

# LEARNER HARASSMENT AND BULLYING POLICY AND PROCEDURE

The College is committed to ensuring that all learners, staff and any other parties on the College premises are kept safe and provided with an environment in which everyone is treated with dignity and respect regardless of their age, race, religion/belief, disability, sex, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity.

## **1 POLICY, SCOPE AND PURPOSE**

- 1.1 The College will use all necessary steps to challenge and prevent any discrimination, harassment or bullying of any kind. Any inappropriate behaviour, that may cause offence, whether intentional or not, will be treated seriously and discouraged and therefore all learners should feel confident that any reported incidences of harassment and bullying will be dealt with promptly, fairly and effectively. The College wishes to encourage everyone to behave appropriately at all times in accordance with the College Values and Behaviour Code.
- 1.2 The aim of this policy is to ensure that harassment and bullying does not occur in the organisation and if it has happened to ensure that procedures are in place to deal with it and prevent its recurrence. It is expected that where an allegation of bullying is raised, all parties will seek to achieve an effective and prompt resolution of the matter.
- 1.3 Harassment and bullying are totally unacceptable forms of behaviour and contrary to the College's aim of promoting an environment where its staff, visitors and contractors will be treated with dignity and respect. In addition to this, bullying can prevent effective performance and creativity, instead causing increased illness, absenteeism and under achievement.
- 1.4 Any act of harassment or bullying may be grounds for disciplinary proceedings and/or investigation by the College. Everyone at the College has a duty to promote a culture free from unacceptable behaviour which includes the prevention of bullying and harassment. The College has a duty to react to any allegations promptly, fairly, effectively and in the strictest confidence.
- 1.5 There are also legal implications initially arising out of Health and Safety legislation. Any harassment and bullying may be a source of great distress to the recipient. The College has a legal 'duty of care' and liability under Health and Safety legislation for the health, safety and welfare as well as under the Safeguarding of Children and Vulnerable Adults. Harassment is also a potential criminal offence.

## 2 DEFINITIONS

### What is harassment?

- 2.1 Harassment is defined as any conduct which is unwanted by the recipient, or any conduct which affects the dignity of any individual, or group of individuals in the workplace. Harassment may be repetitive, or an isolated occurrence against one or more individuals.
- 2.2 It may be related to age, sex, race, religion/belief, disability, religion/belief, gender, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity. The point is that the actions or comments are viewed as demeaning and unacceptable to the recipient. The College is committed to appreciating human diversity and will not tolerate any form of harassment or bullying. As such learners should read this policy in conjunction with the College's Equality and Diversity Policy and all the associated policies and schemes.

### 2.3 Harassment could be:

**Physical** - unwanted contact (e.g. unnecessary touching), assault or gestures, intimidation, aggressive behaviour.

**Verbal** - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter which is based on a person's sex or race or which refers to a person's age, disability, sexuality, religion or personal appearance.

**Non-verbal** - offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities.

### Some other examples of harassment are:

- physical contact ranging from touching, standing too close or physical threats

- written and verbal in the form of letters, e-mails, internet materials or other offensive language.

- 2.4 **Bullying** is a particular form of personal harassment. It is persistent, threatening, offensive, abusive, intimidating or insulting behaviour that may be an abuse of power, position or knowledge. It may be the use of unfair sanctions. It can happen in public or private and may arise from the combination of the personal style of the bully and a lack of assertiveness and self-confidence in the person or persons being bullied. An assertive management style in itself would not constitute bullying but where assertiveness gives way to aggression it is likely to become destructive rather than constructive. What is important is that the conduct makes the recipient(s) feel upset, humiliated, vulnerable, or undermines their self-confidence. It may also cause them to suffer stress.

Some examples of bullying are:

- consistently undermining someone
- shouting and use of sarcasm at an individual
- derogatory or belittling remarks in front of others regarding appearance, work or personal attributes;
- unwarranted exclusions or victimisation;

2.5 Bullying is not confined to open, derisory remarks or aggression, but can also be subtle and devious, resulting in an individual being singled out, demeaned or devalued.

2.6 An individual or a group of individuals can carry out bullying. All types of bullying are viewed as equally unacceptable by the College.

2.7 Bullying and harassment can be unpredictable, irrational and may not be obvious to others. They can cause an individual to feel isolated and can have possible implications for physical and mental health. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial to others, but may be the latest in a series of incidents.

### **3 RESPONSIBILITIES**

#### **3.1 Learner action**

A learner who is being harassed or bullied within College by other learners, staff, or another party at College should report this to a member of staff – this could be:

- Personal Tutor
- Another member of the teaching staff if preferred
- A member of the support staff

A reporting form is available in the Learning Zone which the College encourages learners to complete. This helps the College identify issues and seek resolutions.

#### **3.2 Staff action**

The learner and the member of staff will look at the informal and formal options available and discuss what the learner wants to do. The learner may be accompanied by a friend at these meetings.

#### **3.3 Confidentiality**

Allegations of bullying and harassment will always be treated with the intent of maintaining confidentiality to protect the wellbeing of the complainant. However, there may be issues of child protection or complaints of a sexual nature which result in the necessity to disclose information to other agencies. Learners must be reassured that:

- Their complaint will always be taken seriously
- Action will always be taken against an allegation of harassment or bullying

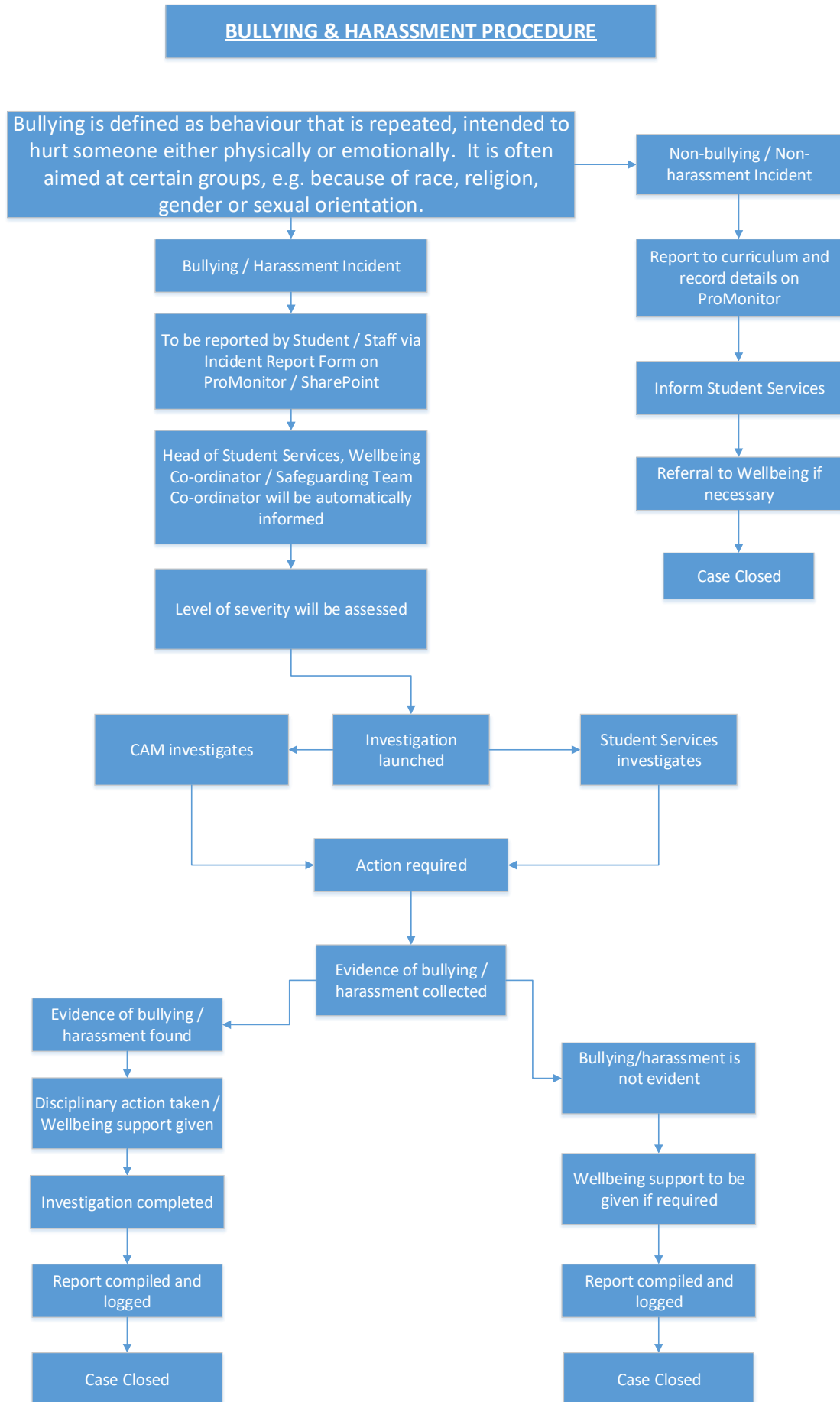
The information given by the learner should only be recorded with their consent. It should be shared with others only by consent (although in exceptional cases it may be necessary for the member of staff to act on information received from the complainant event if consent has not been obtained for disclosure as above.

All information relating to the incident should then be kept confidential and not form part of the learner's general record.

#### **4 PROCEDURES FOR DEALING WITH COMPLAINTS**

- 4.1 Complaints of bullying or harassment will be addressed speedily and if possible, and depending on the nature of the allegation, within the Informal Procedure. This is likely to produce solutions that are effective and minimise embarrassment and risk to the confidentiality. However, there may be occasions when the Informal Procedure is not adequate due to the nature of the complaint and the Formal Procedure is more appropriate.

The College will use the most appropriate procedure in the circumstances of each case. To ensure that complaints / incidents are dealt with speedily and efficiently, the following user friendly procedure is proposed:



## **5 INFORMAL PROCEDURE**

- 5.1 A learner who feels that they are being subjected to harassment or bullying may wish to resolve the matter informally in the first instance. In some cases, with appropriate guidance and support, it may be possible and sufficient for the learner to explain clearly to the person engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes them uncomfortable. Staff will be asked to follow the bullying and harassment procedure set out in 4.1 above if they consider the issue has not been resolved.
- 5.2 At any stage of the process the learner, the member of staff dealing with the complaint or the accused may feel that they need the help of an independent person before deciding on the best course of action. Student Services may be able to assist and provide support for the parties concerned.

## **6 FORMAL PROCEDURE**

- 6.1 If the situation cannot be resolved or if the process is not appropriate then the complainant has the right to pursue their complaint formally using the appropriate stage of the Complaints Procedure, such formal complaints will be investigated by the appropriate member of staff.
- 6.2 In cases where a claim of harassment or bullying is brought and there is reason to separate the parties, a short period of exclusion or suspension of the alleged bully/harasser may be necessary while the case is being investigated. Such action will be dealt with in accordance with the Learner Disciplinary Procedures.

## **7 INFORMATION AND TRAINING**

- 7.1 Learners are made aware as part of the Learner Induction process the full range of policies and procedures.
- 7.2 As part of Living with Difference a presentation and workshop is run by the Principal and Vice Principal with particular emphasis on the Learner Values and Behaviour at the beginning of the Academic year.
- 7.3 This initial training is then followed through with a Living with Difference welfare and training session by the Student Services Welfare team

## **8 OTHER SAFEGUARDING RELATED POLICIES**

Young Person Safeguarding Policy  
Safeguarding Adults Policy  
Student Charter  
Equality, Diversity and Inclusion Policy  
Staff Code of Conduct  
Consensual Relations Policy

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Person responsible for update	Vice Principal
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Approved by	Executive/ College Board
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