

Bullying and Harassment Procedure

This Greenshaw Learning Trust (GLT) Policy applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Human Resources Policy of the Greenshaw Learning Trust.

The Greenshaw Learning Trust is the single employer of all members of staff within the Trust's schools and in the Trust central service.

It is the responsibility of the local governing body and Headteacher of each school in the Trust, and of the Board and the CEO for Trust central services, to ensure that this Policy and associated Procedures are adhered to.

In implementing this Policy and associated Procedures the local governing body, Headteacher and school and Trust central service staff must take account of any advice given to them by the GLT Head of HR, the CEO and Board of Trustees. If there is any question or doubt about their interpretation or implementation, the GLT Head of HR should be consulted.

Approval and review:

The responsible officer is the GLT Head of HR.

This Policy was agreed by the Board of Trustees on 16 October 2019

This Policy will be reviewed annually.

Contents

- 1.** Introduction
- 2.** Review and approval
- 3.** Responsible persons
- 4.** Associated policy, procedures and legislation
- 5.** Timescales and definition of a working day
- 6.** What is harassment?
- 7.** What is bullying?
- 8.** Informal steps
- 9.** Raising a complaint
- 10.** Investigation
- 11.** Action following Investigation
- 12.** The appeal process
- 13.** Protection and support for those involved
- 14.** Confidentiality and record keeping

1. Introduction

Greenshaw Learning Trust (the '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.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and by third parties such as customers, suppliers or visitors to GLT establishments

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Review and approval

This Policy and associated procedures will be reviewed regularly in accordance and adherence to:

- where appropriate, undertake consultation and negotiation with Trade Union representatives through the JCNC.

3. Responsible persons

The person responsible for this policy is the GLT Head of HR:

- **Jenny Cain. Email: jcain@greenshaw.co.uk; telephone: 020 8715 1078.**

The following people will provide guidance and advice on all procedures outlined within this policy:

- **GLT HR Advisers: Stone King**
Email: lisasaggers@stoneking.co.uk; telephone: 020 7324 3327.

Each school in the Trust will designate a School HR Manager who will be the primary point of contact for staff. Staff should disclose any instances of harassment or bullying of which they become aware to their HR Manager. The HR Manager will take advice from the GLT Head of HR. For the central Trust team the GLT HR Systems Manager will act as the HR Manager.

Responsibility for the implementation of this Policy in a school in the Trust has been delegated to the Headteacher of the school. Responsibility for the implementation of this Policy in the Trust central service has been delegated to the GLT CEO. (Subject to the GLT Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme placed on the school or service.)

All line managers have a specific responsibility to operate within the boundaries of this policy, to 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.]

Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the GLT Head of HR.

4. Associated Policies, Procedures and Legislation

This Policy is a constituent part of the GLT Disciplinary Policy, and thereby of the GLT Human Resources Policy.

The following Trust policies and procedures are directly related to and complement this Policy:

- GLT Equalities Policy
- GLT Grievance Resolution Procedure
- GLT Disciplinary Policy
- GLT Code of Conduct
- GLT Whistleblowing Policy

This Policy was also written in compliance with:

- The Equality Act 2010
- The Employment Rights Act 1996
- The ACAS Code of Practice

5. Timescales and Definition of a working day

For the purposes of the operation of this Procedure, timescales are expressed in working days.

For members of staff who are contracted to work term time only, a working day should be reckoned as a school day. Where an employee raises a complaint just before a school holiday, arrangements to resolve the matter speedily should be discussed between the parties. An intervening school holiday should not of itself be a cause for an undue delay in resolving the matter.

For members of staff contracted to work all year round, a working day is defined as Monday to Friday calendar days, except bank holidays.

6. What is harassment?

Harassment is any unwanted physical, verbal or non-verbal 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 also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

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.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- 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);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- 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 as gay or lesbian;
- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person's disability.

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.

7. What is bullying?

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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone’s performance;

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.

8. If you feel you are being bullied or harassed – Informal steps

If a member of staff feels they are being harassed or bullied, they should consider whether they feel able to raise the problem informally with the person responsible. They should explain clearly to the person responsible that their behaviour is not welcome or makes them uncomfortable. If this is too difficult or embarrassing, they should speak to their line manager or HR Manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

If a member of staff is not certain whether an incident or series of incidents amounts to bullying or harassment, they should initially contact their line manager or HR Manager informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, the member of staff should follow the formal procedure set out in the GLT Grievance Policy.

9. Raising a formal complaint

A 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 attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to the member of staff who feels they are being harassed or bullied. However, the Trust has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

10. Investigation

Complaints will be investigated in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

A meeting will be arranged with the complainant, usually within one week of receiving the complaint, so that the complainant can give their account of events. The complainant has the right to be accompanied by a colleague or a Trade Union representative of their choice, who must respect the confidentiality of the investigation. The complainant will be given a provisional timetable for the investigation. The investigator will arrange further meetings with the complainant as appropriate throughout the investigation.

Where the complaint is about an employee, the Trust may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator 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.

Where the complaint is about someone other than an employee, such as a customer, supplier or visitor, the Trust will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We will also seriously consider any request that the complainant makes for changes to their own working arrangements during the investigation. For example, they may ask for changes to their duties or working hours to avoid or minimise contact with the alleged harasser or bully.

It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasised to them.

The investigator will compile a thorough report and determine whether there is a case to answer.

11. Action following the Investigation

If the investigator considers that harassment or bullying has occurred, prompt action will be

taken to address it.

Where it is alleged that an employee has bullied or harassed another member of staff, the matter will be dealt with as a case of possible misconduct or gross misconduct in accordance with the GLT Disciplinary Policy.

Where it is alleged that a third party such as a customer or other visitor has bullied or harassed a member of staff, the Trust will consider what action would be appropriate to deal with the problem.

Whether or not the complaint is upheld, the Trust will consider how best to manage the ongoing working relationship between the two parties. 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 the GLT Disciplinary Procedure.

12. The Appeal Process

If a complainant is not satisfied with the outcome they may appeal in writing, following the procedures outlined in the GLT Grievance Policy.

13. Protection and support for those involved

Staff who make complaints 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 GLT Disciplinary Procedure.

If a member of staff believes they have suffered any such treatment they should inform their line manager or HR Manager. If the matter is not remedied, they should raise it formally, by following the GLT Grievance Policy.

The Trust offers all staff access to an Employee Assistance Programme (EAP) which is available on request for anyone affected by, or accused of, bullying or harassment. The details are available on the GLT Self Service HR Portal.

14. Confidentiality and record keeping

Confidentiality is an important part of the procedures provided under this policy. 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. Breach of confidentiality may give rise to disciplinary action under the GLT Disciplinary Procedure.

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 GLT Data Retention

Procedure.