



Anti -Harassment and Bullying Policy (Staff)

**This Anti-Harassment and Bullying Policy has been approved
and adopted by the Xavier Catholic Education Trust
to be reviewed in January 2028**

Committee Responsible: HR Committee

Xavier Catholic Education Trust Mission Statement

To inspire, nurture and fulfil the calling of every person we encounter and the potential of every school we serve; growing together in faith, hope and love.

Everything we do in Catholic education is to help ensure that every child we teach and every person we work with has the opportunity to realise their own calling and become the best version of themselves. Our aim is to enable potential with the highest-quality provisions, to go out into the world and make our unique contribution for the greater good of all God's people here on Earth.

1. Introduction & Purpose of Policy

Xavier Catholic Education Trust (XCET) is committed to a zero-tolerance approach towards harassment, sexual harassment, victimisation and bullying, which occurs both in and out of the workplace. Specifically, the aims of this policy are to:

- Work to eliminate all forms of harassment, bullying and discrimination in any work situation, including any situation related to work such as at a social event with colleagues, work trips, school visits etc.;
- Build a confident and enabled workforce empowered to challenge negative behaviours, within the work environment and including on social media;
- Create a healthy working environment which helps to minimise incidents of harassment and is based on trust, openness, respect and accountability;
- Build a workplace culture that identifies and addresses negative behaviours.

The purpose of this policy is to raise awareness of expected behaviours whilst working at, or for, the Xavier Catholic Education Trust to prevent harassment and provide a means of quickly and effectively resolving issues which arise so that employees can continue to work together harmoniously.

The Xavier Catholic Education Trust is mindful of its obligations under the Equality Act 2010 and this procedure will be applied fairly and consistently to all employees. This policy covers bullying and harassment of and by employees, contractors, governors, volunteers, agency staff and anyone else engaged to undertake work whether by direct contract or otherwise. Where the complainant or alleged harasser is not employed, this policy will apply with any necessary modifications in place. This policy does not apply in relation to pupils for whom there is a separate behaviour policy in place.

2. Definitions

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- age;
- disability;
- gender reassignment;
- marital or civil partnership status;
- being pregnant or on maternity leave;
- religion or belief;
- sexual orientation;
- sex
- race

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Bullying can take the form of physical, verbal and non-verbal conduct. Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. Bullying may include (this is not an exhaustive list):

- shouting at, being sarcastic towards, ridiculing or demeaning others, picking on them or setting them up to fail;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse/misuse of authority or power by those in positions of seniority;
- deliberately excluding someone from meetings or communications without good reason;
- spreading malicious rumours, or insulting someone;
- copying memos that are critical about someone to others who do not need to know;
- unfair treatment;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;
- preventing individuals progressing by intentionally blocking promotion or training opportunities; and
- "upward bullying" e.g. someone at the same or a more junior level showing continued disrespect, refusing to complete tasks, spreading rumours, constantly undermining someone's authority, or doing things to make the person seem unskilled or unable to do their job properly.

Bullying does not include legitimate, reasonable and constructive criticism of a worker's performance or behaviour or reasonable instructions given to workers in the course of their employment.

It could involve a pattern of behaviour or a one-off incident. It could happen face-to-face, online, by phone or in writing. It can be verbal and non-verbal. It is not always obvious to others. Any member of staff who genuinely believes that they are being bullied should not hesitate to use the procedures set out below.

Harassment is unwanted conduct related to relevant 'protected characteristics' (these are sex, gender reassignment, race, colour, nationality and ethnic or national origins, disability, sexual orientation, religion or belief and age) that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Sexual harassment- 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

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

Victimisation is subjecting a person to a detriment because he/she has, in good faith, made a complaint that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Cyberbullying is making use of information and communications technology, particularly mobile phones and the internet, to deliberately undermine, humiliate or otherwise cause distress to the person on the receiving end

3. Roles & Responsibilities

Line managers are expected to:

- Develop the appropriate skills to be responsive and empowered in dealing with unacceptable behaviours and to seek support on this through performance management as necessary.
- Follow informal and formal procedures as set out in this policy and ensure that others are aware of the policy as it applies to them.
- Take responsibility for setting standards in their team, leading by example and fostering a positive workplace culture.
- Monitor and challenge any negative behaviour in the workplace and act on any concern raised in order to prevent harassment from taking place.
- Be aware of, and seek to eliminate, any forms of systemic harassment within the workplace.
- Be approachable, open and responsive to any issues raised by employees.
- Enable all parties involved in instances of bullying and harassment to resume their work, without fear of further intimidation or fear of reprisal.

Employees and other individuals involved in our work are expected to:

- Challenge any negative behaviours they witness at the earliest possible opportunity.
- Be aware of how their own behaviour may affect others and modify it if necessary.
- Treat colleagues with dignity and respect.
- Report harassment or bullying to an appropriate manager and cooperate with any investigation into complaints.

- Inform their line manager (or other suitable person) if they feel they are the subject of bullying or harassment, in accordance with this policy.

Employees should be aware that these standards of behaviour are not confined to normal working hours or normal place of work. Allegations of cyberbullying, for example, will not be disregarded simply because the alleged perpetrator is using his/her own computer in his/her own time.

Employees should also be aware that, if found guilty of harassment or bullying, they may face disciplinary penalties, up to and including dismissal, and could be personally liable to pay compensation in the event that the victim decides to make a legal claim against them. Serious harassment can also be a criminal offence.

4. Inappropriate Behaviour

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to threatened or actual serious assault;
- verbal or online abuse of another person, such as making demeaning or insulting comments;
- making unwelcome jokes or comments about an individual's personal characteristics or beliefs (such as their age, gender, race, religion or sexual orientation);
- unwelcome sexual advances, including offers of rewards or threats made in relation to the acceptance or rejection of advances; excluding or ignoring an individual on the basis of his/her protected characteristic (age, sex, race etc.) or because of his/her association with someone who has a protected characteristic;
- the use of obscene gestures or the open display of pictures or objects with sexual or racial overtones;
- spreading malicious rumours about someone or deliberately setting him/her up to fail;
- making threats or comments about someone's job security without justifiable cause;
- isolation or non-cooperation with an individual at work or through excluding them from social activities;
- inappropriate images or other content must not be viewed or shared at work, or between work colleagues;
- excluding colleagues unfairly from discussions or events or speaking about them in an unprofessional way.

5. Malicious or Vexatious Accusations

Although very rare, vexatious or malicious accusations of discrimination, harassment, victimisation and bullying are extremely damaging, both to individuals and to workplace culture. Making such accusations with, for example, the aim of getting another member of staff into trouble, may lead to disciplinary action being taken against the employee making them. A complaint will not be considered vexatious, frivolous or malicious simply because it was judged to be unfounded by the investigation. This may be the case, for example, where an individual has expressed a concern based on a genuinely held belief that wrongdoing has taken place, but the investigation subsequently uncovers no evidence of this.

6. Sexual harassment

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
- sexual assault or rape

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

Line managers play an important role in identifying, challenging and dealing with unfair treatment including sexual harassment.

7. Staff training

All staff in the Xavier trust will be required to confirm that they have read this policy in addition to other key policies as part of their annual declaration. They must also complete National College training biennially covering this area as advised by the school or Trust.

8. Third Party Harassment

The Xavier Catholic Education Trust believes in creating a workplace that is free of any form of harassment. This objective extends beyond acts of harassment by those working for us to harassment by third parties such as visitors, parents, carers, suppliers, contractors, friends and family of colleagues and members of the public. We will not tolerate any forms of harassment, including sexual harassment, by any third party.

Staff are encouraged to report any third party harassment you are a victim of or witness in accordance with this policy below.

We will assess the risk of third-party harassment in the workplace and undertake to keep our risk assessment under regular review. We encourage you to come forward with any areas in which you believe our third-party harassment protection could be improved. Please contact hr@xavercet.org.uk

If a complaint of third-party harassment is received, we will seek to investigate the allegation and may:

- warn the third party about their behaviour;
- ban them from our premises;
- report any alleged criminal acts to the police

9. Victimisation

We will take all reasonable steps to ensure that any member of Staff who makes a complaint or who participates in any investigation conducted under this policy in good faith will be protected from any form of intimidation or victimisation as a result of their involvement.

Victimisation is treating someone less favourably than others because they have in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or another member of staff, or have supported someone to make a complaint or given evidence or information in relation to a complaint.

Provided that a member of Staff acts in good faith, i.e. that they genuinely believes that what they are saying is true (even if it is not later upheld), they have the right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and we will take appropriate action to deal with any alleged victimisation which may include disciplinary action against anyone found to have victimised that member of Staff, which could result in dismissal for gross misconduct.

Any member of staff who considers that they have been subjected to any such intimidation or victimisation should follow the procedure set out in this policy.

Any member of staff who is, after investigation, found to have provided false information or to have acted in bad faith will be subject to disciplinary action.

10. Data Protection

As a general rule, all matters raised under this policy will be treated in the strictest confidence, both during and after any informal or formal complaint has been made with records handled in accordance with the Xavier Catholic Education Trusts data protection policy. No information will be relayed to a third party without first informing those involved. Any investigation to be conducted into a complaint is likely to involve some level of disclosure but this will be discussed with the complainant prior to the investigation commencing. In most cases permission will be sought before information is released although there may be instances where the matter is so serious that consent is not required, e.g. where there are health and safety implications, pupils could be at risk, or where physical violence has occurred. In such cases reasons for the disclosure will be explained.

11. Raising a Complaint about Bullying or Harassment

11.1 Introduction

If an employee feels that he/she is being bullied, harassed or victimised, he/she should raise these concerns at the earliest stage. This may be done informally or formally as follows.

11.2 Informal Route

Employees may wish to directly express their concerns to the alleged harasser, explaining the incident(s) and the impact this has had on them.

If the employee feels unable to do this, he/she may instead approach his/her line manager or trade union representative for assistance in stopping the inappropriate behaviour. If the line manager is directly involved in the alleged bullying/harassment, the complainant may instead approach the next more senior manager. In the case of allegations involving the Headteacher, this approach should be made to the CEO.

After an assessment and meeting with both the complainant and the alleged harasser, the manager will attempt to resolve the problem through initial discussions and then through monitoring the behaviour of the alleged harasser. Where a manager requires further assistance in order to achieve resolution, he/she will give consideration to mediation (internal or through the use of an outside organisation) or the temporary

reassignment of either party to alternative work. The manager may also refer the matter for further investigation if he/she does not believe that informal measures are sufficient to resolve the matter in all the circumstances of the case.

This route is informal and there is therefore no statutory right to be accompanied at any meetings. There may, however, be circumstances where the support of a work colleague or trade union representative may be beneficial and such requests for support will not be unreasonably refused.

11.3 Formal Route

If an individual feels either that the informal route has not resolved the problem or that the situation is too serious to be dealt with informally, he/she can lodge a formal complaint in writing with the Headteacher (or CEO if the complaint involves the Headteacher). This will be dealt with in accordance with the process and timescales contained within the Grievance Procedure. All complaints will be investigated promptly, which may include appointing either an internal impartial investigator or an external independent investigator. Consideration of whether the suspension of the alleged harasser(s) is appropriate will also be made at this stage (see also Section 8: Suspensions and Temporary Transfers). All parties may be accompanied by a recognised trade union representative or work colleague during the investigation and any subsequent meetings to discuss investigation outcomes.

Complaint Upheld

If the complaint is upheld by the investigation findings, suitable action will be taken. This action may be informal, or it may involve the instigation of disciplinary action against the harasser in accordance with the Disciplinary Procedure. In either case, this may include other management action such as behavioural coaching, managed mediation or learning objectives for the harasser. These measures are to ensure that there is effective action taken to challenge the behaviours and prevent reoccurrence in the future.

Complaint Not Upheld

If the complaint is not upheld, suitable steps will be taken to ensure that both the complainant and the alleged harasser are able to return to work. The complainant may appeal the decision not to uphold his/her complaint in accordance with the Grievance Procedure. Through careful, confidential and safe management of the case and workplace situation, all involved should be able to continue to work in their original roles but, in some exceptional cases, this may not be possible. Mediation will be considered at this stage to help facilitate a return to work or to assist in restoring working relations amongst employees. Ultimately, however, the transfer of either party to alternative work may need to be considered.

12. Suspensions and Temporary Transfers

Suspensions and transfers are a neutral act, to protect and prevent any further possible conflict or difficulties particularly where there is a serious allegation that one member of staff has been bullied, harassed or discriminated against by another. Suspension would, in all cases, be on normal pay.

Suspensions/transfers should be closely monitored and as short as possible, to enable, wherever possible, an effective return to work.

13. Status of Policy and Review

The content and operation of this policy is reviewed biennially or when deemed necessary by the Xavier HR Committee. The policy is discretionary and does not confer any contractual rights