



Bullying and Harassment Policy

(including bullying, harassment, discrimination & victimisation)

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VERSION CONTROL			
Version	Date	Author/Reviewer	Substantive changes since the previous version
DRAFT v0.1	June 23	DD	Based primarily on the Believe model policy adapted to suit our context and practice.
DRAFT v0.2	July 23	DD/JC/GB/JH	JC updates incorporated. Reformatted.
V1	Sept 23	Checked by DD/JC/GB	Trustees' comments incorporated. No feedback received from the staff consultation
DRAFT v2	Oct 24	Checked by DD/JC	Updated throughout document and added section on sexual harassment in accordance with the Worker Protection (amendment to Equality Act 2010) Act 2023 Amendments based on the 'Unison' template policy. Union and Staff consultation
V2.1	Feb 2025		Incorporated TU and staff feedback. Minor amendments to wording to improve clarity. Approved by Trust Board.

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1. Introduction

- 1.1 ONE Academy Trust is committed to providing an inclusive and supportive working environment free from bullying, harassment (including sexual harassment), discrimination and victimisation for everyone who works here. We take a zero-tolerance approach. We aim to ensure that all staff are treated, and treat others, with dignity and respect and have access to redress if such behaviour does arise.
- 1.2 The aim of this policy and our codes of conduct is to set out expectations of behaviour by our staff and visitors to our premises (including supply staff, contractors and volunteers) and protect all staff from harassment (including sexual harassment), discrimination and victimisation and foster a working environment that supports the dignity and respect of all.
- 1.3 This policy covers behaviours in the workplace and out of the workplace at work-related events and online activity (e.g. social media) that is linked to work.

1.4 Throughout this policy, the term 'harassment' includes sexual harassment.

Prevention

1.5 ONE Academy Trust has a responsibility – a 'duty of care' – to look after the wellbeing of all our employees. Whilst employees are ultimately responsible for their own actions, the trust will do all it can to prevent bullying, harassment, discrimination and victimisation happening in the first place. Provisions such as policies, training and promoting a fair, equitable culture across the workplace will support this.

Responsibilities

1.6 Managers should ensure that all employees are aware of this policy and understand their own and the employer's responsibilities.

1.7 Managers have a particular responsibility to ensure that within their area of control, everyone has the right to be treated with dignity and respect. They should:

- always challenge any unacceptable behaviour in the workplace
- respond to complaints of harassment (including sexual harassment) swiftly, sensitively, and objectively and be aware of behaviour that would cause offence, if necessary, reminding workers of expected standards
- deal explicitly with third-party perpetrators (such as visitors, volunteers, parents or contractors) with a view to withdrawing service or ending a contract or banning from the premises if the behaviour is not moderated
- ensure that this policy is followed and that there are thorough investigations if required.

1.8 Contractors will be required to comply with this policy as part of their contract.

1.9 All staff have a clear role to play in helping to create a work environment in which all forms of bullying, harassment, discrimination or victimisation is unacceptable. In particular, workers should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaints procedure

1.10 The Trust will take seriously and investigate any complaints of bullying, harassment, discrimination or victimisation, using the agreed procedures and respecting confidentiality.

1.11 The Trust will assess whether bullying, harassment, discrimination or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator.

1.12 The Trust will not base decisions about handling bullying, harassment, discrimination or victimisation on whether someone submitted to or rejected a particular instance of bullying, harassment, discrimination or victimisation

1.13 The Trust will consider appropriate outcomes when a complaint has been investigated, for example, training for employees, supporting employees to rebuild working relationships, issuing management advice, and taking formal disciplinary action where evidence of bullying, harassment, discrimination or victimisation has been identified. Where a complaint relates to third parties e.g. contractors or visitors, the trust will take appropriate action in conjunction with the employer and/or the individual which may include a requirement to undertake training provided by the school/trust.

1.14 This policy is linked to the following trust policies:

- ONE Academy Trust Staff Grievance Procedure
- ONE Academy Trust Staff Disciplinary Policy

- ONE Academy Trust Whistleblowing Policy
 - ONE Academy Trust & school Codes of Conduct (staff, visitors, parents etc.)
 - School behaviour policies
 - School safeguarding policies
- 1.15 This policy is based on the Acas guidance on [discrimination, bullying and harassment at work](#) and is in line with the [EHRC Guidance](#)
- 1.16 This policy follows the principles of the:
- [Equality Act 2010](#)
 - Worker Protection (amendment of Equality Act 2010) Act 2023 (which updates provisions for dealing with sexual harassment)
- 3.14 [Protection from Harassment Act 1997](#) (which makes provision for protecting individuals from harassment and similar conduct)
- 3.15 [Employment Rights Act 1996](#) (which is particularly relevant if the Trust/ School is considering a dismissal)
- 3.16 [Employment Relations Act 1999](#) (where a dispute progresses to an employment tribunal)
- 1.17 Where it becomes necessary to bar an individual from school premises, we will refer to the Department for Education (DfE)'s [guidance on controlling access to school premises](#).
- 1.18 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.
- 1.19 This policy complies with our funding agreement and articles of association.
- 1.20 This policy has been agreed following consultation with staff and the recognised trade unions.
- 1.21 This procedure does not form part of any employee's contract of employment, and it may be amended at any time following consultation. Elements of this procedure, including any time limits, may be varied as appropriate in any case.
- 1.22 Any decisions taken under this procedure do not preclude any worker from pursuing a grievance in the usual way under the staff grievance procedures and/or reporting the matter to the police should they believe that a criminal offence may have been committed.

Equality and Diversity

- 1.23 This policy is part of ONE Academy Trust's commitment to equality and diversity. We are committed to creating a workplace that respects and values each other's differences, that promotes dignity and combats prejudice, discrimination and harassment.
- 1.24 The procedure will be operated in accordance with the Trust's Equality and Diversity Policy. The impact of the procedure will be monitored in accordance with the Equality Act 2010
- 1.25 The Board of Trustees is aware of the guidance and provisions of the Equality Act 2010 and is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate. If employees need assistance or adjustments to understand and comply with this procedure and/or attend meetings, they should contact their line manager at the earliest opportunity.

Definitions

- 1.26 Unless indicated otherwise, in this policy the term 'teacher' refers to classroom teachers, middle and senior leaders, and the headteacher.
- 1.27 Throughout this policy, reference to working days refers to school days (Monday to Friday during school term time and excluding bank holidays and inset days).

2. Scope

- 2.1 This policy applies to the ONE Academy Trust workforce including employees, management, supply staff, agency workers, casual workers, volunteers, trustees, governors, contractors working in our Trust, job seekers and job applicants.

3. Understanding bullying, harassment, discrimination and victimisation

- 3.1 As an employer, ONE Academy Trust will do all it can to try to prevent and stop bullying, harassment, discrimination and victimisation at work. If individuals/or groups of individuals feel they are being treated unfairly, an effort will be made, alongside the individual(s) where appropriate, to understand whether they might be experiencing any of the following:
- Bullying
 - Discrimination
 - Harassment (including sexual harassment)
 - Victimisation
- 3.2 All forms of bullying, harassment, victimisation or discrimination may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by bullying, harassment, victimisation or discrimination in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.
- 3.3 If a member of the Trust workforce reports that they are being bullied, harassed, victimised or discriminated against, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

Bullying

- 3.4 Bullying in the workplace may be characterised as:
- Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying can include the use of personal strength or the power to coerce through fear or intimidation, not necessarily from someone in a position of authority.
- 3.5 Bullying can take the form of physical, verbal and non-verbal conduct.
- 3.6 Bullying might:
- Be a regular pattern of behaviour or a one-off incident
 - Happen face-to-face, in emails or calls or on social media
 - Happen at work, in other buildings across the Trust (i.e. other schools) or in other work-related situations
 - Not always be obvious or noticed by others
- 3.7 Examples of bullying include, but are not limited to:

- Spreading malicious rumours about someone, including online (social media and emails)
- Consistently putting someone down or ridiculing them
- Shouting at colleagues/staff
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from training, workplace or team events/occasions
- Someone consistently undermining their line manager's (or other leaders) authority
- Putting humiliating, offensive or threatening comments or photos on work related platforms (e.g. email, Teams etc.) or social media
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Blocking promotion or training opportunities
- Physical or psychological threats

- 3.8 Sometimes bullying might be classed as harassment if it is related to certain 'protected characteristics' under discrimination law (Equality Act 2010). Bullying that is not classified as harassment could still lead to other legal issues, for example it contributes towards constructive dismissal.
- 3.9 Legitimate and reasonable criticism of a staff member's performance or behaviour, or reasonable management instructions, do not amount to bullying.

Discrimination

- 3.10 Discrimination is when someone is treated unfairly due to 'protected characteristics' (as outlined in the Equality Act 2010). It is against the law to treat someone less favourably than someone else because of a protected characteristic. Discrimination may be direct or indirect.
- 3.11 Direct discrimination is when someone is treated unfairly because of a protected characteristic.
- 3.12 The relevant protected characteristics defined in the Equality Act 2010 are:
- Age
 - Disability
 - Gender reassignment
 - Marital or civil partner status
 - Pregnancy or maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- 3.13 Examples of direct discrimination may include, but are not limited to:
- Asking questions about any protected characteristic when appointing or through a selection process (except in rare circumstances when linked to reasonable adjustments)

- Being treated unfairly because of someone else's protected characteristic, i.e. someone they know, someone they are associated with
- Being treated unfairly because of a protected characteristic someone thinks they have

3.14 Indirect discrimination can happen when there are rules or arrangements that apply to a group of employees (or job applicants), but in practice are less fair to a certain protected characteristic. In these instances, an employee or applicant must be able to demonstrate both of the following about the rule of arrangement:

- It is unfair to them and to others with the same protected characteristic, for example a woman believes she is experiencing sex discrimination against women
- It is unfair compared with those who do not have the protected characteristic, for example, it is unfair to employees who are women, but not to men.

Harassment

3.15 Harassment, as defined in the Equality Act 2010, is:

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. Sexual harassment is unlawful and is unwanted conduct which is of a sexual nature.

3.16 The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marital or civil partner status
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

3.17 The unwanted conduct may be physical, verbal or non-verbal.

3.18 Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

3.19 A single incident can amount to harassment.

3.20 The law on harassment also applies to:

- A person being harassed because they are wrongly perceived to have a protected characteristic
- A person being harassed because they are associated with someone with a protected characteristic
- A person who witnesses harassment, if what they have seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

3.21 Examples of harassment include, but are not limited to:

- Unwanted physical conduct including touching, pinching, pushing and grabbing
- Unwelcome sexual advances or suggestive behaviour
- Making decisions on the basis of sexual advances being accepted or rejected
- Offensive (including unwanted/excessive) emails, text messages or social media content or the display of offensive (including unwanted) materials
- Unwanted jokes, comments, banter, mocking, mimicking or belittling a person about their protected characteristic

3.22 Harassment is unacceptable and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

Victimisation

3.23 Victimisation is when someone is treated unfairly because they have made or supported a complaint linked to a 'protected characteristic', or someone else thinks they did or might do. Victimisation is defined in the Equality Act 2010. Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

3.24 A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint

3.25 This list is not intended to be exhaustive.

3.26 Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made a sexual harassment complaint
- dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

4. Understanding Sexual Harassment

4.1 The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment as set out in this policy. If they have been sexually harassed, or they have witnessed sexual harassment, we encourage them to tell us so that we can deal with the matter swiftly.

4.2 Sexual harassment is unlawful. As defined by the Equality Act 2010, it is when a person engages in unwanted conduct of a sexual nature whether verbal, non-verbal or physical, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- 4.3 It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.
- 4.4 It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.
- 4.5 What is important is not necessarily the action, but how the recipient feels about what has been done and whether or not it is unwanted.
- 4.6 An individual can experience sexual harassment from someone of the same or different sex. It may be persistent or an isolated incident. Sexual harassment may be obvious, or it may be subtle and more difficult to recognise. It can take place at any level and within any workplace relationship and can also be carried out by third parties (e.g. visitors, volunteers, parents or contractors).
- 4.7 Sexual harassment can happen anywhere in the workplace such as the toilets, staff room or office. It can also occur away from the workplace such as at an office, at conferences, training courses, staff parties and other social events related to work. It may be face-to-face or in written communications, on the phone, while using social media and any other form of online interaction including email communication in or outside of a work situation. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual.
- 4.8 The list below shows some examples of common forms of sexual harassment but is by no means exhaustive.
- unwelcome sexual advances, propositions and demands for sexual favours
 - unwanted or derogatory comments or nicknames about clothing or appearance
 - leering and suggestive gestures and remarks or jokes
 - intrusive questioning or suggestions about their sex life or a colleague's sex life, and discussing their own sex life
 - sexual posts or contact on social media
 - spreading sexual rumours about a person
 - sending sexually explicit emails or text messages
 - comments of a sexual nature about their or a colleague's sexual orientation
 - comments of a sexual nature about their or a colleague's gender identity
 - displaying offensive material, such as pornographic pictures or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails or via social media
 - 'upskirting' that typically involves someone taking a picture under another person's clothing without their knowledge
 - predatory behaviour
 - coercion
 - physical contact such as the invasion of personal space and unnecessary touching, hugging or kissing through to sexual assault, indecent exposure, stalking and rape (although rape is defined as a separate criminal offence).
 - making promises in return for sexual favours

4.9 A line manager's failure to actively implement this policy within their area of responsibility or to fail to deal with sexual harassment when they become aware of it could constitute a breach of the policy and disciplinary action may be taken.

Prevention measures (sexual harassment)

4.10 ONE Academy Trust recognises that there are many organisational measures that can help prevent sexual harassment in the workplace. These include:

- Good management practice, including competent, respectful people management, recognition of sexual harassment and appropriate intervention
- Undertaking risk assessments that include consideration of power imbalances, job insecurity, lone working, customer-facing duties, lack of diversity in the workforce
- Appropriate induction and training on sexual harassment and about this policy for all staff, including supervisors, managers and new staff. This will include information on what constitutes harassment and, for managers and supervisors, on what their responsibilities are.
- Making a copy of the policy available to all staff on the internet/staff SharePoint; ensuring a copy is made available to new employees as part of induction; and making a copy available in other languages and accessible formats such as braille, large print and sign language to meet the needs of employees.
- Provision of training for **Contact Officers** and all managers and supervisors potentially responsible for investigating complaints (**Investigating Officers**)
- Awareness-raising about the issues of sexual harassment and the requirement of respectful behaviour
- Ensuring workers have somewhere to go for a confidential discussion of their situation and signposting ways of taking further action
- Improving the gender balance at all levels of the organisation. This includes undertaking job evaluation to inform a gender pay gap action plan
- Improving diversity and inclusion at all levels of the organisation as set out in the trust-wide and school equality and diversity policy action plans.

4.11 We provide training to all our staff on sexual harassment to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour
- how they can report any incidents of having been sexually harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

4.12 We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

4.13 We will regularly review the effectiveness of our training and provide refresher training as appropriate.

- 4.14 We maintain an open-door policy and we encourage all staff to come forward with any concerns in relation to sexual harassment. All our staff have a responsibility to behave in line with the requirements of this policy and our codes of conduct.

5. Examples of unacceptable behaviour

5.1 Unacceptable behaviour in ONE Academy Trust 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.

5.2 Bullying, harassment, victimisation or discrimination 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
- 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

6. Reasonable management

- 6.1 The Trust differentiates between reasonable management, which is firm and fair, and behaviours associated with bullying, harassment, victimisation or discrimination.

- 6.2 Legitimate, justifiable, appropriately conducted monitoring of a member of the trust workforce's behaviour or job performance does not therefore constitute bullying, harassment, victimisation or discrimination.

7. What to do if you are subject to bullying, harassment, victimisation or discrimination or have witnessed an incident

- 7.1 If you feel you are at risk of bullying, harassment (including sexual harassment), victimisation or discrimination for any reason e.g. following the breakdown of a personal relationship, you are encouraged to speak to your line manager or a senior manager of your choice to discuss in confidence and consider appropriate measures to mitigate the risks.

Informal complaint

- 7.2 The objective of an informal approach is to resolve the difficulty with the minimum of conflict. All employees have personal rights, and this includes being made aware that their attention or behaviour is perceived by another as bullying or harassment. It is possible that the "perpetrator" does not realise the effect of the behaviour on the recipient.
- 7.3 If a staff member believes they have been the subject of bullying, harassment (including sexual harassment), victimisation or discrimination or believes they have witnessed it, they should consider whether they feel able to raise the problem informally with the person responsible. They should ask the person to stop the behaviour and make it clear the behaviour is offensive and unacceptable and explain the effect it is having on them. This can be done either verbally or in writing. 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 possible, the staff member should discuss their complaint with the "perpetrator" as early as possible to reduce worry for all parties.
- 7.4 If the individual 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, we recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature. In these circumstances, the individual is encouraged to raise such issues with a senior manager of their choice (whether or not that person has a direct supervisory responsibility for them). This person is known as the **Contact Officer**. This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint. The **Contact Officer** could support the individual in a number of ways, for example, by providing them with advice on how to approach the issue directly with the alleged perpetrator, or support them in raising the issue with the alleged perpetrator by accompanying them in any discussion or helping them to set out their thoughts in writing, or raise the matter informally with the perpetrator on their behalf.
- 7.5 If an individual who believes that they have been the subject of bullying, harassment (including sexual harassment), discrimination or victimisation or has witnessed an incident, is unable to adopt the above approach, or the incident is of a serious nature, they can approach the trust's HR manager (j.clifton@oneacademytrust.co.uk).
- 7.6 Witnesses to bullying, harassment (including sexual harassment), discrimination or victimisation can also take steps to address it. This may include:
- The witness intervening where they feel able to do so

- The witness asking the employee subjected to the bullying, harassment, discrimination or victimisation 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
- 7.7 As a general principle the decision whether to progress a complaint is up to the individual raising the issue, however we have a duty to protect all staff and may pursue the matter independently if in all the circumstances we consider it appropriate to do so.
- 7.8 Staff members may also choose to raise concerns during their regular communication with their line manager or they can ask to meet with them specifically to discuss any concerns that they may have. Their manager will listen to them and take their concerns seriously if they do this and may encourage them to follow the reporting procedures set out below.
- 7.9 Individuals should keep notes of what happened including:
- the name of the alleged perpetrator
 - the nature of the alleged incident
 - the dates and times when the alleged incident occurred
 - the names of any witnesses
 - any action already taken by them to stop the alleged behaviour
- 7.10 Confidential advice is also available to other workers who themselves may not be the subject of bullying, harassment (including sexual harassment), discrimination or victimisation but are concerned about the bullying, harassment (including sexual harassment), discrimination or victimisation of others.
- 7.11 If they feel uncomfortable raising the matter with the individual informally, they have tried to do so without a successful resolution or if informal steps are not appropriate due to the seriousness of the allegations, the trust will decide whether their complaint should be dealt with formally under this policy, the trust's grievance procedure or other relevant trust policies. It is for the trust to determine the appropriate policy/procedure, based on the facts of the case.
- 7.12 If an individual is approached informally about stopping their unwelcome or upsetting behaviour, they should not consider the reaction to be over-sensitive nor the incident to be too trivial but should remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. An apology and assurance that the behaviour will not be repeated may be enough to end the matter.
- 7.13 If a worker complains of bullying, harassment (including sexual harassment), discrimination and victimisation but does not want to take the matter any further, the employer will keep a record of the complaint and periodically check in with the complainant to find out if the situation has improved. The employer will respect the wishes of the complainant but there may be some circumstances where the behaviour is of such a serious nature (e.g. related to sexual harassment) that the employer will need to take action because of the high immediate risk to the safety of the complainant, their colleagues or someone else. In such situations, the employer will put in place appropriate safeguards.
- 7.14 If informal steps have not been successful or are not possible or appropriate due to the nature of the allegations, the individual should follow the formal procedure set out below.

8. Formal procedure for managing complaints

- 8.1 Where the informal approach fails or if the harassment (including sexual harassment), bullying, discrimination or victimisation is more serious, an individual should bring the matter to the attention of an appropriate senior manager as a formal written complaint. This will usually be the headteacher for school staff, CEO for headteachers and central team staff, or the chair of the Trust Board for the CEO. However, it is recognised that the line manager may not be the most appropriate person to deal with the formal stage. Advice should be sought from the HR manager (j.clifton@oneacademytrust.co.uk) in these circumstances.
- 8.2 Form ONE09-01 (Appendix 1) should be used to submit a formal complaint.
- 8.3 How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee, a stakeholder or a pupil. Each option, and who it relates to, is set out below.
- 8.4 For all allegations of members of the Trust workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.
- 8.5 Where a complaint has been raised and is being investigated under this procedure, the trust/school will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.
- 8.6 The written complaint should set out full details of the conduct in question, including the name of the perpetrator, the nature of the bullying, harassment, discrimination or victimisation, the date/s and time/s at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 8.7 As a general principle, the decision about whether to progress a complaint is up to the complainant. However, the Trust has a duty to protect the school workforce and may pursue the matter independently if, in all the circumstances, they consider it appropriate to do so.

Formal investigation

- 8.8 As a result of a complaint about bullying, harassment, discrimination or victimisation, a senior member of staff (usually the immediate line manager, unless the complaint is against them or where they have direct involvement in the complaint) must be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner (hereafter referred to as the **Investigating Officer**). The Trust reserves the right to appoint an alternative senior manager to investigate the complaint, where appropriate. Wherever possible, the **Investigating Officer** will not be the same person who hears the complaint or any subsequent appeal, in order to help ensure independence and objectivity. Because of any particular sensitivities of the case, it is recognised that the complainant may prefer to talk to an investigator of the same sex.
- 8.9 All complaints will be handled and investigated in a timely and confidential manner. The Investigating Officer will arrange a meeting with the complainant, usually within 5 working days of receiving the complaint, so that they can give their account of events. The complainant may be accompanied at this meeting by a work colleague or trade union representative. They must take all reasonable steps to attend.
- 8.10 A target timescale for completion of the investigation will be set and communicated to the complainant, along with an outline plan of action and updates on progress.
- 8.11 The investigation must consider any aggravating factors such as sexualised conduct accompanied by threat, giving sexualised gifts.
- 8.12 Confidentiality will be maintained at all times including by witnesses spoken to as part of the investigation, subject to any requirement to involve external agencies where a criminal offence

may have been committed or where maintaining confidentiality would pose a risk to the complainant, or to others. All personnel shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. Breach of confidentiality may be a disciplinary offence.

- 8.13 Wherever possible, the Trust will try to ensure that the complainant/alleged victim and the person against whom the complaint has been made are not required to work together while the complaint is under investigation.
- 8.14 If the complaint relates to someone employed directly by the Trust, or where the Trust has the power to take professional or disciplinary action, the person against whom the complaint has been made may be suspended while the investigation and any subsequent disciplinary procedure are undertaken, as a precaution for the protection of the complainant/alleged victim or to prevent interference in the investigation. Such suspension will be for as short a time as possible and will be on full pay. A risk assessment will be undertaken to inform the decision.
- 8.15 In cases where it is determined that disciplinary action should be taken against the perpetrator, the information gathered from the initial investigation will be used in any follow-up disciplinary procedure. Further evidence may also be gathered as part of the disciplinary process.
- 8.16 The **Investigating Officer** will meet with the employee who has allegedly perpetrated the bullying, harassment, discrimination or victimisation to hear their account of events. The alleged perpetrator may be accompanied at this meeting by a work colleague or trade union representative. They have a right to be told the full details of the allegations against them so that they can respond. They also have the right to seek informal advice from a nominated senior manager (arranged through the HR manager).
- 8.17 Where the complaint is about someone other than an employee, such as a contractor or visitor, the headteacher/CEO will consider what action may be appropriate to protect the individuals involved pending the outcome of the investigation, bearing in mind the reasonable needs of the Trust and the rights of the alleged perpetrator. Where appropriate, if the alleged perpetrator is part of a third-party providing services to the trust, the complaint will be discussed with the third party.
- 8.18 If it is likely to be necessary to interview witnesses to any of the incidents mentioned in the complaint, the importance of confidentiality will be emphasised to them.
- 8.19 Any 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 procedure. If someone makes a complaint that's not upheld, they will not face any disciplinary action, as long as their complaint was not malicious.
- 8.20 The main purpose of the investigation is to establish whether the act/s under investigation amounted to bullying, harassment (including sexual harassment), discrimination or victimisation. The **Investigating Officer** will consider all information and evidence gathered as part of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation. The **Investigating Officer** will submit a report to a senior manager nominated to consider the complaint.
- 8.21 The investigation report should include:
 - The terms of reference of the report
 - The complainant's account of the incident/s and the effects
 - A response from the person identified by the complainant as the perpetrator

- Evidence from employees in the same work area or any other relevant areas where incidents of harassment or bullying may have occurred
 - Details of additional evidence gathered as part of the investigation
 - Any aggravating factors taken into consideration
- A conclusion as to whether or not there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment, e.g. deterioration of work performance or health, lack of career development, denial of opportunities, etc. The Investigating Officer may make recommendations as to how the matter may be resolved.
- 8.22 At the end of the investigation, within 10 working days the senior manager will write to the complainant to invite them to a formal meeting to discuss the complaint. They will be entitled to be accompanied at the meeting by a work colleague or trade union representative.
- 8.23 The appointed senior manager will consider the investigation report, and all information presented. The outcome may be that:
- They consider that bullying, harassment, discrimination or victimisation has not occurred, in which case the matter will be closed, subject to the outcome of any appeal.
 - They consider that bullying, harassment, discrimination or victimisation has occurred, in which case the matter may be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure, potentially resulting in dismissal.
 - They consider that bullying, harassment, discrimination or victimisation has occurred, but the evidence shows that it was inadvertent or unintentional, in which case the “perpetrator” shall be offered support and training to allow them the opportunity to modify their behaviour.
 - Less formal action is appropriate, but some form of mediation or counselling is required for one or both parties.
 - Any short-term or long-term relocation changes in duties or reporting structure are required. Any changes should not be at the detriment to any parties concerned.
- 8.24 When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power over a more junior colleague.
- 8.25 Following the formal meeting, the senior manager will give a detailed response in writing to the complainant, normally within 5 working days, including outcomes wherever appropriate or possible, action taken to address the specific complaint if it is upheld, and any measures taken to prevent a similar event from happening again in the future.
- 8.26 If the investigation reveals that the complaint is upheld, prompt action designed to stop the sexual harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged harasser and not the complainant will be relocated unless the person complaining requests otherwise.
- 8.27 Disciplinary action up to and including dismissal may be taken in accordance with the staff disciplinary procedure if a complaint of sexual harassment is upheld. Appropriate adjustments will be made to enable the complainant to participate in the disciplinary process without fear of victimisation.
- 8.28 If the harassment is believed to be a criminal offence, such as a sexual assault, indecent exposure, stalking and offensive communications, the senior manager should advise the

complainant to report the matter to the police as soon as possible and give them appropriate support. In cases where the police are involved, the Trust will liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

- 8.29 If it is believed that there is an ongoing risk of serious harm to an individual, the senior manager will contact the police themselves and inform the complainant that they have done so.
- 8.30 Workers shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation of bullying, harassment, discrimination or victimisation is a disciplinary offence.
- 8.31 Following a formal bullying, harassment, discrimination or victimisation complaint, either party may be concerned about working with the other again. Due regard to such views will be considered when offering counselling or mediation. A transfer of one or both parties to another area of the Trust may be appropriate in some cases and where feasible.
- 8.32 If the employee raising the complaint is not satisfied with the outcome, then the employee may appeal in accordance with the paragraph below.

9. Alleged bullying, harassment, discrimination or victimisation by third-parties

- 9.1 The Trust will use this process if the complaint relates to someone not employed directly by the Trust, or when the Trust does not have the power to take any professional or disciplinary action against the person in question.
- 9.2 Where the decision has been reached for the complaint to be dealt with under this policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.
- 9.3 If the allegation is found to be justified, the response from the Trust will depend on the relationship of the perpetrator to the Trust and the nature and severity of the incident.
- 9.4 The Trust will take proportionate action in consultation with the individual who made the complaint to ensure the safety and wellbeing of our workforce. This may include issuing a warning about behaviour, refusing admission to our sites, terminating contracts, terminating roles e.g. a governance role.
- 9.5 In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the Trust will have regard to the Department for Education's guidance on controlling access to school premises.
- 9.6 If the individual is a parent of a pupil at the school, the arrangements for pupils being delivered to and collected from the school will be clarified.
- 9.7 We may share information relating to the incident across our sites or (in the case of contractors) with the individual's employer. Any criminal acts will be reported to the police.

Third-Party sexual harassment

- 9.8 Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes (but is not limited to) our suppliers, supply staff, contractors, visitors, volunteers (e.g. governors and trustees), parents and members of the public.

- 9.9 Third-party sexual harassment of our workforce is unlawful and will not be tolerated. Employers are required to take steps to prevent sexual harassment by third parties and we are committed to doing so.
- 9.10 The law does not provide a mechanism for individuals to bring a claim of third-party sexual harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claims.
- 9.11 To prevent third-party sexual harassment from occurring, we will:
- Attach signage to the walls of our school Reception areas and other areas within the workplace where the public may be present to warn that harassment (including sexual harassment) of our staff is not acceptable
 - Inform third parties of our zero-tolerance policy as part of our codes of conduct (including parents, volunteers, and supply staff).
 - Inform third parties of our zero-tolerance as part of induction briefings
 - Include a statement on our zero-tolerance policy as part of our site 'signing-in' process
- 9.12 If a member of our workforce has been subjected to third-party sexual harassment, they are encouraged to report this as soon as possible to their line manager, a senior manager or the HR manager (Jo Clifton) at email: j.clifton@oneacademytrust.co.uk
- 9.13 We will not tolerate sexual harassment by any member of our workforce against a third-party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

10. Alleged harassment, bullying, discrimination, or victimisation by pupils

- 10.1 If an allegation is made, the school will refer to the school's behaviour policy and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), and with reference to the safeguarding policy.
- 10.2 Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

11. Continued working relationships

- 11.1 If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.
- 11.2 We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was brought with malicious intent, this will be investigated and dealt with under our disciplinary procedures. Where the individual is not covered by our disciplinary procedures, the Trust will consider other reasonable action and involve other agencies where appropriate.
- 11.3 Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

12. Appeals

- 12.1 If the complainant is not satisfied with the outcome of the formal process, they should write to the Trust's HR Manager within 10 working days of being informed of the outcome of the formal investigation. Any appeal must be made in writing, stating the reasons for the appeal.
- 12.2 An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of senior management with no prior involvement with the complaint and/or investigations.
- 12.3 Appeals will be heard by a senior manager (where possible at least one level above that of the employee who raised the complaint) who has not been involved in the case previously. The complainant may be accompanied at the hearing by a work colleague or trade union representative.
- 12.4 The worker will be given the opportunity to put forward their case and explain why they are not satisfied with the outcome. The meeting may be adjourned by the person hearing the appeal if it is considered necessary to undertake further investigation. The meeting will be reconvened as soon as possible.
- 12.5 The appeal outcome will normally be confirmed in writing within five working days of the hearing. An outcome may dismiss the appeal and confirm the original decision, may uphold the appeal, and overturn the original decision or may make alternative or additional recommendations.
- 12.6 The decision of the person hearing the appeal shall be final. There is no further right to appeal.
- 12.7 Regardless of the outcome of the procedure, we are committed to providing the support the complainant may need. This may involve mediation between them and the other party or some other measure to manage the ongoing working relationship.
- 12.8 They will not be victimised for having brought a complaint.

13. Confidentiality

- 13.1 The Trust will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).
- 13.2 Gathered information will be anonymised by the redaction of personal data if requested unless there is a 'need to know' in order to properly investigate the matter raised.
- 13.3 Information about a complaint by or about an employee may be placed on the employee's personnel HR casework file, along with a record of the outcome and notes or other documents compiled during the process.
- 13.4 A complaint about a pupil may be stored on their educational record.
- 13.5 Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.
- 13.6 Information will be processed in line with UK data protection law. It will be kept securely, only for as long as necessary and in line with UK data protection law, our privacy notices and records management policy/record retention schedule.

14. Protection and support for those involved

- 14.1 Anyone who makes a complaint or who participates in good faith in any investigation conducted under this procedure must not suffer any form of retaliation or victimisation as a result (see the ONE Academy Trust Whistleblowing policy).
- 14.2 If they believe they have suffered any such treatment they should inform their line manager or another senior manager. If the matter is not remedied, they should raise it formally using this procedure.
- 14.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure, will be subject to disciplinary action under our disciplinary procedure.

15. Employee Assistance Programme

- 15.1 All employees are reminded that further support is available for all parties involved by contacting our Employee Assistance Programme (EAP), a confidential 24-hour telephone counselling service. As part of our EAP, they also have access to an online wellbeing tool. Contact details are available on staff noticeboards, email notifications, from the school office. More details of this service are also available from the ONE Academy Trust HR Manager (j.clifton@oneacademytrust.co.uk).

16. Further Information

- 16.1 An employee can seek further information on harassment, bullying and victimisation from the Trust's HR Team or their Trade Union (if they are a member of a Trade Union).
- 16.2 Other sources of information include:

- (a) Equality Advisory and Support Service (EASS)

www.equalityadvisoryservice.com

For advice on discrimination issues. 0808 800 0082

- (b) Protect

<https://protect-advice.org.uk/>

Confidential advice for individuals who have witnessed wrongdoing in their workplace but are unsure how to raise their concerns.

020 3117 2520

- (c) Rights of Women – Sexual harassment at work advice line

<https://rightsofwomen.org.uk>

Free employment legal advice to women in England and Wales experiencing sexual harassment at work

Call: 020 7490 0152, Mondays 6pm to 8pm, Tuesdays 5pm to 7pm, Wednesdays 5pm to 6:30pm. Please note the advice line is not open on bank holidays.

17. Monitoring Arrangements

- 17.1 This policy will be reviewed by the ONE Academy Trust Human Resources (HR) Manager and the Board of Trustees annually as a minimum.
- 17.2 ONE Academy Trust will monitor how successful it is in creating a workplace free of bullying, harassment, discrimination or victimisation. All incidents must be report to HR to ensure cases can be monitored to identify areas for concerns and ensure appropriate action has been taken and inform any required changes to policies/procedures. The Trust may also use other means to monitor which may include confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

Complaint of Bullying, Harassment, Sexual Harassment or Victimisation

This form should be used to submit a complaint in accordance with this policy. The completed form should be sent to your line manager, a senior manager of your choice or the trust's Human Resources Manager.

You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about as part of the investigation process. Please think carefully about what you write.

Name/s	
Post/s held:	

The nature of your complaint. Please state whether you are the victim or witness. Please include all relevant facts, dates and names of people involved and any witnesses (*continue on a separate page, if necessary*).

When did you first raise your complaint, and with whom? Is this a one-off issue or part of a chain of events? Please provide details (*continue on a separate page, if necessary*):

CONFIDENTIAL WHEN COMPLETED

What (if any) action has been taken regarding your complaint at the informal stage?
Please provide details (*continue on a separate page, if necessary*):

What steps or action do you want to be taken as a remedy for your complaint?
Please provide details (*continue on a separate page, if necessary*):

Please include any supporting evidence or documentation which relates to your complaint.

Printed name:	
Signed:	
Date:	