

# **Bullying, Harassment and Violence**

## **Policy & Procedure**

## **1. Introduction**

The College will not tolerate bullying, harassment or violence under any circumstances. All staff, contractors and students have a duty to comply with this policy and ensure that they treat each other with respect and dignity.

The College objective is to have an environment which is free from harassment and bullying and to ensure that all staff, contractors and students are treated with dignity and respect.

It is the responsibility of all staff, contractors and students to comply with this procedure and the particular responsibility of managers to ensure it is carried out, with a view to developing and maintaining a working environment in which harassment and bullying are understood by all to be unacceptable.

This policy also applies to work related functions which are held outside of normal working hours, either on or off college premises, such as Christmas parties, working lunch, leaving celebrations, etc.

## **2. The College's position on bullying and harassment**

All staff, contractors and students have a duty not to bully or harass each other nor to help anyone else to do so.

We will not tolerate bullying, harassment or violence in our college or at college-related events outside of the college, whatever the seniority of the perpetrator and whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in the bringing of a complaint of harassment or bullying. Any harassment, bullying or violence will be regarded as gross misconduct, for which staff may be summarily dismissed.

Under the Equality Act 2010 harassment is unlawful when the unwanted behaviour is related to one of the following: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are 'protected characteristics' covered by discrimination legislation. Individuals can complain about behavior they find offensive even if it is not directed at them. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone you could be liable to compensate the victim. In some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our staff or students are bullied or harassed by our students, visitors or suppliers.

If, after investigation, we decide that a member of staff has harassed or bullied another member of staff, then they may be subject to disciplinary action, up to and including dismissal. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. Staff, students and contractors who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and students have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

### 3. Bullying, Harassment and Violence

3.1 'Bullying' or 'harassment' is conduct that applies to the treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Sexual harassment occurs when a person engages in unwanted conduct of a sexual nature.

Bullying or harassment can happen face to face, by letter, by email, by telephone and/or through social media sites. E.g. Facebook and Twitter.

People can be subject to bullying and harassment on a wide variety of grounds. Some examples include:

- verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation;
- unfair treatment, victimisation, less favourable treatment on the grounds of a protected characteristic;
- violence, physical abuse such as hitting, pushing, jostling, unnecessary touching, patting, pinching or brushing against another person's body, intimidating behaviour, assault and physical coercion,
- offensive comments about physical characteristics;
- lewd or suggestive comments, unwanted sexual advances, pressure for sexual favours wolf whistles, obscene gestures;
- offensive and/or abusive language on emails, letters, text messages, offensive screen savers,
- displaying offensive 'pin-ups', pornography, inflammatory or abusive literature or graffiti, or offensive objects;
- isolation or non-cooperation, deliberate exclusion from conversations, work activities or social activities;
- setting up a person to fail, withholding information a person needs in order to do their job;
- misuse of power, excessive supervision, regularly undermining a competent worker; persecution through threats and instilling fear, constantly undervaluing effort dispensing disciplinary action that is unjustified, spontaneous rages over trivial matters, constantly changing targets;
- subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others, picking on someone;
- denying someone training or promotion opportunities, removing areas of responsibility and imposing menial tasks, blocking holidays;
- embarrassing and/or insensitive comments, practical jokes, initiation ceremonies or inappropriate birthday rituals;
- spreading malicious rumours;
- intrusion, following, pestering, spying, rifling through, hiding or damaging personal property;
- being a member or non-member of a trade union;
- carrying out health and safety duties;
- pressure to participate in political beliefs;
- criminal record;
- health;
- social class;
- willingness to challenge harassment – being ridiculed or victimised for raising a complaint

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as offensive. Therefore, this list is not exhaustive.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All staff and students must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of a member of staff or a student behaviour or proper performance management.

### **3.2 Harassment by third parties:**

Third party harassment can occur if a member of the College complains of harassment by a person who is not a member of staff or student of the College. They could for example, be contractors, visitors, or relatives of staff or students etc. As individuals who are not students or staff of the College are not subject to discipline under the College's internal processes, the complainant will be advised to seek advice and assistance from appropriate bodies (such as the police and/or solicitors) in relation to other mechanisms such as "The Protection From Harassment Act 1997". All complaints of this nature should in the first instance be directed towards the College's HR Officer or Assistant Principal (Finance) who will then advise and support accordingly.

### **3.3 Violence may include:**

Physical force against a person, sexual or racial harassment, verbal abuse and threats with or without a weapon.

Where there is a perceived risk of violence the following approaches should be adopted:

- Try to limit one-to-one contact with potentially irate individuals and try not to appear to adopt an "official" or officious manner when dealing with them. Sarcasm should not be used. The aim should be to pacify a situation before addressing the issue. Make no physical contact with the other person.
- Be particularly careful when in contact with people who are under the influence of drugs or alcohol – this can increase the risk of violence if misunderstandings arise.
- When called to deal with people who are fighting do not intervene directly without the support of colleagues.
- If approaching a situation or visiting an area of the premises you know to be a potential hazard or where an incident has occurred in the past, do not go unaccompanied.

## **4. Procedure**

The College recognises the sensitive nature of harassment and bullying. Individuals who believe they are being harassed or bullied may wish to discuss their situation first before deciding what action to take. The College operates an open door policy to discuss workplace problems and staff can discuss the matter with their line manager, trade union representative or Human Resources on an informal basis.

Confidentiality will be maintained as far as possible. If an individual decides not to take any action to deal with the problem and the circumstances are very serious, the College reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all staff and students who may be adversely affected by the alleged harasser's/bully's behaviour.

The procedure for dealing with bullying, harassment or violence provides for informal steps to be taken before a formal procedure is used. At all stages of the procedure total confidentiality is vital.

## **4.1 Informal procedure**

The first step, if at all possible, is for the person suffering bullying, harassment or violence to inform the other person that their behaviour is unacceptable and contrary to College policy and must stop. Sometimes individuals do not realise that their behaviour is causing offence.

If the individual suffering bullying, harassment or violence does not feel sufficiently confident to undertake this first step, or if this first step fails to resolve the problem, then in the case of staff they should speak to their line manager, trade union representative or senior member of staff who should then speak informally to the other person. Students should speak to their personal tutor or Faculty Manager who should then speak informally with the other person.

If the individual is suffering bullying, harassment or violence from their line manager they should speak to their line manager's manager, trade union representative or senior member of staff who should then speak informally to the other person. They can try to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that: there has been a complaint that their behaviour is having an adverse effect on a fellow member of staff; such behaviour is contrary to College policy; and the continuation of such behaviour could amount to a serious disciplinary offence. It may be possible for them to have this conversation with the alleged perpetrator without revealing the name of the complainant. They should also stress that the conversation is confidential.

If these informal steps do not resolve the issue, or if there is a single serious incident which means that the informal approach is not appropriate, then a formal procedure will need to be followed. Bullying, harassment or violence is a conduct issue and therefore the staff or student disciplinary procedure will be used for this purpose.

If the complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual harassment or in cases where the behaviour has occurred before) we may decide to investigate further and take more formal action notwithstanding that the matter was raised informally. We will consult with the complainant before taking this step.

## **4.2 Formal procedure**

If informal resolution is unsuccessful or inappropriate, a formal written complaint can be made about the harassment or bullying to the Principal. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

An investigation into the complaint will be conducted. and, if necessary, a disciplinary interview will be held in accordance with the disciplinary procedure.

The complainant will need to co-operate with the investigation and provide the following details (if not already provided): the name of the alleged perpetrator(s), the nature of the harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses and any action taken by you to resolve the matter informally. The alleged perpetrator(s) would normally need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.

Whilst the complaint is being investigated, during any consequent disciplinary proceedings or after the decision, it may be decided that it is inappropriate for the complainant or perpetrator(s) to continue to work together, therefore the followings options will be considered, to:

- transfer one of the individuals to another work location or class;
- transfer both individuals to another work location or class;
- send one of the individuals home on full pay; or
- send both individuals home on full pay.

After the investigation, a meeting will be held with the complainant to consider the complaint and the findings of the investigation. At the meeting, the individual may be accompanied by a fellow worker or a trade union official.

After the meeting (and normally within [five] working days), we will write to the complainant to inform them of the decision and to notify them of right to appeal to a more senior manager if they are dissatisfied with the outcome. The appeal should be in writing explaining the reasons why they are dissatisfied with the decision. This should be submitted within [five] working days of receiving written confirmation of the decision. A meeting will normally be convened to consider the appeal. Following this meeting the decision will be confirmed in writing and this will be the final decision.

If bullying, harassment or violence is considered to have taken place, disciplinary procedures will be invoked. The complainant will be kept informed throughout the procedure.

In the case of staff, the person accused of bullying, harassment or violence has the usual right to be represented by a work place colleague or trade union representative and to comment during the investigation.

## **5. Malicious Complaint**

If it is considered that the complaint has been made maliciously or vexatiously, then the complainant may be subject to disciplinary action, as will any witnesses who have deliberately misled the College during investigations

## **6. Future Conduct**

Where harassment, bullying or violence has occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and there has been no victimisation or retaliation against the victim.

## **7. Diversity Awareness**

Everyone should be aware that differences in people's cultural backgrounds may play a significant role in how they interact and the understanding they have of one another. Certain behaviour (gestures, speech, voice patterns and body language) may be acceptable to members of one culture, but may cause offence or be misinterpreted by others of a different culture.

## **8. Review of Policy and Procedure**

This policy and procedure will be reviewed regularly in line with College changes, and other legislative requirements, including Equality Act 2010 and disability legislation.

Date of Last Approval/Revision	July 2023
Review interval (years)	2 years
Date of next review/approval	July 2025
Responsible Officer	Principal
Approval/review body (ies)	Senior Leadership Team/Local Governing Body
Public File location	College Internal SharePoint and Websites

This policy has been subject to an Equality Impact Assessment by:

Author/Reviewer: Asma Shaffi, Principal

SLT/~~EET~~: July 2023

Governors/Trustees: Sept 2023