Caister
Primary Federation

Discrimination, bullying and harassment policy

Formally adopted by the Governing Board of:-	**Caister Primary Federation**
On:-	**17th September 2025**
Chair of Governors:-	**Payal Patel**
Last updated:-	**April 2024**

Discrimination, bullying and harassment policy P308

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*****NB. This model policy has replaced the Dignity at Work model policy*****

We, the Governing Board, have adopted this policy and procedure.

1. Introduction and scope

1.1 This policy forms part of our overall commitment to providing a workplace that's free of discrimination, bullying and harassment. It applies to all employees whilst at work, it also applies to employees whilst off-duty if there is a detrimental effect on our, or the employee's reputation.

1.2 The purpose of this policy is to ensure that all employees are aware that no employee should have to tolerate discrimination, bullying or harassment from colleagues, pupils, members of the public, or other individuals they may encounter at work. This policy aims to reinforce our commitment to equality and diversity and to promote positive, professional and courteous working relationships. This policy outlines what bullying and harassment is and the responsibilities of school leaders and employees. Any procedural action relating to bullying and harassment should be dealt with under the grievance or disciplinary procedures or where a separate, specific procedure is required this policy will make that clear.

1.3 This policy and procedure supports our obligation to work in line with current legislation, ACAS best practice, contractual requirements and national/local terms and conditions relevant to this area of employment practice.

1.4 The Governing Board will not tolerate discrimination, harassment or bullying. Following investigation, any breaches by employees will be treated as disciplinary offences and the disciplinary procedure will be followed.

1.5 Employees who feel they are being harassed or subjected to other inappropriate behaviour by work colleagues, have a right to raise concerns via the Grievance procedure and/or make a complaint and to be protected against victimisation for making or being involved in a complaint. Information on ways of dealing with complaints of harassment from members of the public is available at Appendix A.

1.6 With the Governing Board making the commitment outlined in this policy to address employee concerns, it is important to state that there is also a clear expectation that those employees who choose to raise concerns through the Grievance policy and procedure do so with an intention to resolve the issues and bring about a harmonious working environment. All employees are expected to adhere to this policy in line with obligations under equality legislation.

1.7 All concerns or complaints will be treated seriously but this may not mean going directly to a formal procedure. Except in extreme cases, informal methods of dealing with unacceptable behaviour are often the most successful. To cool emotions and defuse the situation, an immediate apology is invaluable and may avoid the need to take the matter further. See the Grievance procedure for informal resolution methods. Where informal action fails to resolve a situation, employees can raise a formal grievance in accordance with the Grievance procedure.

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2. Equalities and support

2.1 The Head of School will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of their obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Head of School will support these.

3. Application of this policy

3.1 This policy applies to the conduct of employees in the context of their work, or which otherwise affects the working, learning or social environment of the school. This can include the way in which employees behave towards each other outside school premises on school-related social occasions. It can also cover conduct towards people who are not members of the school (such as contractors and other members of the public).

3.2 The Head of School will bring this policy to the attention of contractors through procurement processes.

3.3 If there are concerns about an employee's conduct online, the Social media and electronic communications policy will be followed.

4. Governing Board Responsibilities

The Governing Board will:

- will take reasonable steps to proactively prevent sexual harassment in the workplace.
- be alert to potential problems and act promptly without waiting for a complaint to be made to the extent that this is possible (by challenging unacceptable behaviour which is directly observed and promoting an inclusive culture)
- **deal with, through the Chair of Governors or other nominated governor, any complaints raised against the Head of School under this policy. Advice may be sought by the Chair of Governors through the HR Business Partner (Schools) as required.]**
- take any complaint, being dealt with, seriously with sensitivity to the feelings and perceptions of those involved, being fair, maintaining confidentiality, safeguarding against victimisation and ensuring support is available.
- ensure this policy is reviewed at least every three years.

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5. Head of School and Leadership Team Responsibilities

5.1 Ultimate responsibility for this policy rests with the Governing Board, however they will require the Head of School to ensure that the policy is brought to the attention of all employees.

5.2 The Head of School and Leadership Team will:

- set an example and promote a working environment where discrimination, bullying and harassment is viewed as unacceptable and employees feel free to challenge unacceptable behaviour.
- ensure all employees are aware of the standards of behaviour and conduct expected of them at work and that it is covered in discussions during induction, at appraisal and supervision meetings and provide appropriate awareness and training on key issues.
- treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved.
- deal with any issues raised fairly and confidentially.
- take steps to ensure that employees who bring complaints, or support others to do so, are not treated less favourably than others because of this.
- ensure all employees are aware of the support networks available to them.
- make reports to the Governing Board as appropriate.
- take immediate action if discrimination, bullying and/or harassment is suspected or identified.
- be familiar with this policy and the grievance and discipline policies and procedures.
- be aware of the possibility of intentionally malicious or frivolous complaints.
- be aware that it is not only their perception of what behaviour is acceptable which defines harassment. The recipient's view of the behaviour is important and if the recipient feels that they have been harassed the complaint must be taken seriously and actioned.

6. Employee Responsibilities

6.1 All employees must:

- report any incidents of bullying or harassment to the Head of School or a member of the management team. Where such behaviour is witnessed, this can be raised in accordance with the Whistleblowing policy.
- behave in accordance with this policy
- take seriously requests to cease or amend behaviour and respond courteously to them
- not participate in, encourage or condone the discrimination, bullying or harassment of others
- promote an inclusive culture in which colleagues or peers are not subjected to discrimination, bullying or harassment by challenging these forms of behaviour or reporting situations in which they occur to the manager of the person involved

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7. Definitions

7.1 Unacceptable behaviour

Discrimination, bullying and harassment and other behaviours affecting the dignity of an individual at work are unacceptable. The term harassment is used in this document to include all forms of unacceptable behaviour. Some behaviour or actions may be acceptable to one individual but unacceptable to another. It is the deed and the impact on the recipient that is the deciding factor. This includes behaviour that creates an offensive environment in which to work.

7.2 Harassment

Harassment is any unwanted conduct affecting the dignity of employees in the workplace. It may be related to one or more protected characteristic(s) of an individual as defined in The Equality Act 2010. There must be a connection between the unwanted conduct and the protected characteristic, and the conduct need not be directed at the complainant. The conduct may be directed at another person or at no one in particular. It may also be related to the membership or non-membership of a trade union. The key is that the unwanted actions or comments have the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. For example, an offensive comment regarding a specific racial group may constitute harassment even if the complainant did not belong to racial group referred to. The important factor would be that the comments created an intimidating, hostile, degrading, humiliating or offensive environment.

7.3 Harassment may be directed at, and can be carried out by, an individual or a group.

Harassment can be unwanted conduct ranging from a series of two or more incidents or ongoing conduct. It can be physical or non-physical, deliberate, or unintentional. Employees can also complain of harassment even if it is not directed at them, if they can demonstrate that the behaviour creates an offensive environment for them in which to work. Harassment can be experienced online as well as in a physical environment. This is known as Cyberbullying. Refer to the Cyberbullying policy for further information.

Harassment may be unlawful as well as being damaging to individuals and to the school. It causes tension, conflict and de-motivation. This is disruptive and costly in terms of time, the physical and emotional wellbeing of staff, money, public reputation and online reputation.

Where the incident is deemed to meet the Violence at Work policy an incident reporting form should be completed on the incident reporting system.

Employees who feel they have been a victim of a hate crime or hate incident in the workplace consider calling the police - 999 in an emergency or 101 in a non-emergency situation. Reports can also be made online to the police. **Report a crime | Norfolk Constabulary.** More examples of what might constitute harassment are listed at Appendix B.

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7.4 Sexual harassment

Sexual harassment has the same definition as any other forms of harassment, but the harassment is of a sexual nature. It is important to note that an employee can experience unwanted conduct from someone of the same or a different sex.

Employers must, by law, take reasonable steps to proactively prevent sexual harassment in the workplace. The law now expects employers to anticipate when sexual harassment may occur and take reasonable steps to prevent it. If sexual harassment has taken place, the employer should take action to stop it happening again. Courts will consider what proactive actions employers have or haven't taken if a claim is made and so it will be important for leadership teams to consider those reasonable steps to prevent. Completing a risk assessment will be a significant part of that proactive effort.

Sexual harassment claims may go back over some time for two reasons; either because when it is finally reported it is the last straw (the individual may have been subject to a number of incidents that finally culminate in the individual not being able to stand it anymore) or individuals may also delay their reporting of the incident because they fear they will be bullied, not believed, feel too distressed or have their reputation at work damaged. All reports should be dealt with, with the upmost sensitivity and confidentiality as experiencing sexual harassment is highly distressing for the individual. All employees must feel they can report the incident, and it will be taken seriously immediately.

Sexual interaction that is invited, mutual or consensual does not constitute sexual harassment as it is not unwanted. However, it is important to note that sexual conduct that has been consented to in the past can become unwanted. For example, where employees have previously had sexual relations outside of work and one of the employees proceeds to make unwanted sexual contact within the workplace.

The use of the word 'banter' should be avoided as it seeks to legitimise behaviour that may be offending an individual(s) and could be classed as harassment.

It is very important that complainants should be taken seriously, regardless of whether or not there are any witnesses. It is the job of the investigator (as part of the process outlined in the Grievance procedure) to present the facts of the case, incorporating information from all involved. Questions will need to be asked of the complainant to establish the facts. These questions should be asked sensitively, in a private place and plenty of time should be allowed. The situation must be as stress-free as possible so that the complainant does not feel like they are being cross-examined. It is not only important to take steps such as investigation and disciplinary action. It is also important to review processes and procedures regularly after each reported incident to highlight that preventative steps are being taken towards managing any future complaints.

ACAS also provide advice and guidance on sexual harassment in the workplace. Read the ACAS guidance on acas.org.uk.

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7.5 Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see 'harassment and sexual harassment').

7.6 Victimisation

Victimisation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

7.7 Discrimination

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

- disability;
- sex;
- gender reassignment;
- being married or in a civil partnership;
- race including colour, nationality, ethnic or national origin;
- religion or belief;
- sexual orientation;
- age; and
- being pregnant or on maternity leave.

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association, or by perception.

There are also two specific types of discrimination that apply only to disability: "discrimination arising from disability" and "failing to make reasonable adjustments".

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those in particular groups at a disadvantage.

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Examples include:

- steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals;
- recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and
- using different standards for different groups of employees to judge performance.

7.7.1 Different types of discrimination under the Equality Act 2010

Direct discrimination: Treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic (for example choosing not to recruit someone because they are disabled and you think they "wouldn't fit in" to the team).

Indirect discrimination: Where a policy, procedure or way of working that applies to everyone puts people with a particular protected characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is a good reason to justify it. An example is introducing a requirement for all staff to finish work at 6pm. It is arguable that female employees, who statistically bear the larger share of childcare responsibilities could be at a disadvantage if the new working hours prevent them from collecting their children from school or nursery.

Associative discrimination: Treating someone less favourably because they are associated with someone who has a protected characteristic, for example because their partner is transgender.

Discrimination by perception: Treating someone less favourably because you perceive them to have a protected characteristic even if they do not, for example choosing not to promote someone because you mistakenly perceive them to be gay.

Discrimination arising from disability: Treating someone unfavourably because of something connected with that person's disability and where such treatment is not justified. Examples include:

- dismissing or failing to pay a bonus to someone because of their disability-related absence; or
- disciplining someone for losing their temper where such loss of temper was out of character and was due to severe pain caused by them having cancer.

Failing to make reasonable adjustments: Employers are legally obliged to make reasonable adjustments to ensure that aspects of employment, or the employer's premises, do not put a disabled person at a substantial disadvantage. Failing to comply with this duty is unlawful. Examples of reasonable adjustments might include:

- allocating some of the disabled person's duties to a colleague;
- changing their working hours or place of work;
- adjusting procedures for assessing job candidates; and
- modifying disciplinary and grievance procedures.

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8. Reasonable management action

The Head of School is required to manage employee performance. This includes giving reasonable instructions (e.g. instructions necessary for the performance of the employee's role), undertaking performance reviews, informal reprimands and instigating capability or disciplinary procedures. It is highly unlikely that reasonable action taken by the Head of School in managing employees will constitute harassment, even if the management action is unwelcome, provided that all processes are conducted in such a manner as to respect people's dignity.

9. Malicious complaints

Whilst the Governing Board is determined in its zero-tolerance approach to discrimination, harassment and bullying, a responsible attitude is expected of employees. Allegations of harassment can sometimes be made falsely, and, in all cases, the rights of alleged perpetrators need to be recognised.

Malicious or unfounded complaints of harassment can also have a devastating effect on the health, confidence, morale, and motivation of those falsely accused. It would not serve the interests of the school for any policy or procedure to be abused or victims of malicious allegations to have no redress. Complaints of harassment by employees which are found to be malicious following investigation, will themselves be treated as potential misconduct on the part of the complainant. Accused employees will be offered support and treated sensitively.

Employees will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld. Such action will only be taken if it is found that the allegation they have raised is false and made in bad faith.

10. How to report and deal with incidents

Employees are encouraged to report all incidents of discrimination, bullying and harassment. Such claims should be reported and dealt with using the Grievance procedure. If the grievance is against another employee and is upheld, it may be appropriate for a disciplinary investigation to be undertaken. In these cases, the disciplinary procedure should be followed.

Appendix A covers how to deal with complaints of harassment by external parties.

11. Confidentiality

Confidentiality will be maintained throughout any related discussions, investigations and subsequent actions. All parties involved must be advised of the importance of confidentiality and of the potential consequences of breaching this requirement.

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12. Data Protection

Personal data collected and processed for the purpose of this policy will be handled in accordance with the data protection policy and applicable statutory obligations. Any personal data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of employee management or to comply with statutory reporting obligations. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported without delay, in accordance with the data protection policy. It may also constitute a disciplinary offence in which case it would be dealt with under the disciplinary policy and procedure.

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Appendix A - Complaints of harassment by external parties

Employees may occasionally be subject to harassment from members of the public. A member of the public is defined as anyone not acting in the capacity of an employee of Norfolk County Council

The steps that may need to be taken are:

- If the employee feels able to tell the member of the public that their behaviour is unacceptable and unwelcome, without inflaming the situation they could do so. This is only advisable where the employee is sure this is the right response. In situations where they are not sure, the best course of action is to try to bring the incident to a close by politely ending the discussion and referring the matter to the Head of School.
- It would be natural for employees to try to defend themselves aggressively in such situations, but this course of action is often likely to make the situation worse, rather than better. Employees should try to remain calm and clear-headed whilst they remain with the members of the public.
- The employee should make a record of the details of the incident, and any others of which they are aware involving the same aggressor.
- After the incident, employees must report the matter to the Head of School. No action can be taken until the matter is reported, and if incidents go un-reported they are more likely to be repeated.
- The Head of School and the employee should agree on the course of action to be taken. This will usually mean informing the member of the public that their behaviour, in harassing a school employee, was unacceptable and try to re-build the relationship.
- Reaching a solution in meetings with the member of the public may be very difficult. In some situations, it may be advisable to use a trained mediator.

In situations where a parent or carer has harassed a teacher, further action would normally take the form of a letter from the Head of School to the aggressor. The letter would underline the fact that it is not acceptable to harass a school employee, and if the parent or carer wishes to discuss the matter further arrangements for this can be made. The subsequent meeting should take place in the presence of the Head of School *and* a School Governor.

Where there are repeated cases of harassment by the same aggressor, the Head of School should undertake a risk assessment.

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Appendix B - Examples of harassment

Information in this appendix relates to harassment given verbally or physically, written or online e.g. social media. Please note that this list is not exhaustive:

- Unwanted physical contact
- Physical attacks or threats
- Any unwanted conduct of a sexual nature
- Intrusive remarks about a person's appearance
- Deliberately promoting negative attitudes about others
- Telling offensive jokes, using offensive language, malicious gossip
- Verbal abuse or using offensive names
- Displaying offensive posters, graffiti, emblems
- Isolation, non-co-operation, exclusion from social activities
- Constantly undermining an individual's efforts without explaining how to improve
- Communicating in an intimidating and unreasonable manner (whether verbally, in writing, via email or another way)
- Causing embarrassment in front of others
- Constant criticism relating to historical events
- Persecution and intimidation through threats or inspiration of fear
- Not listening to another's point of view on a regular basis
- Victimisation or retaliation
- Removal of responsibilities, allocating menial tasks
- Deliberately impeding performance of work
- Constantly and unreasonably changing targets or deadlines (moving the goalposts)
- Over-monitoring of an employee with or without his or her knowledge
- Unreasonable refusal of applications for leave, training or promotion
- Making threats about job security without foundation
- Obvious close down or whispering when a colleague comes in

Examples of harassment on the grounds of disability:
Derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which is directed at any disabled individual, or group of disabled people, which results in the individual(s) feeling threatened or compromised. Stereotyping or making assumptions about individual's ability because of their disability. Holding events at non-accessible venues

Examples of harassment on the basis of age:
Ridiculing or demanding behaviour focused towards people because of their age, regarding them as "too old" or "too young"; or making assumptions about lifestyle based on perceived age.

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Examples of harassment on the basis of sexuality:

- Behaviour that condemns or ridicules people because of their perceived or actual sexuality.
- Derogatory remarks, jokes, graffiti that results in the individual feeling uncomfortable, excluded or threatened.
- Outing an individual as lesbian, gay or bisexual without their permission.
- Spreading rumours or gossip about an individual's sexual orientation.
- Asking a lesbian, gay or bisexual colleague intrusive questions about their sexual orientation.

Examples of harassment on the basis of working patterns:
Behaviour, which fails to acknowledge that some people do not work five days a week or "9.00 to 5.00" every day, and that organisations operate effectively using a variety of working patterns. Making comments about not "pulling their weight" or hours of work.

Examples of harassment on the grounds of ethnicity:
This can be derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature that is directed at any individual or group from a particular ethnic background that results in the individual(s) feeling threatened or compromised.

Examples of behaviour that may be sexual harassment:
Unwelcome sexual advances, requests for sexual favours, upskirting or other conduct of sexual nature, which result in the individual feeling threatened or compromised. This is not restricted to attempts to initiate sexual relations. Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient, which has the purpose or effect of violating the dignity of the worker, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can also happen between women or between men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality. Actions can still be considered as sexual harassment even if the alleged harasser didn't mean for it to be or they didn't intentionally direct it at a specific person.

Harassment on the basis of religion or belief:
This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief. Arranging meetings that may exclude people on religious observance grounds.

Political harassment or harassment on the grounds of membership or non-membership of a trade union. This can include:

- Offensive jokes
- Ridicule
- Display of offensive material

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Singling out

Singling out people because of their sex, race, disability, gender identity, religion or belief, age, sexuality, and responsibilities for dependants or marital status can also constitute harassment even without any specific references to gender, race etc. Specific non-verbal examples can be seen above under “bullying”. This can also apply to people who are perceived to not “fit in”. (Expecting people to “fit in” is potentially discriminatory.)

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Appendix C - Table of changes

Date of change	Paragraphs affected	Summary of update
22/07/2025	All	Review of whole document and terminology to ensure consistency across all policies and procedures.
02/10/2024	4, 7.3	Updated to include sexual harassment in line with the Worker Protection (Amendment of Equality Act 2010) Act 2023
22/04/2024	All	Review of whole document and terminology to ensure consistency across all policies and procedures. Document name changed to include “discrimination”.
10/07/2023	3	Updated reference to Internet, social media and email use model policy P319 to Social media and electronic communications model policy P319.
15/11/2021	1	Additional paragraph to include consideration for employees with mental health issues.
21/07/2020	7,8,9,10	Numbering updated
24/06/2020	4, 5	References to ‘see monitoring of the policy section’ removed.
15/06/2020	7, 9, 10, 11	Policy updated in line with Equality and Human Rights Commission harassment guidance. Definition of harassment updated. Further guidance on identifying sexual harassment.
05/04/2019	Paragraphs changed from the Dignity at Work policy: 1, 2, 3, 5, 6, 7.2.1, 8.5, 8.6, 9, 10, 11	This document is an updated version of the Dignity at Work policy. The Dignity at work policy no longer exists, this policy takes its place. The new policy makes it clear that: • any bullying and harassment complaints should be dealt with via the grievance procedure. • What bullying and harassment is and the legal implications • Support should be provided to all parties involved

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