



# BULLYING AND HARASSMENT POLICY

PRESTON MANOR SCHOOL  
An All-Through School

<b>Governors' Committee Responsible:</b> Resources Committee	
<b>Statutory Provision:</b> Non-Statutory Policy	
<b>Policy Author:</b> Susy Patel	<b>Review Period:</b> Annual
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## Introduction

This policy applies to every individual working for the School irrespective of their status, level or grade. It therefore includes Head teachers, members of the Senior Management Team, employees, consultants, contractors, trainees, volunteers, home-workers, part-time or fixed-term employees, casual and agency staff (collectively referred to as “staff” in this policy).

This policy covers harassment and bullying which occurs both in and out of the workplace, such as on School-related trips or at events or School-related social functions. It covers bullying and harassment by staff and also by third parties such as visitors to our premises.

This policy does not form part of individuals’ terms and conditions of employment and is not intended to have contractual effect. It does however reflect the School’s current practices and all Staff who are required to familiarise themselves with it and to comply with its contents.

## Purpose

The purpose of this policy is to ensure that all of the School's staff are treated and treat others with dignity and respect, free from harassment and bullying.

Staff must treat colleagues and other with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

We will take allegations of harassment or bullying seriously and will address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under our disciplinary procedure. In some cases it may amount to gross misconduct leading to summary dismissal.

## What the law says

Under the Equality Act 2010, harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and is therefore unlawful.

The Protection from Harassment Act 1997 Prohibition of Harassment - 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 staff are entitled to a safe place and system of work.

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.

**Harassment as defined in the Equality Act 2010** is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or may be related to the victim's gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Harassment is not acceptable even if it does not fall within any of these categories.

**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.

The following are examples of inappropriate and unacceptable behaviour covered by this policy. They do not form an exhaustive list:

**Physical:** Unwanted physical conduct, including unnecessary touching, patting, pinching or brushing against another member of Staff's body, assault, coercing sexual intercourse, physical threats and insulting or abusive behaviour or gestures.

**Verbal:** Unwelcome advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, innuendo, lewd comments or abusive language which denigrates or ridicules, insults which are gender related and offensive comments about dress, appearance or physique.

**Other:** The display of pornographic or sexually suggestive pictures, including male and female pin-ups, offensive objects or written materials, making abusive or offensive gestures including leering and whistling, including graffiti. The use of email, phone and automatic supervision methods – such as computer recording of downtime from work or recording of telephone conversations if these are not universally applied to all workers. Any other unacceptable non-verbal conduct intending to or reasonably expected to denigrate another person for whatever reason.

### **Procedure: Informal process:**

If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible. You should explain to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should speak to your Line Manager/Head of Department or the Head of HR in the first instance, who will liaise with the Executive Headteacher with responsibility for HR, who can provide you with confidential advice and assistance in resolving the issue informally or formally. If you are not certain whether an incident or series of incidents amount to harassment or bullying, you should contact the Executive Headteacher for confidential advice. If these informal steps have not been successful or are not possible or appropriate, you should follow the formal process.

Counselling – Free Employee Assistance Programme in house counselling services provided and paid for by the School for all employees. The contact number is 0800 169 1920. Counselling can be particularly helpful where investigation shows no cause for disciplinary

action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

### **Formal Process:**

If you wish to make a formal complaint about harassment or bullying, you should submit your complaint in writing to the Head of HR in the first instance who will pass the complaint to the Executive Headteacher whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns the Head of HR or the Head you should refer your complaint to the Executive Headteacher.

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.

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 the circumstances, we consider it appropriate to do so.

### **Formal investigations:**

We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

We will arrange a meeting with you following receipt of your written complaint, so that you can give your account of events. You have the right to be accompanied by a work colleague or a trade union representative, who must respect the confidentiality of the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation. The investigator will also meet with the alleged harasser or bully (who may also be accompanied by a work colleague or a trade union representative) to hear their account of events. They have the right to be told 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, 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 business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

It may 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.

At the end of the investigation, the investigator will submit a report to the person nominated to consider the complaint. The Head of HR will arrange a meeting with you and the Associate Head with responsibility for HR, in order to discuss the outcome and what action, if any, should be taken. You have the right to being a work colleague or trade union representative to the meeting. A copy of the report and the findings will be given to you and the alleged harasser or bully.

### **Action following the investigation**

If the School considers that harassment or bullying has occurred, prompt action will be taken to address it.

Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our disciplinary procedure.

Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. 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.

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

### **Appeals**

If you are not satisfied with the outcome you may appeal in writing to the Head of HR in the first instance, stating your full grounds of appeal within 10 working days of the date on which the decision was sent or given to you.

An appeal meeting will be held at a mutually convenient time and date. This will be dealt with impartially by the Head (or if this is not appropriate, by the Governing Body.) You may bring a work colleague or trade union representative to the meeting.

The Head/Governing Body will confirm the final decision in writing.

This is the end of the procedure and there is no further right of appeal.

### **Protection for those making complaints or assisting with an investigation**

Staff 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 the Head of HR in the first instance, who will liaise with the Associate Head with responsibility for HR. If the matter is

not remedied you should raise it formally using the School's Grievance Procedure or this procedure if appropriate.

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.

### **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. 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.

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 Disciplinary Procedure.

### **Monitoring and review of the policy**

This policy is reviewed bi-annually by the Head of HR. Recommendations for any amendments are reported in the first instance to the Head of HR.

We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.