



SIR THOMAS RICH'S

Anti-bullying, Harassment and Victimisation Policy and Procedure

Date reviewed:	July 2023
Status:	Good Practice
Responsibility:	This policy will be reviewed by the Senior Leadership Team. The Governors Personnel Committee has responsibility for approving the policy and monitoring its implementation. All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all employees understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. Employees should disclose any alleged instances of harassment or bullying of which they become aware to their line manager or member of the Senior Leadership Team. Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to Mr Lynch, Deputy Headteacher. This policy should be read in conjunction with all other policies.

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1. Introduction

The Governing Body of Sir Thomas Rich's school 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, bullying or victimisation is unacceptable.

The Governing Body will take allegations of harassment, bullying or victimisation 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 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 and dealt with according to the School's disciplinary procedure.

This policy covers harassment, bullying or victimisation 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, harassment or victimisation against employees, governors and volunteers and by third parties such as suppliers or visitors to the School, which includes parents.

Where the complaint relates primarily to a matter covered by another policy, for example, grievance, pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant policy, if more appropriate. Matters will not normally be dealt with under more than one policy.

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.

At any stage of the procedure, after discussion with the Headmaster, the line manager may deem it more appropriate for matters to be investigated under the disciplinary procedure.

2. What is Harassment?

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

Unlawful harassment may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, 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 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 as gay or lesbian.
- Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or activity.

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 or not the conduct has the effect of harassment, the perception of the other person, the circumstances of the case and whether or not it is reasonable for the conduct to have that effect, must all be taken into account.

3. What is Bullying?

Bullying is any persistent action that causes pain, anguish, distress or upset. It may be physical violence (aggression, intimidation, threats) or mental/verbal (teasing, taunting, name-calling). Bullying may relate to ethnicity, gender, gender identity, body image, sexual orientation, family circumstances and religion or any other matter. All bullying including transphobic, biophobic, homophobic, racist, ageist and sexist bullying is unacceptable. This could be face-to-face bullying or via the internet through e-mails, chat rooms or social networking sites. It can also be over the phone via text messaging, twitter or verbal messages. The rapid development of, and widespread access to, technology has provided a new medium for 'virtual' bullying,

which can occur in or outside school. Cyber-bullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience, and more accessories as people can forward content at a click. Cyber-bullying will be treated in the same way as other forms of bullying. (see ICT Acceptable User policy).

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

4. What is victimisation?

Victimisation is defined in the Equality Act 2010 as: Subjecting an individual to a detriment because he or she does a protected act, or it is believed he or she has done or may do a protected act. A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

5. 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. The Act also prohibits victimisation.

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. Schools within the public sector must comply with the Public Sector Equality Duty (PSED). This means that when carrying out their functions, they must pay due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who have a protected characteristic and people who do not, and
- foster good relations between people who share a protected characteristic and people who do not.
- To comply with the PSED, employers must give due regard to how taking steps to prevent third party harassment may help to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

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

6. Informal Process

If you believe you are being bullied, harassed or victimised, you should attempt to manage the situation informally if this is possible. The objective of an informal approach is to resolve the difficulty with the minimum of conflict. Every member of the school community has personal rights and this includes being made aware that their attention or behaviour is perceived by another as bullying, harassing or victimisation. It is possible that the "perpetrator" simply does not realise the effect of their behaviour on the recipient. You may prefer to discuss your complaint with the "perpetrator" as early as possible, to reduce worry for you and possibly for

the other person. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.

If you would find it too difficult or embarrassing to speak directly with the alleged perpetrator, then you can discuss with a third party, for example, a work colleague, line manager 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 alleged perpetrator or support you in raising the issue with the alleged perpetrator by accompanying you in any discussion or helping you to set out your thoughts in writing, or raise the matter informally with the alleged perpetrator 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 external support.

If the behaviour continues after raising it with the perpetrator, then you should raise the matter with your line manager or another appropriate senior colleague orally or in writing. The line manager/senior colleague will then arrange to meet with both parties, either individually or together 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.

7. Formal Procedure

Your written complaint should set out full details of the conduct in question, including the name of the perpetrator, the nature of the victimisation, harassment or bullying, the date/s and time/s at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. You should state the grounds of your complaint and the remedy that is being sought, if helpful.

As a general principle, the decision about whether to progress a complaint is up to you. However, the Governing Body has a duty to protect all employees, governors, and volunteers and may pursue the matter independently if they consider it appropriate to do so.

Where the victimisation, bullying and harassment procedure is invoked as a result of a complaint about bullying, harassment or victimisation, a manager (usually your direct line manager, unless the complaint is against them or where they have involvement in the complaint) must be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner.

The manager, (the investigation officer for these purposes), will arrange a meeting with you, usually within a week of receiving your complaint, so that you can give your account of events. You may be accompanied by a colleague or trade union representative of your choice who must respect the confidentiality of the investigation.

Where your complaint is about an employee, the School may consider suspending the employee on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigating officer will also meet with the alleged perpetrator. They have a right to be told the full details of the allegations against them so that they can respond.

Where your complaint is about someone other than an employee, such as a contractor or visitor, the School will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the School and the rights of that person. Where appropriate, the School will attempt to discuss the matter with the third party.

The School will also seriously consider any request that you make for changes to your own working arrangements during the investigation.

It is likely to be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

Any employee who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the School's disciplinary procedure.

The main purpose of the investigation is to establish whether the act/s under investigation amounted to harassment and/or bullying and/or victimisation. The investigation report should include:

- The terms of reference of the report
- The complainant's account of the incident/s and the effects
- A response from the person identified by the complainant
- Evidence from employees in the same work area or any other relevant areas where incidents of harassment, bullying or victimisation may have occurred.
- A conclusion as to whether or not there is a case to answer in respect of the allegations made and whether the matter should be referred to a disciplinary hearing. The report should identify whether it appears that the complainant has suffered any detriment e.g. deterioration of work performance or health, lack of career development, denial of opportunities, etc.
- At the end of the investigation, the investigating officer will submit a report to a senior manager nominated to consider the complaint. Within 10 working days, the senior manager will write to you to invite you to a formal meeting to discuss the complaint.

An employee may bring a companion to the meeting (a colleague or a trade union representative). The employee must advise the senior manager who their chosen companion is at least five working days before the meeting.

At the meeting, the companion may make representations and ask questions, but should not answer questions on the employee's behalf.

If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative companion.

The investigating officer will attend to present the findings of their investigation and you will be provided with a copy of the report at least five working days before the meeting.

At the meeting, you will be given a reasonable opportunity to raise points about any information collected in the investigation.

Following the meeting, the appointed senior manager will consider the investigation report and all information presented in the meeting and decide whether:

- They consider that harassment, bullying or victimisation has occurred, in which case the matter may be dealt with as a case of possible misconduct or gross misconduct under the School's disciplinary procedure.
- They consider that harassment, bullying or victimisation has occurred but the evidence shows that it was inadvertent or unintentional, in which case the "perpetrator" shall be offered support and training to allow them the opportunity to modify their behaviour.
- Less formal action is appropriate but some form of mediation or counselling is required for one or both parties.
- Any short-term or long-term relocation, change in duties or reporting structure are required. Any changes should not be at the detriment to any parties concerned.

You will receive a letter confirming the senior manager's decision in writing within 10 working days of the meeting. The alleged perpetrator will also be informed of the decision.

Following a formal bullying, harassment or victimisation complaint, either party may be concerned about working with the other again. Due regard to such views should be taken into account when offering counselling or mediation. A transfer of one or both parties to another section or department may be appropriate in some cases and where feasible.

If the employee raising the complaint is not satisfied with the outcome then the employee may appeal in accordance with the paragraph below.

8. Appealing a Formal Decision

If the complaint has not been resolved to the employee's satisfaction they may appeal in writing, to the Clerk of Governors, setting out the grounds of their appeal, within five working days of receiving the written confirmation of the original decision. The employee must detail how they consider the procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.

The appeal will normally be heard as soon as possible after receipt of the appeal letter, by an Appeal Committee of one or more governors, convened by the Clerk to Governors. They will hear the reasons for the appeal and consider whether further investigation is required.

The Appeal Committee may have an HR adviser attend the meeting with the employee. The HR adviser, who should not have had any previous involvement in dealing with the complaint, shall not have a vote in the decision of the Appeal Committee.

The Appeal Committee will confirm its final decision in writing, as soon as reasonably possible after the appeal meeting. This is the end of the procedure and there is no further right of appeal.

9. Protection and Support 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 the School's disciplinary procedure.

10. 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.

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.

Breach of confidentiality may give rise to disciplinary action under the School's disciplinary procedure.