

Dignity at Work: Anti-Harassment, Bullying and Victimisation Policy

ISI Regulation	
Reviewed by	Fionnuala Kennedy, Head
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Introduction

1. At the Girls' Day School Trust (GDST), we are committed to doing all that we can to provide an inclusive culture and working environment which is safe and respectful and free from bullying, harassment (including sexual harassment), and victimisation. Harassment, bullying or victimisation of or from any member of staff, or anyone they meet during the course of their work, can be unlawful and will not be ignored or tolerated.
2. The purpose of this policy is to set out expectations of behaviour and conduct of all staff and they should ensure they understand what types of behaviour are unacceptable. Staff must treat colleagues and others with dignity and respect and should not engage in any behaviour or conduct which may amount to, or condone, harassment, bullying or victimisation of another person at work. Staff should always consider whether their words or conduct could be offensive or distressing. Any harassment, bullying, or microaggressions that cause harm are unacceptable, regardless of whether they were intended to be harmful or not. Explanations of what constitutes bullying, harassment, sexual harassment, victimisation and microaggressions are given in the appendix to this policy.
3. This policy applies to all GDST staff irrespective of their status, level or grade. It therefore includes all employees, Heads, school and Trust Office managers, directors, consultants, contractors, trainees, staff who work from home, casual and agency workers and volunteers (collectively referred to as **staff** in this policy).
4. This policy covers harassment, or bullying, or victimisation which occurs both in and out of the workplace, such as on school or business trips or at events or work-related social functions, or on social media or other online platforms.
5. This policy provides a framework to deal with harassment, bullying or victimisation that occurs by staff, as well as third parties, such as parents, suppliers or visitors to the GDST or school premises and may be used as an alternative to the GDST's Grievance Procedure. Anyone who experiences, or is a witness to, harassment, bullying or victimisation is encouraged to report it in accordance with this policy. All complaints or suspicions of bullying, harassment and victimisation will be treated seriously and investigated promptly and fairly. Harassment, bullying and victimisation are regarded as misconduct and are disciplinary offences dealt with under the GDST Disciplinary procedure, and in serious cases, may lead to dismissal.

The GDST will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Complaints made by staff should be treated as confidential by all parties involved and should not be discussed with other staff unless

necessary for the investigation or resolution of the complaint. All staff should be aware that in making a complaint, their identity and the nature of the allegations must be revealed to the alleged harasser so that they may respond to the allegations.

6. If staff have already raised a complaint about an issue under the Grievance Procedure, they cannot raise the same complaint under this policy and vice versa. However, the GDST reserves the right to follow any procedure it thinks the most appropriate in the circumstances.
7. In certain cases, an independent third party or mediator may help to resolve matters. Mediation is a voluntary process where the mediator helps two or more people in dispute attempt to reach an agreement. If the GDST considers it appropriate, it may offer mediation as an option to resolve a complaint.
8. Disabled staff may request reasonable adjustments so that they may attend investigatory and formal meetings and appeal hearings held within the scope of this policy.
9. This procedure will not apply to complaints where matters have not been initiated within 3 months of the circumstances giving rise to the complaint, unless fundamentally linked to a present complaint or particularly mitigating circumstances exist.
10. For the avoidance of doubt, this policy does not form part of the terms and conditions of employment, therefore staff have no contractual expectation that it will automatically be followed in all cases. The GDST reserves the right to amend it at any time following consultation with the recognised trade union.

Legal framework and requirements

1. The Equality Act 2010 prohibits harassment and discrimination 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. It is also unlawful to victimise someone because they have alleged unlawful harassment or discrimination or supported someone in making a complaint or given evidence in relation to a complaint.
2. The Equality Act 2010 also prohibits sexual harassment. From October 2024, the Worker Protection (Amendment to Equality Act 2010) Act 2023, introduced a legal requirement for employers to take reasonable steps to prevent sexual harassment of staff. The law covers sexual harassment from other members of staff at work, and third parties. This duty emphasises the need for employers to have clear policies and procedures in place that set out what sexual harassment is, the standards of behaviour staff are expected to follow, the process that should be followed when raising a complaint, how complaints will be dealt with, and the preventative measure employers will take to reduce the risk of sexual harassment happening in the workplace.
3. Under the Health and Safety at Work Act 1974 the GDST has a duty of care towards its staff, for ensuring their safety and physical and psychological welfare at work.

What staff should do if they experience or witness bullying, harassment, including sexual harassment, or victimization

1. The GDST encourages staff who experience or witness harassment, including sexual harassment, bullying or victimisation to speak up and to raise it at an early stage. Depending on the circumstances, this could include:
 - a. Raising the issue informally with the person responsible where they feel comfortable and able to do so, or asking a manager, a colleague or HR for support in raising the issue on their behalf;
 - b. Intervening or supporting a colleague to report it or reporting it on their behalf, in line with this policy;
 - c. Formally raising the behaviour or incident(s) in line with this policy where they feel there may be a continuing risk to themselves or others if they do not report it; and/or
 - d. Cooperating in any investigation into the incident.
2. All staff who raise an issue and any witnesses to inappropriate behaviour may feel understandably anxious or upset and will be provided with appropriate support and protected from victimisation.

Informal procedure

1. The GDST encourages its staff to come forward at an early stage, and before problems have a chance to become serious.
2. Staff who feel they are being bullied, harassed (including sexually harassed) or victimised should consider whether they feel able to raise the problem informally with the person responsible. If they feel it is safe to do so, the staff member should explain clearly to the person responsible that their behaviour is not welcome and makes them feel uncomfortable and ask them to stop. They may not be aware that their behaviour is causing distress or offence.
3. If staff do not feel comfortable raising the issue with the person responsible or have done so already but it has not resolved the issue, they should raise the matter informally and in confidence to their line manager, the Head or an appropriate member of staff at Trust Office in the first instance. The manager will attempt to resolve the issue informally.
4. Staff may not wish managers to speak to the alleged perpetrator on their behalf and where possible, their wishes will be respected. However, if staff safety or welfare is at risk or where allegations are particularly serious, a formal investigation may be instigated and where this is the case the staff member raising concerns will be informed. In these circumstances, the anonymity of the staff member raising concerns and/or any witnesses could not be guaranteed.
5. If staff are not certain whether an incident, series of incidents or a pattern of behaviour amount to bullying, harassment, or victimisation, they should initially contact their line

manager or the Human Resources Department informally for confidential advice.

6. The GDST's Employee Assistance Programme can also be contacted for advice if staff wish to discuss matters in strict confidence. Contractors should report any concerns at schools to the Director of Finance and Operations or, at Trust Office, a member of the Executive Leadership Team.
7. If informal steps have not been successful at resolving the issue or are not possible or appropriate staff should follow the formal procedure set out below.

Raising a formal complaint in writing

1. If a staff member wishes to make a formal complaint about bullying, harassment (including sexual harassment) or victimisation, they should submit it in writing to their line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.
2. If it is the complainant's line manager's behaviour or conduct that is the cause of complaint, or for any other reason the complainant does not wish to approach their line manager, then the complainant should submit their complaint in writing to their manager's own line manager, the Head, or a member of the Executive Leadership Team at Trust Office as appropriate who will arrange for another manager to investigate.
3. If it is the Head's or another senior manager's behaviour or conduct that is the cause of complaint, the complainant should submit their complaint in writing either to the Chief Executive Officer (CEO) of the GDST or another member of the Executive Leadership Team at Trust Office, who will arrange for another manager to investigate. If it is the CEO's behaviour or conduct that is the cause of complaint, the complainant should submit their complaint in writing to the Deputy Chair of the Council of the GDST.
4. The written complaint should set out as much detail as possible, including the name of the alleged perpetrator, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far in an attempt to address it or stop it from occurring.
5. The manager to whom the complaint has been submitted should acknowledge receipt of the complaint as soon as possible. The manager will inform the staff member of who will investigate the matter.

Investigation

1. The formal complaint will be investigated in a timely and confidential manner either by the person who received the complaint or another more appropriate person. Individuals not involved in the complaint, or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
2. The investigation may involve the complainant giving a written statement of the type of

behaviour that has caused distress or offence with details of when and where incidences took place, and if there were any witnesses. Where possible, the complainant should be given the option of being interviewed in an investigative meeting by either a male or female manager, taking account of gender sensitive issues. The complainant may bring a companion to any meeting dealing with their complaint, and a record of any investigatory meetings will be kept. Companion includes a qualified trade union representative or a work colleague, as defined in the GDST's Grievance Procedure.

3. Where the complaint is about another staff member, the GDST will try wherever possible, to ensure that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation. The alleged harasser may be suspended on full pay in suspected cases of gross misconduct, or to facilitate investigation, or for other urgent cause, pending a disciplinary hearing. Suspension is not in itself regarded as disciplinary action, and continuing suspension will be reviewed in line with the disciplinary procedure.
4. The investigator will also meet with the alleged harasser 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. As far as is reasonably practicable, other persons who may have evidence which is directly relevant to the case will also be interviewed. Where interviews are not held, written signed statements will be obtained as far as reasonably practicable. A written record of any investigatory meeting will be kept.
5. Where the complaint involves a third party, such as a parent, contractor, service user, supplier, or visitor, the GDST will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of the complainant. Where appropriate, the GDST will attempt to investigate the matter with the third party and may need to adjust the procedure under this policy to ensure that appropriate investigations are conducted.

Actions following the investigation

1. At the end of the investigation the line manager (or the person who carried out the investigation) will report their findings to the line manager, Head or a member of the Executive Leadership Team or Chair of the Council of the GDST as appropriate. If it is considered there is a case to answer by the alleged harasser, the appropriate manager will initiate any necessary action, such as invoking the GDST's Disciplinary Procedure. Where third parties are involved, the GDST will consider what action would be appropriate under the circumstances. If a matter involves external agencies (including the police) the GDST will cooperate as required and this procedure will be subject to the constraints of the legal process.
2. On conclusion of any investigation, the complainant and alleged harasser will be told the outcome of the investigation and what action is being taken. If no action is to be taken, the reason for this will be explained to both parties. The outcome will be confirmed in writing to both parties.
3. The written complaint will be placed on the personnel file of the staff member who submitted the complaint, along with a record of any decisions taken (irrespective of the outcome) and

notes or documents gathered during the process.

4. If the complaint is upheld, and the person found to have bullied or harassed remains in the GDST's employment, every effort will be made to minimise the amount of time in which both parties work alongside each other (where possible), and possible options such as mediation and/or counselling will be discussed.
5. Where the harasser is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; restricting their communication with staff; or, in very serious cases, banning them from the premises or terminating a contract with them.

Appeal stage

1. If the complainant is not satisfied with the outcome of the investigation, they may appeal in writing, giving full grounds, to the Head, CEO or Chair of the Council of the GDST as relevant, within ten working days of receiving the outcome. The written appeal should contain why the complainant believes the outcome to be wrong or unfair and what they would like to happen next.
2. The complainant will be given at least five working days' written notice of the appeal hearing, which will be held without unreasonable delay.
3. The appeal hearing will be dealt with impartially by a more senior manager or a member (or members) of the Council of the GDST, who has (have) not previously been involved in the case. The complainant may bring a colleague or qualified trade union representative to the hearing as set out in the GDST's Grievance Procedure. Other appropriate persons (i.e. a member of the HR team and/or another manager or senior administrative staff member) may be present in an advisory capacity and/or to take notes and, if necessary, the person who investigated the matter and/or the manager who dealt with the complaint may also attend. Notes will be made at the meeting.
4. If the person holding the hearing feels that further investigation is necessary, the hearing should be adjourned to allow for further advice or information to be obtained.
5. Following an appeal hearing, either: (a) the original outcome will be confirmed: (b) the original outcome will be revoked; and/or (c) a different outcome will be substituted.
6. In any case, the final decision will be confirmed in writing to the complainant usually within five days of the appeal hearing. Where appropriate and practicable, the decision will also be explained to the staff member in person. The letter will advise that this is the end of the procedure and there is no further right of appeal. A copy of the notes of the appeal hearing will be provided to the staff member.

General

1. The GDST recognises that a formal procedure can be a stressful and upsetting experience for all parties involved. All parties involved in a formal procedure in line with this policy are entitled to be treated courteously and with respect. The GDST will not tolerate abusive or insulting behaviour from any person taking part in or conducting procedures in line with this

policy and will treat any such behaviour as misconduct under the Disciplinary Procedure.

2. Occasionally it may not be reasonably practicable to comply with the time limits specified above in which case they may be varied by agreement between the GDST and the staff member.
3. If a staff member decides not to pursue a complaint any further at any stage during this procedure, this will be recorded in writing, and any other parties involved in the complaint notified accordingly.
4. Where a staff member raises a complaint under this policy during a disciplinary or capability process, the disciplinary or capability process may be temporarily suspended in order to deal with the complaint if it is thought appropriate to do so. Where the complaint and disciplinary or capability cases are related it may be appropriate to deal with both issues concurrently.
5. Neither the GDST nor the staff member who raises the complaint (including their companion) may make any electronic recording of any meetings or hearings conducted under this procedure.

Useful contacts

Employee Assistance Programme – for details of current provider please refer to the intranet or contact HR. This is a free and confidential support and advice service, available 24/7.

ACAS helpline (tel. 0300 123 1100)

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Appendix to Dignity at Work: Anti-harassment, bullying and victimisation policy:

Descriptions of what constitutes harassment, sexual harassment, bullying, victimisation and microaggressions

What is harassment?

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. Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
3. Unlawful harassment may involve conduct of a sexual nature (this is known as sexual harassment, which is dealt with separately below under "*What is sexual harassment?*"), or it may 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.
4. Examples of harassment might include (but are not limited to):
 - a. unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical assault;
 - b. continued suggestions to meet up socially after it has been made clear that such suggestions are unwelcome;
 - c. offensive or intimidating comments or gestures, or insensitive remarks or pranks;
 - d. mocking, mimicking or belittling a person's disability;
 - e. racist, sexist, homophobic or ageist remarks, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - f. disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;
 - g. offensive emails, text messages or social media content; or
 - h. ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
5. It is important to remember that unwanted conduct means conduct that is unwelcome or uninvited. It reflects the staff's view and means unwanted by them, whether or not the person behaving in that way intends it to have that effect. Something intended as a 'joke' may offend another person, as 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.

6. A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist remarks about a different ethnic group to their own if the remark creates an offensive environment.
7. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member who is disabled, or of a particular religion.
8. The GDST will not tolerate harassment in the workplace. Harassment may lead to disciplinary action up to and including dismissal.

What is sexual harassment?

1. Sexual harassment is any unwanted conduct of a sexual nature (which may be physical, verbal or non-verbal) 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 sexual harassment.
2. Sexual harassment also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature in the past.
3. Examples of sexual harassment might include (but are not limited to):
 - a. unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of sexual assault;
 - b. continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
 - c. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or gain an advantage at work, or that a refusal may hinder it;
 - d. sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - e. offensive comments about appearance or dress, innuendo or lewd comments or 'banter';
 - f. Leering, whistling or making sexually suggestive gestures;
 - g. offensive emails, text messages or social media content;
4. It is important to remember that unwanted conduct means conduct that is unwelcome or uninvited. It reflects the staff's view and means unwanted by them, whether or not the person behaving in that way intends it to have that effect. Something intended as a 'joke' may offend another person, as different people find different things acceptable, and if it is of a sexual nature, it may amount to sexual harassment. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

5. A person may be sexually harassed even if they were not the intended 'target'. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.
6. The GDST will not tolerate sexual harassment in the workplace. Any member of staff who sexually harasses another person will be disciplined in line with the disciplinary policy (and in appropriate cases may be dismissed).
7. The GDST is required by law to take reasonable steps to prevent sexual harassment of staff and as such, takes the following reasonable steps to prevent harassment in the workplace:
 - a. Risk Assessing to consider where factors exist that may increase the likelihood of sexual harassment occurring and the steps that can be taken to minimise this risk;
 - b. Making suitable anti-harassment training available to all staff, and actively promoting this;
 - c. Ensuring that this policy outlines what constitutes sexual harassment, GDST's commitment to preventing it, and the procedures for reporting and dealing with incidents of sexual harassment;
 - d. Making this policy available to all members of staff and actively drawing it to their attention to ensure they are aware of how to raise any concerns.

What is third party harassment, including sexual harassment?

1. Third party harassment occurs where a person is harassed, including sexually harassed, by someone who does not work for and who is not under the control of the GDST, but with whom they have come into contact during their employment. Any such instances will not be tolerated by the GDST.
2. Third party harassment, including sexual harassment could include, for example, unwelcome sexual advances, derogatory comments about a person's age, disability, pregnancy, colour, religion, belief, sex or sexual orientation from a parent, supplier or visitor to the GDST or school premises, or where staff are visiting external premises in the course of their employment.
3. Third party harassment and sexual harassment can result in legal liability. All staff are encouraged to report any third-party harassment they experience, or are witness to, in accordance with this policy.
4. Any harassment, including sexual harassment, by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.
5. In relation to third party sexual harassment, the GDST is required by law to take reasonable steps to prevent it and as such, will take steps to remedy any complaints of sexual harassment and to prevent it happening again. Examples of the steps the GDST may take to prevent third party sexual harassment include:
 - a. Putting up signs setting out acceptable and unacceptable behaviour;
 - b. Restricting a third party's communication with staff; or

- c. Speaking or writing to the person and/or their superior about their behaviour.
6. In very serious cases, the steps the GDST may take to prevent third party sexual harassment include:
 - a. Banning a third party from the premises;
 - b. Terminating a contract with them; or
 - c. Reporting any criminal acts to the police.
7. Any sexual harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.

What is bullying?

1. Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which can make a person feel vulnerable, upset, undermined, humiliated 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.
2. Bullying may take the form of physical, verbal and/or non-verbal conduct.
3. Examples of bullying might include (but are not limited to):
 - a. shouting at, being sarcastic towards, ridiculing or demeaning others;
 - b. physical or psychological threats;
 - c. overbearing and intimidating levels of supervision;
 - d. inappropriate and/or derogatory remarks about someone's performance;
 - e. abuse of authority or power by those in positions of seniority; or
 - f. deliberately excluding someone from meetings or communications without good reason.
4. However, bullying does not include legitimate, reasonable and constructive criticism relating to an individual's performance or behaviour at work, or reasonable instructions given to staff in the course of their employment. It is recognised that differences of opinion, outbursts of bad temper, etc may occur from time to time in any normal working environment and will normally be resolved through informal processes.

What is victimisation?

1. Victimisation includes treating someone less favourably because they have, in good faith, complained, or are intending to complain, (whether formally or otherwise) that someone has been bullying or harassing (including sexually harassing) them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint of bullying or harassment.
2. Examples of victimisation might include (but are not limited to):
 - a. Denying someone an opportunity because it is suspected that they intend to make a complaint about bullying or harassment;

- b. Excluding or isolating someone because they have made a complaint or raised a grievance about bullying or harassment;
 - c. Failing to promote someone because they accompanied another staff member to a grievance meeting, or subjecting them to some other kind of detriment or disadvantage;
 - d. Dismissing someone, or otherwise subjecting them to a detriment, because they gave evidence on behalf of another staff member at an employment tribunal hearing;
 - e. overloading someone with work; or
 - f. giving someone demeaning work.
3. Provided that staff act in good faith, i.e. there is a genuine belief that the complaint is valid, staff have a right not to be victimised for making a complaint or supporting a complaint of bullying or harassment, including sexual harassment. The GDST will seek to ensure that staff are not in any way penalised whether directly or indirectly for bringing a complaint and will take appropriate action to deal with any alleged victimisation, which may include investigation and disciplinary action, up to and including dismissal.
 4. Maliciously making a false allegation or giving evidence which staff know to be untrue, is a disciplinary offence and will be dealt with under the Disciplinary procedure.

What are microaggressions?

1. Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:
 - **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying, "It's just a joke".
 - **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
 - **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying, "I don't think the UK has a problem with racism - some people are just too sensitive".
2. Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious and repeated instances of microaggressions can negatively impact the health and wellbeing of the person experiencing them.