



Durham &
Newcastle
Diocesan
Learning
Trust

**Durham and Newcastle Diocesan Learning Trust
(DNDLT)
Company Number 10847279**

Anti-Harassment and Bullying Policy

"Every child matters and no child is ever left behind..."

**"Let the little children come to me, and do not stop them;
for it is to such as these that the kingdom of God belongs."
Luke 18:15-17**

**Policy Reviewed and Adopted by Board of Directors: 3 December 2024
Version: 7
Date of Next Review: Annual as part of Staff Handbook review (also within Staff
Handbook)**

Vision Statement:

At the heart of our vision is our commitment to ensure all of our schools are places where children and young people develop and thrive academically, socially, culturally and spiritually. The drive for excellence and effectiveness in our schools is paramount, but not merely because the Government says so. The enabling of every child to flourish in their potential as a child of God is a sign and expression of the Kingdom and is at the heart of the Trust's distinctive mission. This vision statement will be taken into account in all of our policies and their implementation.

1. About this policy

- 1.1. We are committed to providing a working environment in all academies within the Trust which is free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2. This policy covers harassment or bullying which occurs when working within your Academy, and out of the workplace, such as on school trips or at Academy-related events or at work-related events or social functions, or on social media. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises.
- 1.3. The Trust has overall responsibility for this policy, including keeping it under review.
- 1.4. The purpose of this policy is to set out a framework for managers, including Headteachers, to deal with any harassment, including sexual harassment that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, students, supply staff, contractors, suppliers or visitors to our premises.
- 1.5. This policy does not form part of any employee's contract of employment.

2. What is harassment?

- 2.1. Harassment is any unwanted physical, verbal or non-verbal conduct that 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. Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and will not be tolerated. The law requires us to take reasonable steps to help prevent the sexual harassment and victimisation of all staff.
- 2.3. Sexual harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.
- 2.4. Unlawful harassment may also be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, 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. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

- 2.5. Anyone who is a victim of, or witness to, harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support. Sexual harassment can result in legal liability for both the school and the perpetrator, whether they work for us or are a third party outside of our control. All forms of harassment may result in disciplinary action up to and including dismissal.
- 2.6. Harassment may include, for example:
- 2.6.1. unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
 - 2.6.2. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - 2.6.3. continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
 - 2.6.4. 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);
 - 2.6.5. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender (unless it forms part of a lesson or class and has been approved by the Head of Department or Headteacher in which case such remarks should not be repeated openly outside of the lesson);
 - 2.6.6. outing or threatening to out someone as gay or lesbian;
 - 2.6.7. offensive e-mails, text messages or social media content;
 - 2.6.8. mocking, mimicking or belittling a person's disability.
- 2.7. 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 the jokes create an offensive environment, or a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.
- 2.8. Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
- 2.8.1. Bringing proceedings under the Equality Act 2010.
 - 2.8.2. Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - 2.8.3. Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - 2.8.4. Alleging that a person has contravened the Equality Act 2010.
- 2.9. Victimisation may include, for example:

- 2.9.1. Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual or other unlawful harassment.
- 2.9.2. Excluding someone because they have raised a grievance about sexual or other unlawful harassment.
- 2.9.3. Failing to promote someone because they accompanied another staff member to a grievance meeting.
- 2.9.4. Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.
- 2.10. Unlawful harassment, including sexual harassment, and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:
 - 2.10.1. In a work situation.
 - 2.10.2. During any situation related to work, such as at a social event with colleagues.
 - 2.10.3. Against a colleague or other person connected to us outside of a work situation, including on social media.
 - 2.10.4. Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.
- 2.11. We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.
- 2.12. If any unlawful harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again.

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. For example, bullying may include: physical or psychological threats, overbearing and intimidating levels of supervision, inappropriate derogatory remarks about someone's performance.
- 3.3. 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.

4. Third Party Harassment

- 4.1 Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, 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 parent, student, supply staff or supplier visiting the School's/Trust's premises, or where a person is visiting a pupil, another school, Local Authority or supplier's premises or other location in the course of their employment.

- 4.2 The law requires us to take reasonable steps to prevent sexual harassment by third parties. While an individual cannot bring a claim for third party harassment. It can still result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 4.3 Any sexual or other unlawful harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.
- 4.4 We will take active steps to try to prevent third-party harassment, including sexual harassment of staff. These may include writing to parents, parental code of conduct, and third party notices.
- 4.5 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, excluding the harasser from our grounds, excluding pupils, reporting any criminal acts to the police, and sharing information with other branches of the school.

5. If you are being harassed or bullied

- 5.1. If you are being harassed or bullied, consider whether you feel able to raise 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 manager or Headteacher, who can provide confidential advice and assistance in resolving the issue formally or informally.
- 5.2. If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your manager or the Chief Operating Officer (Central Team) informally for confidential advice.
- 5.3. If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure.

6. If you witness harassment or victimisation

- 6.1 Staff who witness harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
 - 6.1.1. Intervening where you feel able to do so.
 - 6.1.2. Supporting the victim to report it or reporting it on their behalf.
 - 6.1.3. Reporting the incident where you feel there may be a continuing risk if you do not report it.

- 6.1.4. Co-operating in any investigation into the incident.
- 6.1.5. All witnesses will be provided with appropriate support and will be protected from victimisation.

7. Investigations

- 7.1. We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. 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 and individuals not involved in the complaint or investigation will not be told about it. We will consider whether any steps are necessary to manage any on-going relationship between you and the person accused during the investigation.
- 7.2. We will arrange a meeting with you, usually within one week 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.
- 7.3. Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser 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.
- 7.4. Where your complaint is about someone other than an employee, such as a parent, pupil, supply staff or visitor, we 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 business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 7.5. We will also 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 to avoid or minimise contact with the alleged harasser.
- 7.6. 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.
- 7.7. At the end of the investigation, the investigator will submit a report to a manager. The manager will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the [senior] manager's findings will be given to you and to the alleged harasser.
- 7.8. Once the investigation is complete, we will inform you of our decision. Where appropriate and reasonable to do so, we may share brief details of the outcome of any resulting disciplinary action with you. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser

or bully is a third party such as a pupil, parent, visitor or member of the public, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any on-going working relationship between you and the person concerned.

8. Protection and support for those involved

- 8.1. Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.
- 8.2. We offer access to confidential counselling, The helpline is available 24 hours a day . The helpline number is 0333 0002082 (please quote ARAG) and covers both employees and their immediate family members and is available on request for anyone affected by, or accused of, unlawful harassment.
- 8.3. Support and guidance can also be obtained from your trade union and the following external services:
 - 8.3.1. The Equality Advisory and Support Service (www.equalityadvisoryservice.com).
 - 8.3.2. Protect (www.protect-advice.org.uk).
 - 8.3.3. Victim support (www.victimsupport.org.uk).
 - 8.3.4. Rape crisis (www.rapecrisis.org.uk).
 - 8.3.5. Rights of women (England and Wales) (www.rightsofwomen.org.uk).
 - 8.3.6. Mind-support for racism and mental health <https://www.mind.org.uk/information-support/tips-for-everyday-living/racism-and-mental-health/useful-contacts/>
 - 8.3.7. <https://www.stophateuk.org/about-hate-crime/racism-in-the-uk/>

9. Record-keeping

- 9.1. 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. These will be processed in accordance with our Data Protection Policy and in accordance with the Data Protection Act 2018.