee’s 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.
- 7.3 As a general principle, the decision whether to progress a complaint is up to the employee. 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.
- 7.4 Where the grievance procedure is invoked as a result of a complaint about bullying or harassment, a manager (usually the complainant’s direct line manager, unless the complaint is against him/her or where he/she has involvement in the complaint) must be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner.
- 7.5 The manager, (the Investigation Officer for these purposes), will arrange a meeting with the complainant, usually within a week of receiving the complaint, in order to gain a full account of events. The complainant has the right to be accompanied at this meeting by a companion, who must respect the confidentiality of the investigation. There may be further meetings, as appropriate, throughout the investigation.
- 7.6 Where the complaint is about an employee, a decision may be taken to suspend him or her on full pay or to make other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The Investigating Officer will also meet with the alleged harasser or bully, who may also be accompanied by a companion, to

hear their account of events. They have a right to be told the full details of the allegations against them, so that they can respond.

- 7.7 Where the complaint is about someone other than an employee, such as a contractor or visitor, a decision will be taken as to what action may be appropriate to protect both the employee who has made the complaint, and any other affected parties, pending the outcome of the investigation. This decision will take into account the reasonable needs of the school and the rights of all parties. Where appropriate, an attempt will be made to discuss the matter with the third party.
- 7.8 Consideration will be given to any request that an employee makes for changes to his or her own working arrangements during the investigation.
- 7.9 It is likely to 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.
- 7.10 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 our disciplinary procedure.
- 7.11 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to harassment and /or bullying.

The Investigation Report should include:

- the terms of reference of the report
 - the complainant's account of the incident(s) and the effects
 - a response from the person identified by the complainant
 - evidence from staff in the same work area or any other relevant areas where incidents of harassment or bullying may have occurred.
 - a conclusion as to whether or not there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment e.g. deterioration of work performance or health, lack of career development, denial of opportunities etc.
- 7.12 At the end of the investigation, the Investigating Officer will submit a report to the Executive Headteacher to consider the complaint. The Executive Headteacher may arrange a meeting with the complainant in order to

discuss the matter further. The complainant has the right to bring a companion to any meeting. A copy of the report will be given to the complainant and to the alleged harasser.

7.13 The Executive Headteacher will consider the investigation report and decide whether:

- He or she considers that harassment or bullying has occurred, in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under the West Norfolk Academies Trust disciplinary procedure
- less formal action is appropriate but some form of mediation or counselling is required for one or both parties
- any short-term or long-term relocation or change in duties or reporting structure is required

7.14 If the complainant is dissatisfied with the outcome, then the remaining stage(s) of the grievance procedure may be invoked.

8. Protection and support for those involved

8.1 Employees 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.

8.2 If an employee believes they have suffered any such treatment they should inform their line manager or other senior manager. If the matter is not remedied an employee should raise it formally using this procedure.

8.3 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 our Disciplinary Procedure.

9. Confidentiality and Data Protection

9.1 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.

- 9.2 Information about a complaint by, or about, an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

- 9.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.