



## **BONITAS BULLYING & HARASSMENT POLICY v1**

**This policy applies to all academies of the Bonitas Multi-Academy Trust**

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# **Bullying & Harassment Policy**

## **1 Introduction**

The Bonitas Trust and its schools are committed to providing a safe, respectful, and inclusive environment where everyone feels valued, supported, and empowered to contribute to their fullest potential, free from intimidation, discrimination, or harm.

This policy outlines the Trust's procedure for addressing incidents of bullying and all forms of harassment with fairness, sensitivity, and in accordance with relevant legislation, including the Equality Act 2010 and guidance from the Equality and Human Rights Commission (EHRC).

All staff, contractors, agency workers, volunteers and visitors are expected to uphold this policy and contribute to a positive, respectful work environment. We encourage anyone who experiences or witnesses bullying or harassment to report their concerns and to be confident that they will be taken seriously and handled with discretion.

## **2 Equality**

The trust is committed to ensuring equality, diversity, and inclusion among its workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our trust community, and for each colleague to feel respected and able to give their best.

The trust is also committed to equity, celebrating diversity, inclusion and against unlawful discrimination of members of the wider trust community. This is clearly set out in the Equality and Dignity at Work policy.

## **3 Purpose**

The aim of the policy is to set out expectations of behaviour by our staff and foster an inclusive and safe working environment that supports the dignity and respect of all members of the trust and is free from any form of bullying or harassment.

## **4 Principles**

The trust is committed to ensuring that colleagues have a safe environment in which to work and are protected from bullying and harassment, in all its forms, from work colleagues, third parties such as contractors, members of the public or the trust community.

Bullying and harassment in any form, whether verbal, physical, emotional, or digital, will not be tolerated. The trust will take seriously and investigate any complaints of discrimination, harassment or victimisation, as quickly as possible using the agreed procedures and respecting confidentiality. Any breach of this policy will be dealt with through the trust's disciplinary procedure and could result in suspension or dismissal, even if the victim does not raise a formal complaint or grievance.

This policy outlines the types of behaviours that are considered unacceptable, the procedures for reporting incidents, and the steps that will be taken to ensure that incidents are promptly addressed including investigation and corrective actions when necessary.

All staff have a clear role to play in helping to create a work environment in which all forms of bullying or harassing behaviour is unacceptable. In particular, staff should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaint's procedure.

The trust encourages anyone who experiences or witnesses bullying or harassment to report them, knowing that their concerns will be taken seriously and handled with discretion.

The trust has a responsibility to protect staff from sexual harassment at work by colleagues, members of the public or the trust community and contractors. All staff have the right to be treated with respect by members of the trust community, including parents and visitors. The sexual harassment of any member of staff will not be tolerated, and they are encouraged to report it to their line manager or the headteacher.

All staff will be made aware of the trust's policy forbidding the sexual harassment of any member of staff by another colleague and will be expected to comply with this policy. Sexual harassment will be treated as a disciplinary offence. Appropriate disciplinary action, including suspension and dismissal for serious offences, may be taken against any worker who violates this policy. Abuse of power over another member of staff will be considered when deciding what disciplinary action to take.

**The trust commits to:**

- Creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- This commitment includes raising awareness of rights and responsibilities under this policy. Responsibilities include colleagues conducting themselves appropriately to help the trust provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.
- Ensuring that all staff understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against colleagues, contractors, suppliers and the public.

## **5 Scope**

This policy applies to all staff working for the trust in any capacity, including volunteers, those working off site and those on temporary contracts.

This policy will be communicated to all staff using a variety of methods including information and publicity, team briefings, departmental meetings and in-house publications.

Any complaint involving a Governor / Trustee should be addressed in writing to the Clerk to the Governing Body / Clerk to the Board of Trustees via email. Please mark them as Private and Confidential.

Where the complaint is made against the Chair of Governors / Chair of Trustees then it could be passed to the Vice-Chair or another suitably skilled governor / trustee.

## **6 Bullying**

### **6.1 Definition of Bullying**

Workplace bullying is defined as unreasonable behaviour which attempts to undermine an individual or group. This includes but is not limited to:

- Verbal abuse: insults, teasing or derogatory comments.
- Physical abuse: hitting, pushing, or other forms of physical aggression.
- Social exclusion: deliberately excluding someone from work-related activities.
- Cyberbullying: using digital platforms to harass or intimidate.

Bullying is any unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Bullying might:

- be a regular pattern of behaviour or a one-off incident.
- happen face-to-face, on social media, in emails or calls.
- happen at work or in other work-related situations.
- not always be obvious or noticed by others.

It is possible someone may be unaware they are exhibiting bullying behaviours, however an unawareness or non-intention to bully does not deem the behaviour acceptable.

Examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive, or threatening comments or photos on social media

### **6.2 Upward bullying**

Bullying can also happen from staff towards someone more senior, for example a member of the senior leadership team. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they are experiencing bullying behaviour from their staff.

It is important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the trust, or team that can be identified and addressed.

Bullying and harassment can happen; face to face, by letter, email, phone, text, WhatsApp or social networking platforms such as Facebook, Instagram, X (formally known as Twitter), this is not an exhaustive list. Or by any source that could result in an adverse effect on an individual's personal safety, well-being, or job performance. Acts of bullying and harassment may be regarded as being imposed by one person or a group of people; they can be a one-off event or a series of incidents.

## **7 Harassment**

The Equality Act 2010 outlines three types of harassment:

- harassment related to certain 'protected characteristics.'
- sexual harassment
- less favourable treatment of an employee because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

It's possible that serious harassment could also be a hate crime.

### **7.1 Harassment Related to Certain Protected Characteristics**

Under the Equality Act 2010 harassment is relevant for the following protected characteristics only:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Harassment related to a protected characteristic is where an employee is subject to unwanted conduct that is related to a protected characteristic and has the purpose or effect of:

- violating the employee's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee.

It can be harassment if the behaviour:

- has one of these effects, even it was not intended
- intended to have one of these effects, even if it did not have that effect.

By law, whether someone's behaviour counts as harassment depends on:

- the circumstances of the situation
- how the person receiving the unwanted behaviour views it
- if the person receiving the behaviour is 'reasonable' to view it as they do.

If someone makes a harassment claim to an employment tribunal, the judge will consider whether a 'typical' person would see the behaviour as harassment.

The law on harassment related to a protected characteristic applies when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a certain protected characteristic when they do not
- is harassed because they have a connection with someone with a certain protected characteristic
- witness harassment, if what they have seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them.

The law on harassment does not cover the protected characteristics of:

- marriage and civil partnership
- pregnancy and maternity.

If someone experiences worse treatment because of having one of these protected characteristics, they might have experienced direct discrimination.

#### **7.1.1 Unwanted Behaviour**

Unwanted behaviour can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks or physical behaviour that affects the person.

An employee who is the subject of harassment may feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

#### **7.1.2 What action should someone take if they see someone being harassed?**

It is the responsibility of those covered by this policy to take all reasonable steps to mitigate the risk of harassment, therefore if they see someone being harassed, they should raise this with their line manager, Headteacher or CEO.

Complaints of harassment that are observed or reported must be acted upon. The incident should be discussed with the colleague involved to determine whether they wish to raise a formal complaint. If they choose not to do so, refer to Section 9 for further guidance.

### **7.1.3 What an employee should do if they are being harassed**

If you feel you have been the victim of any sort of harassment or bullying it is important that you make a written record of what was said and/or what happened as soon as possible after the incident. This can then be referred to if there is a subsequent repetition or you decide to raise the matter formally.

## **7.2 Sexual Harassment**

Sexual harassment is unwanted behaviour of a sexual nature. The Equality Act 2010 protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

Conduct need not be sexually motivated, only sexual in nature.

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone.

It is not necessary for the behaviour to have occurred in both instances mentioned above.

It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

This type of harassment does not need to be related to a protected characteristic. For example, someone who thinks they have been sexually harassed does not need to show it was because of their sex or sexual orientation.

It can happen anywhere in the workplace such as breakout areas, toilets, meeting rooms or office. It can also occur away from the workplace such as during a trust trip or event, at conferences, training courses, staff events and other social events related to work. It may be face to face or in written communications, on the phone, while using social media and any other form of online interaction including email communication in or outside of a work situation. It may take place in private or in public. Whatever form it takes, it is unwarranted and unwelcome to the individual

Examples of the type of behaviour which may be regarded as sexual harassment include:

- Flirting, gesturing or making sexual remarks about someone's body, clothing, or appearance.
- Displaying or sharing pornographic or sexual images, posters, photographs or other sexual content.
- Sexual comments or jokes, including jokes about someone's sexual orientation or gender reassignment.
- Propositions and sexual advances, sexual assault or rape.
- Making promises in return for sexual favours.
- Intrusive questions about a person's private or sex life or a person discussing their own sex life.
- Sexual posts or contact on social media.
- Spreading sexual rumours about a person.



- Sending sexually explicit emails or text messages.
- Unwelcome touching, hugging, massaging or kissing.
- 'Upskirting' that typically involves someone taking a picture under another person's clothing without their knowledge.
- Predatory behaviour
- Coercion
- Physical contact such as the invasion of personal space and unnecessary touching, hugging or kissing through to sexual assault, indecent exposure, stalking and rape (although rape is defined as a separate criminal offence).

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

You could experience sexual harassment from anyone you meet because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- someone high profile or influential
- someone from the trust community (for example, parents)

Sexual harassment is usually directed at an individual, but it is not always the case. Sometimes there can be a culture of behaviour that is not specifically aimed at one person, such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

Employees can also experience sexual harassment from a pupil, visitor or member of the public. An employer should take steps to prevent this

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

The Equality and Human Rights Commission (EHRC) 2024 guidance makes it clear that employers must take reasonable steps to prevent sexual harassment.

What some people might consider as joking, 'banter' or part of their workplace culture is still sexual harassment if:

- The behaviour is of a sexual nature.
- It is unwanted.
- It violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

The trust recognises that such behaviour is not always intentional and there will be occasions where the impact of a person's behaviour is not what was intended. The trust wants every colleague to feel that they can raise poor behaviour directly with the offender as it occurs, in a non-confrontational manner. To achieve this the trust will make clear the expected behaviours and the responsibilities set out in this policy.

### **7.3 Less favourable treatment because of harassment**

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment

#### **7.3.1 Witnessing sexual harassment**

If you see someone being sexually harassed at work, you could step in and try to stop it happening, if you feel it is safe to do so.

After the incident, you can:

- support a complaint made by the person who experienced the sexual harassment
- report what you have seen or experienced
- give evidence as a witness, for example as part of a grievance procedure
- make a sexual harassment complaint yourself because what you have seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you.

If you are making a complaint yourself, you do not need the permission of the person who has been sexually harassed.

You must not be victimised if you make or support a complaint, or act as a witness. This means you must not be:

- stopped from giving evidence
- treated unfairly because you have made a complaint, given evidence or supported a complaint.

#### **7.3.2 Deciding whether to report it or make a complaint**

You should talk to the person who has experienced sexual harassment to see if they would like your support.

You might also want to talk to someone else to get advice and support before deciding whether to report it or make a sexual harassment complaint yourself. This could be:

- someone you trust at work, for example a colleague or member of the senior leadership team
- a trade union representative if you are a member of a trade union

#### **7.3.3 Prevention measures**

The trust recognises that there are many organisational measures that can help prevent sexual harassment in the workplace.

These include:

- good management practice, including competent, respectful people management, recognition of sexual harassment and appropriate intervention.
- undertaking risk assessments that include consideration of power imbalances, lone working, visitor facing duties, lack of diversity in the workforce and alcohol consumption.
- raising awareness on sexual harassment and about this policy for all staff, including headteachers, governing bodies and new staff. This will include information on what constitutes harassment and, for senior leaders and governing bodies, on what their responsibilities are. A copy of the policy should be made available to all staff, including new staff on induction.
- guidance and access to HR support for all managers and staff potentially responsible for investigating complaints.
- awareness-raising about the issues of sexual harassment and the requirement of respectful behaviour.
- ensuring staff have somewhere to go for a confidential discussion of their situation and signposting ways of taking further action.
- improving diversity and inclusion at all levels of the organisation.

## **8 Roles and Responsibilities**

### **8.1 Managers/ senior leaders**

The CEO, Headteachers and senior leaders should ensure that all staff are aware of this policy and understand their own and the employer's responsibilities.

The CEO, Headteachers and senior leaders have a particular responsibility to ensure that within their area of responsibility, everyone has the right to be treated with dignity and respect.

They should:

- always challenge any unacceptable behaviour in the workplace
- take any complaint of sexual harassment seriously
- respond to complaints of sexual harassment swiftly, sensitively and objectively and be aware of behaviour that would cause offence, if necessary, reminding workers of expected standards
- tell everyone involved in the complaint what the process will be
- ensure that this policy is followed and that there are thorough investigations if required. Advice from HR should be sought when dealing with such complaints.

The actions required of the CEO / Headteacher / senior leader may vary depending on both how the situation is brought to their attention and what actions the colleague wishes to take. An incident may be raised by the colleague themselves, or by a colleague, a Trade Union Representative, or the manager/ senior leader may witness an incident themselves.

In all cases the CEO / Headteacher / senior leader should speak to their colleague to ensure they are aware of this policy and understand the steps to take.

If a staff member complains of sexual harassment but does not want to take the matter any further, the CEO, Headteacher or member of the senior leadership team, will keep a record of the complaint and periodically check in with the colleague to find out if the situation has improved. The wishes of the complainant will be respected but there may be some circumstances where the harassment is of such a serious nature that action will need to be taken because of the high immediate risk to the safety of the complainant,

their colleagues or someone else the harasser may come into contact with. In such situations, the headteacher will put in place appropriate safeguards to prevent further harassment, or victimisation of the complainant. This is not limited to other colleagues but sexual harassment by any offender, including third parties like visitors and parents.

A line manager's failure to actively implement this policy within their area of responsibility or to fail to deal with sexual harassment when they become aware of it could constitute a breach of the policy and disciplinary action may be taken.

## **8.2 Responsibilities of staff**

All staff have a responsibility to contribute to a respectful and productive working environment. They have a duty to assist in the creation of a safe working environment, where unacceptable sexual behaviour is not tolerated.

Every member of staff has a personal responsibility to:

- Ensure they understand the nature of sexual harassment.
- Be aware of how their behaviour may affect others and to uphold the standards of behaviour set within the team.
- Work within the policy guidelines including co-operating fully in any investigation undertaken.
- Be aware of sexual harassment and challenge unacceptable behaviour where appropriate if it is safe to intervene.
- Possible ways of intervening include telling the harasser that their behaviour is unacceptable, distracting either the harasser or the target to defuse the situation and also checking in with the target of the behaviour after it has taken place. It is validating for them to know that another person believes what has happened is not acceptable.
- Reporting incidents of sexual harassment when witnessed, or supporting targets of sexual harassment in reporting it, and co-operating in an investigation into alleged sexual harassment.

Staff should report any instances of harassment, victimisation or discrimination experienced whether they are the target of the behaviour or they have witnessed it. Reporting is necessary in order to address the issue both for the victim's own well-being and that of their colleagues.

However, the trust recognises that there may be many reasons that someone who has experienced sexual harassment may not complain immediately.

If a member of staff is found to have sexually harassed, victimised or discriminated against another colleague, then they will be seen as having committed a disciplinary offence.

## **8.3 Trade union involvement**

Trade union representatives can assist their members who have been the targets of harassment, including supporting them in making complaints.

The trust encourages all staff who are members of a trade union and who are concerned about harassment to speak to their trade union representative.

The trust will support the union's activities on raising awareness and tackling the issue of sexual harassment amongst their members.

It is recognised that women are more likely to experience sexual harassment than men and gender inequality can contribute to workplace sexual harassment, and that it may also intersect with other forms of discrimination and harassment.

The trust is committed to jointly agreeing with the trade unions ways of tackling all forms of discrimination and improving equality and diversity within all aspects of the workplace.

## **9 Reporting bullying and harassment**

An individual can deal with bullying and harassment in various ways, ranging from asking the person to stop the behaviour, to informal discussions with managers or to making a formal complaint. If you think you have been bullied and/or harassed at work, you should raise the issue as soon as you are able to, either informally or formally.

You do not have to be the recipient or target to make a complaint. If you see it happening or become aware of the problem, you have the right to complain about it. Tackling bullying and harassment is everybody's responsibility.

Bullying and harassment may be reported by:

- The person who has experienced the bullying and harassment, or
- Someone who has witnessed it.

Some people are unaware that their behaviour in some circumstances is bullying and/or harassment. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints.

### **9.1 Informal Procedure**

There may be occasions when an employee feels comfortable attempting to resolve the issue informally. In such cases, they may choose to explain directly to the individual how the behaviour has made them feel. Alternatively, they may speak to a manager, senior leader, or the headteacher, who can approach the person(s) on their behalf.

However, if your concern involves the Headteacher / CEO, then you should raise this with the Chair of Governors / Chair of Trustees.

If the matter is too serious to be resolved informally, or the employee remains unhappy with their situation at work they can raise the matter formally through the grievance process.

Under the grievance process, an employee would typically raise the grievance to their manager, however if they are the subject of the grievance then the employee should raise the issue with the Headteacher / CEO, or the Chair of Governors / Chair of Trustees if the grievance concerns the Headteacher / CEO. Staff involved in any stage of a grievance procedure must treat all matters discussed with the strictest confidence.

In the first instance, if the colleague feels able to, they should attempt to resolve the problem informally.

Suggestions to resolve informally are:

- If you feel able to, talk to the person causing offence and explain how it is making you feel. Make it clear what aspect of the person's behaviour is unacceptable or offensive, the effect it is having on you and that you wish it to stop. This can be done verbally or in writing.

- If you feel unable to do this yourself, you could consider asking someone you trust or a member of the senior leadership team to raise the issue on your behalf. The offending behaviour may be unintentional, and the person may be unaware of the effect of their behaviour on you.
- You may feel that it would be helpful to talk the incident/situation over with someone else first. This could be with a work colleague, your line manager or Trade Union Representative who can act either as a “listening ear” or give advice on measures which can be taken to resolve the situation.

If a colleague has any concerns for their safety, they should speak to their manager or the headteacher as soon as possible if they feel they able to do so.

## **9.2 Formal Procedure - Raising a Grievance**

You can raise a grievance if attempts to resolve the matter informally did not resolve the issue or you feel the problem is too serious to deal with informally, then the matter will be investigated through the trust's grievance policy.

A complaint against a member of staff from outside the trust (for example, by visitors or parents), should be made using the trust's complaints procedure.

Any allegations of bullying or harassment will be thoroughly investigated in line with the grievance and disciplinary policies. Anyone found to be breaching this policy may be subject to disciplinary action which could lead to disciplinary action, including warnings, suspension from work and dismissal for serious offences. Aggravating factors such as abuse of power by a senior colleague over a more junior colleague will be taken into consideration in deciding what disciplinary action to take.

Where a manager believes that an incident constitutes a potential disciplinary offence, the manager may initiate an investigation in accordance with the disciplinary policy.

Where disciplinary action results from a grievance hearing, the disciplinary procedure may commence at Stage 1, or Stage 2 as appropriate as investigations will already have been carried out as part of the grievance procedure. The process in accordance with the disciplinary procedure should be followed from this stage.

During any stage of a formal disciplinary or grievance procedure it may be necessary to minimise contact between the parties. Where possible, changing duties, work patterns, line management or location for either the offender or the complainant should be considered.

Appropriate adjustments will be made to enable the complainant to participate in the disciplinary process without fear of victimisation.

Confidentiality will be maintained at all times including by witnesses spoken to as part of the investigation, subject to any requirement to involve external agencies where a criminal offence may have been committed or where maintaining confidentiality would pose a risk to the complainant, or to others. Staff shall be guaranteed a fair and impartial hearing whether they are the harassed or the harasser. Breach of confidentiality may be a disciplinary offence.

Wherever possible, the trust will try to ensure that both the complainant, and the person against whom the complaint has been made are not required to work together while the complaint is under investigation. In a serious case, the person against whom the complaint has been made may be suspended while investigation and any subsequent disciplinary procedure are undertaken as a precaution for the protection of the

complainant or to prevent interference in the investigation. Such suspension will be for as short a time as possible and will be on full pay.

If the investigation reveals that the complaint is upheld, prompt action designed to stop the sexual harassment immediately and prevent its recurrence will be taken. In such circumstances, a risk assessment with mitigating measures, will be drafted.

Staff shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against a worker for complaining about or assisting in an investigation of sexual harassment is a disciplinary offence.

#### **For allegations of sexual harassment:**

If the sexual harassment is believed to be a criminal offence, such as a sexual assault, indecent exposure, stalking and offensive communications, the senior leader/ headteacher should advise the complainant to report the matter to the police as soon as possible and give them appropriate support.

In cases where the police are involved, the trust will liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

If it is believed that there is an ongoing risk of serious harm to an individual, the senior leader/ headteacher will contact the police themselves and inform the complainant that they have done so.

### **9.3 Prevention of third-party harassment**

The trust is committed to preventing harassment from third parties such as suppliers, agency workers, visitors or parents.

In order to highlight to all third parties, the importance of respectful treatment, the trust will highlight its zero-tolerance policy on harassment in the trust's code of conduct policies, agreements and contracts, and dealings.

### **9.4 Third party formal procedure/raising a grievance**

If a member of staff reports harassment or discrimination of any kind from a third-party including members of the public, the most important thing is that the recipient of the behaviour feels supported.

The following process should be followed:

- a. Speak to the individual who is the recipient of the behaviour to ensure they are safe and to make it clear to them that we do not tolerate such behaviour towards any member of staff and to obtain information about the incident in a compassionate and supportive way.
- b. Ensure that the recipient of the behaviour is aware that such behaviour is not acceptable and that we have the right to turn people away from our trust if that is the behaviour that is being displayed.
- c. If discriminatory behaviour is being displayed, this could be considered a hate crime and should be reported to the police or reported online <https://www.gov.uk/report-hate-crime>.
- d. Information can also be found on the Thames Valley police website: <https://www.thamesvalley.police.uk/ro/report/ocr/af/how-to-report-a-crime/>
- e. If the victim does not want to report the incident, a witness should do so.

- f. On-going management support should be provided to the victim.
- g. Additional support can be accessed through Victim Support: <https://www.victims-first.org.uk/>

## **10. When is it a Crime?**

If a colleague has been harassed, assaulted or sexually assaulted, despite informal interventions and especially if the incident is serious and/or involves a third party. The colleague is at liberty to report this incident should they wish to the police.

There may be circumstances whereby the trust may have to inform the police separately, and this should be discussed with the colleague prior to the police being notified.

A colleague may wish to notify the police if they think there is likely to be:

- an ongoing risk to their safety or the safety of others
- an increased risk to their safety because they are considered vulnerable, for example they have a mental health condition.

If the police are informed, it does not necessarily mean that the situation cannot be investigated in the workplace in line with the disciplinary procedure and the trust should seek advice from HR.

## **11. Employee Support**

The trust recognises that bullying, harassment and sexual harassment can affect job performance and cause stress, anxiety or other mental health as well as physical health problems. Where sexual harassment causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by bullying, harassment or sexual harassment.

You can also contact the:

- [Education Support www.educationsupport.org.uk](http://www.educationsupport.org.uk)
- [Acas helpline](#)
- [Equality Advisory and Support Service \(EASS\)](#)

Where the complaint is not upheld, or it is upheld but results in disciplinary action short of dismissal of the harasser, mediation and/or an offer of redeployment may be offered to affected parties.