Bullying and Harassment

Reviewed and approved by:

Trust Board

Approval Date:

22 October 2026

Review Date:

20 October 2028

Version:

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1. Introduction

The Blessed Wharton Catholic Academy Trust believes that all of its employees have the right to a safe working environment free from intimidating and insulting behaviour, and recognises its legal obligations to provide such an environment.

In addition to the obligations placed upon both employers and employees by equality and human rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively, competently and confidently.

Harassment and bullying of employees can have serious consequences for individuals and for The Trust. The Trust prohibits all forms of bullying and harassment and is committed to taking appropriate steps to eliminate such behaviour.

The Trust is committed to providing a comprehensive training programme for all employees and members of local governing bodies on harassment, bullying and equality issues.

In accordance with the Equality Act 2010 and the public sector equality duty to eliminate discrimination and advance equality of opportunity, monitoring of the procedure will be undertaken to collect information such as: the type and frequency of complaints arising; the proportion of complaints resolved satisfactorily; any problem areas to be addressed; and any additional training required. This information will be provided to recognised trade unions to allow for constructive discussion.

2. Scope

This policy applies to all Trust employees, including those in the central team and including those employed on a temporary basis, or via an agency, and the Trust will ensure that all employees are made aware of the policy and how to access a copy.

The Trust recognises its proactive legal duty to take reasonable steps to prevent sexual harassment in the workplace, including harassment by third parties.

This policy applies to conduct within the workplace, work-related activities and online or digital environments where behaviour may affect working relationships or the reputation of the Trust.

The Trust takes all allegations of bullying, harassment and sexual harassment seriously and will investigate concerns appropriately and proportionately.

The Trust will provide and sustain a safe working environment in which everyone is treated fairly and with respect.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy and in line with the Trust Code of Conduct and other professional standards relevant to specific roles. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Line managers should also make themselves aware of their responsibility.

3. **Harassment and Bullying in the workplace**

3.1 The Trust is committed to the elimination of all forms of harassment and bullying of its employees in connection with their employment. Harassment may be unlawful under the Equality Act 2010, and both bullying and harassment affect working conditions, impact on health and safety, and undermine equality at work. They undermine attempts to improve education provision for all children because they:

- present an unacceptable model for children's own behaviour
- cause increased incidence of stress-related illness among teachers
- lead to high levels of staff turnover in individual schools
- demoralise all staff working in schools where their colleagues are bullied by management or other members of staff.

3.2 All staff are prohibited from harassing or bullying colleagues in the workplace and are expected to comply with this policy. Breach of this policy is a disciplinary offence and appropriate disciplinary action, including dismissal for serious offences, will be considered if any employee fails to adhere to this policy.

4. Definition of Harassment

4.1 Harassment is defined by the Equality Act 2010 as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment".

4.2 Harassment in relation to one or more of the following protected characteristics is unlawful: age, disability, gender reassignment, race, religion & belief, sex, sexual orientation, marriage & civil partnership and pregnancy & maternity. However, the Trust is aware that harassment may also occur that is not in relation to a protected characteristic, and all forms of harassment will be dealt with via this policy.

4.3 Harassment can interfere with a person's work performance and undermine job security. Harassment may be either intentional or unintentional. The key feature is its effect on the person rather than the motive of the perpetrator. Harassment can take many forms. These include:

- The display or distribution of offensive material, graffiti or badges
- intrusive questioning about someone's private life
- verbal abuse such as suggestive remarks, 'jokes' and name calling
- physical contact such as unnecessary touching
- offensive messages or materials received via email or online
- threatened or actual physical abuse or attacks
- Social media
- Exclusion
- Mocking protected characteristics

5. Definition of Sexual Harassment

5.1 The Trust recognises its proactive legal duty to take reasonable steps to prevent sexual harassment in the workplace, including harassment by third parties.

5.2 Sexual harassment is unwanted behaviour of a sexual nature. The law (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

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

- violated someone's dignity, whether it was intended or not;
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not.

5.4 Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, for example online through things like email, social media or messaging tools. Examples include:

- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance;
- asking questions about someone's sex life;
- telling sexually offensive jokes;
- making sexual comments or jokes about someone's sexual orientation or gender reassignment;
- displaying or sharing pornographic or sexual images, or other sexual content;
- touching someone against their will, for example hugging them;
- unwanted physical conduct of a sexual nature, including serious physical assault

5.5 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's unwanted
- it violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

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

5.7 Sexual harassment is different to harassment related to a person's protected characteristic, for example sex, sexual orientation or gender reassignment. Someone could experience both types of harassment at the same time, or separately.

6. Definition of Bullying

6.1 Although there is no legal definition of bullying, it can be described as 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

6.2 Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting.

6.3 Common examples of bullying include allocating additional workload, withholding work responsibility, changing priorities and objectives unreasonably, imposing impractical deadlines, excessive and unreasonable supervision, or unnecessary invoking of disciplinary or capability procedures.

6.4 Bullying may also involve abuse and undue criticism in front of colleagues and pupils. Bullying can also be in the form of 'cyberbullying' whereby the methods used to undertake the bullying behaviour are through digital, electronic or online communication platforms particularly mobile phones and the internet. (This should be borne in mind where employees are working remotely and are managed through online means. Care and sensitivity should be practised with regard to the choice of context and language).

6.5 Reasonable and lawful management action conducted in an appropriate manner, including performance management, capability procedures, allocation of work, supervision, or disciplinary action, will not normally constitute bullying.

6.6 Bullying can also happen from staff towards someone more senior, for example a manager. 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

6.7 It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff. It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the organisation that can be identified and addressed.

6.8 The common feature of the different forms of behaviour that constitute harassment and bullying is that it is behaviour unwanted by the victim.

7. Harassment and Bullying and the Law

7.1 The Equality Act 2010 provides a legal framework for employees to be protected from unfair treatment and for the Trust to promote equality and fairness in the workplace.

7.2 Harassment is likely to breach the law if undertaken in relation to one or more relevant 'protected characteristics' (age, disability, gender reassignment, race, religion & belief, sex, sexual orientation, marriage & civil partnership and pregnancy & maternity), and this can be used effectively to tackle harassment at work.

7.3 Harassment will be deemed to be taking place if the victim is perceived by the harasser to have a protected characteristic, whether they actually have it or not. A person may also be harassed because of their association with someone who has a protected characteristic. For instance, a person might be harassed because of the sexual orientation of one of their family members.

7.4 Under the Act, the Trust as employer may be asked to answer for its own conduct and the conduct of its staff, as claims can be made against both the harasser and their employer.

7.5 Victimisation in the form of retaliation for making or supporting a claim of harassment may also constitute unlawful behaviour under the Equality Act 2010, and behaviour that constitutes victimisation will not be tolerated.

8. How to Make a Complaint

8.1 Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.

8.2 When a complaint of harassment or bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Issues may be raised directly with any member of the Trust HR Team if staff feel unable to raise issues directly with a manager. Corrective action must be taken where appropriate and this may require an investigation under the Trust's Disciplinary Procedure.

8.3 The Trust Grievance Resolution Policy and Procedure should be used to address complaints of bullying and any form of harassment.

8.4 All complaints of sexual harassment should be taken very seriously. Employers should handle any investigation in a way that's fair and sensitive to:

- the person who made the complaint;
- someone who witnessed it;
- someone who's been accused of sexual harassment

9. Suspension

If an allegation of bullying or harassment is made, The Trust will consider whether any temporary measures are necessary during an investigation, which may include adjustments to working arrangements or suspension in accordance with the Trust's Disciplinary Policy. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.

Confidentiality

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to the Trust HR Team. Deliberately false or malicious allegations made in bad faith may be dealt with under the Trust's Disciplinary Procedure.
Other policies referred to in this Policy –
The Trust Grievance and Resolution Policy and Procedure
The Trust Disciplinary Policy

Monitoring and Review of this Policy
The Trust will review this policy periodically to ensure ongoing compliance with employment legislation, statutory guidance and best practice.