

**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN  
ARDEN MULTI-ACADEMY TRUST**

<b>Name of Policy</b>	<b>Dignity at Work Policy</b>	
<b>Lead</b>	Martin Murphy, CEO	
<b>Governor Committee</b>	Business & Personnel Committee	
<b>Policy Status</b>	Draft	June 2010
	Trustee approved	9 <sup>th</sup> December 2025
<b>Next Review</b>	Autumn Term 2026	
<b>Version No.</b>	2	
<b>Amendments</b>	June 2016	
	12 <sup>th</sup> February 2018	
	7 <sup>th</sup> February 2019 (to reflect SMBC updates May 2018 and GDPR statement)	



HENLEY-IN-ARDEN  
SCHOOL



## **Procedure for dealing with discrimination, harassment, bullying and victimisation complaints**

1. **Policy statement**
2. **Scope of policy**
3. **Responsibilities**
  - Employee's Responsibilities
  - Line manager/Associate Headteacher/Head of School's responsibilities
  - HRE's responsibilities
  - Governing Body
  - Teacher associations/trade unions
4. **Procedure for dealing with complaints of discrimination, bullying & harassment**
  - Informal resolution
  - Formal resolution
5. **Investigating complaints**
6. **Courses of action after the investigation**
7. **Appeal** (guidance doc. 2)
8. **Support**
9. **Guidance Documents**
  - Allegations against an Associate Headteacher/Head of School
  - Appeals process – schools/academies
  - Conducting an appeal hearing
  - Flow chart – dignity at work procedure
  - Frequently asked questions
  - Fact sheet
  - Definitions

## **1. Policy Statement**

The Arden Multi-Academy Trust (AMAT) have a duty to provide a working environment that promotes dignity amongst the whole workforce and is free from any form of harassment, intimidation or bullying (including cyber-bullying). We aim to have an environment where we are confident in resolving any issues of harassment or bullying without fear of ridicule or reprisal (for definitions see Guidance Document).

Employees and those working on behalf of Arden Multi-Academy Trust have the right to be treated with dignity and respect and to work in a harmonious and supportive working environment. AMAT, therefore, seeks to create conditions in which all employees, agency personnel, contractors, customers and third parties are treated fairly and where cultural diversity and equality is valued.

The Trust will not tolerate discrimination, bullying and harassment of any kind regardless of the seniority of those involved. Neither will the Trust condone harassment or intimidation of, or by employees when dealing with third parties, e.g. parents/customers/contractors/visitors/agency personnel.

All allegations of discrimination, bullying, harassment and victimisation will be investigated and, if appropriate, disciplinary action will be taken. If proven discrimination, bullying or harassment could constitute gross misconduct leading to dismissal without notice.

The employer will take all reasonable practical steps to resolve complaints of discrimination, harassment, bullying or victimisation fairly, quickly and discreetly.

The employer recognises that it has an equal duty of care to both, the employee making the complaint and the alleged harasser.

## **2. Scope of policy**

This policy covers the unwanted behaviours of and by employees, agency staff, contractors and anyone else engaged to work at schools, whether by direct contract or otherwise. If the complainant or alleged harasser is not employed by the school/academy, for example, if the worker's contract is with an agency, this policy will apply with any necessary modifications; for example, the school/academy could not dismiss but would expect to refer the matter to the agency where investigation and appropriate action can be taken.

The application of this policy and the standards of behaviour set out also extend to any work related setting outside of the workplace, e.g. business trips and work-related social events.

The policy does not cover bullying and harassment by educational visitors, parents, suppliers, vendors or other visitors and, in these cases employees should report such behaviour to their Associate Headteacher/Head of School who will take appropriate action (Guidance Document 7).

### **3. Responsibilities**

#### **Employer's responsibilities**

The Trust has a duty to protect employees from discrimination, harassment, bullying or victimisation whilst at work. This also extends to circumstances where attendance is away from the normal workplace but is connected with the employee's job – including off site training sessions, travel on school/academy business, school/academy social events, educational visits which fall under the auspices of the following UK legislation (this is not an exhaustive list):

- \* Equality Act 2010
- \* Health & Safety At Work Act 1974
- \* Protection from Harrassment Act 1997
- \* Management of Health & Safety at Work Regulations 1999

Harassment and bullying can result in an employee suffering stress, which could result in damage to their health. Health and safety legislation places a duty of care to provide a safe working environment for all employees.

#### **Employee's responsibilities**

To treat each other with dignity and respect and uphold the Trust Values.

Ensuring work places are free from discrimination, harassment, bullying and victimisation and not to behave in a manner that could have a detrimental impact on another's ability, wellbeing and confidence to carry out their work. All employees have a personal responsibility to create a working environment that is free from harassment and bullying.

### **Associate Headteacher's responsibilities**

- Ensuring the policy is implemented and observed. This includes taking action by informally counselling any employee/contractor/agency personnel who is observed to be adopting behaviour that runs contrary to this policy.
- Communicating the policy to employees
- Ensuring that once a complaint of discrimination, harassment, bullying or victimisation is known, appropriate action is taken to resolve the issue as soon as possible.
- Investigating (except where the complaint is against them or where they declare an interest when the investigation should move to HR or another appropriate person) any complaints of discrimination, harassment, bullying and victimisation and monitoring the situation, after it has been dealt with, to ensure there is no repetition.
- Practice zero tolerance of discrimination, harassment, bullying and victimisation behaviour through their own leadership and behaviour.

### **HR responsibilities**

- Providing advice, guidance and technical support on the operation of this policy and procedure.
- Facilitating objective and impartial mediation between complainant and the alleged harasser where this is considered an effective means of resolving the complaint using professional mediators as necessary.
- To provide continued confidential support and guidance throughout the process to both parties.

### **Trustees/governors**

- To ensure the promotion, communication, implementation and monitoring of the policy and procedure.
- To require all trustees, governors, managers and employees, to maintain high standards in their professional relationships and treat all with dignity and respect.
- In the event of a substantiated allegation of discrimination, harassment, bullying or victimisation against an Associate Headteacher/Head of School, the Chair of the Governing Body shall inform and liaise with Executive Headteacher.

### **Teacher associations/trade unions**

Employees who are members of a teacher association or trade union can contact their representative for the provision of advice and guidance at all stages of the procedure.

#### **4. The procedure for dealing with complaints of discrimination, harassment & bullying**

All complaints and reported incidences of discrimination, harassment, bullying and victimisation will be taken seriously and will be investigated thoroughly and promptly. The Trust expects all complaints to be made in good faith. The validity of a claim will not be brought into question unless upon investigation the complaint is believed to be malicious.

Complaints should be made as soon as possible after the incident(s) and must be resolved, informally or formally, as soon as possible.

The following approach should be used when a complaint has been raised; confidentiality is essential in these cases and must be maintained by everyone concerned at all times. The parties concerned may be represented by a trade union representative or work colleague at any stage in the investigation. If the employee is absent due to sickness it may still be possible to investigate the complaint to ensure a timely conclusion. Occupational Health advice may be sought.

Once a complaint has been made, the line manager/Associate Headteacher/Head of School or other senior manager will arrange a discussion with the complainant to see if they wish to pursue an informal solution or request a formal investigation. Following the meeting the line manager/Associate Headteacher/Head of School will confirm the approach agreed at the meeting to the individual in writing.

Wherever possible, the complaint should be resolved informally and in most situations informal processes can find a solution that works. However, it is recognised that in certain situations the line manager/Associate Headteacher may consider the complaint sufficiently serious to proceed under the formal procedure. This may also be appropriate where a previous attempt at informal resolution has proved unsuccessful.

##### **Informal procedure**

Following discussion with the complainant and assuming that they wish to resolve the matter informally, the following approaches are examples of how a complaint may be progressed:

- Wherever possible, a complainant who believes they have been the subject of discrimination, harassment, bullying or victimisation should tell the person responsible that they find their behaviour offensive and ask them to stop. The behaviours that are considered offensive should be described and specified (times, frequency). They may wish to ask a trade union representative or work colleague to be present at any discussion.
- The complainant may prefer to write to the person that they feel is responsible. The complainant should retain a copy of this letter. It may be useful to describe the alternative appropriate behaviours.
- The complainant may wish to take part in a mediated discussion with the person they feel is responsible. In this situation both parties need to be willing to work to resolve the situation swiftly and positively. The line manager/Associate Headteacher/Head of School, other senior manager or HR representative, or other appropriately trained mediator may act as an independent mediator and will try to identify a practical solution or acceptable compromise. The outcome of

the mediation will be owned by both parties and will not involve penalties such as warnings, transfers or more serious disciplinary sanctions.

### **Formal procedure**

A formal process will be appropriate where the incident that brought about the complaint is considered very serious by the complainant and/or line manager/Associate Headteacher/Head of School, or where informal routes have been unsuccessful. Formal action can be initiated in the following way:

- The complainant must submit the complaint in writing to their line manager, unless their complaint is against the manager, in which case it should be addressed to the next level of management.
- The letter should outline the reasons for the complaint by describing what happened, where and when, it happened, how it affected him/her, any witnesses and any steps already taken to resolve the matter. If at all possible an indication should be given of the type of resolution the complainant is looking for if the complaint is founded.
- The line manager/Associate Headteacher/Head of School, senior member of staff or Board of Governors has a duty to investigate the matter.

The Trust processes personal data collected during the investigation stage and any subsequent stages of the formal Dignity at Work processes in accordance with its Data Protection Policy. In particular, data collected as part of the investigation stage and any subsequent stages of action is held securely and accessed by, and disclosed to, individuals only for the purpose of completing the Dignity at Work procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

**See Guidance Document 4**

## 5. Investigating complaints (formal)

The investigation is a fact-finding exercise and is not part of the disciplinary or grievance procedure. Both the complainant and the alleged harasser shall be informed in writing that an investigation is to be conducted and the nature of the allegations stated. They will also be reminded of their rights to be accompanied by a trade union representative or work colleague and that they may wish to submit a written statement to the Investigating Officer. The alleged harasser/complainant shall be made aware that the investigation might lead to disciplinary action being taken.

The line manager/Associate Headteacher/Head of School, with guidance from HR, will appoint an Investigating Officer. The person appointed to undertake the investigation would maintain neutrality and confidentiality throughout. The Investigating Officer shall receive guidance and support from HR where appropriate.

If the complaint concerns the behaviour of the individual's manager, the matter may be raised with the manager at the next level of seniority, or directly with HR (Guidance Document 1).

Depending upon the nature of the allegations, consideration will need to be given to:

- Working arrangements to ensure the complainant and alleged harasser work apart whilst a complaint is under investigation.
- The alleged harasser being suspended from work to enable an investigation to be undertaken.

In a serious case the alleged harasser may be suspended in accordance with the disciplinary procedure.

The Investigating Officer shall interview the complainant and the written complaint will form the basis of the discussion. The purpose of the meeting is to establish the complainant's point of view, the reason for citing the incidents, including dates and times, and possible solutions to the matter. A statement will need to be produced, signed and dated.

The Investigating Officer shall interview the alleged harasser, making him/her aware of the allegations made. A statement will need to be produced which will need to be signed and dated. A written report will be produced by the investigating officer and may include any written statements submitted by the complainant or the alleged harasser.

If there are witnesses, they shall also be interviewed regarding the matter and written statements taken, signed and dated by them.

Employees who are required to be interviewed will be informed in writing (at least 48 hours in advance) of times, dates and venues. A recognised trade union representative or work colleague can be present at an interview if desired. The interviews are a fact-finding exercise, not formal hearings.

The Investigating Officer should aim to conclude the investigation and produce a summary report within 20 working days of the investigation commencing. If there are delays, or the nature of the complaint means that the investigation cannot be completed within this timescale, it is important that

the Associate Headteacher/Head of School, complainant and alleged harasser are kept informed. The report shall outline how the investigation was undertaken, the facts and information obtained and the recommendation(s) based upon the findings.

## **6. Courses of action after the investigation.**

The Investigating Officer should discuss the report with the Associate Headteacher/Head of School. A representative from HR shall be involved.

The appropriate course of action will depend on the findings of the investigation.

- If there is no evidence of discrimination, harassment, bullying or malicious intent towards the complainant, consideration will be given to helping both parties to resume working together or advice given to how working relationships should be managed in the future. Mediation may be appropriate if both parties agree to it.
- If evidence is found of discrimination, harassment, bullying or victimisation – the appropriate senior manager will consider whether further action shall be taken in accordance with the disciplinary procedure.
- If there is evidence of a malicious allegation, the Associate Headteacher/Head of School will instigate action under the Disciplinary Policy.

Both parties will be informed within 5 working days of the summary report being completed and the decision made.

The line manager/Associate Headteacher/Head of School shall meet with the complainant to discuss the findings of the investigation and the planned course of action and confirm this to the individual in writing after the meeting. The letter shall confirm that where the complainant is dissatisfied with the outcome of the investigation they may proceed to the appeal stage. The appeal request should detail the pertinent facts of the case and the reasons for the dissatisfaction with the decision. A similar meeting shall also be held with the individual accused of bullying/ harassment.

## **7. Appeals**

See Guidance Document 2.

## **8. Support**

Victims of discrimination, harassment, bullying and victimisation will be provided with support and this may be provided by a line manager, a personal supporter (work colleague) or representative from HR, Occupational Health appointment and counselling where appropriate and time to prepare evidence. Where there is a fear of further bullying while a situation is investigated, other options may need to be considered e.g. one or both parties moved to another work area or in extreme circumstances leave with pay may be considered.

Individuals who are accused of bullying/harassment can be unaware of the impact of their behaviour and actions. An accused person will be provided with the same level of care and support as a person who makes the accusations. This would normally include the support of a line manager, work colleague, representative from HR, Occupational Health appointment and counselling where appropriate and time to prepare evidence.

## **9. Guidance documents**

The following documents are for guidance only. They are not, nor intended to be, incorporated into individuals' Contract of Employment.

Guidance Document 1 - Allegations against an Associate Headteacher

Guidance Document 2 - Appeal Process

Guidance Document 3 - Conduct of the Appeal Hearing

Guidance Document 4 - Procedure Flow Chart

Guidance Document 5 - Frequently Asked Questions

Guidance Document 6 - Fact Sheet

Guidance Document 7 - Definitions

## Guidance Document 1

### ALLEGATIONS AGAINST AN ASSOCIATE HEADTEACHER

Where an allegation is made against an Associate Headteacher/Head of School, the complaint shall be made in writing to the Chair of Governors who will acknowledge receipt of the complaint within 5 working days.

The Chair of Governors (\*or a nominated governor) shall inform the appropriate committee and liaise with them on the implementation of the procedure.

Where possible, the matter shall initially be addressed through the informal process using mediation. This may involve a nominated governor to facilitate an informal mediation meeting with the parties concerned.

Where the informal stage does not resolve the matter, the Chair of Governors (\*or a nominated governor) with support from HR will consider:

- The use of a formal mediation meeting provided that it is agreed with all parties involved to be an acceptable form of action. In these circumstances the nominated governor shall arrange for the meeting to be set up as soon as possible and normally within 10 working days.
- When an investigation is to be undertaken, the Chair of Governors shall nominate an appropriate person to act as the Investigating Officer.
- Whether the working arrangements need to be altered and/or the Associate Headteacher/Head of School needs to be suspended from work to enable the investigation to be undertaken or to provide for a cooling off period.

The Investigating Officer shall present his/her report to the Chair of Governors (or the nominated governor) with a copy to the complainant and the Associate Headteacher/Head of School.

The Chair of Governors (or nominated governor) in consultation with HR shall then determine the most appropriate course of action to take.

The Chair of Governors (or the nominated governor) supported by HR, shall inform and explain to all parties concerned the outcome of the investigation and the next stage of the procedure to be followed.

\* The Chair of Governors may feel that it is appropriate to nominate a governor (e.g. Chair of Committee) to manage the implementation of the process. This will enable the Chair of Governors to be in a position to respond to any issues arising from the procedure (appeals or disciplinary action).

## Guidance Document 2

### Appeals process - schools

#### Employees

1. The complainant, having attended the meeting with the line managers/Associate Headteacher/Head of School, if dissatisfied with the outcome of the investigation, may appeal to the Governing Body. The appeal and grounds of appeal shall be made, in writing, to the Chair of Governors within ten working days of being informed of the outcome of the investigation.
2. The Governing Body shall set up a panel of governors (normally 3 governors) to hear the appeal. The Chair of the Appeal Panel shall advise the complainant in writing of the panel, the time, date and venue for the hearing. This hearing shall where possible be convened within fifteen working days of receipt of the notification of appeal.
3. The purpose of the appeal hearing is to review the process and establish the reasonableness of the Associate Headteacher/Head of School's decision. It is not a further investigation and therefore, it would not normally be appropriate for witnesses to be called unless the appeal panel accepts that there is justification to do so.
4. If the complainant or Associate Headteacher/Head of School cannot attend on the proposed date, a second date should be offered. If either cannot attend the second date, the appeal may be heard in their absence. In such cases, the Associate Headteacher/Head of School or the complainant will submit their case in writing.
5. All documentation submitted for the appeal should be circulated to all those attending no less than five working days before the appeal date.
6. The format of the hearing is outlined in the Guidance Document.
7. The decision of the panel of the Governing Body is final.

## Guidance Document 3

### Conduct of the appeal hearing

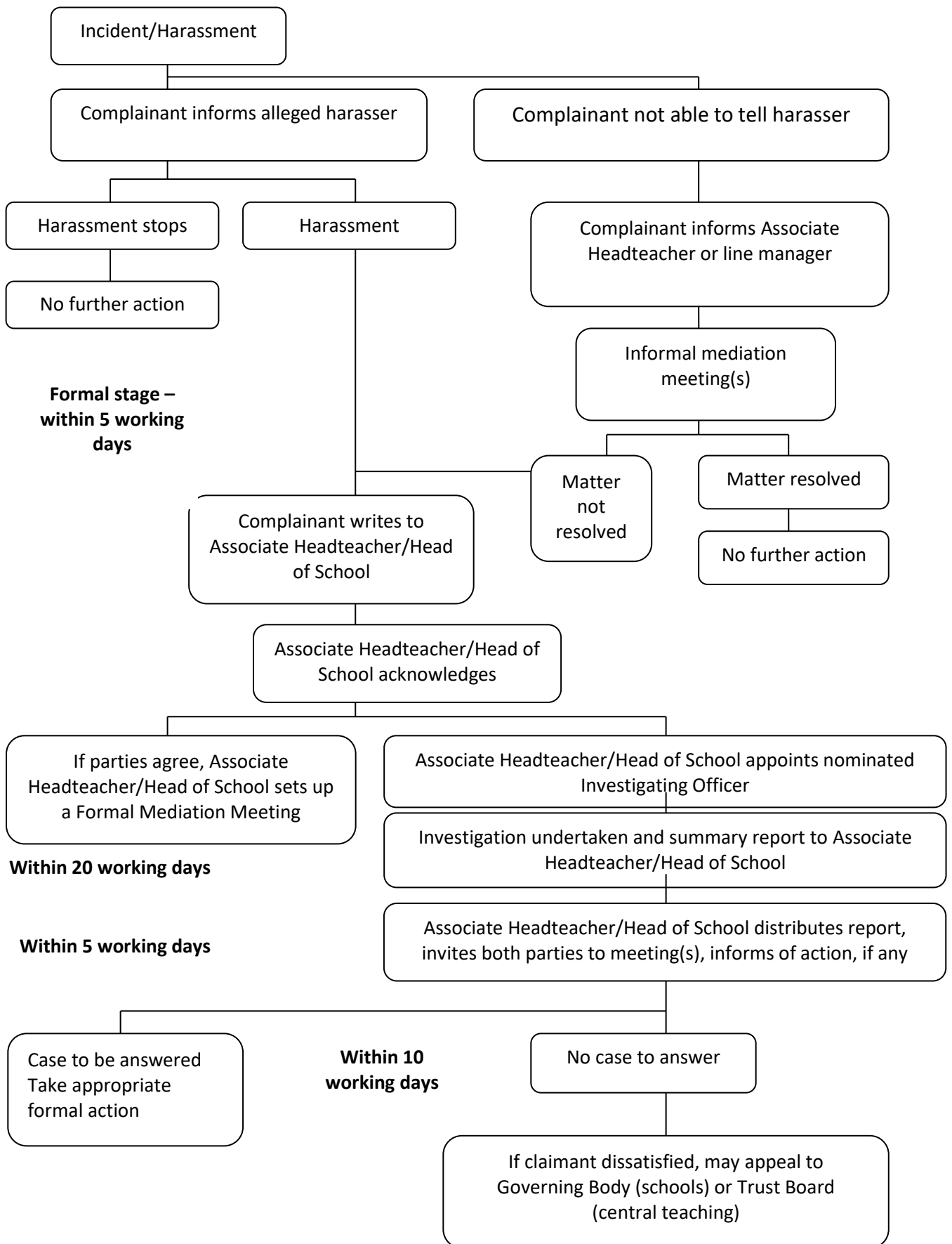
1. Introduction
2. The Associate Headteacher/Head of School or line manager (who decided the outcome following the investigation) shall outline the details of the case, the investigation undertaken and explain the reason for the decision.
3. The complainant (or their representative) and the panel shall have the opportunity to question the Associate Headteacher/Head of School.
4. The complainant (or their representative) shall outline the grounds of their appeal.
5. The Associate Headteacher/Head of School and the panel shall have the opportunity to question the complainant or their representative.
6. Both parties shall have the opportunity to sum up.
7. Both parties shall withdraw whilst the appeals panel consider their decision.
8. On reconvening the meeting, the Chair of the panel shall inform both parties of the decision.  
Either:
  - The appeal is not upheld
  - The appeal is upheld

In circumstances, where the panel feels that the investigation was flawed to the extent to necessitate a reinvestigation, it will be necessary to appoint a new Investigating Officer.

9. The decision of the appeal panel shall be confirmed in writing within five working days of the appeal.

Guidance Document 4

**Dignity at work - procedure for dealing with complaints of harassment and bullying**



## Guidance Document 5

<b>Frequently Asked Questions / Answers</b>	
<b><i>My line manager is bullying me – what do I do?</i></b>	You should raise the matter with the line manager of your immediate manager or Associate Headteacher/Head of School
<b><i>I am a temporary employee through a recruitment agency – does this policy apply to me?</i></b>	The policy applies to all employees, part-time, temporary, agency and contractors.
<b><i>A work colleague keeps ‘staring’ at me and I want it to stop – what do I do?</i></b>	Tell the person responsible that you find their behaviour offensive and ask them to stop. You may find it easier to write to the person. If this does not resolve the situation you should speak to your line manager or Associate Headteacher/Head of School.
<b><i>I am not happy with the outcome of the informal process to resolve an issue – what is my next step?</i></b>	The ‘formal resolution’ stage
<b><i>Who can I speak to in ‘confidence’?</i></b>	HR/Occupational Health
<b><i>Do I need to use the informal process initially or can I go straight to the Formal Process?</i></b>	Wherever possible, the informal approach should be used in the first instance. However, where this has failed or the harassment is considered to be of a more serious nature, you may go straight to the formal resolution stage.
<b><i>Will the employee the complaint is against be moved to another location?</i></b>	Should there be a case to answer, appropriate action will be taken which could result in the person the complaint is against being moved.
<b><i>Where can I get advice regarding bullying and harassment?</i></b>	HR, professional associations, trade unions and ACAS
<b><i>What is available to me from a health/counselling perspective?</i></b>	Occupational Health – you may be referred by your manager. You may wish to approach your own GP
<b><i>I do not believe the policy is being adhered to – where do I go next?</i></b>	You may raise a grievance – as per the AMAT Grievance Policy and procedure.
<b><i>Do I need to meet the alleged harasser during the ‘process’?</i></b>	No, not if you do not feel comfortable with this.
<b><i>Will my witness statement be disclosed to any other party?</i></b>	It will be necessary to reveal the nature of a complaint to the person who is being complained about to allow this person to respond to the allegations. This will be on a ‘need to know’ basis.
<b><i>I am currently absent from work due to the issues relating to the harassment. Will my complaint be dealt with during my period of absence?</i></b>	The process will commence in your absence.
<b><i>What support will be available if a complaint of harassment is made against me?</i></b>	Full support is available from HR and Occupational Health throughout the process.

## Guidance Document 6

### Fact Sheet

#### Dignity at work

Arden Multi-Academy Trust has a duty to provide working environments that are free from any fear of harassment, intimidation and bullying. Employees have the right to be treated with respect and to work in a harmonious and supportive working environment. All employees, agency personnel, contractors, customers and third parties are treated with dignity and respect: where cultural diversity and equality is valued and where everyone can realise their full potential.

If on occasion's discrimination, bullying, harassment or victimisation is alleged to have occurred complaints will be taken seriously and will be investigated thoroughly and promptly.

Complaints should be made as soon as possible after the incident and must be resolved, informally or formally, as soon as possible.

Confidentiality must be maintained by all parties and employees involved may be represented by a recognised trade union representative or work place colleague.

#### Once a complaint has been received:

- The Associate Headteacher/Head of School or other senior person will arrange a discussion with the complainant to see if they wish to pursue an informal resolution or a formal investigation.
- The approach to be used is then confirmed in writing. If the informal route is taken and the complainant is unresolved the complainant may wish to pursue the formal route.
- If the formal route is taken the complainant must submit their complaint in writing and an investigation will be undertaken.
- The investigation is a fact-finding exercise and not part of the disciplinary or grievance procedure.
- Dependant upon the nature of the allegations, consideration will need to be given to:
  - Working arrangements to ensure the complainant and alleged harasser work apart whilst a complaint is under investigation.
  - The alleged harasser being suspended from work to enable an investigation to be undertaken.

Following the investigation:

- If evidence is found of discrimination, harassment or bullying a referral to the disciplinary procedure is made.
- Where there is evidence of a malicious allegation the complainant is referred to the disciplinary procedure.

If no evidence of discrimination, harassment, bullying or malicious intent by the complainant, consideration will need to be given to helping both parties continue or resume working or how working relationships will be managed. Mediation may be appropriate if the parties agree to it.

The alleged harasser can be assured that, in cases where no evidence is found, the allegation will not affect his/her career in any way.

## Guidance Document 7

### Definitions

#### **Discrimination**

The contribution of all individuals should be valued and respected. All aspects of employment practice, such as recruitment and selection, performance management and promotion shall be based on assessment of the individual's capabilities against criteria that are relevant to the work they are required to undertake. Basing judgements on characteristics or status unrelated to the individual's ability to perform his or her work amounts to unfair discrimination and is unacceptable and, potentially, illegal.

#### **Direct discrimination**

Direct discrimination will occur where a person is treated less favourably on grounds of his or her age or apparent age (assumed or perceived, even if wrong) than another person was treated, or would have been treated, in circumstances which were the same or hardly any different.

#### **Indirect discrimination**

Indirect discrimination will occur where a provision, criterion or practice is applied to everyone, which puts people in a particular 'age group' at a particular disadvantage and it cannot be shown that the particular provision, etc., is a proportionate means of achieving a legitimate aim.

#### **Bullying**

Bullying at work involves single or repeated negative action(s) and practice(s) that are directed at one or more workers. The behaviours are unwelcome to the victim and undertaken in circumstances where the victim has difficulty in defending themselves. The behaviours may be carried out as a deliberate act or unconsciously. Bullying is offensive, intimidating; malicious or insulting behaviour, an abuse or misuse of power, which is meant to humiliate, injure or control the person subjected to it.

#### **Harassment**

Harassment is unwanted conduct that relates to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, age, religion or belief or any personal characteristic. This conduct has the effect or purpose of violating a person's dignity or creating an intimidating, hostile, degrading humiliating or offensive environment. It is not the intention of the perpetrator that is key to deciding whether bullying or harassment has taken place. The defining principle is whether the behaviour was unacceptable by reasonable, professional standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. However, the alleged harasser's intention is relevant to understanding the impact of their behaviour and in choosing the most effective way to try to resolve the situation.

Something intended as a 'joke' may offend another person and different people find different things acceptable. Employees have the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise as likely to offend will be harassment without the recipient having to make clear in advance that behaviour of that type is not acceptable to him or her, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these situations, first time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be considered harassment if it is sufficiently serious.

The following are examples of harassment and bullying, but this list is by no means exhaustive:

- **Unwanted physical conduct**  
Such as unnecessary touching, patting or pinching or brushing against another employee's body, insulting or abusive behaviour or gestures.
- **Unwanted verbal conduct**  
Such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendoes, lewd comments, jokes, banter or abusive language, which refers to a person's or a group's gender, colour, race, religion, ethnic or national origins, age, disability or sexual preference, appearance etc. This includes repeated suggestions for unwanted social activities inside or outside the workplace. Including mobile telephone calls.
- **Unwanted non-verbal conduct**  
Such as referring to an individual's characteristics or private life, making abusive or offensive gestures, leering, whistling, the display of photographic or suggestive literature, pictures or films/videos or inappropriate use of software, or network systems, including email and the internet/intranet.

### **Third party harassment**

This is where a third party subjects an employee, contractor or agency staff to unwanted conduct. A third party may include a parent, supplier, vendor or visitor.

The Trust may be liable if it fails to take steps as would be reasonably practicable to prevent harassment taking place against its employees.

The Trust will be liable only if it knows that a third party (not necessarily the same one) has subjected the individual to harassment on at least two other occasions. There is no time limitation on when the

previous incidents should have occurred.

Employees are encouraged to report any such incidents to their Associate Headteacher/line manager. Such circumstances may be anticipated during risk assessment and measures put in place to prevent or limit such harassment.

The Dignity at Work Policy does not cover third party harassment, as it is not within the scope of this policy to take action against third parties.

### **Victimisation**

When a person is treated less favourably than another because he or she has brought a complaint either in relation to themselves or a colleague, given evidence or complained about the behaviour of someone, this constitutes victimisation and will not be tolerated. Victimisation is unacceptable behaviour and may be considered gross misconduct within the disciplinary procedure that could result in the dismissal of the perpetrator.

### **Other conduct**

This will involve behaviour, which belittles or ridicules, or is intimidating or physically abusive to an employee.

Bullying can result from misuse of any form of individual power such as physical strength, personality or age, or collective power through strength of numbers. Bullying is where someone or a group of people in a position of strength, authority or responsibility abuses their individual power by using intimidating insulting or malicious behaviour. Collective bullying will be treated as victimisation and may be considered gross misconduct.

Bullying is persistent, destructive behaviour that has a detrimental impact on a person's confidence and self-esteem. Bullying can be colleague to colleague, employee to manager, as well as from manager to more junior members of staff (including temporary, agency staff and contractor staff).

### **Illustrations of bullying and harassment:**

- Persistent unfounded criticism
- Unwelcome sexual advances – touching, display of offensive materials
- Unwanted jokes, comments or nicknames related to a person's age, sex, race, religious belief or disability
- Spreading malicious rumours, gossip or insulting someone (particularly on the grounds of race, sex, age, disability, sexual orientation and religion or belief)
- Making insulting or offensive comments about others
- Questions about a person's sex life

- Humiliation, intimidation, ridicule and/or personal abuse, either in public or private
- Exclusion or deliberately ostracising colleagues
- Picking on a person or deliberately setting someone up to fail
- Ignoring the views of others
- Constantly criticising others' work and efforts
- Overbearing supervision or other misuse of power of position
- Torment by a peer group that humiliates, demeans or frightens the individuals to whom the behaviour is directed
- Sending or posting of harmful or cruel text or images using the Internet or other digital communication devices

### **What are bad behaviours?**

Employees can be upset by a wide range of behaviours.

The general principle is that bad behaviours:

- Involve repeated negative behaviours;
- Are unwelcome;
- Are an abuse of power;
- Cause distress, offence or humiliation.