



# Anti-Harassment and Bullying Policy

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<b>Review Frequency</b>	Annually
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**FLOURISHING FUTURES**



## Amendments

Policy Date	New Version Number	Summary of change	Comments
Oct 24	V1.1	Creation of policy	

## Union Consultation/Review

Date	Action (meeting, email etc.)	Comments	Attendance
Oct 24	Reviewed by PHP Law		

\* *Trust* – Refers to all Schools, Academies & Business Support Team within the Learning Academy Partnership

\* *Colleagues* – Refers to employees

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## 1. Policy statement

- 1.1 The Trust are committed to providing a working environment free from harassment, victimisation and bullying and ensuring all colleagues are treated, and treat others, with dignity and respect. We recognise that harassment or bullying can occur both in and outside the workplace, such as on trips or at work-related events or social functions.
- 1.2 Harassment, victimisation or bullying of any colleague, or anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. We will take active steps to help prevent the harassment, bullying and victimisation of all colleagues. Anyone who raises a complaint of, or witness to, harassment, bullying or victimisation is encouraged to report it in accordance with this policy. This will enable the Trust to take appropriate action and provide support. Harassment, bullying and victimisation can result in legal liability for both the business and the perpetrator, whether they work for the Trust, or are a third-party outside of our control. Harassment, bullying and victimisation may result in disciplinary action up to and including dismissal.
- 1.3 This policy is aligned with and reinforces the principles outlined in our Trust Code of Conduct, ensuring a safe and respectful working environment for all colleagues and members of our communities.

## 2. Equality, Equity, Diversity, and Inclusion (EEDI)

- 2.1 As a Trust with diverse communities and workforce we recognise every individual for their uniqueness and aim to create an inclusive culture where people can be their genuine selves in accordance with our values. We believe we are 'stronger together' and will achieve our greatest success as an organisation when every person feels included and is able to flourish. We strive to create an environment where everyone, regardless of their background, feels valued, respected and empowered to contribute to their fullest potential.
- 2.2 We have zero tolerance for any behaviours which cause harm based on identities, backgrounds, cultures and or protected characteristics real or perceived. Identity-based harm in any form, including but not limited to discrimination, harassment, microaggressions, hate speech, and violence. Such behaviours are not only harmful to the individuals targeted, but also undermine the values and integrity of our Trust.
- 2.3 We encourage all members of our Trust to report any incidents of harm based on real or perceived identity, background, culture and or protected characteristics that they witness or experience, and we pledge to investigate all such reports thoroughly and impartially.
- 2.4 We are all responsible for upholding this policy and contributing to a culture of respect and inclusion. Together, we can ensure that the Trust is a place where everyone feels valued, safe, and welcome.

### 3. About this policy

3.1 This purpose of this policy is to set out a framework for colleagues on how to deal with any harassment, victimisation or bullying that occurs by colleagues (which may include agency/supply workers) and also by third parties such as contractors, volunteers and visitors to our schools.

3.2 Any form of harassment, including from parents, carers, or through online platforms, will not be tolerated under any circumstances.

3.3 This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.

#### 3.4 Who does this policy apply to?

This policy applies to all colleagues, Trustees, contractors, supply workers, agency workers and volunteers.

#### 3.5 Who is responsible for this policy?

The Board of Trustee's has overall responsibility for the effective operation of this policy but has delegated responsibility for overseeing its implementation to the Trust Leadership Team, Leaders and the Trust People Team. Suggestions for change should be reported to The Trust People Team.

Head Teachers /Line Managers/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate) has day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

### 4. What is Harassment, Sexual Harassment and Victimisation?

4.1 **Harassment** - is any unwanted physical, verbal, non-verbal or online conduct that 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.

Harassment may include, for example:

- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes
- Offensive emails, text messages or social media content or
- Mocking. Mimicking or belittling a person's disability

**4.2 Sexual Harassment** - is defined as unwanted physical, verbal, non-verbal or online behaviour which is of a sexual nature. The conduct does not need to be sexually motivated, only sexual in nature. This policy protects all colleagues of the Learning Academy Partnership against any form of Sexual Harassment.

Sexual Harassment may include, for example:

- Sexual comments, jokes or “banter”
- Displaying sexually graphic pictures, posters or photos.
- Suggestive looks or staring
- Suggesting sexual advances
- Making promises in return for sexual favours
- Asking questions about a personal private or sex life
- Discussing your personal sex life
- Sexual posts of conduct on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or messages
- Unwelcoming touching, hugging or massaging

To be sexual harassment, the unwanted behaviour must have either:

- Violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

It can be sexual harassment if the behaviour:

- Has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

**4.3** 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.

#### **4.4 Victimization**

Victimization includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Equality Act 2010

- Doing any other thing for the purposes of or in connection with the equality Act 2010
- Alleging that a person has contravened the Equality Act 2010

Victimisation may include, for example:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
- Excluding someone because they have raised a grievance about harassment
- Failing to promote someone because they accompanied another staff member to a grievance meeting
- Dismissing someone because they gave evidence on behalf of staff member at an employment tribunal hearing

4.5 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 the jokes create an offensive environment.

4.6 Harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:

- In a work situation
- During any situation related to work, such as a social event with colleagues
- Against a colleague or another person connected to us outside of a work situation, including on social media
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role

4.7 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

4.8 If any harassment or victimisation of colleagues occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further colleague training and taking disciplinary action against the perpetrator.

## 5. Third Party Harassment

5.1 Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment.

Third-party harassment could include, for example, unwelcome sexual advances from a contractor, agency or supply worker or any other visitors including

parents/carers/family members, visiting the Trust's premises. This also includes where a person is visiting a contractor, or any other external third party including parents/carers/family members in another location in the course of their employment, for example home visits.

- 5.2 Third-party harassment can result in legal liability and will not be tolerated. Any colleague who is harassed or witnesses any third-party harassment is strongly encouraged to report this in accordance with this policy.
- 5.3 Any harassment by a colleague of the Trust against a third-party may lead to disciplinary action up to and including dismissal.
- 5.4 If any third-party harassment of colleagues occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include:
- Warning the harasser about their behaviour
  - Banning them from our schools
  - Reporting any criminal acts to the police
  - Sharing information across the Trust

## 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 may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance. However, legitimate, reasonable, and constructive criticism of a colleague's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

Bullying may include, for example:

- Starting gossip and rumours about a co-worker
- Excluding or ignoring others in the workplace on purpose
- Acting aggressive towards others
- Undermining other work in front of management
- Getting physical or threatening physical abuse
- Giving unfair or unattainable tasks and deadlines
- Withholding information
- Telling offensive or inappropriate jokes
- Invading others privacy



- Criticising or devaluing others
- Passive aggressive comments

6.3 If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or the Trust People Team for confidential advice.

6.4 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out in the Trust Grievance Policy.

## **7. Raising an informal allegation against harassment, victimisation or bullying**

7.1 If you are being bullied, harassed or victimised, you should consider whether you feel able to raise the incident informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable.

If this is too difficult, you should speak to your Head Teacher /Line Manager/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate), who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the incident concerns them, you should speak informally to the Trust People Team on 01626 248800 or on [people@lapsw.org](mailto:people@lapsw.org). If this does not resolve the issue, you should follow the formal procedure below.

## **8. If you witness harassment, victimisation or bullying**

8.1 Staff who witness harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so
- Supporting the harassed colleague to report it or reporting it on their behalf
- Reporting the incident where you feel there may be a continuing risk if you do not report it
- Cooperating in any investigations into the incident

8.2 All witnesses will be provided with appropriate support and will be protected from victimisation and retaliation. The Employee Assistant Programme is available for all colleagues who feel that they may require support.

## **9. Raising a formal allegation against harassment, victimisation or bullying**

9.1- If you wish to make a complaint about bullying, sexual harassment, harassment or victimisation, you should initially complete the Trust incident reporting form available at [Harassment Reporting Form](#) which will automatically submit on

completion. Please note that this form can be used if you are the complainant or witness of any bullying, sexual harassment, harassment or victimisation towards another colleague or third party within the Trust.

- 9.3 As a general principle, the decision whether to report an incident is up to you. However, we have a duty to protect all colleagues and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- 9.4 If you require further advice on submitting a formal allegation, please contact [harassmentreporting@lapsw.org](mailto:harassmentreporting@lapsw.org) which is managed by the Trust People Team.

## 10. Formal investigations

- 10.1 We will investigate all incidents promptly, respectfully. While your initial conversation or report will be treated with confidentiality, please note that due to the nature of the incidents, complete confidentiality cannot be guaranteed. However, colleagues not involved in the complaint or investigation will not be informed about it.
- 10.2 A meeting will be arranged with you and the investigating officer within **5 working days** of receiving your complaint. This meeting will allow you the chance to give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.
- 10.3 Where your incident report is about another colleague, 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.
- 10.4 The investigating officer will also meet with the alleged harasser or bully (who may also be accompanied by a colleague or trade union representative of their choice) to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond however, confidentiality will be maintained where possible.
- 10.5 Where your incident report is about someone other than a colleague, such as a contractor or supply staff, we will consider what actions may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the Trust and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 10.6 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser or bully.

- 10.7 It may 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.
- 10.8 At the end of the investigation, the investigating officer will submit a report to a Senior Manager/ Head Teacher /Line Manager/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate) who will arrange a meeting with you, usually within **5 working days** of receiving the report, in order to discuss the outcome and what action(s), 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/ Head Teacher /Line Manager/ Member of Trust Leadership Team/Member of Trust Executive Team's (as appropriate) findings will be given to you and to the alleged harasser.

10.9 Action following the investigation:

- If the Senior Manager/ Head Teacher /Line Manager/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate) considers that there is a case to answer and the harasser or bully is a colleague of the Trust, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.
- Our investigation into your reported incident may be put on hold pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that harassment or bullying occurred, prompt action will be taken to address it. If the harasser or bully is a third party, such as a contractor or other visitor, we will consider what action would be appropriate to deal with the problem.
- Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. 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.
- 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 Trust Disciplinary Procedure.

## 11. Appeals

- 11.1 If the incident has not been resolved to your satisfaction you may appeal in writing to the Chief Executive Officer/Chair of Board (as appropriate) stating your full grounds of appeal, within **10 working days** of the date on which the decision was sent or given to you. You have a right to bring a companion to the meeting.
- 11.2 The Trust Lead for People or Clerk to the Board (as appropriate) will arrange for a meeting to take place as soon as possible and usually within **5 working days** following receipt of your written appeal.

- 11.3 An Appeal Panel will be selected, specifically for the appeal, from our Senior Leaders/Trust Board (as appropriate) who has not been involved in the case/original decision. They may ask anyone previously involved to be present.
- 11.4 The colleague will receive a final decision in writing, usually within **5 working days** of the appeal hearing. This is the end of the procedure and there is no further appeal

## **12. Protection and support for those involved**

- 12.1 Colleagues who report an incident or report that they have witnessed wrongdoing, or who participate in good faith in any investigation, must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Trust Disciplinary Procedure.
- 12.2 If you believe you have suffered any such treatment you should inform your Head Teachers /Line Managers/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate) as soon as possible. If you have suffered such treatment by your Head Teachers /Line Managers/ Member of Trust Leadership Team/Member of Trust Executive Team (as appropriate) you can raise your concerns to the Trust People Team on 01 626 248800 or at [people@lapsw.org](mailto:people@lapsw.org).

If the matter is not remedied, you should raise it formally using our Grievance Procedure as highlighted in the Trust Grievance policy.

- 12.3 We will monitor the treatment and outcomes of any reported incidents of harassment or victimisation we receive to ensure that they are properly investigated and resolved. Those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.
- 12.4 We offer access to confidential counselling through our Employee Assistant Programme (Health Assured), which is available on request for anyone affected by, or accused of, bullying or harassment. Information is available through your Employee Self Service or for additional information, please contact the Trust People Team. The helpline number is 0800 028 0199 or through the Wisdom app.

## **13. Reporting outcomes, confidentiality and record-keeping**

- 13.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the colleague making the complaint, and the colleague accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

- 13.2 Where appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.
- 13.3 Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

## 14 Monitoring & Data Protection

- 1.1 The Trust will monitor this policy and ensure that its application is compliant, consistent and fair to all colleagues.
- 1.2 As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our Data Protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulations ((EU) 2016/679 and any national implementing laws, regulations and secondary legislation, as amended and updated from time to time, in the UK and then (ii) any successor legislation to the GDPR 2018 or the Data Protection Act 1998) in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice and our Records Management and Retention Policy and in line with requirements of Data Protection Legislation.

## 15 Review of policy

- 1.3 This policy is reviewed every annually or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## 14. Useful links

- [Equality Advisory and Support Service \(equalityadvisoryservice.com\)](https://equalityadvisoryservice.com)
- [Specialists help and support - Sexual harassment - Acas](#)
- [Sexual harassment - Victim Support](#)
- [Protect - Speak up stop harm - Whistleblowing Homepage \(protect-advice.org.uk\)](https://protect-advice.org.uk)