



Olive Academies

## **Dignity at Work Policy (Anti-bullying and harassment at work)**

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This is an OA central policy and should not be modified at a local academy level.	

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## 1. Introduction

This policy exists to assist the Olive Academies (OA) Multi-Academy Trust (MAT) in addressing harassment or bullying in the workplace. This policy takes full account of the Advisory, Conciliation and Arbitration Service's (ACAS) booklet: *Bullying and Harassment at Work: Guidance for Employees*.

## 2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Equality Act 2010
- Protection from Harassment Act 1997
- Health and Safety at Work etc. Act 1974
- The UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- Worker Protection (Amendment of Equality Act 2010) Act 2023
- ACAS (2015) 'Code of Practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Allegations of Abuse Against Staff Policy
- Equality Information and Objectives Policy
- Data Protection Policy
- Disciplinary Policy and Procedure
- Grievance Policy
- Records Management Policy
- Whistleblowing Policy
- Staff Code of Conduct
- Staff Wellbeing Policy

## 3. Scope

OA deplores all forms of harassment and bullying and will seek to ensure that the working environment for employees is free from such behaviours. Harassment can have a devastating effect on the health, confidence, morale and performance of those affected by it. The following gives examples of the type of behaviour that is unacceptable within any Trust setting. All staff are expected to comply with this policy and failure to do so is a disciplinary offence.

## 4. Definitions

As defined in the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers must take reasonable steps to prevent sexual harassment in the course of their employment.

**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'. Behaviour that is considered bullying by one person may be considered firm management by another. Examples of bullying include: physical or verbal violence; humiliation in front of colleagues; unfair or unreasonable treatment; overbearing supervision; being given an excessive workload that results in underperformance at work; and being constantly singled out for criticism.

**Harassment**, in general terms, 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’.

It is the perception of the recipient and not the intention of the perpetrator that matters. A single incident can amount to harassment if sufficiently grave. It is not always obvious what behaviour might constitute harassment, but managers should recognise that what is acceptable to one employee may not be acceptable to another. Examples of harassment may include mild sexual banter, insensitive jokes, provocative comments about appearance up to more deliberate acts of harassment including racial abuse and threats.

These examples are obviously not exhaustive. Depending on the circumstances, some types of bullying and harassment may constitute gross misconduct and may lead to summary dismissal under OA’s disciplinary procedure.

Employees of OA are expected to take positive action where they are aware of situations that may be interpreted as bullying, harassment or intimidation. Failure to report such issues may lead to disciplinary action.

## **5. Informal remedy**

Before invoking the Dignity at Work Policy, employees should, wherever possible, attempt to resolve their concerns informally and confidentially with the person(s) involved. This gives both parties the opportunity to clear up any misunderstandings and resolve matters informally. This would involve the person who feels he or she is being bullied or harassed making his or her feelings known to the person who is causing the offence and asking him or her to stop. The approach should be tactful, but firm; the aim is not to score points, but to build working relationships built on trust, honesty and mutual respect.

## **6. Informal stage**

The Trust recognises that there will be situations where an employee is experiencing such distress, anxiety and embarrassment that he or she feels such an approach would be inappropriate or does not feel able to approach the colleague whose behaviour they feel is causing these difficulties. In other cases the employee may have tried, without success, to deal with the issue by a direct approach to the person they feel is the cause of the problem. In either case the employee should seek the support of their headteacher/line manager and invoke the informal stage of this procedure.

If the line manager or headteacher is implicated in the alleged behaviour, the employee should approach the line manager’s manager or OA Director of Resources (in the case of a headteacher).

The aim of the informal stage is to facilitate mediation between the complainant and the alleged harasser and, if possible, to achieve conciliation between them.

Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and arrive at a resolution. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.

The mediation process will give the complainant the chance to explain to the alleged harasser the effect their behaviour is having on him or her and the alleged harasser the opportunity to respond. From the complainant's point of view, this will involve an end to the behaviour that is causing them distress.

Both parties must agree to mediation. If any of the parties do not agree to mediation, it cannot be used to resolve the issues. The process of mediation should be arranged by the headteacher (or, in cases where the headteacher is the subject of the complaint, by the Director of Resources) and/or OA's HR Manager.

If the parties resolve the matter through mediation, no further action will be taken.

## **7. Formal procedure**

Where informal methods fail, the employee feels unable to deal with the matter informally, or serious harassment occurs, a formal complaint under the Grievance Policy should be made by the employee. The complaint, which should be made in writing, should be addressed for the attention of the headteacher or line manager (or Director of Resources if in relation to headteacher) and state:

- the name of the alleged bully or harasser;
- the nature of the bullying/harassment;
- dates and times when bullying/harassment occurred;
- any other circumstances OA should take into account;
- names of potential witnesses to any of the incidents of bullying/harassment;
- any action already taken by the complainant to stop the bullying/harassment; and
- any suggested remedy.

Formal complaints should normally be made within 10 working days of a failure to reach a satisfactory outcome at the informal stage. The headteacher/ Director of Resources should acknowledge receipt of the complaint within five working days. This acknowledgement should be in writing to both the complainant and the alleged bully/harasser.

The matter will be dealt with in line with procedures set out in the Grievance Policy from this point onwards.

## **8. Disciplinary procedure**

Where an informal resolution is not possible or the nature of the allegations are so severe, the manager investigating the complaint may decide that the matter is potentially a disciplinary issue. If this is the case, an formal investigation should be undertaken in line with the standard Trust procedures. The conclusions of the investigating officer will determine whether:

- a) the evidence gathered suggests that there is a case to answer in which case the matter will be dealt with under the disciplinary procedures; or
- b) the evidence gathered does not suggest that misconduct has occurred but there are issues that need to be resolved through the grievance procedure.

As with any issue relating to behaviours or professional conduct it is important to follow a fair procedure as outlined in the Trust investigation guidelines.

## **9. Harassment outside work**

Employers can potentially be liable for incidents of bullying or harassment that take place at work-related social events, whether or not they are outside of the workplace. Accordingly, the employer may take action against an individual who subjects another employee to harassment outside the workplace.

## **10. Legal action**

If an employee feels that there is no action being taken to prevent mistreatment, they have the right to take legal action.

Where the acts of behaviour are unlawful under the Equality Act 2010, employees may make a claim to an employment tribunal.

[New] In situations regarding sexual harassment, the Employment Tribunal must then consider if, and to what extent, the employer has complied with the Prevent Duty in preventing the harassment from occurring.

Employees must have tried to resolve the problem within the school before taking a claim to an employment tribunal, as well as kept a record of any evidence to be considered for the claim.

## **11. Collective complaints**

If several employees are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they will be required to submit individual statements about their experience of the behaviour that is being complained about.

If each of the complaints is raised as a formal grievance, and as long as the issue is of a similar nature in each case, they will be dealt with in one hearing through the school's grievance procedures.

Outcomes of collective complaints will be advised to each individual on a personal basis.

## **12. Confidentiality and data protection**

Any individual subject to this policy, whether making a complaint or involved in the investigation process, is responsible for conducting the high level of confidentiality that is required.

Details of the investigation and the names of the person making the complaint, as well as the individual accused, will only be disclosed on a 'need-to-know' basis.

Information about a complaint, either by or about an employee, may be placed on the employee's personnel file, along with a record of the outcome, and of any notes or other documents compiled during the process.

In accordance with the Records Management Policy, information about a complaint will be retained on the employee's personal file for six years following the termination of employment and securely disposed of.

Any breach of confidentiality may lead to disciplinary action, in accordance with the school's Disciplinary Policy and Procedure.