



Pendle Education Trust

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Working Together Procedure
Senior Manager Responsible:	Chief Executive
JCNC Consultation:	July 2020
Trust Approval:	May 2024
Review date:	4 Years

This policy is non-contractual. It will be kept under regular review and may be varied in future following consultation with staff and their recognised trade unions

Pendle Education Trust

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Company Registration Number: 08263591

Place of Registration: England and Wales



Working Together Procedure

1. Introduction

- 1.1 Pendle Education Trust (Trust) is committed to developing and maintaining a working environment where all members of staff are treated with fairness, dignity and respect, and are able to work free from intimidation, harassment or any other form of behaviour that is personally offensive. Although we would like to think that this is always the case, the policy recognises that inappropriate behaviour, which may include harassment and bullying, can take place.
- 1.2 The Trust will not tolerate any bullying, harassment or other form of offensive conduct; particularly that which is related to any of the nine protected characteristics detailed in the Equality Act (2010).
- 1.3 This policy promotes all members of staff working together professionally, and also aims to ensure that if inappropriate behaviour does occur in the working environment, it is dealt with in a serious, sensitive and confidential manner. Those whose behaviour is found to be in breach of this policy might face disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

2. Scope

- 2.1 The procedure covers managers, staff, contractors, agency staff and anyone else engaged to work at the Trust. The procedure primarily covers bullying and harassment within the workplace, but also includes bullying and harassment outside of the workplace, where a direct connection can be made to the work related environment.
- 2.2 The procedure is intended for use in both individual and collective cases of bullying and harassment. Therefore, for 'member of staff' the procedure will read 'members of staff' in the case of a collective case of bullying and harassment. Where a collective case of bullying and harassment is to be considered the group of members of staff will nominate a smaller representative number of staff (i.e. 2 to 4) to represent the members of staff at any meetings.

3. Working together

- 3.1 The Trust requires all members of staff to work collaboratively and cooperatively with each other. All members of staff must respect their colleagues and realise that behaviour they find acceptable may not be regarded in the same way by others. Individuals have a responsibility to behave in ways which support a positive working environment for themselves and their colleagues. They should play their part in making this policy a reality and be prepared to take appropriate action if they observe someone else is being harassed.

4. Definitions

- 4.1 Harassment can be defined as:



“unwanted conduct that has the purpose or effect of violating people’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.” (ACAS)

It is important to remember that harassment depends on the view of the individual on the receiving end of another person’s behaviour. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. However any complaint of harassment will be subject to a test of reasonableness during the investigation, this will focus on the seriousness of the conduct complained of.

Behaviour that any reasonable person would realise is 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 him or her. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person. In these cases, first time conduct that unintentionally causes offence will not be treated as harassment. However, if the conduct continues after the recipient has made clear that such behaviour is unacceptable to him or her. This will be investigated as potential harassment.

4.2 Bullying can be defined as:

“Bullying is a particular form of harassment. It is persistent, threatening, offensive, abusive, intimidating or insulting behaviour that may be an abuse of power, position or knowledge. It may be the use of unfair sanctions. It can happen in public or private and may arise from the combination of the personal style of the bully and a lack of assertiveness and self confidence in the person or persons being bullied. An assertive management style in itself would not constitute bullying but where assertiveness gives way to aggression it is likely to become destructive rather than constructive. What is important is that the conduct makes the recipient(s) feel upset, humiliated, vulnerable or undermines their self confidence. It may also cause them to suffer stress.” (ACAS)

4.3 Bullying and harassment may be misconduct that is physical, verbal or non verbal, for example, by letter or email.

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

- Physical abuse and aggressive behaviour
- Unwelcome sexual advances
- Demeaning comments about a person’s appearance
- Spreading malicious rumours or insulting someone
- Deliberate isolation of a person at work
- Insensitive jokes or pranks
- Shouting or swearing at an individual
- Intimidating or threatening behaviour
- Displays of offensive material

5 Preventing harassment and bullying



5.1 Members of staff have a responsibility to promote a positive culture. All staff should work together to create and maintain a work environment free of harassment and bullying by:

- Being aware of how their behaviour may affect others
- Treating colleagues with dignity and respect
- Behaving in a professional manner towards colleagues
- Making it clear to others when their behaviour is unacceptable
- Reporting harassment or bullying to the Leadership team and supporting the Trust in the investigation of complaints

5.2 Managers have a particular responsibility to prevent harassment and bullying taking place by:

- Setting a good example by treating all members of staff with dignity and respect
- Ensuring that there is a supportive working environment
- Being alert to the possibility that harassment may be happening in their Academy or department.
- Using their judgement to correct behaviour that could be considered offensive
- Being responsive to and supportive of any member of staff who makes a complaint of harassment or bullying.

5.3 It is important to distinguish between bullying behaviour and management. Where comment on a member of staff's performance is constructive and is delivered in an appropriate manner it will be viewed as management, rather than as bullying behaviour.

6 Dealing with harassment and bullying

6.1 All complaints of harassment and bullying will be treated seriously and will be dealt with promptly, efficiently and all parties will be urged to respect confidentiality. The main aim of this procedure is to resolve complaints of harassment and bullying so that the unacceptable behaviour is stopped.

7 Informal Procedure

7.1 Members of staff who feel they are being bullied or harassed are advised to make it clear to the individual(s) responsible that the behaviour is unwelcome, offensive or is interfering with work. This should always be undertaken in a timely manner to ensure the best chance of successfully resolving the issue without having to proceed to the formal process.

7.2 If the member of staff feels unable to approach the person whose actions or conduct is causing offence, or if they have already done so but to no avail, the complaint can be raised informally with their line manager, who will then try to assist the member of staff in finding an informal solution to the problem.

7.3 If the complaint involves the individual's line manager, it should be raised with the Principal, who will then support the member of staff in finding an informal solution.



7.4 Where the informal procedure fails or where the complaint is of serious harassment or bullying at work, members of staff are advised to bring a formal complaint.

8 Formal Procedure

8.1 Notification

A formal complaint of harassment or bullying should be submitted to the Clerk to the Trust, using the attached notification form (Appendix A).

The complaint should be raised as soon as possible following the alleged act of harassment or bullying so that the matter can be dealt with swiftly and decisively.

On receipt of a notification form, the Clerk to the Trust will log the complaint and a senior manager (ideally the senior manager responsible for the member of staff's area of work) will be advised that the complaint has been received. The senior manager will then be responsible for carrying out an investigation into the complaint. Where the complaint is about the Principal or Executive Principal, the Chief Executive will investigate.

8.2 Investigation

The Principal will arrange a meeting with the complainant to clarify the nature of the allegations, and to obtain further details before proceeding with the investigation. The complainant will be informed, in writing of the date and time of this meeting within five working days of the Clerk receiving the complaint.

The person alleged to have harassed or bullied will be notified at the earliest opportunity, in writing, of the nature of the complaint made against them. The Principal will then meet with them, to allow them the opportunity to state their side of events and explain any conduct that forms the basis of the complaint.

There is an entitlement for both parties to bring their trade union representative or work colleague to their meeting. The Trust's HR Advisor will also be present at all meetings and will take notes to provide a written record of the main points.

As part of the investigation the Principal may also meet with any relevant witnesses identified.

8.3 Outcome

Once the investigation is complete the Principal will produce a written report stating whether or not they uphold the specific complaints made and their reasons for doing so. A copy of this report will be given to both the complainant and the alleged harasser and the Principal will endeavour to communicate the decision in person to both parties.

As it is in the interests of everyone involved in the investigation that it be completed as soon as possible, without the integrity and thoroughness of the procedure being compromised, the Principal will endeavour to produce a report within 10 working days of the initial meeting with the complainant. Where this is not possible, for example in complex cases or due to the absence of a member of staff, the report should be completed as soon as possible thereafter.



The investigation will result in one of the following outcomes:

- The complaint is upheld and action is taken on the grounds of misconduct, under the Trust's Managing Discipline Policy.
- The actions are not viewed as harassment or bullying and no further action is taken.
- The complaint is found to be false or malicious, in which case disciplinary action may be taken against the complainant.

If, following the investigation, the Principal upholds the complaint; prompt action will be taken to stop the harassment or bullying and to prevent its recurrence.

In some situations, formal disciplinary action might not be considered appropriate and alternative actions such as advice and guidance, training, counselling or mediation may be explored.

8.4 Appeal

If the member of staff who made the complaint believes that the decision is unfair or that the investigation was flawed, he/she may appeal in writing to the Clerk to the Trust, outlining the reasons for their dissatisfaction (Appendix B). The appeal should be submitted within 7 working days of receipt of the report from the Principal who handled the initial complaint.

The Executive Principal or Chief Executive of the Trust will consider any appeal against the outcome of a complaint of bullying and harassment. The complainant will be notified of the date of a meeting with the Executive Principal or Chief Executive within 5 working days of the submission of their notification of appeal. The meeting will allow the Principal to explore the complainant's reasons for dissatisfaction and explore possible resolutions. If the complaint is about the Principal or Executive Principal, an Appeals Committee will hear the appeal.

As part of the appeal process the Executive Principal or Chief Executive will also normally choose to meet with the individual named in the complaint as the harasser/bully and any relevant witnesses.

Following completion of the appeal process, the Executive Principal or Chief Executive will reply to the member of staff within 5 working days, informing them of the outcome and describing any action that he or she proposes to take. The appeal will result in one of the following outcomes:

- The decision is upheld and any outcomes outlined as part of the initial investigation remain.
- The decision is overturned and action is taken accordingly.
- The complaint is found to be false or malicious, in which case disciplinary action may be taken against the complainant.

The appeal is the final stage of the procedure.

9 Notes to the procedure

9.1 Investigation protocol

Suspension will only be considered in the most serious of cases, that is, where the alleged behaviour could be considered as gross misconduct and the potential sanction is dismissal without notice. Where suspension is deemed to be



appropriate it will be conducted in line with the Trust's Managing Discipline policy.

In all cases, once a formal complaint has been made the member of staff implicated in the complaint must not attempt to approach the complainant directly, or try to influence the investigation in any way during the course of a formal investigation. Should any approach be made, this may in itself be considered a disciplinary offence.

9.2 Support

Due to the sensitive nature of harassment complaints, care must be taken to ensure that the investigation does not cause unnecessary stress to those involved. For this reason both parties will be kept informed about the progress of the investigation throughout the process.

There is a confidential counselling service available to all members of staff involved in an investigation into harassment or bullying through Occupational Health if they feel they need professional support they should contact the Clerk to the Trust for information.

Where a complaint is upheld and disciplinary action is pursued, the complainant will be advised of this, but will not be entitled to specific details surrounding the hearing or of any disciplinary action taken.

9.3 Victimisation

Members of staff, who, in good faith, raise a complaint judged to be reasonable under this procedure, will not be subject to any unfavourable treatment as a result of making a complaint. This will not however be a safeguard for complaints judged to be false or malicious.

9.4 Complaints against the Principal

Formal complaints made against the Principal or Executive Principal, relating to bullying and harassment should be forwarded to the Chief Executive.

9.5 Complaints against the Chief Executive

Formal complaints made against the Chief Executive, relating to bullying and harassment should be forwarded to the Clerk to the Trust. Any such complaints will be the responsibility of the Trust Board and will be subject to investigation in line with the principles laid down in the Articles of Association.





Notification of Complaint under the Trust's Working Together Procedure

Name:

Academy / Department:

Nature of Complaint:

Please outline the nature of your complaint including, where possible:

- The name(s) of the harasser/bully
- The nature of the offensive conduct
- Dates and times of specific incidents
- Names of any witnesses to specific incidents
- Any action already taken to stop the offensive behaviour

Signed:

Date:

Please submit the completed form to the Clerk to the Trust, who will acknowledge receipt and forward the complaint to the Principal, in accordance with the Trust's Working Together Procedure.

For completion by the Clerk to the Trust

Date received by Clerk:

Name of Principal to investigate complaint:

Date of latest response to member of staff:





Notification of Appeal under the Trust's Working Together Procedure

Name:

Academy / Department:

Nature of Appeal:

Please outline the nature of your appeal including:

- Reasons why you believe the decision is unfair and/or why you believe the investigation was flawed.

Signed:

Date:

Please submit the completed form to the Clerk to the Trust, who will acknowledge receipt and forward the appeal to the Chief Executive, in accordance with the Trust's Working Together Procedure.

For completion by the Clerk to the Trust

Date received by the Clerk:

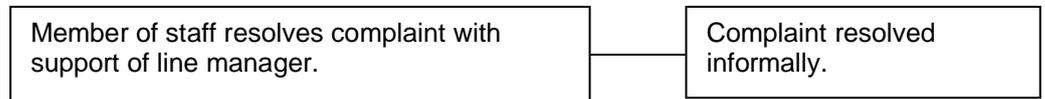
Date of latest response to member of staff:



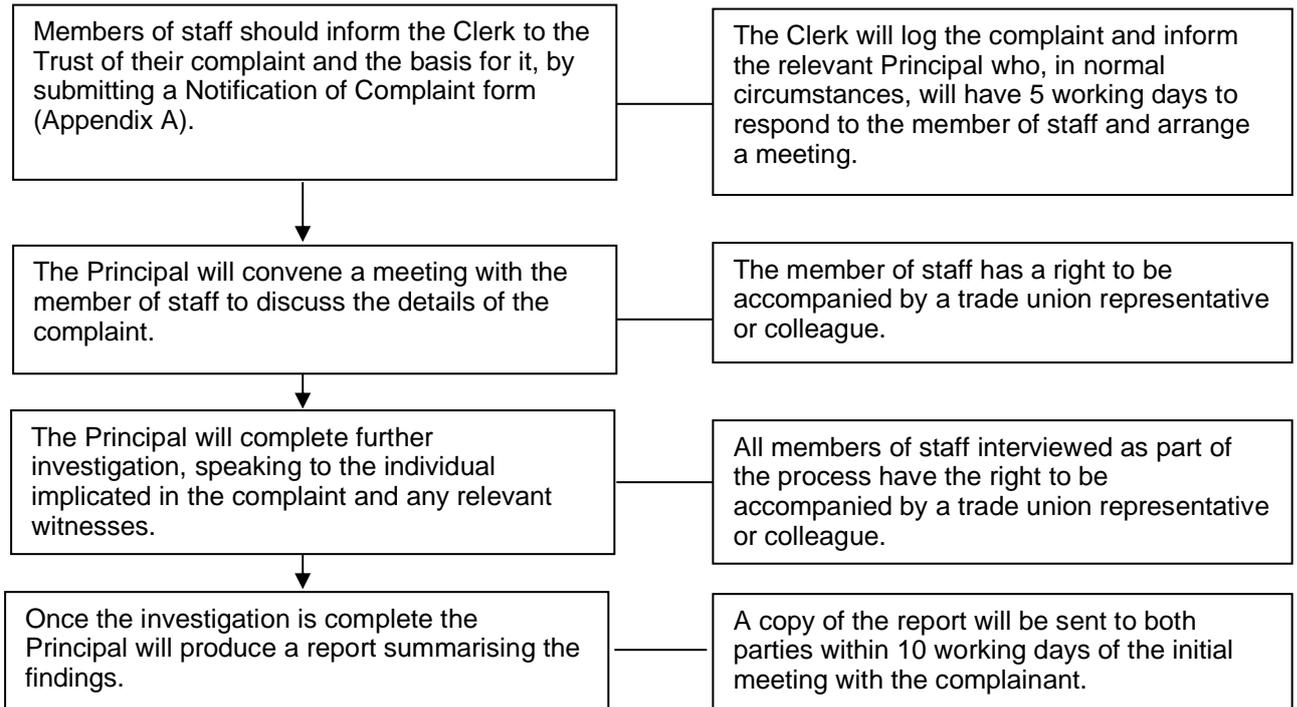
The Working Together Procedure

The formal procedure should only be followed where the informal procedure has failed to resolve the issue or where the complaint is of serious harassment or bullying.

INFORMAL STAGE



FORMAL PROCESS



APPEAL

