

Primary Learning Trust (PLT)

...where everyone flourishes!



Anti-Harassment and Bullying Policy

Primary Learning Trust
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Mission: to educate all our primary children for life, inspired by expert professionals, in a place *where everyone flourishes!*

Vision

- A family of schools, proud to be working together as one entity, in the right conditions for deep and purposeful **collaboration**
- To **belong** to a great place to learn, work and grow.
- To improve and sustain high educational standards across the Trust, through **evidence-informed** practice.
- To continuously improve teaching and learning, ensuring that every pupil has the best possible education.
- To hold trust on behalf of our children, achieving the best for and from our people, so that everyone can **flourish**.
- To empower our children and our people to create a better future.
- To advance the education system, as part of our civic duty, for the wider public benefit

Values

- **Belonging:** where all our people feel connected, valued, trusted and fulfilled, with a shared purpose to achieve excellence, in a place of psychological safety.
- **Flourishing:** where all our people thrive and continue to grow through the development of their intellectual potential and live well, building strong relationships as well-rounded human beings.
- **Collaboration:** by design, to ensure that all our people are supported and openly share ideas and practice; that no school - no child - is left behind, building together the pipeline that develops the next generation of leaders, global citizens, influencers and innovators.
- **Evidence-informed:** conceptual models of quality and improvement that can be shared and embedded. Deliberate and intentional knowledge-building to create expertise through cultures and communities of improvement, using the active ingredients of professional development.

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1 Introduction

- 1.1 The Trust is committed to a work environment free of harassment and bullying, where everyone is treated with dignity and respect. The Trust takes a firm stance against bullying between pupils, and it is important that all staff lead by example with their own behaviour.
- 1.2 Harassment and bullying can have very serious consequences for individuals and the Trust/School including loss of morale, poor work performance, increased turnover of staff, legal claims and damage to our reputation.
- 1.3 We will take allegations of harassment or bullying seriously and will take active steps to prevent and address them promptly and confidentially where possible. Harassment, or the bullying of any member of staff, or anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure . In some cases, it may amount to gross misconduct leading to summary dismissal. Anyone who is a victim of, or witness to, harassment or bullying is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Harassment and bullying can result in legal liability for both the organisation and the perpetrator, whether they work for us, or are a third-party outside of our control. Please note that we have a separate Preventing Sexual Harassment at Work Policy which should be used if you wish disclose or report incidences of sexual harassment.
- 1.4 This policy has been implemented following consultation with the recognised trade unions.
- 1.5 This policy does not form part of any employee's contract of employment and may be amended at any time.

2 Scope and purpose of this policy

- 2.1 The purpose of this policy is to set out a framework for the Academy to deal with any harassment, bullying or victimisation that occurs.
- 2.2 The policy sets out the types of behaviour that are unacceptable and covers bullying and harassment both in and out of the workplace such as on school trips, at school events or work-related social functions. This policy covers bullying and harassment by staff and also by third parties such as (but not limited to) suppliers, parents or visitors to the school.
- 2.3 This policy applies to all employees of the Trust, governors, contractors, casual and agency staff and volunteers (collectively referred to as **staff** in this policy). The policy does not apply to pupils or parents who consider they have been the subject of bullying or harassment by Trust employees, where separate complaints procedures apply.

- 2.4 Employees may make a complaint under this policy or the grievance policy but not both policies.

3 The legal framework

- 3.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (protected characteristics). The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress. Further, the Worker Protection (Amendment of Equality Act 2010) Act 2023 places a legal and increased responsibility on organisations to take 'reasonable steps' to prevent sexual harassment in the workplace. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 3.2 Individual members of staff may in some cases be personally legally liable for harassment of colleagues or third parties (including pupils), and may be ordered to pay compensation by a court or employment tribunal.
- 3.3 This policy is based on the ACAS guidance on [discrimination, bullying and harassment at work](#).
- 3.4 This policy follows the principles of the:
- [Equality Act 2010](#)
 - [Protection from Harassment Act 1997](#) (which makes provision for protecting individuals from harassment and similar conduct)
 - [Employment Rights Act 1996](#) (which is particularly relevant if the school is considering a dismissal)
 - [Employment Relations Act 1999](#) (where a dispute progresses to an employment tribunal)

4 What is harassment?

- 4.1 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."
- 4.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Unlawful harassment may involve conduct related to a protected characteristic (see 3.1) or of a sexual nature (sexual harassment). Harassment is unacceptable even if it does not fall within any of these categories.

4.3 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him/her. Harassment may also occur even if an individual does not have a protected characteristic, but another individual engages in unwanted conduct towards them because:

4.3.1 they perceive the recipient to have a protected characteristic; or

4.3.2 they are associated with a person who does have a protected characteristic.

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

- Age
- Gender reassignment
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion or belief
- Sex
- Sexual orientation

4.4 A single incident can amount to harassment although first-time conduct which unintentionally causes offence will not usually be harassment. However, it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

4.5 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

4.5.1 Bringing proceedings under the Equality Act 2010;

4.5.2 Giving evidence or information in connection with proceedings under the Equality Act 2010;

4.5.3 Doing any other thing for the purposes of or in connection with the Equality Act 2010;

4.5.4 Alleging that a person has contravened the Equality Act 2010.

4.6 Harassment and victimisation are unlawful and will not be tolerated. Either may lead to disciplinary action up to and including dismissal for gross misconduct if they are committed:

4.6.1 In a work situation;

4.6.2 During any situation related to work, such as at a social event with colleagues;

4.6.3 Against a colleague or other person connected to us outside of a work situation, including on social media;

4.6.4 Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

4.7 We will consider any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

4.8 If any harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include updating relevant policies, providing further staff training and taking disciplinary action against the perpetrator.

4.9 Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation from any third party including but not limited to parents, contractors and suppliers visiting the employer's premises, or where a person is visiting any third party premises or other location in the course of their employment.

4.10 Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

4.11 Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

4.12 We will take active steps to prevent third-party harassment of staff. Action may include warning notices or recorded messages at the beginning of telephone calls.[A1]

4.13 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, terminating contracts with suppliers and sharing information with other schools.

5 What is bullying?

- 5.1 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.”
- 5.2 Bullying can take the form of physical, verbal and non-verbal conduct.
- 5.3 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.
- 5.4 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own. It is also recognised that differences of opinion, outbursts of bad temper etc. may occur from time to time in any normal working environment. We would normally expect our employees to resolve through informal processes rather than through the use of the formal procedure set out below.

6 Examples of bullying and harassment

- 6.1 Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Employees should always consider whether their words or conduct could be offensive. Conduct may be harassment or bullying whether or not the person behaving in that way intends to offend. Examples of unacceptable conduct include (not an exhaustive list):
 - 6.1.1 unwanted physical conduct or ‘horseplay’ including touching, pinching, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - 6.1.2 unwelcome sexual advances or suggestive behaviour or suggestions that sexual favours may further a career or that a refusal may hinder it;
 - 6.1.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 6.1.4 sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - 6.1.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - 6.1.6 jokes or comments about an individual's age, disability, sexual orientation or religion, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;

- 6.1.7 ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings;
- 6.1.8 shouting at, being sarcastic towards, ridiculing or demeaning others;
- 6.1.9 physical or psychological threats;
- 6.1.10 overbearing and intimidating levels of supervision;
- 6.1.11 inappropriate and/or derogatory remarks about someone's performance made specifically in front of others with a view to undermine the staff member;
- 6.1.12 abuse of authority, power or status by those in positions of seniority.

7 Informal steps

- 7.1 If you think you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager (or another manager if the matter relates to your line manager), who can provide advice and assistance in resolving the issue formally or informally.
- 7.2 If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager (or another manager if the matter relates to your line manager) informally for confidential advice.
- 7.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

8 Reasonable management

8.1 The school differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation. Legitimate, justifiable, appropriately conducted monitoring of a member of the school workforce's behaviour or job performance does not therefore constitute bullying, harassment or victimisation.

9 Raising a formal complaint

- 9.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Head Teacher/ Head of School, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the CEO.

- 9.2 Where the Head Teacher/ Head of School feels bullied or harassed they should raise the matter with the CEO, or if it involves the CEO raise it with the Chair of Trustees, or if it involves the Chair of Trustees, with the Board. The Chair and Board can be contacted via the Governance Professional of the Trust.
- 9.3 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, 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.
- 9.4 As a general principle, the decision whether to progress a complaint is up to you. 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.

10 Formal investigations

- 10.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. Wherever possible the investigation will be conducted by someone with no prior involvement in the complaint. The investigation should be thorough, impartial, objective and carried out with sensitivity and due respect for the rights of all parties concerned.
- 10.2 We will arrange a meeting with you, usually within five working days of receiving your complaint, so that you can give your account of events. You will be given an indication of the timescales for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 10.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require and there is no alternative to suspension. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 10.4 Where your complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the school and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 10.5 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example,

you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

- 10.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 10.7 At the end of the investigation, the investigator will submit a report to a Head Teacher/ Head of School nominated to consider the complaint. A copy of the report and findings will be given to you and to the alleged harasser or bully, together with recommendations for further action.
- 10.8 The Head Teacher/Head of School will arrange a meeting with you, usually within one week of receiving the report, in order to discuss the outcome and what action, if any should be taken. You have the right to bring a colleague or a trade union representative to the meeting.

11 Action following the investigation

- 11.1 If the Head Teacher/ Head of School considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 11.2 Where the harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.
- 11.3 Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- 11.4 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling or to change the duties, working location or reporting lines of one or both parties.
- 11.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

12 Appeals

- 12.1 If you are not satisfied with the outcome you may appeal in writing to the CEO stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

- 12.2 We will hold an appeal meeting, normally within five working days of receiving your written appeal. This will be dealt with impartially by a panel of Trustees who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 12.3 We will confirm our final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

13 Protection and support for those involved

- 13.1 An employee who makes a complaint or who participates in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way may be subject to a disciplinary process.
- 13.2 Victimisation is subjecting a person to a detriment because he/she has in good faith:

- 13.2.1 complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else; or

- 13.2.2 supported someone to make a complaint; or

- 13.2.3 given evidence in relation to a complaint.

This would include isolating someone or giving them a heavier or more difficult workload. If you believe you have suffered any such treatment you should inform Head Teacher/ Head of School. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

- 13.3 Making a complaint or giving evidence that you know to be untrue may lead to disciplinary action being taken against you.
- 13.4 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.
- 13.5 If a complaint is made against you, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. 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. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat

the behaviour that has caused offence that may well be the end of the matter.

- 13.6 We can, in severe cases, offer access to confidential counselling, which is available on request for anyone significantly affected by, or accused of, bullying or harassment. The details are available in confidence from Head Teacher/ Head of School, who would liaise with CEO.

14 Confidentiality and data protection

- 14.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.
- 14.2 As part of the application of this policy, the School may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of **Data Protection Legislation** (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept on the employee's personal file in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation. This will include information about a complaint along with a record of the outcome and of any notes or other documents compiled during the process.
- 14.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

15 Training

- 15.1 All new starters must attend equity, diversity and inclusion training as part of their induction programme.
- 15.2 Every current employee must attend regular equity, diversity and inclusion training on at least an annual basis.

16 Review of this policy

This policy is reviewed and amended every 3 years by Primary Learning Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1 - Flowchart for Reporting Harassment and Bullying



Reporting Harassment/ Bullying

If you feel you are being Harassed or Bullied in the workplace, please speak to your line manager, or a Senior Leader. You should refer to the Anti Harassment and Bullying Policy available in the shared area.

1

Informal Steps

Before raising a complaint, you should consider raising the problem informal with the person responsible if you feel comfortable enough to do so. If this is too difficult or embarrassing, you should speak to your line manager (or another manager if the matter relates to your line manager), who can provide advice and assistance in resolving the issue formally or informally.

2

Raising a formal complaint

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Head of School. If the matter concerns that person, you should refer it to the Executive Head Teacher.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, 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.

3

Formal Investigations

A meeting will be arranged with you, usually within 5 working days of receiving the complaint. You will be given an indication of timescales for the investigation.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require and there is no alternative to suspension.

Where your complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation

At the end of the investigation, the investigator will submit a report to a Head of School nominated to consider the complaint. A copy of the report and findings will be given to you and to the alleged harasser or bully, together with recommendations for further action.

The/Head of School will arrange a meeting with you. usually within one week of receiving the report, in order to discuss the outcome and what action, if any should be taken. You have the right to bring a colleague or a trade union representative to the meeting.