

# The Auriga Academy Trust

## **Anti-Bullying and Harassment Policy**

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## 1. Scope

This policy applies to all employees employed by The Auriga Academy Trust. It is intended to cover all forms of bullying and harassment which occurs both:

- Inside the workplace, and
- Outside of the workplace or normal working hours, such as on school visits or events, or at work-related social functions and on social media.

The policy provides a clear statement of the Trust's expectations and intent in relation to bullying and harassment in the workplace, and a clear framework through which issues can be identified and resolved and appropriate action taken.

The recognised trade unions have been consulted.

## 2. Policy Statement

All employees have a right to be treated with dignity and respect at work and it is expected that they treat other employees with the same dignity and respect in return.

Bullying and harassment is unacceptable behaviour and unlawful. It can have a serious impact on both the mental and physical health of employees; it can cause serious problems for the school and Trust including:

- Poor morale and poor employee relations
- Loss of respect for managers and supervisors
- Poor performance
- Lost productivity
- Staff absence
- Staff resignations
- Increased turnover of staff
- Damage to reputation.

The Trust will not tolerate bullying and harassment of any kind of its employees by colleagues, parents, governors, pupils, other members of the public, or third parties (such as contractor employees). Where necessary appropriate action will be taken.

All employees must have regard to this policy and take appropriate measures to ensure that such conduct does not occur.

Employees who are found to be blameworthy of bullying and/or harassment behaviour will be subject to the Trust's **Disciplinary Policy & Procedure**.

## 3. Bullying and Harassment

### 3.1 General

Bullying or harassment is very personal, and it is important to recognise that individuals react to how they are treated in different ways. The perception and interpretation of the person who feels bullied or harassed is central to the consideration of any complaint of bullying or harassment. It is the effect not the intention that determines what forms of behaviour might constitute bullying or harassment.

Behaviour that is acceptable to one employee may be regarded as unacceptable by another. For example, making comments about an employee's appearance can be harassment if the recipient indicates that the approach is unwelcome and the person who made them persists.

Clearly, some behaviour is unacceptable in any circumstances and in some cases, may be unlawful, for example, racist comments and abuse. The context is irrelevant here and any use of it in the workplace will be viewed as gross misconduct and subject to disciplinary action.

The nature of bullying and harassment can vary. For example, it may be an isolated incident, or it may be a series of incidents (repeated behaviour is more likely to be covered by the definitions although a single significant act could warrant immediate action, for example, under the Trust's Disciplinary Code); it may involve one employee against another or a group of employees; it may occur in public, private or through a variety of forms whether face to face, written communication such as internet, email or by telephone.

### 3.2 Bullying

According to ACAS (the Advisory, Conciliation and Arbitration Service), 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"**.

Examples of bullying behaviour can therefore include:

- Behaviour that is offensive, abusive, malicious, insulting or intimidating
- Unjustified criticism
- Action taken without reasonable justification
- Changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification
- Misuse of power or position to undermine or intimidate the employee
- Exclusion or victimisation.

### 3.3 Harassment

Harassment is **"any unwanted physical verbal or non-verbal conduct 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"**.

Harassment on the grounds of a "protected characteristic" will constitute a breach of the Equality Act 2010. The protected characteristics referred to are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Pregnancy and maternity
- Sex
- Sexual orientation.

Sexual Harassment is also specifically covered by the [Equality Act 2010](#). This is defined as unwanted conduct of a sexual nature. The conduct need not be sexually motivated, only sexual in nature.

From October 2024 employers are required, by law ([Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#)), to take reasonable steps to prevent sexual harassment of their employees in the workplace and in the course of their employment. To comply with this duty, schools should consider how they can be proactive in taking steps to prevent such conduct, and additionally, conduct from third parties, within the workplace.

Reasonable steps can include:

- Reviewing Policies: ensuring compliance with the new duty.
- Displaying posters: reinforcing the school's commitment to zero-tolerance of bullying and harassment behaviours.
- Engagement: Proactively engage with staff and trade unions to find out whether there are any potential issues in a workplace and whether the steps already being taken are working.
- Risk assessment: Carry out a risk assessment identifying the potential issues in a workplace and steps that could be taken to minimise the risk of sexual harassment.
- Reporting: Ensure that all staff are aware of how to report complaints of sexual harassment.
- Training: Train all staff on what sexual harassment is, what to do if they experience or witness it, and how to handle any complaints of harassment.
- Resolving complaints: Ensure that staff complaints are handled appropriately (resolved quickly and confidentially and that steps are taken to protect the complainant and any witnesses from further harassment or victimisation).
- Preventing third-party harassment: Take steps to prevent sexual harassment by third parties (can include customers, parents, consultants, contractors, colleague family members), such as putting reporting mechanisms in place and action plans for addressing the risks in high-risk work spaces and highlighting school policies to the third parties.
- Monitor and evaluate: Monitor and evaluate the effectiveness of actions taken to prevent sexual harassment and implement new steps to address any change in the risk profile.
- Support reminders: Whether further support can be accessed by contacting the school's Employee Assistance Programme (EAP), a confidential 24-hour telephone counselling service.

Employees are also protected:

- On the basis of being perceived to possess the above protected characteristics, whether they have them or not
- On an associative basis i.e. because of their association with a person who has a protected characteristic
- (In cases of sexual harassment where unwanted conduct is of a sexual nature), from less favourable treatment because they have either submitted or failed to submit to sexual harassment or harassment related to sex or gender reassignment.

Employees may also complain of behaviour they find offensive even if it is not directed at them.

The following list is not exhaustive but provides examples of behaviour that constitutes harassment at work and is unacceptable in the workplace:

- Unwanted physical contact, ranging from unnecessary touching to serious or sexual assault.
- Verbal or written unwanted personal or derogatory comments including jokes, offensive language, gossip, slanderous correspondence, unwelcome sexual advances, offensive flirtations, continued unwelcome suggestions for social activity outside the workplace, suggestive remarks, and lewd comments.
- Circulation or display of offensive and/or inappropriate material including email.
- Any other unwanted behaviour or situation, rooted in the definition, in which the employee feels they have been subjected to harassment.

#### **4. Protection from Victimisation**

Victimisation is treating someone less favourably than others (i.e. subjecting them to a detriment) because they have reported harassment (whether formally or informally) or supported/intend to support someone in making a complaint of harassment, for example acting as a witness to harassment.

Victimisation is not acceptable and appropriate action will be taken against the person found responsible for the victimisation.

## **5. Examples of unacceptable behaviours**

Unacceptable behaviour may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities
- Putting humiliating, offensive or threatening comments or photos on social media

This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communication
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone or communication platforms
- Via social media
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

## **6. Confidentiality**

Quite often, the material involved in a complaint of bullying and/or harassment will be of a sensitive nature. All those involved, including the complainant, the person responding and any witnesses, have a right to expect that the information which they provide will be treated in confidence.

Failure to respect the confidentiality of the process may be regarded as a disciplinary matter.

## **7. False or Malicious Allegations**

Where it is proven that the allegation of bullying and/or harassment is false or malicious, the Trust's **Disciplinary Policy & Procedure** should be invoked against the person making the false or malicious allegation.

## **8. Procedure for Raising Complaints**

The school encourages all staff to promptly come forward with any concerns in relation to harassment and sexual harassment.

If an employee believes they have been bullied and/or harassed, they should raise this immediately in line with the Trust's **Grievance Policy and Procedure**. All our staff have a responsibility to behave in line with the requirements of this policy. The Trust will deal with any concerns raised about bullying and harassment in accordance with the Trust's **Grievance Policy and Procedure**.

Where appropriate, efforts should be made initially to resolve the issue through the informal stage of the Grievance Procedure. As per the Grievance Policy employees should, in the first instance, raise the grievance with their line manager through discussion to attempt to resolve the concern. If the grievance is against the line manager, the employee should approach the next level of management. The manager should seek to resolve the problem and if necessary, provide an explanation of any proposed resolution seeking advice or information from other sources, including Trust HR.

If the employee does raise the issue with the individual concerned, it should be explained clearly that their behaviour is not welcome or makes the member of staff feel uncomfortable. It may be that they are not aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect. If a staff member feels uncomfortable raising the matter with the individual informally, or has tried to do so without a successful resolution, the school/Trust will decide whether the complaint should be dealt with formally under the Trust's grievance procedures. It is for the school / Trust to determine the appropriate procedure, based on the facts of the case.

## **9. Exclusions**

This policy is not intended to preclude the exercise of normal management functions by the school or Trust, nor the issuing of reasonable and lawful instructions in an appropriate manner.

## **10. Policy Monitoring & Evaluation**

The Trust will annually review the effectiveness of this policy in dealing with and addressing complaints of bullying and harassment. As part of this annual monitoring process, Trustees will consider the number and nature of complaints, the outcomes and the groups of staff involved and whether any patterns or trends are emerging.