

POLICY AND PROCEDURE:

ANTI-HARASSMENT AND BULLYING POLICY

– All Staff

Related policies

This policy is supported by the following other policies and procedures:

- Equality, diversity and inclusion policy statement
- Staff equality, diversity and inclusion Policy
- Prevention of sexual harassment policy
- Grievance procedure
- Disciplinary procedure
- Flexible working policy
- Maternity, paternity, adoption and shared parental leave policies
- Parental leave policy
- Homeworking policy

The school is committed to taking all reasonable steps to prevent sexual harassment, harassment, victimisation and bullying at work, including harassment by third parties and ensuring all staff are treated, and treat each other, with dignity and respect. This includes fostering a culture in which unacceptable behaviour is challenged, concerns are taken seriously, and staff feel confident to speak up at an early stage. The School recognises that preventing harassment is an ongoing responsibility which requires leadership, awareness, training and appropriate action where risks are identified.

Sexual harassment, harassment, bullying or are unlawful and will not be tolerated. Any employee or worker found to have engaged in such action will face disciplinary action up to and including dismissal.

The school will take proactive steps to prevent the harassment, bullying and victimisation of all staff. Anyone who is a victim of, or witness to, sexual harassment, harassment, bullying or victimisation is encouraged to report it in accordance with this policy or under the Prevention of Sexual Harassment Policy where it relates to conduct of a sexual nature.

About this policy

The purpose of this policy is to set out a framework for line managers to deal with harassment, bullying or victimisation that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to the school's premises. Unlawful harassment that involves conduct of a sexual nature is dealt with separately under the school's Prevention of Sexual Harassment Policy.

This policy covers harassment, bullying or victimisation which occurs at work and out of the workplace, such as on school trips 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.

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers and volunteers. This policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

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 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. 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.

Examples of harassment

Harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

- unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing
- racist, sexist, homophobic, transphobic or ageist jokes, or derogatory or stereotypical remarks about any protected characteristic
- disclosing or threatening to disclose someone’s sexual orientation or gender identity against their wishes
- offensive emails, text messages or social media content
- excluding someone from a conversation or a social event or marginalising them from the group
- “outing” (i.e. revealing their sexual orientation against their wishes), or threatening to “out”, someone
- consistently using the wrong names and pronouns following the transition of a person’s gender identity
- displaying images that are racially offensive
- 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. It is the responsibility of all staff to ensure that the work environment is kept free from harassment.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

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 of a particular religion.

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 (for example pupils, parents or contractors). 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 immediately 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. The School will taking preventive steps where risks are identified and review arrangements where concerns are raised.

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, 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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- Physical, verbal or psychological threats
- overbearing and intimidating levels of supervision
- inappropriate and derogatory remarks about someone's performance.

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

If a member of staff is being harassed, bullied or victimised

Informal steps

If a staff member feels they are being harassed, bullied or victimised, they should first consider whether they feel able to raise the problem informally with the person responsible. The staff member should explain clearly to the person responsible that their behaviour is not welcome and/or makes them uncomfortable. If this is not appropriate or has not been successful, the staff member should speak to their line manager, HR Manager or head of HR, who can provide confidential advice and assistance in resolving the issue formally or informally. If the member of staff feels unable to speak to their line manager because the complaint concerns them, they should speak informally to a more senior colleague, the head of department, the HR manager or the head of HR.

If a staff member is not certain whether an incident or series of incidents amount to bullying, harassment or victimisation, they should initially contact their line manager or the HR department for confidential advice.

Raising a formal complaint

If informal steps are not appropriate, or have not been successful, the staff member should raise the matter formally under the school's grievance procedure, which is available on the staff policy portal or from HR.

If, following the conclusion of the grievance process, the school considers a staff member has been harassed, bullied or victimised by an employee the matter will be dealt with under the disciplinary procedure as a case of possible misconduct or gross misconduct. If the perpetrator is a third party such as a parent or visitor, the school will consider what action would be appropriate to resolve the problem. Whether or not the complaint is upheld, the school will consider how best to manage any ongoing working relationship between the complainant and the person concerned.

As a general principle, the decision whether to progress a formal complaint is up to the member of staff. However, the school has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it considers it appropriate to do so.

Witnesses of 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 they feel able to do so
- Supporting the victim to report it or reporting it on their behalf
- Reporting the incident where they feel there may be a continuing risk if they 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 procedure. The school will seek to ensure that staff member is not in any way penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

If the staff member believes they have suffered any such treatment they should inform their line manager, HR Manager or head of HR. If the matter is not remedied, the staff member should raise it formally using the grievance procedure.

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

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

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 procedure.

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 the school's Disciplinary Procedure.

Information about a complaint by or about a staff member may be placed on the staff member'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 school's privacy notice and records retention policy.