



# Trust Bullying & Harassment Policy

Approved by: Trust Chief Executive Officer

Date: January 2021

Last reviewed on:

Next review due  
by:

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## 1. Introduction

This Trust recognises and accepts its responsibility as an employer to protect its employees from bullying and harassment. We develop positive values and a working culture that provides an environment where employees can develop as people who are motivated, productive and happy as well as being treated with respect and dignity. The Trust will not tolerate any form of bullying and harassment from any source, including from the leadership group, colleagues, governors, parents, guardians, carers, stakeholders, officers, councillors and contractors.

We want all employees to feel confident about reporting complaints of bullying and harassment. All complaints will be taken seriously, treated fairly and without fear of reprisals or victimization.

The aim of the policy is to:

- Ensure that every employee understands their right and responsibilities in relation to bullying and harassment;
- Provide an understanding of what to do if bullying or harassment takes place;

Our Trust schools will take a serious view of any complaint made regarding bullying, harassment or victimization. Concerns may be raised in confidence, these will be taken seriously and investigated in accordance with the appropriate stage of the procedure. Appropriate action will be taken against any individual where it is proven that they have bullied or harassed - this may include disciplinary action. As such confidentiality cannot be guaranteed as information disclosed may have to be used in proceedings including disciplinary hearings and criminal cases if appropriate.

Bullying and harassment can have a detrimental effect on an individual's home and work life; for example, depression, anxiety, stress, loss of confidence. In the workplace this can result in poor working relationships, increased absenteeism and reduced efficiency.

However, to eliminate bullying and harassment it is necessary to know when it occurs. The Trust is responsible for the actions of all its employees and therefore in order to eliminate this, the Trust must be informed of any incidents.

This policy applies to Trust Directors, Governors and all its' employees.

In applying the policy and procedure, managers will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act as specified below;

- Age
- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion and belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

Those who attempt to abuse this policy may face disciplinary action. The Trust takes false or misleading accusations very seriously which may result in further action being taken through the Disciplinary Procedure. This will not include ill-founded allegations that were made in good faith.

## 2. Responsibilities

All employees, Directors and Governors have a duty of care to themselves and to others. They must not act in any way likely to cause harm to others. Anyone who witnesses harassment or bullying has a responsibility to alert their manager or Head Teacher (or the Trust's Chief Executive Officer, in the case of witnessing harassment or bullying by a Head Teacher).

Some roles within the Trust hold specific responsibilities which are outlined below:-

### **The responsibilities of the Board of Directors/Governing Body are to:**

- Promote each of our School's values and the importance of a positive working culture.
- Comply with their responsibilities under the Code of Conduct.
- Be aware of their own behaviour and the effect it may have on other people thus ensuring that their behaviour does not contribute to bullying or harassment.

### **The responsibilities of Head Teachers and employees who manage other staff are to:**

- Take all reasonable steps to prevent bullying or harassment by considering their own management style and behaviour and ensuring that they support the values of the school;
- Provide a work environment where it is clear to all staff that behaviour which may potentially cause offence is not acceptable;
- Challenge all inappropriate behaviour;
- Take all reasonable steps to satisfy their proactive duty to acknowledge and act upon any potential bullying or harassment behaviour;
- Take appropriate action if bullying and harassment occurs and ensure that complaints are treated effectively, sensitively and seriously in accordance with the procedure;
- Ensure records are kept of all incidents;
- Ensure that all documented procedures are adhered to;

### **The responsibilities of employees are to:**

- Be aware of their own behaviour and the effect it may have on other people, treat everyone with respect and dignity thus ensuring their behaviour does not contribute to incidents of bullying and harassment;
- Be aware of the problems which bullying and harassment can cause;
- Bring to the attention of colleagues that certain behaviour or conduct can cause offence;
- Take appropriate action if they observe any bullying or harassment;

## 3. What is bullying and harassment?

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Bullying itself is not against the law but harassment is. Harassment in the workplace can relate to one of the characteristics protected by the Equality Act 2010.

Examples of bullying or harassing behaviour includes:

- Spreading malicious rumours
- Unfair treatment
- Picking on or regularly undermining someone
- Facial expressions
- Banter that is offensive
- Denying someone training or promotion opportunities
- Setting someone up to fail

- Exclusion / being ignored

Bullying and harassment instances are not always face-to-face; they can include written communications, electronic mail and telephone conversations.

#### **4. What is victimisation?**

Victimisation at work is when someone has been treated poorly or unfairly because you have made a complaint or you have helped someone else with a complaint and have been perceived as siding with them.

The Trust will not tolerate this behaviour and as such any allegations will be investigated and appropriate action taken where necessary.

#### **5. What do you do if you think you are the subject of bullying and harassment or victimisation?**

##### **Informal Procedure**

Any employee who feels that they are being bullied, harassed or victimised in the workplace may wish to resolve the situation informally and directly with the perpetrator in the first instance. If this is too daunting and support is needed to do this or the employee would like someone to do this on their behalf they may wish to talk to their manager, Head Teacher or the Trust HR Manager who would be happy to support them with this.

If the employee perceives they are being bullied or harassed by a Director or Governor the employee should report this to the Head Teacher who will then seek advice from the Trust's HR Manager.

If an employee perceives they are being bullied or harassed by a Head Teacher, the employee should report this to the Trust's Chief Executive Officer, who will then seek advice from the Trust's HR Manager.

In relation to members of the public, employees should make the Head Teacher aware of any incidents. Depending on the circumstances of each case, a range of actions will be considered which may include:

- Excluding the individual from school premises;
- Legal action being taken against the person bullying or harassing the employee.

Where an employee is being harassed or bullied by a contractor, a person working for or representing a voluntary organisation, the Head Teacher should speak to the person involved. However, Head Teachers should seek further advice from the Trust's HR Manager before approaching the representatives of external agencies.

Where anyone has witnessed harassment or bullying they should raise concerns with their Head Teacher (or Trust's Chief Executive Officer, in the case of witnessed harassment or bullying by a Head Teacher).

The informal procedure is designed to address bullying or harassment when it takes place and to help all employees to work together in a professional and dignified manner in order to eradicate it from the workplace. Employees may not be aware that their actions cause offence to others and once it is highlighted this may resolve the situation.

If the situation cannot be dealt with informally then the formal procedure will need to be applied.

### **What support is available?**

In the event of an employee becoming absent due to bullying or harassment - and consequently suffering from stress, anxiety or depression - a Wellbeing Meeting will take place as soon as possible to enable consideration of any adjustments to their workplace that may help them to ease their way back into work. For further guidance on adjustments to the workplace that may be considered, please refer to the Trust's policy on sickness absence management.

All employees and their immediate family have access to the FREE 24Hour telephone counselling service that is available via our occupational health service provider. Confidential assistance can be accessed by telephoning 0800 0305182 and quoting 'Durham County Council'.

The counsellor's role is to offer support and assistance, discuss the options open to the employee, and help the employee determine if and how, they want to progress matters. Therefore:

- Advice and guidance will be offered in confidence.
- Information will be given to the individual about the options available to assist the individual in making their own decisions.

Counselling plays a vital role in assisting employees, by providing a confidential avenue for impartial advice. This informal approach could lead to the opportunity to resolve the complaint without the need for any further formal action.

In some cases it may be considered appropriate for a person who has complained of bullying or harassment to have the opportunity to have face-to-face access to a counsellor. In this case, counselling can be accessed via the Trust HR Manager.

### **Formal procedure**

In most cases, informal resolution should be attempted before the formal procedure is invoked. If the informal approach has not resolved the issue, or an incident has occurred which is so offensive to the recipient that an informal approach is not considered appropriate, then the recipient can use the formal procedure.

Allegations of bullying or harassment through the formal procedure, will be treated as potential breaches of discipline and such behaviour may, in certain circumstances, even be unlawful (e.g. under the Equality Act 2010). Some acts of bullying or harassment are so serious that they can be judged to constitute a criminal offence and in such cases, the school may be obliged to report the offence to the Police.

Any adverse reaction or inappropriate behaviour towards the complainant or alleged perpetrator which arises as a result of the complaint is likely to constitute victimisation. Any such incident will be taken extremely seriously and might lead to disciplinary action.

### **Complete a bullying and harassment report form**

In order to make a formal complaint of bullying or harassment the employee should complete the bullying and harassment report (refer to Appendix 1) form with details of the alleged perpetrator, a description of what happened and details of any witnesses. The form is available from the Head Teacher and from the Trust Website at [www.tudhoelearningtrust.co.uk](http://www.tudhoelearningtrust.co.uk)

The completed form should be forwarded to the head teacher, with a copy to the Trust HR Manager and a copy retained by the employee. The Head Teacher (or the Trust Chief Executive Officer in specific circumstances) will acknowledge in writing within 10 working days the receipt of this form and outline the next stages in the process.

### **Investigation**

The Head Teacher will instigate an investigation into the incident. This may mean that the Head Teacher chooses to appoint an investigating officer or may wish to assume the role of investigating officer themselves. If a separate investigating officer is appointed, the investigating officer should not be party to the complaint itself or have been witness to any incidents that have been reported. The Trust HR Manager should also be made aware of the situation so that they can offer support to the Head Teacher and advise on appropriate action.

The investigation should normally be carried out within 10 working days of receiving the complaint. This includes meeting the complainant, taking statements from the complainant, any witnesses and the alleged perpetrator. Investigating officers should deal sensitively with all those involved, including any witnesses. If, in exceptional circumstances, the investigation is unlikely to be completed within 10 working days an alternative timescale should be discussed with the complainant.

The investigating officer will interview the complainant, who may be accompanied by a work colleague or trade union representative for support. Interviews will also take place with the alleged perpetrator and individually with any named witnesses, who may also wish to be accompanied by a work colleague or trade union representative. It is important that any accompanying person must not be party to the complaint. Any other supporting evidence will also be obtained. The objective of this investigation is to clarify and discuss all relevant issues in as short a time scale as is possible.

The investigating officer will then compile a report based on all relevant information, statements, records of interviews and corroborating evidence. This report will consequently clarify whether the complaint is upheld and whether formal consideration by the Head Teacher is warranted. A copy of the report should be retained in the school and a copy also sent to the Trust HR Manager. The Trust HR Manager will advise on appropriate action that may be considered.

Once an outcome is determined, the Head Teacher will notify both the complainant and alleged perpetrator in writing within 10 working days of receiving the report, along with any other line manager involved in the investigation.

## **6. Disciplinary Procedure**

Where it is clear that a conduct issue exists and there is a case to answer a disciplinary hearing may then be arranged. However, there may, in some instances, be the need for further investigations within the school's Disciplinary Procedure. These investigations may then lead to a formal disciplinary hearing. For further information, please refer to the school's Disciplinary Procedure.

Where the investigation reveals that a complaint may have been malicious or mischievous the Head Teacher (or their representative) will decide whether appropriate disciplinary action will be taken against the complainant.

If action is taken short of dismissal after any disciplinary hearing, the perpetrator will be advised of the standards of behaviour expected in future. It will also be explained that if

the recipient is victimised for bringing this complaint, or if the behaviour continues, there will be further disciplinary action, which could ultimately result in dismissal.

## **7. Appeal**

If disciplinary action is taken against the alleged perpetrator they may appeal in accordance with the school's Disciplinary Procedure.

If the complainant is not satisfied with the outcome of the bullying or harassment investigation they may appeal, in writing, to the Head Teacher within 10 school working days of receiving the decision. Notification of the outcome of the meeting will be issued in writing within 10 days. The Appeals Hearing is the final forum for such consideration in Trust's Schools.



**TUDHOE LEARNING TRUST  
BULLYING AND HARASSMENT REPORT FORM**

To be completed by the person raising the concern

Name \_\_\_\_\_

Job Title \_\_\_\_\_

Address \_\_\_\_\_

Contact number \_\_\_\_\_

Email address \_\_\_\_\_

Please provide a summary of your concerns, including all relevant details such as dates, names of witnesses and any supporting documentation

*Please use additional sheets if necessary*

**Have you taken any steps to resolve your concerns informally?  
If yes, please explain what happened and why you are not happy with the outcome.  
If no, please explain why you didn't feel this option was appropriate.**

**What do you propose should happen in order to resolve your concerns?**

**Signed** \_\_\_\_\_

**Print name** \_\_\_\_\_

**Date** \_\_\_\_\_

*Please send your completed form to your Head Teacher or Chair of Governors and copy to the Trust HR Manager.*