

Anti-Bullying and Harassment Policy

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Owner	Director of People & Culture
Applies to	All Trust Schools, all Trust staff

Version	Date	Reason
1.0	October 2020	To establish a Trust wide policy
1.1	October 2023	Periodic review
1.2	October 2026	Amendments to sections 1-6. New sections, 9, 14, 15, & appendix

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Introduction

1.1 Initio Learning Trust is committed to a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

1.2 Harassment and bullying can have very serious consequences for individuals and the Trust including loss of morale, poor work performance, increased turnover of staff, legal claims and

damage to our reputation.

1.3 We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee may be treated as misconduct under our Disciplinary Procedure. In some cases it may amount to gross misconduct leading to summary dismissal.

1.4 This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Scope and Purpose

2.1 The policy sets out the types of behaviour that are unacceptable and covers bullying and harassment both in and out of the workplace such as on school trips, at school events or work-related social functions. This policy covers bullying and harassment by staff and also by third parties such as suppliers or visitors to the school.

2.2 This policy applies to all employees of the Trust, volunteers in governance roles, 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 Employees may make a complaint under this policy or the grievance policy but not both policies.

This policy is the primary mechanism for reporting interpersonal conflicts, bullying, or harassment between colleagues. It should be used instead of the Whistleblowing Policy unless the employee has a reasonable belief that the conduct represents a systemic 'public interest' risk (such as a widespread failure in safeguarding or financial integrity).

3. The legal framework

3.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (protected characteristics). The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.

3.2 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties (including pupils), and may be ordered to pay compensation by a court or employment tribunal.

4. What is harassment?

4.1 Harassment is any unwanted conduct which has the purpose or effect of:

- (a) violating a person's dignity; or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

1. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

4.2 Unlawful harassment may involve conduct related to a protected characteristic (see 3.1) or of a sexual nature (sexual harassment). Harassment is unacceptable even if it does not fall within any of these categories.

4.3 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 them. Harassment may also occur even if an individual does not have a protected characteristic, but another individual engages in unwanted conduct towards them because:

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

4.4 A single incident can amount to harassment although first-time conduct which unintentionally causes offence will not usually be harassment. However it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

5. What is bullying?

5.1 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.

If the misuse of power is alleged or founded then please refer to the Code of Conduct Policy.

5.2 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers 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 etc may occur from time to time in any normal working environment. We would normally expect our employees to resolve through informal processes rather than through the use of the formal procedure set out below.

6. Examples of bullying and harassment

6.1 Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Employees should always 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. Examples of unacceptable conduct include:

- (a) unwanted physical conduct including touching, pinching, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- (b) unwelcome sexual advances or suggestive behaviour or suggestions that sexual favours may further a career or that a refusal may hinder it;
- (c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (d) 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);
- (e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- (f) 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;
- (g) ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings;
- (h) shouting at, being sarcastic towards, ridiculing or demeaning others;
- (i) physical or psychological threats;

- (j) overbearing and intimidating levels of supervision;
- (k) inappropriate and/or derogatory remarks about someone's performance;
- (l) abuse of authority, power or status by those in positions of seniority.

7. Informal steps

7.1 If you think you are 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. 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.

7.2 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.

7.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

8. Raising a formal complaint

8.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the Headteacher 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 the Trust CEO.

8.2 Where the Headteacher feels bullied or harassed they should raise the matter with the Trust CEO, or if it involves the Trust CEO, with the Chair of Trustees.

8.3 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.

8.4 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.

9. Formal investigations

9.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by a manager designated by the Headteacher ("designated manager") 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.

9.2 The designated manager 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 have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given an indication of the timescales for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

9.3 Where your complaint is about an employee, the Headteacher may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require and there is no alternative to suspension. The designated manager will also meet with the alleged harasser or bully who may also be accompanied by a

colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

9.4 Where your complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, the designated manager 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, the designated manager will attempt to discuss the matter with the third party.

9.5 The designated manager 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.

9.6 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.

9.7 At the end of the investigation, the designated manager will submit a report to the Headteacher 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.

10. Action following the investigation

10.1 If the Headteacher considers that harassment or bullying has occurred, prompt action will be taken to address it.

10.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

10.3 Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

10.4 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.

10.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

11. Appeals

11.1 If you are not satisfied with the outcome you may appeal in writing to the Headteacher, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

11.2 We will hold an appeal meeting, normally within five working days of receiving your written appeal. This will be dealt with impartially by a senior leader in the trust who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

11.3 We will confirm our final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

12. Protection and support for those involved

12.1 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

12.2 Victimisation is subjecting a person to a detriment because they have in good faith:

(a) complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else; or

(b) supported someone to make a complaint; or

(c) given evidence in relation to a complaint.

2. This would include isolating someone or giving them a heavier or more difficult workload. If you believe you have suffered any such treatment you should inform your Headteacher. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.

12.3 Making a complaint or giving evidence that you know to be untrue may lead to disciplinary action being taken against you.

12.4 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action.

12.5 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. 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. Staff can access a confidential course of counselling support by calling the helpline for the Employee Assistance Programme (EAP), provided through Initio's staff benefits provider. Further details on accessing the EAP can be found on the Initio Wellbeing staff intranet page.

13. Confidentiality and data protection

13.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. 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.

13.2 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 (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Records will be kept on the employee's personal file in accordance with our Workforce Privacy Notice and in line with the requirements of **Data Protection Legislation**. This will include information about a complaint along with a record of the outcome and of any notes or other documents compiled during the process.

13.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure. All employees are required to complete equality, diversity, and inclusion training on National College. This training is mandatory for new starters as part of their induction programme, and all current employees must complete it annually.

14. Review of this policy

14.1 This policy is reviewed every 3 years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

APPENDIX 1

Equality Impact Assessment/ Analysis (EIA)

Step 1: Scoping and Identifying the Aims

School/Service	People Department
Title of Change:	Anti-Bullying & Harassment Policy
What are you completing this EIA for?	Policy
Is this a new or existing activity or change?	Existing
What are the main aims / objectives of the changes?	Ensure policy is still relevant and the most current legislation is being adhered to.
What is the context for this EIA? e.g., policy, practice, service, curriculum proposal or project?	
Why is the activity/change needed? E.g., The policy or practice affect different "protected groups" differently?, enhancing of services, education	
Name/s of people/Date undertaking analysis:	Shani Davies, Director People & Culture
Who will be affected by this activity/change? eg pupils/students, service users, employees, wider community	All Staff in scope of this policy
Does it relate to an area with known inequalities? E.g., access to service for disabled people, pupils/students, vulnerable pupils/students, SEND, racist bullying etc.	
EIA Schedule: When will the EIA be reviewed?	

Step 2: Assessing the Impact

Detail any positive or negative impacts of this document /policy on pupils/students and staff in the box below. If there is no impact, please select "not applicable"

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	NA	Action to address negative impact: (e.g. adjustment to the policy)
Sex consider issues for: men and women, non-binary.	Y			
Gender reassignment E.g. privacy of data and harassment	Y			
Disability e.g., attitudes, physical, social barriers, visible and non-immediately visible disabilities, neurodivergence, learning disability	Y			
Age e.g., consider all ages but there may be some issues that relate for example to older people/younger people	Y			
Sexual Orientation consider heterosexual as well as lesbian, gay and bisexual (and other sexual orientations)	Y			
Pregnancy and maternity	Y			

e.g., childcare, working arrangements, part time working				
Marriage and civil partnership	Y			
Religion or belief consider religions, beliefs, or no belief	Y			
Ethnicity / Race e.g., language barriers, different ethnic groups/nationalities	Y			
Socio-economic factors e.g., resident status – socio economic/low-income groups, migrants, carers, impacts on children and families (please state)	Y			
Mental health e.g. short term, long term, acute, fluctuating mental health conditions, impacts	Y			

If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, employees, pupils/students, carers or community groups?	Yes	Staff and Trade Unions
Have you taken into consideration any regulations, professional standards?	Yes	Equality Act 2010, Protection from Harassment Act 1997, Worker protection Act 2023, Health and Safety at Work Act 1974

Step 3: Review, Risk and Action Plans

Low – No major change	Medium - Adjust the policy	High – Stop and remove
The activity is robust and there is no potential for discrimination, and you have taken all appropriate opportunities to advance and foster relations between groups.	This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.	If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/project altogether. If the activity shows unlawful discrimination, it must be removed or changed.

How would you rate the overall level of impact / risk to the school / service / Trust if no action was taken?	Low x ☐	Medium ☐	High ☐
What action needs to be taken to reduce or eliminate the negative impact?	N/A		
Who will be responsible for monitoring and regular review of the document / policy / change?	Director People & Culture		

Step 4: Authorisation and sign off

I am satisfied that all available evidence has been accurately assessed for any potential impact on pupils/students and employees with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.

Equality Assessor:	Shani Davies	Date:	19/2/26
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