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ANTI-BULLYING AND ANTI-HARASSMENT POLICY

The school has adopted Wokingham Borough Council's model Anti-Bullying and Anti-Harassment policy. This policy is to be read in line with WBC's model policy. Where there are any differences WBC's model policy is to be followed.

Approved by:	Full Governing Body	Date: 8 th May 2025
Last reviewed:	January 2025	
Reviewed:	Triennially <i>unless there are earlier statutory or guidance changes</i>	
Next review due by:	May 2028	

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1. Policy

The Colleton Primary School is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the school. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the school can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the school's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The school will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The school will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to raise such an issue. Victimisation is a disciplinary offence.

2. Purpose

This policy ensures that employees are able to raise a concern and it is resolved as quickly and as fairly as possible. Employees should be aware that separate procedures exist for other forms of grievance such as terms and conditions of employment, health and safety, new working practices, working environment and organisational change. The grievance policy can be found in the policies folder on Admin Teams.

3. Scope

This policy applies to anyone working for Colleton Primary School. This includes employees, workers, contractors, volunteers, interns and apprentices. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

All those who work for The Colleton Primary School, whether employed or not, have a responsibility to ensure that bullying and harassment will not take place. The school views very seriously any act by any worker (no matter what level) of bullying or harassment. It is a breach of the Code of Conduct and personal behaviour and may lead to a penalty under the Disciplinary Policy, which may, in certain circumstances, lead to dismissal. All employees must abide by the Code of Conduct and Personal Behaviour.

If the individual or alleged harasser is not employed by the school (e.g. if the worker's contract is with an agency) this policy will apply with any necessary modifications such as that the school could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings.

This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace e.g. school trips, training courses.

Behaviours that could be regarded as bullying harassment

- Bullying and harassment can be verbal/face to face or by written communication. It could also be through visual images such as pictures sent by text, email or any social media platform.
- Bullying and harassment may involve single or repeated incidents, ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone.
- Bullying and harassment can occur through postings on social media.

Examples of unacceptable behaviour include:

- Physical aggression or intimidation
- Personal insults, particularly those related to age, race, sex, disability, sexual orientation, pregnancy & maternity, marriage or civil partnership, gender identity or religion/beliefs
- Sexual harassment (see detail below)
- Verbal abuse, including personal insults, offensive comments, taunts, threats or malicious gossip
- Intrusion into another person's personal property or private life, including pestering, spying and stalking
- Practical jokes which embarrass or humiliate
- Deliberate isolation or exclusion, both in the workplace and from normal social contact

This list is not exhaustive.

Meaning of sexual harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

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

Examples of sexual harassment

Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. Examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

This list is not exhaustive.

4. Equal Opportunities

All employees will be treated with respect and dignity throughout the process in accordance with the staff equal opportunities policy.

5. Keeping written records

It is very important that written records are kept regarding all issues that are raised. Records will include:

- The nature of the issue
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments.

The school will process any personal data collected during the process in accordance with its data protection policy.

In certain situations, a manager may decide to protect the identity of an individual or decide to withhold some information – e.g. information of a very sensitive personal nature or content that is deemed to be irrelevant.

Further details can be found in the Privacy Notice on the school's website. Any data collected will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the anti-bullying and anti-harassment procedure.

6. Roles and Responsibilities

6.1 Overall school commitment

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:

- ensuring all new starters attend equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme;
- requiring all employees to attend regular equality, diversity and inclusion training and anti-bullying and anti-harassment training;
- providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace;
- encouraging individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment, initiatives by attending events and workshops or educate themselves on the challenges faced by others and how to help alleviate these in the workplace;
- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee resource groups to identify and address any issues;
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace; and
- ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with.

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment.

6.2 The governing board

The governing board:

- Ensures concerns and allegations are handled according to agreed procedures

- Holds the Headteacher to account for the implementation of this policy
- Ensures this policy is periodically reviewed and kept up to date
- Deals with concerns raised by or about the Headteacher

6.3 The Headteacher

The Headteacher:

- Works to ensure that the working environment is free from harassment, including sexual harassment, bullying and victimisation
- Works to check that concerns and allegations are handled according to agreed procedures

6.4 All members of the school workforce

All members of the school workforce:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Attend all Equality, Diversity and Inclusion training, and Anti-Bullying and Anti-Harassment Training, as directed
- Support colleagues who experience unacceptable behaviour and who are considering raising a concern or have raised a concern
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

6.5 Line Managers

Line managers and those fulfilling this role when a concern is about the line manager:

- Will listen and take seriously any member of the school workforce who comes to them with a concern or allegation regarding harassment, bullying or victimisation
- Escalate concerns to the Headteacher when necessary.

7. Conduct / Disciplinary Action

All proven bullying and harassment will be deemed as misconduct and as a disciplinary offence which will be dealt with under the school's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, marriage and civil partnership, maternity and pregnancy, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

8. Procedure

8.1 Principles

All concerns of unfair treatment depending on the nature of the concern should first be made informally unless allegations are too serious for such an approach. Where necessary the allegation should then be progressed through the formal procedure. The school will ensure a thorough investigation takes place of all formal allegations in a manner that avoids potential victimisation or retaliation against the individual raising the issue, the person/persons alleged to have harassed/bullied the individual or any witnesses.

If the allegation is not upheld, it does not mean that it was made in bad faith. An allegation has only been made in bad faith where there is evidence that the individual raising the issue has been deliberately dishonest rather than believing it to be a genuine concern.

In circumstances where an issue is raised by more than one individual it is appropriate to resolve the problem through collective agreements between the trade union/ recognised staff representatives and the school.

8.2 Vexatious Allegations

As stated above, all allegations of harassment and bullying are assumed to be made in good faith unless there is evidence to the contrary. If, however, an accusation is found to be vexatious or to have been made maliciously, it will be investigated and dealt with under the disciplinary procedure.

8.3 Confidentiality

Information to those other than the main parties should be strictly limited to an explanation that a concern is being investigated. All those involved (the affected individual, interviewees etc) will be informed of the importance of confidentiality. The situation will be upsetting for all those concerned and although they may request support from colleagues as possible witnesses there is still a need for confidentiality, and this should be made clear.

Managers/Headteachers must ensure that any rumour and/or discussion among their colleagues is kept firmly in check in order to prevent further disruption to the team and that failure to respect confidentiality may result in disciplinary action.

8.4 Raising Issues - Informal Procedure

Most cases of harassment or bullying can be resolved informally. Concerns of harassment or bullying should be made **informally** initially wherever

possible and then formally if the informal route fails. The employee subject to harassment or bullying should:

- Record all details of any incidents – the date, times, nature of the incident(s) and names of any individuals who were witness to the incident(s),

Bully/harasser is a colleague

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome or wanted and to ask them to stop. They may not be aware that their behaviour is offending you.

If you are uncomfortable speaking to the person, you may write to the alleged bully/harasser detailing the type of behaviour that is unacceptable and the distress that it is causing. The written request should be given to the harasser/bully, or you may ask a colleague to do so on your behalf and a copy kept by yourself, as the individual affected.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your line manager or a colleague for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Bully/harasser is a third party

If you are experiencing bullying or harassment by a third party, for example a parent or a contractor, we encourage you to report this to your line manager or the Headteacher without delay so that they can advise and support you on the best course of action.

Line Managers

Individuals may sometimes feel they are being bullied by their line manager. There can sometimes be confusion regarding the understanding of where bullying starts and where sound management ends. Positive, clear management action that responds to misconduct or poor performance in a fair and consistent way in line with School policies does not constitute bullying or harassment. See Toolkit, section 3.

There are several things employees need to consider:

- Has there been a change in management style to which they need time to adjust – new manager or new work requirements?
- Can they talk to someone about their concerns e.g. line manager /Union/staff representative?
- Can they agree a change to their workload or way of working that will

make it easier for them to cope?

For further guidance see section 6 of the Toolkit.

The affected individual may wish their manager, the Headteacher, and/or their Union/staff representative to act as a mediator. In some cases, an external mediator may be appropriate. Most cases are resolved once the alleged harasser/bully has been made aware of their behaviour. It is recommended that the individual keeps a written note if they approach their harasser directly in case the formal procedure becomes necessary.

8.5 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. Mediation is an effective way of resolving disputes and can avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown.

This would involve the appointment of a trained mediator, who would discuss the issues raised with all involved and seek to facilitate a resolution. Mediators do not make judgements or determine outcomes, they ask questions that help uncover underlying problems, assist people in understanding each other's point of view and identify options for resolving the dispute.

Mediation will only be used where all parties involved in the grievance agree.

8.6 Raising Issues - Formal Procedure

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager, senior manager and/or Union/Staff Representative.

You can raise a formal complaint of bullying or harassment under our Staff Grievance policy if it applies to you. However, you may prefer to do so under this policy because it is specifically aimed at dealing with such issues. You should be aware that you cannot raise a complaint under this policy if you have raised a complaint about the same issue already under the Staff Grievance policy.

The concern should be made in writing and state:

- The name of the harasser/bully,
- The nature of the offence and specific details,

- Dates and times when the offence occurred,
- Names of any witnesses to the incidents,
- Any action/conversations already taken by the individual to stop the harassment/bullying.
- What expected outcome you are seeking.

Where the line manager is involved in the alleged bullying/ harassment the matter should be raised with the Union/Staff Representative and/or the Headteacher. A suitable, independent manager will be nominated as investigating manager. The Investigating Manager will interview and take details of incidents and dates from the individual, and any witnesses (see the Disciplinary Policy Toolkit for guidance on conducting an investigation). Both the individual and alleged harasser/bully should be given the name of a member of staff who will support them through the investigation. This may be the staff/Union representative or a work colleague.

On receipt of a claim of harassment/bullying, the line manager/Headteacher will consider whether to separate the parties if this is deemed appropriate. This may involve a temporary transfer of role for the alleged harasser/bully.

The Headteacher will decide if there is a need to suspend an employee. A suitable member of staff must be nominated to be the contact during the period of suspension. Where the issue involves accredited union representatives (stewards), it should be discussed with a full time official of the recognised trade union.

The affected individual can request/agree to being voluntarily transferred/take paid time off e.g. if there is an allegation of a number of staff bullying the individual. In exceptional cases of service need, the individual may have to be moved. The alleged harasser/bully or individual will be informed in writing of the allegation and of the reason for separation. It may be appropriate in some cases for both parties to be suspended. It should be made clear that suspension is not a disciplinary penalty and does not imply misconduct. The need for separation will be monitored throughout the investigation. Contacts will be made available for both the individual and alleged harasser/bully to provide further information.

The alleged harasser/bully will be informed of the allegation and the procedure being followed and offered support while the investigation is being carried out. They must be given every opportunity to respond to the allegation as part of the investigation process. See Toolkit.

The individual and the alleged harasser/bully and interviewees will have the right to be accompanied by a work colleague, or a trade union /staff representative throughout the investigation. Individuals being interviewed will be sent notes of the interview for comment/observations.

The aim will be to complete the investigation within 15 working days of the investigating manager being appointed, wherever possible. Where individuals are temporarily unavailable or where there are a number of witnesses to interview, the individual should be informed that the period will be extended.

The Investigating Manager will produce a written report summarising the issue and the outcome of the investigation giving conclusions to the manager who will make a decision based on the conclusions and all the evidence. The individual and the alleged harasser/bully will be informed of the decision both orally and in writing by the manager or Headteacher as soon as the decision is reached. Possible outcomes will be either to:

- take no further action because the allegation is not founded, or there is insufficient evidence; or
- uphold the allegation and invoke the disciplinary procedure against the harasser/bully.

Independent of the outcome, remedies such as mediation, team development or an agreement between the parties of acceptable standards of behaviour may be useful.

Aside from the outcome of the process, discussions must also take place relating to future working arrangements.

The Headteacher or appropriate line manager will contact the individual and the alleged harasser/bully one and six months after the end of the investigation, to ensure no further support is required.

The school will follow Wokingham Council's toolkit in carrying out the investigation and process.

9. Penalty

Where it is confirmed that harassment/bullying appears to have occurred, the disciplinary policy will be invoked.

10. Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, raised an issue (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to raise an issue or given evidence in relation to an issue.

The anti-bullying and anti-harassment procedure provides a mechanism to solve problems and no member of staff shall suffer any form of victimisation as a result of raising an issue in good faith under this procedure or as a result of giving evidence as a witness.

If the disciplinary outcome falls short of dismissal, e.g. a formal warning, and both the victim and the offender work in close proximity, there may be

a requirement to separate them to avoid claims of victimisation or a recurrence of the offence. Any inconvenience in such circumstances will be borne by the offender except in exceptional circumstances, e.g. where there is more than one offender or, temporarily, where no immediate cover can be found for the offender or business needs require their presence.

Anyone who brings an allegation of harassment or bullying, or who gives evidence as a witness, will not suffer any victimisation. Any allegation of victimisation will be dealt with seriously, promptly and confidentially. The manager must follow the disciplinary procedure if it is found that victimisation has occurred.

11. Redeployment

Redeployment may need to be considered after a formal investigation/disciplinary action has been completed. Where relationships have irredeemably broken down it may be advisable with agreement and where practicable, to redeploy one of the employees concerned.

12. The Right of Appeal

Where the individual is dissatisfied with the decision of the Headteacher or nominated manager, they can appeal within five working days of receiving the decision to the Clerk of Governors stating the grounds and reasons for their appeal in writing.

An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of management with no prior involvement with the case and/or investigation. The Appeal Hearing will follow the process set out for an appeal hearing as contained within the Grievance Policy.

The appeal outcome will be confirmed in writing within 10 working days of the hearing.

A meeting of the Appeals Panel is the last stage in the anti-bullying and anti-harassment procedure and therefore the decision of the panel will be final.