

Anti-Bullying and Harassment Policy

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Anti-Bullying and Harassment Policy (Staff)

Woodard Academies Trust

1. Purpose and Scope

Woodard Academies Trust expects all employees to show consideration and respect to their colleagues. Any form of harassment or bullying, whether on the grounds of race, gender, disability or for any other reason, will not be tolerated.

The aim of the Trust is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with respect at all times. Any behaviour that undermines this aim is totally unacceptable.

This policy applies to all staff employed in Woodard Academies Trust academies and schools and to staff employed within the Central team. The principles of this policy also apply to agency workers, consultants, contractors, volunteers and Academy Councillors.

While implementing and upholding this policy is the duty of all our senior managers and line managers, all employees have a responsibility to ensure that bullying and harassment is not tolerated in the workplace.

The legislation underpinning this policy is the Equality Act 2010. The ACAS Code on Bullying and Harassment has been used in writing this policy.

2. Principles and Procedure

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are victims of harassment and bullying with a means of redress. The organisation will not tolerate the bullying or harassment of:

- a. Employees
- b. Volunteers
- c. Agency workers
- d. Consultants and contractors
- e. Clients and visitors (third parties) to the Trust and its Academies whilst present in the academy or attending to Trust business

This policy applies to behaviour at work and also applies to any work-related activity or function held outside normal working hours. For example, a leaving celebration, Christmas celebration, educational visit or residential trip.

Woodard Academies Trust hopes that any member of staff who witnesses inappropriate behaviour will challenge such behaviour. Those with management responsibilities are expected to challenge behaviour or practice which falls short of the requirements of this policy.

3. Bullying

3.1 Bullying most commonly occurs in the form of unacceptable misuse of managerial or supervisory power over subordinate employees, but may also occur between colleagues at the same level. However, bullying at whatever level and for whatever purpose is unacceptable.

3.2 ACAS characterises bullying as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”.¹

A precise definition is difficult because of the problems in distinguishing acceptable from unacceptable behaviour. Different people will have different personalities, some being more “robust” than others. Moreover, there will be particular situations, perhaps where people or resources are at immediate risk, where a more forceful style than usual can be justified.

3.3 Examples of behaviour which may constitute bullying or harassment, include (but are not limited to):

- persistently making someone the butt of humour, humiliating or ridiculing them;
- persistently failing to explain procedures or processes, or deliberately withholding necessary information, so as to make it difficult or impossible for someone to work properly;
- deliberately ignoring or excluding employees from activities;
- persistent shouting or swearing at people in the workplace;
- verbal abuse, threats, derogatory name calling, ridicule, insults and offensive or embarrassing joke
- undermining the authority of employees or deliberately setting out to make them appear incompetent;
- abuse of position by, for example, withdrawing support, removing or giving responsibility without proper consultation and good reason;
- calculated undermining by criticising in front of colleagues, parents, pupils
- overloading and/or setting unreasonable deadlines;
- unreasonable and unfair use of formal procedures; and
- innuendo, gossip;
- unwelcome sexual advances or physical contact
- the use of internet, social media, email or mobile phones as means of undertaking bullying or harassing behaviour **

** See policy on ICT and Acceptable Use sections 4 – 7.

3.4 Legitimate concerns

Whilst it is perfectly legitimate for managers to raise concerns with employees about their competence and/or capability, it is completely unacceptable for employees to be put in a position where they are humiliated or intimidated to the extent that they are unable to carry out the work they are employed to do.

4. What is harassment?

4.1 ACAS describe 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, humiliating or offensive environment for that individual”.²

¹ ACAS, Bullying and Harassment at Work page 1

² ACAS, Bullying and Harassment at Work page 2

4.2 Protected characteristics as defined in the Equality Act are:

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

4.3 This policy does not give examples of harassment with regard to each protected characteristic, although any unwanted conduct relating to a protected characteristic, as defined above, can be harassment. The following sections address sexual harassment, racial and religious harassment only.

5 Sexual Harassment

5.1 Sexual harassment is unwanted conduct of a sexual nature which violates a person's dignity or creates an intimidating, hostile, degrading, and humiliating or offensive environment. It is important to recognise that people can have different responses to such behaviour and the degree to which they take offence. This is because behaviour which one person finds acceptable may cause annoyance or offence to another. In some cases, innocent teasing or intended compliments may cause distress. Employees who have worked together for some time may develop patterns of behaviour or conversation which others find unacceptable.

5.2 Any unwanted physical, verbal or visual conduct of a sexual nature might constitute sexual harassment where it is pursued and is neither wanted nor encouraged.

5.3 Examples of behaviour which are likely to be regarded as sexual harassment are unwanted comments about dress, appearance or sexual orientation, unwanted conversation or communication of a sexual nature (including that which may offend other colleagues), the display of pinups or pornographic pictures, ridicule or demeaning remarks, unwanted physical contact or attention which is pursued where it is neither wanted nor encouraged.

5. Racial or Religious Harassment

6.1 Harassment may take a number of forms, all of which are unacceptable. It may take the form of offensive or abusive language, however communicated and whether or not addressed directly to those concerned. It may also take the form of derogatory language or comments about particular racial or ethnic groups, offensive comments about religious or cultural differences, or attempts to ridicule or demean particular groups or individuals.

6.2 In whatever form, the display or communication of offensive material which constitutes harassment is unacceptable.

6.3 Unacceptable behaviour is where behaviour, intentionally or otherwise, has the effect of excluding individuals on racial, cultural or religious grounds.

6.4 Any behaviour which has the effect of making another feel isolated, intimidated, humiliated or ridiculed because of their race, colour, ethnic background, nationality, cultural or religious beliefs may constitute harassment.

7. Incidence of Harassment

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur in relation to any of the protected characteristics, anyone perceived to be different is at risk. Harassment on any grounds will not be tolerated.

8. Harassment and the law

8.1 Harassment at work is unlawful under the Equality Act 2010. The organisation, together with any managers or supervisors who fail to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim, as may the employee who has committed the act of harassment.

8.2 There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment. Harassment on any grounds may also be a criminal offence under the following:

- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997 and Criminal Justice Police Act 2001
- Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence).

9. The Impact of Bullying and Harassment

9.1 Bullying and Harassment of whatever form, can exact a high price on our employees and the Trust alike and impact on the delivery of effective education to the children and young people in our Academies. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life.

9.2 Bullying and Harassment can lead to illness, absence, an apparent lack of commitment, poor performance and resignation. The damage, tension and conflict that bullying and harassment can cause to an organisation or within a particular setting should not be underestimated. The result is not just poor morale, but higher staff turnover, reduced productivity or effectiveness, divided teams and poor service. The Trust's reputation can be badly damaged when incidents of bullying or harassment occur, particularly when they attract media attention.

10. Responsibilities of all Employees

10.1 **Employees:** All employees have personal responsibility for their own behaviour and for ensuring that they comply with this policy. If employees observe unacceptable behaviour taking place they should challenge this behaviour and if appropriate refer their concern to their line manager.

10.2 **Managers:** Those with line management and supervisory responsibilities, have a particular responsibility to challenge unacceptable behaviour when it occurs. As managers they should speak to the member of staff about what they have observed and remind them of

the requirements of this policy. If the matter persists they may need to take management action as provided for within the Disciplinary Policy.

10.3 Expectations on all Employees:

- Set a positive example by treating others with dignity and respect
- Be aware of the Trust's policy and comply with it
- Avoid making personal or subjective comments that could be misinterpreted or might cause offence
- Not to accept behaviour that may be offensive and when directed against self or others to take positive action to ensure that it is challenged and/or reported
- To be supportive to colleagues who may be subject to bullying and/or harassment

11. Awareness, Communication and Training

Woodard Academies Trust recognises that a written policy, although an essential first step, is not sufficient to eliminate bullying and harassment. Regular awareness raising, communication and training for staff is important to ensure all our employees:

- Understand the Woodard Academies Trust commitment to the prevention of bullying and harassment
- Understand their responsibilities and role in the process
- Know where to seek advice and guidance
- Know how to make complaints and be confident that they will be handled effectively.

Woodard Academies Trust will use a number of different ways and media to communicate this policy effectively. This will include:

- Employee guidance via Staff Portal
- Induction Training
- Staff Briefing
- Training for Managers and Academy HR leads

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12. Procedure for dealing with Bullying and Harassment

12.1 Introduction

Woodard Academies Trust recognises the sensitive nature of managing allegations of bullying and harassment. Academy employees who believe they are being bullied or harassed may wish to discuss their particular situation in confidence with their line manager or Academy HR Lead. If the concern is about the line manager, then the employee should refer the matter in confidence to the line manager's manager. Central employees should make contact with a member of the WAT HR Team or the Chief Executive.

12.2 Anyone giving advice will:

- a. Ensure the conversation remains confidential as far as possible
- b. Listen sympathetically
- c. Help individuals to consider objectively what has happened
- d. Discuss what outcome the individual would wish to see
- e. Draw attention to available procedures and options
- f. Assist the individual in dealing with the situation, as far as they are able to, (if the individual asks for help)

12.3 Confidentiality

Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious Woodard Academies Trust reserves the right to investigate the situation as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged bully's/harasser's behaviour.

12.4 Solutions

Just as it is for the individual to decide what behaviour is either acceptable or unacceptable, then it is also for the individual to decide which route to take in solving any problem that has occurred. There are two types of solutions available: Informal and Formal.

12.5 Informal solutions

12.5.1 Employees can choose to solve the matter themselves by approaching the harasser/bully, telling the harasser/bully that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made.

12.5.2 If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a colleague or a union representative, who can accompany the victim when speaking to the harasser/bully.

12.5.3 A further informal solution is for the victim to put their views in writing to the harasser/bully, telling them that their behaviour is unacceptable and that it must stop.

12.6 Mediation

- 12.6.1 Mediation is a process which can be effectively deployed as an informal solution. Mediation conducted by a qualified mediator can be made available to assist in the resolution of the dispute between the person who is being bullied or harassed and the perpetrator.
- 12.6.2 If either party wishes to request third party mediation, he or she may do so by speaking to the Academy HR Lead who will in turn seek advice from the Trust's HR Team. However, mediation will only be considered where both parties agree to enter into the process.

12.7 Formal solutions

- 12.7.1 Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a Grievance. Formal complaints should be brought in a timely way and relate to current or recent instances to enable a relevant investigation to be undertaken. The appropriate procedure will be followed and will take account of the sensitivities of such situations.
- 12.7.2 Each step and action under the formal procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially whilst ensuring that the rights of both the alleged victim and the alleged harasser are protected.
- 12.7.3 Where the complaint is brought against the Principal, the matter must be reported to the Chairman of the Academy Council. The Chairman with the HR Director will arrange for an independent investigation to be undertaken.
- 12.7.4 In situations where the allegations of bullying or harassment are so complex that it would difficult for an investigation to be undertaken by an investigating officer drawn from the senior management team of the Academy or the Trust's Central Team, the Trust will engage an independent investigating officer to undertake this work, or a senior manager from another Academy.
- 12.7.5 Where any such investigation identifies evidence of unacceptable behaviour which is in breach of the Disciplinary Code of Conduct, the matter will be handled under the Disciplinary Policy.
- 12.7.6 In cases where the individual complained about is the line manager of the complainant, the Principal with the Trust's HR Team will consider how best to adjust working and line management arrangements so that the alleged perpetrator and the complainant do not have to work together during the investigation. The precise details of such arrangements will be considered at the time and arranged in consultation with those involved.

13 Related Policies

The Grievance Procedure and/or the Disciplinary Policy will be followed where necessary.

14 Confidentiality

14.1 Woodard Academies Trust, the Academy and the Academy Council are committed to investigating allegations fully, fairly, quickly and confidentiality. In doing so, it is likely to be necessary to have some communication with the alleged “harasser” and in some cases with other staff who may be aware of the incident. All interactions will be conducted confidentially.

14.2 Confidentiality is important, particularly in the early stages when an individual feels concerned about the behaviour of another and wishes to seek advice and explore the seriousness of the situation. However, when an attempt is made to deal with the situation in a way that directly involves the individual who is accused, that individual should be informed of the nature of the complaint. Following this every effort must be made to maintain confidentiality in respect of all parties seeking a resolution.

15 Training

Staff will be made aware of this policy as part of the induction process. Line management training will include the raising of awareness of this policy and guidance about how to cascade this policy to their teams. Further training will be provided through the Trust’s management programme.

16. Continuing to Work Together

Whether a complaint is upheld or not, Woodard Academies Trust recognises that it may be difficult for the employees concerned to continue to work together in close proximity to one another during the investigation or following the outcome of proceedings. Where there has been a breakdown in trust and confidence, consideration will be given to any options that may exist to transfer either party to a different job or work location. Consideration will need to be given to the role and level of each individual in the organisational structure and the best outcome for both parties. Seniority should not be a factor in determining this outcome and the operational needs of the Academy and Trust must be paramount.

17 Counselling and Support

Counselling will be offered to the complainant and/or to the (alleged) harasser, even if the complaint has not been upheld. This will be provided by a trained member of staff, such as the Academy Chaplain or an external provider, as appropriate.

Employees may also obtain support and guidance from their union or professional association representative.

18. Dealing with Harassment by a Third Party

18.1 An employee who is bullied or harassed by a third party (for example, a visitor to the Academy or Trust establishment, or by a parent of a pupil) should not enter into any

confrontation with the third party that may put his or her personal safety at risk. Where ever practicable the member of staff should ask another staff member to accompany them when interacting with a third party in such a situation. Where pupils and students are concerned, members of staff must also refer to the Academy Student Behaviour Policy.

18.2 An employee who is subjected to bullying or harassment by a third party may seek to resolve the matter themselves by following the steps below, or immediately report the matter to his or her line manager. Where an employee seeks to resolve the matter his or herself, the following steps should be followed.

1. Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of the Trust's employees by a third party will not be tolerated.
2. If the third party does not stop bullying or harassment – repeat step 1 and warn them that action will be taken against them if bullying or harassment continues.
3. If the third party does not stop the bullying or harassment, the employee should immediately report the incident to their own line manager, or an appropriate senior manager.
4. Such incident or incidents should be recorded in writing at the Academy/Central Office.

18.3 An employee should always report an incident of bullying or harassment by a third party to their line manager even when they have managed to resolve the issue. It is good practice for the Academy to have a stated process for recording such incidents. The reporting will be used for the purposes of monitoring the effectiveness of the Trust's Anti Bullying and Harassment policy. Employees may also wish to seek advice and support from their professional association or union.

18.4 A consultant or contractor working in an Academy who experiences bullying or harassment is advised to refer the matter to the Academy Principal.

18.5 Where a complaint is brought regarding a third party, this will be investigated immediately, using the Academy Complaint's Procedure.

19. Monitoring and protection from Victimisation

19.1 Where harassment or bullying has been found to have occurred, and the perpetrator remains in employment, regular checks will be made to determine that harassment has stopped and that there has been no victimisation or retaliation against the victim. Woodard Academies Trust will take steps to monitor that the employee who committed the act of harassment or bullying is not victimised in any way. Principals and HR Leads in Academies will be required to monitor such situations in Woodard academies and report back to the Trust as required.

19.2 This policy will be monitored for effectiveness using data collected by Academies and the Trust. Where issues are identified for improvement, this will feed through into actions, including training to promote a working environment that respects the rights of individual employees and where employees show consideration and respect to their colleagues.

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