



GARSINGTON OPERA  
AT WORMSLEY

**ANTI-BULLYING AND  
HARASSMENT POLICY AND  
PROCEDURE**

## Document control

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# Policy Statement of Intent

Garsington Opera is committed to providing a working environment that is free of bullying and harassment, and where everyone is treated, and treats others, with dignity and respect.

Garsington Opera will not permit or condone any form of behaviour which constitutes bullying or harassment and this policy outlines responsibilities and the procedures that should be followed in the event of any alleged instances of bullying or harassment taking place.

This policy covers bullying or harassment, and alleged bullying or harassment, of, or perpetrated by, anyone employed by Garsington Opera or otherwise engaged personally to work for Garsington Opera (i.e. workers). It also covers alleged bullying of Garsington Opera employees and/or workers by third parties such as partners, suppliers, or audience members.

In this document, employees and workers of Garsington Opera are referred to as “employees”. The policy encompasses bullying or harassment that occurs in the workplace, or out of the workplace, such as on work trips or at work-related social functions.

Bullying and harassment are not necessarily face to face, they may occur through written communications, visual images, email, phone, text or social media. It should be noted that it is the impact of the behaviour which is relevant and not necessarily the motive or intent behind it.

Garsington Opera will take allegations of bullying and/or harassment seriously and address them promptly and confidentially where possible. In some cases, it may amount to gross misconduct leading to summary dismissal.

## Shared Responsibility

We all have a shared responsibility to help create and maintain a working environment free of bullying and harassment. You can do this by:

- treating your colleagues with dignity and respect
- considering how, and reflecting on how, your own behaviour may affect others, and where appropriate changing it
- being receptive and reflective, rather than defensive, if asked to change your behaviour
- taking a stand if you think inappropriate jokes or comments are being made
- making it clear to others when you consider their behaviour unacceptable
- intervening, if possible, to stop what appears to you to be bullying or harassment, and giving support to those who may be victims of bullying or harassment
- reporting bullying or harassment to your manager or another appropriate individual
- being open, honest and objective in any investigation of complaints.

# Bullying

## What is Bullying?

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

In certain circumstances, it's possible someone might not know their behaviour may constitute bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

The following examples may constitute bullying:

- constantly criticising someone's work without justification
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media

The above is not an exhaustive list.

## Upward Bullying

Bullying can also happen from staff towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'. It can be from one employee or a group of employees. Examples of upward bullying can include

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff.

Managers are duty-bound to give their team members feedback and to generally manage their performance. Legitimate, reasonable and constructive criticism of a team member's performance or behaviour, or reasonable instructions given to an employee in the course of their employment, will not amount to bullying on their own.

### **When Bullying might be Harassment**

Some acts of bullying might also constitute harassment – see below.

## **Harassment**

### **What is Harassment?**

Under the Equality Act 2010, there are 3 types of harassment:

- harassment related to certain protected characteristics (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation)
- sexual harassment
- less favourable treatment as a result of harassment.

To be harassment, the unwanted conduct related to a relevant protected characteristic must have either the purpose or effect of:

- violating the person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

It can be harassment if the conduct:

- has one of these effects even if that was not the purpose of the conduct
- did not have that effect, but did have that purpose.

By law, whether someone's conduct has the "effect" required for the definition of harassment to be met depends on:

- the circumstances of the situation
- how the person receiving the unwanted conduct perceives it
- if it is reasonable for the conduct to have that effect on the person in question.

### **What is Unwanted Conduct?**

Unwanted conduct can include:

- a one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person.

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

### **Who Does The Law On Harassment Apply To?**

For someone to have been harassed, it is not necessary for them to have the relevant protected characteristic. The conduct in question must only be related to a relevant protected characteristic.

Additionally, it is not necessary for someone to be the intended recipient of the conduct in question. For example, someone may be harassed because they have overheard an offensive joke between two colleagues that was not intended for them, or because they have seen something on a colleague's phone screen.

It is important to note that harassment may occur even if the harasser perceives their conduct as being harmless and without malice. What matters when determining the "effect" of someone's conduct is how the behaviour makes the recipient feel, and not what the perpetrator's intentions were.

Examples of harassment may include (but are not limited to) the following:

- display or circulation of sexually suggestive material or material with racial overtones
- use of slang names for racial groups, or age groups, or for disabled persons
- professional or social exclusion
- unwanted physical conduct, such as touching, pinching, pushing and grabbing
- unwelcome sexual advances or suggestive behaviour
- offensive emails, text messages or social media content.

## **Sexual Harassment**

### **What Is Sexual Harassment?**

Sexual harassment is unwanted conduct of a sexual nature.

This type of harassment does not need to be related to a protected characteristic. For example, someone who thinks they've been sexually harassed does not need to show it was because of their sex or sexual orientation.

To be sexual harassment, the unwanted conduct must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone.

It can be sexual harassment if the conduct:

- has one of these effects even if it was not the purpose
- did not have that effect, but did have that purpose.

### **Who Can Experience Sexual Harassment?**

Sexual harassment can happen to men, women, people of all genders and people of any sexual orientation. It can be carried out by anyone of the same sex or gender, another sex or gender or anyone of any sexual orientation. You could experience sexual harassment from anyone you come into contact with because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- third parties – for example customers, clients and members of the public

Sexual harassment can be a one-off incident or an ongoing pattern of conduct. It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Examples of sexual harassment may include (but are not limited to) the following:

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape.

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

## **Victimisation**

### **What Is Victimisation?**

Victimisation is a specific type of discrimination under the law (Equality Act 2010 section 27). The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'. A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint.

The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above. 'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse.

Ways someone could be victimised include:

- being labelled a troublemaker
- being left out
- not being allowed to do something

Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information given, or the allegation is made in bad faith.

## Addressing The Issues - Procedure

### Informal Approach

If an employee believes that they have been the subject of bullying or harassment, in the first instance, if they feel able to, they are encouraged to speak directly to the individual responsible. They should explain that the conduct makes them feel uncomfortable and ask for the conduct to stop. They should keep a note of the date and what was said and done. If an employee would like support before making such an approach, they should contact their Line Manager in the first instance or a member of the Senior Management Team if the issue relates to their Line Manager.

### Formal Approach

If the informal approach is unsuccessful, or the employee does not feel comfortable to approach the individual responsible, or the issue(s) of concern is of a more serious nature, the individual should report the issue of bullying or harassment to a member of the Senior Management Team as soon as possible to enable the matter to be dealt with. If the employee's concern is regarding the Artistic Director, Executive Director or any other member of the Board, they should report the incident to the Chair of the Board. If the

employee's concern is regarding the Chair of the Board, they should report this to the Deputy Chair of the Board. If the employee's concern is regarding safeguarding, they should report this to the Safeguarding Trustee. Complaints of bullying or harassment about Garsington Opera employees will be managed in line with Garsington Opera's Grievance and Disciplinary Policy and Procedure.

Employees can decide to make a formal complaint at any point after the alleged bullying, harassment or victimisation has occurred, or if the above informal stage has not worked.

All complaints will be investigated in a timely, confidential and sensitive manner. The investigation will be conducted where possible by someone with appropriate seniority and experience, and no prior involvement in the complaint. Details of the investigation, and the names of the people involved, will only be disclosed on a need-to-know basis. Garsington Opera will consider whether any steps are necessary to manage the ongoing working relationship between the employee and the person accused during the investigation.

Garsington Opera reserves the right, at its complete discretion, to suspend any employee who is the subject of a complaint for bullying or harassment for a temporary period whilst investigations are being carried out. Any period of suspension will be for as short a time as possible and on full pay. If an employee is accused of bullying or harassment, they will be informed of the exact nature of the complaint against them. As part of the investigation process, the employee will be invited to a meeting and will be given a full right of reply. The accused employee has the right to be accompanied to the meeting by a work colleague who has no connection or involvement with the issue, or a Trade Union official. No employee accused of bullying or harassment will be treated by Garsington Opera as having committed the bullying or harassment complained of without a fair investigation, impartial decision making on the part of Garsington Opera and an opportunity to respond to the complaints made. The decisions made will be based on the evidence gathered on a balance of probabilities basis.

All employees involved in a complaint of bullying or harassment (including the alleged perpetrator) will be given appropriate support by management throughout the process.

Once the investigation is complete, Garsington Opera will inform the employee who made the complaint and, if the subject of the complaint is also an employee, that employee also, of the findings. Whether or not the complaint is upheld, consideration will be given to how best to manage any ongoing working relationship between the individuals concerned.

If, after due investigation, Garsington Opera considers that an employee has been bullied or harassed by another employee, the matter will be dealt with under Garsington Opera's Disciplinary Procedure as a case of possible misconduct or gross misconduct. The person concerned may continue to be suspended on full pay until any eventual disciplinary proceedings have been concluded. If the complaint of bullying or harassment is upheld, a disciplinary penalty may be imposed up to and including dismissal, depending on the seriousness of the offence and all relevant circumstances.

If a complaint of bullying or harassment concerns a third party (i.e. someone who is not an employee of Garsington Opera) and is upheld, Garsington Opera will consider how best to respond to this situation. Actions taken may include (without limitation) providing a warning to the person(s) concerned or, in serious cases, ceasing to do business with them.

If Garsington Opera has good grounds for believing that a complaint that is not upheld was not made in good faith, disciplinary action may be taken against the person making the complaint.

Employees who make complaints of bullying or harassment in good faith, or who participate in any investigation, must not suffer any form of retaliation or victimisation as a result. Any employee engaged in retaliation or victimisation will be subject to the Disciplinary Procedure.