

Bullying and Harassment Policy and Procedure

DOCUMENT CONTROL

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Please note that a record of the changes made to the original issue of this document can be found at Schedule 1 after any Appendices to the Policy/Procedure.

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1. INTRODUCTION

- 1.1 The Cumbria Education Trust (The Trust) seeks to ensure that all staff across the academies are treated and treat others with dignity and respect, free from harassment and bullying. Even unintentional harassment or bullying is unacceptable.
- 1.2 We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. All employees, Trust Board Directors, Local Advisory Board (LAB) members and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Harassment or bullying by an employee will subject to investigation findings, be dealt with under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.
- 1.3 This policy covers harassment or bullying which occurs both in and out of the workplace, such as on academy visits, or at events, or work-related social functions and on social networking sites. It covers bullying and harassment by staff, Board Directors/Members, and volunteers and also by third parties such as suppliers or visitors to our academies, which includes parents.
- 1.4 This policy does not form part of any employee's contract of employment, and we may amend it at any time or depart from it where we consider appropriate.

2. WHAT IS HARASSMENT?

- 2.1 Harassment is any unwanted physical, verbal, or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them. A single incident can amount to harassment.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (including colour, nationality, ethnic or national origin), religion or belief, sex, or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.4 Harassment may include, for example:
- 2.4.1 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;
 - 2.4.2 unwelcome sexual advances (which the harasser may perceive as harmless) and suggestions that sexual favours may further a career or that a refusal may hinder it;
 - 2.4.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

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- 2.4.4 sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips, and images sent by mobile phone or posted on the internet);
- 2.4.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- 2.4.6 mocking, mimicking, or belittling a person's disability
- 2.4.7 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- 2.4.8 outlining or threatening to out someone as gay or lesbian; or
- 2.4.9 ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

2.5 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 him or her.

3. WHAT IS BULLYING?

3.1 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.

3.2 Bullying can take the form of physical, verbal, and non-verbal conduct. Bullying may include, by way of example:

- 3.2.1 shouting at, being sarcastic towards, ridiculing or demeaning others;
- 3.2.2 physical or psychological threats;
- 3.2.3 overbearing and intimidating levels of supervision;
- 3.2.4 inappropriate and/or derogatory remarks about someone's performance;
- 3.2.5 abuse of authority or power by those in positions of seniority; or
- 3.2.6 deliberately excluding someone from meetings or communications without good reason.

3.3 Legitimate, reasonable, and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

4. INFORMAL PROCESS

4.1 If you are being bullied or harassed, you should attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every member of the Trust's community has personal rights, and this includes being made aware that their attention or behaviour is perceived by another as bullying or harassing. It is possible that the 'perpetrator' simply does not realise the effect of their behaviour on the recipient. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.

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4.2 If you would find it too difficult or embarrassing to speak directly with the other person, then you should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.

4.3 If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, you should follow the formal procedure set out below.

5. FORMAL PROCEDURE

You should follow the Trust's Grievance Procedure (see separate document) available on the Trust website.

6. PROTECTION AND SUPPORT FOR THOSE INVOLVED

6.1 Employees 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.

6.2 If you believe you have suffered any such treatment you should inform your line manager or other senior manager. If the matter is not remedied, you should raise it formally using this procedure.

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

7. CONFIDENTIALITY AND DATA PROTECTION

7.1 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.

7.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process and retained subject to compliance with relevant legislation (GDPR and Data Protection Act 2018).

7.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

8. WHO IS RESPONSIBLE FOR THIS POLICY?

8.1 The Trust Board has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the academy's Headteachers.

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- 8.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

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SCHEDULE 1

DOCUMENT CONTROL – RECORD OF CHANGES

Version Number:	Publication Date:	Nature of, and Reason for, Change(s)
001	March 2020	General review.
002	September 2021	General review – typo correction.
003	June 2023	General review. No amendments.
---	June 2026	Reviewed and no changes required.

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