



Dignity at Work (Harassment and Bullying) Policy

Policy reviewed by Academy Transformation Trust on	January 2018
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This policy links to:

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| <ul style="list-style-type: none">• Disciplinary Procedure• Grievance Procedure |
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Review Date – January 2021

Our Mission

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

Our Commitment

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.

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1 Introduction

- 1.1 Harassment and bullying of any kind will not be tolerated by Academy Transformation Trust and we are committed to promoting a safe, healthy and fair environment, where employees can be treated with dignity and respect at all times. If harassment and bullying is not dealt with effectively then this can lead to poor morale and performance as well as damaging the reputation of The Trust. This policy defines what harassment and bullying are and how it will be dealt with.

2 Definition of Harassment

- 2.1 Harassment, as defined in the Equality Act 2010 is any 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. The protected characteristics as defined in the Equality Act 2010 are:

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

- 2.2 Behaviour that is considered bullying by one person may be considered firm management by another. Bullying in itself is not unlawful; however, this conduct may ultimately be defined as harassment. Most people will agree on extreme cases of bullying and harassment, however, individual perception does sometimes cause problems. Examples of unacceptable behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- 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 including touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- 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.

- 2.3 Such behaviour will constitute unlawful harassment if it is on grounds of age, disability (past or present), race, religion or belief, marriage and civil partnership, pregnancy and maternity, sex, gender reassignment, sexual orientation, trade union membership or non-membership,

part-time or fixed-term status and is unwanted by the recipient. This behaviour is unacceptable and, if it occurs, measures will be taken to stop it, including disciplinary action if necessary. Sexual harassment also includes unwanted conduct of a sexual nature (whether or not that conduct is on grounds of sex) which has the purpose or effect as set out in paragraph 2.1.

2.4 Harassment can often be hard to recognise as the actions may not be obvious to others and can take many forms: verbal, non-verbal, physical and bullying ranging from physical attack to more subtle conduct which makes the recipient uneasy. It can be persistent or an isolated incident. All employees must be aware of the sensitivities of others. It is no excuse that behaviour is tolerated by other employees. If one employee is offended or feels bullied by a particular type of behaviour, then that behaviour constitutes harassment even if others are not offended. We treat any form of harassment or bullying as serious misconduct.

2.5 The Criminal Justice and Public Order Act 1994 created a new criminal offence of “causing intentional harassment, alarm or distress”. A person will be guilty if they use “threatening, abusive or insulting words or behaviour” and may be individually prosecuted for their actions, with risk of a fine or imprisonment.

2.6 Harassment includes, but is not limited to:

- Unwelcome or derogatory remarks or comments about a protected characteristic e.g. jokes, teasing and verbal abuse
- Unwelcome physical contact
- The display of offensive material e.g. pornographic pictures
- Offensive or suggestive gestures
- Demands for sexual favours
- Offensive or sexually explicit language
- Adverse comments, whether to their face or behind their backs
- Undignified treatment, ridicule or exclusion of people because of a protected characteristic
- Pressure to take part in religious activities
- Comments suggesting that people of a certain age are less able than others.

2.7 Bullying includes, but is not limited to:

- Insulting behaviour
- Threats
- Physical assault
- The intention of belittling someone through the misuse of power or position which leaves them feeling hurt or upset.

3 Dealing with complaints of Harassment and Bullying– informal action and advice

3.1 All allegations of harassment or bullying will be dealt with seriously, promptly and sensitively. Whilst allegations will be dealt with in confidence, complete anonymity cannot be guaranteed as this may not be practical during the course of resolution/investigation. Employees who

believe they have been harassed or bullied are encouraged to use this procedure. They should not fear victimisation. Retaliation against an employee who brings a complaint of harassment or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

- 3.2 Human Resources will provide confidential advice to anyone who believes they have been harassed or bullied about the best way to deal with the situation. Any employee who is not sure whether the behaviour from others that they are experiencing amounts to harassment or bullying should discuss the situation with the Human Resources.
- 3.3 In some cases it may be possible to rectify matters informally. Sometimes individuals are not aware that their behaviour is unwelcome or inappropriate and an informal discussion may be all that is required to ensure a greater understanding and the ceasing of the behaviour. The individual should initially undertake this discussion, although they may enlist the support of their manager or a member of the Human Resources.
- 3.4 Where an informal resolution is not possible then the employee should make a formal complaint as defined in the Grievance Procedure. Any complaint made out of malice will be a disciplinary issue.
- 3.5 Managers must ensure that any alleged harassment or bullying is investigated and action taken to prevent recurrence.

4 Formal action

- 4.1 Under the Grievance Procedure the allegation of harassment or bullying will be investigated promptly. Consideration will be given to the separation, whilst at work, of the complainant and the alleged harasser/bully, taking into account the views of the complainant. In serious cases the alleged harasser/bully may be suspended in order for the complaint to be investigated.
- 4.2 Once the investigation is complete we will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.
- 4.3 If a case of harassment or bullying is considered proven then action taken will follow the Disciplinary Procedure. The level of action taken will depend upon the seriousness of the harassment/bullying.
- 4.4 If the allegation is not proven, then consideration may be given to whether it is necessary to transfer or reschedule the work of both or either party, if it is considered that it would not be appropriate for either of you to continue to work in close proximity to each other.
- 4.5 If you bring a complaint of harassment or bullying, you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you. Insofar as possible, we will also take appropriate action against a third party harasser.

