

# **Bullying and Harassment Policy**

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## 1. Definitions

- 1.1 **DEMAT** means the Diocese of Ely Multi-Academy Trust.
- 1.2 **Trust** means the Diocese of Ely Multi-Academy Trust.
- 1.3 **Academy** means a constituent academy of DEMAT.
- 1.4 **Central Team** means staff who are not employed within an academy.
- 1.5 **Central Leadership Team** means any Director or Head of a Function in the Central Team other than the Director of Education and the CEO.
- 1.6 **CEO** means the Chief Executive Officer of DEMAT, or any officer or other person exercising relevant authority delegated by the Chief Executive Officer to them.
- 1.7 **Managers** refers to those with line management responsibilities including but not limited to Hub Directors, Head of Department and Headteachers.
- 1.8 **Senior Leader** means a Senior manager within the academy or a Hub Director or Senior Manager within the Central Team.
- 1.9 **Staff** means any person employed by DEMAT, temporarily or permanently.
- 1.10 **Employee** means any person employed by DEMAT, temporarily or permanently.
- 1.11 **Headteacher** also refers to any other title used to identify the Headteacher where appropriate.

## 2. Application of this Policy

The policy is applicable to all employees (permanent and temporary) of DEMAT. Where applicable, it is also applicable to all Volunteers supporting DEMAT.

The above definitions are included for reference purposes for both School and Central Team staff to enable clarity and transparency when applying this policy.

## 3. Relationship with DEMAT Values

The application of this policy must be applied at all times in a way that reflects the values of DEMAT and our Christian Ethos:

**Love** – We engender love and tolerance between and for our staff, pupils and others to foster an inspiring atmosphere of mutual support.

**Community** – We are committed to ensuring our schools are a living part of the community and contribute positively to its needs.

**Respect** – We do everything to provide a caring, safe and secure place for our staff and pupils to be happy and respected in our schools so they may achieve their potential.

**Trust** – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

**Ambition** – We are determined that our schools offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives.

## 4. Associated Policies and Documents

This Policy/Procedure should be read in conjunction with the following DEMAT Policies/Procedures:

- Equality and Diversity Policy
- Code of Conduct
- Grievance Policy
- Disciplinary Policy

DEMAT HR policies can be accessed via our website at: <https://www.demat.org.uk/policies>

## 5. Version control

|                        |                                                                                                                                                                                                                                                                                             |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy type            | DEMAT Trust Policy                                                                                                                                                                                                                                                                          |
| Author                 | Helen Fisher, HR                                                                                                                                                                                                                                                                            |
| Reviewed by            | Helen Rothwell, Head of HR                                                                                                                                                                                                                                                                  |
| Approved by            | Unions Date: April 2024                                                                                                                                                                                                                                                                     |
| Approved by            | Adrian Ball, CEO Date: September 2024                                                                                                                                                                                                                                                       |
| Release date           | September 2024                                                                                                                                                                                                                                                                              |
| Review                 | ANNUAL<br>Policies will be reviewed in line with DEMAT's internal policy schedule and/or updated when new legislation comes into force.                                                                                                                                                     |
| Description of changes | The policy has been reviewed in line with legislation and best practice to provide clarity, greater consistency and support for staff.<br>For further information regarding the specific changes please contact the HR Team at <a href="mailto:hrteam@demat.org.uk">hrteam@demat.org.uk</a> |

## 6. Purpose and Scope

- 6.1 This policy covers bullying and/or harassment which occurs both in and out of the workplace, such as on school visits, events, or work-related social functions. It also extends to bullying and harassment online, for example on social networking sites.
- 6.2 It covers bullying and harassment by staff, leaders, Trust Board Directors, Governors, and volunteers and also by third parties such as suppliers or visitors, including parents.
- 6.3 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.

## 7. Policy Statement

- 7.1 DEMAT seeks to ensure that all staff are treated and treat others with dignity, respect and in line with our values and Christian distinctiveness. This means that our workplace and environment must be free from bullying and harassment at all times.
- 7.2 Staff should always consider whether their words, approach, actions or conduct could be offensive or perceived as offensive. Even unintentional harassment or bullying is unacceptable both in the workplace and/or online.
- 7.3 Openness and the ability to speak up is an important part of our culture across the Trust. All staff should be encouraged to fully understand that any allegations of harassment and/or bullying will be taken seriously and addressed promptly, sensitively and confidentially, where possible.
- 7.4 All employees, governors and volunteers must comply with this policy and take appropriate measures to ensure that bullying and harassment in any form does not occur.
- 7.5 Harassment and/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.

## 8 Roles and Responsibilities

- 8.1 Our Chief Executive Officer has overall responsibility for the effective management of this policy and for ensuring compliance with discrimination law.
- 8.2 Managers must:
  - ensure that all staff understand the standards of behaviour expected of them, lead by example and take action when behaviour falls below what is expected;

- create an environment where employees are clear that bullying and / or harassment is unacceptable;
- respond constructively and supportively where an employee raises a concern regarding bullying and / or harassing behaviours or is accused of such behaviours;
- assess the risks arising from the parties continuing to work together while the concern is being addressed and consider alterations to working arrangements that would support this;
- identify suitable alternative placement(s) and appropriate support mechanisms to prevent isolation where it is not possible to keep the parties together;
- ensure the Health and Wellbeing of those involved is maintained and seek advice from other departments as appropriate including Human Resources and EAP.

8.3 All those to whom this policy applies must:

- be personally responsible for ensuring that they adhere to the policy;
- report inappropriate behaviour(s) and raise any incident(s) that may breach this policy and any other associated policies;
- treat colleagues, our children and third parties with dignity, trust and respect. Sometimes this may mean allowing for different views and viewpoints and making space for others to contribute;
- be aware that if any employee is found to have committed, authorised or condoned an act of harassment and/or bullying, the Trust will take action against them.

## 9 The Legal Framework

9.1 The Equality Act 2010, provides a legal framework to protect people from discrimination, harassment and victimisation in the workplace and wider society on the grounds of the following protected characteristics:

- Age
- Disability
- Marriage or civil partnership
- Race
- Religion or belief including philosophical belief and lack of belief
- Sex
- Sexual orientation
- Gender reassignment

9.2 Although pregnancy, maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider any ground to be unacceptable.

- 9.3 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which the employee knows or ought to know would be harassment, which includes causing someone alarm or distress.
- 9.4 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work. Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties (including pupils).

## 10. What is Harassment?

- 10.1 Harassment is unwanted conduct related to a protected characteristic 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.
- 10.2 Harassment can occur when someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.
- 10.3 Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

## 11. Examples of Harassment

- 11.1 Harassment can take many forms and can take place either at work or outside work. Whilst this is not an exhaustive list, examples include:
- 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;
  - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
  - mocking, mimicking or belittling a person's disability;
  - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - outing or threatening to out someone (i.e. revealing their sexual orientation against their wishes);
  - consistently using the wrong names and pronouns following the transition of a person's gender identity;
  - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity;
  - excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

## 12. What is sexual Harassment?

- 12.1 Sexual Harassment is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, degrading, humiliating, or hostile environment. It also includes less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

## 13. Examples of sexual harassment

- 13.1 Sexual harassment can occur in many forms. Whilst this is not an exhaustive list, examples include:
- 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;
  - continued suggestions to meet up socially after a person has made clear they do not welcome such suggestions;
  - 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 comments about appearance or dress, innuendo or lewd comments;
  - leering, whistling, or making sexually suggestive gestures; and
  - gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

## 14. What is Bullying?

- 14.1 Whilst there is no legal definition of bullying, the Trust regards it as 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.
- 14.2 Bullying can take the form of physical, verbal and non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber bullying) or on social media.
- 14.3 Bullying may occur at work or outside work. If the bullying relates to a person's protected characteristic, it may also constitute harassment and will therefore be unlawful.

## 15. Examples of bullying

- 15.1 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.

15.2 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.

## 16. Microaggressions

16.1 Microaggressions are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group;
- Micro-Insults: unintentional insensitive remarks or assumptions based on stereotypes;
- Micro-Invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group.

16.2 Serious microaggressions may amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact an individual's health and wellbeing. All employees should therefore be respectful to one another and their background/circumstances at all times.

## 17. Informal Process

17.1 If an employee is being harassed or bullied, they should consider whether they feel able to raise the problem informally with the person responsible. The employee should explain clearly that their behaviour is not welcome and/or makes them uncomfortable. If this is too difficult, the employee should speak to their line manager or the Human Resources Department, who can provide confidential advice and assistance in resolving the issue informally or formally.

## 18. Formal Process

18.1 If informal steps are not appropriate, or have not been successful, the employee should raise the matter formally in writing. The 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 address the behaviour. The employee should send the written complaint to their line manager, or where the line manager is the alleged harasser, to the next level of management.

- 18.2 The manager should arrange to meet with the employee within 5 working days of receiving the complaint in writing. Where any participant requires reasonable adjustments to be made to enable them to attend the meeting, the manager should ensure these are implemented e.g. accessible venue, documentation in an appropriate format.
- 18.3 The purpose of the meeting is to discuss and clarify with the employee the nature and extent of the complaint both to inform the investigation process and help the manager to identify an Investigating Officer if appropriate. The employee may be accompanied at the meeting by a Trade Union representative or work colleague.
- 18.4 The HR department must be informed of all formal complaints. HR will support the manager in identifying an appropriate Investigating Officer, if required. The Investigating Officer must not have had any involvement in the complaint. It would not therefore be appropriate for the line manager to investigate the complaint if they have been involved in the informal stages of the procedure.
- 18.5 Investigatory meetings should normally be convened with all parties and any relevant witnesses. Where the facts of the case are clear and there is no requirement for further investigation/meetings, the matter may proceed either to a disciplinary hearing or alternative action or no further action required.
- 18.6 During investigatory meetings, the following must be adhered to:
  - Throughout the process both the complainant and the alleged harasser may be accompanied by a Trade Union representative or work colleague.
  - The alleged harasser will be provided with details of the nature of the complaint in the meeting and be given the opportunity to respond.
  - Strict confidentiality must be maintained by all parties (including any third parties) throughout the investigation process.
  - The investigation must focus on the facts of the complaint drawing evidence from all available and appropriate sources.
  - Steps may be taken to manage relationships during the investigation process.
- 18.7 The Investigating Officer will endeavour to conclude the initial investigation into the complaint as swiftly as possible. Both parties must be kept updated and informed of any delays to the process.
- 18.8 At the conclusion of the investigation process, the Investigating Officer will compile an investigation report and send to management who will decide what action is required and whether there are grounds for a disciplinary hearing to take place. The situation may be such that action other than disciplinary action may be appropriate, for example mediation.
- 18.9 If the manager decides a disciplinary hearing is appropriate, the Trust's disciplinary policy must be followed. Any witness statements, evidence and reports will be transferrable for the purposes of subsequent action, including a disciplinary hearing and there will be no requirement for another Investigating Officer to be appointed under the disciplinary policy and procedure.

18.10 Should the matter be referred to a disciplinary hearing, the complainant may, in some circumstances be required to attend a disciplinary hearing.

- 18.11 If the harasser or bully is a third party such as a parent, contractor, governor or other visitor, consideration will be given to the most appropriate action to deal with the problem. Whether or not the complaint is upheld, managing the ongoing working relationship between both parties will be carefully considered.
- 18.12 Where recommendations have been made for changes to be made to, for example working practices, managers must keep this under review to ensure they are successfully implemented.
- 18.13 At the conclusion of the investigatory and/or disciplinary processes, whatever the outcome, it is critical that working relationships are positive working relationship and remain professional at all times.
- 18.14 If disciplinary action is taken against a member of staff the complainant will not be informed of the full outcome as this is confidential to the individual concerned.
- 18.15 If the complainant feels their complaint has not been dealt with satisfactorily, they may appeal, in writing within 10 working days of the date on the outcome letter, stating the grounds of their appeal. The appeal should be sent to the Head of Human Resources, in the first instance.
- 18.14 Should an employee be subject to a disciplinary hearing as a result of this policy they will have a right of appeal under DEMAT's Disciplinary Policy.

## 19. Mediation

- 19.1 Mediation may be offered at the informal stage and/or as part of the formal procedure. For this to be successful, both parties should be willing to participate in the process. Mediation may be facilitated by a third party who has not been closely involved in the situation to assist in resolving the matter. In some circumstances it may be appropriate for the mediation to be provided by an external mediator.

## 20. Protection and Support for those involved

- 20.1 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.
- 20.2 If an employee believes they have suffered any such treatment, they should inform their line manager or other senior manager. If the matter is not remedied, the employee should raise it formally using this procedure.

20.3 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.

## 21. Confidentiality and Data Protection

- 21.1 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.
- 21.2 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.
- 22.3 A breach of confidentiality may give rise to disciplinary action which will be investigated in accordance with our Disciplinary Policy.