

# JOHN TAYLOR MULTI ACADEMY TRUST



## Harassment and Bullying Policy

<b>Policy owner:</b>	<b>Barbara Mahoney, JTMAT COO</b>
Implementation date:	September 2016
Reviewed on:	July 2022 (pending consultation)
Next review date:	September 2024

The aim of this policy is to ensure that all colleagues are treated with dignity and respect and that the working environment is one free from bullying or harassment. It provides a mechanism for colleagues to challenge any unwanted treatment, behaviour or conduct. All colleagues are expected to treat fellow colleagues, visitors, customers and suppliers with respect and to adhere to this policy.

Any reference to 'the employer' refers to John Taylor Multi Academy Trust (John Taylor MAT). The 'appropriate level of authority' should be determined according to John Taylor MAT's scheme of delegation. This policy applies to employees, referred to in this policy as colleagues.

The policy is commended for adoption by governing bodies for application to colleagues employed in schools and Academies

The policy applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and may be amended from time to time and in consultation with the recognised trade unions.

This policy applies not only to treatment, behaviour or conduct in the workplace but outside the workplace e.g. business trips, training courses, work related social activities as well as comments made via social media such as Facebook etc.

## **1. General Principles**

- 1.1 John Taylor MAT will not tolerate harassment or bullying and will ensure that management at every level understands this. All allegations of harassment or bullying will be taken seriously and dealt with promptly and confidentially. It is the responsibility of management to ensure that all colleagues understand the policy, that it is adhered to and to deal with behaviours that are in breach of this policy. Where it is found that harassment or bullying has occurred, the appropriate action will be taken which could include dismissal for gross misconduct.
- 1.2 Colleagues who make a complaint of harassment or bullying or support a colleague in making a complaint, in good faith will not suffer any less favourable treatment, retaliation or victimisation. Any colleague who feels that they have suffered such treatment should raise this with their line manager, their line manager's manager or HR Representative. Allegations of retaliation or victimisation will be dealt with under the disciplinary procedure and may be treated as gross misconduct and may result in dismissal, whether or not the harassment or bullying complaint was upheld.
- 1.3 Even where a formal complaint has not been made by the colleague, management are required to and will investigate and deal with any treatment, behaviour or conduct which is contrary to this policy, such as inappropriate banter, aggressive attitudes or insensitive jokes.  
We are committed to equality and diversity and will make reasonable adjustments to the application of this policy in line with our equal opportunities commitment.

## **2. Behaviour that may Amount to Bullying or Harassment**

- 2.1 Bullying or harassment is used to describe the unwanted treatment, behaviour or conduct of one person by another or others which has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It does not have to be a series of events; a single incident may amount to bullying or harassment.
- 2.2 Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever format it takes, it is unwarranted and unwelcome to the individual.
- 2.3 Bullying or harassment may include conduct which is related to sex, age, sexual orientation, race, colour, nationality, ethnic or national origin, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, religion or belief, membership of a trade unions or taking part in the activities of a trade union but conduct can amount to bullying or harassment without it relating to any of these categories.
- 2.4 Colleagues are able to complain of behaviour, treatment or conduct that they find offensive even if it is not directed at them and they do not have the relevant characteristic themselves.
- 2.5 The following is a list of examples of behaviour that may be bullying or harassment:
- Offensive, abusive or intimidating comments, insensitive jokes or pranks, derogative or stereotypical remarks
  - Displaying or distributing pornographic material, abusive literature or graffiti or other material that some people may find offensive
  - Deliberately excluding someone from conversations or work activities
  - Unwelcome sexual advances or suggestive behaviour
  - Unwanted physical conduct including touching, pinching, grabbing
  - Ridiculing, humiliating or belittling someone
  - Inappropriate remarks about someone's performance.
  - Overbearing supervision or other misuse of power or position
  - Making threats or comments about job security without foundation
  - Deliberately undermining a competent worker by overloading and constant criticism
  - Copying memos that are critical about someone to others who do not need to know
  - Spreading malicious rumours or insulting someone by word or behaviour (particularly on the grounds of protected characteristics)
  - Preventing colleagues progressing by intentionally blocking promotion or training opportunities.
  - The use of social networking sites such as Facebook, Twitter, Instagram or information from YouTube to bully or harass others.
- 2.6 The list is not exhaustive. What one colleague finds acceptable, another may not and therefore all colleagues ought to ensure that they treat one another with respect. Also, it is not necessary that the treatment, behaviour or conduct in question was directed at the colleague, harassment or bullying can include

behaviour which creates an intimidating and offensive environment for the colleague and anyone else who may witness that behaviour.

- 2.7 Where, following an investigation, it has been determined that a colleague has been subject to legitimate, constructive and reasonable criticism of their performance or conduct, this will not amount to bullying or harassment.

### **3. Complaints against Third Parties**

- 3.1 Sometimes the allegation of bullying or harassment may be against someone you come across as part of their work e.g. a customer, supplier or visitor. In this case the complaint should be made to your line manager who will then discuss with you how best to deal with the situation. Where your line manager is unavailable e.g. due to sickness or holiday, you should raise your concern with your line manager's manager.

- 3.2 In a school environment, there are stakeholders – notably parents/carers – over which the school and Trust leadership have no direct authority. In a situation where there is an allegation of bullying or harassment, in person or online, towards an employee, the headteacher may consider legal advice appropriate, or seek recourse to the police in order to investigate. The colleague should be supported throughout any period of investigation, and beyond it if necessary. In circumstances such as this, consultation with the CEO of the Trust would be strongly advised.

- 3.3 There may be an allegation of bullying or harassment made against a member of the school's local governing body (LGB) or a director of the Trust Board. In such circumstances, the Trust would seek to investigate – potentially supported by an external organisation should the allegation concern a director. This may require a suspension from the relevant body, as a neutral act, whilst an investigation is being conducted. Following the conclusion of an investigation, the Trust would act accordingly. This may include censure by, or removal from, the body (LGB or Board) with which the individual is associated where evidence of wrongdoing has been found.

### **4. Procedure**

- 4.1 If you believe that you have been subjected to treatment, behaviour or conduct which is contrary to the Harassment and Bullying Policy, you can raise a complaint either informally or formally. The procedure that you need to follow to raise your complaint is set out in the Grievance Policy and Procedure.
- 4.2 The grievance policy and procedure also explains about the mediation service which is another potential way to resolve your complaints.
- 4.3 If you require further help, advice or assistance about how to deal with a complaint of bullying or harassment you should speak to your manager, trade union representative or HR Representative. Where John Taylor MAT is investigating harassment or bullying complaint, John Taylor MAT may suspend the alleged harasser/bully on full pay or arrange other temporary working arrangements or look at transferring the alleged harasser/bully to another work area. This will depend on the nature and potential seriousness of the allegations.

## **5. Mediation Service**

- 5.1 As an alternative to pursuing a complaint under the grievance procedure you also have the opportunity to access the Mediation Service.
- 5.2 Mediation is a confidential process that seeks to help colleagues resolve disputes in the workplace. Mediation is an informal process where colleagues involved in a dispute or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.
- 5.3 Mediation can be used at any point in the procedures, for example where, other informal approaches have been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and it can only be used when both parties agree to take part. There is no penalty or detriment if you choose not to participate in a mediation process.
- 5.4 If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager must contact JTMAT's external HR provider who will arrange mediation as soon as possible.
- 5.5 If you go through mediation and it is not successful, you can then go through the formal grievance procedure.
- 5.6 If you have raised a grievance and decide to pursue mediation, the grievance may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal grievance will be closed.

## **6. Effective Date**

- 6.1 This policy and procedure was agreed with the trade union representatives on 15/04/2013.
- 6.2 JTMAT will periodically review this policy biennially or earlier if required, following changes in employment law.

## **7. Data Protection**

- 7.1 The organisation will comply with the provisions of the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.