



# Dignity at Work Policy and Procedure

## Anti Bullying and Harassment

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**This policy has been updated in line with changes to the Worker Protection (Amendment of Equality 2010) Bill in October 2024.**

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## 1. Introduction

- The Trust is committed to providing a safe, healthy and productive work environment free from harassment, bullying and victimisation.
- This Dignity at Work Policy and Procedure sets out how the Trust aims to prevent bullying and harassment and explains the procedure that should be followed if incidents occur.
- This policy applies to all employees of the Trust whether they are employees, workers, trainees, contractors, casual or agency staff, volunteers or non-executives, such as Trustees or local committee members. It applies whether employees are working on academy premises or at other locations and also covers remote contact, such as by telephone or on social media.
- At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals involved in the process.
- All cases of harassment or bullying will be treated sensitively and with appropriate confidentiality.
- In the case of the Principal/Senior Leader making a complaint under this policy, a regional Director or member of the Executive board will deal with.

## 2. Core Principles

- It is the responsibility of all employees of the Trust to maintain appropriate standards of behaviour and conduct, to ensure all contribute to developing a positive working environment where dignity at work is paramount and all forms of bullying and harassment are not tolerated.

Employees of the Trust must:

- Treat colleagues with dignity and respect
- Be aware of the effect that their own behaviour can have on others
- Support colleagues if they experience bullying or harassment
- Challenge inappropriate behaviour if safe to do so, and report any incident to Principals/Senior Leader or HR
- Set a positive example to others
- Consider their language and attitudes and refrain from making personal comments to or about others
- Co-operate with any investigation undertaken by the Trust into allegations of bullying and harassment

- No employee will suffer detriment for raising a concern in good faith, or for assisting a colleague to do so.
- All complaints of bullying and harassment will be taken seriously and handled sensitively and discretely.
- Where bullying or harassment is found to have taken place, the Trust Disciplinary policy and procedure may apply which could result in dismissal.
- Due to the serious effects of bullying and harassment, there may be a need to continue with an investigation or disciplinary process even when an allegation is withdrawn by an employee or the employee declines to make a formal complaint.
- Everyone should be able to work without the fear of malicious allegations and anyone found to be making a deliberately false or vexatious complaint may be subject to disciplinary action as per the Disciplinary policy and procedure.
- It is a fundamental principle that all matters are dealt with at the lowest level possible and every effort is made to resolve complaints informally. Where this is not appropriate or possible, a formal process will be followed.

### **3. Commitment**

- The Trust is committed to promoting dignity and respect and seeks to provide an environment of mutual trust and respect throughout the organisation. Therefore, it is the responsibility of all to behave in accordance with this policy and set an example to others.
- The Trust will ensure that this policy is available for all employees and that it is briefed annually, and within the Trust induction process.
- The Trust aims to create a culture of psychological safety where employees feel able to discuss and raise problems or concerns.
- Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the Trust including:
  - Poor morale and poor employee relations
  - Loss of respect for managers and leaders
  - Poor performance
  - Absence
  - Resignations
  - Damage to the Trust's reputation
  - Tribunal and other court cases, which could result in payment of unlimited compensation

- Principals/Senior Leaders must prevent harassment and bullying wherever possible and take immediate action once it is identified or brought to their attention. Where Principals/Senior Leaders receive a report of unacceptable behaviour or observe it, they have a responsibility to take immediate steps to address the matter, whether or not a formal complaint has been made.
- Principals / Senior Leaders are expected to
  - Provide a good example of appropriate behaviour
  - Act promptly to correct behaviour which could cause offence or be seen to contravene this policy,
  - Record any incidents of harassment or bullying and the outcomes of any action or investigations.

#### 4. **Bullying, Harassment and Victimisation**

- Bullying and harassment are terms used interchangeably and cover a range of behaviours that undermine the right of others to be treated with dignity.
- Bullying and harassment is not always verbal or face to face, but can involve written communications or visual images, such as pictures of a sexual nature or embarrassing photographs sent by text, instant messaging, email or social media.
- Bullying and harassment 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. It can often occur without witnesses.
- **Bullying is:** ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.’
- **Harassment is:** ‘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,’ including **sexual harassment** as any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Unwanted means unwelcome or uninvited. It reflects the employee’s view and means unwanted by them. Sexual harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.
- The relevant **protected characteristics** under UK law are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- The Trust is aware that harassment may also occur that is not in relation to a protected characteristic, and all forms of harassment will be dealt with via this policy and procedure.
- **Victimisation is** 'bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act 2010, including situations where a complaint hasn't yet been made but it is suspected that they might make one.'
- There is legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.
- Both the Trust and individual employees can be held liable for unlawful discriminatory harassment or bullying.
- 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. If you believe you have suffered any such treatment you should inform the Principal/Senior Leader. If the matter is not remedied, you should raise formally, in line with this procedure.
- Employees found to have retaliated against or victimised someone for making a complaint or assisting in good faith in an investigation under this procedure will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

## **5. Behaviours That Could Be Regarded as Bullying and Harassment**

- Examples of what may be considered bullying, and harassment are provided below.
- If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint fits within a standard definition.
- Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. The same behaviour may not be offensive to one person but deeply offensive and intimidating to another. Unintentional or misinterpreted behaviour may cause feelings of harassment.
- A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace or by overhearing colleagues' boasting about their sexual conquests.
- A person may experience sexual harassment because of conduct of a sexual nature that they find unwanted, even if it was not intended to have that effect by

the person doing it. For example, whilst a joke may have been intended to be inoffensive, it may be offensive to the recipient and if it is of a sexual nature, this may amount to sexual harassment.

- The Trust will not tolerate sexual harassment in our workplaces. Any employee who sexually harasses another person will be subject to the Trust Disciplinary policy and procedure (and in appropriate cases may be dismissed) if it happens:
  - in a work situation including whilst working from home during any situation related to work, such as at a social event with colleagues or affiliated third parties on social media or other platforms and involves a colleague or any other person connected to us
  - against anyone outside of a work situation where the incident may negatively impact on our reputation or is relevant to your suitability to carry out your role.
  
- A single incident can amount to sexual harassment.
  
- Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another so it is important to recognise that behaviour that is acceptable to you may not be acceptable to others.
  
- Examples of bullying and harassment are;
  - Personal insults (particularly on the grounds of age, race, sex, disability, sexual orientation, gender identity and religion or belief).
  - Physical aggression or intimidation.
  - Practical jokes which embarrass or humiliate.
  - Verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip or innuendo.
  - Abuse of an individual's right to personal privacy, for example, intrusion into another employee's personal property or into their private life (this may also be a breach of the Trust's Data Protection Policy and Procedure).
  - Deliberate isolation or non-cooperation and exclusion from normal social or professional contact in the workplace.
  - Unwanted physical conduct including touching
  - Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome
  - Unwelcome sexual advances or suggestive behaviour sending or displaying material that is sexual (including emails, text messages, video clips and images sent by mobile phone or posted on the internet) or
  - Banter of a sexual nature, including inappropriate comments regarding an employee's clothing, whether in person or via another communication channel such as video calls.
  - Personal intrusion from pestering, spying and stalking.
  - Humiliation, for example reprimanding an employee in front of others.
  - Singling out an employee, for example for unjustified criticism.

- Persistently placing excessive demands on employees, setting unrealistic work targets and/or changing targets which are outside the remit of the job.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Making threats or comments about job security without foundation.

Please note, this list is not exhaustive.

## **6. Third Party Sexual Harassment**

- Third-party sexual harassment occurs where a person is sexually harassed by someone who isn't employed by the Trust or is under our control but with whom they have come into contact during the course of their employment.
- Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting our premises, by our customers, or where employees are visiting third party premises in the course of their employment.
- The law requires the Trust to take reasonable steps to prevent sexual harassment by third parties and we will not tolerate third party harassment either by a third party to our employees or by our employees to a third party.
- All employees are encouraged to report any sexual harassment they experience or witness in accordance with this policy, including third party harassment, and to speak to their Principal/Senior Leader or any other appropriate person if they think there are additional steps we could take to protect them from sexual harassment.

## **7. Informal Process**

- Sometimes people make genuine mistakes or might not be aware their behaviour is unwelcome or offensive. If employees feel able to, they are encouraged to speak to the person concerned at the time of the incident, explain clearly that they find their behaviour offensive or unwelcome, and ask for it to stop.
- It can be helpful to keep a diary of all incidents, a record of dates and times and the names of any witnesses.
- Letting the person know their behaviour is unwelcome or offensive will give them the opportunity to stop and to apologise.
- If an employee finds it difficult to approach the person directly, they are encouraged to talk the matter through with a third party (for example their line manager / Principal/Senior Leader) with a view to communicating through this third party.
- If this approach is not successful or not possible, employees must raise the complaint with the Principal/Senior Leader who will then follow the Trust Grievance



Resolution Policy and Procedure. It is the intention of this procedure for issues and complaints to be resolved informally, quickly and at an early stage in order to prevent problems becoming more serious over time, in line with the resolution procedure.

- Employees may also contact the HR department at any point.

## **8. How to raise a Grievance**

- The Trust Grievance Resolution Policy and Procedures sets out how we will deal with all complaints.
- The Grievance Resolution Policy and Procedure is designed to facilitate all employees in resolving individual grievances by working to the following principles:
  - Allow the employee to put their case forward.
  - Inform that employees should, wherever possible, seek to resolve their differences informally in the first instance, without recourse to formal procedures.
  - Ensure that there is an opportunity for the informal resolution of grievances as near as possible to the point of origin and in an atmosphere of trust and confidentiality, in order to enable colleagues to resume productive and professional working relationships more easily in the future.
  - Ensure that the Astrea Grievance Policy and Procedure is known to all employees and is freely available to them.
  - Ensure that formal grievances are investigated and resolved in a timely, transparent, fair, consistent and systematic way.
- Inform that all parties have a right to be accompanied by a trade union representative or work colleague at all stages.

## **9. Disciplinary Action**

- Any employee found through the grievance process to have bullied or harassed / sexually harassed a colleague or another person will be subject to the Trust Disciplinary Policy and Procedure and may be dismissed.
- Where a grievance is not formally raised but the allegation is of a significant nature, the Trust reserves the right to fact find and investigate as set out in the Trust Disciplinary Policy and Procedure.
- The Trust will take into consideration any aggravating factors such as abuse of power over a more junior or vulnerable colleague, when deciding on the appropriate disciplinary action.

- The Trust may also report any criminal acts to the police.
- If a Trust employee has been harassed by a third party, we will take appropriate action to prevent it from reoccurring. That may include warning the harasser that if they repeat their behaviour, we may ban them from all Trust premises, with their engagement with the Trust terminated, and that the Trust will report any criminal acts to the police.

## **10. Support for Employees**

- Allegations of bullying and harassment can be upsetting and stressful for all parties.
- The Trust has a responsibility for making sure all individuals involved are offered appropriate support.
- A welfare plan will be offered to employees where this is required, assigning a welfare contact for the employee.
- Employees may contact the ACAS helpline: ACAS provides a free helpline for assistance on a variety of employment issues. ACAS provides confidential advice to any employees who are experiencing bullying or harassment.
- Employees can contact the Trusts Employee Assistance Programme for support.
- Employees may wish to contact their Trade Union representative for support.
- If the employee experiences a significant detrimental impact on their health and wellbeing, it may be appropriate to seek advice from an Occupational Health provider which the Trust will arrange.

## **11. Confidentiality**

- Complaints must be treated confidentially, and all parties involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. No one must be victimised as a result of making a complaint or being subject to a complaint of bullying or harassment.
- Any breach of confidentiality may result in the application of the Trusts' Disciplinary Policy and Procedure.
- Information about a complaint will be placed on an employee's personnel file but will not be referred to unless the complaint was subject to a formal grievance procedure and/or disciplinary procedure.

- All documents related to the complaint will be processed in accordance with the Trust's Data Protection Policy and Procedure.

## **12. Related Documentation**

- Astrea Academy Trust Grievance Resolution Policy and Procedure
- Astrea Academy Trust Disciplinary Policy and Procedure
- Astrea Academy Trust Data Protection Policy and Procedure
- Astrea Academy Trust ICT Usage Policy
- Equality Act 2010
- Advisory Conciliation and Arbitration Service (ACAS)
- Health and Safety at Work Act 1974

## **13. Review**

- This policy will be reviewed every three years, or when there are changes to relevant legislation.