

DEMAT Bullying and Harassment Policy

In the development of this policy consideration has been given to the Equality Act and Data Protection.

Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers and contractors.

Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

	Version	Date
Date on which DEMAT consulted with unions	1	October 2019
Date approved by DEMAT Personnel Committee	1	November 2019
Effective date of policy being fully adopted by DEMAT	1	November 2019
Policy to be reviewed by DEMAT Personnel Committee	1	September 2021

For all questions in relation to this policy please contact the DEMAT HR Manager on 01353 656760 or contact the HR team at: HRteam@demat.org.uk

Definitions

“Headteacher” also refers to any other title used to identify the Headteacher where appropriate.

“Senior Manager” refers to any Directorate or senior manager within DEMAT. This may be either in the Shared Service Team or within a constituent academy.

“Employee” refers to any member of staff, namely teaching, support and staff within the Shared Service Team, employed to work within DEMAT.

“Companion” refers to a person chosen by the employee to accompany them, who shall be a trade union representative or a workplace colleague.

“Adviser” refers to any relevant DEMAT senior manager duly appointed to the role by the CEO.

In cases relating to employees within the DEMAT shared service team, the term ‘Chair of Governors’ or ‘Governor’ to be replaced by DEMAT Director or senior manager. The CEO may exercise discretion in appointing a Director or senior manager to deal with school-based issues, depending on circumstances (e.g. impartiality, capacity to carry out a prompt investigation).

Application of the Policy

This policy is to be used by all employees employed by DEMAT. The above definitions are included for reference purposes for both School and employees within the Shared Services Team to enable clarity and transparency when applying this policy.

Associated DEMAT policies

- Equality and diversity policy
- Grievance policy
- Flexible working policy
- Disciplinary policy and rules

DEMAT HR policies can be accessed via our website at: www.demat.org.uk/school-policies

1 Introduction

- 1.1 DEMAT seeks to ensure that all staff are treated and treat others with dignity and respect, free from harassment and bullying. Staff should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.2. We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. All employees, governors and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. 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.
- 1.3. This policy covers bullying or harassment which occurs both in and out of the workplace, such as on school visits, or at events, or work-related social functions and on social networking sites. It covers bullying and harassment by staff, governors and volunteers and also by third parties such as suppliers or visitors, which includes parents.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time following consultation with recognised trade unions.

2 What is Harassment?

- 2.1 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. A single incident can amount to harassment.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (including, colour, nationality, ethnic or national origin), religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.4 Harassment may include, for example:
 - 2.4.1 unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - 2.4.2 unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
 - 2.4.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 2.4.4 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);

- 2.4.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - 2.4.6 mocking, mimicking or belittling a person's disability;
 - 2.4.7 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - 2.4.8 outing or threatening to out someone as gay or lesbian; or
 - 2.4.9 ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 2.5 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 them.

3. What is bullying?

- 3.1 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.
- 3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- 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; or
 - deliberately excluding someone from meetings or communications without good reason.
- 3.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

4. Informal Process

- 4.1 If you are being bullied or harassed, you must attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every member of the school community has personal rights and this includes being made aware that their attention or behaviour is perceived by another as bullying or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behaviour on the recipient. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.
- 4.2 If you would find it too difficult or embarrassing to speak directly with the other person, then you should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.
- 4.3 If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, you should follow the formal procedure set out below.

5. Formal Procedure

- 5.1 This process follows the school's grievance procedure which cannot be used in addition to, or substitution of, it for the same complaint.
- 5.2 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.
- 5.3 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.
- 5.4 Where the grievance procedure is invoked as a result of a complaint about bullying or harassment, a manager (usually your direct line manager, unless the complaint is against them or where they have involvement in the complaint) must be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner.
- 5.5 The manager (Investigating Officer for these purposes) will arrange a meeting with the complainant (you), usually within 7 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 trade union representative of your choice, who must respect the confidentiality of the investigation. There may be further meetings with you as appropriate throughout the investigation.
- 5.6 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. The investigating officer will also meet with the alleged harasser or bully who may also be accompanied by a work colleague or trade union representative of their choice to hear their account of events. They have a right to be told the full details of the allegations against them, so that they can respond.
- 5.7 Where your complaint is about someone other than an employee, such as a contractor 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 school and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

- 5.8 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation.
- 5.9 It is likely to 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.
- 5.10 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.
- 5.11 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to harassment and/or bullying. The Investigation Report should include;
- the terms of reference of the report
 - the complainant's account of the incident(s) and the effects
 - a response from the person identified by the complainant
 - evidence from staff in the same work area or any other relevant areas where incidents of harassment or bullying may have occurred.
 - a conclusion as to whether there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment e.g. deterioration of work performance or health, lack of career development, denial of opportunities etc.
- 5.12 At the end of the investigation the Investigating Officer will submit a report to a senior manager nominated to consider the complaint. The senior manager will arrange a meeting with you 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. A copy of the report and the senior manager's findings will be given to you and to the alleged harasser in a reasonable timeframe, that will be communicated with you.
- 5.13 The appointed senior manager will consider the investigation report and conclude whether:
- they consider that harassment or bullying has occurred, in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure
 - less formal action is appropriate, but some form of mediation or counselling is required for one or both parties
 - any short-term or long-term relocation or change in duties or reporting structure is required
- 5.14 If you remain dissatisfied with the outcome, the remaining stage(s) of the grievance procedure (as outlined in DEMAT's Grievance Policy) may be invoked.

6. Protection and support for those involved

- 6.1 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.
- 6.2 If you believe you have suffered any such treatment you should inform your line manager or other senior manager. If the matter is not remedied, you should raise it formally using this procedure.
- 6.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure may be subject to disciplinary action in accordance with DEMAT's Disciplinary Policy.

7. Confidentiality and data protection

- 7.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. 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.
- 7.2 Information about a complaint by or about an employee may be placed on the employee's personnel 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.
- 7.3 A breach of confidentiality may give rise to disciplinary action which will be investigated in accordance with our Disciplinary Policy.

8. Who is responsible for this policy?

- 8.1 Trustees have overall responsibility for the effective operation of this policy but have delegated day-to-day responsibility for overseeing its implementation to senior leaders.
- 8.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- 8.3 Staff should disclose any instances of harassment or bullying of which they become aware to their line manager or senior leader. If the issue involves those parties, details should be shared with the Trust HR Manager.
- 8.4 Questions about this policy and requests for training or information on dealing with bullying or harassment can be directed to the Trust HR team in the first instance.

9. Monitoring and review of the policy

- 9.1 This policy is reviewed every 2 years.

- 9.2 Following an investigation under this policy, the relevant senior manager and investigator involved should consider whether this policy has been effective in addressing the issues and report any problems or suggestions for improvement to the Trust HR Manager.