



## **Preventing harassment and bullying policy**

### **Purpose:**

The College is committed to protecting staff from workplace harassment and bullying. The purpose of this policy is to ensure that all staff at the College are treated with dignity and respect and are free from harassment, victimisation, bullying at work and other forms of intimidation. The College is also committed to providing a safe and supportive environment within which staff feel able to raise any concerns they might have about the way they are treated.

### **Zero tolerance:**

A positive workplace culture protects both the individual and the College as a whole. The effects of harassment, victimisation and bullying on individuals can be damaging, long-lasting and profound. Sexual harassment, harassment and victimisation are unlawful and will not be tolerated. Any employee or worker found to have engaged in such action will face disciplinary action up to and including dismissal.

### **College's responsibility:**

The College has a responsibility to ensure that you are not harassed, victimised, bullied or discriminated against in the course of your work. In some situations the College may be responsible for the actions of our employees, workers and third parties towards each other. In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate our commitment to identifying and wherever possible eliminating such behaviour.

### **Your responsibility:**

As part of our commitment to anti-harassment, the College requires all individuals who perform work at the College (whether paid or unpaid) or hold an office such as Governors with the College to take personal responsibility for digesting, following and embodying this policy. All staff have a duty to act in accordance with this policy, to embed the College's positive workplace culture, to treat colleagues and all individuals with whom they interact in a professional capacity with dignity at all times, and not to discriminate against, harass or victimise other members of staff, whether junior or senior to them. You are encouraged to follow this policy in order to speak up if you observe or experience behaviour that is of concern to you, even if the behaviour is not directly aimed at you.

### **Training:**

The College recognises the importance of supporting staff through the provision of comprehensive and regular training on equality, diversity and inclusion matters including bullying and harassment.

### **Regular review:**

This policy will be regularly reviewed in order to ensure its continued efficacy and compliance with law and best practice. As part of the regular review of this policy, the College will conduct regular risk assessments to identify any potential areas where sexual harassment could occur and implement appropriate preventive measures. The College will also implement mechanisms for monitoring the effectiveness of this policy, including collecting feedback from staff and reviewing any reported incidents to identify trends and take further preventive action if needed. Questions about this policy should be directed to the Chief Operating Officer (COO).

**Status:**

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

**Application:**

This policy applies to the College's staff, whether permanent, temporary, casual, part-time or on fixed-term contracts, and to individuals such as agency staff, consultants, volunteers, Governors and / or Trustees who are not our employees, but who work at the College.

**Relevant conduct:**

The College will not tolerate harassment, victimisation or bullying. Instances of harassment, victimisation or bullying may lead to disciplinary action and may be treated as gross misconduct leading to summary dismissal, in particular if it is committed:

- in a work situation on or off site, such as school trips, events or social functions organised for or on behalf of the College, and whether on or off College premises;
- during any situation related to work such as at social events with colleagues;
- against a colleague or any member of the College community outside of a work situation, including on social media; or
- outside of a work situation and does not involve anyone connected to the College but where your conduct is such that it is relevant to your continued suitability to carry out your role.

**Harassment by third parties:**

The College will not tolerate harassment of you by third parties (for example pupils, parents or contractors) when undertaking your work and will take reasonable steps to protect you from such harassment in the course of your employment. In order to help us protect you, you should immediately report any instances of harassment by third parties to the Head who will consider the matter and take appropriate action. This may include taking action under other relevant College policies and / or by reviewing other contractual arrangements including the parent contract and relevant third party contracts.

**Responsibility****Overall responsibility:**

The Governing Body has overall responsibility for this policy but has delegated day-to-day responsibility for overseeing and implementing action required under it to the Head / COO.

**HoDs and Line managers:**

Those with line management duties have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that staff understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards.

**Pupil concerns****Pupil anti-bullying policy:**

All staff should also familiarise themselves with the College's pupil policies including the behaviour policy, anti-bullying policy, promoting positive behaviour policy and equal opportunities (pupils) policy in order to actively promote and safeguard the welfare of pupils at the College, maintain and drive a positive and supportive culture among all pupils and staff and to prevent bullying, detect it when it occurs, and respond to it appropriately on a case by case basis.

## What are the different types of harassment?

### What is harassment?

There are three types of harassment specifically protected in law. These are:

#### 1. **Harassment related to relevant protected characteristics:**

A person engages in unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee. Such conduct is commonly related to sex, sexual orientation, gender reassignment, race, religion or belief, disability or age (Relevant Protected Characteristic), to the employee's perceived Relevant Protected Characteristic or to the Relevant Protected Characteristic of someone associated with the employee.

Unwanted or unwelcome conduct covers a wide range of behaviour. It can include:

- spoken words and banter;
- written words;
- posts or contact on social media;
- imagery and graffiti;
- physical gestures, facial expressions or mimicry;
- jokes or pranks;
- acts affecting a person's surroundings;
- aggression; and
- physical behaviour towards a person or their property.

#### 2. **Sexual harassment:**

A person engages in unwanted sexual conduct which has the purpose or effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee.

Sexual conduct includes a wide range of behaviour, such as:

- sexual comments or jokes;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring, leering or sexual gestures;
- propositions and sexual advances;
- making promises in return for sexual favours;
- intrusive questions about a person's private or sex life or a person discussing their own sex life;
- sexual posts or contact on social media;
- spreading sexual rumours about a person;
- sending sexually explicit emails or text messages; and
- unwelcome touching, hugging, massaging or kissing.

#### 3. **Less favourable treatment for rejecting or submitting to sexual harassment:**

A person engages in unwanted conduct of a sexual nature or that relates to gender reassignment or sex which has the purpose or effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee and because of the employee's rejection of or submission to that person's conduct, the person treats the employee less favourably than they would have treated the employee if the employee had not rejected or submitted to the conduct.

It may be the same person who is responsible for the initial unwanted conduct and the subsequent less favourable treatment, or it may be two (or more) different people.

**Examples of harassment:**

Examples of harassment in the workplace might include:

- unwanted physical contact, ranging from touching or brushing against another employee's body; to assault or coercing sexual relations;
- unwelcome sexual advances, propositions or pressure for sexual activity;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- offensive or intimidating comments by colleagues or third parties;
- suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it;
- the display of pictures, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
- conduct by colleagues or third parties that denigrates or ridicules an employee because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to disclose someone's sexual orientation;
- mocking, mimicking or belittling a person's disability;
- insensitive jokes or pranks; and
- shunning an employee, for example, by deliberately excluding him or her from conversation.

The list is not exhaustive and other behaviour may constitute harassment. Harassment is unacceptable even if it does not fall within any of these categories.

**Instances:**

It is important to understand that employees are not required to explicitly state that certain behaviour is unwelcome for it to be considered harassment. Behaviour may still be deemed harassment even if the individual affected has not directly communicated their discomfort. The responsibility to avoid harassment rests with all employees, and it is essential to recognise that any behaviour that creates a hostile or intimidating environment, whether or not it has been explicitly pointed out, will be treated seriously and addressed accordingly. In some cases, the person to whom harassing behaviour is directed might make it clear that the behaviour is unwelcome. In other cases it will be obvious that conduct is unwelcome because it would plainly violate a person's dignity but not always. It is not necessary for the recipient to say that they object to the conduct for it to be unwanted or unwelcome. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. There may also be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point it becomes unwanted. The subjective perspective of the person who is subject to the behaviour in question will be key in determining whether harassment or bullying has taken place.

## What is victimisation?

### Definition of victimisation:

Victimisation means treating an employee or worker badly (subjecting them to a detriment) because they have committed a protected act, or because it is believed they have committed or are going to commit a protected act.

### Protected act:

Protected acts include:

- making a claim or complaint under the Equality Act 2010 (**Act**) (for example, a discrimination or harassment claim). It is irrelevant whether the Act was breached or not, as long as the person committing the protected act genuinely believes the information or evidence they are giving is true;
- helping someone else to make a claim by giving evidence or information;
- making an allegation that someone has breached the Act; or
- doing anything else in connection with the Act.

### Lapse of time:

There is no limit on how much time may elapse between the protected act and the detriment, provided the individual is subjected to the detriment because of the protected act and not because of some other reason.

### Detriment:

There is no general definition of detriment, but the term includes any form of bad treatment, including but not limited to being rejected for promotion, being denied an opportunity to represent the College at external events, being excluded from opportunities to undertake training. A detriment might also include a threat made to the individual that they take seriously and which is reasonable for them to take seriously. There is no need to demonstrate physical or financial consequences of threat for it to constitute a detriment.

## What is bullying?

### Definition of bullying:

Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that can undermine, humiliate, denigrate or injure a colleague. Bullying does not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior colleagues, overbearing supervision and unjustifiably excluding colleagues from meetings / communications.

## What to do if you have been harassed, victimised or bullied: informal procedure

- 1 **Optional preliminary stage:** If you consider you are being harassed, victimised or bullied, you can raise the issue directly with the person responsible if that is your preference and if it is appropriate to do so. If you do wish to speak directly to the person responsible in this way, you should explain clearly that the behaviour in question is not welcome and that it offends you or makes you uncomfortable and that you would like it to stop. You are under no pressure or obligation to speak directly to the person responsible and if you wish to access support from the College to resolve the issue you should instead follow the process set out below.
- 2 **Stage one:** You should seek support from your line manager or Head of Department. Your line manager or Head of Department will provide confidential advice and assistance to staff who have concerns that they have been harassed, victimised or bullied and will assist in the resolution of any problems, whether through formal or informal means. If the person concerned is your

line manager or Head of Department, you should seek support from the person at the next level of management.

- 3 **Stage two:** If the conduct continues or if it is not appropriate to resolve it informally, you should keep a record of any relevant incidents and follow the formal procedure set out below.
- 4 **Guidance:** If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment, victimisation or bullying, then in the first instance you should approach your line manager or Head of Department, on an informal basis. They will be able to advise you as to how the matter should be dealt with.

#### **What to do if you have been bullied or harassed: formal procedure**

- 5 **Formal procedure:** The informal procedure may not be appropriate due to the nature of the harassment, victimisation or bullying, or because it has otherwise not been resolved. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with the Head / COO, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. (If the matter concerns the Head / COO, you should refer it to the Chair of Governors).
- 6 **Pursuing a complaint:** As a general principle, the decision to progress a complaint rests with you. However, as an employer the College has a duty to protect its employees and workers and may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.
- 7 **Necessary details:** If you wish to make a formal complaint, you should set out full details of the unwanted conduct in writing. These details should include the name of the harasser or bully, the nature of the harassment, victimisation or bullying, the date(s) and time(s) when the harassment, victimisation or bullying occurred, the names of any witnesses and any action taken so far (by you or another) to attempt to stop the harassment, victimisation or bullying.

#### **Formal procedure: investigation**

- 8 **Conduct investigation:** Complaints will be managed in a timely and confidential manner via an investigation to establish the details of what happened. Your name and the name of the alleged harasser will not be divulged other than on a "need to know" basis, which may include senior members of staff and/or Governors as needed to manage the complaint, as well as those individuals involved in the investigation, insurers or professional advisors. At the outset, either the Head or COO will appoint an investigator. They may be internal or external but will have no prior involvement in the complaint. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.
- 9 **Arrangements during the investigation:** Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, suspended on full pay or whether reporting lines should be altered pending the outcome of the investigation. This will be a neutral act.
- 10 **Meeting:** As part of the investigation, the person investigating the complaint will meet with you to hear your account of the events leading to your complaint. You may be accompanied by a colleague or a trade union official of your choice. The person investigating will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union official of his / her choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

- 11 **Conclusion:** At the conclusion of the investigation, the person investigating will prepare a report. You will be informed of the outcome of the investigation and of any further action to be taken, as far as is appropriate in the circumstances and subject to our duty of confidentiality.
- 12 **Disciplinary sanctions:** If it is found that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. Where the alleged harasser or bully is a fellow member of staff, the findings will usually be dealt with under the College's disciplinary procedure. Consideration will be given to whether the harasser or bully should be sanctioned up to and including being transferred to another post or being dismissed. Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.
- 13 **Third party harassers and bullies:** If the alleged harasser or bully is a third party, we may need to adapt the procedure set out above in order to ensure the allegation is appropriately investigated and appropriate follow-up action is taken.

#### **Formal procedure: appeal**

- 14 **Appeal procedure:** If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within five working days of being notified of the outcome. If you need more time to appeal, you should notify the Head / COO within the five day period. You should submit your full written grounds of appeal to the Head / COO. Arrangements will then be made for your appeal to be heard by a panel of one or more College Governors at an appeal meeting. You may be accompanied by a colleague or a trade union official of your choice. You will be notified of the outcome of the appeal as soon as reasonably practicable and usually within seven days of this meeting. This is the final stage of the formal procedure.

#### **General:**

##### **Protection from victimisation:**

Employees who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the College's grievance procedure. Employees who, after investigation, are found to have given information falsely and in bad faith will however be subject to action under the disciplinary procedure.

##### **Confidentiality:**

Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

##### **Procedure following termination of employment:**

If a complaint is raised by you following termination of your employment, if appropriate the College may follow all or part of this procedure at its discretion.

##### **Support :**

Support for those affected: The College understands that anybody who makes a complaint of bullying or harassment may feel anxious and upset and may require pastoral support. Regardless of the outcome, the College will support all staff who raise a complaint in good faith, as well as those who otherwise participate in an investigation into bullying or harassment. Please speak to the Director of HR or Assistant Head: Professional Development to explore what pastoral support the College may be able to offer you.

**Breach**

Breach of this policy will be dealt with under the College's disciplinary procedure.