

HARASSMENT AND BULLYING POLICY AND PROCEDURE

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1. INTRODUCTION

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

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

2. SCOPE

This policy and procedure applies to all employees of SPTA.

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 'SPTA' 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 SPTA.

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.

SPTA 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

SPTA will not tolerate any instance of harassment or bullying regardless of the grounds. 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.

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

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 the role of mediation prior to making the decision to move to the formal procedure. Further details are available in the SPTA 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.

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 SPTA Grievance Policy and Procedure. SPTA will undertake an investigation to see if there is a need to invoke the SPTA Disciplinary Procedure.

Where employees are not happy with the outcome of the formal grievance procedure, they can appeal this decision internally.

SPTA 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

Harassment and bullying are a disciplinary offence and will be dealt with according to the SPTA Disciplinary Policy and Procedure. 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.

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.

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

9. CONFIDENTIALITY

SPTA will treat any complaint received under this Policy confidentially. All employees involved are required to respect the need for confidentiality. Any breaches in confidentiality will be subject to disciplinary action.

10. REVIEW

This policy will be reviewed every three years, or when there are changes to relevant legislation.