



# Harassment and Bullying Policy

**Endeavour Multi Academy Trust**

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

Any reference to 'the employer' refers to Endeavour Multi Academy Trust. The 'appropriate level of authority' should be determined according to the Trust's scheme of delegation.

The policy applies to all employees, 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 line with current guidance and legislation.

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.

### **General Principles**

Endeavour Multi Academy Trust will not tolerate harassment of any kind 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 employees 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.

Employees 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.

Within our Trust, reference to management includes governors and Local Governing Boards.

Any colleague who feels that they have suffered such treatment should raise this with their line manager. If they are unable to do this, they can raise the matter higher such as to the CEO or a trustee. 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.

Even where a formal complaint has not been made by the employee, 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.

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

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.

Bullying or harassment may be by an individual against another individual (perhaps by someone in a position of authority such as a manager or supervisor) or it can 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.

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. However it must be noted that conduct can amount to bullying or harassment without it relating to any of these categories.

Employees 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. 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.
- Deliberately excluding someone from conversations or work activities.
- 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 employees progressing by intentionally blocking promotion or training opportunities.
- The use of social networking sites such (but not limited to) as Facebook, X (Twitter), Snapchat, Instagram, Tik Tok or information from YouTube to bully or harass others.

The list is not exhaustive. What one employee finds acceptable, another may not and therefore all employees 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 employee. Harassment or bullying can include behaviour which creates an intimidating and offensive environment for the colleague and anyone else who may witness that behaviour.

### **Sexual Harassment**

Sexual Harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Unwanted means unwelcome or uninvited. It reflects the employee's view and means unwanted by them.

The following is a list of examples of behaviours that may be sexual harassment:

- Unwanted physical conduct or "horseplay" including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault, like rape.

- Continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome, and suggestions that sexual favours may further a career or that a refusal may hinder it
- Unwelcome sexual advances or suggestive behaviour
- Sending or displaying material that is sexual or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet.)
- Leering, suggestive, offensive or intimidating comments or gestures, or insensitive jokes or pranks which may be referred to as “banter”;
- Indecent exposure
- Treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.

This list is not exhaustive.

A single incident can amount to sexual harassment.

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

### **Complaints against Third Parties**

Sometimes the allegation of bullying or harassment may be against someone you come across as part of their work e.g. a pupil. 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 the next level of management.

Third-party sexual harassment occurs where a person is sexually harassed by someone who isn't employed by us or is under our control but with whom they have come into contact during the course of their employment. Third party harassment could include, for example, unwelcome sexual advances from a supplier visiting our premises, by parents, by students, or where employees are visiting third party premises in the course of their employment.

The law requires us to take reasonable steps to prevent sexual harassment by third parties and we will not tolerate third party harassment either by a third party to our staff or by our staff to a third party.

### **The steps we take to prevent sexual harassment**

- As well as making this policy available to all staff, we will provide training to all employees on what sexual harassment is and how to report it, as well as clarifying behaviours that may amount to sexual harassment.
- We will undertake risk assessments to identify where our staff may be exposed to sexual harassment by other members of staff or by third parties. We will also take other reasonable measures to understand areas and roles which are most at risk of sexual harassment, so that we understand the extent to which staff feel supported on the ground e.g. pulse surveys and/or focus groups.
- We will display posters around our premises clarifying our stance to sexual harassment and signposting members of staff to the reporting process

## **Right to be Accompanied**

You have the right to be accompanied by a companion at any meeting as part of this policy. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union.

The companion is allowed to address the meeting, to put and sum up your case, they may not respond on your behalf to any questions asked at the meeting however they may confer with you during the meeting.

Under this procedure, you do not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative) apart from those people already referred to above.

Where appropriate, eligible employees, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

## **Procedure**

If you believe that you have been subjected to treatment, behaviour or conduct which is not linked to the Harassment and Bullying Policy, you can raise a complaint either informally or formally under the Trust's Grievance Policy.

## **How to raise a complaint under bullying, harassment and sexual harassment**

### **Stage 1 - Informal Procedure**

Many issues or concerns can be dealt with on an informal basis, outside of the formal Harassment and Bullying Policy through discussion with your line manager and we would encourage this. You should make it clear to your manager that you are raising your complaint informally and you should clarify what outcome you are seeking. You must give your manager reasonable time to deal with your complaint informally.

If your complaint is about your line manager then you can discuss the matter with a more senior manager in the first instance. No action will normally be taken unless agreed with you first.

### **Stage 2 – The Formal Procedure**

If your complaint has not been resolved informally or you feel that the informal process is not appropriate, then you can raise the matter formally. To do this, you must put your complaint in writing to your line manager making it clear that you wish to raise the matter under the formal stage of the Harassment and Bullying Policy. If the complaint concerns your line manager, then you should send your complaint to a more senior manager.

Your complaint should explain the basis of your concerns, and it will be helpful to give as much information as possible including any relevant dates, facts and any thoughts you may have on the outcome you are seeking.

If you choose to follow the formal route, on receipt of the complaint your manager will:

- arrange a meeting with you to discuss the complaint.
- ensure the meeting is in private.
- respect your confidentiality.
- take notes of your complaint at the meeting.
- carefully consider all the points raised and agree with you any steps or actions to try and resolve the complaint.

Where reasonably practicable, the meeting will be held within **10 working days** of receipt of the written complaint.

Depending on your complaint, your complaint may need to be investigated and the meeting may need to be adjourned. A further meeting will be arranged with you following the investigation. You will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible.

Once your complaint has been considered your line manager will write to you with the outcome within **5 working days**. You will also be advised of your right of appeal should you be dissatisfied with the decision and to whom your appeal should be made.

### **Stage 3 – The Appeal**

If you are not satisfied with the outcome at Stage 2, you may appeal the decision. Your appeal must be in writing and set out the grounds of your appeal in line with the list below and include all the information you wish to rely on at the appeal meeting. You must send your appeal to the person detailed in the outcome letter within **5 working days** of the date you received the letter notifying you of the decision. An appeal panel will be convened with governors or trustees who have had no prior involvement in the complaint process.

You must be appealing against either:

- the finding that your complaint was not upheld where the evidence does not support this finding.
- the fact that you don't feel the correct procedure was followed.
- the fact the new evidence has come to light that would change the outcome.
- the outcome is inconsistent with how others have been treated.

You will be invited to the meeting in writing. You will be given at least **10 working days'** notice of the Appeal Meeting to consider your appeal and any suggestions you have for resolving the complaint. You have the right to be accompanied at the Appeal Meeting by your companion.

The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The Appeal Deciding Manager/panel will either recall the colleague to the Appeal Hearing or will write to the colleague confirming their decision. The appeal outcome will be confirmed in writing within **10 working days** of the Appeal Hearing. There is no further right of appeal.

In some circumstances and with the agreement of both parties the Trust may agree to appoint an independent mediator or conciliator which may include ACAS or another person acceptable to both parties.

## **Records**

At the end of each formal stage of the complaint procedure, the manager hearing the case will send you written confirmation of the decision, within **10 working days** following the meeting. The letter will record the outcome and any terms of any agreement reached in resolving the dispute. At Stage 2 the letter will also explain who you can appeal to if you are still not satisfied.

A copy of the outcome letter and any formal meeting notes will remain on your personnel file.

## **Mediation Service**

As an alternative to pursuing a complaint under the Harassment and Bullying Policy you also have the opportunity to access the Mediation Service.

Mediation is a confidential process that seeks to help employees resolve disputes in the workplace. Mediation is an informal process where employees 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.

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.

If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager must contact the Trust's CEO to gain authorisation for the mediation process to be started. Once authorisation has been obtained, the manager should contact the Trust's HR provider to start the mediation process.

If you go through mediation and it is not successful, you can then revert to the formal part of this policy.

If you have raised a complaint and decide to pursue mediation, the complaint may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal complaint will be closed.