

# RWST Anti - Bullying, Harassment and Discrimination Policy

<b>Last updated</b>	January 2019
<b>Next Update</b>	January 2022
<b>Reviewed by</b>	RWST Trust Board
<b>Responsibility</b>	CEO

## 1. Introduction & Purpose of Policy

RWST and our school are committed to a zero-tolerance approach towards harassment and bullying. 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;
- 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, RWST to prevent harassment and provide a means of quickly and effectively resolving issues which arise so that employees can continue to work together harmoniously.

The RWST Board and Governing Body is mindful of its obligations under the Equality Act 2010 and this procedure will be applied fairly and consistently to all employees. This policy covers bullying, harassment and discrimination of and by employees, contractors, governors, volunteers, agency staff and anyone else engaged to undertake work whether by direct contract or otherwise. 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 behaviour policy in place.

## 2. Definitions

**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' (these are sex, gender reassignment, race, colour, nationality and 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

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- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

**Discrimination** is treating, or proposing to treat, someone unfavourably because of a protected characteristic protected by law. The Equal Opportunity Act 2010 sets out protected characteristics that make discrimination in employment against the law, these are age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, made a complaint that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

**Cyberbullying** 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.

### **3. Roles & Responsibilities**

RWST Board of Trustees is responsible for the overall monitoring of the effectiveness of this procedure. The School Governing Body is responsible for the application of this policy in our school.

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 informal and formal 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 concern 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.
- 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.

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- Report harassment or bullying to an appropriate manager and cooperate with any investigation into complaints.
- 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 of 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 his/her own computer in his/her own time.

Employees should also be aware that, if found guilty of harassment or bullying, they may face disciplinary penalties, up to and including dismissal, and could 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.

### **4. Inappropriate Behaviour**

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- 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, gender, race, religion or sexual orientation);
- 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 his/her 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 him/her 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.

### **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 them. 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

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has expressed a concern based on a genuinely-held belief that wrongdoing has taken place but the investigation subsequently 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 informal or formal complaint has been made with records handled in accordance with the RWST and our 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**

#### **7.1 Introduction**

If an employee feels that he/she is being bullied, harassed or victimised, he/she should raise these concerns at the earliest stage. This may be done informally or formally as follows.

#### **7.2 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, he/she may instead approach his/her 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, he/she 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 he/she does 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.

#### **7.3 Formal Route**

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If an individual feels either that the informal route has not resolved the problem or that the situation is too serious to be dealt with informally, he/she can lodge a formal complaint in writing with the Headteacher (or Chair of Governors if the complaint involves the Headteacher or CEO if the complaint is about the Chair of Governors). This will be dealt with in accordance with the process and timescales contained within the Grievance Procedure. All complaints will be investigated promptly, which may include appointing either an internal impartial 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 8: '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 instigation of disciplinary action against the harasser in accordance with the Disciplinary Procedure. 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 Procedure. 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 considered.

## **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. Status of Policy and Review**

The content and operation of this policy is reviewed as and when deemed necessary by RWST Board of Trustees or Governing Body. The policy is discretionary and does not confer any contractual rights.

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