



## **Bullying and Harassment Policy**

## 1. Introduction

- 1.1 This Bullying and Harassment Policy should be read and applied in conjunction with DBAT's Staffing Policy Statement.
- 1.2 DBAT seeks to ensure that all employees are treated, and treat others, with dignity and respect, free from harassment and bullying. Employees should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.3 DBAT will take allegations of harassment or bullying seriously and address them promptly and confidentially, where possible. All employees, board members, trustees and volunteers must comply with this policy and take appropriate measures to ensure that such inappropriate conduct does not occur. Harassment or bullying by an employee will be treated as misconduct under DBAT's Disciplinary Policy. In some cases, it may amount to gross misconduct leading to summary dismissal.
- 1.4 This Policy covers harassment or bullying which occurs both in and out of the workplace, such as on school visits, at events, work-related social functions or on social networking sites. It covers bullying and harassment against employees, board members, trustees and volunteers and also by third parties such as suppliers or visitors to DBAT, which includes parents.
- 1.5 Where the complaint relates primarily to a matter covered by another policy then the matter will be dealt with in accordance with the relevant policy, if more appropriate. Matters will not be dealt with under both this Policy and the Grievance Policy.
- 1.6 DBAT will consider the appropriate outcome(s) when a complaint has been investigated, for example, warning a parent about their behaviour, supporting the employee with reporting any criminal acts to the police, a disciplinary hearing, training, a formal apology.
- 1.7 Employees will not be subjected to disciplinary action, or to any other detriment, simply because their complaint is not upheld. Employees may face disciplinary action if it is found that the allegation is both false and made in bad faith (that is, without an honest truth in its belief).
- 1.8 At any stage of the procedure, the Headteacher / Senior Leader may deem it appropriate for matters to be investigated under DBAT's Disciplinary Policy.

## 2. What is Harassment?

- 2.1 Harassment is any unwanted physical, verbal or non-verbal conduct which 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.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 Unlawful harassment may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (including, 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.
- 2.4 Sexual harassment is unlawful and is unwanted conduct which is of a sexual nature.
- 2.5 Harassment may include, for example:
  - 2.5.1 Unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault.
  - 2.5.2 Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it.
  - 2.5.3 Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
  - 2.5.4 Conduct of a sexual nature such as 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).
  - 2.5.5 Offensive or intimidating comments or gestures, or insensitive jokes or pranks.
  - 2.5.6 Mocking, mimicking or belittling a person's disability.
  - 2.5.7 Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender.
  - 2.5.8 Outing or threatening to out someone as gay or lesbian.

- 2.5.9 Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 2.6. 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 they create an offensive environment. When deciding whether or not conduct has the effect of harassment, the perception of the other person, the circumstances of the case, and whether or not it is reasonable for the conduct to have that effect, must all be taken into account.

### **3. What is Bullying?**

- 3.1. 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.
- 3.2. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
  - 3.2.1. Shouting at, being sarcastic towards, ridiculing or demeaning others
  - 3.2.2. Physical or psychological threats
  - 3.2.3. Overbearing and intimidating levels of supervision
  - 3.2.4. Inappropriate and/or derogatory remarks about someone's performance
  - 3.2.5. Abuse of authority or power by those in positions of seniority
  - 3.2.6. Deliberately excluding someone from meetings or communications without good reason
- 3.3. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

### **4. What the Law Says**

- 4.1. The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (which includes colour, nationality, ethnic or national origin), religion or belief, sex or sexual orientation. Employers are meant to take reasonable steps to prevent it. Third party harassment was removed from the Act. However, it is still possible for

an employer to be liable for direct and indirect discrimination involving third party harassment where they treat someone less favourably because of a protected characteristic e.g. failing to take preventative action because of an employee's gender. In addition, an employee could rely on the implied clause of trust and confidence in their employment contract when they are considering their employer's action to a response.

- 4.2. The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 4.3. Under the Health and Safety at Work Act 1974 employees are entitled to a safe place and system of work.
- 4.4. Individual employees may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.
- 4.5. DBAT complies with the Public Sector Equality Duty (PSED). This means that when carrying out its functions, the Trust pays due regard to the need to:
  - Eliminate discrimination, harassment and victimisation
  - Advance equality of opportunity between people who have a protected characteristic and people who do not, and
  - Foster good relations between people who share a protected characteristic and people who do not.
  - Comply with the PSED, employers must give due regard to how taking steps to prevent third party harassment may help to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.
- 4.6. Individual employees may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.

## **5. Informal Procedure**

- 5.1. If an employee feels that they are being bullied or harassed, they should attempt to manage the situation informally if this is possible. The objective of an informal approach is to resolve the difficulty with minimal conflict. Every member of the Trust community has personal rights and this includes being made aware that their attention or behaviour is perceived by another as bullying or harassing. It is possible that the "perpetrator" simply does not realise the effect of their behaviour on the recipient. An employee should discuss their complaint with the "perpetrator" as early as possible. This should include a clear explanation that the behaviour in question is not welcome or makes them feel uncomfortable.

- 5.2. If an employee finds it too difficult or embarrassing to speak directly with the other person, then they should attempt to communicate through a third party, for example, a line manager or union representative. The third party may be able to support the employee in a number of ways, for example by providing advice on how to approach the issue directly with the “perpetrator”, or providing support in setting out thoughts in writing, or raising the matter informally with the “perpetrator” on the employee’s behalf.
- 5.3. If the behaviour continues after raising it with the “perpetrator”, the employee should raise the matter with their line manager or appropriate Senior Leader, either verbally or in writing.
- 5.4. The Senior Leader will then arrange to meet with both parties, either individually or together, and seek to address the concerns by considering options with those involved. These options may include mediation or moving to the formal stage of the procedure.

## **6. Formal Procedure**

- 6.1 If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, the formal procedure of DBAT’s Grievance Policy should be followed.
- 6.2 As a general principle, the employee who has been bullied or harassed is able to decide whether they wish to progress the complaint. However, the Trust has a duty to protect all employees, board members, trustees and volunteers and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

## **7 Witnesses**

- 7.1 Witnesses to harassment or victimisation can also take steps to address it. This may include:
  - the witness intervening where the witness feels able to do so
  - the witness asking the employee subjected to the harassment if they would like the witness to report it or support them in reporting it
  - the witness reporting the incident where the witness feels that there may be a continuing risk if they do not report it, and
  - requiring witnesses to cooperate in an investigation.

## **8. Reporting a Concern**

- 8.1. All employees, board members and volunteers must comply with this policy and take appropriate measures to ensure that such inappropriate conduct does not

occur. If a person witnesses bullying or harassment, they should raise the concern with their line manager or an appropriate Senior Leader verbally or in writing.

- 8.2. The Trust will support the witness in raising genuine concerns, informally or formally.

## **9. Protection and Support for those Involved**

- 9.1 An employee who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the Trust's Disciplinary Policy.
- 9.2 An employee who makes a complaint, or who participates in good faith in any investigation conducted under this policy, must not suffer any form of retaliation or victimisation as a result.
- 9.3 If an employee believes they have suffered any such treatment they should inform their line manager or an appropriate Senior Leader. If the matter is not remedied it should be raised formally under DBAT'S Grievance Policy.
- 9.4 Anyone found to have retaliated against, or victimised someone, for making a complaint or assisting in good faith with an investigation under this Policy, may be subject to disciplinary action under DBAT's Disciplinary Policy.

## History of most recent Policy changes

Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
January 2021	All	New Policy	
January 2023	All	Principal replaced with Headteacher or Senior Leader	Scheduled Review

Policy Owner	<b>Peoples' Services Directorate</b>
Date Adopted	<b>January 2021</b>
Most Recent Review	<b>January 2023</b>
Next Review	<b>January 2025</b>
Level	<b>Level 1</b>
<i>DBAT Policy levels:</i>	
LEVEL 1	DBAT policy for adoption (no changes can be made by the Academy Council; the Academy Council must adopt the policy)
LEVEL 2	DBAT policy for adoption and local approval, with areas for the Academy to update regarding local practice (the main body of the policy cannot be changed)
LEVEL 3	DBAT model policy that the Academy can adopt if it wishes
LEVEL 4	Local policy to be approved by the Academy Council