



## Anti-harassment & Bullying Policy for Staff

Updated: 03-26  
Prepared by: KED

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Authorised by: SHCC

**This Policy applies throughout the School from the EYFS to Year 6.**

### Principles

As part of its overall equal opportunities policy, the School is committed to ensuring that all members of staff are treated, and treat others, with dignity and respect at work, irrespective of race or colour, nationality or national or ethnic origins, religion or belief, sex, sexual orientation, pregnancy or maternity, marital or civil partnership status, gender reassignment, age, and disability (together known as “**Protected Characteristics**”).

The School is committed to providing a caring, friendly and safe working environment that is free from harassment and bullying. Harassment, bullying or victimisation of any member of staff, or anyone they come into contact with during the course of their work, can be unlawful and will not be tolerated. We will take proactive steps to prevent the harassment, bullying and victimisation of all staff. Anyone who is a victim of, or witness to, harassment, bullying or victimisation is encouraged to report it in accordance with this policy or under our Prevention of Sexual Harassment Policy where it relates to conduct of a sexual nature.

Staff should not engage in any behaviour or conduct which may amount to harassment, bullying and victimisation of another person at work. Harassment, bullying and victimisation of any kind are regarded as disciplinary offences and in serious cases may lead to instant dismissal.

### Aims

The purpose of this policy is to set out a framework for line managers to deal with any harassment, bullying and victimisation by staff (which may include peripatetic teachers, club supervisors, self-employed individuals, volunteers, consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises. It aims to provide a means of challenging unreasonable or unjustifiable behaviour and is not intended to inhibit reasonable and effective management of staff. Unlawful harassment that involves conduct of a sexual nature is dealt with separately under our Prevention of Sexual Harassment Policy.

This Policy covers harassment, bullying or victimisation which occurs at work and out of the workplace, for example, on School educational visits, or at work-related events or social functions, or on social media.

This Policy does not form part of any employee’s contract of employment and the School may amend it at any time.

As part of the School's commitment to creating an environment of positive working relationships, the School has policies and procedures, for example, our Grievance Procedure, which enable staff to raise concerns and allow these to be addressed.

This policy applies to all staff, peripatetic teachers, club supervisors, self-employed individuals, volunteers, consultants, contractors and agency workers.

### **Who is responsible for this policy?**

The Board of Governors has overall responsibility for the effective operation of this policy, but has delegated responsibility for overseeing its implementation to the Head. Suggestions for change should be reported to the Head of HR & Compliance.

Line managers have day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

This policy will be updated annually.

### **What is harassment?**

Harassment is any unwanted physical, verbal or non-verbal conduct 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 harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic. Unlawful harassment that involves conduct of a sexual nature is dealt with separately in our Prevention of Sexual Harassment Policy. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- Unwanted physical conduct or 'horseplay', including touching, pinching, pushing and grabbing
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes
- Offensive emails, text messages or social media content
- Mocking, mimicking or belittling a person's disability

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 the jokes create an offensive environment.

## What is victimisation?

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Equality Act 2010
- Doing any other thing for the purposes of or in connection with the Equality Act 2010
- Alleging that a person has contravened the Equality Act 2010

Victimisation may include, for example:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment
- Excluding someone because they have raised a grievance about harassment
- Failing to promote someone because they accompanied another staff member to a grievance meeting
- Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing

Harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal.

## Third-party harassment

Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation from a parent, supplier or visitor to the School's premises.

Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy or our Prevention of Sexual Harassment Policy, where it relates to conduct of a sexual nature.

Any harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

## What is bullying?

Bullying is offensive, aggressive, intimidating, malicious or insulting behaviour involving the abuse or misuse of power through means that can make a person feel uncomfortable, vulnerable, upset, humiliated, undermined, threatened, denigrated or injured. It is important to remember that, depending on its nature, **a one-off incident** may be considered to constitute bullying and can have precisely the same impact as persistent behaviour. Power does not always mean being in a position of authority, but can include personal strength and the power to coerce through fear or intimidation. Unacceptable peer pressure can also amount to bullying.

Bullying can take the form of physical, verbal and non-verbal conduct. Examples of bullying include:

- Physical or psychological threats
- Displays of rage at a colleague in public and/or in private
- Personal insults and name-calling
- Persistent unjust criticism and public humiliation
- Setting objectives with impossible deadlines
- Removing areas of responsibility and inflicting menial tasks instead
- Ignoring or excluding an individual, or talking only to a third party to isolate another
- Spreading malicious rumours
- Insulting someone
- Copying critical memos or emails about someone to others who do not need to know
- Ridiculing or demeaning someone, including with a “look”
- Exclusion
- Victimisation
- Unfair treatment
- Overbearing and intimidating levels of supervision
- Inappropriate derogatory remarks about someone’s performance
- Unwelcome sexual advances
- Touching or standing too close
- Displaying offensive materials
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overlooking and constant criticism
- Preventing individuals from progressing by intentionally blocking promotion or training opportunities

Bullying can take other forms. For example, what may emerge as a concern initially categorised as ‘harassment’, ‘intimidation’ or ‘aggressive management’ may, upon investigation, be considered to be a case of bullying.

Legitimate, reasonable and constructive criticism of a worker’s performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **If you are being harassed, bullied or victimised**

#### **Informal procedure**

Staff who are being harassed, bullied or victimised should consider whether they feel able to raise the problem informally with the person responsible. Staff are encouraged to make clear to the person who is harassing or bullying them that the behaviour is unwelcome and makes them feel uncomfortable.

If you do not feel comfortable raising the issue with the person responsible or have done so but it has not resolved the issue, staff should approach a senior member of staff or line manager or, if appropriate (e.g. if that person is the one causing the concerns), another senior member of staff. They can provide confidential advice and assistance in resolving the issue formally or informally.

The senior member of staff handling the complaint of harassment or bullying is likely, in the first instance, to discuss the complaint informally with the alleged perpetrator. This discussion should take place without delay after the complaint has been made.

If you are not certain whether an incident or series of incidents amounts to bullying, harassment or victimisation, you should initially contact your line manager or the Head of HR & Compliance, informally for confidential advice.

In some circumstances, confidential informal advice from persons nominated for this purpose by the School, e.g. a member of the Senior Leadership Team, a Governor or the staff member's trade union or professional association, may help a member of staff who is unsure of how best to proceed. If the person causing the concerns is the Head, staff should seek advice from the nominated Governor for Safeguarding, their trade union or professional association.

Staff may find it helpful to keep records of incidents of behaviour, which they consider to be harassment, bullying or victimisation, noting the date and time of the incident and details of any witnesses. Such records can be helpful in describing the problem and may also be used if any formal action is subsequently taken. It is not expected, however, that such records would be kept for extended periods without the complainant's concerns being raised through the procedure described in this section.

### **Formal procedure**

If informal steps are not appropriate, or have not been successful, staff should raise the matter formally under the School's Grievance Procedure.

If, following the conclusion of the grievance process, we consider you have been harassed, bullied or victimised by an employee, the matter will be dealt with under our Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the perpetrator is a third party, such as a parent or visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

As a general principle, the decision whether to progress a formal 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.

### **If you witness harassment, bullying or victimisation**

Staff who witness harassment, bullying or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- Intervening where you feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where you feel there may be a continuing risk if you do not report it
- Cooperating in any investigation into the incident

All witnesses will be provided with appropriate support and will be protected from victimisation.

## **Protection and support for those involved**

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the School's disciplinary procedures. The School will seek to ensure that no one is penalised, whether directly or indirectly, for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

Any member of staff who believes they have suffered any such treatment should inform a senior member of staff or their line manager. If the matter is not remedied, they should raise it formally using the School's Grievance Procedure.

We will provide details of the school's Employee Assistance Programme (EAP), which offers access to confidential counselling and support.

Support and guidance can also be obtained from the following external services:

- The Equality Advisory and Support Service ([www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com))
- Protect ([www.protect-advice.org.uk](http://www.protect-advice.org.uk))
- Victim support ([www.victimsupport.org.uk](http://www.victimsupport.org.uk))

## **Responsibilities of staff (including complainants)**

The School requires all staff to maintain a high and professional standard of conduct in relationships with colleagues and those who are under their direct authority.

This Policy must not be used as a defence against reasonable management behaviour, e.g., action under the School's disciplinary procedures. Such procedures may be suspended where a complaint of harassment, bullying or victimisation is made to allow for investigation of the complaint.

This Policy further requires all staff to act to eliminate any harassment, bullying or victimisation in the workplace of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of their position.

## **False or malicious allegations**

Making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under the School's disciplinary procedures.

## **Confidentiality and record keeping**

Confidentiality is an important part of the procedures provided under this policy. Details of an investigation into a formal complaint and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about a member of staff may be placed in the member of staff'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 our Privacy Notice and in line with our Records Retention Schedule.

### **Linked policies**

- Absence Policy
- Capability and Disciplinary Procedure
- Capability and Disciplinary Procedure for Employees on Probation
- Code of Conduct for Employees
- Code of Conduct for Adults in Supervision of Pupils Who Are Not Employees of the School
- Diversity, Equity and Inclusion Policy for Employees and Other Adults
- Grievance Procedure
- Prevention of Sexual Harassment Policy
- Privacy Notice
- Records Retention Schedule
- Social Media Policy
- Stress Management Policy
- Whistleblowing Policy and Procedure