

**THE EDUCATION VILLAGE
ACADEMY TRUST**



**BULLYING AND HARASSMENT POLICY &
PROCEDURE**

EVAT Version Control Document

Version:	Date:	Policy Owner:	Amendments made by:	Details of amendments made:	Reviewed by:	Approved by:
V1.0	17 November 2021	Marie Roe	Marie Roe	New policy	BOT	09.12.21

Monitoring and review

This policy is reviewed annually by the Policy Owner: **Marie Roe**

The scheduled review date for this policy is **December 2022**

Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
 - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **A**mbitious and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **T**eamwork
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

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N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both. Any reference to Principal may also include another member of ELT or SLT.

Statement of Intent

The Education Village Academy Trust (EVAT, or the Trust) is committed to providing a work environment that is free from harassment, bullying and intimidation, and aims to ensure that all staff members are treated with dignity and respect at work.

The Trust has a zero-tolerance approach towards bullying and harassment, and those found to be in breach of these procedures may be subject to disciplinary action, up to and including dismissal.

This policy aims to:

- Ensure that all staff are aware of their responsibilities regarding their behaviour and conduct
- Outline the processes and actions taken in order to resolve any bullying or harassment incidents
- Ensure that all staff understand the seriousness of bullying and harassment
- Promote a climate in which staff members feel able to bring forward complaints without fear of victimisation
- Ensure that all allegations are responded to promptly, fairly and with the utmost confidentiality

Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to the following:

- Equality Act 2010
- Protection from Harassment Act 1997
- Health and Safety at Work Act 1974
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- ACAS (2015) Code of Practice on Disciplinary and Grievance Procedures

This policy operates in conjunction with the following Trust policies:

- Managing Allegations Against Staff Policy
- Equality, Diversity and Inclusion Policy
- Grievance Policy
- Code of Conduct
- Data Protection Policy
- Whistleblowing Policy
- Disciplinary Policy and Procedure
- Records Management

Scope

This policy applies to all staff members, including all agency staff, consultants, contractors and volunteers working with or for the Trust and/or its academies.

All Trustees and governors are expected to conduct themselves in a way that is consistent with both the provisions of the Code of Conduct and where applicable, this policy.

The procedure applies to all complaints made by a staff member, relating to their employment which may be either:

- A grievance regarding to a relevant issue arising in the workplace
- A dignity at work issue involving alleged incidents of bullying and/or harassment

This procedure also applies to collective grievances concerning workplace issues and to collective dignity at work issues involving alleged incidents or bullying and/or harassment.

Definitions

For the purpose of this policy, "bullying" may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

For the purpose of this policy, "harassment" is defined as an unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, marriage and civil partnership, sex and sexual orientation.

Unlike bullying, harassment can be an act of behaviour through which there is no clear intent to cause the person suffering.

Bullying and harassment may not just occur face to face, but also in written communications, via social media, emails or phone conversations.

Both bullying and harassment are unacceptable forms of behaviour, which can cause stress and anxiety for staff members, resulting in low morale, illness, under-performance, absenteeism and even resignation.

Examples of bullying and harassment include:

- Spreading malicious rumours or insulting someone by word or behaviour
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or misuse of power or position
- Unwelcomed sexual advances e.g. touching, standing too close or the display of offensive materials
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing, by intentionally blocking training or promotion opportunities

Where staff members feel they have been bullied or harassed by a pupil or a young person, these allegations will be dealt with through the individual academy's behaviour policy or anti-bullying policy.

Roles and responsibilities

Trustees and the Chief Executive Officer (CEO) are responsible for:

- Implementing and reviewing this policy and grievance procedure
- Ensuring adequate resources are available to promote appropriate behaviour and deal effectively with any issues raised
- Ensuring complaints are responded to and dealt with and providing guidance to the Principal.
- Establishing an appeals committee, who are responsible for effectively dealing with any appeals from staff
- Taking the necessary action against members of staff following an investigation into serious allegations of misconduct.

The Principal/Chief Operating Officer (COO) is responsible for:

- Explaining this policy to all staff members, ensuring they are aware of how to implement the procedures
- Setting a good example to other staff by promoting a respectful attitude
- Being responsive and open to staff members who make allegations of bullying or harassment
- Providing staff involved in a complaint with any support and guidance required
- Providing timely and constructive resolutions to address any issues raised
- Being alert to any unacceptable behaviour amongst staff members

Staff members are responsible for:

- Ensuring their behaviour is in line with this policy
- Conducting themselves in a professional manner at all times
- Creating an inclusive environment which is free from bullying and harassment
- Following the correct complaints procedure and dealing with issues in a respectful manner
- Keeping a detailed written record of any employee's behaviour which is believed to be unacceptable, stating the date, time, names of those involved and details of the incident
- Supporting fellow colleagues who are suffering from harassment or bullying
- Appropriately intervening to stop bullying and harassment
- Informing the Principal or COO of any behaviour they believe is unacceptable in the workplace
- Attempting to address and resolve any concerns at the earliest convenience
- Maintaining all necessary confidentiality regarding allegations and appeals
- Assisting with any investigation into a complaint of bullying or harassment

Support for employees

The Trust is committed to supporting all members of staff and will ensure that additional support is provided as requested.

Staff involved in an investigation will not suffer any form of retaliation or victimisation as a result of the investigation.

If a staff member feels that they have been mistreated, or that they are being subjected to any detrimental treatment as a result of raising a concern under this policy, they are required to report this to the Principal or the COO immediately.

Where the Principal or COO is accused of unacceptable behaviour and an informal approach to the situation has failed, the staff member will refer the issue directly to the CEO in order to follow the formal procedure.

Where the CEO is accused of unacceptable behaviour and an informal approach to the situation has failed, the staff member will refer the issue directly to the Chair of Trustees in order to follow the formal procedure.

Any staff member found to have retaliated or victimised someone involved in an investigation will be subject to disciplinary action, in accordance with the Trust's Disciplinary Policy and Procedure.

Guidance and advice will be offered for dealing with incidents, both formally and informally, such as regular staff training.

Trade Unions and other representatives will be contacted when proceeding to the formal stage of a solution.

Adequate resources will be available to staff members such as union information and counselling services.

Trustees will receive guidance from the Chair concerning any action that needs to be taken.

Informal solutions

Staff members who are subject to harassment or bullying are encouraged to approach the issue informally in the first instance.

Staff members are encouraged to raise matters directly with the individual(s) causing harm. The following steps have been established as guidance for how this should be approached.

- Choose an appropriate time and address the staff member accused of being a bully or harasser in a non-confrontational manner
- Clarify what in particular has happened that has resulted in the feeling of victimisation
- Allow the staff member accused of being a bully or harasser to explain themselves – they may not have realised that any offence was being caused

If staff members feel uncomfortable raising the issue directly with the individual causing harm, they are encouraged to speak to another colleague with whom they feel comfortable. The following steps provide guidance on how this should be approached:

- Outline the problem with an impartial person and ask them to address the alleged bully or harasser
- Keep a calm and relaxed tone at all times
- The impartial person can either raise the issue on the staff member's behalf or attend a direct discussion for moral support
- After the initial problem has been raised, the victim may feel able to be directly involved

If the CEO, Principal or COO or other member of staff becomes aware of any harassment or bullying within their team, they are encouraged to take appropriate action to deal with us, whether or not a particular individual makes a complaint.

Staff members are encouraged to keep a record of each bullying/harassment incident, including copies of anything relevant, such as annual reports, letters or memos, which reveal the individual's pattern of bullying and harassment.

Staff members are also encouraged to seek advice from their trade union representative during the informal stage to mediate the matter.

Staff members may wish to ask the Principal or COO to arrange for a trained independent mediator to help raise the issue of concern. Although this usually follows a formal hearing, it can also be attempted as a first approach on the Principal's/COO's advice.

Staff members may choose to be accompanied to any informal meetings by a colleague or their trade union representative.

If informal methods are successful in resolving the problem the matter may be closed at this stage. The required changes in the individual's behaviour should be clearly identified and recorded. This information will be used to form the basis of an action plan.

If informal methods fail to resolve the problem, a staff member may wish to pursue a formal complaint with the Principal/COO in accordance with the Trust's Grievance Policy.

Where the alleged bully or harasser is a third party, such as a contractor, parent, supplier, or visitor, the problem will only be dealt with formally after the following solutions have been attempted:

- Clarifying, through the provision of information or signage, acceptable and unacceptable behaviour
- Discussing the problem with the person, either verbally or in writing
- Conducting a meeting involving the Principal or COO with the alleged bully/harasser

Formal solutions

The formal investigation will be thorough, impartial and objective and will be carried out with sensitivity and due respect for the rights of all parties concerned.

Staff members should be made aware, via publication of this policy that people often become defensive and relationships can be strained when going through the formal procedure.

It is recommended that the staff member's trade union representative advises on the case and is present for the hearing.

If a staff member is unsatisfied with the outcome of the informal resolution, they are required to submit a bullying and harassment appeal to the Principal or the COO or the CEO (as appropriate) **within sixty working days** of the last bullying/harassment incident:

- The appeal should state specific details of the complaint and previous attempts to resolve the situation
- Where the Principal/COO or CEO wishes to submit a formal complaint, they will follow the same procedure, but will submit their appeal directly to the Chair of Trustees

A hearing will be held with a panel of the Board of Trustees (previously not involved in dealing with the complaint) within **ten working days**.

- Staff members will have a minimum of 5 working days' notice in writing to prepare
- Trustees may adjourn the meeting to request more information or evidence. However, the meeting will be reconvened within a maximum of five days
- The Chair of the panel will conclude the hearing by selecting one of the following options:
 - Agree with the informal or formal resolution proposed by the staff member
 - Decide one or more alternative resolutions
 - Refer the matter for a disciplinary investigation
 - Decide there is no case to answer

The outcome of the appeal will then be confirmed to both parties and their representatives where appropriate, in writing, within **five working days**.

The staff member will be informed of their right to appeal against the decision; however, no other party has the right to appeal against a decision taken under this procedure.

If it is decided that disciplinary action is to be taken, the staff member against whom this is being conducted, will be given the opportunity to respond in writing and/or by another formal meeting, within **five working days**, before a decision is taken.

The Principal/COO will be informed of the outcome of the hearing and of any further action that is been taken.

Where the complaint is regarding a third party, such as a contractor, parent, supplier or visitor, Trustees will consider what action may be appropriate to protect those involved.

In the case of a third party, consideration will be given to the outcome of the investigation, bearing in mind the reasonable needs of the Trust, its academies and the rights of both the staff member and the third party.

The Trust has a statutory duty to consider the referral of cases involving serious professional misconduct against a teacher to the Teaching Regulation Agency (TRA).

Where a teacher has been dismissed for misconduct, or would have been dismissed, but resigned first the Principal will consider whether or not to refer the case to the TRA.

When referring cases to the TRA, the Principal will use the teacher misconduct form for employers and include details of all relevant conduct by the teacher, all relevant evidence regarding such conduct and all relevant evidence submitted by the teacher.

When an allegation is made against a teacher that is in any way connected to the risk of harm, or actual harm to a child a referral will be made to the Local Authority Designated Officer (LADO) and the Disclosure and Barring Service.

Legal action

If a staff member feels that there is no action being taken to prevent mistreatment, they have the right to take legal action. In certain circumstances, if the complainant feels threatened or they believe a crime has been or may be committed, the police may also be involved and may consider taking action.

Where the acts of behaviour are unlawful under the Equality Act 2010 staff members may make a claim to an employment tribunal.

Staff members must have tried to resolve the problem with the Trust/academy, before taking a claim to an employment tribunal, as well as kept a record of any evidence to be considered for the claim.

Right to appeal

If a staff member wishes to appeal against the decision made during the formal process, they will do so within **ten working days** of the receipt of the outcome.

The Trust/academy will encourage the staff member's union representative to advise on the case and present to the hearing.

The staff member is required to submit a written statement to the CEO or the Chair of Trustees for referral to an appeals panel of the Board of Trustees.

The written statement should state specifically why the staff member feels that the outcomes of the formal meeting is unsatisfactory, as well as what further outcome they are seeking.

A hearing in front of the appeals panel will commence within ten working days, ensuring the staff member has a minimum of **five working days** to prepare their case.

The appeal hearing will be dealt with impartially by two or three members of the Trustee Board, who were not involved in any previous stage of the case.

Any clarification or approval needed for the outcome of the appeal will be immediately referred to the Chair of Trustees.

The appeals panel will inform the employee in writing of their final decision within **five working days**.

Collective complaints

If several staff members are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they are required to submit individual statements about their experience of the behaviour that is being complained about.

If each of the complaints is raised as a formal grievance, and as long as the issue is of a similar nature in each case, they will be dealt with in one hearing through the Trust's grievance procedures.

Outcomes of collective complaints will be advised to each individual on a personal basis.

Confidentiality and data protection

Any individual subject to this policy, whether making a complaint or involved in the investigation process, is responsible for conducting the high level of confidentiality that is required.

Details of the investigation and the name(s) of the person(s) making the complaint, as well as the individual accused, will only be disclosed on a need to know basis.

Information about a complaint, either by or about a staff member, may be placed on the staff member's personnel file, along with a record of the outcome, and of any notes or other documents compiled during the process.

In accordance with the Trust's records retention, information about a complaint will be retained on the staff member's personal file for **six years** following the termination of employment and securely disposed of.

Any breach of confidentiality may lead to disciplinary action, in accordance with the Trust's Disciplinary Policy and Procedure.

Public Sector Equality Act

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is they have considered any potential impact on people who share certain protected characteristics. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, marriage and civil partnership, sex and sexual orientation.

Monitoring and review

The COO and Trust Board will review this policy on an annual basis. The next scheduled review date for this policy is December 2022.

Any changes made to this policy will be communicated to all employees immediately.