



BATH & WELLS
Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

**Bath & Wells Multi Academy Trust
Bullying and Harassment Policy**

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Bullying and Harassment Policy

1. Purpose

- 1.1 The purpose of this policy is to ensure a working environment that supports the dignity of employees and is free from harassment, intimidation, bullying and victimisation. It should promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation.
- 1.2 The Bath & Wells Multi Academy Trust (hereafter referred to as the MAT) is aware that bullying and harassment in its many forms has a detrimental and negative effect on individuals and operational efficiency.
- 1.3 This policy aims to cover the types of behaviour that are unacceptable and have the effect of violating the dignity of an individual at work, and to give advice on how to deal with concerns raised by employees on both an informal and formal basis.
- 1.4 Fair treatment and personal dignity is an essential standard for all employees. This policy aims to prevent harassment and bullying within the MAT by underlining the serious view that the MAT takes of such actions, increasing awareness of what actions may constitute harassment or bullying, and outlining the steps that will be taken in the event of a complaint being made.
- 1.5 The MAT will not knowingly discriminate against anyone because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or for political or trade union activity. The MAT seeks to create a working environment which encourages high performance, understanding, trust and co-operation between individuals, teams and services.
- 1.6 An essential part of encouraging trust and co-operation is to ensure that staff who are given authority to provide a service on the MAT's behalf are treated with dignity and respect.
- 1.7 Harassment or bullying at work is not permitted or condoned, and may result in disciplinary action, which could lead to dismissal in the case of an employee.
- 1.8 All staff have a right to complain about harassment or bullying and to expect that every complaint will be fully investigated, and to be confident that they will be protected against victimisation or retaliation for bringing a complaint.
- 1.9 This procedure is effective from 1 April 2013 as approved by the MAT.

2. Applicability

- 2.1 This policy applies to all MAT employees whilst at work or attending work-related functions outside of normal working hours, either on or off of the MAT's premises. It does not apply to members of the public, parents or students who consider they have been the subject of bullying or harassment by school employees, as separate complaints procedures applies.
- 2.2 All staff have a duty to report any act of discrimination, bullying or harassment known to them.

3. Roles and Responsibility

- 3.1 Management and Governors are responsible for:
 - Modelling appropriate behaviour in the workplace

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- Ensuring that all employees are treated with dignity and respect
- Establishing and maintaining a supporting working environment free from bullying or harassment and challenging behaviour which falls short of these expectations
- Monitoring managerial duties to ensure their implementation is professional and does not undermine the dignity of employees
- Ensuring that all staff have an awareness of this policy
- Taking corrective action to ensure compliance with the policy
- Ensuring that allegations of bullying and harassment are managed appropriately, and being responsive and supportive to any member of staff who complains of harassment or bullying
- Being aware of the potential for harassment by third parties
- Ensuring that there are no further problems of harassment or any victimisation after a complaint has been resolved
- Maintaining appropriate confidentiality

3.3 Employees have a responsibility to:

- Treat all colleagues with respect and dignity, and take care that their behaviour does not have the effect of causing others to feel bullied or harassed at work.
- Ensure that they do not condone bullying or harassment at work by others and challenge such behaviour where appropriate.
- Where appropriate, assist any colleagues who seek help in dealing with bullying or harassment, including acting as a witness in formal proceedings where requested.

3.4 Human Resources are responsible for advising management on this policy where appropriate and amending this policy in line with changing legislation and codes of practice.

4. Definitions

4.1 Harassment, is unwanted conduct related to a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) 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

4.2 Harassment could be due to a number of reasons. The most common types of harassment include:

4.2.1 Sexual Harassment - unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women.

4.2.2 Gender Harassment - an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of the person's gender.

4.2.3 Racial Harassment - an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of the person's race, colour, nationality or nation, ethnic origin, or religion.

4.2.4 Disability Harassment - any unwanted act directed at a person who has a disability and which happens because of their disability, which is evident by physical or behavioural differences.

4.3 Bullying is; intimidation - both in public and in private. It is designed to humiliate and demean the individual, gradually eroding their sense of self-worth.

4.4 Bullying and harassment are not necessarily face to face, they may be by written communications, visual images, electronic email or phone. Bullying and harassment may take the form of:

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- *Physical* – contact, assault or gestures, intimidation, aggressive behaviour.
- *Verbal* – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any aspect of discrimination.
- *Non verbal* – offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities.

4.5 Bullying does not always derive from supervisor/staff relationships; unacceptable peer pressure can also amount to bullying.

4.6 Victimisation is defined as detrimental behaviour to the employee for using their workplace grievance procedures or exercising their legal rights. Such as:-

- They intend to make a grievance about discrimination or harassment.
- They have or intend to act as a witness or give evidence in support of another person(s) relating to a grievance about discrimination or harassment.

4.7 Third party Harassment is where employees experience harassment from third parties who are not employees of the MAT, for example, visitors, service providers or relatives of pupils.

5. Effects of Bullying and Harassment

5.1 The signs of bullying and/or harassment in the workplace can include rapid staff turnover; rising sickness and absenteeism rates; otherwise inexplicable decline in effectiveness, lack of motivation; low morale and loss of respect for management.

5.2 The effect on individuals can include a range of physical and/or emotional symptoms such as sleep problems, depression, physical sickness, digestive and/or nervous disorders, severe weight gain or loss, excessive drinking or smoking, difficulty in concentrating, unstable emotions, or reduced motivation. People who are being harassed or bullied can also lose confidence in themselves and their abilities.

6. The Legal Framework

6.1 The key guiding legislation is as follows:

- **The Equality Act 2010**

The Equality Act 2010 bans unfair treatment and helps achieve equal opportunities in the workplace and in wider society. The act covers nine protected characteristics, which cannot be used as a reason to treat people. The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person. The act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and by associations.

- **Health and Safety at Work Act 1974**

Employers are required to ensure the emotional and physical health of all employees. Employers who fail to take adequate steps to protect employees against bullying behaviour or harassment by other employees could be in breach of the Health and Safety at Work Act.

- **Criminal Justice and Public Order Act 1994**

Intentional harassment in the school is a criminal offence punishable by law. The offence is committed if a person, in speech or in writing, uses threatening, abusive or insulting

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language or behaviour, or disorderly behaviour "with intent to cause a person harassment, alarm or distress".

- **The Public Interest Disclosure Act 1998**

The purpose of this Act is to protect individuals who make certain disclosures of information in the public interest. Forming part of the Employment Rights Act 1996, it provides a worker with potential protection from detriment and dismissal for making a 'qualifying disclosure'. It is unlawful to victimise disabled people who make use of, or try to make use of, their rights under the Act. People who help disabled people complain about discrimination are also protected. The MAT could be held liable for bullying or harassment of a disabled person, unless reasonable steps have been taken to prevent such behaviour.

7. Principles

7.1 The MAT opposes all forms of unlawful and unfair discrimination, and believes that all people have the right to be treated with dignity and respect. The MAT will strive to ensure all employees are able to work in an environment that respects the rights of each individual employee and where colleagues treat each other with respect.

7.2 The MAT recognises that bullying and harassment does occur in the workplace from time to time, therefore this policy aims to provide guidance for employees and line managers on the procedure for dealing with unacceptable behaviour in the workplace.

7.3 The MAT considers the following forms of bullying and/or harassing behaviour unacceptable:

- Destructive innuendo and sarcasm
- Unreasonable use of discipline/competence procedures
- Aggression, including threats, shouting abuse and obscenities
- Removing responsibilities without consultation
- Deliberate ignoring and excluding
- Constant undervaluing of a member of staff's efforts
- Setting a member of staff up to fail, for example, giving responsibilities outside experience or constantly shifting objectives
- Unreasonable refusal of requests, for example, leave, training or promotion
- Continuous berating/reprimanding an individual in the presence of others
- Insulting and uncooperative attitude.
- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

7.4 Any employee who believes that he or she is being bullied or harassed has the right to raise his or her concerns on either a formal or informal basis with management (or the Executive Principal, where one exists or the chair of the local governing body where the

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employee is the Headteacher/Principal or where the employee feels unable or is unwilling to raise it with the Headteacher/Principal).

- 7.5 Employees will have their concerns treated seriously, and with the appropriate level of confidentiality. The aim of any management action will be to resolve the matter as quickly and effectively as possible.
- 7.6 Where Management becomes aware of the potential for harassment to occur through a third party and where this could reasonably be prevented or reduced by the application of good employment practice, all such steps should be taken.
- 7.7 Confidentiality will be maintained as far as possible. However, if an employee decides not to take action to deal with a problem, and the circumstances described are very serious, the MAT reserves the right to investigate the allegations as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the behaviour of the alleged harasser/bully.
- 7.8 No employee will be subject to action for instigating either formal or informal action in respect of bullying and harassment, even if it is not upheld, as long as the allegation is made in good faith.
- 7.9 Where an allegation of bullying or harassment is found to have been made without foundation and with malicious intent, or with some other unacceptable motive, the employee making the allegation will be subject to the MAT's disciplinary procedure, as will any witnesses who have given deliberately misleading statements during an investigation.
- 7.10 Alleged failure of management to appropriately investigate a complaint of harassment or bullying may be addressed through the MAT's Grievance Procedure.
- 7.11 Victims of unlawful harassment may involve the police. If this is the case, the relevant managers within the school will need to show what steps were taken to prevent harassment and investigate complaints.

8. Procedure for dealing with Bullying and/or Harassment

- 8.1 Any member of staff who feels that he or she has been harassed or bullied should feel confident that any allegations will be taken seriously, and investigated in confidence. It is important that a written record is kept of any incidents of harassment or bullying in case of the need for subsequent action. A complaint can be pursued through informal or formal procedures, dependent upon the degree of perceived seriousness of the harassment or bullying.

8.2. Informal Procedure

- 8.2.1 In many cases it may be possible to deal with the matter informally. In the first instance, where possible the complainant should directly approach the person who has been harassing or bullying him/her with the intention of letting them know that their behaviour is unacceptable and/or unwelcome and that the complainant wants it to stop. The complainant can either do this alone or with the support of a colleague or manager. This contact could be face-to-face, with the purpose of making it clear that the behaviour is unwelcome and must be stopped. If agreement cannot be reached or the unwelcome behaviour continues, it may be necessary to move to the formal procedure.

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- 8.2.2 If the individual member of staff anticipates that this will be too stressful, then they can put their views in writing to the alleged bully/harasser telling them that their behaviour is unacceptable and must stop or approach their manager who can make the approach on the complainant's behalf or the complainant. It is helpful to reference specific incidents.
- 8.2.3 The decision as to how the case should be pursued should rest with the person being harassed or bullied. He/she must not feel pressurised to dispense with the matter informally.
- 8.2.4 It may be the case that the person's manager may make suggestions to help resolve the situation which may include: mediation, training, change of working arrangements or any other form of management advice. Advice may be sought from Human Resources.
- 8.2.5 The informal procedure must not be used in the event of a serious violent attack, as potentially a criminal act has taken place.

8.3. Formal Procedure

- 8.3.1 Following the formal procedure is vital when the case is particularly serious, when criminal prosecution may result or when informal procedures have failed to resolve the problem.
- 8.3.2 A formal complaint should be lodged, in writing, with a member of the Senior Leadership Team. If these managers are the subject of the complaint, the chair of the local governing body should be written to. This will then be treated as a grievance.
- 8.3.3 Following receipt of a written complaint of Bullying and/or Harassment a grievance hearing, in line with the grievance procedure, will then be held with the complainant, a relevant Manager and Human Resources to find out further information and decide what actions are to be taken.
- 8.3.4 Where there is cause to consider that bullying or harassment has occurred then there should be a thorough and prompt investigation under the Disciplinary Procedure, with regard to the rights of both parties (see the Disciplinary Procedure for further details).
- 8.3.5 The purpose of the investigation will be to determine whether the complainant has been treated in the manner claimed and whether that treatment was aimed specifically at him/her, and whether it has put that person at a real disadvantage.
- 8.3.6 The alleged harasser or bully should be clear about the nature of the complaint and must be given the right and the time to respond.
- 8.3.7 Support and representation should be available for the complainant and the alleged harasser/bully, and both parties should understand what will happen during the procedure. All parties must be kept informed of developments and the timescale for completion of the investigation, which should be conducted without undue delay.
- 8.3.8 Interviews should be conducted with all relevant parties, and witnesses if appropriate.

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8.3.9 If the investigation shows that there **is** a case of harassment or bullying, a hearing should normally be arranged under the MAT's Disciplinary Procedure. The action taken will take into account the severity of the behaviour and the effects on the complainant, together with the attitude of the alleged harasser or bully. Action could include:

- some form of disciplinary action (including dismissal for gross misconduct)
- an undertaking by the individual that the unwelcome behaviour will stop
- an apology and/or an agreement to take part in awareness training
- any other appropriate advice given from Management to provide a solution for the problem
- both parties undergoing mediation
- relevant training being provided

8.3.10 If the investigation shows that there **is no** case of harassment or bullying, both parties should be provided with a full explanation.

8.3.11 Management should give careful consideration to the efforts needed to bring about a reintegration and reconciliation of the parties in the workplace. This may include sensitive management supervision and guidance, professional counselling on an individual and/or group basis, participation in a team building exercise or other forms of training, e.g., assertiveness, stress management.

8.4 If the complainant is dissatisfied with the action that management has taken or feels that their complaint has not been taken sufficiently seriously, he/she has the right to appeal. The appeal process will follow that which is set out in the Grievance Procedure.

8.5 If it is found that the allegation was malicious or fabricated, the person who brought the case will be dealt with under the MAT's Disciplinary Procedure.

8.6 It is essential that all those individuals involved in any investigations undertaken maintain confidentiality.

9. Monitoring and Review of Cases

9.1 On-going monitoring of each harassment or bullying case by management is essential to check that the unwanted behaviour has stopped, and to ensure that there is no victimisation.

9.2 The Local Governing Body will oversee and monitor the effectiveness of the policy and its implementation with the support of the Headteacher/Principal/Executive Principal.

9.3 The Headteacher/Principal will monitor the effectiveness of communication of the policy, the procedure for dealing with complaints and that appropriate support is provided to complainants.

9.4 Any complaints of harassment and bullying must be reported to the Human Resources department by the Headteacher/Principal/Executive Principal or Governing Body in order to identify any particular problem areas, and to enable regular audits to ensure that the policy and procedure are effective and consistently applied.

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10. Failure to comply with the Responding to Bullying and Harassment Policy

- 10.1 Failure to comply with this policy may lead to disciplinary action being taken against an employee as a result of allegations of bullying or harassment.
- 10.2 An employee who feels that the school management has not dealt with his/her complaint properly under this policy may raise a grievance.

11. Review

- 11.1 This policy will be reviewed at least every three years, and whenever there is a need to comply with new legislation or codes of practice.

The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi Academy Trust

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