



ANTI HARASSMENT, SEXUAL HARASSMENT AND BULLYING POLICY

Lead Person: **Head**
Governing Body Committee: **Resources, Staff & Pay**

1. About this policy

- 1.1 The Crypt School is committed to providing a working environment free from harassment, sexual harassment and bullying and to ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 The school will not tolerate bullying or harassment by any staff, including consultants, contractors, interns, volunteers and agency workers or by third parties such as customers, clients, suppliers and visitors.
- 1.3 This policy covers harassment, sexual harassment or bullying that occurs either at work or offsite in work related settings, such as on school trips or at work social functions. It covers bullying, sexual harassment and harassment by staff including consultants, contractors and agency workers as well as third parties such as customers, suppliers or visitors to school premises.
- 1.4 To help staff understand and recognise what constitutes sexual harassment, bullying and harassment mandatory awareness training will be provided to all staff.
- 1.5 This policy does not form part of any employee's contract of employment, and the school reserves the right to amend it at any time.
- 1.6 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns.

2. What is harassment?

- 2.1 Harassment is unlawful and may involve conduct of a sexual nature, or it may be behaviour related to a person's age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.



- 2.2 Harassment is any unwanted verbal, written, physical, non-verbal or visual conduct relating to one of the characteristics listed in section 2.1 that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident may constitute harassment.
- 2.3 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.4 Examples of harassment may include:
- (a) offensive emails, text messages or social media content.
 - (b) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender; or
 - (c) mocking, mimicking or belittling a person's disability.
- 2.5 A person may experience harassment even if they are not the intended "target". For example, a person may be harassed by hearing racist jokes about another ethnic group if the jokes create an offensive or uncomfortable environment.
- 2.6 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
- (a) Bringing proceedings under the Equality Act 2010.
 - (b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - (c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - (d) Alleging that a person has contravened the Equality Act 2010.
- 2.7 Victimisation may include, for example:
- (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
 - (b) Excluding someone because they have raised a grievance about harassment.
 - (c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
 - (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.



- 2.8 Harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal.
- 2.9 Third-party harassment occurs where a person is harassed by someone outside of their employer's organisation but with whom they have come into contact during their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, by a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.
- 2.10 **What is Sexual Harassment?**
- 2.11 Under the Equality Act 2010, sexual harassment is defined as any unwanted conduct of a sexual nature which has the purpose or effect of either violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Anyone can experience sexual harassment, regardless of their gender and the gender of the harasser. It can be experienced and perpetrated by men, women and people of any gender identity or sexual orientation.

Intersecting forms of sexual harassment can also occur, such as racialised sexual harassment and sexual harassment targeted at LGBTQ+ people.

Sexual harassment can also intersect with other forms of discrimination, such as harassment based on race or sexual orientation, particularly targeting LGBTQ+ individuals.

Sexual harassment frequently occurs where there is a power imbalance in the workplace, for example between manager or supervisor and employee.

Sexual harassment is unlawful and, in some cases, may constitute a criminal offence.

There are 4 types of sexual harassment: Verbal/Written, Physical, Non-Verbal and Visual) Examples may include, but are not limited to:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing, kissing, hugging.



- (b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.
- (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet).
- (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- (e) offensive emails, text messages or social media content.
- (f) Spreading sexual rumours about a person
- (g) Asking intrusive questions about a person's private or sex life or discussing a one's own sex life inappropriately
- (h) Suggestive looks, staring or leering or making suggestive comments, banter, or jokes with sexual overtones

Sexual harassment can take place at School, at home whilst working remotely and out of the workplace, such as at work-related events, trips or social functions. Sexual harassment will not be tolerated by staff including consultants, contractors, interns, volunteers and agency workers or by third parties such as customers, clients, suppliers and visitors.

Sexual conduct that is invited, mutual or consensual is not considered sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted and therefore become sexual harassment. However, all behaviour even if it is mutual consent and in-line with the code of conduct can still be classed as harassment.

3. What is bullying?

- 3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power, that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power in this context does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.



- 3.2 Bullying can take the form of physical, verbal and non-verbal conduct and may include, for example:
- (a) physical or psychological threats.
 - (b) overbearing and intimidating levels of supervision; or
 - (c) inappropriate derogatory remarks about someone's performance.
- 3.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.
- 4. If you are being Harassed, Sexually Harassed or Bullied**
- 4.1 If you are experiencing harassment, sexual harassment or bullying, you may wish to consider whether you feel able and comfortable in raising the problem informally with the person responsible. If you do, you should explain clearly and calmly to them that their behaviour is not welcome or makes you uncomfortable. Keeping a diary of events may also be helpful. If direct communication feels too difficult or embarrassing, you should speak to your line manager, HR, or a member of SLT who can provide confidential advice and assist in resolving the issue formally or informally.
- 4.2 If informal steps are not appropriate, or have not been successful, you should raise the matter formally under the school's **Grievance Procedure**.
- 4.3 The school will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation including the names of the person making the complaint, and the person accused will only be disclosed on a "need to know" basis. The investigator will consider whether any steps are necessary during the investigation to manage any ongoing relationship between the person making the complaint and the person accused.
- 4.4 Upon completing the investigation the school will inform the person who raised the complaint of the outcome. If it is determined that a staff member has engaged in harassment, sexual harassment, or bullying, the matter will be addressed through the school's **Disciplinary Procedure** as a case of possible misconduct or gross misconduct. The final decision on the complaint may be deferred until any disciplinary actions are concluded. If the accused is a third party, such as a contractor or visitor, the school will consider an appropriate response to address the issue. Regardless of the investigation's



outcome, the school will take steps to manage any ongoing working relationship between the parties involved.

5. If a member of staff witnesses Harassment, Sexual Harassment or Victimisation

5.1 Staff members who witness harassment, sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this may include:

- (a) Intervening where they feel able to do so.
- (b) Supporting the victim to report it or reporting it on their behalf.
- (c) Reporting the incident if they feel there may be an ongoing risk if it is not reported
- (d) Co-operating fully in any investigation into the incident.

5.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

6. Protection and support for those involved

6.1 Staff who file complaints, report that they have witnessed misconduct, or who participate in good faith in any investigation will not face any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the school's **Disciplinary Procedure**.

7. Record-keeping

7.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

8. Other Relevant Policies

Staff Welfare
Data Protection
Grievance



Disciplinary & Appeals
Whistleblowing
Equal Opportunities
Staff Code of Conduct

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