

Policy Name	Anti-Bullying and Anti-Harassment
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1. Introduction and scope

Everyone has the right to be treated with dignity and respect. Bullying and harassment are not acceptable forms of behaviour and will not be permitted or condoned. All employees are expected to model respectful behaviour and we are committed to taking reasonable steps to prevent all forms of harassment.

Any employee who is found to have bullied or harassed a colleague will be dealt with under the disciplinary policy.

This policy applies to all employees, Governors, and anyone else who works on our behalf. Allegations of bullying and/or harassment made by visitors, consultants, suppliers, and agency workers will be separately addressed through our complaints procedure.

The policy has been subject to consultation with Trade Unions. It does not form part of an employee's contract of employment, and it may be amended at any time.

We are committed to addressing any complaints of bullying and/or harassment promptly and effectively, taking appropriate measures to help prevent recurrence. It is important that the rights of both the complainant and the alleged harasser are protected throughout the process. This policy does not form part of any employee's contract of employment, and it may be amended at any time.

We comply with the Equality Act 2010, which protects individuals from discrimination based on the following protected characteristics.

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2. What is bullying and harassment?

2.1. Bullying

Bulling and harassment can take the form of physical, verbal, and non-verbal conduct.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, injured or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

Bullying may include, by way of example:

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

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

2.2. Harassment

Harassment is any "unwanted conduct" and includes all forms of sexual harassment. It is defined as behaviour which when specifically related to a protected characteristic, has the purpose or effect of violating an individual's

dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment may be a single incident or a series of incidents and can include an omission or a failure to act.

There are three categories of harassment, which are unlawful under the Equality Act. We consider harassment on any grounds to be unacceptable:

1. harassment related to one of the following seven relevant protected characteristics; age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.
2. sexual harassment, which is unwanted conduct of a sexual nature.
3. less favourable treatment because they have submitted to, rejected, or, in the past, refused to submit to, unwanted conduct of a sexual nature, or unwanted conduct related to gender reassignment or sex.

Employees can raise concerns regarding behaviour that they find offensive, even if it is not directed at them personally. In addition, the employee does not need to have the relevant protected characteristic to experience harassment. They may be harassed due to their association with a person who has a protected characteristic, because they are mistakenly perceived to have one, or because they are treated as if they do have one.

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

Physical harassment:

- unwanted physical conduct or 'horseplay', including hugging, touching, pinching, pushing, or grabbing.

Verbal harassment:

- persistent suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- unwelcome sexual advances, suggestive remarks or gender related insults, innuendo or lewd comments, or asking questions about someone's sex life.
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about particular ethnic or religious groups or gender.
- unwanted or offensive office 'banter', jokes, taunts or insults (including someone's appearance or dress) that are derogatory towards a protected characteristic.
- mocking, mimicking, or belittling a person's disability.
- revealing, or threatening to reveal someone's sexual orientation.
- gossiping, speculation or spreading malicious rumours about someone's sexual orientation or transgender status, or deliberately using the wrong name or pronoun for someone.

Non-verbal harassment:

- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phones or posted on the internet (including 'deep fake' imagery)).
- Excluding someone from a conversation or social event, or marginalising them from the group.

2.3. Victimisation

Victimisation is when someone is treated unfairly because they made or supported a complaint to do with a 'protected characteristic', or someone thinks they did or might do. Employees 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 or victimised someone in this way may be subject to disciplinary action.

2.4 Discrimination

We will take all complaints of discrimination seriously and act promptly.

Types of discrimination include direct (treating someone less favourably because of a protected characteristic) and indirect (policies or practices that disadvantage a group).

2.5 Third party harassment

Bullying and harassment, including sexual harassment, by third parties will not be tolerated. We will take reasonable steps to prevent harassment of staff in the course of their employment.

If you are experiencing bullying or harassment by a third party you should report this to your line manager and follow the procedure set out in this policy.

3. False or malicious complaints

All complaints of bullying and harassment will be taken seriously. Evidence of false or malicious complaints, however, may result in formal disciplinary action being taken against the employee(s) concerned.

4. Mediation

Depending on the nature of the complaint, it may be appropriate to explore with both parties the potential use of mediation as an informal way of dealing with their concerns.

Mediation focuses on a person-centred, compassionate, and values-based response that can help us deal with complex conflict in a meaningful and sustainable way and build positive, respectful workplace cultures where people can go to work without fear. Mediation is a voluntary impartial process and can be used in cases where both parties are willing to participate, and the complaint is not at the serious end of the spectrum. This will involve the appointment of suitably qualified and impartial mediator. Mediation services are available via HR Services at HFL Education.

5. The Procedure

5.1. The informal stage

Addressing issues early and directly allows for concerns to be resolved quickly and for working relationships to move forward positively.

If you believe you are being bullied or harassed, you should first consider whether you feel able to raise your concerns informally with the person(s) involved. If necessary, you may request the involvement of the appropriate line manager who can provide confidential advice and assistance in resolving the issue(s) informally. If the complaint is about your line manager, you should speak to a more senior

manager.

Explain clearly to the other person(s) that their behaviour is not welcome and/or makes you uncomfortable and ask them to stop. If you find this too difficult or embarrassing, speak to your line manager or headteacher who can meet with them and provide confidential advice and assistance in resolving the issue informally.

If you do not want the person spoken to, we will respect your wishes where possible. However, if the welfare or safety of you or others is at risk, or where allegations are particularly serious, we may have to instigate a formal process.

Where discussions take place on an informal basis it may be appropriate for a note to be made of the key points discussed, and any advice given. Where this occurs, it will be shared with the person spoken with and retained on file.

5.2. The formal stage

Where you are unable to resolve matters informally, the concerning conduct continues, or the complaints are of a serious nature then you should submit a written statement (see Appendix 1).

The written statement should be made to your line manager or a more senior manager where the complaint is about the line manager. Where the complaint is about the headteacher, the complaint should be raised with the Chair of Governors.

The written statement should clearly state the nature of the concern and provide as much detail as possible in relation to the complaint(s) including the details of any steps already taken at the informal stage. Where the informal stage has not happened, you should clearly explain why they did not feel able to go through the informal stage.

The statement may also outline any possible outcomes you feel may alleviate your concerns/complaint. You will not be discouraged from using the formal process where that is your preferred option.

Allegations concerning issues that are more than three months old will not usually be considered unless related to a current issue or there are exceptional circumstances.

5.2.1 Separation and suspension of employees

On receipt of a written complaint consideration will be given to suspending the alleged bully/harasser or making other temporary changes to working arrangements pending the outcome of the investigation if circumstances require.

We will consider reasonable alternatives to suspension where they exist however there may be instances where suspension with pay is necessary whilst full and thorough investigations are carried out.

5.2.2 Initial formal meeting

The manager or the person dealing with the complaint will arrange a formal meeting to discuss the complaint with you without unreasonable delay.

The purpose of the meeting is for you to explain the nature of the complaint and how it may be resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary. If no further investigation is deemed necessary or appropriate then a decision will be reached as soon as reasonably

practicable, and you will be informed of the outcome in writing.

5.2.3 Investigation

The manager or person dealing with the complaint will make necessary steps to investigate appropriately. The timing and nature of any investigation will differ dependent on the content of the complaint. It is at the discretion of the manager to decide what is appropriate in each case. The investigation will be carried out objectively and confidentially. We will keep you reasonably informed of progress in conducting the investigation.

The investigation will be to establish the facts and whether, on the balance of probabilities, the allegations have foundation.

5.2.4 Final formal meeting

Where the initial formal meeting was adjourned for investigation, a final formal meeting will be arranged once the investigation is complete.

The manager or the person dealing with the complaint will inform the alleged bully/harasser and the complainant of the outcome of the investigation without unreasonable delay. The manager or the person dealing with the complaint will decide whether it is appropriate to instigate disciplinary action and will refer to our disciplinary policy if applicable.

5.2.5 Appeal

You have the right of appeal against the outcome of your complaint. The appeal will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original formal meeting.

If you wish to appeal the outcome of your complaint you should do so in writing within seven calendar days of receipt of the outcome letter to the person named in the letter, clearly stating the grounds for appeal.

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 hearing will take place without unreasonable delay. The decision of the appeal hearing will be final. It will be confirmed to you in writing within seven calendar days of the hearing or as soon as reasonably practical.

5.2.6 Right to be accompanied

Both parties have the right to be accompanied at any meetings within the formal stages of the procedure by a work colleague or an accredited professional association/trade union representative.

6. Support for those affected or involved

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.

For emotional support, you can access free, confidential counselling from our EAP. To access the EAP website, go to educationsupport.org.uk/helpline or download the SAS school wellbeing app.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager, or more senior colleague where concerns relate to your line manager, as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate.

7. Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

Appendix 1 – Employee's notice of Bullying and Harassment complaint

This form should be used to submit a bullying or harassment complaint in accordance with the formal Anti-bullying and Anti-harassment policy.

You are encouraged to clearly state the nature of the complaint and provide as much detail as possible, including the outcomes you are seeking and additional information to substantiate your complaint.

Section 1 – Personal Details of complainant

Name:		Role:	

Section 2 – Details of the alleged incident(s) and person(s) alleged of bullying/harassment.

Name(s):		Role(s):	
Date and time:		Location:	

Please circle how you perceive this behaviour or incident.	Bullying	Harassment	Victimisation

What happened?

Please give full details and specific examples of behaviour, including any times, dates, and the frequency of events. Continue on a separate sheet if required.

What impact has this behaviour had on you?

Please include details of any person(s) who witnessed the incident(s) below:

Name:		Role:	

Name:		Role:	

Name:		Role:	

What action have you taken in an attempt to stop the unwanted behaviour: *Have you raised your concerns informally, either directly or through a manager, with the individual alleged to have demonstrated unwanted behaviour? If yes, please provide details of action taken: If no, please explain why:*

What potential outcomes are you seeking?

Would you consider mediation, and if not, please explain why you feel this may not resolve the problem or concerns you are raising?	Yes	No

By signing this form, I confirm that I wish to submit a formal complaint in line with the Anti-Bullying and Anti-Harassment policy.

Signature:		Date:	

Please send a completed copy of this form to the appropriate Manager or Chair of Governors (where the complaint relates to the Headteacher)