



'Christ at the centre, children at the heart'

Our Lady of Walsingham Catholic Multi-Academy Trust will deliver outstanding educational, spiritual and moral outcomes for all children regardless of their faith or backgrounds within an ethos based on full inclusion, high expectations, innovation, outstanding teaching and learning, and a relentless focus on the needs and potential of every child. Our vision is that every Academy within the Trust has a reputation for excellence in their local communities and beyond.

**Our Lady of Walsingham Catholic MAT**

**Company No: 08444133**

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## **BULLYING AND HARRASSMENT POLICY AND PROCEDURE**

## OLW CMAT (THE MAT) BULLYING AND HARRASSMENT POLICY AND PROCEDURE

### Introduction – Equal Opportunities and Scope

The Directors and Local Governing Bodies recognise that all members of staff have the right to work in an environment that is free from bullying and harassment. This policy aims to reinforce each Academy's commitment to equality and diversity and to promote positive, professional and courteous working relationships. The working environment should be safe and non-threatening, where the dignity of all is respected. In this policy references are made to each Academy in the MAT as 'the Academy'. Each Local Governing Body is referred to as the 'Governors' or 'Governing Body'. In any case where the Local Governing Body is unable to deal satisfactorily with a Dignity at Work Issue, then it may be passed to the Directors for further investigation and action.

No Academy will tolerate harassment or bullying. Any breaches by members of staff will be treated as disciplinary offences. Members of staff, who feel they are being harassed or subjected to other inappropriate behaviour by work colleagues, have a right to raise concerns and/or make a complaint and to be protected against victimisation for making or being involved in a complaint.

Information on ways of dealing with complaints against members of the public, for example, directors, governors, parents, carers or volunteers is available at Appendix A.

With the Directors and LGBs making the commitment outlined in this policy and procedure to address member of staff concerns, it is important to state that here is also a clear expectation that those members of staff who choose to raise concerns through this policy and procedure do so with an intention to resolve the issues and bring about a harmonious working environment. All members of staff are expected to adhere to this policy in line with the Academy's obligations under equality legislation. Academy managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

All concerns or complaints will be treated seriously but this may not mean going directly to a formal procedure. Except in extreme cases, informal methods of dealing with unacceptable behaviour are often the most successful. To cool emotions and defuse the situation, an immediate apology is invaluable and may avoid the need to take the matter further. Where informal action fails to resolve a situation, employees can raise a formal grievance in accordance with the grievance procedure.

### Governing Body Responsibilities

It is the responsibility of the Local Governing Body to:

- be alert to potential problems and act promptly without waiting for a complaint to be made to the extent that this is possible (by challenging unacceptable behaviour which is directly observed and promoting an inclusive culture)
- deal, through the Chair of Governors or other nominated governor, with any complaints raised against the headteacher under this policy and procedure, taking advice from the HR Advisor as required. In dealing with any such complaint, taking them seriously with sensitivity to the feelings and perceptions of those involved, being fair, maintaining confidentiality,

safeguarding against victimisation and ensuring support is available

### Headteacher (and if applicable Leadership Team) Responsibilities

Ultimate responsibility for this policy rests with the Directors, but is delegated to each Local Governing Body. However the Directors and LGBs will require the Headteacher to ensure that the policy is applied effectively.

It is the responsibility of the Headteacher and leadership team to:

- set an example and promote a working environment where harassment, bullying and victimisation is viewed as unacceptable and employees feel free to challenge unacceptable behaviour
- ensure all members of staff are aware of the standards of behaviour and conduct expected of them at work and that it is covered in discussions during induction, at appraisal and supervision meetings and provide appropriate awareness and training on key issues
- treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved
- deal with any issues raised fairly and confidentially
- take steps to ensure that members of staff who bring complaints, or support others to do so, are not treated less favourably than others because of this
- ensure all members of staff are aware of the support networks available to them
- make reports to the Governing Body as appropriate (see Monitoring of the policy section below)

### Staff Responsibilities

It is the responsibility of all members of staff to:

- behave in accordance with this policy
- take seriously requests to cease or amend behaviour and respond courteously to them
- not participate in, encourage or condone the harassment, bullying or victimisation of others  
promote an inclusive culture in which colleagues or peers are not subjected to harassment, bullying or victimisation by challenging these forms of behaviour or reporting situations in which they occur to the manager of the person involved

### Application of policy

This policy applies to the conduct of Academy members of staff in the context of their work, or which otherwise affects the working, learning or social environment of the Academy. This can include the way in which members of staff behave towards each other outside Academy premises on Academy- related social occasions. It can also cover conduct towards people who are not members of the Academy (such as contractors and other members of the public).

The Academy will bring this policy to the attention of contractors through its procurement processes.

### Definitions

## **What is unacceptable behaviour?**

Harassment, bullying, victimisation and other behaviours affecting the dignity of an individual at work are unacceptable. The term harassment is used in this document to include all forms of unacceptable behaviour. Some behaviour or actions may be acceptable to one individual but unacceptable to another. It is the deed and the impact on the recipient that is the deciding factor. This includes behaviour that creates an offensive environment in which to work.

### **Harassment**

Harassment is any unwanted conduct affecting the dignity of men and women in the workplace. It may be related to one or more personal characteristic(s) of an individual such as age, gender, race, disability, religion, belief, nationality or sexuality. It may also be related to the membership or non-membership of a trade union. The key is that the actions or comments are viewed as demeaning and/or unacceptable to the recipient.

### **Bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

### **Victimisation**

Victimisation is treating a person less favourably because they were (or may have been) a party to a particular action.

### **Discrimination**

Discrimination can be direct or indirect:

- direct discrimination is where a person is treated less favourably because of a 'protected characteristic'.
- indirect discrimination is an apparently neutral provision, criterion or practice which disadvantages a large proportion of the members of a particular group or community.

Also members of staff are able to claim harassment due to 'associative discrimination' (direct discrimination against someone because they associate with another person who possesses a protected characteristic).

## **What are the forms of harassment?**

Harassment may be directed at, and can be carried out by, an individual or a group.

Harassment can be unwanted conduct ranging from a series of two or more incidents or ongoing conduct. It can be physical or non-physical, deliberate or unintentional.

Members of staff can also complain of harassment even if it is not directed at them, if they can demonstrate that the behaviour creates an offensive environment for them in which to work.

Harassment may be unlawful as well as being damaging to individuals and to the Academy. It causes tension, conflict and de-motivation. This is disruptive and costly in terms of time, money, public reputation and the physical and emotional wellbeing of staff.

More examples of what might constitute harassment are listed at Appendix B.

## **What harassment is not about**

Managers are required to manage employee performance. This includes giving reasonable instructions, undertaking performance reviews, informal reprimands and fairly instigating capability or disciplinary procedures. It is most unlikely that reasonable action taken by managers will constitute harassment, even if the management action is unwelcome.

All Academy procedures will be conducted in such a manner as to respect people's dignity.

## **Malicious complaints**

Whilst the Academy is determined in its zero tolerance approach to harassment and bullying, a responsible attitude is expected of members of staff.

It should be recognised that allegations of harassment are sometimes falsely made and, in all cases, the rights of alleged perpetrators need to be recognised.

Malicious or unfounded complaints of harassment can also have a devastating effect on the health, confidence, morale, and motivation of those falsely accused. It would not serve the interests of the Academy for any policy or procedure to be abused and for victims of malicious or unfounded allegations to have no redress. Complaints of harassment which are found to be intentionally frivolous, spiteful, or unreasonable will themselves be treated as misconduct in accordance with the disciplinary procedure.

## **Complaints procedures**

This section details the process to be followed to raise and deal with a complaint.

It should be noted that if the alleged perpetrator is the Headteacher in a given case, that any aspects of these procedures requiring line manager involvement would need to be raised with the Chair of Governors. The Chair of Governors may deal with the issues or may nominate another governor (or other governors) to support the process. The Chair of Governors may also request support from the HR Provider in addressing such issues. In these cases, the procedure detailed below will apply but reference to

"Headteacher" or "Headteacher or other management representative" will need to be read as "Chair of Governors or other nominated governor".

## **Informal procedures**

In the first instance informal ways of resolving problems should be tried, dependent on the nature and seriousness of the allegation. Below are some acceptable approaches to dealing with problems on an informal basis:

- The complainant should explain to the person concerned that they find their behaviour unacceptable and ask them to recognise the effect of their actions and stop behaving in that way.
- The complainant approaches the person concerned with support from their line manager or their chosen representative.
- The complainant's line manager or chosen representative approaches the person concerned on behalf of the complainant
- The complainant prepares a letter or written statement describing the offending

behaviour/incident(s). This should be precise, concise and limited to actual events. The document is then given to the person concerned by the complainant, or the complainant's line manager or chosen representative.

- A round table meeting involving all parties and their representatives, to be chaired by an HR Consultant, if appropriate.
- If the situation is more complex the appointment of a trained mediator may be considered. Agreement to this course of action must be obtained through the Chair of Governors, as any costs will fall upon the Academy's budget.

This list is not exhaustive. The employee and his/her representative may find a solution more appropriate to the individual circumstances of the case.

Where the member of staff approaches a work colleague for support, it is important to respect the fact that this person may not wish to become involved. In such circumstances, the member of staff may consider contacting your trade union representative and/or the Suffolk Support Line (if applicable) to seek advice and informal assistance.

The role of the work colleague or representative at this stage is not to impose a solution but to offer support, explore possible options open to the employee and assist the member of staff to choose a suitable and satisfactory course of action. The work colleague or representative may feel it is appropriate to assist in resolving the problem by acting as mediator. In carrying out this function, s/he will be protected from victimisation and will not be forced to disclose any confidences arising from their assistance with the informal stages of this procedure.

Even where an informal approach is enough to resolve the immediate problem, the member of staff should keep a record of any incidents, including a note of any witnesses. Similarly, where the Headteacher or other management representative is involved in resolving the problem informally or formally, proper notes must be kept to document the action taken.

### **Conciliation and mediation**

In the first instance informal ways of resolving problems should be tried, dependent on the nature and seriousness of the allegation. Some acceptable approaches to dealing with problems on an informal basis are outlined in the following paragraphs.

As an alternative to other informal approaches, or as an agreed way of attempting to resolve a formal complaint, there may be occasions on which the Headteacher or investigating officer can help to broker a solution by means of a conciliation meeting between the complainant and the alleged perpetrator. This should only be done with the agreement of both parties, who may each bring a friend or a representative to the meeting.

Both parties should also be open to other possible means of achieving resolution, for example, mediation. Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that is acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute. The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Factors such as timing, availability and cost will influence the method selected but the important

thing is that both parties are prepared to engage to work together on resolution.

The Headteacher or investigating officer convening the conciliation or mediation meeting should make a record of the alleged incident and the outcome of the meeting. To indicate agreement with the outcome, all parties should sign the record that will remain confidential to the signatories.

### **Formal procedure**

If the conduct continues, or it is not appropriate to resolve the problem informally, either because the complainant regards attempts at informal resolution as inappropriate because of the serious nature of the complaint or where informal attempts at resolution have failed, the issue should be routed through the formal stage of the Academy's Grievance Procedure.

Depending on the issues involved, it may be appropriate for the Academy to commission an investigation into the allegations. If the Chair of Governors views this as appropriate, s/he may approach the HR Provider for support in identifying an investigating officer. Any cost associated with an external investigating officer would need to be met by the Academy.

At the conclusion of a formal hearing under the Grievance Procedure, the Grievance Committee will determine:

- whether the alleged unwanted behaviour has occurred;
- whether it was intentional or unintentional;
- what action is required.

Where a complaint is upheld, an appropriate penalty should be applied through the MAT's Disciplinary Procedure. This may be professional guidance, a formal warning, a first and final written warning, or summary dismissal depending on the circumstances and severity of the incident.

Additionally it may be determined that it is necessary to relocate or transfer one party in addition to, or instead of, some other disciplinary penalty. If this is the case and it is practicable, the emphasis should be on relocating the harasser, who would have no choice in the matter.

If the complainant wishes to be relocated, sympathetic consideration should be given to such a request. No element of penalty should be seen to attach to the complainant whose complaint is upheld and managers must carry out monitoring to ensure that the harassment has stopped and that no victimisation or retaliation against the complainant takes place.

Where the perpetrator is transferred, any disadvantage that they suffer would not be in breach of their contract of employment if the transfer is offered as an alternative to dismissal.

Where the complaint is not upheld but because of the investigatory process it would be difficult for the parties to work together, consideration should be given, where practicable, to a voluntary transfer of one or both of the employees concerned or rescheduling of their work rather than requiring them to continue to work together against the wishes of either party.

If an investigation brings to light circumstances that would warrant a referral to the criminal authorities, the complainant should be advised that they have right to do so. However, this should normally be done through the Headteacher or, where the alleged perpetrator is the Headteacher, through the Chair of Governors.

Appendix C is a procedure process chart to provide guidance for dealing with informal and formal complaints under this policy

### **Right of appeal**

If either party is of the view that they have not been dealt with properly in relation to a formal complaint under this policy, they may ask the Governing Body to convene a meeting of an Appeals Committee to review the case. The Directors will form the final Appeals committee in the case of issues where the Headteacher is the alleged perpetrator.

### **Legal framework**

This document strives to ensure that the Academy complies with current legislation.

The Equality Act 2010 makes it unlawful for someone to be subject to harassment because of a 'protected characteristic'. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Everyone has several of these protected characteristics and therefore this means everyone is protected by the Equality Act.

### **Monitoring of the policy**

To ensure that individuals and groups of people do not suffer disadvantage, the effectiveness of the above policy and practice will be reviewed at least every three years by the Directors. Reports from each LGB on the operation and outcomes of any applications of this policy will be passed to the Directors Resources Committee.

The Headteacher should, as part of their termly reporting to the governing body, indicate the number of complaints dealt with under the policy and the general nature of those complaints. The Governing Body will then be aware if incidents of bullying or harassment have been reported and can monitor the frequency of such complaints. Such reports will also be shared with the Directors.

## Appendix A - Complaints of harassment by external parties

Members of staff may occasionally be subject to harassment from members of the public. A member of the public is defined as anyone not acting in the capacity of an employee of the MAT or Diocese of East Anglia.

The steps that may need to be taken are:

- If the member of staff feels able to tell the member of the public that their behaviour is unacceptable and unwelcome, without inflaming the situation they could do so. This is only advisable where the member of staff is sure this is the right response. In situations where s/he is not sure, the best course of action is to try to bring the incident to a close by politely ending the discussion and referring the matter to the Headteacher.
- It would be natural for members of staff to try to defend themselves in such situations, but this course of action is often likely to make the situation worse, rather than better. Members of staff should try to remain calm and clear-headed whilst they remain with the member of the public.
- The member of staff should make a record of the details of the incident, and any others of which they are aware involving the same aggressor.
- After the incident, members of staff must report the matter to the Headteacher. No action can be taken until the matter is reported, and if incidents go unreported they are more likely to be repeated.
- The Headteacher and the member of staff should agree on the course of action to be taken. This will usually mean informing the member of the public that their behaviour, in harassing an Academy employee, was unacceptable and try to re-build the relationship.
- Reaching a solution in meetings with the member of the public may be very difficult. In some situations it may be advisable to use a trained mediator.

In the situation where a parent or carer has harassed a teacher, further action would normally take the form of a letter from the Headteacher to the aggressor. The letter would underline the fact that it is not acceptable behaviour to harass an Academy employee, and if the parent or carer wishes to discuss the matter further arrangements for this can be made. The subsequent meeting should take place in the presence of the Headteacher and an Academy Governor.

Where there are repeated cases of harassment by the same aggressor the Headteacher should undertake a risk assessment.

## Appendix B - Examples of harassment

Please note that this list is not exhaustive

- Unwanted physical contact
  - Physical attacks or threats
  - Any unwanted sexual advances
  - Intrusive remarks about a person's appearance
  - Deliberately promoting negative attitudes about others
  - Telling offensive jokes, using offensive language, malicious gossip
  - Verbal abuse or using offensive names
  - Displaying offensive posters, graffiti, emblems
  - Isolation, non co-operation, exclusion from social activities
  - Constantly undermining an individual's efforts without explaining how to improve
  - Communicating in an intimidating and unreasonable manner (whether verbally, in writing, via email or another way)
  - Causing embarrassment in front of others
  - Constant criticism relating to historical events
  - Persecution and intimidation through threats or inspiration of fear
  - Not listening to another's point of view on a regular basis
  - Victimisation or retaliation
  - Removal of responsibilities, allocating menial tasks
  - Deliberately impeding performance of work
  - Constantly and unreasonably changing targets or deadlines (moving the goalposts)
  - Over-monitoring of a member of staff with or without his or her knowledge
  - Unreasonable refusal of applications for leave, training or promotion
  - Making threats about job security without foundation
  - Obvious close down or whispering when a colleague comes in
- Examples of harassment on the grounds of disability

Derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which is directed at any disabled individual, or group of disabled people, which results in the individual(s) feeling threatened or compromised. Stereotyping or making assumptions about individual's ability because of their disability. Holding events at non-accessible venues

Examples of harassment on the basis of age

Ridiculing or demanding behaviour focused towards people because of their age, regarding them as "too old" or "too young"; or making assumptions about lifestyle based on perceived age.

### **Examples of harassment on the basis of sexuality**

- Behaviour that condemns or ridicules people because of their perceived or actual sexuality.
- Derogatory remarks, jokes, graffiti that results in the individual feeling uncomfortable, excluded or threatened.
- Outing an individual as lesbian, gay or bisexual without their permission.
- Spreading rumours or gossip about an individual's sexual orientation.
- Asking a lesbian, gay, bisexual or transgender colleague intrusive questions about their sexual orientation.

### **Examples of harassment on the basis of working patterns**

Behaviour, which fails to acknowledge that some people do not work five days a week or "9.00 to 5.00" every day, and that organisations operate effectively using a variety of working patterns.

Making comments about not "pulling their weight" or hours of work. Examples of harassment on the grounds of ethnicity

This can be derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature that is directed at any individual or group from a particular ethnic background that results in the individual(s) feeling threatened or compromised.

### **Examples of behaviour that may be sexual harassment**

Unwelcome sexual advances, requests for sexual favours, or other conduct of sexual nature, which result in the individual feeling threatened or compromised. This is not restricted to attempts to initiate sexual relations. Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can also happen between women or between men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality.

### **Harassment on the basis of religion or belief**

This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

Arranging meetings that may exclude people on religious observance grounds.

Political harassment or harassment on the grounds of membership or non-membership of a trade union

This can include:

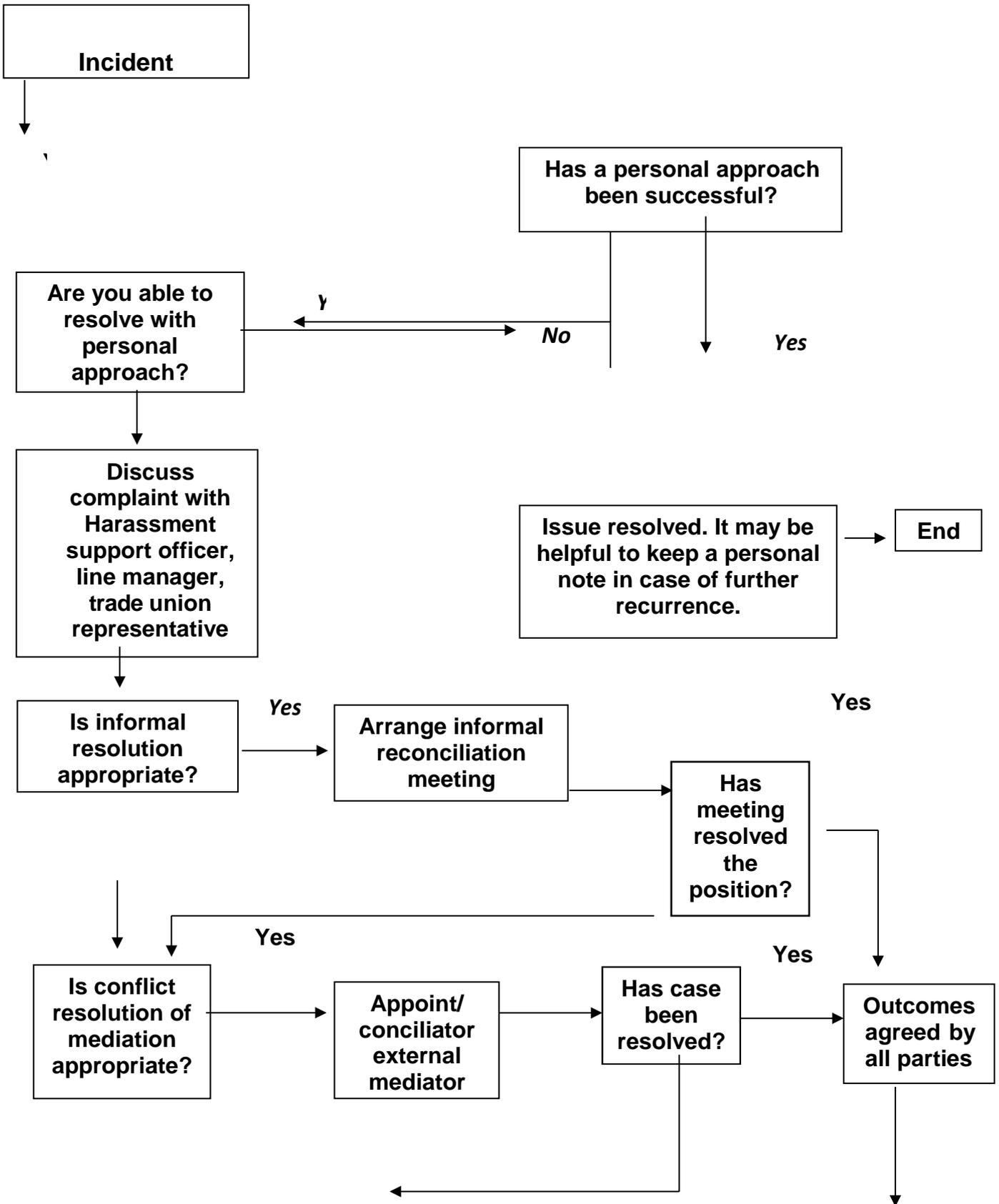
- Offensive jokes
- Ridicule
- Display of offensive material

## **Singling out**

Singling out people because of their sex, race, disability, gender identity, religion or belief, age, sexuality, and responsibilities for dependents or marital status can also constitute harassment even without any specific references to gender, race etc. Specific non-verbal examples can be seen above under “bullying”. This can also apply to people who are perceived to not “fit in”. (Expecting people to “fit in” is potentially discriminatory.)

Appendix C

How to handle a complaint informally

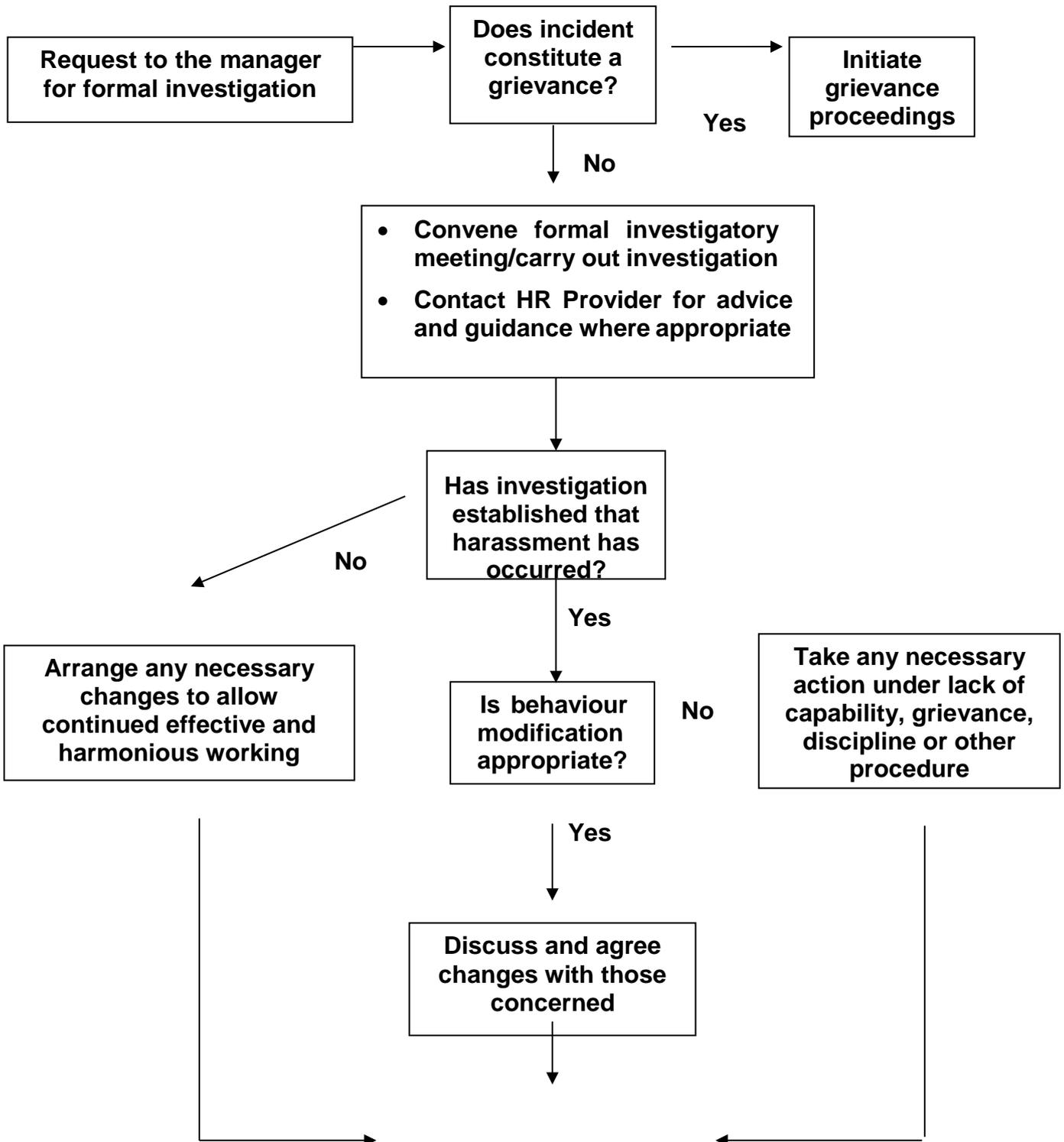




**Go to flowchart for formal  
investigation of  
harassment**

**End**

## How to handle a formal complaint



**Document and record  
agreed changes - to be  
signed by all  
concerned parties**



**Continue to monitor position and/or arrange review meeting after three months**