

RIVERSIDE SCHOOL



Anti-Bullying and Harassment Policy and Procedure for Staff

APPROVED BY GOVERNORS

RESPONSIBLE PERSON – HEADTEACHER

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Statement of Intent

Riverside School is committed to a zero-tolerance approach towards bullying and harassment, including sexual harassment. This policy is written in conjunction with the school's Equality, Diversity and Inclusion (EDI) Policy and Procedure for Staff. Specifically, the aims of this policy are to:

- work to eliminate all forms of harassment, bullying and discrimination from the workplace;
- build a confident and enabled workforce empowered to challenge negative behaviours;
- create a healthy working environment which helps to minimise incidents of harassment and is based on trust, openness, respect and accountability; and
- build a workplace culture that identifies and addresses negative behaviours.

The purpose of this policy is to raise awareness of expected behaviours whilst working at or for the school, prevent harassment and provide a means of quickly and effectively resolving issues which arise, so employees can continue to work together harmoniously.

The governing board are mindful of their obligations under The Equality Act 2010 and The Worker Protection (Amendment of Equality Act 2010) Act 2023. They are committed to executing the school's EDI Policies, and that this procedure will be applied fairly and consistently to all employees. This policy covers bullying and harassment of and by employees, contractors, governors, volunteers, agency staff and anyone else engaged to undertake work whether by direct contract or otherwise. The policy also applies to bullying or harassment by third parties. Where the complainant or alleged harasser is not employed, this policy will apply with any necessary modifications in place. This policy does not apply in relation to pupils for whom there is a separate policy in place.

If a complaint relates to unlawful discrimination due to the implementation of a policy or procedure, this will be dealt with via the Grievance Policy and Procedure for Staff.

1. Legal Content and Definitions

There are various pieces of legislation related to the contents of this policy, however a few key examples are listed below:

Legislation	
Worker Protection (Amendment of Equality Act 2010) Act 2023	This piece of legislation requires employers to take reasonable steps to prevent harassment of employees during the course of their employment. This preventative duty is an anticipatory duty which means employers cannot wait until an incident of sexual harassment has taken place before they take any action.

Equality Act 2010	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthen protection in some situations. It sets out the strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone. The protected characteristics under the Act are: • Age • Disability • Gender Reassignment • Marriage and Civil Partnership • Pregnancy and Maternity • Race • Religion or Belief • Sex • Sexual Orientation
Protection of Harassment Act 1997	This Act was originally introduced to deal with the problem of stalking. However, it now covers a much wider range of behaviour, including behaviour which alarms or distresses the victim. The Act gives both criminal and civil remedies. There are two criminal offences: • pursuing a course of conduct amounting to harassment • a more serious offence where the conduct puts the victim in fear of violence. Harassing a person includes alarming the person or causing the person distress. A "course of conduct", which can include speech, must normally involve conduct on at least two occasions.
Management of Health and Safety at Work Regulations 1999	The regulations were to reinforce the Health and Safety at Work etc. Act 1974. The regulations state that an employer must identify the risks that employees, contractors, and members of the public may face and take steps to control or mitigate those risks through a formal risk assessment process.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any grounds to be unacceptable.

Bullying is offensive, intimidating, malicious or insulting behaviour and/ or an abuse or

misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant 'protected characteristics' (sex, gender reassignment, race, colour, nationality, ethnic or national origins, disability, sexual orientation, religion or belief and age) that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Sexual Harassment is defined as follows:

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

Employers are legally obligated to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.

Victimisation is subjecting a person to a detriment because they have, in good faith, made a complaint that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Cyber Bullying is making use of information and communications technology, particularly mobile phones and the internet, to deliberately undermine, humiliate or otherwise cause distress to the person on the receiving end.

2. Roles and Responsibilities

Line managers are expected to:

- develop the appropriate skills to be responsive and empowered in dealing with unacceptable behaviours, and to seek support on this through performance management as necessary;
- follow formal and informal procedures as set out in this policy and ensure that others are aware of the policy as it applies to them;
- take responsibility for setting standards in their team, leading by example and fostering a positive workplace culture;
- Monitor and challenge any negative behaviour in the workplace and act on any concerns raised in order to prevent harassment from taking place;

- be aware of, and seek to eliminate any forms of systemic harassment within the workplace;
- be approachable, open and responsive to any issues raised by employees; and
- enable all parties involved in instances of bullying and harassment to resume their work, without fear of further intimidation or fear of reprisal.

Employees and other individuals involved in our work are expected to:

- challenge any negative behaviours they witness at the earliest possible opportunity;
- be aware of how their own behaviour may affect others and modify it if necessary;
- treat colleagues with dignity and respect;
- report harassment or bullying to an appropriate manager and cooperate with any investigation into complaints; and
- inform their line manager (or other suitable person) if they feel they are the subject of bullying or harassment, in accordance with this policy.

Employees should be aware that these standards or behaviour are not confined to normal working hours or normal place of work. Allegations of cyberbullying, for example, will not be disregarded simply because the alleged perpetrator is using their own computer in their own time.

The duty placed on employers by the Workers Protection Act 2023 extends to cover employees working outside of their normal work location, and when they are attending social events that are considered an extension of work such as Christmas parties and leaving/ retirement parties. Therefore, as per definitions in section 1 of this policy, should the school be notified of any reports of misconduct during social events considered an extension of work, these reports will be handled in the same way as any reports relating to misconduct on school premises. Colleagues alleged to have engaged in misconduct when at work social events could face the consequences outlined in this policy and in the Grievance Policy and Procedure for Staff.

Employees should also be aware that, if found guilty of harassment or bullying, they may face disciplinary penalties in line with the school's Disciplinary Policy and Procedure for Staff, up to and including dismissal. They could also be personally liable to pay compensation in the event that the victim decides to make a legal claim against them.

Serious harassment can also be a criminal offence and as such can be reported to the Police as well as the London Borough of Bromley via an incident report form (AR3). In some instances, this could also result in the council's decision to ban offenders from accessing council services or facilities, and entering them on to the Cautionary Contacts Register (CCR).

3. Examples of Inappropriate Behaviour

Examples of unacceptable behaviour that are covered by this policy include, but are not

limited to, the following:

- Physical conduct ranging from unwelcome touching to threatened or actual serious assault.
- Verbal or online abuse of another person, such as making demeaning or insulting comments.
- Making unwelcome jokes or comments about an individual's personal characteristics or beliefs (such as their age, sex, race, religion or sexual orientation).
- Making unwelcome sexual advances, including offers of rewards or threats made in relation to the acceptance or rejection of advances.
- Excluding or ignoring an individual on the basis of their protected characteristic (age, sex, race etc.) or because of his/ her association with someone who has a protected characteristic.
- The use of obscene gestures or the open display of pictures or objects with sexual or racial overtones.
- Spreading malicious rumours about someone or deliberately setting them up to fail.
- Making threats or comments about someone's job security without justifiable cause.
- Isolation or non-cooperation with an individual at work or through excluding them from social activities.

4. Sexual Harassment

Sexual Harassment Duty

The school encourages individuals to report any sexual misconduct or safety concerns. Where possible, all reports will be treated with strict confidentiality to protect the privacy of those involved and encourage more individuals to come forward. The school will promptly respond to any reports with sensitivity and confidentiality.

The school also has a risk assessment in place as a preventative measure. This identifies risks to staff members and other users of the school premises. Anticipating all potential exposures to sexual harassment (including offsite or by third parties) and all measures implemented to prevent harm. The risk assessment has been conducted considerate of the sector, type of work and ways of working associated with the school.

Examples of Sexual Harassment

Sexual harassment can occur in many forms, and can take place either at work, outside of work, in person or online. While this list is not exhaustive, examples could include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made it clear that they do not welcome such suggestions;

- showing or sending offensive or pornographic material by any means (e.g., 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.

5. Malicious or Vexatious Accusations

Although very rare, vexatious or malicious accusations of discrimination, harassment, victimisation and bullying are extremely damaging, both to individuals and to workplace culture. Making such accusations with, for example, the aim of getting another member of staff into trouble, may lead to disciplinary action being taken against the employee making the accusation.

A complaint will not be considered vexatious, frivolous or malicious simply because it was judged to be unfounded by the investigation. This may be the case, for example, where an individual has expressed a concern based on a genuinely held belief that wrongdoing has taken place but the subsequent investigation uncovers no evidence of this.

6. Data Protection

As a general rule, all matters raised under this policy will be treated in the strictest confidence, both during and after any formal or informal complaint has been made with records handled in accordance with the school's Data Protection Policy.

No information will be relayed to a third party without first informing those involved. Any investigation to be conducted into a complaint is likely to involve some level of disclosure, but this will be discussed with the complainant prior to the investigation commencing. In most cases permission will be sought before information is released, although there may be instances where the matter is so serious that consent is not required e.g., where there are health and safety implications, pupils could be at risk, or where physical violence has occurred. In such cases, reasons for the disclosure will be explained.

7. Raising a Complaint About Bullying or Harassment

Introduction

If an employee feels that they are being bullied, harassed or victimised, they should raise these concerns at the earliest stage. This may be done formally or informally as outlined below.

Informal Route

Employees may wish to directly express their concerns to the alleged harasser, explaining

the incident(s) and the impact this has had on them.

If the employee feels unable to do this, they may instead approach their line manager or trade union representative for assistance in stopping the inappropriate behaviour. If the line manager is directly involved in the alleged bullying/ harassment, the complainant may instead approach the next most senior manager. In the case of allegations involving the headteacher, this approach should be made to the chair of governors.

After an assessment and meeting with both the complainant and the alleged harasser, the manager will attempt to resolve the problem through initial discussions and then through monitoring the behaviour of the alleged harasser. Where a manager requires further assistance in order to achieve resolution, they will give consideration to mediation (internal or through the use of an outside organisation) or the temporary reassignment of either party to alternative work. The manager may also refer the matter for further investigation if they do not believe that informal measures are sufficient to resolve the matter in all the circumstances of the case.

This route is informal and there is therefore no statutory right to be accompanied at any meetings. There may, however, be circumstances where the support of a work colleague or trade union representative may be beneficial and such requests for support will not be unreasonably refused.

Formal Route

If the complainant feels that the informal route has not resolved the problem or that the situation is too serious to be dealt with informally, they can lodge a formal complaint in writing with the headteacher (or chair of governors if the complaint relates to the headteacher). This will be dealt with in accordance with the process and timescales contained within the Grievance Policy and Procedure for Staff.

All complaints will be investigated promptly, which may include appointing either an internal investigator or an external independent investigator. Consideration of whether the suspension of the alleged harasser(s) is appropriate will also be made at this stage (see also section 7 'Suspensions and Temporary Transfers'). All parties may be accompanied by a recognised trade union representative or work colleague during the investigation and any subsequent meetings to discuss investigation outcomes.

Complaint Upheld – if the complaint is upheld by the investigation findings, suitable action will be taken. This action may be informal or it may involve the investigation of disciplinary action against the harasser in accordance with the Disciplinary Policy and Procedure for Staff. In either case, this may include other management action such as behavioural coaching, managed mediation or learning objectives for the harasser. These measures are to ensure that there is effective action taken to challenge the behaviours and prevent reoccurrence in the future.

Complaint Not Upheld – if the complaint is not upheld, suitable steps will be taken to

ensure that both the complainant and the alleged harasser are able to return to work. The complainant may appeal the decision not to uphold his/ her complaint in accordance with the Grievance Policy and Procedure for Staff. Through careful, confidential and safe management of the case and workplace situation, all involved should be able to continue to work in their original roles but, in some exceptional cases, this may not be possible. Mediation will be considered at this stage to help facilitate a return to work or to assist in restoring working relations amongst employees. Ultimately, however, the transfer of either party to alternative work may need to be contemplated.

8. Suspensions and Temporary Transfers

Suspensions and transfers are a neutral act, to protect and prevent any further possible conflict or difficulties particularly where there is a serious allegation that one member of staff has been bullied, harassed or discriminated against by another. Suspension would, in all cases, be on normal pay.

Suspensions/ transfers should be closely monitored and as short as possible, to enable, wherever possible, an effective return to work.

9. Monitoring and Review

This policy is reviewed as necessary by the governing board and headteacher. This policy is discretionary and does not confer any contractual rights.