

COGNITA



COLCHESTER
PREP AND HIGH SCHOOL

Bullying and Harassment Policy

September 2024

KEY FACTS:

- ❖ All employees are expected to behave in a manner which is conducive and harmonious to a healthy workplace.
- ❖ Employees are encouraged to resolve matters informally by speaking directly to the employee concerned in the first instance.
- ❖ Employees who do not seek appropriate resolution from the informal stage, should refer to the Grievance Policy.
- ❖ Malicious or vexatious allegations of bullying and harassment may result in disciplinary action against.

1. Introduction

- 1.1 The purpose of this policy is to foster a respectful, harassment and bullying-free workplace, with the expectation that all employees actively comply with and support the policy in its entirety. Cognita is committed to preventing harassment and bullying and it is the responsibility of all managers to make sure that their staff are aware of, and understand the context of, the Bullying and Harassment Policy.

2. Scope

- 2.1 This policy applies to all UK employees.
- 2.2 This policy does not form part of any employee's contract of employment and therefore can be amended / modified or removed without the requirement of forewarning or consultation.

3. Definitions / Terms

- 3.1 **Harassment** for the purposes of this policy can be defined as unwanted conduct which has the purpose of violating a person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for them based on belonging (or association with) a protected characteristic.
- 3.2 There is no legal definition of **bullying**, however it can be described as behaviour which is offensive, intimidating, malicious and/or insulting. In addition, it can include an abuse or misuse of power.
- 3.3 A **protected characteristic** is a legal definition for a group of characters that are given legal protection (e.g., under the Equality Act, certain characteristics are given protection from discrimination).

4. Key Roles & Responsibilities

4.1 Head / Line Manager

- 4.1.1 Head / Line Managers should ensure that their teams are fully aware of the standards and expectations set out in this policy and act in a responsive manner where concern(s) are identified and/or reported.
- 4.1.2 Ensure, where requested, that they attend and act as an independent observer to an employee discussing their concerns of bullying and/or harassment with another employee.

4.2 Employee

- 4.2.1 All employees should take personal responsibility for their behaviour and the impact as well as appropriately challenging and/or reporting 'behaviour which could be considered as harassing, offensive or discriminatory'.

4.3 Human Resources

4.3.1 The Human Resources team are available to provide guidance and support in the application of this policy as and when required.

5. Equality Act 2010

5.1 In conjunction with Cognita's commitment to equal opportunity, there are legal obligations under the Equality Act 2010 to address harassment that takes place on the grounds of an individual's protected characteristic(s). The term "protected characteristics" refers to nine separate groups that are protected under the Equality Act which are listed below:

- 5.1.1 Age
- 5.1.2 Disability
- 5.1.3 Gender reassignment
- 5.1.4 Race
- 5.1.5 Religion or belief
- 5.1.6 Sex
- 5.1.7 Sexual Orientation
- 5.1.8 Pregnancy and maternity
- 5.1.9 Marriage and Civil partnership

5.2 All employees should be aware that where bullying is attributed to a protected characteristic this is unlawful and could render the employee to criminal investigation and prosecution and/or serious civil penalties.

6. Bullying

6.1 There is no legal definition of bullying, however it can be described as behaviour which is offensive, intimidating, malicious and/or insulting. Some non-exhaustive examples of bullying are:

- 6.1.1 Hurtful remark(s) which may be repeated;
- 6.1.2 Excluding an employee in work related or linked activities;
- 6.1.3 Being allocated an 'impossible' task that can't be achieved within the given time or resources;
- 6.1.4 Deliberately and unnecessarily or without consultation changing an employees hours, schedule or location with the purpose of making it difficult for the employee;
- 6.1.5 Deliberately withholding information needed either temporarily or permanently to disable an employee's ability to complete work to a good standard;
- 6.1.6 Intimidation – making an employee feeling less important & undervalued and/or physically by pushing, shoving, tripping, or grabbing.

6.2 All employees should ensure they are familiar with the **Personal & Professional Boundaries Policy**, ensuring professional work relationships are maintained.

7. Harassment

7.1 Harassment is when bullying or unwanted behaviour is about a 'protected characteristic' (see 5.0 Equality Act). An employee may feel similar to how a person being bullied may feel / be experiencing, however, for in order to be harassed, the unwanted behaviour must have either:

- 7.1.1 violated the person's dignity, whether it was intended or not;
 - 7.1.2 created an intimidating, hostile, degrading, humiliating or offensive environment for the employee, whether it was intended or not.
 - 7.1.3 Harassment can include a serious one-off incident or repeated behaviours.
- 7.2 Harassment that occurs on the basis of a 'protected characteristic' may include the following non-exhaustive examples:
- 7.2.1 **Harassment on the grounds of sex** can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
 - 7.2.2 **Harassment on the grounds of race** may include jokes about, or gratuitous references to, a person's colour, race, belief, religion or nationality. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an employee or fostering hatred and/or prejudice towards employees or particular groups.
 - 7.2.3 **Harassment of people with disabilities** can take the form of employees being ignored, disparaged or ridiculed because of their disability. The disability rather than their ability can become the focus of attention. Harassment can also include inappropriate personal remarks, jokes or inappropriate reference to an employee's appearance.
 - 7.2.4 **Harassment on the grounds of religious belief** may include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
 - 7.2.5 **Harassment on the grounds of actual or perceived sexual orientation** can include homophobic remarks or jokes, offensive comments relating to a person's sexuality, or threats to disclose a person's sexuality to others.
 - 7.2.6 **Harassment on the grounds of age** may include ridicule, jokes or insults about a person's age, or singling a person out for a different treatment as a result of their age.
 - 7.2.7 **Harassment on the grounds of gender reassignment** can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
 - 7.2.8 **Harassment on the grounds of pregnancy and maternity** may include being penalised for pregnancy-related illness, requesting time off to attend maternity related appointments, or being treated differently whilst on maternity leave.
- 7.3 All employees should ensure they are familiar with the [Personal & Professional Boundaries Policy](#), ensuring professional work relationships are maintained.

8. Procedure

- 8.1 If an employee believes they are the subject of bullying and harassment the 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can also have the advantage of resolving the situation quickly and with minimal disruption to working relationships. It is

recommended that informal procedure is explored where reasonable in the first instance prior to an employee escalating issues formally, this can be done by:

8.1.1 **Informally have a conversation** – If the employee feels safe and able to do so, the employee should raise the concerns they have directly with the employee concerned in person, provide examples of the conduct that is causing them a concern and make it clear to the employee that they wish for it stop. If the employee doesn't feel comfortable or able in meeting with the employee concerned, they could ask their Head / Line Manager to observe the meeting as an independent person.

8.2 If following 'this conversation' the unwanted conduct persists or the informal route is not appropriate, the employee should consider raising a formal concern in line with the [Grievance Policy](#).

9. References

- 9.1 Grievance Policy
- 9.2 Personal & Professional Boundaries Policy
- 9.3 Equal Opportunities Policy

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