

## Worlingham CEVC Primary School



## HARASSMENT AND BULLYING POLICY

Due consideration has been given to all children/adults/stakeholders with regard to the protected characteristics under the Equality Act 2010.

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Name of Committee:	Personnel
Chair of Committee signature:	<i>Mr Martyn Fitt</i>
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## **Harassment and Bullying Policy**

### **CONTENTS**

- 1 Introduction
  - 2 Scope
  - 3 Confidentiality
  - 4 Exclusions
  - 5 Roles and responsibilities
  - 6 Using this policy
  - 7 Key terms: definitions of harassment and bullying
    - 7.1 Definition of harassment
    - 7.2 Definition of Sexual Harassment
    - 7.3 Definition of bullying
    - 7.4 Definition of Victimisation
    - 7.5 Sexual Harassment
  - 8 Complaints of harassment and bullying by third parties
- APPENDIX A – Template Risk Assessment**

## 1. Introduction

Harassment or bullying in any workplace is clearly undesirable and unacceptable. Not only can it have a detrimental effect on health and well-being of an employee who suffers it, but it can generally undermine good working relationships, affect staff morale and reduce overall effectiveness in a working environment. An employer has a legal duty to provide a safe working environment for its employees and to take reasonable steps to prevent sexual harassment. Sexual Harassment will not be tolerated and is unlawful.

The policy facilitates complaints of harassment, sexual harassment or bullying are dealt with swiftly, fairly and consistently and that unwanted behaviour ceases. It requires prompt and effective solutions to be found, whilst maintaining all parties' rights in terms of confidentiality.

The policy will be reviewed in line with new legislation.

## 2. Scope

This procedure applies to all teaching and support staff in maintained schools (including those seconded to other schools or organisations) in which the governing body has adopted them for use. It applies to staff in Pupil Referral Units in the same way. It also applies to local authority-employed 'unattached teachers' / FE staff.

## 3. Confidentiality

Complaints of harassment or bullying are of a sensitive nature. All parties involved, including the complainant, the person responding, and any witnesses, have a right to expect that the information which they provide will be treated confidently by all parties.

Details should normally only be disclosed to those who have a role within the procedure, or for the purposes of seeking professional advice, and for legitimate purposes to expedite the procedure.

Any written instruction to an employee, or the outcome of any subsequent disciplinary proceedings associated with a complaint of bullying or harassment will normally be kept on the personal file of the employee receiving the instruction or warning.

## 4. Exclusions

This policy is not intended to replace normal reasonable management instructions

The process does not apply to investigations into the conduct, disciplinary or capability of employees (including attendance and/or health). Procedural complaints need to be raised through the normal appeals process or grievance procedure.

An employee working within a school but employed on another organisation's terms and conditions of employment should have any grievance managed under their own organisation's policy/procedure.

## 5. Roles and Responsibilities

All employees are required to observe the highest standards of behaviour towards all members of the school community and that harassment or bullying of other employees may be regarded as misconduct under the disciplinary policy.

Victimisation of an employee who has made a complaint of harassment will be dealt with under the disciplinary policy.

Complaints of harassment or bullying are likely to cause stress for the employee concerned. Line managers need to be aware and consider further well-being support if appropriate. The same support should also be offered to all parties involved in the complaint.

## 6. Using this policy

Complaints of bullying and/or harassment should be raised under per the school's grievance policy.

Where a complaint of harassment or bullying has been upheld, the employee's actions may be addressed under the Disciplinary Policy and action may be taken up to and including dismissal.

## 7. Key terms: definitions of harassment and bullying

Harassment and bullying can take many forms. It can be directed at an individual, or a group, and examples include violence, abusive or offensive behaviour towards an individual or ignoring someone.

Employees can be subject to harassment and bullying on a wide variety of grounds, including their:

- age;
- gender;
- gender reassignment
- marital or civilly partnered status;
- pregnancy and maternity;
- physical characteristics;
- race, ethnic origin, nationality or skin colour;
- religion, belief or political convictions, or none;
- sensory or physical impairments, learning difficulties, ill health or medical condition;
- sexual orientation;
- trade union membership, or non-membership;
- willingness to challenge harassment and bullying, leading to victimisation;

This list is not exhaustive. Employees are also protected on the basis of being perceived to possess the above protected characteristics, whether they have them or not. They are also protected on an associative basis (e.g. parents of a disabled child are protected from harassment on this basis). Job applicants, as well as current employees, are also covered by the legislation.

### 7.1 Definition of Harassment

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment.

The types of harassment set out in the Equality Act 2010 are as follows:

1. General: based on a protected characteristic
2. Conduct of a sexual nature
3. Less favourable treatment because of rejection of or submission to conduct of a sexual nature, or harassment based on sex or gender reassignment

The Equality Act 2010 protects staff and customers from harassment because of a protected characteristic: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity; race, religion or belief, and sexual orientation.

It should be noted that behaviour being complained of does not have to be directed at a person in order for them to make a claim; they simply have to be able to demonstrate that the behaviour had the effect of creating an intimidating, hostile or offensive environment for them. For example, that derogatory terms were used as a joke, or that the perpetrator was unaware the complainant was of a

particular protected group when they made the offensive remarks, or that they treat everyone equally badly. Harassment is defined not by the intention of the perpetrator, but by the negative impact on the recipient.

Harassment can take many forms including:

- physical contact, ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip, slanderous correspondence;
- graffiti or obscene gestures;
- sending offensive material by email, by post, by text, or via social networking media;
- isolation or non-co-operation at work; exclusion from social activities;
- coercion ranging from pressure for sexual favours to pressure to participate in particular activities;
- intrusion by pestering, spying, following;
- “outing” someone - to state openly and publicly someone's sexual orientation without their permission

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## 7.2 Definition Sexual Harassment

Sexual harassment refers to unwelcome conduct of a sexual nature and the conduct has the purpose or effect of either violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person.

If an incident of perceived sexual harassment persists once it has been made clear that it is regarded by the recipient as offensive or unwelcome, this is deemed to be harassment. In certain cases, however, one incident of harassment may constitute sexual harassment if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour that is welcome and mutual. People are also protected from less favourable treatment because of rejection of or submission to conduct of a sexual nature.

It can happen in person or online via email, social media or messaging apps.

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

Unwanted conduct of a sexual nature includes a wide range of behaviour and take form as follows:

- making sexual remarks about someone's body, clothing or appearance asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- Propositions and sexual advances
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them, kissing, massaging, sexual assault or rape
- What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.
- Sending sexually explicit emails and/text messages

- Sexual gestures

## 7.2 Definition of Bullying

Bullying is the misuse of power or position to criticise and condemn unreasonably; to humiliate and undermine an individual's professional ability. In terms of legislation, an employer's duty to prevent bullying comes under the health and safety provision of a "duty of care".

Obvious bullying may include:

- shouting at employees
- displaying instantaneous rages
- using personal insults and name-calling
- criticising unreasonably
- humiliating publicly
- threatening with demotion

Less obvious bullying may include:

- setting objectives with impossible deadlines
- removing areas of responsibility
- setting menial tasks
- changing working guidelines
- ignoring or excluding an individual
- talking only through a third party
- refusing reasonable requests
- blocking a person's promotion
- stealing credit for the work of the victim
- subjecting the employee to excessive scrutiny or 'micromanagement'

It is the pattern of such events that determines if bullying is taking place. Any one of these examples may occur in isolation and can be 'out of character' for the person who perpetrates it. A bully, however, will consistently use one or more of the above methods to harass and intimidate the victim.

## 7.4 Definition of Victimisation

Victimisation is treating someone less favourably than others because he or she has reported harassment (whether formally or otherwise), or supported someone in making a complaint, for example by giving evidence as a witness in relation to a complaint. It includes when A *believes* B has made, or may make, a complaint or support another's complaint.

In these situations the employee can use this policy or report the incident to a manager. If they choose not to report the issue formally, then it may not be appropriate for any further action to be taken. However, if the offence was very serious, the school, or county council, would consider that it was failing in its duty to provide a safe working environment, free from unlawful discrimination, if it did not act. In this situation, where the school/county council is aware of the incident, formal action could be taken without the employee's permission, although he or she would be informed.

## 7.5 Sexual Harassment



Under legislation, there is a legal duty on employers to take reasonable steps to prevent sexual harassment in the workplace.

Employers may be liable for sexual harassment committed by their workers in the course of their employment unless they can demonstrate that they took all the 'reasonable steps' available to them to prevent it.

Employees who wish to raise a complaint of sexual harassment should have a choice of routes to raise their complaint including a range of people the complaint can be reported to so the person can decide who they feel most comfortable with. For example, the Headteacher, members of Senior Leadership team, governing body or colleagues. If a complaint is raised with a colleague, they may need to speak with their line manager.

Confidential records will be kept of all concerns raised, formal and informal, to enable trends to be identified.

The school will also complete a risk assessment on an annual basis to help assess the risk of sexual harassment in the workplace. Please see appendix A.

Employees will be trained on Sexual Harassment awareness and their role in the prevention of harassment. Managers will receive training on responding to complaints. This training will be reviewed and updated regularly.

## 8. Complaints of Harassment or Bullying by Third Parties

The school has a duty to provide a safe working environment and a legal obligation to take reasonable steps to prevent sexual harassment by third parties.

Employees are encouraged to report any incidents of bullying, harassment or sexual harassment to their Headteacher, or, in the case of "unattached" teachers employed directly by the Local Authority, their line manager, who will determine, with appropriate assistance where required, what action may be taken. In some cases, it may be appropriate to report incidents via the incident reporting procedure.

The school will undertake risk assessments, provide training and follow the procedures in the guidance – see Prevention of Sexual Harassment Guidance.

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## APPENDIX A – RISK ASSESSMENT

WHY THIS IS A SITUATION/AREA OF INCREASED RISK?	WHAT ARE YOU DOING ALREADY?	DO YOU NEED TO DO ANYTHING ELSE TO CONTROL THIS RISK?	ACTION: WHO?	ACTION: WHEN?	DONE
<p>After-school activities</p> <p>Situations where staff work 1 to 1 with pupils, e.g. an intervention between a TA and a pupil</p> <p>Interactions between staff and external visitors (e.g. contractors, parents, etc.)</p>		<p>Identify rooms that lack visibility, e.g. sensory rooms, libraries, intervention rooms, IT suites, corridors, outdoor areas, staff room etc. as these can be more vulnerable to incidents due to less supervision</p> <p>Consider how to make these spaces more visible, while maintaining privacy where necessary, e.g. by:</p> <ul style="list-style-type: none"> <li>➤ Leaving doors open, even if an interaction may happen far enough away from the door to remain private</li> <li>➤ Not covering internal windows with displays</li> <li>➤ Considering whether it would be appropriate to install CCTV</li> </ul> <p>Encourage employees to keep a written record of conversations, especially where they are made to feel uncomfortable (even if they're not sure that what happened counts as harassment)</p>			

## APPENDIX A – RISK ASSESSMENT

SITUATION/AREA WHERE STAFF MAY BE MORE AT RISK OF SEXUAL HARASSMENT	WHY THIS IS A SITUATION/AREA OF INCREASED RISK?	WHAT ARE YOU DOING ALREADY?	DO YOU NEED TO DO ANYTHING ELSE TO CONTROL THIS RISK?	ACTION: WHO?	ACTION: WHEN?	DONE
Social events, such as parties and away days	Employees off duty		<p>Raise employees awareness of sexual harassment, along with your school's zero-tolerance approach to it</p> <p>Run regular prevention of sexual harassment training for staff</p>			
Staff supporting pupils with certain additional needs	Some pupils may have particular difficulty in understanding what is/isn't appropriate		<p>Limit occasions for employees to work with these pupils, without another employee present</p> <p>Review PSHE curriculum to differentiate for all pupils</p>			

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Teaching in the classroom, particularly in PSHE	Pupils discussing sex and relationships		<p>Training employees to identify potential inappropriate behaviour in pupils and staff.</p> <p>Model appropriate behaviour and language</p> <p>Remind pupils that:</p> <ul style="list-style-type: none"> <li>&gt; What you teach about healthy relationships should apply between them and staff just as much as between them and their peers</li> <li>&gt; Sexual harassment will be treated as serious misconduct in line with the school's Behaviour policy</li> </ul>			
Employee communications online/outside of school hours	Employees may be at risk of sexual harassment from colleagues or pupils		<p>Remind employees :</p> <ul style="list-style-type: none"> <li>&gt; Of your policies around internet and IT acceptable use, and social media</li> <li>&gt; That your dignity at work or staff code of conduct/ behaviour policy applies just as much to online/out-of-hours behaviour as it does to in-person behaviour during the school day</li> </ul>			

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Certain groups of people with varying organisational hierarchy.	Vulnerable employees may be susceptible to inappropriate behaviour.		<p>Ask employees which spaces and situations they feel more comfortable in, and why</p> <p>Review those situations and see if you could</p> <p>Remind employees :</p> <ul style="list-style-type: none"> <li>➤ That sexual harassment is not acceptable</li> <li>➤ Who they can talk to if they feel uncomfortable around certain colleagues</li> <li>➤ How else can employees report sexual harassment, in line with the school's code of conduct</li> </ul>			

## WORLINGHAM CEVC PRIMARY SCHOOL

### **SAFEGUARDING STATEMENT TO ACCOMPANY POLICY DOCUMENTS**

Throughout this policy runs our commitment to safeguarding the wellbeing of all our pupils at Worlingham CEVC Primary School. The values, beliefs and ethos of Worlingham Primary School are shared by all members of staff and the adherence to the guidance as stated in the school's Safeguarding Policy is of paramount importance.

The wellbeing and safety of pupils has a positive impact on their attendance, behaviour, their own Health and Safety, learning within the school environment as well as on educational visits.

Throughout the curriculum children are taught how to manage risk and how to keep themselves safe. The children know that if they need help they can talk to a member of staff at school. Children are taught how to keep themselves safe whilst using ICT equipment and are instructed to report any inappropriate material to the member of staff leading the session.

Children who have an identified SEN which creates difficulties with communication may need additional support in expressing concerns to a member of staff. Staff will need to follow the guidance in the safeguarding policy when dealing with a disclosure, taking into account the ability of the individual.

A copy of the Safeguarding policy can be found on the school website, in the Headteacher's office and also the staff room. This policy provides comprehensive detail in identifying types of abuse and the procedures that need to be followed.

Within the Safeguarding Policy is a section on The Prevent Duty and what it means for our School.