



LYDIATE
LEARNING
TRUST

Dignity at Work (LLT)



LYDIATE
LEARNING
TRUST

ENGAGE, ENABLE,
EMPOWER

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1. Our commitment

- 1.1. This policy outlines Lydiate Learning Trust's commitment to creating an inclusive and welcoming working environment based on dignity and respect, where working lives are free of harassment and bullying and where everyone can achieve their potential. All the trust's employees:
- have the right to feel safe, welcome and comfortable as they conduct their day-to-day work;
 - have the right to enjoy a working life that is free from harassment, bullying and victimisation.
 - should feel empowered to raise challenges and make complaints if they experience any behaviour that falls below this standard.
- 1.2. Harassment and bullying can have very serious consequences for individuals and the Trust. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance, and could cause them to leave their job. Harassment and bullying can even lead to mental illness and suicide. Effects on the trust can include loss of morale, poor work performance, increased staff turnover, legal claims, and damage to our reputation. Employees who harass or bully others will face disciplinary action, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected.
- 1.3. We will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. We will also not tolerate a person being victimised for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

2. The scope of this policy

- 2.1. This policy covers bullying and harassment of and by managers, employees, former employees, contractors, agency staff and anyone else we engage to work for us. If the complainant or alleged harasser is not employed by us, (for example if the worker's contract is with an agency), we will apply this policy with any necessary modifications.
- 2.2. The policy covers bullying and harassment at work and in any work-related setting outside the workplace or outside working hours (eg business trips and work-related social events). Bullying and harassment can be in person or online. Harassment and bullying online can be via email, instant messaging, text, video calls, and posting comments on social media (including personal social media accounts).

3. What is bullying and harassment?

- 3.1. **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant or likely to undermine, humiliate or injure the person on the receiving end.
- 3.2. **Harassment** is unwanted conduct related to protected characteristics, which are sex, gender reassignment (ie transgender status), race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
- 3.2.1. has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- 3.2.2. is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.
- 3.3. Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour that any reasonable person would realise would be

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likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, eg sexual touching. It may not be so clear that some other forms of behaviour would be unwelcome to, or could offend, another person, eg certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that the behaviour is unacceptable to them.

- 3.4. Sexual conduct that is consensual, mutual, and invited is not harassment. However, the conduct may become unwanted (for example, where a sexual relationship ends) and, if it continues, amount to harassment.
- 3.5. Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or have a disability), when the recipient does not, in fact, have that protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their partner is pregnant or they have a friend who is a devout Christian.
- 3.6. A person may feel harassed even if the unwanted conduct is not directed towards them or related to their actual or perceived protected characteristic. For example, it may be harassment where a male or female employee is offended by a topless calendar or the posting or sharing of images or videos with sexual overtones, on social media accounts, including personal social media accounts if shared with colleagues.
- 3.7. There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer (for example, if a client makes a racist remark to a black employee). If you feel that you have been bullied or harassed by customers, suppliers, vendors, or visitors, you should report the behaviour to your line manager or headteacher who will take appropriate action.
- 3.8. A single incident can be harassment if it is sufficiently serious.
- 3.9. All bullying and harassment is misconduct and is a disciplinary offence that will be dealt with under our disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice. We will consider any aggravating factors that may play a part in any harassment when deciding on the appropriate disciplinary sanction (for example, where there is an abuse of power over a more junior colleague).

4. Relationship with discrimination

- 4.1. Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are
 - 4.1.1. sex,
 - 4.1.2. gender reassignment,
 - 4.1.3. race (which includes colour, nationality and ethnic or national origins),
 - 4.1.4. disability,
 - 4.1.5. sexual orientation,
 - 4.1.6. pregnancy or maternity
 - 4.1.7. religion or belief and

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4.1.8. age.

4.2. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

5. **Examples of bullying or harassment**

5.1. Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter, email or via social media (including messaging, posting or simply contacting on social media).

5.2. Examples of unacceptable behaviour include (but are not limited to):

5.2.1. physical conduct ranging from unwelcome touching or sexual advances to serious assault;

5.2.2. the offer of rewards for going along with sexual advances, eg promotion, access to training;

5.2.3. threats for rejecting sexual advances, eg suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other aspect of employment or career development;

5.2.4. sending unwanted messages of a sexual nature ("sexting") or sending or posting inappropriate images of themselves;

5.2.5. demeaning comments about a person's appearance;

5.2.6. unwelcome jokes or comments of a sexual or racial nature or about a person's age, disability, sexual orientation or religion or online sharing of such jokes or comments;

5.2.7. asking questions or making comments that may indicate a bias (often referred to as micro-aggressions), eg persistent questions about where a colleague comes from, or commenting that a colleague of a particular ethnicity should be good at maths;

5.2.8. questions about a person's sex life;

5.2.9. unwanted nicknames related to a person's age, race or disability;

5.2.10. the use of obscene gestures or sending or posting inappropriate images of themselves;

5.2.11. treating a person differently because they are associated or connected with someone with a protected characteristic, eg their child is gay, their spouse is black or their parent is disabled;

5.2.12. treating a person differently because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic, eg an employee is thought to be Jewish, or is perceived to be transgender;

5.2.13. the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines or calendars;

5.2.14. posting or sharing of images or videos with sexual or racial overtones, on social media accounts, including personal social media accounts if shared with colleagues;

5.2.15. spreading malicious rumours or insulting someone;

5.2.16. picking on someone or setting them up to fail;

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- 5.2.17. making threats or comments about someone's job security without good reason;
- 5.2.18. ridiculing someone;
- 5.2.19. excessive remote monitoring;
- 5.2.20. isolation or non-cooperation at work (for example unjustifiably leaving someone out from remote meetings); and
- 5.2.21. excluding someone from social activities.

6. What is victimisation?

- 6.1. **Victimisation** is subjecting a person to a detriment (essentially being treated badly) because they have, in good faith, complained (formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint (the original complaint could be against our trust or another employer). This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- 6.2. Provided that you act in good faith, ie you genuinely believe that what you are saying is true, you have a right not to be victimised. We recognise that fear of victimisation can put people off reporting harassment, and we will always therefore take appropriate action to deal with any alleged victimisation, including disciplinary action.
- 6.3. Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

7. What should I do if I think I am being bullied or harassed?

- 7.1. We encourage anyone who believes that they have been harassed or victimised to come forward and share their experiences and concerns with us. To facilitate this, we have robust procedures designed to assist our people to have open conversations, engage in dispute resolution and, where appropriate, implement a disciplinary process.
- 7.2. You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in Human Resources, a manager, or a colleague. Alternatively, an initial approach could be made on your behalf by one of these people. You (or the person talking on your behalf) should tell the person what behaviour you find offensive and unwelcome and say that you need them to stop it immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or human resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues, and you wish to make a formal complaint.
- 7.3. If an informal approach does not resolve matters, you do not feel comfortable addressing the person, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using our grievance procedure. If you raise a grievance, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the human resources department. We will ensure, where possible, that you can bring your complaint to someone of your own sex, if you prefer.
- 7.4. In very serious cases, a criminal offence may have been committed and you may wish to notify the police. If that's the case, human resources can arrange for someone to accompany you to the police.

8. How we respond to complaints

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- 8.1. All complaints will be investigated promptly and, if appropriate, we will bring disciplinary proceedings against the alleged harasser. You will have the right to be accompanied by a fellow worker or trade union official at any meeting dealing with your grievance in accordance with our grievance policy. We will keep in touch with you on the general progress of the process and, subject to data protection requirements, the outcome of any disciplinary proceedings.
- 8.2. We treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses, but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. We will emphasise the importance of confidentiality to witnesses. If, after the disciplinary proceedings have concluded, the person you have complained about remains in employment (for example, a sanction short of dismissal is appropriate), we may need to share some information with managers to prevent any risk of further harassment by that person against you or others.
- 8.3. Wherever possible, we will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of working from home, where possible, or remaining at home on special leave, if agreed. In the case of serious allegations, we may suspend the alleged harasser while the investigation and any disciplinary proceedings are underway.
- 8.4. If your complaint is upheld, and the person found to have bullied or harassed you remains employed, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another position.
- 8.5. If your complaint is not upheld, HR will support you, the alleged harasser, and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. We will consider making arrangements to avoid you and the alleged harasser having to continue to work alongside each other, if either of you do not wish to do this.
- 8.6. Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. There are strict time limits for bringing claims of unlawful discrimination to an employment tribunal.

9. What can I do to help stop bullying and harassment?

- 9.1. We all have a responsibility to create and maintain a work environment and working lives that are free of bullying, harassment, and victimisation, and to treat our colleagues with dignity and respect. You can help to do this by:
 - 9.1.1. being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
 - 9.1.2. ensuring that you pronounce and spell your colleagues' names correctly;
 - 9.1.3. treating your colleagues with dignity and respect;
 - 9.1.4. taking a stand if you think inappropriate jokes or comments are being made;
 - 9.1.5. making it clear to others when you find their behaviour unacceptable;
 - 9.1.6. intervening, if possible, to stop harassment or bullying and giving support to anyone who may have been harassed or bullied;

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- 9.1.7. reporting harassment or bullying to your manager or human resources and co-operating in investigations; and
 - 9.1.8. if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.
- 9.2. Managers have a particular responsibility to:
- 9.2.1. set a good example by their own behaviour;
 - 9.2.2. ensure that staff feel supported;
 - 9.2.3. make sure that staff know what standards of behaviour are expected of them;
 - 9.2.4. intervene to stop bullying or harassment; and
 - 9.2.5. report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

10. What happens if I am accused of bullying or harassment?

- 10.1. If someone approaches you informally about your behaviour, 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 satisfied 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.
- 10.2. If a formal complaint is made about your behaviour, we will fully investigate it and we may instigate disciplinary proceedings, if appropriate. We will follow our disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you, explain your account of events and to be accompanied to meetings by a trade union official or fellow worker. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.
- 10.3. We treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses, but this will be limited as far as possible, while ensuring a fair and sufficiently thorough investigation. The importance of confidentiality will be emphasised to witnesses.
- 10.4. Wherever possible, we will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and until disciplinary proceedings have been concluded.
- 10.5. If the complaint against you is upheld, we may impose a disciplinary penalty up to and including dismissal, taking into account the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, we may decide to transfer you to another post.
- 10.6. If a complaint is made against you that is not upheld and we have good grounds for believing that the complaint was not made in good faith, we will investigate and, if appropriate, will take disciplinary action against the person making the false complaint.

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- 10.7. You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if we have good reason to believe that you may have victimised the complainant or someone else.
- 10.8. If the complaint against you is not upheld, HR will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. We will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.
- 10.9. Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of our disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.
11. **Making this policy work**
- 11.1. We will provide training to all existing and new employees and others engaged to work at the trust to help them understand their rights and responsibilities under this policy and what they can do to help create working lives free of bullying and harassment. We will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.
- 11.2. We will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.
- 11.3. We will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

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