



ST PETER'S SCHOOL ANTI-BULLYING AND HARASSMENT POLICY AND PROCEDURE FOR STAFF

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Reviewer: Rachel Boyall

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Document Control		
Edition	Issued	Changes from previous
1	20/02/18	Whole policy review
2	10/03/20	Addition of section on counselling and mediation
3	20/06/2022	Additional information to section 1.1 and 2.1
4	03/10/2022	Change of Terminology to LGBT phobic 2.1
5	11/10/2024	Amended to Anti-Bullying
6	11/10/2024	Amendments to 1.1 – introduction
7	11/10/2024	Amendments to harassment – 2.1
8	11/10/2024	Amendments to bullying – 2.2.
9	11/10/2024	Section 3 added.
10	11/10/2024	Section 4 updated
11	11/10/2024	Section 6 added
12	11/10/2024	Section 7 added
Policies/Documents referred to in this policy		Post holders/Persons named in this policy
This policy links to other school policies on: Grievance policy Disciplinary policy		Head teacher Line Managers

1 Introduction

1.1 Introduction

The school/academy seeks to ensure that all employees are treated and treat others with dignity and respect, free from harassment and bullying. Employees should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable. The school is responsible for taking action when it is aware that harassment or bullying may be or is taking place.

The school/academy will take allegations of harassment or bullying seriously and address them promptly and confidentially, where possible. All employees, governors and volunteers must comply with this policy and take appropriate measures to ensure that such inappropriate conduct does not occur. Harassment, sexual harassment, bullying and victimisation and retaliation against an employee will not be tolerated. Harassment (including sexual harassment), bullying or victimisation by an employee may be treated as misconduct under our disciplinary procedure. In some cases, it may amount to gross misconduct leading to summary dismissal. Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take.

This policy applies to all members of staff. Managers should ensure that staff understand the standards of behaviour expected of them. All staff can prevent harassment and bullying by being sensitive to the reactions and needs of others and ensuring that their conduct does not cause offence.

This policy covers harassment or bullying which occurs both in and out of the workplace, such as on school visits, at events, work-related social functions or on social networking sites. It covers bullying and harassment against employees, governors and volunteers and also by third parties such as suppliers or visitors to our School, which includes parents.

This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation. Elements of this procedure, including any time limits, may be varied as appropriate in any case.

Employees will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld and they will only face disciplinary action if it is found both that the allegation is false and made in bad faith (that is, without an honest truth in its belief).

2 Definitions

2.1 Harassment

Harassment is any unwanted physical, verbal, or non-verbal conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Unwanted behaviour can be a serious single incident, or repeated behaviour. Serious harassment could also be a hate crime.

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

Harassment may be related to age, disability, gender reassignment, race (including, colour, nationality, ethnic or national origin), religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Sexual harassment is unlawful and is unwanted conduct which is of a sexual nature.

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, whether in person or online, after it has been made clear that such suggestions are unwelcome.
- Conduct of a sexual nature such as 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 a particular ethnic or religious group or gender.
- Outing or threatening to out someone's sexual orientation.
- Consistently using the wrong names and pronouns following the transition of a person's gender identity.
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

The person being harassed might feel disrespected, frightened, humiliated, insulted, intimidated, or threatened.

An employee may be harassed even if they were not the intended "target". For example, an employee may be harassed by racist jokes about a different ethnic group if they create an

offensive environment, or the harasser may wrongly believe the employee to have a particular protected characteristic or the employee may be associated with someone who has a protected characteristic. When deciding whether conduct has the effect of harassment, the perception of the other person, the circumstances of the case for example is the harasser a person of seniority, and whether it is reasonable for the conduct to have that effect, must all be taken into account.

2.2 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, it may be carried out face to face, online or by phone and may occur at work or outside of work. 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
- Deliberately excluding someone from meetings or communications without good reason
- Microaggressions (statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination)

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

3 What the law says

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. Employers are meant to take reasonable steps to prevent it. Third party harassment was removed from the Act. However, it is still possible for an employer to be liable for direct and indirect discrimination involving third party harassment where they treat someone less favourably because of a protected characteristic e.g. failing to take preventative action because of an employee's gender. In addition, an employee could rely on the implied clause of trust and confidence in their employment contract when they are considering their employer's action to a response.

- The Worker Protection (Amendment of Equality Act 2010) Act 2023 sets out duties for employers to take 'reasonable steps' to prevent sexual harassment of employees.

- 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.
- Under the Health and Safety at Work Act 1974 employees are entitled to a safe place and system of work.

Individual employees may in some cases be legally liable for harassment of colleagues or third parties and may be ordered to pay compensation by a court or employment tribunal.

4 Harassment and bullying complaints procedures

4.1 Informal

- Whenever possible, a member of staff who believes that he or she has been harassed or bullied should, in the first instance, raise the matter directly with the person responsible explaining clearly that their behaviour is not welcome or makes you feel uncomfortable and ask them to stop. It is possible that they do not realise the effect of their behaviour.
- If you don't feel able to speak directly with the other person, then you can discuss with a third party, for example, a work colleague, line manager/supervisor, or union representative. They could support you in a number of ways for example by providing you with advice on how to approach the issue directly with the individual or support you in raising the issue with them by accompanying you in any discussion or helping you to set out your thoughts in writing or raise the matter informally with the harasser on your behalf. Support could extend to helping you to obtain advice on or assistance in dealing with issues relating to particular protected characteristics or helping you to obtain counselling.
- Counselling can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action. Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant
- Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to. The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if both parties:
 - understand what mediation involves
 - enter into the process voluntarily.
 - are seeking to repair the working relationship. Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending upon the nature of any allegations.

- If the behaviour continues, then you should raise the matter with your line manager or another appropriate senior colleague without delay.
- The line manager/senior colleague will then arrange to meet with both parties, either individually or together (only where both parties are comfortable with this) and seek to address the concerns by considering options with those involved. These options may include mediation or moving to the formal stage of the procedure
- 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.

Witnesses to harassment or victimisation can also take steps to address it. This may include:

- the witness intervening where the witness feels able to do so,
- the witness asking the employee subjected to the harassment if they would like the witness to report it or support them in reporting it,
- the witness reporting the incident to their line manager or other senior manager, and
- requiring witnesses to cooperate in an investigation.

5 Formal Procedure

5.1 Formal

- If informal action fails to resolve the problem, the member of staff should raise the matter formally by submitting a formal complaint under the trusts grievance policy. The complaint should include full details of the conduct, including the name of the harasser or bully and the nature of the harassment or bullying.
- Formal complaints will be dealt with in a timely and confidential manner and by someone with appropriate experience and with no prior involvement.
- The investigator will meet with both the complainant and the alleged harasser/bully individually. Both will be entitled to be accompanied to any meetings by a colleague or a representative of their trade union or professional association.
- It may be necessary to suspend the harasser or bully while the investigation is undertaken. If the investigation reveals that the complaint is valid, disciplinary action against the accused will then be considered under the terms of the trusts disciplinary procedures.
- If a complainant is not happy with the outcome of an investigation by the Head teacher, he or she may appeal to an appeal body comprising at least three members of the governing board [in accordance with the grievance policy]. The appeal body's decision will be final.
- Intimidation, victimisation and discrimination on the basis that an individual has brought a harassment claim are also regarded as gross misconduct.

6 Confidentiality and Data Protection

- 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.
- 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 our Data Protection Policy.]
- Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

7 Protection for those involved

- 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.
- If you believe you have suffered any such treatment you should inform your line manager or another senior manager. If the matter is not remedied, you should raise it formally using this procedure.
- 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.