

Anti-Bullying and Harassment Policy Trust Policy & Procedures

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Please note this list may be updated by the responsible officer when change arises in the organisation, without the need for committee meeting review/approval.

1 Introduction

Learning Partners Academy Trust (the “trust”) is committed to a zero-tolerance approach towards harassment and bullying. Specifically, it aims to:

- Work to eliminate all forms of harassment, bullying and discrimination from the workplace
- Build a confident and enabled workforce empowered to challenge negative behaviours
- Create a healthy working environment which helps to minimise incidents of harassment and is based on trust, openness, respect and accountability
- Build a workplace culture that identifies and addresses negative behaviours.

The purpose of this policy is to raise awareness of expected behaviours whilst working at, or for, the trust, prevent harassment and provide a means of quickly and effectively resolving issues which arise so that employees can continue to work together harmoniously.

The trustees are mindful of their obligations under the Equality Act 2010 and this procedure will be applied fairly and consistently to all staff employed within the trust. This policy covers bullying and harassment of and by employees of the trust, contractors, directors, governors, volunteers, agency staff and anyone else engaged to undertake work on behalf of the trust whether by direct contract or otherwise. Where the complainant or alleged harasser is not employed by the trust, this policy will apply with any necessary modifications in place.

This policy does not apply in relation to pupils and, where appropriate, this policy should be read alongside any school’s (mandatory) Behaviour Policy.

2 Definitions

The Equality Act 2010 prohibits discrimination because of certain protected characteristics.

These are:

- disability
- sex
- gender reassignment
- marital or civil partnership status
- pregnancy and maternity
- race
- religion or belief
- sexual orientation and
- age

Discrimination at work can take on different forms including direct discrimination, (when someone is treated less favourably than someone else because of a protected characteristic), indirect discrimination (where a provision, criterion or practice applied to all staff disadvantages a group of people with a particular protected characteristic), harassment and victimisation.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any grounds to be unacceptable. Furthermore, unwanted conduct related to these matters could amount to sex or sexual orientation harassment or be classed as discrimination.

2.1 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

2.2 Harassment

Harassment is unwanted conduct related to relevant 'protected characteristics' (these are sex, gender reassignment, race, colour, nationality and ethnic or national origins, disability, sexual orientation, religion or belief and age) that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

2.3 Sexual Harassment

Sexual Harassment is defined as:

- Behaviour or conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment.

2.4 Victimization

Victimization is subjecting a person to a detriment because they have, in good faith, made a complaint that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

2.5 Cyberbullying

Cyberbullying is making use of information and communications technology, particularly mobile phones and the internet, to deliberately undermine, humiliate or otherwise cause distress to the person on the receiving end.

3 Roles & Responsibilities

Line managers are expected to:

- Develop the appropriate skills to be responsive and empowered in dealing with unacceptable behaviours and to seek support on this through performance management as necessary.

- Follow informal and formal procedures as set out in this policy and ensure that others are aware of the policy as it applies to them.
- Take responsibility for setting standards in their team, leading by example and fostering a positive workplace culture.
- Monitor and challenge any negative behaviour in the workplace and act on any concern raised in order to prevent harassment from taking place.
- Be aware of, and seek to eliminate, any forms of systemic harassment within the workplace.
- Be approachable, open and responsive to any issues raised by employees.
- Enable all parties involved in instances of bullying and harassment to resume their work, without fear of further intimidation or fear of reprisal.

Employees and those working on behalf of the trust are expected to:

- Challenge any negative behaviours they witness at the earliest possible opportunity.
- Be aware of how their own behaviour may affect others and modify it if necessary.
- Treat colleagues with dignity and respect.
- Report harassment or bullying to an appropriate manager and support by cooperating with any investigation into complaints.
- Inform their line manager (or other suitable person) if they feel they are the subject of bullying or harassment, in accordance with this policy.

Employees should be aware that these standards of behaviour are not confined to normal school hours and normal place of work. Allegations of cyberbullying, for example, will not be disregarded simply because the alleged perpetrator is using their own computer in their own time.

Employees should also be aware that, if found guilty of harassment or bullying, they may face disciplinary penalties, up to and including dismissal, and could be personally liable to pay compensation in the event that the victim decides to make a legal claim against them. Serious harassment can also be a criminal offence.

4 Inappropriate Behaviour

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to threatened or actual serious assault
- verbal or online abuse of another person, such as making demeaning or insulting comments
- making unwelcome jokes or comments about an individual's personal characteristics or beliefs (such as their age, gender, race, religion or sexual orientation)
- unwelcome sexual advances, including offers of rewards or threats made in relation to the acceptance or rejection of advances
- excluding or ignoring an individual on the basis of his/her protected characteristic (age, sex, race etc) or because of his/her association with someone who has a protected characteristic
- the use of obscene gestures or the open display of pictures or objects with sexual or racial overtones
- spreading malicious rumours about someone or deliberately setting them up to fail
- making threats or comments about someone's job security without justifiable cause

- isolation or non-cooperation with an individual at work or through excluding them from social activities.

5 Examples of Sexual Harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media)
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults
- offensive comments about appearance or dress, innuendo or lewd comments
- leering, whistling or making sexually suggestive gestures and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

6 Raising a complaint about Bullying or Harassment

If an employee feels that they are being bullied, harassed or victimised, they should raise these concerns at the earliest stage. This may be done informally or formally as follows.

6.1 Informal Route

Employees may wish to directly express their concerns to the alleged harasser, explaining the incident(s) and the impact this has had on them.

If the employee feels unable to do this, they may instead approach their line manager or trade union representative for assistance in stopping the inappropriate behaviour. If the line manager is directly involved in the alleged bullying/harassment, the complainant may instead approach the next most senior manager. In the case of allegations involving the headteacher, this approach should be made to the CEO.

After an assessment and meeting with both the complainant and the alleged harasser, the manager will attempt to resolve the problem through initial discussions and then through monitoring the behaviour of the alleged harasser. Where a manager requires further assistance in order to achieve resolution, they will give consideration to mediation (internal or through the use of an outside organisation) or the temporary reassignment of either party to alternative work. The manager may also refer the matter for further investigation if they do not believe that informal measures are sufficient to resolve the matter in all the circumstances of the case.

This route is informal and there is therefore no statutory right to be accompanied at any meetings. There may, however, be circumstances where the support of a work colleague or trade union representative may be beneficial and the trust will not unreasonably refuse a request for such involvement on an informal basis.

6.2 Formal Route

If an individual feels either that the informal route has not resolved the problem or that the situation is too serious to be dealt with informally, they can lodge a formal complaint in writing with the headteacher (or CEO, if the complaint involves the headteacher or a member of the central team). This will be dealt with in accordance with the process and timescales contained within the trust's Grievance Procedure. All complaints will be investigated promptly, which may include appointing either an internal impartial investigator or an external independent investigator. Consideration of whether the suspension of the alleged harasser(s) is appropriate will also be made at this stage (see also Section 8: 'Suspensions and Temporary Transfers'). All parties may be accompanied by a recognised trade union representative or work colleague during the investigation and any subsequent meetings to discuss investigation outcomes.

6.3 Complaint Upheld

If the complaint is upheld by the investigation findings, suitable action will be taken. This action may be informal or it may involve the instigation of disciplinary action against the harasser in accordance with the terms of the trust's Disciplinary Procedure. In either case, this may include other management action such as behavioural coaching, managed mediation or learning objectives for the harasser. These measures are to ensure that there is effective action taken to challenge the behaviours and prevent reoccurrence in the future.

6.4 Complaint Not Upheld

If the complaint is not upheld, suitable steps will be taken to ensure that both the complainant and the alleged harasser are able to return to work. The complainant may appeal the decision not to uphold his/her complaint in accordance with the trust's Grievance Procedure. Through careful, confidential and safe management of the case and workplace situation, all involved should be able to continue to work in their original roles but, in some exceptional cases, this may not be possible. Mediation will be considered at this stage to help facilitate a return to work or to assist in restoring working relations amongst employees. Ultimately, however, the transfer of either party to alternative work may need to be considered.

7 Suspensions and Temporary Transfers

Suspensions and transfers are a neutral act, to protect and prevent any further possible conflict or difficulties particularly where there is a serious allegation that one member of staff has been bullied, harassed or discriminated against by another. All suspension/transfer decisions will be fully evidenced and audited. A decision to suspend a member of staff can be made by either the Local Governing Body (LGB) or the Headteacher. Suspension would, in all cases, be on full pay.

Suspensions/transfers should be closely monitored and as short as possible, to enable, wherever possible, an effective return to work.

8 Off the Record Complaints

A common feature of bullying and harassment situations is that victims fear making a formal complaint, but sometimes the employer becomes aware of these concerns in other ways,

either through anonymous complaints or rumours, or through an employee making an “off the record” complaint which they wish to keep confidential. However, employers have a duty of care towards employees and are responsible for providing them with a safe environment in which to work. As a result, the trust is committed to eliminating bullying and harassment in the workplace even in cases where an individual is unwilling to raise a formal complaint.

Notwithstanding the circumstances described in section 10, in these cases, managers will investigate the concerns as far as possible. This could include obtaining more information from the employee if possible, speaking to other employees (where appropriate and taking care not to start a “witch-hunt”), or carrying out an informal feedback exercise. Other data could also be reviewed for evidence including staff survey data, absence data and exit interviews. Next steps may depend on the outcome of the initial investigation. If there is sufficient evidence of bullying or harassment without breaching the confidentiality of the employee, then it may be possible to approach the individual concerned and potentially commence disciplinary proceedings. If the investigation does not produce any evidence that can be used without breaching the confidentiality of the alleged victim, managers are limited in the action they can take. For example, they may only be able to carry out a broader exercise such as diversity training for all staff across the school.

9 Malicious or Vexatious Accusations

Although very rare, vexatious or malicious accusations of discrimination, harassment, victimisation and bullying are extremely damaging, both to individuals and to workplace culture. Making such accusations with, for example, the aim of getting another member of staff into trouble, may lead to disciplinary action being taken against the employee making them. A complaint will not be considered vexatious, frivolous or malicious simply because it was judged to be unfounded by the investigation. This may be the case, for example, where an individual has expressed a concern based on a genuinely-held belief that wrongdoing has taken place but the investigation subsequently uncovers no evidence of this.

10 Privacy & Confidentiality

As a general rule, all matters raised under this policy will be treated in the strictest confidence, both during and after any informal or formal complaint has been made. No information will be relayed to a third party without first informing those involved. Any investigation to be conducted into a complaint is likely to involve some level of disclosure but this will be discussed with the complainant prior to the investigation commencing. In most cases permission will be sought before information is released although there may be instances where the matter is so serious that consent is not required, e.g. where there are health and safety implications, pupils could be at risk, or where physical violence has occurred. In such cases reasons for the disclosure will be explained.

11 Status of Policy and Review

The content and operation of this policy is reviewed every three years although may be reviewed earlier as deemed necessary by Trustees. This policy is discretionary and does not confer any contractual rights.