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# Anti- Harassment and Bullying Policy

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RESPONSIBLE DIRECTOR  
Chief Executive Officer

RATIFIED BY TRUST  
March 2023

REVIEW DATE  
March 2025

# 1 Introduction

- 1.1 Knowledge Schools Trust (KST) seeks to ensure that all staff are treated and treat others with dignity and respect, free from bullying and harassment.
- 1.2 We will take allegations of bullying and harassment seriously and address complaints promptly and confidentially, with any information shared on a strictly "need to know" basis. All directors, trustees, employees, governors and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Bullying and harassment by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to dismissal.
- 1.3 This policy covers bullying and harassment which occurs both in and out of the workplace, such as on school visits, or at events, or work-related social functions and on social networking sites. It covers bullying and harassment by staff, governors and volunteers and also by third parties such as suppliers, visitors and parents to our schools and sites.
- 1.4 This policy does not form part of any employee's contract of employment and may be amended as and when required.

# 2 What is harassment?

- 2.1 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. A single incident can amount to harassment.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 Harassment may include, for example:
  - unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
  - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
  - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - 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);
  - offensive or intimidating comments or gestures, or insensitive jokes or pranks;

- mocking, mimicking or belittling a person's disability;
  - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about an ethnic or religious group or gender;
  - outing or threatening to out someone as gay or lesbian or transgender; or
  - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 2.4 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 they create an offensive environment for that person.

### 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. Bullying may include, by way of example:
- shouting at, being sarcastic towards, ridiculing or demeaning others;
  - physical or psychological threats;
  - overbearing and intimidating levels of supervision;
  - inappropriate and/or derogatory remarks about someone's performance;
  - abuse of authority or power by those in positions of seniority; or
  - deliberately excluding someone from meetings or communications without good reason
- 3.3 Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own.

### 4 What the law says

- 4.1 While this policy addresses unacceptable behaviours that may not fall within specific statutory definitions, it is important to be aware that the Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race (which includes colour, nationality, ethnic or national origin), religion or belief, sex or sexual orientation.

- 4.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 4.3 Individual members of staff may in some cases be personally liable for harassment of colleagues or third parties under these statutory provisions and may be ordered to pay compensation by a court or employment tribunal. Staff should always consider whether their words or conduct could be offensive. Even unintentional bullying and harassment is unacceptable.

## 5 Informal procedure

- 5.1 If you are being bullied or harassed, you should attempt to manage the situation informally if this is at all possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. An individual should be made aware that their attention or behaviour is perceived by the recipient as bullying or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behaviour on the recipient. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.
- 5.2 If you would find it too difficult or embarrassing to speak directly with the other person, then you should attempt to communicate through a third party, for example, a work colleague, Line Manager or the Trust’s HR Advisor.
- 5.3 If informal steps have not been successful or are not possible or appropriate due to the seriousness of the allegations, you should follow the formal procedure set out below.

## 6 Formal procedure

- 6.1 This process is a modified version of our Grievance Procedure which cannot be used in addition to, or substitution of it for the same complaint.
- 6.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the bullying and harassment, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 6.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- 6.4 You should send your written complaint to your direct Line Manager, unless the complaint is against your Line Manager or where your Line Manager is involved in the complaint, and they will investigate the complaint in a timely,

sensitive, impartial and confidential manner. If for any reason it is not appropriate for your Line Manager to act as the Investigating Officer, a suitable alternative will be agreed.

- 6.5 The Investigating Officer will arrange a meeting with you, usually within a 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. There may be further meetings with you as appropriate throughout the investigation.
- 6.6 Where your complaint is about an employee, we may consider suspending the employee on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The Investigating Officer will also meet with the alleged harasser or bully who may also be accompanied by a work colleague or trade union representative of their choice to hear their account of events. The alleged harasser or bully should normally be told the full details of the allegations against them, so that they can respond.
- 6.7 Where your complaint is about someone other than an employee, such as a contractor 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 Trust or school and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 6.8 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation.
- 6.9 It is likely to 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.
- 6.10 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.
- 6.11 The main purpose of the investigation is to establish the facts. The Investigating Officer may also provide their opinion on whether there is sufficient evidence to commence a disciplinary process against the alleged bully/harasser. The Investigation Report should normally include;
  - the terms of reference of the report;
  - the complainant's account of the incident(s) and the effects;
  - a response from the person identified by the complainant;
  - any evidence from staff in the same work area or any other relevant areas where incidents of bullying or harassment may have occurred;
  - any evidence of detriment to the complainant, e.g. deterioration of work performance or health, lack of career development, denial of opportunities etc.

- a conclusion as to whether or not there is a case to answer in respect of the allegations made and a recommendation as to whether the matter should be referred to a disciplinary hearing.
- 6.12 At the end of the investigation, the Investigating Officer will submit their Investigation Report to a senior manager nominated by the CEO or Chair of the Trust to consider the complaint. Depending on the context of the complaint the senior manager may be a Trust Director, School Governor or Executive. The senior manager will arrange a meeting with you 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 Investigation Report and the senior manager’s findings will be given to you and to the alleged harasser or bully after the meeting.
- 6.13 The appointed senior manager will consider the Investigation Report and decide whether:
- he or she considers that bullying and/or harassment has occurred, in which case the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure;
  - less formal action is appropriate, but some form of mediation or counselling is required for one or both parties;
  - any short-term or long-term relocation or change in duties or reporting structure is required

The appointed senior manager will write to you with their decision, usually within one week of your meeting. They may make recommendations even if they find that the acts complained of do not amount to bullying or harassment.

- 6.14 If you remain dissatisfied with the outcome, then you may appeal in writing to the Chairperson of the Board of the Trust, stating your full grounds of appeal, within two weeks of the date that the decision was sent or given to you. An appeal meeting will be held, normally within one week of receipt of your written appeal. The appeal will be dealt with impartially by someone who has not previously been involved in the case (although they may ask anyone previously involved to be present at the meeting). You have the right to be accompanied at the appeal meeting, as with all earlier stages of the process. The outcome of your appeal will be confirmed in writing, usually within one week of the appeal meeting. There is no further right of appeal.

## 7 Right to be accompanied

- 7.1 You may bring a companion to any meeting or appeal meeting under the formal procedure. The companion may be either a trade union representative (either a paid official of the relevant union or someone certified by the union as having experience or training in acting as a companion at grievance meetings) or a colleague. You must tell the person

holding the meeting who your chosen companion is, in good time before the meeting.

- 7.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.
- 7.3 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 7.4 If your chosen companion is unavailable at the time proposed for the meeting you may suggest a reasonable alternative time which is no more than 5 working days after the date first proposed. Where it is practicable to do so the meeting will then be held at the proposed alternative time, although we may need to postpone further if for example not all witnesses are available at the time proposed.
- 7.5 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome disability, or if you have difficulty understanding English.

## 8 Protection and support for those involved

- 8.1 Employees who make complaints, or who participate in good faith in any investigation conducted under this policy, must not suffer any form of retaliation or victimisation as a result.
- 8.2 If you believe you have suffered any such treatment you should inform your Line Manager or other senior manager. If the matter is not remedied, you should raise it formally using this procedure.
- 8.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

## 9 Confidentiality and data protection

- 9.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. 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.
- 9.2 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 the Data Protection Policy.

- 9.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

## 10 Who is responsible for this Policy?

- 10.1 The Trust has overall responsibility for the effective operation of this Policy but has delegated day-to-day responsibility for overseeing its implementation to the LGBs and Headteachers. For employees based in the central MAT team the responsibility lies with the CEO.
- 10.2 The MAT Executive Team, Headteachers, SLT and Line Managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to act when behaviour falls below its requirements.
- 10.3 Staff should disclose any instances of bullying and harassment of which they become aware to their Line Manager or Headteacher/Executive Headteacher. Alternatively, staff may also raise concerns directly with the Trust's HR Advisor.
- 10.4 Questions about this policy and requests for information on dealing with bullying or harassment should be directed to the CEO or Trust HR Advisor.

## 11 Monitoring and review

The Trust's Board will review this Policy regularly, and following a formal investigation under this Policy, the senior manager and the Investigating Officer involved should consider whether this Policy has been effective in addressing the issues and report any problems or suggestions for improvement to the CEO or HR Advisor.

This policy should also be read in conjunction with the Staff Code of Conduct and the Trust's Disciplinary Policy.





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