

## ANTI-BULLYING & HARASSMENT AND SEXUAL MISCONDUCT POLICY

### Introduction

No one should have to put up with being bullied or harassed in any way, including through sexual misconduct, either at work or in School.

At the Caspian School of Academics (CSA) we aim to provide a safe environment for everyone, which means we have a zero-tolerance policy to any form of bullying and harassment whether online or in person. This includes sexual harassment and violence, racist, sexist and homophobic (or any other trans-related phobias) behaviour and abuse.



Students and staff are encouraged to report any concerns or issues, however small, to a trusted member of staff and/or the Designated Safeguarding Lead (DSL) [I.mihaela@caspaianschool.ac.uk](mailto:I.mihaela@caspaianschool.ac.uk) so that appropriate and timely action can be taken and relevant support offered. The DSL will always be informed of concerns raised. The zero-tolerance to any form of anti-social behaviour which is threatening or intimidating also applies to visitor to the School.

The School acts in accordance with the law including as set out in:

- The Education and Inspections Act. 2006
- The Education (Independent School Standards) Regulations. 2014
- The Equality Act. 2010
- The Public Sector Equality Duty (PSED) 2011 which requires public bodies and those in receipt of public funding to:
  - eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - advance equality of opportunity between people who share a protected characteristic and people who do not share it
  - foster good relations between people who share a protected characteristic and people who do not share it.
- Office for Student conditions of registration E6, 2024: Harassment and sexual misconduct (unwanted conduct of a sexual nature), as reflected in:
  - Sexual harassment as defined by Section 26 (2) of the Equality Act, 2010
  - Assault and Rape as defined in the Sexual Offences Act, 2003
  - Physical unwanted sexual advances as set out in the Equality and Human Rights Commission: Sexual Harassment and the Law, 2017
  - Intimidation, or promising resources or benefits in return for sexual favours, as set out in the Equality and Human Rights Commission: Sexual Harassment and the Law, 2017
  - Distributing private and explicit images or videos of an individual without their consent as defined by the Criminal Justice and Courts Act, 2015.
  - the Worker Protection (Amendment of Equality Act 2010) Act 2023

This policy applies to all students and staff at the School irrespective of their age and whether or not a student is in the care of the School when bullying behaviour occurs. While this policy recognises bullying/harassment of students by other students, it also covers other forms of bullying that may occur, including bullying/harassment by staff of both students and other staff members.

Some types of bullying may also be considered an offence, particularly where these involve threatening behaviour or harassment, including sexual harassment, whether in person or through

communications. Anyone who sends an electronic communication '*which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender, is guilty of an offence if their purpose in sending it was to cause distress or anxiety to the recipient.*'<sup>1</sup>

### Caspian School of Academics Ethos

CSA is committed to providing a work environment in which all individuals are treated with respect and dignity. Bullying and harassment, including that of a sexual nature, will not be tolerated from any person in the workplace, or any visitor or workplace contractor. When there is reasonable cause to suspect a vulnerable adult is suffering, or at risk of being made to suffer harm, this should be reported to the Designated Safeguarding Lead (DSL) at CSA School, as it will also come under the School's responsibilities for safeguarding its students and staff.

### Intimate staff – student relationships.

CSA School does not permit any intimate personal relationships between its staff and its students unless these come under the 'Excluded Relationships' category, which covers family and pre-existing relationships. Intimate relationships between a member of staff and a student may result in an 'abuse of power' which may pressure students to:

- a. Do something or not do something that they may not otherwise have done as a result of the intimate personal relationship
- b. Gain favour or advantage as a result of the intimate relationship
- c. Take part in physical intimacy including isolated or repeated sexual activity which they would not have chosen

Where a student may be in a pre-existing intimate relationship with a member of staff, this should be declared at enrolment, so that the School can make suitable arrangements to avoid any potential issues arising. This may include not being taught by their partner, or having any work reviewed to ensure its originality and fair assessment outcomes. The student will be made aware of their options with regards to working with their partner or family member.

### Aims of Policy

Through the operation of this policy CSA School aims:

- to promote and drive a positive and supportive culture among all students and staff throughout the School;
- to ensure students and staff are aware that any form or level of bullying or harassment will not be tolerated and that all concerns and allegations **will be** investigated;
- to ensure students and staff know what constitutes bullying and harassment, and how to report any incidents or concerns of abuse;
- to ensure students and staff are aware the disciplinary measures in place to deal bullying or harassment and any form of abuse;
- to create an environment where students and staff feel confident to report concerns and/or abuse knowing they will be taken seriously, supported and that appropriate action will be taken.

All incidents of bullying, harassment or sexual misconduct allegations by students or staff will be taken very seriously and fully investigated. This may include incidents which take place outside of the School premises, but only if it is reasonable for the School to regulate such behaviour on the part of students or staff.

### Related policies and documents

Admissions

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<sup>1</sup> Department of Education: Preventing and tackling bullying. July 2017

Safeguarding  
Equal Opportunities Policy  
Student Charter  
Student Code of Conduct and Disciplinary Procedures  
Social Media Policy  
Widening Participation and Social Inclusion Policy  
Staff Disciplinary Procedure.

### What is bullying at work?

Bullying or harassment behaviour of any kind is always extremely serious, always unacceptable and will not be tolerated by the School. It is harmful to the person being bullied, interferes with student/staff rights to enjoy their learning and/or work free from intimidation, and it is contrary to the values and culture of the School.

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying is when someone tries to intimidate another person, often in front of colleagues or other students. It's usually, though not always, done to someone in a less senior position, or someone who is less able or popular. If someone is forced to resign due to bullying or any form of harassment they can make a constructive dismissal claim and gain compensation through an Industrial Tribunal.



A person is probably being bullied if, for example, they see themselves as:

- constantly picked on
- humiliated in front of colleagues or other students
- made the focus of sexual or other unkind jokes
- comments on body shape or appearance
- unwanted touching or attempted touching
- demanding sexual favours
- humiliating or demeaning post on social media
- abuse messaging or calls
- regularly unfairly treated
- physically or verbally abused
- subjected to suggestive looks, staring or leering
- blamed for problems caused by others
- always given too much to do, so that they regularly fail in their work
- regularly threatened with the sack or suspension/exclusion
- unfairly passed over for promotion or denied training/learning opportunities or opportunities to engage in activities.

### How can harassment, including sexual harassment be defined?



**STOP HARASSMENT**

Harassment, including sexual harassment may be characterised as a behaviour which is offensive and ongoing, for example, making sexual comments, or abusing someone's race, religion, disability, physical attributes or sexual orientation.

It's not possible to make a legal claim directly about bullying, but complaints can be made under laws covering discrimination and harassment. **Harassment is unlawful under the Equality Act 2010.**

CSA considers harassment to be:

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close,
- Unwelcome propositions and sexual advances or gestures
- Subjecting someone to sexual posts or spreading sexual rumours about that person
- Sending sexually explicit emails or texts
- The display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Posting hurtful, false or offensive messages online about another student or member of staff
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, electronic communications including email, phone, and social media.

Cyberbullying (online) is an offense under the Malicious Communications Act, 1988, section 1, which criminalises cyberbullying where 'electronic communications are indecent or grossly offensive, convey a threat or false information or demonstrate that there is an intention to cause distress or anxiety to the victim'. It also includes, (section 127) 'electronic communications which are grossly offensive or indecent, obscene or menacing, or false, used again for the purpose of causing annoyance, inconvenience or needless anxiety to another could also be deemed to be criminal behaviour.'

Cyberbullying that involves taking and distributing indecent images of young people under the age of 18 falls under the Sexual Offences Act 2003. This includes non-consensual sharing of nude and semi-nude images and/or videos.

For further information on what constitutes bullying and harassment within the workplace and your legal rights please refer to the ACAS booklets Bullying and harassment at work – a guide for employees. Both are available from the ACAS website <http://www.employment-advice-bureau.co.uk>

## Recognising bullying, harassment and sexual misconduct

Anyone may become a victim of bullying. There are a whole range of factors, characteristics and social dynamics that may make someone vulnerable to bullying behaviour, often based on 'so-called' difference to the 'norm'. These include age, physical appearance, nationality, race, gender, sexual orientation, disability, religion and culture. Other factors may include being new to the School, shy, lacking in self-esteem and confidence. Someone may also be a target simply because of an irrational decision by a bully.



'Harassment' has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997. This does not create a requirement for a provider to use a criminal standard of proof in its own internal investigations.

In addition, the definitions of 'harassment' in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 include objective tests for deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person. It is therefore necessary to take into account:

- the perception of the person who is at the receiving end of the conduct;
- the other circumstances of the case; and
- whether it is reasonable for the conduct to have that effect.

The last point is important because it introduces an element of objectivity into the test. The perception of the person who is at the receiving end of the conduct is not the only relevant consideration in determining whether the conduct amounts to unlawful harassment. An offense is therefore committed only if the person knows the conduct amounts to harassment of the other, or a reasonable person in possession of the same information would think the course of conduct amounted to harassment of a person or group of persons.

Signs that someone is being bullied, harassed or being subjected to sexual misconduct may include:

- frequently feeling unwell, missing lessons, leaving early and avoiding parts of the School;
- dramatic changes in friend groups or seeming isolated;
- suddenly becoming withdrawn, anxious, lacking in confidence;
- avoiding or showing fear of any close contact with other students;
- Negative self-talk and lack of accountability;
- unusually reluctant to participate in class or engage in group work;
- becoming disengaged with their studies and noticeable change in their academic performance;
- uncharacteristic aggressive, frustrated or disruptive behaviour;
- physical injuries such as unexplained cuts, bruises and rips in clothing and equipment;
- belongings getting 'lost' or damaged;
- asking to borrow money or stealing (to pay a bully);
- problems with eating and sleeping;
- bullying others;
- self-harm and suicide attempts.

## **Why bullying and other forms of harassment and misconduct may not be reported.**

There are many reasons why a someone who has suffered bullying may be reluctant to report it, for example:

- They fear they will not be believed because the alleged bully is popular or in a position of authority; and that reporting will make them less popular or they may not be believed;
- They believe the things the bully or abuser is saying and doing are too embarrassing to discuss the situation;
- They blame themselves for being bullied or becoming the victim of harassment or sexual misconduct;
- They believe there is nothing they or anyone else can do;
- They are concerned their family or friends will find out and think less of them;
- They think they should try and toughen up and grow a thicker skin; or
- They plan to avoid contact in order to not deal with the problem, thereby isolating themselves.
- They do not know who they can safely talk to or seek advice from.

There are also reasons why someone who has witnessed or learned of bullying, harassment or sexual misconduct may not want to make a report. They may be concerned about reporting on others and becoming unpopular; feel it is not their concern; fear being associated with the alleged victim, or fear that they could become a victim of abuse themselves.

Staff also need to be aware that students may not feel ready or know how to tell someone they are being bullied and may not know that what they are experiencing is in fact bullying.

## **Actions in response to bullying, harassment or sexual misconduct.**

### **Before taking action**

If you think someone is being bullied, harassed or is being put at risk of sexual misconduct, it may be best to talk it over with a colleague, a tutor or a line manager, because what may seem like abusive behaviour might not be the case. This is particularly the case if this happens to you. For example, you might have more work to do because of a change in the way your organisation is run, or due to changes in course assessment requirements. If you find it difficult to cope, talk to your tutor or supervisor, who might be as concerned as you are. Sometimes all it takes is a change in the way you work to give you time to adjust. If no notice is taken of your concerns, and indeed more work is given in addition, then take advice.

### **What to do if you're bullied, harassed or being made a target of sexual misconduct in School, or aware of misconduct.**

Employers and senior staff in higher education providers have a 'duty of care' to their students and employees, and this includes dealing with bullying, harassment and incidents or threats of sexual misconduct in a place of learning. There are measures you can take if you are aware of, or a target of bullying and harassment.

#### **1. Get advice**

Speak to someone about how you might deal with the problem informally. This might be:

- A tutor, a student services officer, a programme manager or a senior member of staff
- An staff representative or someone in the human resources department



- Your line-manager, supervisor or head of department.

N.B If the bullying, harassment or threat of sexual misconduct is affecting your health then advice from a doctor should be sought.

## **2. Talk to the bully or person harassing you (if it is safe to do so)**

The bullying may not be deliberate. If you can, talk to the person in question, who may not realise how their behaviour has been affecting you or others. Work out what to say beforehand. Describe what has been happening and why this is a problem. Stay calm and be polite. If you don't want to talk to them yourself, ask someone else to do so for you.

## **3. Keep a written record or diary**

Write down details of every incident and keep copies of any relevant documents.

## **4. Making a formal complaint**

This is the next step if you can't solve the problem informally through raising it with a tutor or student support officer. A form is attached to this policy which you can use to report an incident. All incidents reported will be investigated.

### **Staff receiving information about incidents.**

Staff who are approached with information about incidents or concerns, should ensure that they handle the information in a sensitive manner. It is important that:

- Staff treat the information provided with appropriate confidentiality, irrespective of the way in which a report is made, in person or online.
- All information must be handled in a confidential manner in line with data protection legislation.
- Students are informed about how the information they disclose may be used, for example, as part of a disciplinary process for a student or member of staff.

### **The Reporting Process**

1. Students are able to report an incident in person or online to their tutor, programme manager or a senior member of staff.
2. A report of the incident will be completed including reference to any witnesses to the incident
3. Witness statements will be completed, where possible, and will become part of the evidence for any disciplinary procedure.
4. No person reporting or completing a statement relating to an incident will be disadvantaged in any way.
5. A full investigation will be carried out by the School and a disciplinary panel held, as appropriate. The investigation and any panel hearing will be managed as set out in the staff and student disciplinary procedures but, will normally be followed through within 20 working days.

**Next Steps**

6. The student who reported the incident will be invited to give evidence to the disciplinary panel and may bring an advocate or friend with them. If they do not wish to attend, their statement will be the primary source of evidence.
7. The decision of the disciplinary panel shall be communicated in writing, and appropriate penalties will be applied. The accused party will have a right of appeal, as set out in the disciplinary procedures.
8. Students who have alleged or experienced sexual misconduct or harassment will be signposted to counselling or another appropriate source of specialist personal support.
9. Support will be provided within the School to enable continued student engagement where the student wishes to continue with their studies. Appropriate extensions or changes to assessment schedules will be made to support the student's progress.
10. Support will be available to students who report an incident, whether or not they make a formal report. This will include support being provided where an incident has occurred outside of the School.

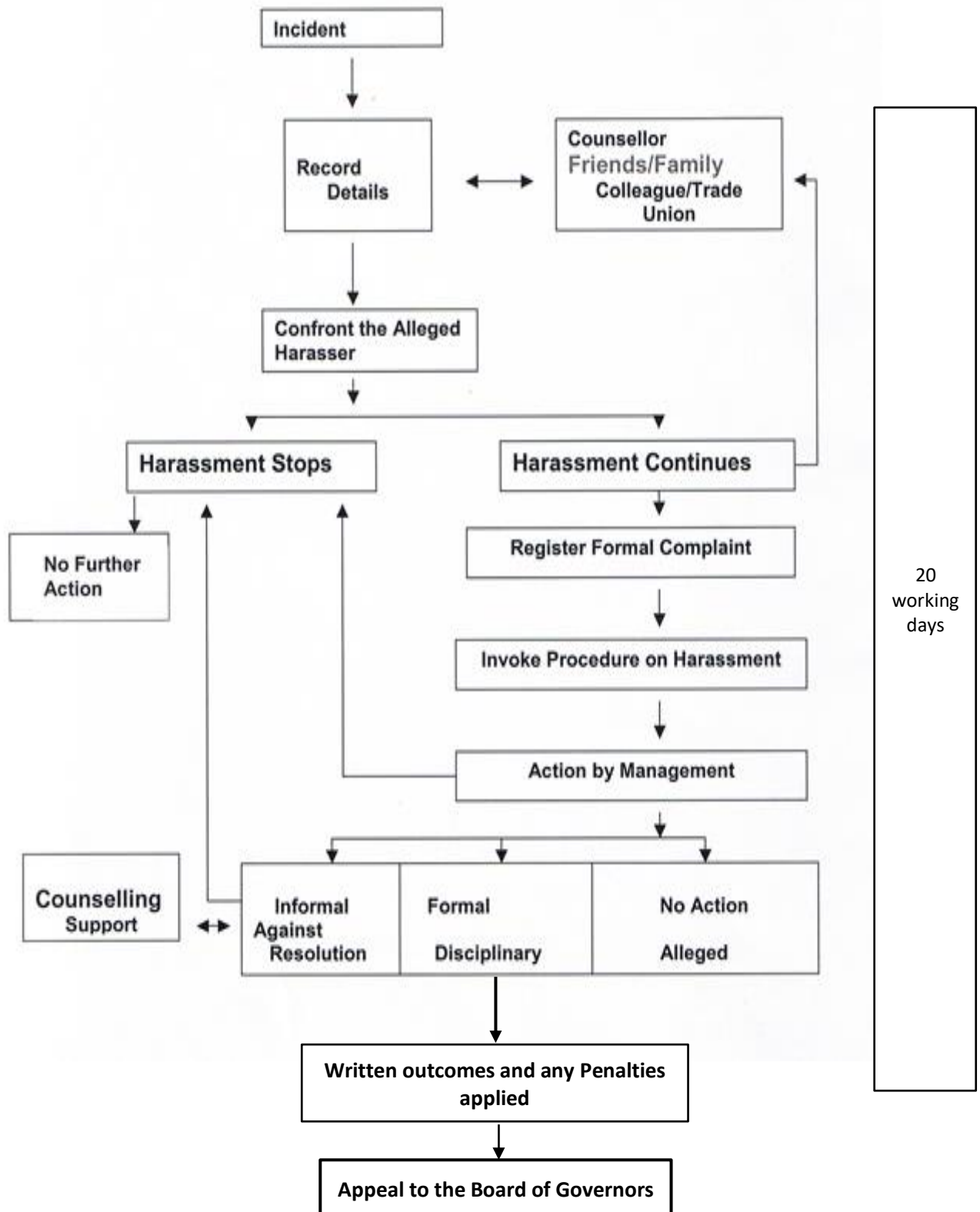
The diagram below provides a summary of steps that can be taken to deal with reported incidents of bullying and harassment. You are free to consult external sources of advice as well as those available to you through the School.

A form to report any incidents of harassment or sexual misconduct can be found on the last page of this document. If you are unsure how to complete it, please ask either your tutor or one of the Student Advisors who will be happy to help you. All reports will be treated confidentially, though you should be aware that for some incidents including those linked to sexual misconduct, a report to the police may need to be made if you or others are seen to be at risk.

Students will also be made aware of the steps being taken to address bullying, harassment or sexual misconduct, and will be offered support and advice as appropriate.



Reporting process for all incidents of bullying, harassment and sexual misconduct.





| <b>Harassment/Bullying/Sexual harassment or misconduct Incident Report Form</b>                               |                           |  |                     |
|---|---------------------------|--|---------------------|
| Date(s) and approximate time(s):  |                           | Room/Location(s):                                |                     |
| Person(s) Completing Form:  |                           |  |                     |
| Job title or Course title:  |                           |  |                     |
| Person(s) alleged be initiating the bullying/harassment/sexual misconduct:                                    |                           |  |                     |
| Job Title or Course title (if known):   |                           |  |                     |
| Person(s) Affected where not the person(s) completing the form:   |                           |  |                     |
| Job Title or Course title (if known)  |                           |  |                     |
| Type of Harassment Alleged (please indicate) by placing an X in the appropriate box:                          |                           |  |                     |
| Racial:   | Sexual:                   | Religious:                                       | Other:              |
|   |                           |  |                     |
| Please indicate all behaviours below that also apply to the incident(s) being reported:                       |                           |  |                     |
| Name Calling  | Stalking                  | Inappropriate Gesturing                          | Staring/Leering     |
|   |                           |  |                     |
| Writing/Graffiti  | Threatening               | Refusing to acknowledge or persistently ignoring | Taunting/Ridiculing |
|   |                           |  |                     |
| Inappropriate Touching  | Demeaning Comments        | Stealing   | Damaging Property   |
|   |                           |  |                     |
| Pushing or physically shoving   | Threatening with a weapon | Intimidating                                     | Demanding money     |
|   |                           |  |                     |
| Other (please give details:   |                           |  |                     |
| Describe the Incident:  |                           |  |                     |
|   |                           |  |                     |
| Witnesses present:  |                           |  |                     |
| Physical Evidence:  |                           |  |                     |
| Signature:  |                           |  |                     |
| <b>PLEASE RETURN THIS FORM TO HUMAN RESOURCES OR STUDENT ADMINISTRATION</b>                                   |                           |  |                     |
| <b>NOTICE: False accusations of bullying or harassment will be subject to appropriate disciplinary action</b> |                           |  |                     |