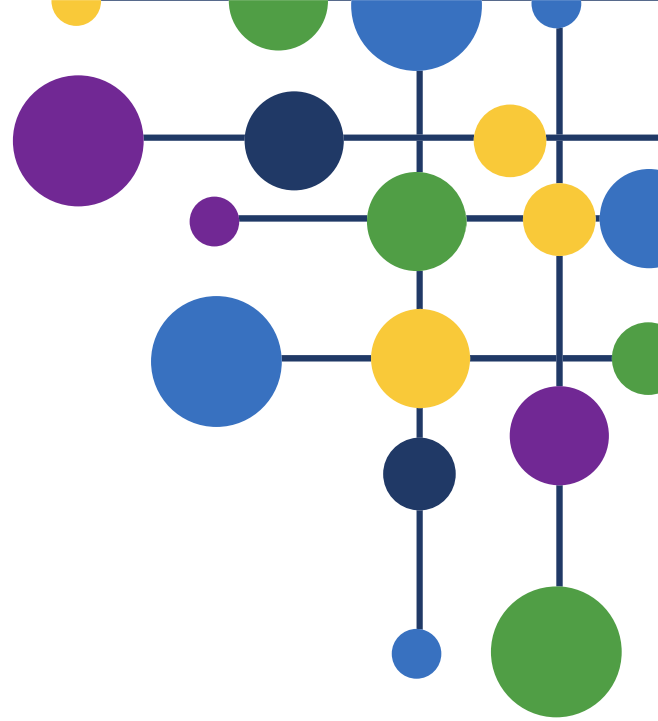


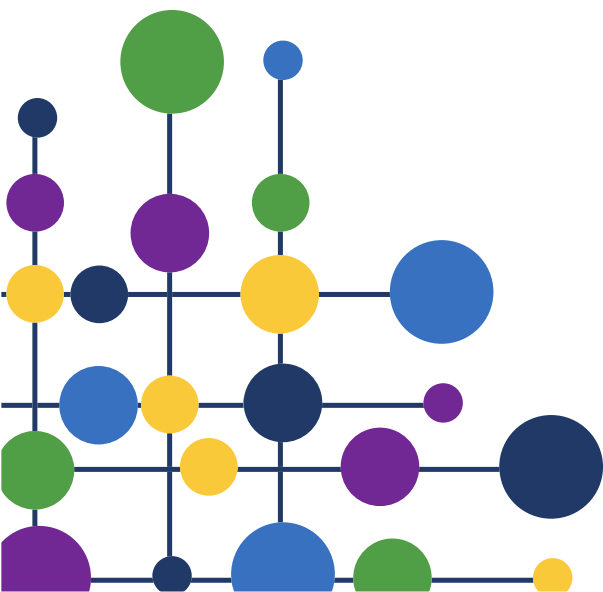


SHARE
MULTI-ACADEMY TRUST



BULLYING & HARASSMENT AT WORK POLICY & PROCEDURE

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| Version | 4.0 |
| Name of policy writer | Natalie McSheffrey |
| Last review date | April 2023 |
| Date of next review | April 2026 |
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Schedule of amendments:
V3.5 – change of name of policy writer
V4.0 – reference to duty to protect employees from sexual harassment
(The Worker Protection (Amendment of Equality Act 2010) Act 2023)



1. Introduction

- 1.1 All employees have the right to work in an environment where they are shown respect and consideration at work, and in which the dignity of every individual is valued.
- 1.2 Accordingly, SHARE MAT is committed to the development and promotion of a positive work culture in an environment that is free from bullying, harassment and victimisation.
- 1.3 Within the work environment all staff will be treated with dignity and respect and in turn are expected to extend this treatment to others, and the aim of this policy is to ensure that staff model appropriate behaviour which shows due respect for all relevant persons, including our students.

2. Purpose and scope

- 2.1 The trust is committed to the development and promotion of a positive work culture that is free from harassment, bullying and victimisation.
- 2.2 The trust will ensure that any allegation of harassment, bullying or victimisation at work is taken seriously, is properly investigated, and is dealt with effectively.
- 2.3 The trust will seek to ensure that any form of alleged harassment is dealt with both sensitively and speedily. Employees are encouraged therefore to raise any issues immediately in accordance with this procedure in the knowledge that their concerns will be treated seriously and in confidence.
- 2.4 This policy takes into account the duty to protect employees from sexual harassment (The Worker Protection (Amendment of Equality Act 2010) Act 2023) in the workplace by taking preventative measures, taking into account the technical guidance provided by the Equality and Human Rights Commission (EHRC)
- 2.5 This policy applies to all staff employed in, or by, the trust and any allegation made either formally or informally will be received in good faith.
- 2.6 Harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed in a work situation, during any situation related to work such as at a social event with colleagues, against a colleague or other person connected to the employer outside of a work situation, including on social media or against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- 2.7 The trust's zero tolerance applies to third parties, i.e. contractors.

3. Definitions of bullying, harassment, victimisation and sexual harassment

- 3.1 The legal position with respect to bullying is complex as there is no single piece of legislation dedicated to addressing the issue of workplace bullying in isolation – however, it is usually interpreted as representing an abuse of power, and although



the word 'bullying' is not specifically defined in law the following definition is offered by ACAS:

"Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

3.2 Harassment (according to the Equality Act 2010) is defined 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". Relevant protected characteristics are:

- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

3.3 Victimisation (according to ACAS) is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint. Ways someone could be victimised include:

- being labelled a troublemaker
- being left out
- not being allowed to do something

Victimisation is a specific type of discrimination under the law (Equality Act 2010). It's different to bullying.

3.3 Sexual Harassment (according to the Equality and Human Rights Commission, Sexual harassment and harassment at work Technical Guidance 2024) occurs when a worker is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature

4. Examples

4.1 Bullying and harassment may be directed against one or more individuals and involves inappropriate abuse of power. This may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. This can often occur without witnesses, examples including:



- unwanted physical contact (including 'horseplay')
- unwelcome remarks about a person's age, dress, appearance, race, marital status or sexuality, jokes at personal expense, offensive language, gossip, etc.
- isolation or non-cooperation and exclusion from social activities
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless) or coercion for sexual favours
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and/or stalking, (including social media)
- failure to safeguard confidential information
- preventing individuals progressing by intentionally blocking promotion or training opportunities.
- deliberately undermining a competent worker by overloading, or by setting impossible deadlines or by constant and unwarranted criticism
- misuse (or manipulation) of power or position, including preventing individuals progressing by intentionally blocking promotion or training opportunities.

The above examples are not necessarily limited to personal contact but can also include the use of emails and text messages to third parties, social media content etc.

4.2 Conduct of a sexual nature includes a wide range of behaviour, such as:-

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit email or text messages and
- unwelcome touching, hugging, massaging or kissing

4.3 An individual can experience unwanted conduct from someone of the same or a different sex.

4.4 Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is wanted. However, sexual conduct that has been welcomed in the past can become unwanted.

5. Employee responsibilities

5.1 Employees have a responsibility to behave in ways which support a non-hostile working environment for themselves and their colleagues.

5.2 Employees need to understand what constitutes acceptable behaviour in the workplace as well as the consequences of misconduct.



- 5.3 Employees should be prepared to challenge inappropriate behaviour and to take appropriate action where necessary (by reporting such behaviour to senior management) if they observe (or have other evidence of) harassment, either of themselves or of a third party.
- 5.4 Individuals guilty of harassment can be personally liable to pay compensation and can be prosecuted under criminal as well as civil law.

6. Employer responsibilities

- 6.1 The trust will ensure staff are aware of this policy (alongside the Code of Conduct and Practice Policy) through the mandatory induction process and this will include that the trust zero tolerance to harassment as well as how to report harassment (this includes third party harassment, e.g. external contractors).
- 6.2 Employees will be reminded of the policy regularly via the trust's intranet and through staff bulletins.
- 6.3 Staff training on the trust's Code of Conduct and Practice will be delivered on an annual basis so that expectations are clear and understood and so that staff have an understanding of what constitutes unacceptable behaviour.
- 6.4 The trust will, from time to time, undertake staff surveys to all ask all staff on an anonymised basis to obtain picture of harassment in the workplace and this will include
- asking if staff have been subjected to or witnessed behaviours that constitute harassment
 - what type of harassment they have experienced;
 - whether they report harassment
 - if they did not report it, why not
 - if they did report it what was the outcome
 - were they satisfied with the outcome and if not, why not
 - if they were to experience harassment in the future would they speak up, if not, why not?
 - Whether they believe there are any steps the employer should be taking to address harassment at work
- 6.5 Employer responsibilities may extend to any environment where work-related activities take place. These can include social gatherings organised by the employer such as work parties or outings. An employer could be held liable for events which take place on these occasions unless they can show they took reasonable steps to prevent harassment.
- 6.6 Senior managers should be especially aware of 'cyberbullying'. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying. As this would be seen to have its origins in the workplace, the employer could be held liable.
- 6.7 Employer responsibilities include maintaining an up-to-date risk assessment to reduce the risk of sexual harassment in the workplace, academies will tailor a central template according to risks identified at a local level.



7. Dealing with allegations of bullying and harassment

- 7.1 All allegations of bullying and harassment should be dealt with promptly.
- 7.2 Some instances may be dealt with internally and informally. In minor cases it may be sufficient for the recipient of harassment to raise the problem with the perpetrator, pointing out the unacceptable behaviour, making it clear that the behaviour is offensive and unwelcome, and asking for it to stop, but should the employee find this too challenging they must instigate formal procedures. Mediation may be used during any stage of these procedures.
- 7.3 If the allegation is directed against the headteacher, the employee should write to the CEO detailing their concerns and should also contact their trade union. The CEO should ensure that the allegations are investigated to determine whether further action should be taken. Where the allegation is in relation to the CEO, the employee should write to the Chair of the Board of Directors.
- 7.4 At any stage of these procedures, both the complainant and the alleged bully or harasser may be accompanied by their trade union representative or a work colleague.

8. Informal procedure

- 8.1 An employee who feels that they are being subjected to bullying, harassment or victimisation should, if possible, keep a record of the incident(s), including the date, time, nature of incident(s), and the names of any witnesses.
- 8.2 It is important that employees who feel subjected to bullying, harassment or victimisation raise the issue with an appropriate person at the time the incident(s) occur, in order that matters can be dealt with swiftly and that further potential harassment is prevented.
- 8.3 If the employee feels able, they should raise the problem with the alleged harasser, either verbally or in writing, making it clear that the behaviour is offensive and unwelcome, and asking for it to stop. Alternatively, the issue may be brought to the attention of a line manager who can initially raise the allegations informally on behalf of the complainant.
- 8.4 Where resolution is reached through the informal stage of the process, with both parties' acceptance, a copy of the outcome should be given to both parties and a further copy placed on their personal files.
- 8.5 Where resolution cannot be achieved through the informal stage, an employee can pursue an allegation through the formal stage of the process.

9. Mediation

- 9.1 In the event that both parties are agreeable this is another informal option, whereby a meeting may be held in the presence of a mediator who will give both parties an opportunity to express their viewpoints in the hope of brokering a mutually acceptable solution.



- 9.2 Any discussions which took place during mediation remain confidential and 'without prejudice' and may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties.

10. Formal procedure

- 10.1 If an employee wishes to make a formal allegation they should report it in writing to their line manager or headteacher. In circumstances where the alleged perpetrator of bullying and/or harassment is the individual's line manager the allegation should be reported to the next senior manager (or to the headteacher).
- 10.2 If the allegation relates to the headteacher then it should be reported in writing to the CEO (and in such circumstances the CEO will normally, throughout the formal procedure as described in the following clauses, perform the role more usually undertaken by the headteacher).
- 10.3 The line manager or headteacher will acknowledge receipt of the formal allegation in writing within 5 working days. This letter should outline the next steps to be taken, information on any sources of support that may be available, and also (where applicable) identify by name any investigating officer appointed to look into the matter.
- 10.4 The line manager or headteacher (or investigating officer if applicable) will then undertake a formal investigation, which must be carried out with due regard to the need for a swift conclusion and which should normally take no longer than three to four weeks from the date of initial acknowledgement of the allegation.
- 10.5 The line manager or headteacher (or investigating officer if applicable) will keep both parties informed of the progress of the investigation, including any necessary alteration to the above timescale. Where a counter allegation is made by the alleged bully or harasser, this will be dealt with as part of the same investigation.
- 10.6 At any stage of the formal procedure the person making the allegation may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, line manager or headteacher has a duty of care to manage allegations appropriately. If they deem informal resolution inappropriate due to the seriousness of the allegations, or they perceive that an employee may be at serious risk, they should continue with formal action.

11. Investigation

- 11.1 In appropriate circumstances the line manager or headteacher may take precautionary action which could involve either temporary redeployment or suspension of the alleged bully or harasser (as a non-judgemental and neutral act) to allow the matter to be investigated fully.
- 11.2 The alleged perpetrator will be informed of the allegations made against him or her. The line manager or headteacher (or investigating officer if applicable) will then interview, and obtain signed statements from, both the person making the allegation and the alleged perpetrator. Interviews may also be held with any witnesses to the alleged incident(s) of bullying and/or harassment.



- 11.3 The questions asked in the course of the investigation will be crucial to establishing the facts. Prior to conducting interviews, the principal/headteacher (or investigating officer if applicable) should prepare a list of proposed questions (which may be either open or closed). Consideration should also be given to those areas where it could be anticipated that supplementary questions may be required.
- 11.4 The scope of the investigation should include attempts to establish the facts by addressing (amongst others) the following questions:
- **what** allegation(s) or incident(s) are being investigated and what policy has potentially been breached?
 - **when** did the alleged incident(s) take place?
 - **where** did the alleged incident(s) happen?
 - **who** was involved in (or witnessed) the incident(s)?
 - **why** has the incident or behaviour created a problem?
 - **was** the incident or behaviour reported to anyone at the time of the occurrence?
- 11.5 During the interview, the line manager or headteacher (or investigating officer if applicable) should take time to consider the responses provided, and where these appear unclear or inconsistent should seek clarification.
- 11.6 All sensitive information will be treated confidentially in accordance with the requirements of data protection legislation.
- 11.7 The investigating officer (where applicable) will, on completion of the investigation, prepare an impartial written report for presentation to the line manager or headteacher who commissioned the investigation.
- 11.8 The findings of the investigation report will form the basis of the line manager or headteacher's decision as to whether further action should be taken. In the event that the line manager or headteacher concludes that there is still insufficient detail to make a decision on the matter, the investigating officer may be asked to seek further information and/or clarification.
- 11.9 Following completion of the investigation there are three possible outcomes (as detailed below).

12. Outcomes

- 12.1 The possible outcomes (all of which should be set out in writing before being communicated to both the person making the allegation and the subject of the allegation) are as follows.

Allegation not upheld

If it is decided that there is no case to answer, support will be provided for both parties, with additional consideration being given to managing their ongoing working relationship. This might include, where practicable, the voluntary transfer of either of the employees concerned.

Employees will not be subjected to disciplinary action or any other detriment simply because their complaint is not upheld (unless the allegation is false and made in bad faith, that is, without an honest truth in its belief.)

Evidence of unacceptable behaviour that may be dealt with informally

In some cases, where bullying/harassment is substantiated but does not warrant disciplinary action, it may still be possible to agree an acceptable resolution. For example, the manager may address the situation through supervisory processes (counselling, advice, instruction, training and/or support) and make it clear that ongoing monitoring will be undertaken. The manager must make it clear to the employee that their behaviour is unacceptable and that further similar instances may lead to disciplinary action.

Disciplinary action

Where an investigation concludes that there is sufficient evidence of unacceptable conduct, it will be necessary to commence disciplinary proceedings in accordance with the trust's disciplinary policy.

- 12.2 Once the investigation is completed, the outcome should be set out in a written communication to be provided to both the individual who has made the allegation **and** the subject of that allegation.

13. Malicious allegation

- 13.1 Following investigation, if it is found that the allegation of harassment/bullying was false or malicious then the person making the allegation may be dealt with under the trust's disciplinary policy.

14. Appeal process

- 14.1 Should the person making the allegation be dissatisfied with the outcome of their allegation they have a right of appeal against the decision.
- 14.2 They should submit their grounds for appeal in writing to the headteacher (or to the CEO if the headteacher was the alleged perpetrator or dealt with initial allegation) within five working days of receiving written notification of the decision.
- 14.3 Appeals will be heard no later than ten working days from the date of the appeal letter being submitted.
- 14.4 The headteacher or CEO hearing the appeal must have had no previous involvement in the matter.



15. Monitoring and Data

- 15.1 This policy will be monitored and reviewed on an annual basis.
- 15.2 All exit interview information obtained will be recorded.
- 15.3 All academies report cases of harassment to HR so that centralised records record a level of detail that allows trends to be analysed. This will include date of events, areas of business, job roles of complainant and harasser, protected characteristics, the legal category of harassment (i.e sexual etc). outcome and the brief reason for the outcome.
- 15.4 The trust will compare reported data to feedback from staff surveys (surveys to run to an agreed, measured schedule) to identify the extent to which harassment is reported. The gap between the actual level of harassment and harassment that is reported can then be monitored, to determine whether the policy and other steps put in place to encourage reporting are working.
- 15.5 The Director of Operations will report to the Board as required with lessons learned once complaints have been resolved.

16. Other policies and procedures

- 16.1 This policy will be supported by the following policy and procedures:
 - Disciplinary Policy
 - Code of Conduct and Practice Policy