

## Liberty Academy Trust

### Anti-harassment and Bullying Policy

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## 1 Introduction

- 1.1 Liberty Academy Trust strives to advance equality of opportunity for our students and staff. Ensuring that everyone is treated with dignity and respect, and that our schools and workplaces are free from harassment and bullying are integral part of this.
- 1.2 We will take active steps to prevent harassment and bullying. Harassment and bullying will not be tolerated, and we will take allegations of such behaviours seriously.
- 1.3 This policy outlines the processes by which we intend to provide our staff with a workplace free from harassment and bullying. It should be read in conjunction with our Code of Conduct and our Equality, Diversity and Inclusion Strategy.

## 2 Scope

- 2.1 This policy sets out the types of behaviour that are unacceptable and covers harassment and bullying both in and out of the workplace such as on school trips, at school events or work-related social functions. Further information about expectations of staff can be found in our Code of Conduct. The policy covers harassment by staff and also by third parties such as (but not limited to) suppliers, parents or visitors to the school premises.
- 2.2 The policy applies to all employees of the Trust, trustees and local committee members, 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.
- 2.3 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may vary the procedures set out in this policy, including any time limits, where it is appropriate to do so.

## 3 Understanding Harassment, Bullying and Victimisation

### Harassment

- 3.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of:
  - violating a person's dignity; or
  - creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 3.2 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 (as defined in the Equality Act 2010) or of a sexual nature (see Sexual Harassment below). Harassment is unacceptable even if it does not fall within any of these categories.

3.3 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:

- they perceive the recipient to have a protected characteristic; or
- they are associated with a person who does have a protected characteristic.

3.4 A single incident can amount to harassment. The fact that the perpetrator did not intend to harass the victim is not relevant to determining whether harassment took place.

### Sexual harassment

3.5 Sexual harassment is harassment (as above) of a sexual nature – for example, making sexual remarks about a person, sexualised behaviour such as sharing pornography or making jokes of a sexual nature, or asking questions about a person's sex life.

3.6 Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

### Third party harassment

3.7 Third-party harassment occurs where a person is harassed by someone who does not work for the Trust, but with whom they have come into contact during the course of their employment – such as a parent or a visitor to a school.

### Bullying

3.8 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.

3.9 Legitimate, reasonable and constructive criticism of a colleague's performance or behaviour, or reasonable instructions given to staff 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 and so on may occur from time to time. We would normally expect our employees to resolve through informal processes rather than through the use of the formal procedure set out below.

### Victimisation

3.10 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:

- Bringing proceedings under the Equality Act 2010

- Giving evidence or information in connection with proceedings under the Equality Act 2010
- Doing any other thing for the purposes of or in connection with the Equality Act 2010
- Alleging that a person has contravened the Equality Act 2010

## 4 Examples of Harassment and Bullying

4.1 Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Colleagues should take care to 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.

4.2 Examples of unacceptable conduct include (this is not an exhaustive list):

- Physical or psychological threats
- Abuse of authority, power or status
- 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
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings
- 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)
- Unwanted physical conduct or 'horseplay' including touching, pinching, brushing past or against someone, invading their personal space, and more serious forms of physical or sexual assault
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome

## 5 Addressing Harassment, Bullying and Victimisation

5.1 Harassment, bullying and victimisation are unlawful and will not be tolerated. All staff are encouraged to report any harassment or bullying they are a victim of, or witness, in accordance with this policy.

5.2 If any harassment, bullying 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.

### Third party harassment

- 5.3 Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.
- 5.4 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.

### If you witness harassment or bullying

- 5.5 Staff who witness harassment or bullying are encouraged to take appropriate steps to help us address it. Depending on the circumstances, this could include:
- Intervening where you feel able to do so
  - Supporting the victim to report it or reporting it on their behalf
  - Reporting the incident to a manager where you feel there may be a continuing risk if you do not report it
  - Cooperating in any investigation into the incident
- 5.6 All witnesses will be provided with appropriate support and will be protected from victimisation.

### Training

- 5.7 We expect all our people to proactively support our equity, diversity and inclusion initiatives by attending events and workshops organised by the Trust to educate themselves on issues in this area.
- 5.8 Specifically, all new starters must complete our equity, diversity and inclusion training as part of their induction programme. After that, all staff will complete our equity, diversity and inclusion training on at least an annual basis.

## 6 Dealing with Complaints

### Informal steps

- 6.1 If you think you're 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.
- 6.2 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.

- 6.3 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. Your local HR advisor may be another source of support and advice.
- 6.4 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

### Raising a formal complaint

- 6.5 We take allegations of harassment and bullying seriously. If you wish to make a formal complaint about harassment or bullying, you should submit it in writing to your line manager, 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 a more senior manager.
- 6.6 Where a Principal feels bullied or harassed, they should raise the matter with the Chief Executive Officer. If the matter concerns that person, it should be referred to the Director of Governance and Compliance.
- 6.7 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.
- 6.8 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.

### Investigating your complaint

- 6.9 We will investigate complaints in a timely and confidential manner. 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. Individuals not involved in the complaint or the investigation should not be told about it.
- 6.10 The person investigating your complaint 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 can be accompanied by a colleague or a trade union representative if you wish – that person must also respect the confidentiality of the investigation. There may be further meetings with you as appropriate throughout the investigation.
- 6.11 If your complaint is about one of our employees, we will conduct the investigation in line with the same principles as a disciplinary investigation, including considering whether suspension or other temporary change may be appropriate pending the

outcome of the process. It is important to note that person will have a right to be told the details of the allegations against them, so that they can respond.

- 6.12 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 Trust and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 6.13 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.
- 6.14 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.
- 6.15 At the end of the investigation, the investigator will submit a report to the manager 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.
- 6.16 The manager responsible for considering your complaint 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 can be accompanied by a colleague or a trade union representative at the meeting if you wish.

### Action following an investigation

- 6.17 If the manager responsible for considering a complaint, having taken advice as appropriate, believes that harassment or bullying has occurred, prompt action will be taken to address it.
- 6.18 Where a person we reasonably believe has committed acts of harassment or bullying is an employee, we will treat the matter as misconduct or gross misconduct. We will conduct a disciplinary hearing in line with our Disciplinary Procedure; following this a disciplinary penalty may be applied in line with that policy, up to and including dismissal for behaviour amounting to gross misconduct.
- 6.19 Where a person we reasonably believe has committed acts of harassment or bullying is a third party, we will take appropriate action. This might include speaking or writing to the person and/or their superior about their behaviour; raising a formal complaint; or, in very serious cases, banning them from the premises or terminating a contract with them.
- 6.20 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.



## Appeals

- 6.21 You may appeal against the outcome of your complaint, for example if you feel the matter was not handled appropriately in line with this policy, or that the outcome is not reasonable or proportionate, you may appeal.
- 6.22 You should set out the grounds of your appeal in writing to the Head of Human Resources within five working days of being formally notified of the outcome. The Head of Human Resources will make arrangements for your appeal to be considered impartially by a suitable person not previously involved in the matter. This is likely to involve inviting you to an appeal meeting, and inviting the person who considered your complaint to respond.

## Protection and support for those involved in a complaint

- 6.23 In relation to harassment and bullying, all colleagues are reminded of our staff wellbeing provision (also known as our employee assistance programme). See the intranet or ask an HR advisor for more information. You may also seek support from a line manager, HR advisor or, if you are a member, a trade union.
- 6.24 A colleague 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. Retaliation against someone in this way will be treated as a disciplinary issue.
- 6.25 If you believe you have suffered any such treatment you should inform your line manager or other suitable manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.
- 6.26 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.
- 6.27 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.
- 6.28 Deliberately providing false information or otherwise acting in bad faith in relation to a complaint of harassment or bullying will be treated as a disciplinary issue.

## 7 Confidentiality, Record Keeping and Data Protection

- 7.1 Confidentiality is an important part of the procedures provided under this policy. 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. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

- 7.2 Information about a complaint by or about a staff member may be placed on their personal file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.
- 7.3 As part of the application of this policy, the Trust 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.

## **8 Review of Policy**

- 8.1 This policy is reviewed regularly by the Trust, to ensure it remains effective, in line with good practice, and compliant with relevant legislation. This version was published in November 2024 in line with the Worker Protection (Amendment of Equality Act 2010) Act 2023.