



Education Trust

'Inspiring the individuals of today, for a better society tomorrow'

"Aspire, Belong, Collaborate"

ACCEPTABLE BEHAVIOUR IN THE WORKPLACE POLICY

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Introduction

Riviera Education Trust is fully committed to creating a work environment that is supportive and where everyone is treated with dignity and respect. A working environment which encourages improved performance, understanding, trust and co-operation between individuals, teams and services is essential for the Trust. To promote such trust and co-operation it is the responsibility of all to ensure that fellow employees are treated with dignity and respect and that acceptable behaviour becomes the norm for all people working within Riviera Education Trust.

Unacceptable behaviour is harmful and will not be tolerated by the Trust, whether at work or outside of work (if it has a bearing on the working relationship). Such acts will not be ignored and could result in disciplinary action, which could lead to dismissal.

Trust employees have the right to complain if they perceive that any form of unacceptable behaviour is taking place and should feel confident that any complaint will be taken seriously and fully investigated. Employees will be protected against victimisation or retaliation for bringing a complaint. Victimisation will be treated as a disciplinary offence.

A complaint about unacceptable behaviour can be pursued through informal or formal procedures, depending upon the degree of perceived seriousness of the actions.

The Head of School retains the right to manage and ensure that employees are performing effectively; it is not intended that this policy should alter or affect appropriate management behaviour.

Scope

This policy applies to all current employees of the Riviera Education Trust (RET), including contractors, agency staff, and anyone else engaged to work at RET. Agency workers are required to adhere to this policy, although they should also refer to their own agency's policies and procedures. This policy does not apply to RET students.

Equality Statement

This policy applies to all RET employees, regardless of age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, or marriage and civil partnership. We are committed to ensuring that the implementation of this policy does not adversely impact traditionally excluded groups.

DEFINITION and EFFECT of UNACCEPTABLE BEHAVIOUR

Unacceptable behaviour is any action which is perceived to be discrimination, harassment or bullying by the recipient or any other person, irrespective of the intention or motivation of the perpetrator. Unacceptable behaviour can occur at any level within an organisation is costly, counter-productive, and has a devastating effect on those involved. It drains the organisation's productive and committed people.

Key Questions

Often those who are subject to unacceptable behaviour find it difficult to recognise and may feel too afraid or intimidated to do something about it. It is important that they recognise the problem as soon as possible for them to feel confident to take action. The key questions to ask are: -

- Is the person experiencing distress, discomfort or unhappiness at work or home as a result of work-related events?
- Is this the result of another person's unacceptable behaviour at work?

If the answer to these questions is yes, then it is likely they are being subject to unacceptable behaviour, bullied, discriminated against and/or harassed. The perpetrators (defined as those people alleged or accused of unacceptable behaviour) can be anyone that an individual comes into contact with at work. In many cases, the perpetrator is unaware that their behaviour is causing distress to others or that it may be considered unacceptable.

RESPONSIBILITY FOR ACCEPTABLE BEHAVIOUR

It is the responsibility of all to ensure that fellow employees are treated with dignity and respect and that acceptable behaviour becomes the norm for all people working within the Trust.

People behave acceptably when they: -

- Afford dignity, trust and respect for everyone and ourselves;
- Have awareness of the effects of their behaviour on others and only make reasonable and manageable demands;
- Communicate honestly and openly, clearly stating what we need and expect of others;
- Provide and are receptive to honest feedback based on evidence;
- Challenge discriminatory language and behaviour;
- Start from the assumption that everyone is working to the best of his/her abilities, considering his/her current stage of personal and professional development and awareness.

The Head of School/Trust Managers have several responsibilities for promoting acceptable behaviour and dealing with unacceptable behaviour at work, which include:

- Playing a positive role in its prevention (e.g. communicating to employees that unacceptable behaviour will not be tolerated – particularly at the Induction stage and setting an example through their own behaviour).
- Providing employees with the necessary information about what action to take if they have a problem.
- Taking action to stop any behaviour seen to be unacceptable.

The consequences of not dealing with unacceptable behaviour, and not taking appropriate action, may result in disciplinary action against a line manager. Employment Tribunals are also able to place penalties upon individuals for their actions.

Employees have the right to address unacceptable behaviour at work using these procedures. Employees can also help prevent unacceptable behaviour by challenging colleagues who seem to be distressing others and reporting incidents to management.

You do not need to be a victim of unacceptable behaviour to report it. Full support will be provided to help any individual feel confident in coming forward. Support is available through various channels, including discussions with the Head of School, Trade Union representatives, Human Resources, or professional counselling services (if provided by the Trust).

Additionally, if you are affected by unacceptable behaviour, even if you are not the direct target, you are still encouraged to make a complaint.

All employees should consider their language and attitudes to others, and think before making personal comments. Are you being fair? Are you being respectful? Are you behaving like a good role model?

THE EFFECTS OF UNACCEPTABLE BEHAVIOUR

Signs of unacceptable behaviour in the workplace may include conflict, hostility, high staff turnover, increased sickness and absenteeism, unexplained declines in productivity, low motivation, reduced team morale, and a loss of respect for management. Such behaviour can also lead to costly and time-consuming legal disputes and damage the organisation's reputation.

The impact on individuals can manifest in a range of physical and emotional symptoms, including stress, fear, anxiety, sleep disturbances, depression, physical illness, digestive or nervous disorders, significant weight changes, excessive drinking or smoking, difficulty concentrating, emotional instability, and reduced motivation. Those subjected to unacceptable behaviour may also experience a loss of confidence in themselves and their abilities.

People who are accused of behaving unacceptably have the right to have the matter dealt with in confidence. In addition, those who want to improve the way they work with others, have the right to receive support, where appropriate.

FIRST STAGE – INFORMAL PROCEDURE

The informal route is provided to deal with matters speedily and openly, with the opportunity for any issues to be shared and agreement to be reached amicably. The decision as to whether a complainant uses the informal or formal procedure will mainly depend upon the seriousness of the incident.

If an assault or violent attack occurs, it must be addressed, even if the employee does not wish to pursue it further, as it constitutes a criminal act. Employees may also choose to report the incident directly to the police if appropriate. Human Resources or a Trade Union representative can provide guidance on the most suitable course of action.

Often the person who is accused of unacceptable behaviour is unaware that their comments or actions are causing a problem to others. The complainant should therefore contact the person who they believe is behaving unacceptably to discuss their concerns and to give them the opportunity to consider

their behaviour and the effect it is having on others. They may choose to do this alone or with the support of a colleague, Head of School or Trade Union representative. The complainant (or their representative) should provide the person with a copy of these procedures and any other information to support the process at the informal stage.

Concerns regarding the Head of School or Trust Staff.

Where the concerns are in relation to unacceptable behaviour by the Head of School or Senior Trust Staff, these issues can be raised with the CEO. For other Trust staff, concerns should be raised with their direct line manager. Contact could be face-to-face or in writing, to make it clear that the behaviour is unwelcome. If the complainant anticipates that this will be too stressful, then any of the other individuals identified above can make the approach on the complainant's behalf. In this instance, the CEO will undertake the actions outlined in this policy for the Head of School.

Making use of Mediation

To support informal resolution, mediation may be appropriate; Human Resources should be contacted to discuss this process. Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement.

Acceptable Behaviour Contract

An acceptable behaviour contract may also be agreed upon between the parties involved and used at the informal stage to help towards early resolution of the issue. The contract should be a voluntary agreement between the parties involved and may cover how the employees will conduct themselves in the working environment, who they should go to if there are any minor disputes and setting out clear standards of acceptable behaviour which the employees have agreed between themselves. The use of an Acceptable Behaviour contract can be suggested by any of the parties involved directly in the issue and/or by those who are supporting any of the parties at this stage, i.e., Head of School / Line Manager Trade Union representative, etc.

Acceptable Behaviour Contracts can also be used as a follow-up to the Formal Procedure – see section on Acceptable Behaviour Contracts for further details.

Support

There is a range of help and support available to individuals that they can access independently. Information is available from the internet and also through the range of contacts listed at the end of this policy. Employees can access further help through Trade Unions, the Trust's professional counselling service, Human Resources, Head of School, and are also encouraged to seek support they may have outside of work, e.g. friends/family.

Failure to resolve the matter informally

If an agreement cannot be reached, the unwelcome behaviour persists, or it is revealed that this is not an isolated incident (e.g., others come forward), it may be necessary to initiate the formal procedure. The employee should not feel pressured to resolve the issue informally if they are not satisfied that the matter has been adequately addressed at this stage.

*At no time should the complainant carry out an investigation or interview others: in such cases the formal route ([*second stage*](#)) should be used.

Even if the case goes no further, the complainant should keep a personal record of the details of the alleged harassment or bullying and their contact with the individual if this information may be required at a later date. No information will be placed on an employee's personal file.

SECOND STAGE – FORMAL PROCEDURE

The second stage is the formal route. The formal procedure is used when the case is particularly serious if the complainant does not feel they can use the informal route, or when informal procedures have failed to resolve the problem.

An employee wishing to complain formally about unacceptable behaviour should request a meeting with their line manager and set out the nature of their complaint in writing. The formal process followed to deal with the complaint will mirror the process within the Trust's formal Grievance Procedure and where the employee has either attempted to deal with the matter informally, or the matter is more serious, this will commence at Stage Two of the process (as set out in the Grievance Procedure).

Instances when the Line Manager is involved

In cases where the line manager is directly and personally involved in the allegations made, or is the principal witness to any event which is alleged to have occurred, the complaint should be made to the next level of management in order for another line manager to be appointed to hear the grievance.

The Trust will ensure that a suitable person is identified to hear the complaint. Should the allegation be against the employee's direct line manager and working relationships become untenable, alternative working arrangements will need to be discussed and agreed between the parties, if only as a temporary measure, until the complaint has been dealt with and any issues have been resolved. It is the responsibility of the Head of School to liaise with the manager dealing with the complaint, with guidance from HR, to put alternative working arrangements into place.

Representation

The complainant, alleged harasser or bully, and witnesses may seek support from a Trade Union representative or work colleague during any part of the process, investigations or any meetings.

All parties should be provided with a copy of this policy and the Grievance Procedure and any other information/support to assist the process.

Suspension

Following guidance from Human Resources, the CEO/Head of School may suspend an employee from work, with full pay, at any point before or during the investigation into the alleged unacceptable behaviour. Suspension is not a disciplinary action nor does it imply the complaint has been substantiated. It is a precautionary measure taken when it is deemed in the best interest of the employee (the alleged harasser/bully) to refrain from attending work while the investigation is ongoing, particularly in cases that could result in summary dismissal. The Disciplinary Procedures (Suspension from Duty) will be adhered to in the event of a suspension.

Balanced view

To ensure a fair and balanced perspective on the events, it may be appropriate to involve a suitable representative from the opposite sex, minority ethnic group, disabled community, or LGBTQ+ community (including lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other gender and sexual minorities) when determining whether harassment or bullying based on discriminatory grounds has occurred. For further guidance, please contact Human Resources.

Duty to Investigate

In some situations, it may be necessary for the Trust to investigate allegations of unacceptable behaviour, even if an individual(s) has not raised a complaint directly. This is necessary for the Trust to fully exercise its duty of care to employees and to ensure that any unacceptable behaviour can be dealt with at the earliest opportunity. If there are concerns raised informally that the law has been breached, for example involving Health and Safety or serious harassment, then the Trust will investigate. The need to use the Trust's Whistleblowing policy to report illegal or grossly unprofessional behaviour may apply.

Response Time and Communication

Involvement in a process of this nature is usually an anxious and stressful time for all involved. It is therefore necessary to ensure that the process is dealt with as promptly as possible, without undue delay and that all those involved in the process are kept regularly up-to-date by the manager dealing with the complaint.

As detailed under the Grievance procedure, the line manager (or other manager dealing with the complaint) will normally arrange to meet with the individual bringing the complaint within 10 working days and then formally respond within 5 working days (should an investigation be necessary, this may take up to an additional 10 working days). Should it be necessary for timescales to change, these should be agreed with both parties in advance.

Both the complainant and accused person should be regularly kept informed of a likely response date should an investigation become protracted. If this is the case, it is recommended that both the complainant and accused person are updated on a weekly basis by the line manager, or person responsible for dealing with the complaint. A preferred method of communication should be agreed upon, i.e. telephone or email.

Acceptable Behaviour Contracts

There may be circumstances where the Head of School feels that having investigated concerns about unacceptable behaviour, there is not enough evidence for any formal disciplinary action, or it may be that the Head of School has observed concerns personally about the ongoing working relationship between employees or an employee's conduct. Where a concern is raised about a Trust employee or a Head of School, the CEO will undertake the actions usually carried out by the Head of School.

The use of an Acceptable Behaviour Contract should be considered and employees consulted in order to draw up a contract. This should be a voluntary agreement between the parties involved and cover how the employees will conduct themselves in the working environment, who they should go to if there are any minor disputes and how they should be escalated and also setting out clear standards of

acceptable behaviour between the employees concerned. The contract will only be for use between the parties involved in the issue.

It may also be necessary to write to the employees concerned, setting out what has taken place so far to try and resolve issues, e.g. record of meetings, mediation etc. This letter may also warn that disciplinary action could be considered in the future if employees' behaviour continues to impact the day-to-day working relationship. Whilst this would not be a formal warning, a copy should be kept on the personnel file and may be referred to at a later date if the unacceptable behaviour continues and there is a need to investigate more formally or take formal action.

Group Grievances of Bullying and Harassment

Where a group of employees share the same concerns about bullying or harassment, they may choose to raise them as a group. Please refer to the Grievance Procedures on 'group grievances'.

OUTCOME AND FOLLOW-UP ACTION

Outcome

If, following an investigation, it is found that harassment or bullying has occurred (whether or not it was intentional) the Trust's Disciplinary Procedure may be invoked against the individual. The complainant should be informed by the Head of School or individual dealing with the complaint of any outcomes/action taken and the reasons why. The complainant cannot be involved in any decision affecting the alleged harasser or bully following a disciplinary hearing.

If the investigation shows that there is no case, evidence or conclusion that harassment or bullying has taken place, both parties should be provided with a full explanation by the Head of School or other Manager dealing with the complaint. Where the Head of School is the subject of the allegations, the CEO will explain. If further action is recommended as part of the formal process, this must be clearly stated in writing to all individuals involved in the process stating clearly who is responsible for any follow-up action and how this will take place.

Future Working Arrangements

For all individuals involved, it is important to give careful consideration to reviewing future working arrangements and the effect that involvement in the process will have had and working relationships going forward. This may include sensitive management supervision and guidance, however, other support mechanisms such as mediation, professional counselling on an individual and/or group basis, participation in a team building exercise or other forms of training, e.g. assertiveness, stress management should also be considered to help deal with the situation. The Head of School or individual dealing with the complaint needs to address any concerns or anxiety about ongoing working relationships as soon as possible to reduce stress or anxiety for those involved and for working relations to be successfully restored. Support and guidance can be sought from Human Resources.

Malicious/Fabricated Accusations

If it is found that the allegation was malicious or fabricated, the complainant will be dealt with under the Trust's Disciplinary Procedure. Likewise, the Trust will not tolerate malicious public accusations of an individual being a bully or harasser if it is unproven.

THIRD PARTY HARASSMENT

Employment legislation holds employers accountable for protecting employees from harassment by third parties. Third-party harassment occurs when a third party (e.g., parents, children, relatives, contractors, etc.) harasses an employee during their employment, and the employer is aware of the harassment but fails to take reasonable steps to prevent it. The harassment does not have to come from the same individual each time. For example, if a service user repeatedly abuses a staff member, and the staff member reports it to their manager but no action is taken to protect them from the ongoing abuse, this would constitute third-party harassment.

Third-party harassment applies to all protected characteristics under the Equality Act 2010, including sex, age, disability, gender reassignment, race, religion or belief, sexual orientation, marriage and civil partnership, and pregnancy and maternity. Employers are required to take reasonable steps to prevent such harassment in compliance with the legislation.

To avoid liability and as good practice to promote a safe working environment, the Trust will take a 'zero tolerance' approach towards third party harassment and will take practical steps to ensure that employees are protected against it. This may include but not be restricted to the following actions:

- Trust visitors should be made aware that the Trust is an equal opportunity employer and will not tolerate any form of discrimination or harassment against its employees.
- Managers should undertake risk assessments and record these accordingly, taking action to eliminate or reduce the risks. (Advice on risk assessments and training is available from the Trust's Health and Safety Provider).
- Agree within the Trust on how third-party harassment is monitored and how individual instances will be recorded.
- Use appropriate signage or statements in standard correspondence or emails reinforcing the Trust's stance.
- Some areas have messages at the beginning of a call to inform customers that discrimination or harassment will not be tolerated. If calls are recorded, those on the call should be informed.
- For any Trust-based employees who are lone workers, and the risk of harassment is particularly high, consideration should be given to the issuing of personal alarms, mobile phones etc or using a buddy system. A booking in/out procedure and out-of-hours communication system is established. Decisions on controls for lone worker safety and wellbeing should be arrived at through risk assessment.
- Employees should be trained to respond appropriately to unacceptable behaviour e.g. terminating a phone call if the caller is threatening or uses foul or abusive language (not just becomes awkward or difficult).
- Heads of School/ Managers must issue warnings to visitors and have them removed from the premises and/or refuse a service if aggressive behaviour persists.

- If employees have been harassed support should be offered to them, i.e. to be allowed time out/to go home, referral to the Trust's counselling service if necessary and follow-up with them following the incident.

Additionally, there is a separate policy specifically addressing sexual harassment. For more details, please refer to the RET Sexual Harassment Prevention and Action Policy 2024-2025 available via the link below:

<G:\Shared drives\Riviera Policies for all staff\Riviera Policies\2024 2025\RET Sexual Harassment Prevention and Action Policy 24-25.pdf>

WORK-RELATED SOCIAL EVENTS

Employees' conduct at work-related social events can be viewed as an extension of work. Therefore, it is important that employees are aware of their behaviour and more importantly, the effect that their behaviour can have upon others. A 'work-related social event' is one where it has clearly been organised by the employer, with their knowledge, for example, an office party, client/customer functions, work conferences and work-organised social events such as leaving parties.

Employees must be aware of what constitutes unacceptable behaviour. This may include but not be limited to: -

- Excessive drunkenness.
- The use of illegal drugs.
- Unlawful or inappropriate harassment, e.g. comments/behaviour of a sexual nature, derogatory comments, inappropriate 'jokes'.
- Violence.
- Serious verbal abuse.
- Assault of another employee or third party, such as another guest or member of bar/waiting staff.

Although such social events usually take place away from the workplace and outside of normal working hours, the Trust's Acceptable Behaviour policy applies to such events. It is in everyone's interests to put certain measures in place to ensure the protection and comfort of all. Specifically, employees who attend work-related social events must adhere to the following:

- Employees should consume alcohol only in moderation at work-related social events. This is to deter the likelihood of irresponsible or offensive behaviour.
- It is strictly forbidden for any employee to use illegal drugs, including cannabis, at any time.
- The Trust's Acceptable Behaviour policy will apply to all work-related social events. Employees should be clear about their responsibilities under this policy and ensure that their conduct is in keeping with this.
- Employees are expected to maintain a respectful and professional demeanour at all work-related social events. Any behaviour, whether intended as a joke or not, that could offend, intimidate, embarrass, or upset others is unacceptable.
- Swearing and abusive language are unacceptable at work-related social events.

- Employees must not behave in any way at any work-related social event that could bring the Trust's name into disrepute.

The above measures are in place for the benefit of all employees and to ensure that everyone can enjoy work-related social events without fear of being made to feel uncomfortable by another employee's conduct.

Any breach of the above will render the employee liable to disciplinary action under the Trust's disciplinary procedure, up to and including summary dismissal.

HELP, SUPPORT AND MONITORING

Help and support are available to both the complainant and the perpetrators (i.e. those who have been accused of unacceptable behaviour). In some cases, the perpetrator may be unaware of their actions or their actions may be a result of stress, being bullied or harassed, or other health problems. Once it is pointed out to someone that their behaviour is bullying or harassing someone, the behaviour should stop. Where appropriate, support should be offered to help them reflect on what has happened and find more suitable ways of working with others. Likewise, those subject to an investigation or informal meeting will also require support during the process.

If you think you are being harassed or bullied, there is something you can do about it. All allegations of unacceptable behaviour will be taken seriously and dealt with confidentially. A written record must be kept of any incidents of unacceptable behaviour in case of the need for subsequent action. Records should include the date, time and nature of the incident, including names of any witnesses. The best way to stop someone from bullying/harassing is to stand up to them and show them you are not afraid.

It is sometimes also necessary for support to continue following the completion of a formal process. Any recommended follow-up action should be detailed in writing to those involved confirming the outcome of the process, further support that may be needed and who is responsible for ensuring that it happens. There are various forms of support available: -

Human Resources – can provide support and guidance to both employees and management on acceptable behaviour issues.

Trade Union representatives – can provide support and guidance to employees, as well as act as employee representatives in hearings/investigations.

Mediation Service – mediation can help individuals rebuild their working relationships through neutral facilitation by a third party. Mediation aims to help individuals communicate with each other effectively and can help them reach an agreement about future working relationships.

Professional Counsellors - (via the Trust's confidential Employee Counselling Service) offer support in a safe and private setting. Counselling provides a space to discuss concerns with a qualified professional who can help address and resolve potential issues."

This service may also be used to provide counselling for the individual who has been accused of unacceptable behaviour and its importance should not be underestimated. Counselling will assist individuals to face up to the effect that their behaviour is having on other team members.

Anyone involved in any aspect of the process who wishes to access the confidential employee counselling service can contact the confidential Counselling Service – Health Assured on Tel: 0800 028 0199.

EXTERNAL SUPPORT AND GUIDANCE

Confidential Emotional Support - SupportLine

<https://www.supportline.org.uk/problems/bullying-in-the-workplace/>

Family Lives

<http://www.bullyonline.org/>

NHS Support

<https://www.nhs.uk/mental-health/advice-for-life-situations-and-events/support-for-workplace-bullying/>

The Trades Union Congress information on bullying at work

<https://www.tuc.org.uk/resource/bullying-work>

ACAS – Bullying and Harassment at Work: Guidance for Employees

<http://www.acas.org.uk/index.aspx?articleid=797>

Education Support

<https://www.educationsupport.org.uk/>

For details of Trade Union contacts, please contact your school office or Human Resources.

LEGAL FRAMEWORK

The key guiding pieces of legislation in relation to this policy are as follows:

Health and Safety at Work Act 1974	<i>Employers are required to ensure the emotional and physical health of all employees.</i>
Equality Act 2010	<i>This Act prohibits direct discrimination, harassment, and victimisation based on protected characteristics such as race, religion, disability, age, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity, and gender reassignment. It also addresses indirect discrimination, associative discrimination, harassment by third parties, and discrimination by perception. Recent amendments have introduced a 'preventive duty' requiring</i>

	<i>employers to take proactive steps to prevent sexual harassment in the workplace.</i>
Human Rights Act 1998	<i>This Act incorporates the European Convention on Human Rights into UK law, protecting individuals from inhuman or degrading treatment. Employers failing to prevent bullying and harassment may be in breach of this Act.</i>
Protection from Harassment Act 1997	<i>This Act makes it unlawful to pursue a course of conduct amounting to harassment, which the perpetrator knows or ought to know is harassment.</i>
Criminal Justice and Public Order Act 1994	<i>Intentional harassment in the workplace may also be a criminal offence, punishable by law.</i>
Employment Rights Act 1996	<i>Under this Act, intentional harassment in the workplace, involving threatening, abusive, or insulting language or behaviour with intent to cause harassment, alarm, or distress, may constitute a criminal offence.</i>

COMPENSATION

In law, there is no such thing as a claim for unacceptable behaviour or bullying. If a complaint is made it can be brought to an Employment Tribunal or Civil Court in one of the following ways: -

- Constructive dismissal
- Discriminatory harassment
- Civil or criminal harassment
- Personal Injury claim

If insufficient steps are taken to protect employees against unacceptable behaviour, including harassment or bullying, the Trust could face claims for compensation and even criminal prosecution. Individuals can also face prosecution, fines or even imprisonment. Compensation in successful claims of unfair discrimination is unlimited. In defending a claim, employers must show that reasonable and effective preventative measures have been taken, including written guidance, training and the implementation of monitoring systems.

APPENDIX 1 – DEFINITIONS

Harassment

A definition of harassment: “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”

ACAS, 2010

The conduct must be "unwanted". Just one incident can be regarded as harassment if it is serious enough. Employees can complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. However, it would not be recognised if the recipient has been unreasonably over-sensitive. It may or may not be related to an individual's sex, sexual orientation, race/ethnicity, religion/belief, disability, or age as detailed below.

Harassment on grounds of sex or sexuality

Is ‘engagement in unwanted conduct that is related to the sex of that person or that of another person’ that has the necessary purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It can include:

- Intimidating, humiliating or degrading someone because of their gender, sexual orientation or transgender status. This also includes homophobic remarks or actions.
- Embarrassing, offensive or derogatory remarks, sexist ‘jokes’ and name-calling.
- Physical conduct of a sexual nature, such as unnecessary touching, patting, pinching or brushing against another employee's body; sexual assault.
- Verbal or written communication of a sexual nature (including e-mail) such as offensive flirtations, suggestive remarks, innuendoes or lewd comments, unwelcome and persistent advances, propositions or pressure for sexual activity.
- Non-verbal conduct of a sexual nature such as the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.
- Probing into a person’s private life and relationships.
- Refusing to address the person in their acquired gender or to use their new name (if they have undergone gender reassignment).
- Treating the person less favourably regarding sickness or other absences.

Harassment on grounds of race or religion/belief is an act designed to intimidate, humiliate, ridicule or undermine the confidence of a person by reason of the person's race, colour, nationality, ethnic origin, religion or belief. It can include:

- Intimidating, humiliating or degrading someone because of cultural or physical differences.
- Embarrassing, offensive or derogatory remarks, racist ‘jokes’ and name-calling.
- Written abuse and the display of offensive material.
- Physical and/or verbal abuse.

Harassment on grounds of disability is any unwanted act directed at a person who has a disability and which arises because of their disability. It can include:

- Intimidating, humiliating or degrading someone because of their disability.
- Mimicking the particular disability.
- Embarrassing, offensive or derogatory remarks, images or 'jokes' about someone's disability or disabled people whether in written, verbal or visual format.
- Deliberate exclusion from conversation or social activities.
- Unacceptable forms of patronising and belittling.

Harassment on grounds of age may include the following and may relate to older or younger people:

- Intimidating, humiliating or degrading someone because of their age.
- Embarrassing, offensive or derogatory remarks, images or 'jokes' about someone's age, or age in general, whether in written, verbal or visual format.
- Deliberate exclusion from conversation or social activities.
- Unacceptable forms of patronising and belittling.
- It may be about the individual's age or it may be about the age of those who the individual associates.

Criminal definition:

Threatening, abusive or insulting language or behaviour, or disorderly behaviour 'with intent to cause a person harassment, alarm or distress. If an employee wishes to make a complaint to the Police, the criminal definition of harassment will apply.

Other forms of harassment can include unnecessary intrusion by the following:

- Pestering
- spying on (unless part of a business surveillance act, in compliance with RIPA)
- stalking someone.

The Equality Act 2010 recognises the following forms of harassment and discrimination:

- **Associative Discrimination** – It is unlawful to discriminate against or harass an individual due to their association with someone who has a protected characteristic.
- *Example:* An employee is denied a promotion because they care for a disabled relative, and the employer assumes they will not have time for additional responsibilities. Since disability is a protected characteristic, this constitutes associative discrimination.
- **Perceptive Discrimination** – It is unlawful to discriminate against or harass someone based on the perception that they have a protected characteristic, even if they do not.
- *Example:* An employee who looks older than their actual age is prevented from taking on certain tasks because their manager assumes they are too old. This is discrimination based on perceived age, even though the employee is young.
- **Dual Discrimination** (originally planned for introduction in April 2011) – An individual may claim discrimination if they have been treated unfairly due to a combination of two protected characteristics.
- *Example:* An employee may believe they have been discriminated against due to both their sex and age.

Harassment via E-mail, Text and Social Networking Sites

Any means of communication has the potential for harassment to occur. Email, text messaging and postings on social network sites are all potential means of harassment and can often be more damaging than traditional forms of harassment. This is due to the potential for the harasser to become anonymous and therefore become more aggressive in their tactics than those who harass their victims face-to-face. The speed, the informal nature of e-mail and other new technologies and the ability to delete messages can lead users to make ill-considered remarks in the heat of the moment. Also, the non-confrontational nature of email or other types of messages can lead to misuse and result in harassment in the workplace.

It is important that all employees understand that the e-mail system and internet should not be abused and that communications are conducted in a professional manner, as any other. No message should be sent which could be considered abusive, sexist, racist or defamatory. This also extends to the use of the internet/email system outside of the workplace.

Bullying

Workplace bullying is defined as:

"Offensive treatment through vindictive, cruel, malicious, or humiliating attempts to undermine an individual employee or groups of employees."

— *Andrea Adams, Bullying at Work – How to Confront and Overcome It*

Bullying is a sustained form of psychological abuse designed to wear down the victim over time. It involves intimidation (in public or private), humiliation, and the gradual erosion of self-worth, confidence, or initiative. Often, bullying consists of repeated incidents that may seem trivial in isolation but collectively create a hostile work environment. These behaviours are typically irrational, unpredictable, and intended to undermine or distress the target.

Bullying is not constructive pressure or effective management; it is an abuse or misuse of power. It can occur in various workplace relationships—not just between supervisors and employees. Colleagues at the same level or even subordinates can bully more senior employees, and groups may target individuals. Bullying can also arise when someone attempts to assert dominance as the “leader of the pack” or perceives a colleague as a threat. It is important to recognise that bullying is not solely a result of poor management but a broader issue of workplace culture.

As Makbool Javaid highlights in *Bullying in the Workplace (The HR Director, Issue 6)*:

"Bullying can occur for a variety of reasons, such as envy of another's professional or social position, a perverse enjoyment from picking on others or making life difficult for more competent colleagues. However, the primary reason for bullying is a deep feeling of personal insecurity... but because these individuals do not want to become 'victims' themselves, they bully."

Creating a workplace culture that discourages bullying and promotes respect, accountability, and psychological safety is essential for employee well-being and organisational success.

The following behaviours, often occurring over time, are examples that may constitute bullying but are not an exhaustive list:

- Constantly undervaluing another's efforts
- Favouritism towards certain individuals and not others.
- Isolation or non-cooperation at work.
- Persistent, unfair criticism and 'taking someone to task' over trivial matters.
- Destructive innuendo and sarcasm.
- Insulting and uncooperative attitude.
- Deliberate ignoring and excluding, including exclusion from social activities.
- Unreasonable use of appraisal, probation or disciplinary procedures.
- Aggression, including threats, shouting abuse and obscenities – which may be over trivial matters.
- Removing responsibilities without consultation.
- Setting someone up to fail or under-perform, for example - giving responsibilities outside their experience/competence, constantly shifting objectives, or not passing on information.
- Unreasonable refusal of requests, for example - leave, training or promotion.
- Continuous berating/reprimanding someone in the presence of others.

Employees may confuse firm management with bullying, particularly if they do not like being told that they are not performing appropriately. Employees must recognise that managers have the right to discuss with their staff the standards of work, outputs and behaviours expected.

Bullying is not the appropriate management of individuals/teams, which may be firm or critical, but always rational, fair and objective.

APPENDIX 2 – FREQUENTLY ASKED QUESTIONS

What can I do to stop unacceptable behaviour?

If you believe you are subject to unacceptable behaviour, this guidance should give you the right help and support to deal with the issue. There are external sources of help and information available to you, as detailed above. You can talk to Human Resources or to a Trade Union representative in confidence to discuss your concerns at any time. You are also encouraged to consider using the Trust's free and confidential counselling service and any other forms of informal support you may have outside of work, e.g. friends, or family.

If you are witness to the behaviour you consider to be abusive or unacceptable, you are also able to raise a complaint under these procedures. If you are a line manager and suspect that unacceptable behaviour is occurring within your team, you have a duty of care to protect the individual who is experiencing any form of abuse or unacceptable behaviour. You should confidentially discuss the matter with them and explain that they have recourse through this procedure. In certain cases, it may be necessary for the Trust to investigate the situation regardless, to exercise its duty of care appropriately.

What if I am witness to unacceptable behaviour and the victim does not want to formally pursue it?

If you feel comfortable doing so, try to talk to the person confidentially to judge how they are feeling and to try and establish whether it is your perception or theirs. Refer the person to these procedures and explain that there is something they can do about the situation. Encourage them to seek support from a line manager or a Trade Union representative. You can also seek support from these if you feel you need to discuss the matter further or need further advice.

The Trust reserves the right to investigate any issues of reported bullying and harassment even if the complaint has not been raised formally.

If it is your own perception and you feel affected by the treatment they are experiencing, you can raise a complaint under this procedure in regard to your perception of the behaviour taking place.

I'm afraid that if I raise a formal complaint against my colleague/line manager, I will be victimised.

The Trust has a duty of care to protect any individual who may raise a formal complaint under this procedure. Victimisation of anyone raising a complaint under these procedures will not be tolerated and will be treated as a disciplinary offence.

What if I am accused of unacceptable behaviour?

If someone approaches you informally first to discuss their concerns, try to stay calm and listen to their point of view. You will probably want to take some time to reflect upon what the other person has said and what you can do to change the situation. You may want to note down what you said in response to their concerns.

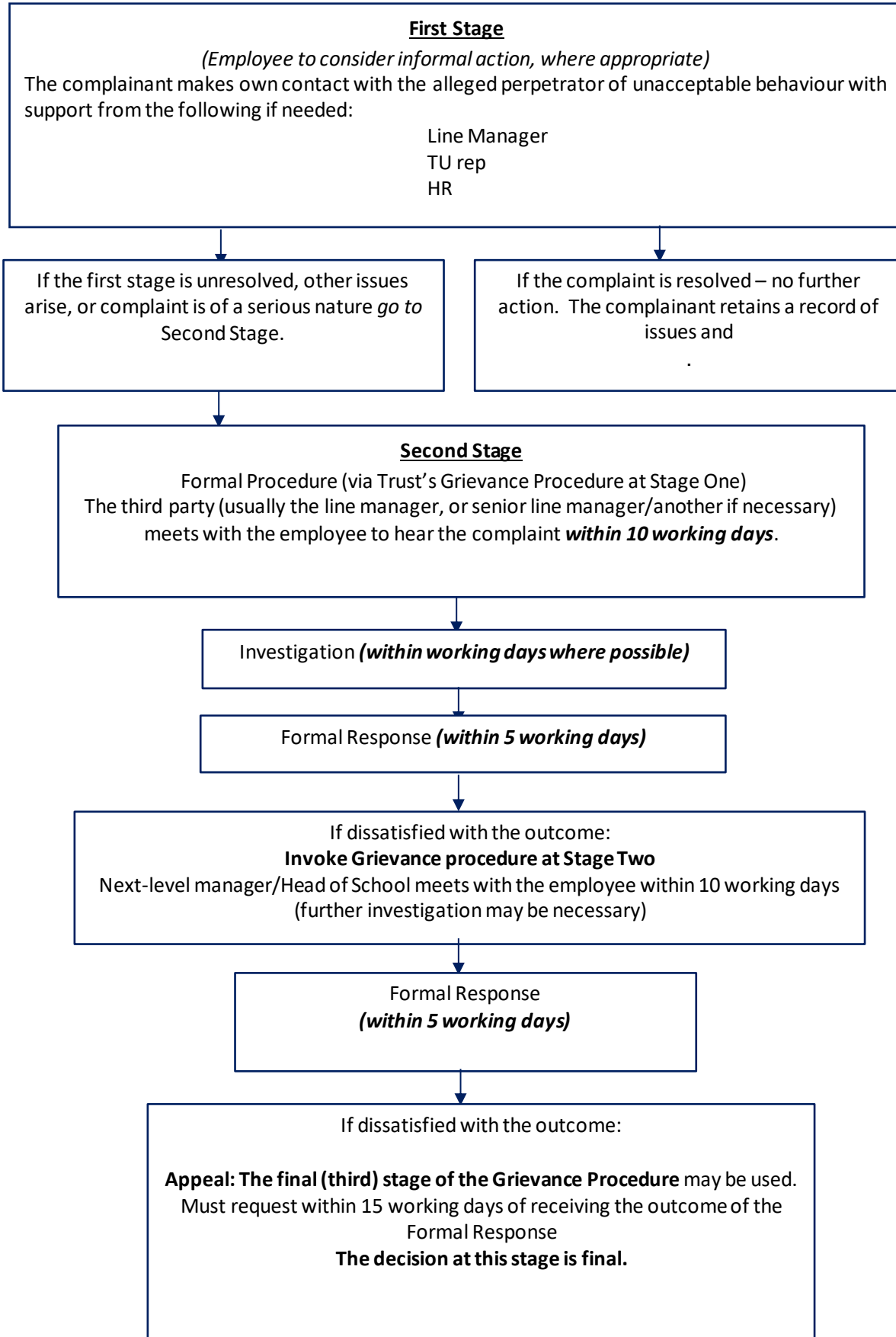
If the person has made a formal complaint against you via the grievance procedure, you will be contacted by the manager who is dealing with the complaint to explain the process and what will happen next. You may want to refer to the Trust's Grievance procedure for further details. Help and support are available to you at any stage in the process through another line manager (not dealing with the complaint) and Trade Union representatives if you are a member of a Trade Union. The Trust's employee counselling service is also available to you should you wish to access it by contacting Tel: 0800 028 0199. You may also wish to access any of the external sources of support that are available, i.e. those listed within this policy and the informal support of friends and family.

How can I be expected to work with that person again?

Whether you are the person who has experienced unacceptable behaviour or have had allegations made about your behaviour, resuming 'normal' working relationships can often be difficult. The situation needs to be handled sensitively and further support may need to be put into place to help individuals, either during the formal process or once it has been completed. If the working relationship is adversely affected during the process, it may be necessary for temporary working arrangements to be put into place. This may involve alternative line management arrangements or work locations if necessary.

The formal process will identify any issues that need to be resolved and recommendations for further action are identified as part of this process. This may involve mediation, individual counselling, coaching, training and/or disciplinary action when necessary.

APPENDIX 3 – FLOW CHART OVERVIEW OF THE PROCESS



DETAILS OF AMENDMENTS

July 2021

- Policy adopted.

June 2023

- Formatting
- Support Websites/Links amended
- Review Frequency Amended

March 2025

- Removed Employees.... who are subjected to unacceptable behaviour should make it clear to the perpetrator that they will take action.
- Removed The decision as to whether a complainant uses the informal or formal procedure will mainly depend upon the seriousness of the incident and rests solely with the person who is subject to the unacceptable behaviour - Some incidents, particularly those that significantly impact Trust culture, British values, or have a substantial effect on staff well-being, will always be dealt with formally.
- Amended: Where the concerns are in relation to unacceptable behaviour by the Head of School or Trust Staff, these issues can be raised with the CEO – added 'Senior' Trust staff. For other Trust staff, concerns should be raised with their direct line manager.
- Updated 'Balanced View' to take into account a more diverse range of identities
- Updated measures to prevent third party harassment
- Made reference to the RET Sexual Harassment Prevention and Action Policy where appropriate
- Updated 'Health and Safety Team' to 'Line Manager or HR'
- Added clarification around Associative, Perceptive and Dual Discrimination
- Updated 'informal stage' of the flowchart in Appendix 3
- Minor Formatting changes