



E03

ESTEEM MULTI-ACADEMY TRUST
DIGNITY AT WORK – PROTECTION
FROM HARASSMENT, BULLYING AND
VICTIMISATION POLICY

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1 Introduction

- 1.1 This Policy on Dignity at Work – Prevention from Harassment, Bullying and Victimisation in the Workplace supports the UK Code of Practice on Diversity and Equality in line with the Equality Act 2010.
- 1.2 Promoting and protecting dignity at work goes beyond eliminating unfair discrimination. It is about a fundamental right not to be harassed, bullied or victimised. Everyone in Esteem Multi-Academy Trust has this right and has a role to play in achieving it; both in taking formal and informal action in respect of any unacceptable behaviour they experience or witness themselves, and in ensuring their own behaviour does not infringe the dignity of others.
- 1.3 Esteem Multi-Academy Trust will always consider harassment as a serious matter. It will actively seek ways to ensure such behaviour is prevented, as far as possible, and is swiftly and effectively stopped. Unacceptable behaviour in contravention of this Policy will be considered as serious misconduct, which could lead to disciplinary action up to, and including, dismissal.

2 Scope of the Policy

- 2.1 This Policy covers all aspects of employment and applies to everyone in Esteem Multi-Academy Trust. It applies to the way in which we interface with everyone encountered, in the course of work, including job applicants. It covers harassment of and by managers, employees, contractors, workers, agency workers and anyone else engaged to work at Esteem Multi-Academy Trust.
- 2.2 The Policy covers harassment in any work-related setting. It includes the workplace and events outside of the workplace or outside of working hours e.g., business trips and work-related social events.
- 2.3 It does not cover harassment by suppliers, vendors or visitors; in these cases, employees should report the behaviour to their manager. Dealing with complaints of harassment by non-employees is the responsibility of the external third-party organisation. Harassment of suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.
- 2.4 Any reference to harassment in this document should be read to include any behaviour that could constitute harassment, bullying or victimisation. Definitions, together with examples of unacceptable behaviour are included in the Policy.
- 2.5 Any reference to employee representatives would include representatives from recognised Trade Unions.

3 Policy Statement

- 3.1 Esteem Multi-Academy Trust will not tolerate harassment of any kind, for any reason, by anyone at any level within the Trust. All types of harassment, regardless of the reason, breach the Policy and are unacceptable. They may also be unlawful.
- 3.2 Esteem Multi-Academy Trust recognises an employee's right to complain, formally or informally, if they believe they are suffering harassment. Esteem Multi-Academy Trust also recognises in these sensitive situations both the employee making the complaint and the alleged harasser may require practical and emotional support. In practical terms, guidance in using the procedures outlined in this Policy will be available from the Trust HR team. All complaints will be treated seriously.
- 3.3 Formal complaints will be dealt with under Esteem Multi-Academy Trust discipline and grievance procedures. Both the employee alleging harassment and the alleged harasser will be advised of their rights under the procedures. Following investigation, Esteem Multi-Academy Trust will determine the appropriate action, which may include disciplinary action up to, and including, dismissal.
- 3.4 The wishes of employees making complaints and Esteem Multi-Academy Trust's commitment to

maintain confidentiality, where possible, will be considered in all cases. However, it will be Esteem Multi-Academy Trust's decision and indeed duty to act against harassment as soon as, and by whatever means, it becomes aware of it.

4 Roles and Responsibilities

4.1 Esteem Multi-Academy Trust

4.1.1 Esteem Multi-Academy Trust recognises any form of harassment is an unpleasant experience that can affect the morale and performance of employees and their colleagues. Harassment can also have damaging consequences for the School and Trust. Esteem Multi-Academy Trust has a legal responsibility to ensure that, as far as reasonably practicable, harassment is prevented.

4.1.2 Esteem Multi-Academy Trust will:

- build an organisation which recognises and values the differences in the culture, attributes and experiences of all our employees.
- sustain a working environment that promotes equality, fairness, dignity and respect.
- treat any breaches of this Policy as serious matters.
- engage with employee representatives on harassment issues.
- ensure promotion of dignity at work and prevention of harassment are integral to Esteem's workforce strategy.

4.2 Employees

4.2.1 All employees are responsible for ensuring their behaviour at work does not infringe the dignity of others.

4.2.2 Employees should:

- adopt high personal standards of behaviour.
- make it clear to others when their behaviour is unacceptable (unless it should be obvious in advance that this would be the case).
- treat everyone encountered, in the course of their employment, with consideration and respect (e.g., job applicants, employees, fellow workers, visitors and suppliers, etc).
- report any behaviour they have witnessed, or are aware of which they believe constitutes harassment, to management or the Trust HR Team; and
- support Esteem Multi-Academy Trust in the investigation of complaints.

4.3 Managers

4.3.1 In addition to their responsibilities as employees, managers are responsible for ensuring that harassment does not occur in the workplace. With the assistance of Human Resources, they are responsible for dealing promptly and effectively with any incidents they become aware of.

4.3.2 Managers should:

- lead by example.
- ensure all employees know the standards of behaviour expected of them, making it clear that harassment will not be tolerated.
- intervene to stop harassment and give support to those affected.
- not prejudge or victimise the employee making the complaint or the alleged harasser.
- promote a supportive working environment so employees are not afraid.
- take a stand against harassment or to support their colleagues.

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- report any harassment complaints or concerns to Esteem Trust HR Team.

4.4 Trade Union

4.4.1 Appropriately trained or experienced representatives should:

- advise employees making or supporting a complaint.
- advise employees who are the subject of a complaint.
- assist in facilitating an informal resolution (if appropriate).
- maintain confidentiality.
- provide representation throughout the procedure.

4.4.2 The employee making the complaint and the alleged harasser are entitled to and should be encouraged to have separate representation at all formal stages of the procedures in the interests of fairness and confidentiality.

5 Definitions

5.1 Harassment

5.1.1 Harassment is unwanted conduct which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if the person responsible for the conduct did not intend this effect.

5.1.2 Conduct may be harassment regardless of whether it was intended to offend. Different people find different things acceptable. Conduct is likely to be harassment if a reasonable person would know the conduct would be likely to offend. It is not necessary for the recipient to make it clear in advance that the conduct is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome or offensive. First-time conduct that unintentionally causes offence may not be harassment, but if the conduct continues after the recipient has made it clear that the behaviour is unacceptable, it will become harassment. Harassment does not include legitimate constructive criticism of an employee's conduct or performance.

5.1.3 Harassment may take place face to face, through written communications or e-mails, online, via social media, by telephone or through behaviour. A single incident can be harassment if it is sufficiently serious.

5.2 Bullying

5.2.1 Bullying overlaps harassment to some extent. It is usually defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which is intended or has the effect of humiliating or injuring the recipient.

5.3 Victimisation

5.3.1 Victimisation is defined as treating someone less favourably because they have, in good faith, complained that someone has been harassing them or someone else, or they have supported someone else to make a complaint, or have given evidence in relation to a complaint.

5.3.2 If an employee acts in good faith, i.e. they have a genuine belief they have been harassed or have

witnessed harassment, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint. However, if a complaint is made or evidence given which the employee knew to be untrue, this may lead to disciplinary action being taken against them.

5.4 Examples of Unacceptable Behaviour

5.4.1 Examples of unacceptable behaviour are listed at Appendix 2.

6 Processes — How Complaints Will Be Handled

6.1 Employees who believe that they are being harassed should keep a diary of all incidents, recording dates, times, locations, witnesses etc. They should keep copies of anything that could support the complaint, such as letters, memos, e-mails or notes of meetings.

6.2 Informal Action

6.2.1 In many cases, the employee just wants the harassment to stop. The basis of taking informal action is that whilst complaints are taken seriously, the situation may be resolved by action other than formal disciplinary action against the alleged harasser. It may be that the person whose conduct is causing offence is genuinely unaware their behaviour is unwelcome or objectionable, an informal approach may be appropriate to give the alleged harasser the opportunity to change their behaviour.

6.2.2 The decision to make a complaint, whether formally or informally, will generally rest with employees. However, employees must understand Esteem Multi-Academy Trust reserves the right, and has a duty, to prevent serious harassment by taking formal action where Esteem Multi-Academy Trust regards the alleged harassment as so serious that informal action is inappropriate.

Direct Approach

6.2.3 Employees are encouraged in the first instance to talk directly and informally to the person they believe is harassing them to inform them what aspect of their behaviour is unacceptable.

6.2.4 If an employee feels they cannot make a direct approach they may write to the alleged harasser, stating the behaviour they find unacceptable, the requested change or response and the timescale in which this should happen. The employee should ensure the letter has been received, preferably by delivering it in the presence of a third party. A copy of any letter sent should be kept along with any reply.

Informal Action — Companions and Representation

6.2.5 Employees may ask a fellow worker or employee representative for support by accompanying them when making an informal approach to an alleged harasser or by intervening on their behalf.

Informal Action — Mediated Meeting

6.2.6 Employees may choose to deal with their informal complaint by agreeing to meet their alleged harasser in an informal, independently mediated meeting. The purpose of the meeting will be for the parties to agree to a plan of action to stop and prevent further occurrences of the unacceptable behaviour. This form of informal action will be most appropriate to situations where the employee making the complaint and the alleged harasser are in the same team or report to the same line manager. In this situation, the line manager will normally act as the mediator of the meeting if this is acceptable to the parties involved.

6.2.7 If, however the complaint alleges the line manager is the harasser, or the alleged harasser does not

report to the same line manager as the employee making the complaint, the Trust HR Lead will decide if informal action is still appropriate, and if so, will mediate or will appoint an independent mediator. The mediator should ensure:

- the meeting is arranged as quickly as possible;
- the parties are specific about the behaviour which is causing offence;
- both parties clearly understand and are prepared to accept the arrangements agreed;
- both parties understand breaching of the agreement may lead to formal action being taken;
- a copy of the detailed notes of the meeting is given to both parties; and
- the parties understand how the situation will be monitored to ensure that no further harassment takes place.

6.2.8 If there is no resolution through this meeting, or the agreement is breached, further action must be taken.

6.3 Formal Action

6.3.1 An employee can take formal action at any stage, either to initiate a complaint, or following an unsatisfactory outcome of informal action.

Formal Action - Initiating a Grievance

6.3.2 Formal complaints must be raised in writing with either the employee's line manager, Headteacher or with the Trust HR Team. An employee verbally stating they wish to make a formal complaint must be advised that the complaint needs to be a written grievance. Please complete the Pro-forma in Appendix 1 or use this to guide you to write your formal grievance.

6.3.3 Whilst the employee's complaint is addressed through grievance procedures, any formal action taken against the alleged harasser will be through disciplinary procedures. Therefore, a disciplinary hearing may result from an investigation into a grievance complaint. The formal complaint should:

- state the name(s) of the alleged harasser(s);
- identify the behaviour causing offence;
- give specific examples if possible, identifying where and when the incidents took place;
- identify any witnesses or anyone who may have seen the effect the harassment had on the individual; and
- include the details of any action the employee has already taken to deal with the harassment.
- Any diary or other documents supporting the complaint (including records of any informal meetings) should be referred to.

Formal Action - The Investigation

6.3.4 All formal complaints should be investigated promptly and thoroughly.

6.3.5 The circumstances of each complaint should determine the nature and extent of the investigation. In some cases, it will be appropriate for the employee's line manager to conduct the investigation, supported by Esteem HR where necessary. In other cases, it will be more appropriate to appoint an 'investigation team' which will include an independent manager also supported by Esteem HR. (The size of the investigation team will be determined by the circumstances of the situation.)

6.3.6 The line manager receiving the formal complaint should seek advice the headteacher and Esteem HR in the first instance. Esteem HR will decide if it is appropriate to appoint either an independent manager to support the employee's line manager, or to appoint an independent manager to chair the investigation relieving the employee's line manager of their responsibility to investigate. The employee making the complaint and the alleged harasser will be kept informed by the investigating

manager.

- 6.3.7 The investigating manager will arrange initial meetings with all the appropriate parties within 5 working days of the complaint being lodged. A full investigation will be carried out swiftly, ideally within 20 working days unless otherwise agreed. The investigation and any subsequent hearings will be carried out in accordance with Esteem Multi-Academy Trust's disciplinary and grievance procedures, i.e.
- employees concerned will be made fully aware of the allegations.
 - there will be a full investigation.
 - both parties will be invited in writing to attend a formal grievance and/or disciplinary hearing.
 - both parties will be advised of their right to be accompanied by a fellow worker or employee representative.
 - both parties will be given the opportunity to state their case.
 - an explanation is given for any disciplinary action imposed; and
 - there will be an appeals procedure in both grievance and disciplinary hearings.

Formal Action - Separating the Parties During the Investigation

- 6.3.8 In cases which appear to involve serious misconduct, and there is a need to separate the parties, the investigating manager may move the alleged harasser to alternative duties or give a short period of leave to facilitate a full and timely investigation. Any period of leave will be with pay and does not constitute a disciplinary action. Exceptionally, the employee making the complaint could be treated in a similar manner during the investigation, but this may only be considered on the advice of Esteem HR and with the agreement of the employee.

Formal Action - Deciding on Action Following the Investigation

- 6.3.9 The investigating manager will submit the report to Esteem HR who will decide what action is necessary following the investigation. This will include whether to proceed with a disciplinary hearing.

Formal Action - Concluding the Grievance/Disciplinary Hearing

- 6.3.10 There are several possible outcomes following an investigation into a formal grievance:
- The grievance may have been upheld and resulted in a disciplinary hearing and action against the harasser.
 - The grievance may be upheld but disciplinary action against the harasser not felt to be appropriate.
 - The grievance is not upheld, and no disciplinary action is necessary.
 - Action taken against the employee making the complaint if it was found that the allegation was malicious.
- 6.3.11 Where a complaint is upheld, but the harasser is not dismissed, Esteem Multi-Academy Trust reserves the right to transfer the harasser, including transfer to another school/site as a disciplinary sanction.
- 6.3.12 Similarly, where a complaint is not upheld a voluntary transfer could be arranged to avoid the two parties having to continue to work together. It should not automatically be the employee making the complaint who is expected to move: every effort should be made to ensure they are not made to feel disadvantaged. Under no circumstances should anyone who has genuinely lodged a complaint of harassment, even if it is not upheld, be victimised. However, if it is felt that an employee has made false allegations against another employee for malicious or vindictive reasons,

they could themselves become the subject of disciplinary action.

- 6.3.13 Esteem Multi-Academy Trust will maintain records of harassment complaints, the outcome of the investigations and any corrective or disciplinary action taken. A copy will be held in the employee personal files of both the alleged harasser and the employee making the complaint. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Deciding on Formal or Informal Action

- 6.3.14 This decision, and the commitment to maintain confidentiality, where appropriate, can be difficult. Although it is for the person alleging harassment to determine what behaviour is unacceptable to them, and to initially decide on informal or formal action, two factors must be considered.

- Firstly, Esteem Multi-Academy Trust has a legal duty to prevent harassment as far as possible and must therefore act as soon as it becomes aware of possible harassment.
- Secondly, the employee may feel the alleged harassment has caused them to suffer stress and anxiety, hypersensitivity, fragility or withdrawal. They may have low self-confidence or self-worth. They may be reluctant to formally complain fearing no one will believe them, or that complaining will make the situation worse.

- 6.3.15 Where employees have sought advice on making a complaint, line managers and HR should advise employees whether a formal or informal complaint is the most appropriate action. Employees may have sought advice from their employee representative. Employees must be reassured that they do not have to take informal action prior to formal action. However, Esteem Multi-Academy Trust reserves the right to take action to stop and prevent serious harassment.

Informal action may be appropriate where, for example:

- the employee complaining and alleged harasser are of the same or equivalent level.
- both parties are willing to engage in informal action.
- the alleged harassment is recent and/or a single incident.
- it is reasonable in the circumstances to believe the alleged harasser did not intend the consequences of their action.
- there is a good chance the working relationship is salvageable if the parties reach agreement to stop the unacceptable behaviour and prevent re-occurrences.
- informal action will 'nip the behaviour in the bud'.
- there are no similar allegations outstanding or in the recent past.
- the employee's complaint relates to one alleged harasser.

Formal action should be considered where, for example:

- there is a significant difference between the levels of the employee making the complaint and the alleged harasser.
- the allegations concern actual or threatened violence.
- the complaints relate to conduct for which the alleged harasser has previously been disciplined.
- there are allegations of racial, sexual or disability harassment.
- one or more parties are not attending work (ill health, family leave etc).
- two or more separate similar complaints have been made.
- one complaint concerns two or more alleged harassers.

Appendix 1 – Formal Grievance Pro-forma

This proforma can be used to progress all individual grievances where the formal procedure is to be invoked.

EMPLOYEE NAME		ESTEEM MAT ACADEMY	
Have your concerns been raised informally?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DETAILS OF EVENT(S) LEADING TO GRIEVANCE			
Date, Time & Location of Event(s)		Witnesses (If Applicable)	
ACCOUNT OF EVENT			
Provide a detailed account of the event(s). Please include the names of any additional persons involved.			
VIOLATIONS			
Please list any policies, procedures or guidelines you believe have been violated in the event(s) described above.			
PROPOSED SOLUTION			
Please retain a copy for your own records. As the grievant, your signature below indicates that the information you have provided in this form is truthful.			
EMPLOYEE SIGNATURE			
		DATE:	

Appendix 2 – Examples of Unacceptable Behaviour

Examples of unacceptable behaviour may include (but are not limited to):

- Physical assault or other unwanted physical contact.
- Offensive, derogatory, or suggestive verbal remarks or gestures.
- Lewd, suggestive, or over-familiar behaviour.
- Suggestions that sexual favours may further a career or that refusal may hinder it.
- Insults, ridicule or unwelcome jokes, comments or nicknames.
- Circulation or display of offensive or suggestive material including e-mail and social media.
- Display or circulation of sexually suggestive or racially offensive material, even if not directed at any particular person, e.g., magazines, calendars or pin-ups.
- Demeaning comments about a person's personal appearance, background or other characteristic.
- Deliberate isolation in the workplace or exclusion from normal workplace conversation and social events.
- Open hostility.
- Shouting aggressively, or verbal intimidation, either in public or in private.
- Refusal to acknowledge the person, their contribution and achievements or to recognise their existence and value.
- Attempts to undermine position, status, worth, value and potential.
- Repeated unjustified criticism characterised by trivial and frequent nit-picking or fault-finding.
- Making false/malicious rumours or allegations.
- Deliberately setting unattainable targets or unfairly allocating work or responsibilities.
- Overbearing supervision or other misuse of power or position.