



# SENDAT BULLYING AND HARASSMENT POLICY

This policy is reviewed triennially by the  
Provision, Standards & Attainment (PSA) Committee  
(or earlier if required by legislation or other changes)

To be read in conjunction with but not limited to:

- SENDAT Grievance policy and procedure
- SENDAT Disciplinary policy and procedure
- SENDAT Capability procedure
- SENDAT Staff Sickness absence policy and procedure
- SENDAT Staff Discretionary leave of absence policy
- SENDAT Complaints policy
- SENDAT Whistleblowing policy and procedure
- SENDAT Data protection policy
- SENDAT Staff Mental Health and Wellbeing policy

and other relevant policies and procedures

## History of Document

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## SENDAT Bullying and Harassment Policy

### 1 STATEMENT OF INTENT

- 1.1 SENDAT is a Multi Academy Trust specialising in the care and education of young people with Special Educational Needs and Disabilities. This policy should be considered in the light of this context and the complexity of need that is accommodated within the Trust and its constituent Schools / Alternative Provisions (APs).
- 1.2 The SENDAT Board of Directors recognises the entitlement of a work/life balance for all staff colleagues as established in their terms and conditions of working. Consequently, this policy has been workload impact assessed (see Appendix ) and SENDAT Schools/APs will organise all activities relating to this policy within normal working hours.
- 1.3 The SENDAT Board of Directors is committed to ensuring that this policy is applied in a way that is fair and non-discriminatory.

### 2 INTRODUCTION

- 2.1 Harassment or bullying in any SENDAT School / Alternative Provision (AP) or other workplace is undesirable and unacceptable. Not only can it have a detrimental effect on health and well-being of an employee who suffers it, but it can generally undermine good working relationships, affect staff morale and reduce overall effectiveness in a working environment. The SENDAT Directors and Leadership Teams across the Trust recognise and accept their legal duty to provide a safe working environment for SENDAT employees.



2.2 The purpose of this policy is to ensure that complaints of harassment or bullying are dealt with swiftly, fairly and consistently, that unwanted behaviour ceases, and that prompt and effective solutions are found, whilst protecting and maintaining the rights of all parties.

2.3 All SENDAT policies and procedures can be viewed in SharePoint:

<https://priorsuffolksch.sharepoint.com/sites/SENDATEMPLOYEEINFORMATIONHUB/Shared%20Documents/Forms/AllItems.aspx?viewid=af03f71c%2D986a%2D42dd%2D86fe%2Dc63e92929d9b&id=%2Fsites%2FSENDATEMPLOYEEINFORMATIONHUB%2FShared%20Documents%2F01%20HR%20Finance%20S%26P%20H%26S%20policies%20%2D%20staff%20shared>

### **3 SCOPE**

3.1 This procedure applies to all teaching and support staff in and SENDAT School / APs or other SENDAT workplaces.

3.2 An employee working within a SENDAT School/AP but employed on another organisation's terms and conditions of employment should have any grievance or other complaint managed under their own organisation's appropriate policy/procedure.

### **4 CONFIDENTIALITY**

4.1 The material involved in a complaint of harassment or bullying is of a sensitive nature. All the parties involved in these procedures, including the complainant, the person responding, and any witnesses, have a right to expect that the information which they provide will be treated in confidence by all parties.

4.2 Details should normally only be disclosed to those who have a role within the procedure, or for the purposes of seeking professional advice, and for legitimate purposes to expedite the procedure.

4.3 Any written instruction to an employee, or the outcome of any subsequent disciplinary proceedings associated with a complaint of bullying or harassment will normally be kept on the confidential HR file of the employee receiving the instruction or warning, in accordance with the SENDAT Disciplinary procedure.

4.4 Minutes of the proceedings of any committee of the SENDAT Board of Directors, including any SENDAT Local Academy Board (LAB), will usually be confidential to members of the committee, although the decision and outcome of the committee's deliberations will normally be reported to the SENDAT Board of Directors (or delegated committee). Other records, complaints, statements etc. collected during the process of investigation and assessment of the complaint should be held securely and in accordance with the SENDAT Data Protection policy.



## **5 EXCLUSIONS**

- 5.1 This policy is not intended to preclude the exercise of normal management functions, nor the issuing of reasonable and lawful instructions in an appropriate manner.
- 5.2 This procedure does not apply to authorised investigations into the conduct or capability of employees (including attendance and/or health), nor to the proper application of disciplinary, capability or similar procedures. Complaints about the conduct of such investigations and/or procedures should be raised through the appropriate appeals process or grievance procedure.

## **6 ROLES AND RESPONSIBILITIES**

- 6.1 All SENDAT employees are expected to observe the highest standards of professional behaviour towards all members of the School/AP or other SENDAT workplace community. Harassment or bullying of other employees will be regarded as potentially a disciplinary offence.
- 6.2 It is a disciplinary offence to victimise an employee who has made a complaint of harassment or bullying, or an employee who gives evidence in good faith about a matter under investigation.
- 6.3 Where an employee has raised a complaint of harassment or bullying it must be recognised that this is likely to be a very stressful time for the employee concerned. Senior Leaders and Directors must be mindful of this and consider what support may be necessary via the Trust's well-being programmes (including SimplyHealth) or similar. The same support should also be offered to alleged perpetrators who are being called upon to respond to such allegations.

## **7 USING THIS POLICY**

- 7.1 This policy defines the key terms and expectations relating to incidents of bullying and harassment. Complaints of bullying and/or harassment by colleagues should be made in accordance with the SENDAT Grievance policy and procedure and will be dealt with via the process set out in that policy. The Grievance policy and procedure should be read by employees, Headteachers / Heads of School/AP and other employees with leadership/management responsibility in conjunction with this Harassment and Bullying policy. The Grievance policy and procedure sets out both informal and formal processes. It is hoped that, in many cases, conflict between employees can be resolved by early intervention and the use of informal measures, rather than resorting to a formal process. It is recognised, however, that there may be no alternative in serious cases.



7.2 Where a complaint of harassment or bullying has been upheld, the perpetrator's actions will usually be addressed under the SENDAT Disciplinary policy and procedure.

## **8 KEY TERMS**

8.1 Harassment and bullying can take many forms. It can be directed at an individual, or a group, and examples include violence, abusive or offensive behaviour towards an individual or ignoring / excluding someone.

8.2 Employees may be subject to harassment and bullying on a wide variety of grounds, including:

- age;
- gender;
- gender reassignment;
- marital or civilly partnered status;
- pregnancy and maternity;
- physical characteristics;
- race, ethnic origin, nationality or skin colour;
- religion, belief or political convictions;;
- sensory or physical impairments, learning difficulties, ill health or medical condition;
- sexual orientation;
- trade union membership, or non-membership;
- willingness to challenge harassment and bullying, leading to victimisation.

8.3 This list is not exhaustive. Employees are also protected on the basis of being perceived to possess the above protected characteristics, whether they have them or not. They are also protected on an associative basis (e.g. parents of a disabled child are protected from harassment on this basis). Job applicants, as well as current employees, are also covered by Equality legislation.

## **9 DEFINITION OF HARASSMENT**

9.1 Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment.

9.2 The types of harassment set out in the Equality Act 2010 are as follows:

1. General: based on a protected characteristic
2. Conduct of a sexual nature
3. Less favourable treatment because of rejection of or submission to conduct of a sexual nature, or harassment based on sex or gender reassignment



- 9.3 The Equality Act 2010 protects staff and customers from harassment because of: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity; race, religion or belief, and sexual orientation. It should be noted that behaviour does not have to be directed at a person in order for them to make a claim; they simply have to be able to demonstrate that the behaviour had the effect of creating an intimidating, hostile or offensive environment for them. For example, that derogatory terms were used as a joke, or that the perpetrator was unaware the complainant was of a particular protected group when they made the offensive remarks, or that they treat everyone equally badly. Harassment is defined not by the intention of the perpetrator, but by the negative impact on the recipient.
- 9.4 Harassment can take many forms including:
- a. physical contact, ranging from touching to serious assault;
  - b. verbal and written harassment through jokes, offensive language, gossip, slanderous correspondence;
  - c. graffiti or obscene gestures;
  - d. sending offensive material by email, by post, by text, or via social networking media;
  - e. isolation or non co-operation at work; exclusion from social activities;
  - f. coercion ranging from pressure for sexual favours to pressure to participate in particular activities;
  - g. intrusion by pestering, spying, following;
  - h. “outing” someone - to state openly and publicly someone's sexual orientation without their permission
- 9.5 The scope of the various forms of harassment is explained in more detail below.
- a. Harassment on age grounds can affect people of any age.
  - b. Harassment on disability grounds affects people with physical and sensory impairments, learning difficulties and mental health conditions.
  - c. Harassment on gender grounds affects people of any gender.
  - d. Harassment on gender reassignment grounds affects people as soon as they manifest their transgendered status (e.g., by dressing in the clothes of the opposite sex).
  - e. Harassment on marriage or civil partnership grounds affects those who are currently married or civilly partnered. There is no legal protection for previous or future relationships.
  - f. Harassment on pregnancy or maternity grounds affects female employees who are pregnant or on statutory maternity leave.
  - g. Harassment on race grounds affects people of all races, and includes race, colour, nationality, citizenship, caste, and ethnic or national origins.
  - h. Harassment on religion or belief grounds affects people from all religions and religious groups; people with certain belief systems and also people who have no religious belief.
  - i. Harassment on sexual orientation grounds affects people of all sexual orientations, whether they are heterosexual, lesbian, gay or bisexual.



- j. Sexual harassment refers to unwelcome conduct of a sexual nature. If an incident of perceived sexual harassment persists once it has been made clear that it is regarded by the recipient as offensive or unwelcome, this is deemed to be harassment. In certain cases, however, one incident of harassment may constitute sexual discrimination if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour that is welcome and mutual. People are also protected from less favourable treatment because of rejection of or submission to conduct of a sexual nature. Further details as to the forms it can take are given below.
- Physical contact of a sexual nature is commonly regarded as meaning unwanted
  - physical contact, ranging from unnecessary touching of a colleague, to sexual assault and coercing intercourse.
  - Verbal conduct of a sexual nature may include unwelcome sexual advances, offensive flirtations, continued unwelcome suggestions for social activity outside the workplace, suggestive remarks, and lewd comments.
  - Non-verbal conduct of a sexual nature refers to the display of pornographic or sexually suggestive pictures, objects or written materials; leering, and/ or making sexually suggestive gestures.
  - Third party harassment – please see section 13.

## **10 DEFINITION OF BULLYING**

10.1 Bullying is the misuse of power or position to criticise and condemn unreasonably; to humiliate and undermine an individual's professional ability. In terms of legislation, an employer's duty to prevent bullying comes under the health and safety provision of a "duty of care".

10.2 Obvious bullying may include:

- shouting at employees
- displaying instantaneous rages
- using personal insults and name-calling
- criticising unreasonably
- humiliating publicly
- threatening with demotion

10.3 Less obvious bullying may include:

- setting objectives with impossible deadlines
- removing areas of responsibility
- setting menial tasks
- changing working guidelines
- ignoring or excluding an individual



- talking only through a third party
- refusing reasonable requests
- blocking a person's promotion
- stealing credit for the work of the victim
- subjecting the employee to excessive scrutiny or 'micromanagement'

10.4 It is the pattern of such events that determines if bullying is taking place. Any one of these examples may occur in isolation and can be 'out of character' for the person who perpetrates it. A bully, however, will consistently use one or more of the above methods to harass and intimidate the victim.

## **11 DEFINITION OF VICTIMISATION**

11.1 Victimisation is treating someone less favourably than others because he or she has made a complaint, reported harassment (whether formally or otherwise), or supported someone in making a complaint, for example by giving evidence as a witness in relation to a complaint. It includes when A believes B has made, or may make, a complaint or support another's complaint.

11.2 In these situations the employee can use this policy or report the incident to a manager. If they choose not to report the issue formally, then it may not be appropriate for any further action to be taken. However, if the offence was very serious, the School/AP or other workplace leadership team would consider that it was failing in its duty to provide a safe working environment, free from unlawful discrimination, if it did not act. In this situation, where the School/AP or other workplace leadership team is aware of the incident, formal action could be taken without the employee's permission, although he or she would be informed and offered support.

## **12 COMPLAINTS OF HARASSMENT OR BULLYING BY THIRD PARTIES**

12.1 Employees should report any complaint to their Headteacher / Head of School/AP / line manager who will determine, with appropriate assistance from the SENDAT HR team where required, what action may be taken.





## APPENDIX 1

### WORKLOAD IMPACT ASSESSMENT CHECKLIST

CHECKLIST	YES/NO
This policy complies with and is consistent with the contractual entitlements of all staff colleagues affected by this policy, either directly or indirectly.	Yes
This policy and any related procedures was introduced following full consultation with staff and recognised TU representatives.	Yes
This policy and any related procedures include a specific statement regarding workload impact.	Yes
The impact of this policy and related procedures is that they have not added additional hours of working.	Yes
This policy does not duplicate any other existing SENDAT policy.	Yes
All policies are regularly reviewed in order to assess whether they are outdated and/or unnecessary.	Yes
All SENDAT Schools / APs have identified the resources necessary to support the policy, including staff time, any additional staffing and appropriate equipment.	Yes
All staff colleagues affected by this policy will be trained where necessary to ensure the policy and any related procedures will not increase workload to an unacceptable level.	Yes
This policy and related procedures are reviewed regularly to ensure that additional workload burdens have not been added over time.	Yes