

The Heath Family (NW) Multi Academy Trust
Anti-Harassment and Anti-Bullying Policy

Date completed: 1 st September 2015	Date amended: 11th October 2018 Date reviewed (policy in force from): 15 th November 2018
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As with all of its policies, The Heath Family (North West) would always advocate that any staff member considering this policy seeks the advice of their Professional Association/Trade Union if they have any doubts as to its implementation. Such contact will likely increase the effective use of this policy as a result.

1 SCOPE AND PURPOSE

- 1.1 Within all of our schools, The Heath Family (NW) Multi Academy Trust is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated and treat others with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
- 1.2 This policy covers harassment or bullying which occurs both in and out of the work environment, such as on trips or at events or work-related social functions. It covers bullying and harassment by staff and also by third parties such as parents of pupils, suppliers or visitors to any of our sites.
- 1.3 Staff must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.4 The Trust takes allegations of harassment or bullying seriously and will address them promptly and confidentially where possible. Harassment or bullying by staff will be treated as misconduct under the Trust's Disciplinary Policy. In some cases it may amount to gross misconduct leading to summary dismissal.
- 1.5 This policy does not form part of any employee's contract of employment and the Trust may amend it at any time or depart from it where considered appropriate.
- 1.6 In this policy references to personnel/bodies are to the personnel/bodies present within the establishment at which the particular employee reviewing the policy is engaged.

2 WHO IS COVERED BY THE POLICY

- 2.1 This policy covers all individuals working for the Trust or at any of the Trust's premises irrespective of their status, level or grade. It therefore includes all teachers, support staff, members of the Senior Leadership team, Governors, Trustees, officers, consultants, contractors, trainees, homeworkers, casual and agency staff and volunteers (collectively referred to as staff in this policy).

3 WHO IS RESPONSIBLE FOR THIS POLICY?

- 3.1 The Trust has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the School Principal/Head of School/Head Teacher.
- 3.2 The Senior Leadership Team within each school 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. Managers will be given training in order that they may do so.

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- 3.3 Staff should disclose any instances of harassment or bullying of which they become aware to the appropriate person, as laid out within the table below:

The individual whom the disclosure relates to:	Report to:
Chief Executive Officer of the Trust	The Chair of the Trust Board
A member of the Trust central team (if not the Chief Executive Officer)	Chief Executive Officer of the Trust
The Principal/Head of School	Chief Executive Officer of the Trust
Your line manager (if not the Principal/Head of School)	The Principal/Head of School
Any other person	Your Line Manager

- 3.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Principal/Head of School/Head Teacher.

4 WHAT THE LAW SAYS

- 4.1 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. For more information, see the Trust's Equal Opportunities Policy.
- 4.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which an individual knows or ought to know would be harassment, which includes causing someone alarm or distress.
- 4.3 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 4.4 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

5 WHAT IS HARASSMENT?

- 5.1 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.
- 5.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 5.3 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, 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.

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- 5.4 Harassment may include, for example:
- 5.4.1 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;
 - 5.4.2 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;
 - 5.4.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 5.4.4 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);
 - 5.4.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - 5.4.6 offensive e-mails, text messages or social media content;
 - 5.4.7 mocking, mimicking or belittling a person's disability;
 - 5.4.8 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - 5.4.9 outing or threatening to out someone as gay or lesbian; or
 - 5.4.10 ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 5.5 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. It is important to understand and appreciate that a person's perception is a relevant consideration and therefore even if an employee would not have found the behaviour unacceptable themselves, it can still amount to harassment when judged objectively.

6 WHAT IS BULLYING?

- 6.1 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.
- 6.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- 6.2.1 shouting at, being sarcastic towards, ridiculing or demeaning others;
 - 6.2.2 physical or psychological threats;
 - 6.2.3 overbearing and intimidating levels of supervision;
 - 6.2.4 inappropriate and/or derogatory remarks about someone's performance;

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6.2.5 abuse of authority or power by those in positions of seniority; or

6.2.6 deliberately excluding someone from meetings or communications without good reason.

6.3 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.

7 INFORMAL STEPS

7.1 If a member of staff is being bullied or harassed, they should initially consider raising the problem informally with the person responsible, if they feel able. The member of staff should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult or embarrassing, the member of staff should speak to their line manager or member of the Senior Leadership Team, who can provide confidential advice and assistance in resolving the issue formally or informally.

7.2 If staff are not certain whether an incident or series of incidents amount to bullying or harassment, they should initially contact their line manager/member of Senior Leadership Team informally for confidential advice.

7.3 If informal steps have not been successful or are not possible or appropriate, the procedure in the Trust's Grievance Policy should be followed at Stage 1.

8 ACTION FOLLOWING THE STAGE 1 GRIEVANCE INVESTIGATION

8.1 If evidence is found that harassment or bullying has occurred, prompt action will be taken to address it.

8.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust's Disciplinary Policy.

8.3 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.

8.4 Whether or not a grievance under this policy is upheld, the Governing Body will consider how best to manage the on-going working relationship between the member of staff 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.

8.5 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 Trust's Disciplinary Policy.

9 PROTECTION AND SUPPORT FOR THOSE INVOLVED

9.1 Staff 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.

9.2 If a member of staff believes that they have suffered any such treatment, they should inform their line manager/member of the Senior Leadership Team,. If the matter is not remedied, it should be raised formally using the Trust's Grievance Procedure or this procedure if appropriate.

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- 9.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under the Trust's Disciplinary Policy.

10 CONFIDENTIALITY AND DATA PROTECTION

- 10.1 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.
- 10.2 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 the Trust's Data Protection Policy (updated to reflect GDPR).
- 10.3 Breach of confidentiality may give rise to disciplinary action under the Trust's Disciplinary Policy.

11 MONITORING, EVALUATION AND REVIEW

- 11.1 The policy will be promoted and implemented throughout the Trust.
- 11.2 Each school within the Trust will monitor the operation and effectiveness of arrangements referred to in this policy.
- 11.3 The Trust will review this policy periodically to reflect current legislation or at the request of any recognised stakeholder of the Trust.