

ANTI BULLYING AND HARASSMENT POLICY

Learning Academies Trust

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LEARNING
ACADEMIES TRUST

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CHANGES

Policy date	Summary of change	Author	Version	Review date
16/03/2023	Policy has been created.	Amy Bosworth HR Business Partner	1.0	16/03/2024

1. INTRODUCTION

Learning Academies Trust is committed to providing a safe and healthy working environment. This includes an environment that is free from bullying, harassment, discrimination and victimisation, where every employee is treated with respect and dignity and where no employee feels threatened or intimidated for any reason. All employees are responsible for treating their colleagues with respect and dignity and every employee should consider whether their words or conduct could be offensive to others. Harassment, victimisation, discriminatory and bullying behaviour may not always be intentional, but it is never acceptable.

The purpose of this policy which applies to all employees, is to stop harassment, bullying, discrimination or victimisation within the workplace. The term 'harassment' will be used to encompass harassment, bullying, discrimination and victimisation from this point forward.

A complaint of harassment is a type of grievance; therefore, this policy is the same as and used in conjunction with the Grievance Policy, with additional information provided on how to handle a complaint of harassment.

Harassment at work is inappropriate behaviour, it will not be permitted or condoned, and serious cases will be treated by Learning Academies Trust as misconduct, which may include gross misconduct warranting dismissal. Complaints of harassment will be dealt with sensitively, discretely and as quickly as possible.

Employees raising a complaint of harassment should be able to do so without fear of victimisation. All those involved have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.

All cases will be dealt with in a non-discriminatory and consistent way. The Investigating Officer and the Chairperson of the Grievance Hearing will be responsible for ensuring this.

The employee has the right to be accompanied by a work colleague or represented by a Trade Union Representative or professional representative during all stages of the procedure.

Employees who witness unacceptable behaviour should where possible challenge it. Learning Academies Trust may vary its Anti Bullying and Harassment Policy, where it is appropriate to do so, in order to comply with its statutory duty and to provide an effective procedure.

2. DEFINITION OF HARASSMENT

Harassment consists of unwanted conduct affecting the dignity of women and men in the workplace. It includes unwelcome physical, verbal and non-verbal conduct and may amount to unlawful discrimination.

Harassment can involve a single incident or be persistent, it may be directed at one or more individuals, and may be related to race, sex, disability, age, religion, belief or non-belief, sexual orientation, or marriage and civil partnership.

Harassment can take place when an individual is discriminated against because of individuals they associate with. Harassment can also take place if others wrongly believe that the individual has a certain characteristic e.g., they harass the individual because of their sexual orientation but their assumptions are incorrect.

Harassment does not always come from individuals within the organisation; it may come from a third party such as a parent or an outside agency. Where a complaint of harassment is made in this instance Learning Academies Trust will endeavour to take reasonable steps to prevent harassment from happening again.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, humiliated and threatened. It includes persistent criticism and personal abuse and/or ridicule, either in public or private, which is humiliating or demeaning. Bullying behaviour can also include berating or belittling employees, unreasonably changing an employee's workload, hours, or place of work without their knowledge/agreement.

Unwanted physical contact includes unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault or sexual assault.

Unwanted verbal conduct includes unwelcome advances, such as repeated requests for 'dates', patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language which refer to an individual's or group's race, sex, disability, religion, belief or non-belief, age, or sexual orientation etc.

Unwanted non-verbal conduct includes, graffiti referring to individual characteristics or private life, abusive or offensive gestures, leering, whistling at someone i.e., 'wolf whistles', displaying pornographic or

suggestive literature, pictures, or films/videos or inappropriate use of computers including email for this purpose.

Victimisation consists of treating an individual or group of individuals less favourably than others in the same or similar circumstances because they have made a complaint or allegation of discrimination, have acted as a witness or informant in connection with any harassment cases.

The above list is not exhaustive. What constitutes harassment is specific to individuals and relates to their feelings of dignity and respect.

Further information can be found on the ACAS website in particular the links below might be helpful:

[ACAS guide for managers and employers](#)

[ACAS guide for employees](#)

3. IN SCOPE

This policy applies to all Learning Academies Trust employees.

4. OUT OF SCOPE

The Anti-Bullying and Harassment Policy does not apply in the following cases:

- Where the employee has not submitted their complaint following legislative requirements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.
- Where the case has already been heard and there is no new evidence.

5. PRINCIPLES

Complaints of harassment will be handled as quickly, and fairly as possible and informal complaints will be resolved by the School's Headteacher. If the complaint concerns the Headteacher, then the Chair of Governors will try and informally resolve the matter. Timescales specified will apply unless varied by agreement between both parties.

6. INFORMAL PROCEDURE

Informal procedures will follow the Trust's [Grievance Policy](#).

SUMMARY OF PROCEEDINGS

Steps that may be taken as part of the informal procedure include:

- Unaccompanied discussion between those individuals directly involved
- Discussion between those individuals directly involved supported by a line manager
- Discussion between those individuals directly involved supported by the Headteacher
- Discussion between those individuals directly involved supported by the Chair of Governors
- Line manager, Headteacher, Chair of Governors acting as intermediary between those parties directly involved

During the above meetings, a request from the employee for trade union involvement will not be unreasonably refused.

In all but the most serious circumstances employees are strongly encouraged to raise their complaint informally in the first instance. Raising a complaint informally will not devalue the importance of the matter. Seeking to address a complaint informally should provide the opportunity for open honest discussion that could lead to an early resolution before the matter escalates further.

Employees should in the first instance, and where practicable to do so, take all reasonable steps to resolve their concerns as close to the source as possible. Where reasonable and practicable to do so this should be directly with those other individuals involved. Where necessary this may follow a conversation with the Headteacher or other senior member of staff to check this course of action is appropriate in the circumstances. The informal input and involvement of the Headteacher or other senior member of staff may be agreed at this stage. Employees who feel unable to discuss their concerns directly with other individuals involved should approach their line manager or Headteacher, verbally or in writing, to request their input. Where an employee feels the informal input of their line manager or Headteacher is not reasonable or practicable, they may approach the Chair of Governors.

Any individual approached directly or indirectly, verbally or in writing, about a complaint will take all reasonable steps to help resolve the complaint whilst maintaining confidentiality. Maintaining confidentiality does not prevent advice, if necessary, being taken from senior colleagues or a union representative. If the matter is satisfactorily resolved at this stage, the Headteacher will be informed, and a note of the outcome placed on the aggrieved employee's file.

In the event of a complaint being raised against the Headteacher or member of the senior leadership team the employee may, if they wish, bring this to the attention of the Chair of Governors who will then make arrangements to resolve the matter informally.

If the aggrieved employee feels their complaint has not been satisfactorily resolved through informal discussions, the matter may be moved into the formal procedure.

7. FORMAL PROCEDURE

Formal procedures will follow the Trust's [Grievance Policy](#).

SUMMARY OF PROCEEDINGS

7.1 Statement of Complaint

An employee who wishes to raise a formal harassment complaint should put their complaint formally, in writing without unreasonable delay, to the Headteacher specifying the nature of their complaint. Where the complaint is about their Headteacher, the complaint should be raised to the Chair of Governors. The employee should indicate, as part of their formal written statement, all relevant facts and information regarding the complaint and what outcome they are seeking.

The Headteacher/Chair of Governors will acknowledge the complaint in writing within 5 working days and will arrange a meeting to take place within a further 5 working days.

7.2 Formal Meeting

The Headteacher will arrange a meeting with the aggrieved employee within 10 working days of receipt of the formal complaint. The employee will be invited to be accompanied by a union representative or work colleague. In the event of a union representative being unable to attend on the date given a suitable alternative date will be agreed usually within the following 5 working days. In exceptional circumstances, a longer period may be granted in order to facilitate union representation.

Unreasonable and lengthy delays caused by the non-availability of a representative will not be accepted and the school will reserve the right to proceed with a formal meeting in the absence of a chosen representative, where such a delay is considered not to be in the interests of the aggrieved employee or the school.

The Headteacher will lead the meeting and ensure the employee has a full opportunity to explain their complaint and how they believe the matter can be resolved. A member of the Trust HR team may also be invited to support for advice.

The Headteacher will then commission an investigation into the complaint.

7.3 Investigation

The Headteacher will appoint an Investigating Officer to carry out an investigation. The Investigating Officer will establish the facts relating to the complaint, by meeting with relevant witnesses and other actions necessary. All investigations will be conducted in a timely and confidential manner, in the presence of notetaker to ensure an accurate record of each meeting.

On receipt of the investigation report the Headteacher will convene further meetings with the parties involved if required. Reasonable notice of follow-up meetings will be given, and a copy of the investigation report findings will be provided to the aggrieved employee in advance. At the conclusion of the final meeting, decisions and outcomes will be conveyed verbally and followed up in writing within 3 working days.

If necessary, the Headteacher will convene a panel of 3 governors for a Hearing, normally within 10 working days, of the investigation being completed.

7.4 Suspension

Where it is deemed necessary, or it is in the interests of either party or work colleagues, one or both/all of the parties might, without prejudice to the outcome, be moved to another work location. In extreme cases, one or both parties may be suspended on full pay, if it is necessary to facilitate the investigation. Suspensions will be confirmed in writing providing details for suspension and duration.

7.4 Hearing

If a decision is not easily reached, the report will be presented to a panel of 3 governors at a grievance hearing. The report will be shared with appropriate parties at least 5 working days prior to the hearing (or more if the report is lengthy).

The employee should take all reasonable steps to attend the Hearing. If the employee is unable to attend the hearing and can provide reasonable grounds for not being available, an alternative date will be arranged, normally within 5 working days. If the reasons are medical, then a medical certificate will need to be submitted by the employee. Failure to attend a hearing without reasonable justification will be investigated and appropriate action taken.

At the hearing the employee will be given an opportunity to discuss their complaint. After the hearing, the Chairperson will provide the outcome in writing, normally within five working days. The aggrieved employee has the right to appeal the outcome.

7.5 Potential Outcomes

- The complaint is upheld, or part upheld, and the panel seeks to provide some sort of resolution
- The complaint is not upheld

The employee will be given the decision either on the day of the hearing or within 5 working days of the hearing date. Should further clarification be needed in order for the panel to make a decision, timescales will be agreed during the hearing.

7.6 Written Confirmation

Within a reasonable timeframe, normally within five working days of the hearing, the Chair of the Panel must provide a written statement of the panel's findings, their decision including the reasons for upholding or rejecting the complaint, any agreement reached and what, if any, actions are to be taken. This statement must be sufficiently detailed so the employee can understand the reason for the decision. The letter should also provide details of who the employee should submit an appeal to. The employee who raised the complaint has five working days from receipt of the letter in which to submit an appeal.

7.7 Appeal

If the employee wishes to appeal, they must formally write to the designated person advising of their grounds for appeal. This must be received within 5 days of receiving written confirmation of the outcome of the hearing. The decision made at the Appeal Hearing is the final stage of the procedure.

8. PROCEDURE FOR PEOPLE WHO HAVE LEFT THE TRUST

An employee who has left employment and wishes to raise a complaint, should write to their Headteacher, setting out their complaint as soon as possible after leaving employment, preferably within two weeks. Governors will reserve the right not to consider complaints received longer than 3 months after the date employment ceased. Where the complaint is about their Headteacher, the complaint should be raised to the Chair of Governors.

The Headteacher/Chair of Governors will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

9. KEEPING RECORDS

Written records will be kept in accordance with Learning Academies Trust's 'Retention and Disposition Schedule' and the Data Protection Act 1998.

Records should include:

- The nature of the harassment
- A copy of the written complaint
- The Headteacher or governors' response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Subsequent developments

All records will be treated as confidential. Copies of notes will be given to the employee. In certain circumstances, for example to protect a witness, the school might withhold some information. If witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed. Confidentiality of the employees' identity therefore cannot be guaranteed.

10. SUPPORT AVAILABLE FOR EMPLOYEES

Employees can approach their Headteacher for support and can self-refer to the Trust's counselling service. Alternatively, employees who are a member of a Trade Union may wish to contact their Trade Union Official or professional representative.

11. FURTHER GUIDANCE

If you would like further guidance on how to handle a harassment complaint, please contact the Trust HR Team hr@learningat.uk.

I can confirm that the Trust Board of the Learning Academies Trust have adopted this policy as their own.

Date of Meeting	
Signature of Chair of Trust Board	
Review Cycle	
Date of Next Review	
Ratification at Trust Board Meeting	