



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Bullying and Harassment Policy

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1. Introduction

It is our duty to anticipate scenarios when members of staff may be subject to bullying or harassment in the course of employment, to take action to prevent such bullying or harassment taking place, and to ensure that all of the Trust's staff are treated, and treat others, with dignity and respect, free from harassment or other forms of bullying. The preventative duty only applies to sexual harassment and does not cover harassment related to protected characteristic.

This policy is designed to help and encourage all employees to achieve and maintain appropriate standards of behaviour and conduct. It provides a method of dealing with apparent shortcomings in conduct, and its main purpose is to encourage an employee whose conduct is unsatisfactory to improve. This policy does not form part of the terms and conditions of any employee's employment with the Trust and is not intended to have contractual effect. However, it reflects the Trust's current practices and employees are strongly encouraged to familiarise themselves with its content.

This policy will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status.

The policy is written in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice as well as the Equality Act 2010.

All proceedings under this policy shall be held in private and shall be confidential.

2. Scope of Policy

The policy applies to every individual working for the school or Trust irrespective of their status, level or grade. This policy covers harassment or bullying which occurs both in and out of the workplace, such as on school trips or at events or work-related social functions. It covers bullying and harassment by staff and also third parties such as students, parents, suppliers, governors or visitors to the school.

This policy should be read in conjunction with the Trust Equal Opportunities and Diversity Policy (TLT-SP-005-I), Whistleblowing Policy (TLT-SP-007-E), Grievance Policy and Procedure (TLT-SP-002-I) and Disciplinary Policy and Procedure (TLT-SP-001-I).

Harassment or bullying by a member of staff will be treated as misconduct under the Disciplinary Policy and Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with bullying and harassment. The Trust recognises that bullying and harassment rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Trust HR team are responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

The Headteacher has overall responsibility for promoting and maintaining standards of work conduct within each school and the Trust CEO has overall responsibility for promoting this across the Trust.

Line Managers and Heads of Department are responsible for being the first point of contact for raising an allegation of bullying or harassment and are responsible for taking all necessary informal action to resolve any conflict or concern within their team or department.

Formal action should be managed in line with the responsibilities in the Grievance Policy.

All efforts should be made by employees to attend meetings that constitute part of this policy.

4. Representation

Employees have a statutory right to be accompanied at formal meetings/hearings by their trade union representative or a workplace colleague. The Trust will extend this right and allow for employees to be accompanied at all informal meetings as part of the disciplinary procedure.

The employee is responsible for arranging their representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

5. Definition of Bullying and Harassment under this Policy

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined and 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.

Bullying can take the form of physical, verbal and non-verbal conduct.

Bullying may include, but is not limited to;

- 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 or power by those in positions of seniority;
- Deliberately excluding someone from meetings or communications without good reason;
- Personal intrusion through pestering, spying and stalking either in person or online;
- Persistent unwarranted criticism;
- Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events.

Bullying does not include legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers in the course of their employment.

Harassment

In discrimination law (Equality Act 2010) there are three types of harassment:

- harassment related to certain 'protected characteristics';
- sexual harassment;
- less favourable treatment as a result of harassment.

Harassment and bullying are often confused. Bullying behaviour can be harassment if it meets the definitions in this policy or in the Equality Act 2010.

It is possible that serious harassment could also be a hate crime.

Harassment related to a protected characteristic

This type of harassment is unwanted behaviour related to any of the following protected characteristics:

- Age;
- Disability;
- Gender reassignment;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation.

To be harassment, the unwanted behaviour must have either violated the person's dignity, or created an intimidating, hostile, degrading, humiliating or offensive environment for the person.

It can be harassment if the behaviour has one of these effects even it was not intended, or intended to have one of these effects even if it did not have that effect.

What unwanted behaviour is

Unwanted behaviour can include:

- a serious one-off incident;

- repeated behaviour;
- spoken or written words, banter, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person;
- facial expressions;
- contact on social media.

The person being harassed might feel:

- disrespected;
- frightened;
- humiliated;
- insulted;
- intimidated;
- threatened.

It can still be against the law even if the person being harassed does not ask for it to stop.

Sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature.

Someone who thinks they've been sexually harassed does not need to show it was because of their sex or sexual orientation. Examples could include:

- Sexual comments or jokes;
- Sexual gestures;
- Displaying sexually graphic pictures, posters or photographs;
- Suggestive looks, staring and leering;
- Propositions and sexual advances;
- Making promises in return for sexual favours;
- Intrusive questions about a person's private or sex life;
- Sexual posts or contact on social media;
- Spreading sexual rumours about a person;
- Sending sexually explicit emails or text messages;
- Unwelcome touching, hugging, massaging or kissing.

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

Less favourable treatment as a result of harassment

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment;

- harassment related to sex;
- harassment related to gender reassignment.

6. Preventing Sexual Harassment

The Trust will take all reasonable steps to ensure that no member of staff experiences sexual harassment from another member of staff or a third-party. This includes communicating this policy to all staff and ensuring it is covered within a Trust induction process.

The Trust will carry out risk assessments to identify where sexual harassment may occur and the steps that will be taken to prevent it. Risk assessments should be reviewed annually as a minimum, however may be required more frequently if situations within the Trust change.

The Trust will ensure that all employees complete training relating to preventing sexual harassment as part of their induction into the Trust, and will ensure this is refreshed annually.

7. Third Party Bullying and Harassment

Third-party bullying and harassment occurs when a member of our workforce is subjected to bullying or harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our parents, suppliers, members of the public, contractors, agency workers etc.

Third-party bullying or harassment of our workforce is unlawful and will not be tolerated. The law requires the Trust to take steps to prevent bullying or harassment by third parties and we are committed to doing so.

In order to prevent third-party bullying or harassment from occurring, we will inform third parties (i.e. suppliers) of our zero-tolerance bullying and harassment policy as part of the visitor declaration signed upon entry to one of our sites.

If you have been subjected to third-party bullying or harassment, you are encouraged to report this as soon as possible to your Line Manager or Head of Department or email the HR Team on hr@triumphlearning.org.

Any criminal acts will be reported to the police.

8. Protection from Victimisation

The Trust will take all reasonable steps to ensure that any member of staff who makes a complaint or who participates in any investigation conducted under this policy in good faith will be protected from any form of intimidation or victimisation as a result of their involvement.

Victimisation is treating someone less favourably than others because they have in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or another member of Staff, or has supported someone to make a complaint or given evidence in relation to a complaint.

Provided that a member of staff acts in good faith, i.e. that they genuinely believe that what they are saying is true, they have the right not to be victimised for making a complaint or

doing anything in relation to a complaint of bullying or harassment and the Trust will take appropriate action to deal with any alleged victimisation which may include disciplinary action against anyone found to have victimised that member of staff.

Any member of staff who considers that they have been subjected to any such intimidation or victimisation should seek support from their Line Manager/Head of Department or a member of the Trust HR team. They may alternatively or additionally raise a complaint in writing under the Trust Grievance Policy.

Any member of staff who is, after investigation, found to have provided false information or to have acted in bad faith will be subject to disciplinary action under the Trust's disciplinary procedure.

9. If You Witness Bullying or Harassment

If you witness bullying or harassment, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk or harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been bullied or harassed and encouraging them to report the incident or reporting the incident yourself.

If reporting the incident, you should bring the matter to the attention of their Line Manager, Head of Department or Headteacher.

10. Informal Action

Depending on the circumstances, if you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable.

If you do not feel comfortable raising this issue with them directly, or your attempt has been unsuccessful, you should speak to your Line Manager or Head of Department about resolving this issue informally with their support. Line Managers should follow the Grievance policy in conjunction with this policy for guidance on how to take informal action.

If you are in any doubt as to whether an incident or series of incidents amount to bullying or harassment within the scope of this policy, then in the first instance you should approach either your Line Manager/Head of Department or a member of the Trust HR team confidentially, on an informal basis, for advice.

If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure detailed in the grievance policy.

11. Formal Action

To raise a formal grievance under this policy you should follow the procedure detailed in the Trust Grievance Policy.

The written grievance should contain:

- The name of the harasser or bully;
- The nature of the harassment or bullying;
- The date(s) and time(s) when the harassment or bullying occurred;
- The names of any witnesses;
- Any action taken so far to attempt to stop the harassment or bullying.

12. Suspension

It may be necessary for the Trust to suspend an employee whilst an investigation is taking place into bullying and harassment. Any suspension will be no longer than is reasonably necessary and will be on full pay and from all performance of duties.

Suspension is a neutral act and is not disciplinary action.

Measures such as a temporary change in work pattern or line management change be considered as an alternative to suspension.

Decisions on a suspension should be taken in line with the Trust Disciplinary Policy.

13. Bullying and Harassment Grievance Outcomes

Following your grievance meeting/s and any investigation carried out, the person appointed to determine the outcome of your grievance will write to you to inform you of the outcome of your grievance and if appropriate any further action that the Trust intends to take to resolve the grievance.

Where appropriate we may hold a further meeting to give you this information in person. The Trust will also remind you of your right of appeal.

Disciplinary Action

Where the investigation has highlighted that disciplinary action may be necessary, the process contained within the disciplinary policy must be followed for that employee. Confidentiality will be maintained for all parties and it will not be possible to inform the complainant about the disciplinary action taken where it relates to another individual.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

Mediation

Mediation involves an independent, impartial person working with both sides to find a solution and may be used at any stage of the process. The mediator may be someone from inside or outside the organisation. Mediation is a voluntary process. The Trust and the parties involved in the process may consider that mediation may help resolve the grievance and ask those involved to participate to resolve the issue.

14. Duty of care

The Trust recognises that employees making grievances of this nature may find the process outlined in this policy difficult or stressful and may already be in a challenging work situation. Those leading any such process will be expected to take active steps to ensure that support

mechanisms are identified and offered as appropriate on a case-by-case basis, including encouraging the employee to seek advice and support from their line manager or another senior member of staff, or their Trade Union representative, and providing details of the Trust's employee assistance programme who can provide wellbeing support throughout the process.

We will not tolerate bullying or harassment by any member of our workforce against a third party. Instances of bullying or harassment of this kind may lead to disciplinary action, and where this amounts to gross misconduct could result in termination of employment.

15. Record keeping

Managers and panels must keep written records of meetings and discussions relating to the grievance process. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file.

Written grievances will be placed on an employee's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed lawfully in accordance with Data Protection principles.

16. Appendices

Appendix 1	Guidance if you are accused under this Policy
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Appendix 1 – Guidance if you are accused under this Policy

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you consider that you were only joking or because you think the complainant is being too sensitive.

Staff should remember that different people find different things acceptable and perceptions can differ significantly from individual to individual. It is possible that you may have offended someone without intending to do so. If this 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 the future not to behave in a way that you know might cause offence. Provided that you do not repeat the behaviour that causes offence, this may well be the end of the matter.

Where a colleague has attempted to address the matter with you informally, appropriately and in good faith, any failure on your part to respond in kind or to take proactive steps to prevent future occurrences will be taken into account should disciplinary proceedings subsequently be instigated against you.

All members of staff are reminded that taking the time to listen and communicate constructively with colleagues at an early stage may prevent matters from escalating to the level where formal grievance and disciplinary procedures may need to be instigated. It is therefore in both party's clear interests to seek to resolve the matter amicably, cooperatively and constructively.

If a formal complaint is made about you, this will be fully investigated and the Trust may bring disciplinary proceedings if appropriate. Complaints of bullying and harassment will often be allegations of misconduct or gross misconduct which if proven could lead to dismissal or summary dismissal (termination of your employment with the Trust without notice). You may be suspended on full pay during the investigation and (if a disciplinary hearing is to be called) until disciplinary proceedings have been concluded.

Members of staff should refer to the Trust Disciplinary Policy for further information.

The Trust will treat complaints of bullying and harassment sensitively and will endeavour to maintain confidentiality as far as reasonably practicable whilst discharging its duties under this policy.

As above, allegations which prove to be made in bad faith or maliciously will be treated as potential disciplinary offences in themselves under the Trust's Disciplinary Policy.