



# **Bullying and Harassment (including Sexual Harassment) Policy**

<b>Date Agreed:</b>	<b>1 April 2025</b>
<b>Review Date:</b>	<b>June 2027</b>
<b>Type of Policy:</b>	<b>DCAT Statutory Policy</b>

<b>Revision Number</b>	<b>Date Issued</b>	<b>Prepared by</b>	<b>Approved</b>	<b>Personalised by school</b>	<b>Comments</b>
1.0	2 June 2025	K Stant	People Committee	N/A	

<b>Type of Policy</b>	<b>Tick ✓</b>
DCAT Statutory Policy	✓
DCAT Non-statutory Policy	
DCAT Model Optional Policy	
Academy Policy	
Local Authority Policy	

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## Introduction

Our **vision** for our Trust is we exist to:

***Help every child achieve their God-given potential***

Our **aims** are clear. We aim to be a Trust in which:

**D**eveloping the whole child means pupils achieve and maximise their potential

**C**ontinued development of staff is valued and improves education for young people

**A**ll schools are improving and perform above national expectations

**T**he distinct Christian identity of each academy develops and is celebrated

Our work as a Trust is underpinned by shared **values**. They are taken from the Church of England's vision for Education and guide the work of Trust Centre team. They are:

### **Aspiration**

I can do all things through Christ who strengthens me  
(Philippians 4 vs 13).

### **Wisdom**

Listen to advice and accept discipline, and at the end you will be counted among the wise  
(Proverbs 19 vs 20)

### **Respect**

So in everything do to others what you would have them do to you  
(Matthew 7 vs 12)

Our vision of helping every child achieve their God-given potential is aligned with the Church of England's vision for education and is underpinned by the Bible verse from John: *I have come that they may have life, and have it to the full.*

## 1. Policy Aims

The Diocese of Chichester Academy Trust [the Trust] is committed to a zero-tolerance approach towards bullying and harassment, including sexual harassment. This policy is written in conjunction with the Trust's Equality, Diversity and Inclusion Policy. Specifically, the aims of this policy are to:

- Work to eliminate all forms of harassment, bullying and discrimination from the workplace;
- Build a confident and enabled workforce empowered to challenge negative behaviours;
- Create a healthy working environment which helps to minimise incidents of harassment and is based on trust, openness, respect and accountability;
- Build a workplace culture that identifies and addresses negative behaviours.

## 2. Purpose

The purpose of this policy is to raise awareness of expected behaviours whilst working at, or for, the Trust, prevent harassment and provide a means of quickly and effectively resolving issues which arise so that employees can continue to work together harmoniously.

### 3. Scope

This policy covers bullying and harassment of and by employees, contractors, governors, volunteers, agency staff and anyone else engaged to undertake work whether by direct contract or otherwise. The policy also applies to bullying or harassment by third parties. Where the complainant or subject of the complaint is not employed, this policy will apply with any necessary modifications in place. This policy does not apply in relation to pupils for whom there is a separate behaviour policy in place.

If a complaint relates to unlawful discrimination due to the implementation of a policy or procedure, this will be dealt with via the Trusts Grievance Policy.

This policy does not form part of the contract of employment and the Trust reserve the right to amend or withdraw it at any time.

### 4. Equality & Diversity Statement

The Trust is mindful of its obligations under the Equality Act 2010 and the Worker Protection (Amendment of Equality Act 2010) Act 2023, and its commitments to the Equality, Diversity and Inclusion Policy, and this procedure will be applied fairly and consistently to all employees. In addition the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

### 5. Harassment and Bullying in the Workplace

The Trust is committed to the elimination of all forms of harassment and bullying of its employees in connection with their employment. Harassment may be unlawful under the Equality Act 2010, and both bullying and harassment affect working conditions, impact on health and safety, and undermine equality at work.

All staff are prohibited from harassing or bullying colleagues in the workplace and are expected to comply with this policy. Breach of this policy is a disciplinary offence and appropriate disciplinary action, including dismissal for serious offences, will be considered if any employee fails to adhere to this policy.

Employees may experience bullying or harassment from governors, parents and other visitors to the school, as well as harassment from pupils or colleagues. All such complaints of harassment made by employees will be investigated, and the School/Trust will provide support to any employee who is the victim of harassment by a member of the public in the course of their employment.

### 6. Definitions

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;

- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any grounds to be unacceptable. There is also legal protection against harassment on the basis of an individual's membership or non-membership of a trade union.

**Bullying** can be described as unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting, and/or an abuse or misuse of power that is meant to undermine, humiliate or causes physical or emotional harm to someone.

**Bullying might:**

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

**Harassment** is unwanted behaviour related to relevant 'protected characteristics' (these are sex, gender reassignment, race, colour, nationality and ethnic or national origins, disability, sexual orientation, religion or belief and age) that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment is also unlawful when a person is harassed because they are believed to have a protected characteristic (whether they actually have it or not) and when they associate with someone with a protected characteristic.

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

**Unwanted conduct/behaviour** can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

**Sexual Harassment** is defined as follows:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and

- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

**Victimisation** is subjecting a person to a detriment because they have done or intended to do a “protected act”. This means that they have, in good faith:

- made a complaint that someone has been bullying or harassing them or someone else, or
- supported someone to make a complaint, or
- gathered information that might lead to a complaint, or
- given evidence in relation to a complaint, or
- said something or given evidence that does not support someone else’s complaint.

Victimisation in the form of retaliation for making or supporting a claim of harassment may also constitute unlawful behaviour under the Equality Act 2010, and behaviour that constitutes victimisation will not be tolerated

**Cyberbullying** is making use of information and communications technology, particularly mobile phones and the internet, to deliberately undermine, humiliate or otherwise cause distress to the person on the receiving end.

**Less favourable treatment** as a result of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment

## 7. Roles and Responsibilities

**Line managers are expected to:**

- Develop the appropriate skills to be responsive and empowered in dealing with unacceptable behaviours and to seek support on this through performance management as necessary.
- Follow informal and formal procedures as set out in this policy and ensure that others are aware of the policy as it applies to them.
- Take responsibility for setting standards in their team, leading by example and fostering a positive workplace culture.
- Monitor and challenge any negative behaviour in the workplace and act on any concern raised in order to prevent harassment from taking place.
- Be aware of, and seek to eliminate, any forms of systemic harassment within the workplace.
- Be approachable, open and responsive to any issues raised by employees.
- Enable all parties involved in instances of bullying and harassment to resume their work, without fear of further intimidation or fear of reprisal.

**Employees and other individuals involved in our work are expected to:**

- Treat colleagues and others working for or on behalf of the Trust with dignity and respect.
- Create a work environment where bullying, harassment and discrimination is not tolerated.
- Be aware of how their own behaviour may affect others and modify it if necessary.
- Take personal responsibility for ensuring their knowledge and skills on equality and diversity issues are kept up to date.
- Support colleagues if they experience bullying, harassment or singling out.
- Challenge any negative behaviours they witness at the earliest possible opportunity.
- Report harassment or bullying to an appropriate manager and cooperate with any investigation into complaints.
- Inform their line manager (or other suitable person) if they feel they are the subject of bullying or harassment, in accordance with this policy.

Employees should be aware that these standards of behaviour are not confined to normal working hours or normal place of work. Allegations of cyberbullying, for example, will not be disregarded simply because the alleged perpetrator is using their own computer in their own time.

Employees should also be aware that, if found guilty of harassment or bullying, they may face disciplinary penalties, up to and including dismissal, and could be personally liable to pay compensation in the event that the victim decides to make a legal claim against them. Serious harassment can also be a criminal offence.

## 8. Examples of Inappropriate Behaviour

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

1. physical conduct, ranging from unwelcome touching to threatened or actual serious assault;
2. verbal or online abuse of another person, such as making demeaning or insulting comments;
3. inappropriate comments about someone's appearance;
4. making unwelcome jokes or comments about an individual's personal characteristics or beliefs (such as their age, sex, race, religion or sexual orientation);
5. unwelcome sexual advances, including offers of rewards or threats made in relation to the acceptance or rejection of advances;
6. excluding or ignoring an individual on the basis of their protected characteristic (age, sex, race etc) or because of his/her association with someone who has a protected characteristic;
7. the use of obscene gestures or the open display of pictures or objects with sexual or racial overtones;
8. the display or distribution of offensive material, graffiti or badges
9. spreading malicious rumours about someone or deliberately setting them up to fail;
10. intrusive questioning about someone's private life
11. making threats or comments about someone's job security without justifiable cause;
12. isolation or non-cooperation with an individual at work or through excluding them from social activities.

## 9. Examples of Sexual Harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:

1. physical conduct of a sexual nature, unwelcome physical contact or intimidation;
2. persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
3. showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media);
4. unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;

5. offensive comments about appearance or dress, innuendo or lewd comments;
6. leering, whistling or making sexually suggestive gestures; and
7. gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

## **10. Malicious or Vexatious Accusations**

Although very rare, vexatious or malicious accusations of discrimination, harassment, victimisation and bullying are extremely damaging, both to individuals and to workplace culture. Making such accusations with, for example, the aim of getting another member of staff into trouble, may lead to disciplinary action being taken against the employee making them. A complaint will not be considered vexatious, frivolous or malicious simply because it was judged to be unfounded by the investigation. This may be the case, for example, where an individual has expressed a concern based on a genuinely held belief that wrongdoing has taken place but the investigation subsequently uncovers no evidence of this.

## **11. Data Protection**

As a general rule, all matters raised under this policy will be treated in the strictest confidence, both during and after any informal or formal complaint has been made with records handled in accordance with the Trusts data protection policy. No information will be relayed to a third party without first informing those involved. Any investigation to be conducted into a complaint is likely to involve some level of disclosure but this will be discussed with the complainant prior to the investigation commencing. In most cases permission will be sought before information is released although there may be instances where the matter is so serious that consent is not required, e.g. where there are health and safety implications, pupils could be at risk, or where physical violence has occurred. In such cases reasons for the disclosure will be explained.

## **12. Raising a Complaint About Bullying and/or Harassment**

### **12.1. Introduction**

If an employee feels that they are being bullied, harassed or victimised, they should raise these concerns at the earliest stage. This may be done informally or formally as follows.

### **12.2. Informal Route**

Under the informal stage, individuals who feel that they have been subjected to harassment should inform the other person(s) involved, if appropriate and they feel able to do so, that their conduct is regarded as unwelcome, offensive and/or interfering with work. The aim of the informal stage is to allow an opportunity for resolution without recourse to the formal procedure.

This informal stage does not detract from the sensitivity or the potential seriousness of the situation. Rather, it allows complainants greater flexibility in choosing the most appropriate option they wish to follow having sought advice.

If the employee feels unable to do this, they may instead approach their line manager for assistance in stopping the inappropriate behaviour. An employee can also speak with their trade union representative who will be able to advise and assist the employee to raise concerns with their line



manager. If the line manager is directly involved in the alleged bullying/harassment, the complainant may instead approach the next most senior manager.

After an assessment and meeting with both the complainant and the subject of the complaint (these can be individual meetings), the manager will attempt to resolve the problem through initial discussions and then through monitoring the behaviour of the subject of the complaint. Where a manager requires further assistance in order to achieve resolution, they will give consideration to mediation (internal or through the use of an outside organisation) or the temporary reassignment of either party to alternative work. The manager may also refer the matter for further investigation if they do not believe that informal measures are sufficient to resolve the matter in all the circumstances of the case.

This route is informal and there is therefore no statutory right to be accompanied at any meetings. There may, however, be circumstances where the support of a work colleague or trade union representative may be beneficial and such requests for support will not be unreasonably refused.

### **12.3 Formal Route**

If an individual feels either that the informal route has not resolved the problem, the complainant does not wish to raise the matter in this way, or that the situation is too serious to be dealt with informally, they can lodge a formal complaint in writing with their line manager. If the complaint relates to their line manager, it should be sent to the line managers manager.

The written complaint should set out the nature of the complaint with reference to specific incidents where possible, including times, dates and witnesses. It is important that it contains sufficient detail to enable the nature of the complaint to be determined. As a general principle, the decision whether to progress a complaint is up to the complainant. However, the Trust has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

In applying this policy, the table below determines who has delegated responsibility for managing formal concerns/complaints raised under this policy.

<b>Complaint raised by Role</b>	<b>Bullying and Harassment Complaints Process Manager</b>
CEO	Chair of Trustees; or their appointed representative.
Trust Centre Staff	The CEO; or their appointed representative
Headteachers	Linked SEL; or their appointed representative up to.
Teachers and Education Support Professionals	Headteacher; or their appointed representative.

#### **12.3.1 Formal investigation**

Once a written complaint is received, an investigating officer will be appointed by the

Commissioning Officer to carry out an investigation into the complaint. This will be an independent individual with no prior knowledge of the complaint.

An investigating officer should be a suitably senior member of staff, who has had the appropriate training; or will have support from the Trust HR Team in how to conduct an investigation. An investigating officer does not need to be a colleague from the same school, and may be a senior member of staff from a different school or a someone from the Trust centre team.

Consideration of whether the suspension of the subject(s) of the complaint is appropriate will also be made at this stage (see also Section 12: 'Suspensions and Temporary Transfers').

The investigation will be carried out by the investigating officer without undue delay and will in all cases be completed within 15 working days of the complaint being registered unless there are exceptional circumstances to prevent this.

Both the complainant and the subject of the complaint should be advised that a formal complaint has been made and that an investigation will take place. Individuals not involved in the complaint or the investigation should not be told about it.

A formal meeting will usually be arranged with the complainant within five working days of receipt of the complaint. The subject of the complaint will then be interviewed and will be allowed the opportunity to respond to the complaint. There is no entitlement for the subject of the complaint to see the written complaint, but they should be provided with information as to the nature of it. Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by either a workplace colleague, trade union representative, or a friend.

If any other witnesses are deemed pertinent to the investigation, the investigating officer will arrange to speak with them and will review relevant information and documentation.

Everyone involved, including any witnesses, will maintain strict confidentiality throughout the investigation.

The complainant and the person(s) against whom the complaint is made and any witnesses will be interviewed separately and written notes kept.

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation.

A copy of the report and the investigator's findings will be given to the complainant and to the subject of the complaint.

### **12.3.2 Action following the investigation**

The Commissioning Officer will consider the findings and recommendation of the investigating officer. The complainant and the person(s) against whom the complaint is made will receive a letter setting out the findings and recommendation of the investigating officer and the decision taken. The letter to the complainant will offer the right of appeal against the recommendation of the investigating officer and the decision taken.

#### **Complaint Upheld**

If the complaint is upheld by the investigation findings, suitable action will be taken. This action may be informal or it may involve the instigation of disciplinary action against the subject of the complaint in accordance with the Trusts Disciplinary Procedure. In either case, this may include other

management action such as behavioural coaching, managed mediation or learning objectives for the subject of the complaint. These measures are to ensure that there is effective action taken to challenge the behaviours and prevent reoccurrence in the future.

Where this results in a disciplinary sanction other than dismissal, wherever practicable the complainant will be given the choice of remaining in their post or being transferred to another location/position. Where the complainant opts to be transferred, this should not lead to any disadvantage in terms and conditions of employment.

Where the complainant has been absent from work during the proceedings, they should be assisted in resuming their duties by the line manager, identifying any potential problems and discussing the situation with the complainant and, where appropriate, their work colleagues. Every effort must be made to ensure the complainant returns to a harmonious working environment where they feel comfortable and become fully integrated in the workplace as soon as possible.

#### Complaint Not Upheld

If the complaint is not upheld, suitable steps will be taken to ensure that both the complainant and the subject of the complaint are supported and able to return to work and/or restore working relations. The complainant may appeal the decision not to uphold his/her complaint in accordance with the appeals section of this policy below. Through careful, confidential and safe management of the case and workplace situation, all involved should be able to continue to work in their original roles but, in some exceptional cases, this may not be possible. Mediation will be considered at this stage to help facilitate a return to work or to assist in restoring working relations amongst employees. Ultimately, however, the transfer of either party to alternative work may need to be contemplated. Any such transfer will not normally lead to any disadvantage in either parties terms and conditions of employment.

Where the complaint is found to be untrue and malicious, suitable action will be taken. This action may be informal or it may involve the instigation of formal disciplinary action.

#### **12.3.3 Appeals**

If the complainant is not satisfied, they should submit an appeal in writing within 10 working days of being informed of the decision.

Appeals may be heard by:

<b>Person appealing</b>	<b>Appeal heard by</b>
CEO	DCAT Members
Trust Centre Staff	Trust CEO or appointed representative
Headteachers	CEO or appointed representative
Teachers and Education Support Professionals	SEL, Headteacher or appointed representative

An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of senior management with no prior involvement with the complaint and/or investigations.

The complainant may be accompanied at the hearing by either a colleague, a trade union official, a trade union representative, or a friend.

The appeal outcome will be confirmed in writing within 5 working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision or may uphold the appeal and overturn the original decision. This is the end of the procedure and there is no further appeal.

## 13. Suspensions and Temporary Transfers

Suspensions and transfers are a neutral act, to protect and prevent any further possible conflict or difficulties particularly where there is a serious allegation that one member of staff has been bullied, harassed or discriminated against by another. Suspension would, in all cases, be on normal pay. Suspensions/transfers should be closely monitored and as short as possible, to enable, wherever possible, an effective return to work.

## 14. Support for Employees

**Employee Assistance Programme [EAP]:** The Trust provides a free and confidential Employee Assistance Programme [EAP] for all employees through HELP EAP. This support service is designed to help deal with personal and professional problems that could be affecting an employee's home life or work life, health and general wellbeing. The service provides a complete support network that offers expert advice and compassionate guidance 24/7, covering a wide range of issues. HELP offer access to an EAP Helpline, available 24/7, 365 days a year on for employees and their families and can be accessed in the following ways:

Freephone: 0800 028 5147

Website: [Optimise  
https://strictlyeducation.optimise.health/#/](https://strictlyeducation.optimise.health/#/)

**Trade unions:** members of trade unions will be able to seek advice and assistance from a union representative.

**ACAS helpline:** ACAS provides a free helpline for assistance on a variety of employment issues. ACAS provides confidential advice to any employees who are experiencing bullying or harassment. Advice from trade unions or external sources may also be sought by persons against whom complaints are made and by employees who are concerned about the apparent harassment of others but who may not have been subjected to harassment themselves.

## 15. Training

The Trust is committed to providing a comprehensive training programme for all employees and members of local governing bodies on harassment, bullying and equality issues.

Appropriately qualified members of staff, such as managers, may be required to act as investigating officers or undertake another role as part of the harassment procedure. Resources will be made available centrally to enable such staff to receive training and to carry out their investigating duties.

## 16. Policy Review & Monitoring

The content and operation of this policy is reviewed biennially by the Trust. This includes equality monitoring.