



The King's (The Cathedral) School
Anti Bullying and Harassment Policy and Procedure

Responsibility:	HR Manager
Ratified By:	Governing Body
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Anti Bullying and Harassment Policy (Staff)

1. Introduction

- 1.1 The Board of Governors seeks to ensure that all staff are treated, and treat others, with dignity and respect, in an environment free from harassment and bullying. The absence of bullying and harassment in the workplace is considered to be an essential part of staff wellbeing and mental health. Staff should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.2 The King's (The Cathedral) School 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 conduct does not occur. Harassment or bullying by an employee will be treated as misconduct under the School's Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.
- 1.3 This policy covers harassment or bullying which occurs both in and out of the workplace, such as on school visits, or at events, or work-related social functions and on social networking sites. It covers bullying and harassment by staff, governors and volunteers and also by third parties such as suppliers or visitors to our School, which includes parents.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time or depart from it where we consider appropriate.

2. What is Harassment?

- 2.1 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.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.
- 2.3 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 (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.
- 2.4 Harassment may include, for example:
 - 2.4.1 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;
 - 2.4.2 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;
 - 2.4.3 continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 2.4.4 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);
 - 2.4.5 offensive or intimidating comments or gestures, or insensitive jokes or pranks;

- 2.4.6 mocking, mimicking or belittling a person's disability;
 - 2.4.7 racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - 2.4.8 disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;
 - 2.4.9 ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 2.5 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 they create an offensive environment for him or her.
- 2.6 Victimization 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:
- 2.6.1 Bringing proceedings under the Equality Act 2010
 - 2.6.2 Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - 2.6.3 Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - 2.6.4 Alleging that a person has contravened the Equality Act 2010.
- 2.7 Victimization may include, for example:
- 2.7.1 Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
 - 2.7.2 Excluding someone because they have raised a grievance about harassment.
 - 2.7.3 Failing to promote someone because they accompanied another staff member to a grievance meeting.
 - 2.7.4 Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.
- 2.8 Harassment and victimization are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:
- 2.8.1 In a work situation.
 - 2.8.2 During any situation related to work, such as at a social event with colleagues.
 - 2.8.3 Against a colleague or other person connected to the School outside of a work situation, including on social media.
 - 2.8.4 Against anyone outside of a work situation where the incident is relevant to the suitability of the employee to carry out their role.
- 2.9 The School will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

- 2.10 If any harassment or victimisation of staff occurs, the School will take steps to remedy any complaints and to prevent it happening again.
- 2.11 Third-party harassment occurs where a person is harassed or sexually 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. 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 client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.
- 2.12 Third-party harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.
- 2.13 Any harassment by a member of staff against a third-party may lead to disciplinary action up to and including dismissal.
- 2.14 The School will take active steps to try to prevent third-party harassment of staff.
- 2.15 If any third-party harassment of staff occurs, the School will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from the School site and reporting any criminal acts to the police.

3. What is Bullying?

- 3.1 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.
- 3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
 - 3.2.1 shouting at, being sarcastic towards, ridiculing or demeaning others;
 - 3.2.2 physical or psychological threats;
 - 3.2.3 overbearing and intimidating levels of supervision;
 - 3.2.4 inappropriate and/or derogatory remarks about someone's performance;
 - 3.2.5 abuse of authority or power by those in positions of seniority; or
 - 3.2.6 deliberately excluding someone from meetings or communications without good reason.
- 3.3 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.

4. What the Law Says

- 4.1 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.

- 4.2 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.
- 4.3 Under the Health and Safety at Work Act 1974, staff are entitled to a safe place and system of work.
- 4.4 Individual members of staff 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.

5. Informal Process

- 5.1 If you are being bullied or harassed, you should try to manage the situation informally if this is at all 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 or harassing. It is possible that the “perpetrator” simply does not realise the effect of their behaviour on the recipient. You should explain clearly to them that their behaviour is not welcome or makes you feel uncomfortable.
- 5.2 If you would find it too difficult or embarrassing to speak directly with the other person, then you should attempt to communicate through a third party, for example, a work colleague, line manager/supervisor, or union representative.
- 5.3 If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager or the HR Department informally for confidential advice.
- 5.4 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.

6. Raising a Formal Complaint

- 6.1 This process follows the School's grievance procedure which cannot be used in addition to, or substitution of it for the same complaint.
- 6.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the 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.
- 6.3 If you wish to make a formal complaint about victimisation, you should submit it in writing to [your line manager **OR** the HR Department. [If the matter concerns your line manager, you should submit it to the HR Department.]
- 6.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

7. If you witness Harassment or Victimisation

- 7.1 Staff who witness harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
 - (a) Intervening where you feel able to do so.
 - (b) Supporting the victim to report it or reporting it on their behalf.
 - (c) Reporting the incident where you feel there may be a continuing risk if you do not report it.
 - (d) Cooperating in any investigation into the incident.

7.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

8. Formal Investigations

8.1 A manager (usually your direct line manager, unless the complaint is against him/her or where he/she has involvement in the complaint) must be designated to investigate the complaint in a timely, sensitive, impartial and confidential manner.

8.2 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 have the right to be accompanied by a colleague or trade union representative of your choice, who must respect the confidentiality of the investigation. There may be further meetings with you as appropriate throughout the investigation.

8.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary change to working arrangements pending the outcome of the investigation if circumstances require. The investigating officer will also meet with the alleged harasser or bully who may also be accompanied by a work colleague or trade union representative of their choice to hear their account of events. They have a right to be told the full details of the allegations against them, so that they can respond.

8.4 Where our complaint is about someone other than an employee, such as a contractor or visitor, we 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, we will attempt to discuss the matter with the third party.

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

8.6 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.

8.7 The main purpose of the investigation is to establish whether the act(s) under investigation amounted to harassment and /or bullying. 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 staff in the same work area or any other relevant areas where incidents of harassment or bullying may have occurred;
- conclusions, including a judgment, on the balance of probability, whether or not bullying and/or harassment took place and the degree of seriousness. The report should identify whether the complainant has suffered any detriment e.g. deterioration of work performance or health, lack of career development, denial of opportunities, etc.

8.8 At the end of the investigation, the investigating officer will submit a report to a senior manager nominated to consider the complaint. The senior manager will arrange a meeting with you in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to you and to the alleged harasser.

8.9 The appointed senior manager will consider the investigation report and decide whether:

- the conclusions indicate that disciplinary action should be taken;
- less formal action but some form of mediation or counselling is required for one or both parties;

- any short-term or long-term relocation or change in duties or reporting structure is required.

8.10 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

8.11 Any staff member who deliberately provides false information, or otherwise acts in bad faith as part of an investigation, may be subject to action under our disciplinary procedure.

9. Appeals

9.1 If you are not satisfied with the outcome of the formal investigation, you may appeal following the stage 3, Formal appeal Hearing process as detailed within the school's Grievance Procedure.

10. Protection and Support for those involved

10.1 Employees who make complaint 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.

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

10.3 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.

11. Confidentiality and Data Protection

11.1 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.

11.2 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).

11.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

12. Who is Responsible for this Policy?

12.1 The Board of Governors has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the Headteacher.

12.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

12.3 Staff should disclose any instances of harassment or bullying of which they become aware to the line manager or a member of the Senior Leadership Team.

12.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the Headteacher.

13. Monitoring and Review of the Policy

- 13.1 This policy is reviewed every two years or when deemed necessary.
- 13.2 Following a formal investigation under this policy, the Senior Leadership Team member and investigator involved should consider whether this policy has been effective in addressing the issues and report any problems or suggestions for improvement to the Headteacher.
- 13.3 The Headteacher has responsibility for ensuring that any person who may be involved with investigations or administrative tasks carried out under this policy receive regular and appropriate training to assist them with these duties.