



Bullying and Harassment Policy

CONTENTS

Document control	2
Document title	2
Author	2
Version number	2
Date approved	2
Date of review	2
Revision History.....	2
1. Introduction.....	3
2. Scope.....	3
3. Definition.....	4
4. Unlawful grounds of harassment and bullying.....	5
5. Procedure for complaints	5
5.1 Informal procedure	5
5.2 Formal procedure	6
5.3 Exceptional circumstances	6
6. Consequences of breach.....	6
7. Responsibilities of employees and managers.....	7
8. Support and advice.....	7
9. Confidentiality	7
10. Monitoring and review.....	8
Appendix 1 – Unlawful grounds of harassment and bullying	9

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HR06 – Bullying and Harassment Policy

Author

Helen Ruddle, Director of HR

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1	07/04/2014	Helen Ruddle	New policy
2	01/09/2019	Helen Ruddle	Reviewed and agreed by the JNC policy committee
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1. INTRODUCTION

Delta Academies Trust ("Delta") wishes to provide a stimulating and supportive working environment which will enable its employees and workers to fulfil their personal potential and creativity. Such an environment cannot exist where any employee/worker is subjected to harassment, bullying, intimidation, aggression or coercion.

Delta is fully committed to the principles of equality and diversity in the workplace and regards bullying and harassment as forms of discrimination. As such, Delta will not tolerate any form of bullying or harassment.

Throughout the implementation of this policy, provision will be made for employees to be accompanied to meetings by either a work colleague or a trade union representative. This is considered to support the process in the following ways:

- English may not be the employee's first language and a companion may be in a position to help facilitate the discussion;
- It may be necessary under the Equality Act 2010 as part of a reasonable access requirement for a disabled employee;
- It may give the employee confidence;
- The work colleague or trade union representative may have experience of prior successful arrangements and knowledge of wider workforce practices;
- To ensure a fair and transparent process.

2. SCOPE

This policy and procedure applies to all employees of Delta and third parties that work in any of our academies/Head Office.

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the Senior Department Head within the Core Team. Reference to 'Delta' includes all Academies as well as the Core Team.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending meetings/hearing.

3. DEFINITION

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be on the grounds of the protected characteristics (sex, marital status, race, disability, religion or beliefs, sexual orientation, age or gender reassignment). For the purpose of this policy, this list should be considered non-exhaustive, and harassment or bullying on any grounds will not be tolerated by Delta.

Harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. It includes unwelcome physical conduct, verbal or non-verbal conduct and could amount to unlawful discrimination.

Bullying includes persistent behaviour directed against an individual or group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).

Employees may find some behaviour offensive even if it is not directed at them. In addition, the complainant does not need to possess the relevant characteristic themselves and it can be because of perception or association.

Delta recognises that individuals' perceptions differ and what one complainant perceives as harassment or bullying may not be thought of in this way by another.

Examples of behaviour which may constitute harassment or bullying include (but are not limited to):

- Spreading malicious rumours
- Professional or social exclusion
- Insulting behaviour
- Unwelcome sexual advances or physical contact
- Unfounded threats relating to job security
- Calculated undermining of an employee's competence, for example through a consistently unreasonable or unfair workload, overbearing supervision or unnecessary circulation of critical memoranda
- Physical assault
- Verbal abuse, threats, derogatory name calling, ridicule, insults and offensive or embarrassing jokes
- Offensive emails, texts or visual images

- Offensive conduct through social media sites both inside and outside of the workplace
- Derogatory graffiti/insignia or display of derogatory or offensive material
- Inciting others to commit any of the above

4. UNLAWFUL GROUNDS OF HARASSMENT AND BULLYING

Delta will not tolerate any instance of harassment or bullying regardless of the grounds. The Trust will also not tolerate any acts of retaliation and where this is found to have occurred, action will be taken in accordance with the Trust's Disciplinary Policy.

This policy will equally apply to work related events even if they occur away from the normal workplace.

Expressly unlawful grounds by which a person may experience harassment or bullying are outlined in Appendix 1.

5. PROCEDURE FOR COMPLAINTS

Any employee, who feels that they have been subjected to harassment or bullying by any other employee, should raise the matter as soon as reasonably practicable. See section 8 for sources of further support and advice.

Employees can raise a complaint informally and/or formally. They should contact their Line Manager or another Manager (the next most senior post), either in the absence of their Line Manager or where their complaint is against their Line Manager.

Anyone reporting an incident of bullying or harassment will not suffer any reprisals, provided the reporting of such acts is not done maliciously.

5.1 Informal procedure

If the employee feels able, they should speak up at the time when they feel harassed or bullied. It is important to be direct and for the employee to state explicitly that they feel they are being harassed or bullied and that the behaviour is unacceptable to them. The employee can also discuss the matter with another colleague or their supervisor and ask them to speak to the perpetrator on their behalf.

It is advisable that the employee keep an 'incident diary' of any offending behaviour.

Employees are also encouraged to consider mediation, either by an internal or external mediator dependent on the most appropriate for the specific case, prior to making the decision to move to the formal procedure. Line Managers will support employees gaining access to mediation where this is requested. Further details are available in the Delta Grievance Policy and Procedure.

Where the informal procedure or mediation has not resolved an employee's complaint, a formal grievance can be raised by the employee. Consideration should be given to whether any temporary and precautionary measures should be put in place whilst matters are investigated. Where measures are put in place, they must be reviewed regularly and kept in place for a shortest period as possible.

5.2 Formal procedure

Any employee who feels that they have been subjected to harassment or bullying may at any time decide to deal with the issue through formal procedures, regardless of whether informal steps have been taken or not.

Where an employee wishes to deal with any issue of bullying and harassment formally, they may proceed with the Delta Grievance Policy and Procedure. Delta will undertake an investigation to see if there is a need to invoke the Delta Disciplinary Procedure.

Where employees are not happy with the outcome of the formal grievance procedure, they can appeal this decision internally in accordance with the appeal section of the Trust's grievance policy.

Delta will investigate any informal or formal complaint thoroughly and fairly.

5.3 Exceptional circumstances

In the rare and exceptional circumstance where there is an allegation of institutional bullying within the organisation, an appropriate independent person will be appointed to investigate the matter.

6. CONSEQUENCES OF BREACH

Substantiated cases of harassment and bullying are a disciplinary offence and will be dealt with according to the Delta Disciplinary Policy and Procedure. Acts of bullying,

harassment, victimisation or discrimination may constitute Gross Misconduct, which could lead to Summary Dismissal (without notice).

Employees should bear in mind that harassment or bullying may also constitute a criminal offence punishable by a fine and/or imprisonment and as such the Trust may need to report cases to the police.

7. RESPONSIBILITIES OF EMPLOYEES AND MANAGERS

All employees are responsible for their own behaviour and should ensure that they comply with the Policy at all times.

All Managers are responsible for implementing this Policy and bringing it to the attention of all employees.

Any complaints under this Policy brought to the attention of a Manager must be dealt with promptly, confidentially, fairly and consistently.

8. SUPPORT AND ADVICE

All employees have access to Care First, a confidential service for information and advice or counselling, available free of charge. This service can be contacted on 0800 174319.

Employees can also contact the ACAS helpline for independent advice. This can be accessed online via their website www.acas.org.uk or by phone on 0300 123 1100.

Delta and the Trade Unions will work together in addressing unacceptable and/or inappropriate behaviour.

Where agreed by all parties, mediation can be arranged in order to restore good working relationships and address the issues raised.

9. CONFIDENTIALITY

Delta will treat any complaint received under this Policy confidentially and records will be kept in accordance with the Trust's data protection policy and data retention

policy, ensuring compliance with the Data Protection Act 2018 (GDPR). All employees involved are required to respect the need for confidentiality. Any breaches in confidentiality will be subject to disciplinary action.

10. MONITORING AND REVIEW

Through monitoring and review, the Trust will ensure that

- Individual records will be treated as confidential;
- Consistency of application and adherence to Equality legislation;
- An Equality Impact Assessment is completed.

This policy will be reviewed every three years, or when there are changes to relevant legislation by the Trust in conjunction with recognised Trade Unions.

APPENDIX 1 – UNLAWFUL GROUNDS OF HARASSMENT AND BULLYING

1 SEX

Harassment or bullying on the grounds of a person's sex, pregnancy, maternity leave etc. This can apply even where the complainant was not the employee to whom the harassment was directed.

2 MARITAL STATUS

Harassment or bullying on the grounds of a person's marital status

3 GENDER REASSIGNMENT

Harassment or bullying on the grounds that a person intends to undergo gender reassignment; is currently undergoing gender reassignment or has already undergone gender reassignment.

4 SEXUAL HARASSMENT

This is distinct from sex harassment, as it is physical, visual, verbal or non-verbal conduct that is sexual in nature.

5 RACE

Harassment or bullying on the grounds of race, colour, ethnicity or nationality

6 DISABILITY

Harassment or bullying on the grounds of a person's disability

7 SEXUAL ORIENTATION

Harassment or bullying on the grounds of a person's sexual orientation, applying equally to 'same sex' orientation, 'opposite sex' orientation and 'both sexes' orientation.

8 RELIGION, BELIEF OR POLITICAL VIEW

Harassment or bullying on the grounds of a person's religion, beliefs or political view.

9 AGE

Harassment on the grounds of a person's age, applying equally to all people regardless of age

10 VICTIMISATION

Harassment or bullying as a consequence of a person raising a concern

11 TRADE UNION

Harassment or bullying as a consequence of a person being affiliated to a trade union