



inspiring the journey for
independence together

Anti-Harassment and Anti-Bullying Policy and Procedure

Non-Statutory

Reviewed Two-Yearly

Signed: (Chair of the Trust)

Review Date: September 2026

1. The Legal Position

A person (A) harasses another (B) if—

- a) A engages in unwanted conduct related to a relevant protected characteristic, and
- b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

A also harasses B if—

- a) A engages in unwanted conduct of a sexual nature, and
- b) the conduct has the purpose or effect referred to in subsection (1)(b).

A also harasses B if—

- a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
- b) the conduct has the purpose or effect referred to in subsection (1)(b), and
- c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

- a) the perception of B;
- b) the other circumstances of the case;
- c) whether it is reasonable for the conduct to have that effect.

The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- race;
- religion or belief;
- sex;
- sexual orientation.

Employers have a duty of care for all their workers and liability at common law under the following laws:

Health and Safety at Work Act 1974 (employers are responsible for the health, safety and welfare at work of all employees, and are liable for the actions of their employees at work.

Employment Rights Act 1996 incorporates an employee's right to claim, 'unfair constructive dismissal,' when an employee resigns in the face of the employer's breach of contract, which may include failure to protect their health and safety at work.

Criminal Justice and Public Order Act 1994 (this created a criminal offence of 'intentional harassment', whether in the workplace or elsewhere).

Protection from Harassment Act 1997 (this also created a criminal offence of harassment, and a right to damages for the victim).

2. Policy Statement

Schools within Rivermead Inclusive Trust will continue to promote a working environment which values the contribution all employees can make to the efficient delivery of quality services.

Each employee is entitled to be treated fairly, consistently and with dignity and respect whilst at work and in all situations, including recruitment and selection, grievance, capability, health and disciplinary matters.

Rivermead Inclusive Trust will not condone bullying or harassing behaviour and any allegations will be treated seriously, confidentially and fairly. Appropriate disciplinary action, including dismissal, will be taken against employees both in cases where harassment or bullying has been proved or allegations have been raised maliciously.

The principles of this policy will apply to any dealings employees might have with council members, school governors, parents, contractors and members of the public.

It is the responsibility of all staff to help to establish the right working environments and to promote dignity and respect at work.

3. Making the Policy Work

Further information is attached on the procedures for dealing with harassment, bullying and stress at work, together with detailed guidance for managers and for employees.

It falls, in particular, for Headteachers, governors and managers to set the standards and do all they can to ensure that staff and potential staff are treated fairly and courteously and are given the support and respect they need to do their jobs. They should also:

- ensure that employees are aware of the policy and the notes of guidance and that it is covered in discussions during the induction process and at appraisal or supervision meetings.
- implement the policy within their areas of responsibility and provide appropriate awareness and training on the key issues.
- ensure that all employees are aware of the Care First Counselling Service when any situations arise to make sure that the proper procedures are followed and the appropriate actions taken.

It follows that all employees can contribute to maintaining good working relationships and therefore help encourage dignity and respect at work. Whilst being encouraged to raise any concerns they may have, employees should understand that many management activities, such as instigating disciplinary proceedings, monitoring performance, dealing with attendance issues, changing deadlines and priorities, if handled reasonably and fairly do not constitute harassment or bullying.

There are other policies and procedures which can help support dignity and respect at work and good working environments. These include:

- Whistleblowing Policy
- Health and Safety Policy
- Equal Opportunities Policies

The Harassment and Bullying Policy and supporting guidance will be reviewed on a regular basis and updated in consultation with trade unions and management representatives in light of statutory developments and the operation of the Policy.

4. Responsibilities

4.1 The Individual

It is the responsibility of all employees to ensure that their behaviour is appropriate to the workplace and does not contribute to the creation of an environment in which bullying is condoned or encouraged. Employees should challenge bullying behaviour or bring it to the notice of management as appropriate and support any colleague who is being bullied.

4.2 The Manager

It is the responsibility of all managers to eliminate bullying and to take appropriate action against it when necessary. In particular, managers shall:

- as part of their normal responsibilities, be alert to the possibility of bullying occurring.

- use their judgement in correcting standards of conduct or behaviour which could be seen as offensive and remind employees of the RIT when appropriate.
- set out the RIT's policy during induction programmes and raise the issue where necessary at section meetings, briefings etc.
- provide a supportive framework for any employee with a complaint of bullying.
- take prompt action to deal with bullying as soon as it is identified.
- institute disciplinary action where appropriate.
- treat all cases of bullying with appropriate confidentiality.

5. Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

THE PROCEDURES

Harassment and Bullying at Work

1. Introduction

1.1 What is 'Harassment'?

Harassment is unwanted behaviour which affects the dignity of men and women in the workplace, and which the recipient finds threatening, demeaning or offensive, **even if this is not the intention behind it.**

Harassment can be direct, indirect, blatant or subtle. It may be persistent or an isolated incident. It can be based on a person's disability, sex, gender identity, sexual orientation, race, age, religion or other personal circumstances. It can take the form of intimidation, particularly against those who are viewed to be in a vulnerable position either socially or physically or because, in the work context, of their relationship to the perpetrator of the harassment.

Fun and jokes in social interaction at work, provided they are acceptable to the recipient, may well not constitute harassment, but sensitivity needs to be exercised.

Harassment can take many forms. Some general examples of unacceptable harassing behaviour include:

- Physical** - physical contact, ranging from unnecessary touching, patting or brushing against someone, indecent assault, physical attacks or threats.
 - intrusive or anti-social behaviour such as staring, pestering, unwarranted spying, offensive gestures or body language;
- Verbal** - the threat of dismissal, loss of promotion, benefits of other entitlements etc., as a result of refusal of sexual or other favours; or
 - coercion to participate in political, religious or other social groups;
 - subjecting someone to ridicule or insults because of their gender or sexual orientation, e.g. sexist or homophobic remarks;
 - subjecting someone to ridicule or insults because of their race, religious beliefs, cultural beliefs or personal appearance.

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- jokes or verbal abuse of a sexist, racist or ageist nature;
 - the use of offensive language or gossip;
 - continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome;
 - the display or circulation of sexually suggestive material, offensive posters, graffiti, emblems, badges, e-mails, etc.

1.2 What is 'Bullying'?

Bullying is an abuse or misuse of power or position, through means intended to undermine, humiliate, denigrate or injure the recipient. It is intimidating and is typified by a disrespectful treatment of others and the unfair use of power. This power may not always relate to status or position in the organisation, but may be personal, affecting social activities outside work; expert, which may be based on particular technical or professional knowledge and skills; or negative power, which may be used to undermine and sabotage positive relationships and ideas at work.

Some general examples of unacceptable bullying behaviour include:

- deliberate exclusion from social activities in the workplace
- unnecessary or malicious threats of formal complaints, or grievances that cause intimidation
- shouting or screaming at any person, in public or in private
- embarrassing or humiliating people in front of colleagues
- persistent, unfounded criticism, accusations and spreading malicious rumours
- isolating, ignoring or excluding a person
- arbitrarily and constantly changing work targets, guidelines and deadlines without adequate support
- refusing to delegate, and unreasonably taking away work or responsibilities
- victimising any person
- setting someone up to fail in their job, e.g. by not passing on important information or by being fed false information
- constantly undermining effort, blocking reasonable applications for leave, training or promotion without appropriate justification or explanation
- Any comments, actions or behaviours which go expressively against one of the protected characteristics of:
 - Disability

- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation
- Sex (gender)
- Age

Bullying and harassment does not always occur in face-to-face communication, but can take the form of written communications, e-mail or telephone.

It is not always easy to recognise bullying and harassment, and employees may be anxious about the responses if they make a complaint. People who are bullied and harassed often feel very isolated and very vulnerable, and complaints are rarely made lightly. They can experience a loss of self-confidence, ill health and stress. Their work performance and the efficiency of the organisation can also be affected.

2. Procedures for Dealing with Complaints of Harassment or Bullying

The complainant should be advised to record details of the alleged incident(s) and to continue to record any further incidents. Before reaching a decision about what course of action to take, it is important to gather as much advice and information as possible and to be aware of all the options available.

It is in everyone's interest for a mutually agreeable resolution to be found as soon as possible, and unless there are exceptional complicating factors the aim should be to complete the process within a month.

Where other recognised procedures, e.g. capability, disciplinary, are already underway, they should continue.

However, when harassment and bullying issues are raised as part of these other procedures, it is essential that employees are given the opportunity of having them dealt with fairly and impartially, and managers must seek advice from human resources in these circumstances.

The grievance procedure may not be used as a mechanism for dealing with formal complaints of harassment or bullying. The procedures set out below should be used.

3. Informal Approach

Complainants may initially choose to simply raise the matter directly with the alleged perpetrator pointing out that they find the behaviour unacceptable and they wish it to stop. This may be done orally or in writing. In some cases, this may be all the action that is required to mutually resolve the matter because the alleged perpetrator may be genuinely unaware that their behaviour caused offence.

4. Formal Procedures

Alternatively, the complainant may request a formal investigation be conducted by their line manager or supervisor, as outlined in bullet points below.

If that manager is the subject of the complaint, it should be referred to an appropriate senior manager, who must notify their senior management and human resources to decide on the appropriate course of action, being mindful of the need for an impartial and objective approach.

They may conclude that the senior manager should conduct the formal investigation, or they may arrange for a designated officer from another department to carry out an independent investigation, in either case as outlined in the bullet points below.

- Any investigation must be seen to be objective and independent. It is therefore important that managers think carefully about the appropriateness of who should make enquiries and decisions, the recording of any meetings that take place etc. especially if it is necessary to talk to any other staff who may be involved or affected.
- Both parties are entitled to the same advice and support and should be advised to contact appropriate sources of help. This may be their line manager, whistleblowing officer or trade union representative. **All parties must be aware of the need for confidentiality, and of an agreed framework for record keeping.**
- The complaint should be discussed separately with the complainant and the person against whom the complaint is made and full statements taken from each. Both can be accompanied by a trade union representative or workplace colleague. It is the designated officer's responsibility to make them aware of their right to support and representation.
- If it is necessary to hold any interviews with the complainant's work colleagues in connection with the investigations, the complainant must be consulted first, **and any colleagues that are interviewed must be reminded of confidentiality.**
- A monitoring programme should be established after the case has been resolved to ensure there is no further harassment or bullying. The monitoring should take place.

at regular planned intervals and allow for staff to talk through and review the changes made.

A plan chart of the process is attached at Appendix 1.

5. Mediation

In many cases a successful resolution can be achieved at the end of informal discussion or a formal investigation. For some however mediation may be the means to a solution. Mediation helps the parties agree a course of action and a solution and can be used at any point in the process. It may also save 'face' for those involved, most of whom will be glad of a way out that stops the bullying and harassment. For details of mediation services available contact human resources.

All mediators are fully trained and experienced.

6. Outcome

The investigating manager or designated officer will compile a report and recommend the course of actions they consider to be appropriate, which could include:

- the complaint appears to lack substance and no further action should be taken.
- the complaint is not upheld, although there are still issues to resolve.
- the complaint has substance, and the person against whom the allegation has been made should be the subject of formal action.
- the complaint appears to have been made maliciously, with no basis in fact, and was purely an attempt to damage the alleged harasser or bully in some way. The complainant could be the subject of formal action.

The outcome and recommendations of the investigation, and its implications for any consequent action should be discussed with both the complainant and the person against whom the complaint has been made, and with the management concerned. Management must either act on the recommendations or identify a suitable and justifiable alternative approach to them.

If the complaint is upheld, the following action should be considered:

- keeping the complainant 'safe'.
- making sure the perpetrator is made fully aware of the effect that their behaviour has on others.
- helping the perpetrator to change their behavior style.

Most complainants want to get back to their job although some may feel that a change is necessary while their confidence is rebuilt. Any change should not lead to a disadvantage for the complainant.

An agreed monitoring plan must be drawn up at the conclusion of the investigation, whether the complaint was founded or not, but particularly to confirm that harassing and bullying behaviour has stopped and that no victimisation occurs. Victimisation may be difficult to spot but can take the form of continuing inappropriate behaviour, blocking promotion or training opportunities.

Any disciplinary hearing against a perpetrator or complainant should be held under the RIT school's formal Disciplinary Procedure.

A record of the investigation and the outcome must be kept. Where formal action is taken against a particular individual(s) a copy of all the records, including any disciplinary action, must be kept on their personal file(s).

EMPLOYERS GUIDANCE

1. Harassment and Bullying at Work

Managers have an important role in setting standards of behaviour and creating good working environments and should be aware of any specific initiatives in their departments.

Managers and supervisors should:

- Promote a working environment where dignity is the norm and harassment and bullying are unacceptable.
- Promote a working environment in which staff feel free to challenge harassment or bullying without fear of victimisation.
- Be aware of harassment or bullying as an issue and be familiar with the appropriate procedure for dealing with complaints, where possible resolving a situation before a formal complaint becomes necessary.
- Take immediate and appropriate action to investigate complaints of harassment and bullying.

- Set standards of acceptable behaviour, e.g. stopping the use of offensive language, ban the display of offensive material.

If a member of staff complains of bullying or harassment, the manager's response must be to investigate the complaint promptly and objectively in line with the procedures and the wishes of the complainant.

It is important that any complaints are treated seriously, not only so that the complainant feels safer and more secure, but also to ensure that those against whom the complaints are directed are treated fairly and given appropriate advice and support.

Maintaining confidentiality is vital and managers must ensure from the outset that all parties respect this and agree the framework for confidentiality in each case. However, where employees raise their concerns with their line manager but request that it remains confidential, this cannot be guaranteed. The manager, having knowledge that potential bullying and harassment is taking place is under a duty to take data to protect the health, safety and welfare of the employee.

EMPLOYEES GUIDANCE

1. Harassment and Bullying at Work

1.1 Raising your Concerns

The RIT does not condone harassment or bullying and understands how distressing it can be for any employee. However, some situations can be misunderstood. Nevertheless, if you believe you are being harassed or bullied you must raise your concerns. Provided you do so in good faith, that is, not maliciously, you have nothing to fear.

You may feel that if you complain, others will think you are making a fuss about nothing or, at worst, they will not believe you. Similarly, it is very distressing to be accused of harassing or bullying someone as a result of a genuine misunderstanding about the worst of behaviour or legitimate management expectations which are acceptable. It is important, therefore, for all cases to be dealt with in a sensible, careful and supportive way.

If you think you are being harassed or bullied, you should contact your line manager or whistle blowing officers for help and advice. Their names and locations are listed in the Whistleblowing policy.

Any approach from you will be treated in strictest confidence. The Whistleblowing Officer will be happy to discuss both your own situation and/or the more general issues of

harassment and bullying and the actions and behaviour which people may find offensive. Any initial contact will be regarded as informal and it will be for you to decide whether, and how, to take matters further.

If the alleged perpetrator is a service user or member of the public rather than a colleague, you can expect the same level of support.

You should report any such incidents to your line manager.

1.2 Informal Approach

If you feel you are being harassed or bullied make it clear to the person concerned that their behaviour is unwelcome, that you find it offensive and that you want it to stop. In most cases this should be sufficient to stop the actions recurring. It would be helpful for you to keep a record of such incidents, e.g. date, time, location, witnesses, your response and feelings at the time.

1.3 Formal Procedure

If the behaviour persists, you should speak to your manager or supervisor and/or your trade union representative. Your manager will then be able to undertake an informal investigation and ensure that it is progressed as quickly as possible and with the utmost confidentiality.

If it is your manager or supervisor who is harassing or bullying you, speak to an appropriate senior manager, or contact the Whistleblowing officer.

If a formal investigation is initiated, a more senior manager or a designated officer will carry out the investigation, including discussing the incidents individually with you and the person against whom the allegation has been made, and take full statements from each of you.

Once the issue has been raised it is important to keep a record of any further incidents so that, if necessary, these can be accurately recalled later. The record should include the nature of the offence or offences; the dates and times when they took place; the names of any witnesses present and the action you took in response to the incident.

If your colleagues have been harassed or bullied by the same person or have witnessed the incidents which you are reporting, statements may also be required from them. Your permission to approach them will be sought, however, before any interviews with them are carried out. These interviews will be conducted in the strictest confidence.

Any disciplinary hearing against either a perpetrator or malicious complainant will be held under the formal Disciplinary Procedures.

At any time during these procedures, you can contact the support line counselling service for support.

If for any reason other recognised procedures, such as capability or disciplinary, are underway when you decide to make a complaint of harassment or bullying, these will continue. Similarly, you may not use the grievance procedure as a mechanism for dealing with formal complaints of harassment and bullying, only the agreed procedures.

1.4 Outcome of any Investigation

After the incidents have been fully investigated the manager or designated officer will discuss with you, the alleged perpetrator and your manager the outcome of the investigations and recommend the way forward.

You should be aware that if the complaint is upheld, the following action will be considered:

- You should be aware that if the complaint is upheld, the following action will be considered:
- how to keep you 'safe'.
- making sure the perpetrator is made fully aware of the effect that their behaviour has on others.
- how to help the perpetrator to change their behaviour style.

Most complainants want to get back to their job although some may feel that a change is necessary while their confidence is rebuilt. Any change should not be a disadvantage to you.

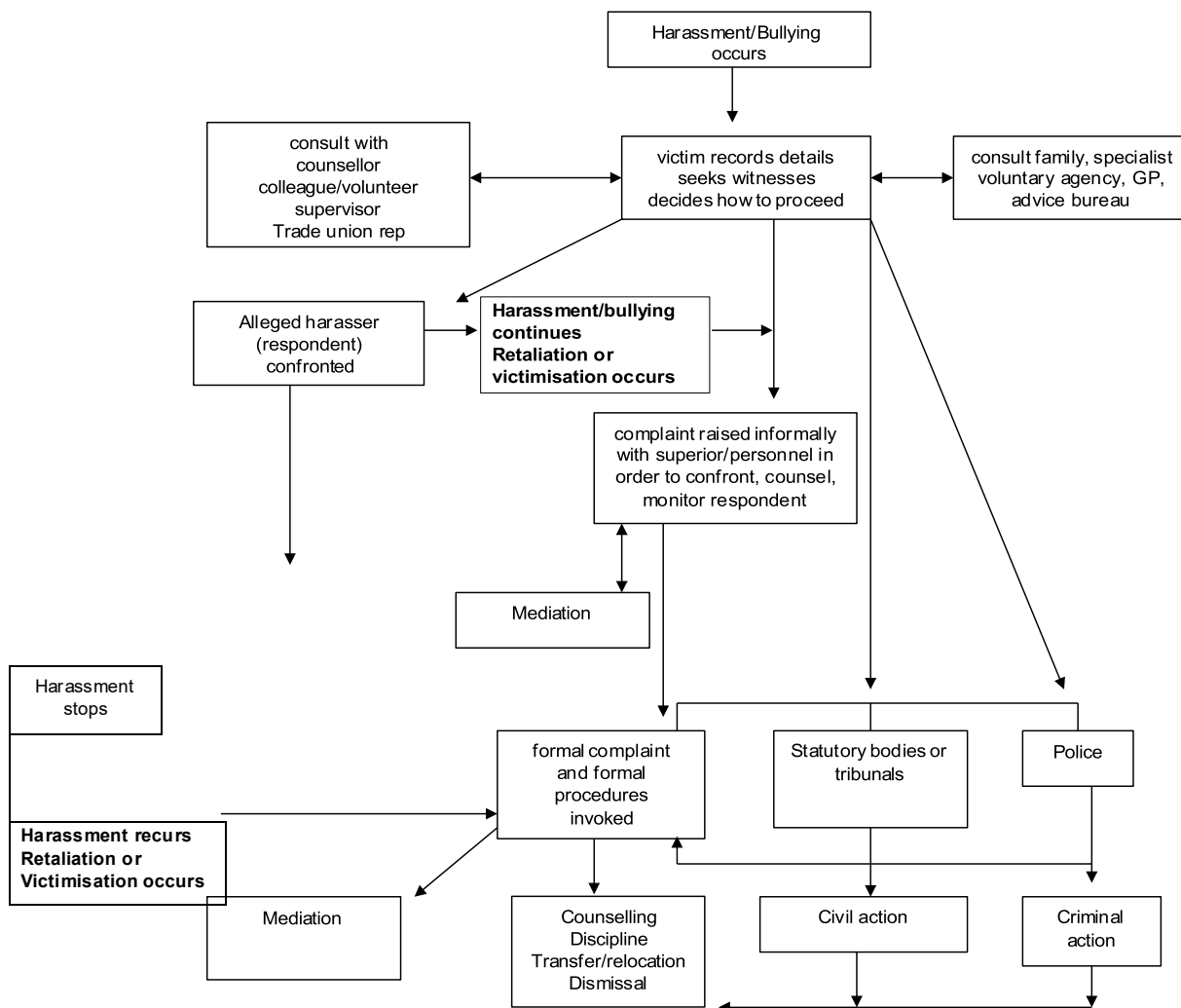
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A record of the investigation and the outcome will be kept. Where formal action is taken against a particular individual(s) a sealed copy of all the records, including any disciplinary action, must be kept on their personal file(s).

If a complaint is not upheld, it may still be preferable to relocate or transfer either party if it appears that there is little likelihood of a positive working relationship between them and this could result in a strained and unproductive work atmosphere. Such a transfer should take full account of both parties' wishes and should be carried out in an atmosphere where neither feels that he/she is being victimised.

Any disciplinary hearing against either a perpetrator or malicious complainant will be held under the formal Disciplinary Procedures.

PROCESS FOR RESOLVING HARASSMENT AND BULLYING COMPLAINTS



Internal process

External process