



# BULLYING & HARRASSMENT POLICY

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## **Introduction & Scope**

We are committed to providing an inclusive, supportive, safe and respectful environment for all employees, contractors, workers and stakeholders.

All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from bullying and harassment, feeling safe and supported and having access to redress if such behaviour does arise.

Bullying and harassment are unacceptable behaviours that undermine the dignity, health, and well-being of individuals, as well as the cohesion and productivity of the workplace.

This policy outlines our commitment to preventing, addressing, and resolving instances of bullying and harassment. It sets clear expectations for conduct, reporting procedures, and the steps we will take to ensure accountability and support for those affected.

This policy applies to all employees, governors, agency workers, volunteers, or anyone acting on our behalf.

This policy does not form part of any employee or workers contract of employment or terms and conditions, and it may be amended at any time.

## **Relationship to Other Policies**

We understand that terms used to describe unwanted or inappropriate behaviour are often used interchangeably. We have a number of policies under which employees can raise their concerns:

- Grievance Policy
- Whistleblowing Policy
- Bullying & Harassment Policy
- Sexual Harassment policy

Where an employee raises a formal complaint under the incorrect policy, this shall be taken to be a complaint under the correct policy, and we will support the employee to access their rights under the appropriate policy.

## **Definitions**

### **Bullying**

Bullying is unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting. It can be a regular pattern of behaviour or a one-off incident.

Bullying can take many forms including, but not limited to, an abuse or misuse of power, inappropriate derogatory remarks about someone's performance, public humiliation, social exclusion or verbal abuse. It may occur in person or through digital channels such as email or social media.

Legitimate, reasonable and constructive feedback, reasonable instructions given to workers, and reasonable criticism of a performance or behaviour, do not constitute bullying.

## Harassment

Harassment is unwanted or unwelcome behaviour related to a protected characteristic that has the purpose, or effect, of creating a hostile, intimidating, degrading or humiliating environment.

Behaviour unrelated to a protected characteristic that has this purpose, or effect will also not be tolerated, however this would be considered bullying rather than harassment.

Harassment may be a one-off incident or a pattern of behaviour.

Examples of harassment may include, but are not limited to:

- Making inappropriate jokes or offensive 'banter'
- Making, jokes, inappropriate remarks, or derogatory or stereotypical comments about an individual's characteristics.
- Excluding older employees from training opportunities because they are assumed to be unable to learn new skills.
- Refusing to provide reasonable adjustments for a disabled employee.
- Deliberately using the wrong name or pronouns for a transgender person
- Spreading gossip
- Using racial slurs or stereotypes,
- Excluding someone from team activities
- Displaying offensive materials in the workplace.
- Pressuring someone to participate in activities that go against their beliefs,
- Treating an employee less favourably because of a protected characteristic.
- Sending offensive emails, text messages, or using social media to spread discriminatory content.
- Sharing offensive digital content.

## Sexual Harassment

Sexual harassment is unwanted behaviour of a sexual nature.

Our Sexual Harassment policy and process outline our commitments and practices related to Sexual Harassment.

## Victimisation

Victimisation is defined under the Equality Act 2010. It occurs when an individual is treated unfairly because they have carried out, or are believed to have carried out, a 'protected act'.

A 'protected act' means is any action taken by an individual to assert their rights or support someone else in asserting their rights under the Equality Act 2010.

Protected acts include:

- Making a complaint of discrimination or harassment
- Supporting someone else's complaint of discrimination or harassment
- Gathering information that might lead to a complaint of discrimination or harassment
- Acting as a witness in a complaint of discrimination or harassment

- Saying something or giving evidence that does not support someone else's complaint of discrimination or harassment

Examples of victimisation may include, but are not limited to:

- Failing to consider someone for promotion because they have previously made or supported a sexual harassment complaint
- Dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- Excluding someone from work meetings because they participated in a formal process or employment tribunal claim about harassment experienced by themselves, or another person.

An individual does not need to have a protected characteristic themselves to suffer victimisation.

The person accused of victimisation does not need to intend harm; the focus is on the impact of their actions on the victim.

### **Overlapping disciplinary/capability and bullying & harassment issues**

If an employee raises a bullying & harassment complaint whilst they are subject to disciplinary, capability and/or any other proceedings, it will not prevent us from continuing with or concluding these processes. In exceptional circumstances, we may elect to pause the other process, however this will be at our discretion.

Where the bullying & harassment complaint is related to the disciplinary, capability or other process, it may be decided that it is more appropriate to combine the processes or for the employee to present their grievance as part of their hearing/appeal.

Any processes instigated to bully or harass another person will not be tolerated and the perpetrator(s) will be liable to disciplinary action in accordance with our disciplinary procedure, up to and including summary dismissal.

### **False, vexatious or malicious complaints**

All concerns or complaints of bullying, harassment or victimisation will be taken seriously. Where there is evidence of false, vexatious or malicious complaints, we reserve the right to take appropriate action through our disciplinary policy as appropriate to the circumstances.

### **Complaint Process - Informal Process**

Any employee who believes they are being bullied, harassed or victimised may feel able to ask the perpetrator to stop the behaviour. If they are comfortable to do so, employees should try to resolve the matter directly by informing the individual(s) involved that their behaviour is unwelcome and must stop.

If they do not feel able to do this, or if this is ineffective, they may seek advice or support from their line manager or any SLT member to resolve this issue informally. This support may include assistance to approach the other person(s) or, if appropriate, speaking with the other person(s) informally on the employee's behalf. Employees may also seek support from a colleague or union representative.

If the complaint is about their line manager or SLT member, employees may seek this support from any more senior manager. If the alleged perpetrator is the Head Teacher, they may seek support from any Governor.

Informal dispute resolution does not follow a fixed process, as the approach will depend on the specific nature of the complaint raised. We will adopt practical and context-appropriate practices at this stage to determine the necessary actions,

while engaging with the employee to ensure their perspective is considered, with the aim of achieving a fair and constructive outcome for all parties involved.

Throughout the informal process, we will remain in contact with the complainant, and any accused persons, to provide reasonable support as they require in the circumstances”

Although informal, it is advisable to keep a record of the discussions and any steps taken to address the issue informally.

There is no automatic right to be accompanied by a work colleague or union representative at informal meetings or during the informal process. This may be permitted where it is deemed to be in the interests of an early resolution and where there are circumstances in which an employee needs additional support.

The outcome of the informal complaint will be communicated to the employee who raised it. This may be verbally or in writing as the circumstance warrants.

#### Mediation / Conciliation

Where all parties are in agreement, a mediator may be appointed to help resolve the situation in the informal process.

Mediation is a structured and formal process led by a qualified mediator. There is no obligation for any party to participate in any formal mediation process.

Conciliation is different to mediation. It is an informal process involving facilitated workplace discussions by a neutral third party, considered part of regular work activities. Participation in conciliation may be deemed a reasonable management instruction when appropriate and proportionate to the situation.

#### Escalation to the Formal Process

If the employee is not satisfied with the outcome of their informal complaint, or they do not believe that their concern has been adequately addressed, they may escalate their complaint to the formal process.

We understand that there are occasions when an employee may wish to raise a formal complaint without going through the informal process. Whilst we encourage employees to raise an informal concern initially, we recognise that this is not always appropriate, and an employee may raise a formal complaint if they feel unable to address their concerns through the informal process.

Where we become aware of a complaint informally, we may determine that that the situation is too serious to be resolved through the informal process. We will commit to working with the employee raising the complaint to attempt to agree a mutually acceptable approach which takes their preferences for managing their complaint into account. Where we cannot

reach agreement, we may, where circumstances necessitate, elect to investigate the complaint formally.

## **Complaint Process – Formal Process**

### **Making a complaint**

Employees may make a formal written complaint related to bullying, harassment or victimisation they have experienced.

Complaints should be raised in writing. Where possible, our formal bullying and harassment complaint form should be used, but employees will not be penalised if they do not use this form.

Where an employee raises their formal complaint verbally, we will request this in writing unless there is reasonable reason not to do so.

Where an employee refuses to put their complaint in writing, without reasonable reason, the bullying and harassment procedure may not proceed.

Where an employee is unable to raise their complaint in writing, we will make reasonable adjustments to the process to support their right to raise a complaint.

Written complaints should be raised to the employee's line manager where possible. Where this is not possible, the employee does not feel able to speak to their line manager, or if complaints relate to their line manager, they may be raised to any more senior manager. Where complaints relate to the Head Teacher they may be raised to the Chair of Governors or other relevant person. Complaints should include as much detail as possible. Where possible, employees are encouraged to include:

- The nature of the complaint
- Specific incidents
- Dates, times, witnesses
- Details of any evidence
- Any action already taken to resolve the complaint

Complainants may also set out any outcomes that they wish to see that would resolve this matter or alleviate their concerns.

Allegations related to issues that are more than three months old may not be considered unless they relate to a current issue, are the latest in a series of linked events, there is a reasonable reason for a delay in reporting the concerns, or there are exceptional circumstances.

### **Right to be accompanied**

Employees have the right to be accompanied by a colleague or a trade union representative at any meetings held as part of the formal process.

The employee should provide the name of their chosen companion at least 3 working days before each meeting.

If the preferred companion is unavailable on the scheduled meeting date, the employee may request to reschedule the meeting and should specify their availability for alternatives within 5 working days of the original meeting. If the companion is not available for a longer period, we will consider if a delay of more than 5 days may be reasonable.

### Initial discussions with complainant

Upon receipt of a formal complaint, we will appoint an appropriate person to manage the formal process. In this process, this person is known as the 'Complaint Manager'.

The Complaint Manager will arrange a formal meeting to discuss the complaint with the employee without unreasonable delay.

The purpose of the meeting is for the employee to give further details, explain the nature of the complaint and explore how it may be resolved.

On receipt of a formal complaint, we will consider if it is appropriate to separate the complainant from the alleged bully/harasser to enable an uninterrupted investigation to take place, and how this may be best achieved.

### Informing those concerned

As part of a fair and transparent grievance process, complaints will generally be shared with the individual(s) they concern to allow them an opportunity to respond. Whether a complaint is shared in its entirety or summarised depends on the nature of the grievance and the need to balance fairness and confidentiality and support the professional relationship.

Regardless, we will ensure that the accused will receive enough detail to understand the complaint and provide a meaningful response.

### 7.5 Complaint Investigation

The Complaint Manager will consider the appropriate way to manage this complaint.

The Complaint Manager may carry out informal enquiries and/or meet with relevant persons as required to determine how best to manage this complaint. In some cases, this may be sufficient to conclude the investigation.

The Complaint Manager may determine that a more formal investigation is required.

The Complaint Manager may elect to appoint an investigator not involved previously in this process, or they may choose to investigate this themselves where appropriate.

Where the Complaint Manager and the Investigator are different people, the Investigator's role will only be to carry out the investigation and determine the facts. The Complaint Manager will continue to lead the process and make any decisions.

The Complaint Manager / Investigator will take all necessary steps to investigate appropriately. Investigation may require formal interview with employees, witnesses and other relevant stakeholders.

The timing and nature of any investigation will differ dependent on the nature and content of the complaint but will be without unreasonable delay. It is at the discretion of the Complaint Manager to decide what is appropriate in each case.

Employees will be kept reasonably informed of progress in conducting the investigation.

At the end of the investigation process, the decision of the Complaint Manager, detailing the findings, will be sent in writing to the complainant and, where appropriate, the alleged perpetrator(s), without unreasonable delay.

Where appropriate, the Complaint Manager may also elect to meet formally with any or all parties to discuss the outcome.

If the decision is that the allegation of bullying, harassment or victimisation is well founded, the perpetrator(s) will be liable to disciplinary action in accordance with our disciplinary procedure, up to and including summary dismissal.

Where the Complaint Manager determines that the outcome of the investigation does not include formal disciplinary action, they may give formal instructions to, or determine actions to be taken by, any or all parties as is appropriate to resolve the matter. Any actions or instructions will become an operational matter to be implemented through normal management processes.

If the complainant is not satisfied at the outcome of the process, then they may move to the appeal process.

### Appeal

The complainant has the right to appeal the outcome of their complaint. To appeal they must write to the person specified in the outcome letter, stating their grounds for appeal, within 7 calendar days from receipt of the outcome letter.

If disciplinary action is an outcome of this process then our Disciplinary Policy will apply, and the alleged perpetrator will have the right of appeal under that process.

Wherever possible the appeal will be heard by an individual, or panel of individuals as appropriate, who have had no prior involvement in the process.

The appeal panel will invite the employee to an appeal meeting at which they will have the opportunity of explaining the grounds for their appeal. The complainant will receive 7 calendar days' notice, in writing, of the meeting date.

The appeal will normally take the form of a review of the fairness of the original decision, considering the procedure that was followed, the grounds for appeal and any new information that may have come to light.

The Complaint Manager may be invited to join the appeal meeting to answer any questions related to their decision.

Witness statements will be taken as part of any formal grievance investigation so witnesses will not normally be required to appear at an appeal hearing.

Where there is reasonable reason for witnesses to participate in the process the employee must provide the names of the witnesses they intend to call to the Chair of the Panel at least 3 working days prior to the Hearing. Other employees may not be compelled to appear as witnesses.

New evidence will only be considered if relevant and there is a reasonable reason this was not included as part of the original formal process.

The decision of the appeal hearing will be final. It will be confirmed to the complainant in writing within 7 calendar days or as soon as reasonably practicable if there is reasonable reason this timescale may not be met.

## **What to do if you witness bullying, harassment or victimisation**

You do not have to be the victim or target of bullying, harassment or victimisation to raise a concern or make a complaint.

Anyone who sees, or becomes aware of, bullying, harassment or victimisation should report it provided it is safe to do so, and you feel able to do so.

Tackling bullying, harassment and victimisation is everybody's responsibility and we encourage all stakeholders to be part of the solution and not bystanders.

Those who have witnessed bullying, harassment or victimisation can use the informal or formal reporting processes outlined in this policy to make us aware of an issue.

## **Third-party Harassment**

Third-party bullying, harassment or victimisation occurs when one of our workforce is subjected to bullying, harassment or victimisation by someone who is not part of our workforce but who is encountered in connection with work.

This may include, but is not limited to, parents, pupils, suppliers, members of the public, friends and family of colleagues, or self-employed contractors

Bullying, harassment or victimisation by a third party will not be tolerated and will be taken just as seriously as that by one of our workers.

Anyone who sees, or becomes aware of, bullying, harassment or victimisation by a third-party should report it provided it is safe to do so.

Should any third party bully, harass or victimise a member of our workforce, we reserve the right to take all appropriate steps to deal with this matter. This may include giving a warning about their behaviour, banning individuals from our site, termination of contracts with the offender's employer, making a report to the offender's employer and reporting any potentially criminal acts to the police.

## **Sources of Support**

We recognise that being bullied, harassed or victimised can be extremely distressing and can even be life changing. We strongly encourage all persons impacted by bullying, harassment or victimisation to speak to us in order to provide the support you need.

We commit to discussing what support we can provide that is reasonable to the circumstances. This may include:

- Taking all complaints seriously.
- Keeping confidentiality as far as is possible.
- Ensuring that there will be protection in place for victims or witnesses of bullying or harassment.
- Making the reporting of harassment as easy as possible.
- Impartiality when investigating any complaints.
- Offering mental health support through our Employee Assistance Programme / Other sources.

We recognise that being accused of bullying, harassment or victimisation can also be very distressing. Our commitment is to carry out a fair and thorough investigation, handle it

sensitively and not presume the accusation is either true or false before it is appropriately investigated.

Subjects of complaints are also encouraged to speak to seek support from us, or other sources as they deem appropriate.

#### Other Sources of Support

Talk to your trade union or employers' association if you have one [NEU NASUWT UNISON](#)

For advice on discrimination issues: [Equality Advisory and Support Service](#).

ACAS (Advisory, Conciliation and Arbitration Service) (UK) – Provides free and confidential advice on workplace disputes - [ACAS](#) .

Equality and Human Rights Commission (EHRC) (UK) – Offers guidance on discrimination and workplace rights - [EHRC](#).

Health and Safety Executive (HSE) (UK) - Provides advice on workplace stress and bullying - [HSE](#).

Citizens Advice – Can offer legal and practical support to employees [Citizens Advice](#)

If you're struggling to cope and need someone to talk to, you can contact:

- Samaritans - [Contact Us | Samaritans](#)
- LGBT Foundation - [How we can help you - LGBT Foundation](#)
- Mind - [MIND](#)