



Prevention of Bullying, Harassment and Sexual Misconduct Policy and Procedure.

Date Reviewed	June 2022
This version	March 2025 New Additions highlighted in yellow Minor corrections included job titles tracked
Next Review Due	November 2026
Committee	Finance and General Purposes and Academic Board
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The Place Prevention of Bullying, Harassment and Sexual Misconduct Policy and Procedure

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1. Introduction

This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all members of The Place community (which includes those who encounter The Place staff and students in the course of their work and study).

No member of The Place community is expected to tolerate bullying, harassment and sexual misconduct (which includes sexual harassment) which are unacceptable behaviours and will not be tolerated. These behaviours are contrary to the Equality Act 2010; the Protection from Harassment Act 1997; and the Workers Protection Act 2024, and to The Place's ethos and mission.

This policy seeks to ensure that students, staff and the wider community of artists and visitors at The Place are protected from bullying, harassment and sexual misconduct.

2. Policy statement

The Place is committed to creating and maintaining an inclusive and welcoming community where people treat each other with respect and accepts its responsibility and duty of care to investigate unacceptable behaviour that comes to its notice.

It is vital that we strive for an environment within the organisation in which discrimination, harassment, bullying and victimisation are simply not tolerated. Such unacceptable behaviour must be identified early and managed effectively.

This policy sets out the commitment and what actions can be taken if unacceptable behaviour occurs.

The Place encourages individuals to make every effort to resolve bullying, harassment, and sexual misconduct issues informally in the first instance. Individuals are encouraged to speak in the first instance with a member of the Human Resources team, their line manager, a member of the Student Support Team, their Course Leader or Year Group Coordinator.

This is often the most effective method of dealing with unacceptable behaviour, although it is recognised this approach may not always be appropriate.

Where a grievance investigation finds that unacceptable behaviour has taken place, this may result in action under the relevant staff or student disciplinary procedure. In certain instances, The Place may decide that *prima facie* there is sufficient evidence for the matter to be dealt with in the first instance under the relevant staff or student disciplinary procedure.

At any point in the process, it may be necessary to make a referral to the Police.

3. Scope

This policy and the associated procedure apply to **all members of The Place community** or involved in its activities:

- students, alumni (historical cases) and staff (including hourly paid staff)
- third parties including governors, guest lecturers and other freelance workers, volunteers, visitors, class participants, customers, clients and contractors

The policy and procedure cover unacceptable behaviour in the workplace and student space (including virtual settings), in any work-related or student-related setting outside the workplace or student space, for example business trips, study trips, work-related or student related-social events, and social media.

The Place is legally obliged to take reasonable steps to prevent sexual harassment of its workers. Throughout this policy the term "staff" or "worker" refers to employees and workers.

The Place is aware that sometimes an allegation will not be reported at the time it occurs, but later, sometimes much later. All allegations will be taken seriously and will be handled in a way that is sensitive and fair to the individual who has made the allegation, anybody who has witnessed it and anybody against whom allegations of unacceptable behaviour have been made. Although historic allegations will be taken seriously and investigated accordingly, in the context of employment there is a time limit for any action that can be taken under Employment Law.

Where those covered by this policy and procedure who have experienced bullying, harassment or sexual misconduct and are under the age of 18 or is deemed to be an "adult at risk", there may be a safeguarding issue involved, and The Place's Safeguarding Policy should also be referred to.

4. Roles and responsibilities

Responsibility for implementing this policy is as follows:

The Place Board of Governors has overall responsibility for ensuring that the policy and procedure is up to date and operating effectively, and for 'setting the tone' in relation to the commitment to create and maintain an inclusive and welcoming community where people treat each other with respect.

The Chief Executive is responsible for ensuring that the processes described in this policy and procedure are functioning effectively through the management structure, and to act as a role model of appropriate behaviour.

The Head of Human Resources is responsible for providing advice to staff who believe they have experienced unacceptable behaviour, those who are alleged to have behaved inappropriately and ensuring all those involved in both informal and formal resolution processes are appropriately supported. They are also responsible for ensuring staff have access to appropriate and regular training.

The Director of Student Lifecycle and Well-Being is responsible for providing advice to students alleging they have experienced unacceptable behaviour, those who are alleged to have behaved inappropriately and ensuring all those involved in both informal and formal resolution processes are appropriately supported. They are also responsible for ensuring students have access to appropriate and regular training.

Heads of Department, Line Managers and others in a position of trust are expected to act as role models of appropriate behaviour, take action at the earliest opportunity when they become aware of a potential breach of the policy and ensure that staff, students and others covered by the policy are aware of the policy and know what to do if they experience unacceptable behaviour.

Staff and students and all others covered by the policy have a responsibility not to behave unacceptably and to participate in any training provided.

All of those in The Place community have a responsibility to report any unacceptable behaviour that they have personally witnessed or become aware of.

5. Definitions

What constitutes unacceptable behaviour?

Behaviour that is perceived by one individual as unacceptable may not necessarily be perceived in the same way by another. When deciding whether behaviour is unacceptable, factors that will need to be taken into consideration include the impact on the individual and whether that impact or effect is reasonable in the circumstances, the specific context, and the description of what constitutes bullying, harassment, discrimination, sexual misconduct, and victimisation as set out below.

Bullying is unwanted behaviour from a person or group that is offensive, intimidating, malicious or insulting to the recipient and may involve the misuse of power. Bullying can make a person feel vulnerable, upset, humiliated, undermined or threatened.

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or reasonable effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can be a single incident or repeated behaviour and can include imagery, graffiti, gestures, mimicry, jokes, pranks, and physical behaviour that affects the recipient. It can also include treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment under the Equality Act 2010 may be related to the following protected characteristics: age, disability, gender reassignment, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Unlawful harassment under the Equality Act 2010 can also be conduct of a sexual nature. Sexual harassment may violate the recipient's dignity or create an environment that is intimidating, humiliating or offensive for the recipient.

Conduct may be harassment, whether or not the person behaving in that way intends to offend. Something intended as a "joke" or considered "banter" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, for example sexual touching. It may not be so clear that some other forms of behaviour would be unwelcome to, or could offend, another person, for example flirting or asking someone for a private drink after work.

In these cases, first-time conduct that unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that the behaviour is unacceptable to them.

Sexual conduct that is consensual, mutual, and invited is not harassment. However, the conduct may become unwanted (for example, where a sexual relationship ends) and if it continues, may amount to harassment.

For further information see The Place's [Personal Relationship Policy](#)

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or have a disability), when the recipient does not, in fact, have that protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their partner is pregnant or they have a friend who is a devout religious believer.

A person may feel harassed even if the unwanted conduct is not directed towards them or related to their actual or perceived protected characteristic.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, for example, if a contractor makes a racist remark to a student of colour.

A single incident can be harassment if it is sufficiently serious.

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010); unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010); assault (as defined by the Sexual Offences Act 2003); rape (as defined by the Sexual Offences Act 2003); Physical unwanted sexual advances (as set out by 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 by the Equality and Human Rights Commission: Sexual harassment and the law, 2017); distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015);]

Discrimination is when the recipient is treated unfairly or less favourably because of any of the following protected characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. This behaviour is unlawful under the Equality Act 2010.

Victimisation occurs when a person is subject to a detriment because they made a complaint of discrimination or provided evidence or information in connection with a complaint of discrimination, or someone believes that they have done so or may do so.

Abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, or pressuring someone to do something which may be illegal or against the rules. or something which they are not comfortable with. Abuse of power may also occur in the context of a close personal or intimate relationship. Please see the [Personal Relationships Policy](#) for more details. Abusive behaviours may be expressed in person, in writing and/or by electronic means.

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed, that it cannot be assumed to be ongoing and may be withdrawn at any time.

Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- They are being threatened with violence (by the perpetrator and/or by someone else).
- They are being threatened with humiliation.
- They believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused.
- They are being blackmailed.
- There is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:

- They are drunk or under the influence of drugs - this means, for example, someone may still be physically able to have sex but they may not be able to consent.
- They are asleep or unconscious.
- They have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

Staff and student relationships of any intimate nature are not permitted where the staff member is a permanent member of staff at The Place or an hourly paid staff member working within London Contemporary Dance School, in line with OfS condition E6. This applies to relationships prior to either party joining LCDS.

Any member of staff or student entering a relationship, or who has a pre-existing relationship with the person joining the student body, must contact a member of senior management or Human Resources immediately. Staff should also self-report 'one off' instances where feelings have been communicated to a student. Any member of staff who does not self-report a new or existing relationship can face disciplinary action for serious misconduct if this is proven to be the case following an investigation.

Please see the [Personal Relationships Policy](#) for more information.

Disclosure vs Reporting: In the context of bullying, harassment, and sexual misconduct, the terms disclosure and reporting have distinct meanings, particularly in workplaces, schools, or legal settings:

Disclosure is where a victim or witness shares their experience of bullying, harassment, or sexual misconduct with someone, but without necessarily expecting formal action. Disclosing does not automatically trigger further action or an investigation unless the recipient has a duty to report it (e.g. if there is a safeguarding requirement). See also item 6 below.

Reporting is a formal action taken to notify an authority (employer, HR department, school administration, or police) about an incident, in order to trigger a process that may lead to an investigation, disciplinary action, or legal proceedings.

Interim Measures will be considered to maintain the safety of both parties during an investigation where possible or required. This may include temporary changes to department, location or schedule; remote work or study, administrative/garden leave or study breaks, and instructions to parties not to contact one another. Counselling and wellbeing support are not in themselves interim measures, but may also be offered while interim measures are in force – see item 11 below.

6. Confidentiality in ongoing cases

All evidence provided under this policy and procedure will be treated in a sensitive and confidential manner. Information will be shared on a need-to-know basis, including as appropriate with the student, staff member or other person covered by this policy against whom allegations are being made, and in cases where the Police and/or the Courts are involved. Unnecessary disclosure of such allegations may result in disciplinary action. As part of the investigatory process the identity of the individual(s) providing the evidence may have to be revealed and, as appropriate, they may be requested to make a statement and/or attend an investigatory interview or be part of a fact-finding process.

If a student or staff member reports an incident of sexual harassment or sexual misconduct, they will be informed of their right to report the matter to the police. The decision to report to the police rests entirely with the complainant. The institution will provide appropriate support to the complainant should they choose to pursue this course of action.

7. The Place statement on non-disclosure agreements (NDAs) in cases of sexual harassment and sexual misconduct

The Place endeavours to always protect and prioritise the wellbeing of students at LCDS. In line with this commitment, The Place does not and will not use non-disclosure agreements (NDAs) to prevent complainants from reporting matters relating to sexual harassment/sexual misconduct to the police and other relevant regulatory bodies, or anywhere else.

Following completion of any investigation, and while upholding the principles of natural justice, students retain the right to warn others about perpetrators of abuse or inappropriate behaviour.

Settlements resulting from any such investigation will not include the use of NDAs or similar agreements that restrict transparency.

The Place does not engage in the practice of compensation and use of non-disclosure agreements preventing any party of a complaint being able to take matters further following the final outcome of any investigation or complaint.

However, we will make all complainants aware of the defamation risks if they warn others about unproven allegations particularly on social media.

8. Anonymous allegations (Disclosure)

Individuals raising a concern are encouraged to identify themselves. Usually, information from reports made anonymously will only be used to monitor the patterns of such incidents. However,

depending on the seriousness of the issue, the credibility of the concern, and any evidence available in an anonymous allegation and the likelihood of being able to investigate the matter, The Place may investigate an anonymous allegation.

The Place will ensure reporting parties are aware that any action in response to an anonymous report may be limited due to natural justice, which states that the responding party has the right to know what they are accused of.

9. Allegations made in good faith

This policy is intended to promote a consistent approach in handling concerns that are made in good faith. No action will be taken if a concern which, following an investigation, proves to be unfounded but is judged to have been made in good faith.

However, if there is evidence that allegations have been made vexatiously, that false information has been provided, or that the person/people making the allegation has/have otherwise acted maliciously, action may be taken under the staff disciplinary procedure or the relevant student procedure.

10. Counter-allegations

It is acknowledged that sometimes when an allegation has been made, the person against whom that allegation has been made decides to make allegations against the complainant. If this occurs, such counter-allegations will be considered at the same time, with separate reports.

11. Collective allegations

Allegations that are brought by more than one individual about the same issue will be considered on a case-by-case basis depending on the nature of the concerns. Each individual member of the collective allegations must provide specific details of the incident(s) as it relates to them personally, and whether they have experienced or witnessed the alleged behaviour.

12. Information sharing

In consultation with the student or staff member, LCDS will determine whether the outcome of the complaint should be communicated to the wider cohort, year group, or the entire school community. LCDS will endeavour to disseminate the outcome within the same timeframe as it is provided to the complainant.

While it may be tempting to express concerns on social media, The Place respectfully requests that individuals wishing to use this policy or go through this process consider the potential impact and influence such posts may have on the investigation and those involved. Please note that social media activity may also complicate and affect the timeframe within which The Place is able to respond.

For further information please see:

[The Place Student social media guidelines](#)

[The Place Staff social media guidelines](#)

13. Timeframes

In some cases, an investigation might need to take longer than usual to ensure that all of the issues raised have been appropriately addressed. In addition, there may be circumstances beyond the investigating officer's control, such as staff absence, where it may not be possible to adhere to the timescales it has set for itself and still carry out a proper investigation. Where the prescribed timescales are unable to be met, the reasons for any delay and a revised timescale will be communicated to all parties. Complainants should also note that not all staff work full time and that this will impact on timeframes.

See [Complaints \(student\)](#) or [Grievance \(staff\)](#) policies

14. Support available

The Place will endeavour to ensure that all parties involved in a complaint are offered appropriate support from internal staff and external support services.

For further support please contact:

studentwellbeing@theplace.org.uk
HR@theplace.org.uk

15. Reporting Procedure

This procedure describes both informal as well as formal approaches that are available.

When considering what to do about a concern, individuals are encouraged to speak in the first instance with the Head of Human Resources, the Director of Course Leader or Year Group Coordinator, student union representative, or a member of the Student Support Team. mental health advisor or well-being officer.

15.1 Informal approach outside of procedure

An informal approach outside of any procedure will often resolve one-off or minor incidents of alleged unacceptable behaviour. The person who has experienced the behaviour may feel able to approach the alleged perpetrator personally or with the help of someone else. The alleged perpetrator may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.

If any person covered by this policy is approached and told that their behaviour could be construed as bullying, harassment or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed.

The alleged perpetrator should be told what behaviour has been found to be unacceptable and should be asked to stop it immediately. The person who has experienced the behaviour may want to add that, if the behaviour continues, they intend to use the informal or formal stage of the grievance procedure or student complaints procedure. They should keep a record of the nature and frequency of the alleged inappropriate behaviour. This is to support them in raising their concerns and help the other party understand better the issues and the impact they have had on the complainant.

Students are entitled to be supported in their informal approach. Support may take the form of accompanying the student or advocating on their behalf.

15.2 Submitting a grievance or complaint

Staff and students are entitled to move to the use of their respective procedures, either directly or if they are dissatisfied with the outcome of an informal approach. Both procedures describe informal and formal routes that can be used for individual instances, repeated patterns of inappropriate behaviour, or where previous informal attempts to resolve issues have failed.

- **Students** should follow the [Complaints Procedure](#) to make their report.
- **Staff** should follow the [Grievance Procedure](#) to make their report.

Formal reports **cannot** normally be made anonymously.

All complainants will be offered appropriate support including access to Well-being support and have a dedicated member of staff to support them throughout the process.

All complaints will be handled by an impartial investigator and all parties involved will receive communication at each stage of the investigation.

Staff under investigation or complainants will be supported by a member of management or the Human Resources team to ensure that the investigation upholds the principles of natural justice.

An arrangement will be agreed upon to prevent complainants from working/interacting with alleged perpetrators during the investigation if appropriate. This is to maintain a professional environment for all concerned including protecting colleagues and peers from uncomfortable situations. (see Interim Measures)

All outcomes of the investigation and their communication are detailed in the Grievance Procedure.

15.3 Third parties

Students or members of staff who feel they have experienced unacceptable behaviour by a third party should discuss this in the first instance with Human Resources, their line manager, Course Leader or Year Group Coordinator, or Student Support staff as may be appropriate.

Matters relating to the alleged unacceptable behaviour by third parties will be dealt with according to the circumstances, for example notifying third parties and asking them to investigate, terminating a contract or banning the person from the premises.

Third parties (i.e. all others who are not staff or students) who believe they have experienced unacceptable behaviour by another member of The Place community, or a person involved in its activities have access to the [Public Complaints procedure](#).

15.4 Environmental Investigations

Where there are several reports concerning unacceptable behaviour from a particular team, project, year group etc, The Place may conduct an environmental investigation with staff and/or students to

understand the behaviours in more detail and identify and target appropriate support and interventions.

For further information please contact the safeguarding lead at The Place or LCDS as appropriate.

Please see Appendices below.

Date Reviewed	June 2025
Next Review Due	November 2026
Committee	Finance and General Purposes and Academic Board

Appendix 1- Examples of Unacceptable Behaviours

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

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Repeatedly or deliberately ignoring people who are waiting to contribute to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions.
- Deliberately excluding someone from meetings, communications or a social activity without a good reason.
- Abuse of power by blaming a team member if something has gone wrong, rather than taking personal responsibility.
- Deliberately creating an environment where a team member is side-lined or has their responsibilities limited or narrowed.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- “Grooming” behaviour, for example making someone feel special by buying them gifts, for example, then gradually manipulating them to carry out duties outside of their normal remit, or which are in breach of THE PLACE policy.
- Allocating staff unreasonable workloads with unreasonable deadlines that require an individual to work excessive hours for sustained periods.
- Inappropriate and/or derogatory remarks about someone’s performance
- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault.
- Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking or belittling a person’s protected characteristic, see para. 3.2
- Outing or threatening to out someone as gay, lesbian, bisexual or trans
- Speculating or gossiping about someone's perceived sexuality or gender identity, refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming').
- Practices which are potentially discriminatory and have the effect of excluding certain people. Examples may include regularly holding a meeting at a time or on a day that a part-time worker cannot make or arranging an away day with a physical activity which a wheelchair-user cannot access.
- Not providing equal development opportunities or promotional prospects to those in a team.
- Being discriminatory in recruitment practices or appointing staff in a non-transparent way.
- Any unwanted sexual advances, sexual comments or comments about someone’s body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone’s clothing, or stalking.

- Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions.
- Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by The Place policy, such as flexible working, or requests for annual leave.
- Overtly or covertly recording colleagues in order to gather evidence that may be used against them.