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Guidance

Statutory obligations regarding workplace bullying, harassment and safety

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Applies to England

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In the UK, a range of laws and regulations protect employees from bullying, harassment, and unsafe working environments. These legal duties apply to all employers, including schools and trusts, and are designed to ensure dignity, safety, and fairness at work.

Common law obligations

Common law is law developed by the courts.

Duty to provide a safe workplace

Employers must take reasonable steps to provide a safe workplace and safe system of work. This extends to mental health as well as physical health.

Duty to provide a suitable working environment

Employers must provide a working environment that is reasonably suitable for the performance of employee's contractual duties. This means an employer must take reasonable steps to protect employees from unacceptable behaviour such as bullying or unauthorised interference in work duties.

Duty not to undermine mutual trust and confidence

Employers must not, without reasonable and proper cause, conduct themselves in a manner calculated and likely to destroy or seriously damage the relationship of trust and confidence between employer and employee. For example, if an employer knows an employee is being bullied, they should take steps proactively to address the situation. Failure to do so can be a breach of trust and confidence as well as breach of the duty to provide a safe workplace.

Statutory obligations

Statutory law is law created by Parliament. If statutory obligations are breached, it can have serious consequences.

Constructive dismissal

This is covered by the [Employment Rights Act 1996](#). If an employer seriously breaches the terms of an employment contract (for example, by ignoring complaints of bullying or harassment), an employee may resign and claim constructive dismissal. This is treated as if the employer has effectively dismissed the employee, due to their failure to uphold the implied duty of mutual trust and confidence.

Equality and harassment

This is covered by the [Equality Act 2010](#), which makes it unlawful to harass or discriminate against someone at work based on protected characteristics (for example, race, gender or disability). Harassment includes any behaviour that violates a person's dignity or creates a hostile or offensive environment. Bullying may fall under this definition if it relates to a protected characteristic.

Public Sector Equality Duty

This means public bodies, including schools, must actively work to eliminate discrimination and harassment, not just respond to it. [Public Sector Equality Duty: guidance for public authorities](#) provides more information.

Proactive prevention

This is covered by the [Worker Protection Act 2023](#) which amends the Equality Act. From October 2024, employers must take proactive steps to prevent sexual harassment. This means identifying risks and implementing measures to stop harassment before it happens, not just reacting afterwards.

Safeguarding teachers

This is covered by the [Education Act 2002](#) which protects teachers from being publicly identified in connection with criminal allegations made by or on behalf of pupils, unless they are formally charged. It helps prevent reputational harm from unproven accusations.

Online safety

This is covered by the [Online Safety Act 2023](#). Social media platforms now have greater responsibility for user safety. This includes protecting school staff from online abuse, harassment or defamation.

Workplace safety

This is covered by the [Health and Safety at Work etc. Act 1974](#). Employers must ensure, as far as reasonably practicable, the health, safety and welfare of their employees. This includes protecting staff from bullying and harassment, which can cause serious psychological harm.

Risk management

This is covered by the [Management of Health and Safety at Work Regulations 1999](#). Employers are required to carry out risk assessments and take steps to eliminate or reduce risks to employees' health and safety. This includes risks from bullying or harassment.

Human rights

This is covered by [Article 8 of the European Convention on Human Rights](#). Everyone has the right to respect for their private and family life, which includes professional relationships. If bullying or harassment at work affects someone's mental health or personal dignity, it may breach this right. The Human Rights Act enforces this in UK law.

Aggravated offences

These are covered by the [Police, Crime, Sentencing and Courts Act 2022 \(section 156\)](#). Certain offences, such as common assault, are treated more seriously if committed against someone performing a public duty, like a teacher. Even non-physical assault (for example, threats or verbal abuse) can be considered aggravated if it causes psychological harm. Otherwise, verbal or online abuse of staff can be a criminal offence under the [Protection from Harassment Act 1997](#) or a Public Order offence.

Defamation

This is covered by the [Defamation Act 2013](#). This Act protects individuals from false and damaging statements. Key provisions include:

- serious harm: to be defamatory, a statement must cause, or be likely to cause, serious harm to the reputation of a person
- truth and honest opinion: defences exist if the statement is true or a reasonable opinion
- public interest: protects responsible journalism and whistleblowing
- website operators: defences exist in relation to user content unless the operator acts maliciously or ignores complaints
- single publication rule: the time limit for bringing claims runs from the date of first publication
- removal orders: a court can order that defamatory content be taken down

Negligence and personal injury

If bullying or harassment causes physical or psychological injury, an employer may be liable under the tort of negligence.

To succeed in a claim, the employee must show that the:

- employer owed a duty of care
- duty was breached (for example, by ignoring bullying)
- breach caused harm (for example, anxiety or illness)
- harm was reasonably foreseeable

Harassment offences

Harassment offences are covered by the [Protection from Harassment Act 1997](#). Harassment is a criminal offence if someone pursues a course of conduct they know, or should know, is harassing. Employers can be held liable if their employees harass others during the course of their work (for example, a school could be responsible for a staff member's harassment of a colleague or pupil).

Harassment

Harassment is defined in the [Equality Act 2010 \(Section 26\)](#) as unwanted conduct related to a protected characteristic that either:

- violates a person's dignity, or
- creates an intimidating, hostile, degrading, humiliating or offensive environment

The [definitions of bullying and harassment](#) provides further details.

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