Bullying & Harassment Policy

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Contents

1	Introduction	3
2	Scope & Purpose	3
3	The Legal Framework	3
4	What is Harassment	4
5	What is Bullying	5
6	Examples of Bullying & Harassment	6
7	Informal Steps	6
8	Raising a Formal Complaint	6
9	If you Witness Harassment or Bullying	6
10	Formal Investigations	7
11	Action Following the Investigation	7
12	Appeals	8
13	Protection and Support for Those Involved	8
14	Reporting Outcomes, Confidentiality, Record Keeping & GDPR	8
15	Training	9

1. Introduction

1.1 Synergy Multi-Academy Trust (the Trust) is committed to a work environment free of harassment and bullying, where everyone is treated with dignity and respect. The Trust takes a firm stance against bullying between pupils and it is important that all staff lead by example with their own behaviour.

1.2 Harassment and bullying can have very serious consequences for individuals and the Trust including loss of morale, poor work performance, increased turnover of staff, legal claims and damage to our reputation.

1.3 We will take allegations of harassment or bullying seriously and will take active steps to prevent and address them promptly and confidentially where possible. Harassment, or the bullying of any member of staff, or anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal. Anyone who is a victim of, or witness to, harassment or bullying is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Harassment and bullying can result in legal liability for both the organisation and the perpetrator, whether they work for us, or are a third-party outside of our control. Please note that we have a separate Preventing Sexual Harassment at Work Policy which should be used if you wish disclose or report incidences of sexual harassment.

1.4 This policy has been implemented after review by the recognised trade unions.

1.5 This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Scope & Purpose

2.1 The purpose of this policy is to set out a framework for the Trust to deal with any harassment, bullying or victimisation that occurs. All employees have a responsibility to role model good behaviours.

2.2 The policy sets out the types of behaviour that are unacceptable and covers bullying and harassment both in and out of the workplace such as on school trips, at school events or work-related social functions. This policy covers bullying and harassment by staff and also by third parties such as (but not limited to) suppliers, parents or visitors to the school premises.

2.3 This policy applies to all employees of the Trust, governors, trustees, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy). The policy does not apply to pupils or parents who consider they have been the subject of bullying or harassment by Trust employees, where separate complaints procedures apply.

2.4 Employees may make a complaint under this policy, the Preventing Sexual Harassment at Work Policy or the Grievance Procedure but not more than one of these policies/procedures.

3. The Legal Framework

3.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (protected characteristics). The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress. Further, the Worker Protection (Amendment of Equality Act 2010) Act 2023 places a responsibility on organisations to take reasonable steps to prevent sexual harassment in the workplace (see separate Preventing Sexual Harassment at Work Policy). Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.

3.2 Individual members of staff may in some cases be personally legally liable for harassment of colleagues or third parties (including pupils) and may be ordered to pay compensation by a court or employment tribunal.

4. What is Harassment?

4.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

4.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Unlawful harassment may involve conduct related to a protected characteristic (see 3.1) or of a sexual nature (sexual harassment - (see separate Preventing Sexual Harassment at Work Policy)). Harassment is unacceptable even if it does not fall within any of these categories.

4.3 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him/her. Harassment may also occur even if an individual does not have a protected characteristic but another individual engages in unwanted conduct towards them because:

- they perceive the recipient to have a protected characteristic; or
- they are associated with a person who does have a protected characteristic.

4.4 A single incident can amount to harassment. The fact that the perpetrator did not intend to harass the victim is not relevant to determining whether harassment took place.

4.5 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or in connection with the Equality Act 2010;
- Alleging that a person has contravened the Equality Act 2010.

4.6 Harassment and victimisation are unlawful and will not be tolerated. Either may lead to disciplinary action up to and including dismissal for gross misconduct if they are 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 us outside of a work situation, including on social media;
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

4.7 We will consider any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

4.8 If any harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

4.9 Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation from any third party including but not limited to parents, contractors and suppliers visiting the employer's premises, or where a person is visiting any third party premises or other location in the course of their employment.

4.10 Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to

report any third-party harassment they are a victim of, or witness, in accordance with this policy.

4.11 Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

4.12 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, terminating contracts with suppliers and sharing information with other schools.

5. What is Bullying?

5.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

5.2 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own. It is also recognised that differences of opinion, outbursts of bad temper etc. may occur from time to time in any normal working environment. We would normally expect our employees to resolve through informal processes rather than through the use of the formal procedure set out below.

6. Examples of Bullying & Harassment

6.1 Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Employees should always consider whether their words or conduct could be offensive. Conduct may be harassment or bullying whether or not the person behaving in that way intends to offend. Examples of unacceptable conduct include (this is not an exhaustive list):

- Unwanted physical conduct or 'horseplay' including touching, pinching, brushing past or against someone, invading their personal space and more serious forms of physical or sexual assault (see separate Preventing Sexual Harassment at Work Policy);
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- jokes or comments about an individual's age, disability, sexual orientation or religion, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings;
- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority, power or status by those in positions of seniority.

7. Informal Steps

7.1 If you think you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or another manager if the matter relates to your line manager), who can provide advice and assistance in resolving the issue formally or informally.

7.2 If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager (or another manager if the matter relates to your line manager) informally for confidential advice.

7.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

8. Raising a Formal Complaint

8.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to their line manager or other senior manager either school based or in the central team.

8.2 Where a Head of School feels bullied or harassed, they should raise the matter with the Deputy Chief Executive Officer or other senior manager in the Central Team.

8.3 If your complaint concerns the Chief Executive Officer, Deputy Chief Executive Officer, a Trustee, or an LGB member you should make your complaint known to the Chair of the People Committee.

8.4 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

8.5 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

9. If you Witness Harassment or Bullying

9.1 Staff who witness harassment or bullying are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so;
- Supporting the victim to report it or reporting it on their behalf;
- Reporting the incident to a manager where you feel there may be a continuing risk if you do not report it;
- Cooperating in any investigation into the incident.

9.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

10. Formal Investigations

10.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. Wherever possible the investigation will be conducted by someone with no prior involvement in the complaint. The investigation should be thorough, impartial, objective and carried out with sensitivity and due respect for the rights of all parties concerned.

10.2 We will arrange a meeting with you, usually within five working days of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given an indication of the timescales for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

10.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require and there is no alternative to suspension. The investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

10.4 Where your complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the Trust and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

10.5 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours, so as to avoid or minimise contact with the alleged harasser or bully.

10.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

10.7 At the end of the investigation, the investigator will submit a report to a designated senior manager nominated to consider the complaint. A copy of the report and findings will be given to you and to the alleged harasser or bully, together with recommendations for further action.

10.8 The designated senior manager will normally arrange a meeting with you, usually within ten working days of receiving the report, in order to discuss the outcome and what action, if any should be taken. You have the right to bring a colleague or a trade union representative to the meeting.

11. Action Following the Investigation

11.1 If the Head of School/ senior manager considers that harassment or bullying has occurred, prompt action will be taken to address it.

11.2 Where the harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

11.3 Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

11.4 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling or to change the duties, working location or reporting lines of one or both parties.

11.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

12. Appeals

12.1 If you are not satisfied with the outcome you may appeal in writing to the Director of People, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

12.2 We will hold an appeal meeting, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

12.3 We will confirm our final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

13. Protection & Support for those Involved

13.1 An employee who makes a complaint or who participates in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way may be subject to a disciplinary process.

13.2 If you believe you have suffered any such treatment you should inform your line manager or their line manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate. If the matter relates to sexual harassment, you should raise it formally using our Preventing Sexual Harassment at Work Policy.

13.3 Making a complaint or giving evidence that you know to be untrue may lead to disciplinary action being taken against you.

13.4 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action.

13.5 If a complaint is made against you, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

13.6 We offer access to confidential counselling, which is available for anyone affected by, or accused of, bullying or harassment. This is available via Employee assistance programme using the password "Norfolk".

14. Reporting Outcomes, Confidentiality, Record Keeping & Data Protection

14.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

14.2 Where appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

14.3 Information about a complaint by or about a staff member may be placed on their personal file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

14.4 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept on the employee's personal file in accordance with our Privacy Notice. This will include information about a complaint along with a record of the outcome and of any notes or other documents compiled during the process.

14.5 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

15. Training

15.1 All new starters must attend equity, diversity and inclusion training as part of their induction programme.

15.2 Thereafter, every current employee must attend regular equity, diversity and inclusion training on a regular basis, as determined by the Trust.