



**VIOLENCE, ABUSE AND HARASSMENT AGAINST STAFF POLICY**

**Summary**

This purpose of this policy is to establish clear guidelines for supporting and protecting employees from abuse and violence from third individuals or groups.



If you are unsure about the validity of the content of this policy please refer to the Policy Owner

*Please Note: This policy is applicable to All Employees within the Group.*

Policy owner	HR & Wellbeing Committee
Policy holder	Director of People
Author	Emma Whiting, Senior People Partner
Policy Inventory ID Number	HR17
Group Policy Area	People - Statutory

**Approved by**

Consultation Group	ELT
Approval Committee	Board of Trustees
Implementation date	October 2024
Review Date	August 2027
Current Version Number	V1.1

**Version Control**

Control No	Change summary	Consultation Group	Effective date
V1.0	Revised policy format; amalgamated previous Persistent Complainants and Harassment policy (last version May 2019); included employer responsibilities under the Worker Protection (Amendment of Equality Act 2010) Act 2023 from 26 October 2024.	ELT HRWC	By 31/10/24 24/10/2024
V1.1	Feedback added from stakeholders	Principals/School Improvement Directors	02/12/2024



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## 1. Purpose Statement

The purpose of this Policy is to identify how Eastern Multi-Academy Trust (EMAT) will support staff who are at risk of violence and abuse. EMAT recognises that in common with other front-line public-sector services, staff in education can be subjected to abuse and violence by parents and relatives of pupils, guardians/carers, members of the public as well as pupils themselves.

It is equally recognised that this is likely to be a small minority of people who act like this. The majority of people we interact with in the course of our employment are very appreciative of the support and education given by our colleagues. However, employees of EMAT should be able to come to work without fear of violence, abuse or harassment by any individual or group.

We recognise that whilst this could occur on the premises, there is a high possibility that this could occur elsewhere. As such, this policy applies for any incident that is connected to your work/role for EMAT.

EMAT takes the safety of its employees very seriously.

## 2. Scope and Application

The Trust has a duty of care to protect the health, safety and welfare of its employees “as far as is reasonably practicable” under the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. We also have a legal duty to take steps to prevent sexual harassment in line with the Worker Protection (Amendment of Equality Act 2010) Act 2023.

EMAT will not tolerate abusive behaviour, anti-social behaviour or violence aimed at its employees, this includes telephone calls and cyber abuse. We operate a Zero Tolerance policy, and any appropriate instances will be reported to the Police.

Abuse can occur in many forms, either written or verbal – all are encompassed under this policy.

Posters to this effect will be displayed in Academy and Trust reception areas so that it is appropriately publicised and placed on the website (see template).

## 3. Policy Statement

This Policy is not to be used for small incidents which can be easily resolved. It is for serious incidents including, but not limited to:

- Abuse or discriminatory comments contrary to the Worker Protection (Amendment of Equality Act 2010) Act 2023 i.e. in relation to one or more protected characteristic;
- Physical threats or intimidation (including, but not limited to hand gestures, standing very close);
- Assault;
- Breaching school security procedures (such as unauthorised access);
- Verbal threats, shouting or inappropriate language including swearing and derogatory terms either in person or over the telephone;
- Threats of any kind made via social media, email, letter etc;
- Harassment in any form.

This policy should not be used to counter valid complaints which have been raised. These will be



dealt with via the EMAT Complaints Policy.

It is recognised that there are times when emotions are high and reactions to situations can mean that this policy could be invoked e.g. a child protection or safeguarding issue. Any connected incident must be recorded and reported and a judgement made as to whether it was a reaction to the situation or actually an issue for this Policy. If in doubt, appropriate action as specified by this policy should be taken.

#### Advice to Parents, Carers and Visitors for Raising Concerns with EMAT

To ensure that interactions between staff and parents, carers and visitors are productive and non-confrontational the EMAT offers the following advice:

- Make an appointment to see the relevant person. If you arrive at the Academy without an appointment, they may not be able to give you the time that you need;
- Make a note of the things that you wish to discuss or are unhappy about. It will help to clarify the issues and help you when you meet the member of staff;
- Don't jump to conclusions. What has made you angry may not be exactly what has happened in reality;
- Deal with your anger before going to the Academy. An angry confrontation will normally get a defensive response rather than a helpful one. Academy staff may also refuse to speak to you while you are angry, and this could leave you more frustrated;
- Consider being accompanied when you have your meeting if you find it difficult to manage meetings. Please note that any companion will also be considered a visitor under this policy;
- Don't expect an immediate solution. The person that you are talking to may need to investigate your concerns before being able to take any action or reach a solution;
- If you feel that your concern has not been dealt with effectively then you should request a copy of the EMAT's complaints policy or visit EMAT's website where you can download a copy yourself. This will give you more information on how to deal with your concerns both informally and formally.

## 4. Roles and Responsibilities

### Reporting

All incidents of abuse, threats, violence, harassment or sexual harassment must be reported to the Principal or other designated senior leader. This should be done in writing stating:

- Date of incident;
- Who was involved;
- Where it occurred;
- Any witnesses;
- What led up to the incident;
- What happened;
- What abusive comments, threats or violence happened;
- Any previous incidents or issues with this person or any connected persons.

If violence is involved the Police should be called automatically and a report made to them as well as to the Principal.

EMAT/ the Academy will take advice from the Police as to what should happen next which could include:

- Banning the individual(s) involved from the Academy premises (also applicable for incidents not



- involving violence);
- Pressing charges;
- Assisting staff in gaining restraining orders;
- Excluding the pupil/student;
- Reporting incidents to appropriate authorities and or agencies.

#### Parents/Carers/Visitors/Member of the Public

EMAT employees and representatives can reasonably expect parents/carers/visitors/members of public to:

- Treat all Academy staff with courtesy and respect;
- Respect the needs and well-being of pupils/students and staff;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression or verbal abuse;
- Recognise the time constraints under which members of staff in academies work and allow the Academy a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time;
- Adhere to Academy and EMAT policies and procedures;
- In the case of a complaint follow the EMAT's complaints procedure.

#### EMAT Employees and Representatives

Parents/carers/visitors/members of public can reasonably expect EMAT employees and representatives to:

- Regularly communicate to parents/carers in writing (i) how and when problems can be raised with the Academy, (ii) the existence of the Trust's Complaints procedure and (iii) the existence of this policy;
- Respond within a reasonable time;
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the Academy and the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the complaints procedure, other policies and practice and in line with guidance and advice from the Trust board and our legal advisors;
- Keep complainants informed of progress towards a resolution of the issues raised.

#### EMAT Steps to Prevent Sexual Harassment in the Workplace

The law protects employees, workers, contractors, self-employed people hired to personally do work and job applicants against sexual harassment at work. We are committed to taking all necessary steps to prevent sexual harassment at work taking place in line with the Equality and Human Rights Commission guidance (<https://www.equalityhumanrights.com/employer-8-step-guide-preventing-sexual-harassment-work#step-2-engage-your-staff>), including but not limited to:

- Risk assessing and removing or reducing risks of sexual harassment to make sure our workplace is safe e.g. identifying power imbalances; consideration if there is a lack of diversity in our workforce; and is there lone working being undertaken;
- Engaging staff through regular 1-2-1 discussions, staff surveys, stay conversations, exit interviews and adopting an open-door policy;
- Offering support to anyone involved in a sexual harassment complaint (see Section 5 of this policy);
- Making it clear to everyone who works for us, represents us, or uses our services, that we will not tolerate sexual harassment;
- Training everyone who works for us on recognising sexual harassment and encouraging you to report it;



- Having a policy that specifically addresses sexual harassment and how to report;
- Monitoring and evaluating our actions.

#### EMAT Actions in Cases of Persistent Complaint, Harassment or Sexual Harassment

We will take the following consecutive steps as necessary if the complainant's behaviour is not modified:

- Inform the complainant in writing that their behaviour is considered to have become unreasonable / unacceptable and may be considered to fall under the terms of this policy;
- Inform the complainant in writing that their behaviour is now considered by the Academy/EMAT to have become unreasonable / unacceptable and warn of further sanctions under the Policy (see Model Letter 1);
- Inform the complainant in writing that their behaviour is now considered by the Academy/EMAT to fall under the terms of this policy (see Model Letter 2) and that the complaint will not be investigated further until it is pursued in a manner the academy considers to be reasonable;

As appropriate this may additionally result in the Academy/EMAT:

- Informing the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 3);
- Informing the complainant that, except in emergencies, all communication from the complainant to the academy should be carried out in writing (see Model Letter 4);
- In the case of physical or verbal aggression consider warning the complainant about being banned from the Academy site; or proceeding straight to a temporary ban; or in extreme cases involve the Police (see Banning Letters 1-4).
- Consider taking legal advice from EMAT's legal partners, via the Central team.

If a complainant has been subject to this policy in respect of persistent complainants or harassment, all new legitimate complaints, even if they are pursued in a reasonable and acceptable way, will be considered as a whole.

If a complainant would normally have recourse to refer their complaint to the Education Funding Agency (EFA) or Department for Education (DfE), after EMAT's Complaints Procedure has been exhausted, in the event that the Academy/EMAT considers that there are exceptional circumstances, we may recommend that the complainant refer the matter to these bodies at an earlier time.

If a complainant's harassing/persistent complaining behaviour is modified and is then resumed at a later date within a reasonable period of time, the Academy/EMAT reserve the right to resume the process identified above, as appropriate.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in EMAT's Complaints Procedure, the Academy/EMAT will use its discretion and may resume investigation of the complaint.

## 5. Supporting Members of Staff

EMAT will actively support any member of staff who has been involved in an incident of this type. In addition to the support already offered by the external Employee Assistance Helpline that EMAT subscribes to, each employee will be assessed individually as to what other support might assist the member of staff to remain at work or return at the soonest possible opportunity.



The People Team will work with the Academy and the member of staff, their GP or other support to assess appropriate mechanisms for each individual depending on the type of incident. This could include access to counselling or other mental health support strategies.

The Trust are acutely aware that forms of sexual harassment are a crime e.g. sexual assault. There are [specialist helplines](#) you can call for support and advice. If you chose to disclose to us that a crime of this nature has happened to you in the course of your work, we will talk to you about whether you want to report this to the Police and we will support you if you choose to report it. Before doing this we will seek specialist advice. We will never pressure you to make a particular decision. If you do not wish to report to the Police, you do not have to. We will always respect your decision. There may be exceptional circumstances where we feel we have a duty to report matters to the Police e.g. there is an ongoing risk to your safety or the safety of others. If this is the case, we will talk with you about this prior to reporting and let you know once it has been reported. We are unlikely to have to wait for a criminal process to finish before we can investigate your complaint, but before doing this we will check with the Police and consider getting legal advice. This is to ensure there is no risk of us prejudicing your criminal case.

## 6. Re-Building the Relationship with the Academy

If a parent, carer, visitor or member of the public behaves in an unacceptable way towards a member of staff of the Academy or Trust community the Principal or designated senior leader will seek to resolve the situation through discussion.

In the first instance, unless inappropriate due to the level of unacceptable behaviour, the Principal or designated senior leader may invite the parent, carer or visitor to a meeting to discuss the event(s), clarify the expected behaviour and look to form strategies to manage future situations of potential conflict.

Should this be impossible to achieve or inappropriate the Principal may invoke the sanctions set out in this policy.

## 7. Definitions

### Persistent Complainant

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious and/or;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing meritorious complaints in an unreasonable manner.

### Harassment

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (d) above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of academy staff and/or;
- Cause ongoing distress to individual member(s) of academy staff and/or;



- Have a significant adverse effect on the whole/parts of the academy community and/or d) are pursued aggressively.

Actions or behaviours that fall into any of the categories described above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this policy.

### Sexual Harassment

Sexual harassment is different to harassment related to a person's protected characteristic e.g. sex, sexual orientation or gender reassignment. EMAT recognise that an employee could experience both types of harassment at the same time, or separately.

Sexual harassment is unwanted behaviour of a sexual nature. To constitute sexual harassment, the unwanted behaviour must have:

- Violated someone's dignity;
- Created an intimidating, hostile, degrading, humiliating or offensive environment for someone.

Behaviour can be deemed sexual harassment if it:

- Has one of these effects, even if this was not intended;
- Intended to have one of these effects, even if it did not have that effect.

## 8. Violence, Abuse, Harassment or Sexual Harassment by EMAT Employees or Representatives

We recognise that it is not only third parties that commit acts of violence, abuse, harassment or sexual harassment. For the avoidance of doubt, EMAT's Zero Tolerance policy in respect of unacceptable behaviour of this nature applies to our employees and representatives, in line with EMAT's Code of Conduct and the Nolan Principles of Public Life. In the event that you are reporting incidents of violence, abuse, harassment or sexual harassment committed by an EMAT employee or representative, this policy applies. Due to the nature of the incidents being reported however, these matters will be referred to EMAT's HR team and dealt with via EMAT's Disciplinary Policy or Grievance Policy, as appropriate.

## 9. Related Documents and Further Guidance

This Policy works in conjunction with EMAT's Violence and Abuse Against Staff toolkit.

Where appropriate and required, matters under this Policy may be referred to be addressed under EMAT's Disciplinary Policy, Grievance Policy or Complaints Policy.

If you have concerns about potential wrongdoing in or by EMAT, please refer to the Whistleblowing policy.