



Dignity at Work (Anti-harassment and Bullying) Policy

Status Consulted – Not agreed

Church schools serving their communities through excellence, exploration and encouragement within the love of God.

The Diocese of Lincoln is called to faithful worship, confident discipleship and joyful service and our church schools bear witness to our belief that every child is made in the image of God and loved by Him. They were founded for the good of their local communities so that children can be educated through the values and stories of Christianity.

Policy Owner: LAAT CEO
Policy Date: September 2019
Policy Review Date: September 2021

Excellence

Exploration

Encouragement

Introduction

LAAT are committed to ensuring that all their employees are treated with dignity and respect. Bullying and Harassment of staff are completely unacceptable and the Trust is committed to ensuring that such matters are being dealt with in a timely manner.

1. LAAT are committed to a working environment which will enable its employees to fulfil their personal potential. Such an environment cannot exist where any employee is subjected to harassment, bullying, intimidation, aggression or coercion
2. Harassment and bullying can have very serious consequences for individuals and the Trust including loss of morale, poor work performance, increased turnover of staff, legal claims and damage to our reputation.
3. We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. All employees, local board members and volunteers must comply with this policy. 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.
4. This policy does not form part of any employee's contract of employment and may be amended at any time and in consultation with the recognised Trade Unions.

2. Scope and purpose of this policy

- 2.1 The policy sets out the types of behaviour that are unacceptable and covers bullying and harassment both in and out of the workplace such as on school trips, at school events or work-related social functions. This policy covers bullying and harassment by staff and also by third parties such as suppliers or visitors to the school.
- 2.2 This policy applies to all employees of the Trust, governors, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy). The policy does not apply to pupils or parents who consider they have been the subject of bullying or harassment by Trust employees, where separate complaints procedures apply.
- 2.3 Reasonable adjustments to this policy will be made upon request where this is required to accommodate an individual's needs in relation to a disability.
- 2.4 Employees may make a complaint under this policy or the grievance policy but not both policies.

3. The legal framework

This procedure is intended to follow best practice in line with the ACAS Code of Practice on Bullying and Harassment

- 3.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (protected characteristics).
- 3.2 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.
- 3.3 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 3.4 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties (including pupils) and may be ordered to pay compensation by a court or employment tribunal.

4. What is harassment?

- 4.1 Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be on the grounds of the protected characteristics (sex, marital status, race, disability, religion or beliefs, sexual orientation, age or gender reassignment).
- 4.2 Harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. It includes unwelcome physical conduct, verbal or non-verbal conduct and could amount to unlawful discrimination.
- 4.3 Employees may find some behaviour offensive even if it is not directed at them. In addition, the complainant does not need to possess the relevant characteristic themselves and it can be because of perception or association.
- 4.4 Unlawful harassment may involve conduct related to a protected characteristic or of a sexual nature (sexual harassment). Harassment is unacceptable even if it does not fall within any of these categories.

Please see appendix for examples of harassment.

5. What is bullying?

- 5.1 Bullying includes persistent behaviour directed against an individual or group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).
- 5.2 Bullying can take the form of physical, verbal and non-verbal conduct.
- 5.3 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.

Please see appendix for examples of bullying.

6. Informal steps

- 6.1 If you are being bullied or harassed, you 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. It must be recognised however, that it sometimes takes a significant period of time for the alleged victim to feel sufficiently empowered to raise the matter.
- 6.2 The aim of the informal stage is to establish the nature of the issue, be clear about the employee's desired outcome and share information in an attempt to resolve the matter by mutual agreement with all parties involved.
- 6.3 Where an employee has a bullying and/or harassment complaint which involves another employee, manager or Headteacher of the employee should first of all try to resolve the matter by mutual agreement with the person involved. This may be with the support of their line manager or with an appropriate senior manager.
- 6.4 Where there are bullying and/or harassment concerns about the Headteacher it should be raised initially with the chair of governors, who will nominate an appropriate governor to address the complaint at the informal stage.
- 6.5 Mediation may be used to resolve the matter at the informal stage. However, this process does require the agreement of both parties.
- 6.6 Consideration may be given at this stage to counselling, changing the duties, working location or reporting lines of one or both parties.
- 6.7 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. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.
- 6.8 If you would find it too difficult or embarrassing to speak directly with the other person, then you should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.
- 6.9 If the case is serious or the matter remains unresolved or the complainant wants more formal action taken the formal stage will be invoked. This will involve a grievance being raised and/or an investigation being carried out. NB – Even if the complainant declines to raise a formal complaint the manager of the person being complaint about may elect to institute an investigation in order to fulfil their duty of care to staff. This is particularly the case where the allegations are serious and there is a concern that there may be a wider problem.

7. Raising a formal complaint

- 7.1 This process follows the school's grievance procedure which cannot be used in addition to, or substitution of it for the same complaint.
- 7.2 Where the employee believes the matter has not been resolved at the informal stage, they must set out the complaint in writing indicating why they feel it has not been resolved, and send a copy to the Headteacher (for school based employees), the Chair of Governors (for Headteachers or if the grievance concerns the Headteacher) or a senior manager from the trust (for central trust employees). This should be completed within 10 working days of the outcome of the informal stage.
- 7.3 Your 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.
- 7.4 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

8. Formal investigations

- 8.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with no prior involvement in the complaint. The investigation should be thorough, impartial, objective and carried out with sensitivity and due respect for the rights of all parties concerned.
- 8.2 We will arrange a meeting with you, usually within five working days of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given an indication of the timescales for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 8.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require and there is no alternative to suspension. The investigator will also meet with the alleged harasser or bully (who may also be accompanied by a colleague or trade union representative of their choice) 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.
- 8.4 Where your complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, we will consider what action may be appropriate to protect you 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, we will attempt to discuss the matter with the third party.

- 8.5 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- 8.6 It is likely to be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 8.7 At the end of the investigation, the investigator will submit a report to a Headteacher / Principal / LAAT Representative nominated to consider the complaint. A copy of the report and findings will be given to you and to the alleged harasser or bully, together with recommendations for further action.
- 8.8 On completion of the investigation both parties will be informed in writing of the outcome and any action that will be taken.

9. Action following the investigation

- 9.1 If the Headteacher / Principal / LAAT Representative considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 9.2 An employee will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.
- 9.3 The severity of penalty imposed upon an employee guilty of harassment or bullying will be consistent with those detailed in the LAAT Disciplinary Procedure i.e. harassment which falls into the category of gross misconduct may result in dismissal
- 9.4. Where a third party is involved, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- 9.5. Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you 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.
- 9.6 If the investigation indicates that the allegation is unsubstantiated or is found to be untrue and malicious, the matter will be referred for action in accordance to the LAAT Disciplinary Procedure.

10. Appeals

- 10.1 If you are not satisfied with the outcome you may appeal in writing to the Board of Directors, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

- 10.2. We will hold an appeal meeting, normally within five working days of receiving your written appeal. This will be dealt with impartially by a panel of Directors who have not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 10.3. We will confirm our 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 right of appeal

11. Protection and support for those involved

- 11.1 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.
- 11.2 Victimisation is subjecting a person to a detriment because he/she has in good faith:
 - (a) complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else; or
 - (b) supported someone to make a complaint; or
 - (c) given evidence in relation to a complaint.

This would include isolating someone or giving them a heavier or more difficult workload. If you believe you have suffered any such treatment you should inform the Headteacher. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.

- 11.3 Making a complaint or giving evidence that you know to be untrue may lead to disciplinary action being taken against you.
- 11.4 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.
- 11.5 If a complaint is made against you, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

12. Confidentiality and data protection

- 12.1 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.

- 12.2 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. These will be processed in accordance with our Data Policy the Data Protection Act 2018.
- 12.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

13. Review of this policy

This policy is reviewed and amended every two years by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix

Harassment may include, for example:

- unwanted physical conduct, 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 as gay or lesbian; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

Bullying may include, by way of example:

- Spreading malicious rumours
- Professional or social exclusion
- Insulting behaviour
- Unwelcome sexual advances or physical contact
- Unfounded threats relating to job security
- Calculated undermining of an employee's competence, for example through a consistently unreasonable or unfair workload, overbearing supervision or unnecessary circulation of critical memoranda
- Physical assault
- Verbal abuse, threats, derogatory name calling, ridicule, insults and offensive or embarrassing jokes
- Offensive emails, texts or visual images
- Offensive conduct through social media sites both inside and outside of the workplace
- Derogatory graffiti/insignia or display of derogatory or offensive material
- Inciting others to commit any of the above