# BULLYING & HARASSMENT POLICY

All learners are entitled to be treated with dignity and respect in their place of learning. This means freedom from behaviour by others that can be interpreted as bullying or harassment or that causes offense, and access to redress if such behaviour does arise. It also means standards of everyday behaviour that contribute to a learning environment in which mutual respect and individual dignity are maintained.

1. BULLYING AND HARASSMENT

Behaviour can constitute bullying or harassment where: it violates the dignity of a learner on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the protected characteristics); or where it creates an intimidating, hostile and degrading, humiliating or offensive environment. Individual or accumulative acts can seriously undermine the dignity, confidence, and learning satisfaction to such an extent that it has an effect on learning progress, and general happiness both inside and outside the learning environment.

Conduct becomes harassment if it persists and it has been made clear that it is regarded as offensive by the recipient or a witness to the conduct, although a single offensive act can amount to harassment if it is sufficiently serious.

Bullying and harassment can be further defined in the following ways:

1. HARASSMENT BASED ON RACE, COLOUR OR ETHNIC ORIGIN

Harassment based on race, colour or ethnic origin is conduct in the learning environment directed towards another or group of people which is racist in nature, and which is regarded as unwelcome or offensive by the recipient or a witness.

* The following are examples that illustrate such conduct, though this is not an exhaustive list:
* Jokes about race, colour or ethnic origin
* Use of offensive names.
* References to others by offensive racist descriptions.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on race, colour or ethnic origin.
* Circulation, or display, of offensive material based on race, colour or ethnic origin.
* Detrimental behaviour because of a colleague’s race, colour or ethnic origin.

1. HARASSMENT BASED ON PREGNANCY OR MATERNITY

Harassment based on pregnancy or maternity directed towards another or group of people which is based on the pregnancy or maternity of the person, and which is regarded as unwelcome or offensive by the recipient or a witness.

The following are examples that illustrate such conduct, though this is not an exhaustive list:

* Jokes about pregnancy or maternity.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on pregnancy or maternity.
* Circulation, or display, of offensive material based on pregnancy or maternity.
* Detrimental behaviour because of a person (s) pregnancy or maternity.

1. SEXUAL HARASSMENT

Sexual harassment is conduct directed towards another or group of people which is of a sexual nature, or which is based on a person (s) gender, and which is regarded as unwelcome or offensive to the recipient or a witness.

* The following are examples which illustrate such conduct, though this is not an exhaustive list:
* Unwanted physical contact.
* Contact which is intimidating, or physically or verbally abusive.
* Jokes that are based on sexual or gender issues.
* Non-verbal conduct, such as staring or gestures.
* Suggestions that sexual favours may further a person’s career or learning experience, or that refusal may hinder it.
* Sexual advances, propositions, suggestions or pressure for sexual activity at or outside of the learning environment.

1. HARASSMENT BASED ON DISABILITY

Harassment based on disability is conduct directed towards another or group of people which is based on the person (s) disability or association with someone who has a disability, and which is unwelcome to the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

* Jokes about disability.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on disability.
* Circulation, or display, of offensive material based on disability.
* Deliberate actions designed to hinder a person’s ability to undertake his/her responsibility because of their disability.

1. HARASSMENT BASED ON SEXUAL ORIENTATION OR GENDER REASSIGNMENT

Harassment based on sexual orientation or gender reassignment is conduct directed towards another or group of people which is based on the sexuality of the person and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

* Jokes about sexuality or gender reassignment.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on sexuality or gender reassignment.
* Circulation, or display, of offensive material based on sexuality or gender reassignment.

1. HARASSMENT BASED ON MARRIAGE OR CIVIL PARTNERSHIP

Harassment based on marriage or civil partnership is conduct directed towards another or group of people which is based on the marriage or civil partnership of the person (s) and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

* Jokes about marriage or civil partnership.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on marriage or civil partnership.
* Circulation, or display, of offensive material based on marriage or civil partnership.

1. HARASSMENT BASED ON RELIGION OR BELIEF

Harassment based on religion or belief is conduct directed towards another or group of people which is based on the religion or belief of the person (s) and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

* Jokes about religions or beliefs.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on religion or belief.
* Circulation, or display, of offensive material based on religion or belief.

1. HARASSMENT BASED ON AGE

Harassment based on age is conduct directed towards another or group of people which is based on the age of the person (s) and which is unwelcome by the recipient or a witness.

* Jokes about age.
* Use of offensive names.
* Use of offensive or insensitive stereotypes.
* Verbal abuse based on age.
* Circulation, or display, of offensive material based on age.

1. DETRIMENTAL BEHAVIOUR BECAUSE OF AN ASSOCIATION WITH A PROTECTED CHARACTERISTIC

Bullying and harassment may not be based on the fact that a person (s) belongs to a particular group, but simply because the individual (s) has been singled out for such treatment or associates with someone of a protected characteristic. For example, this would include claiming someone is gay when they are not or making fun of someone who has a disabled relative. The bullying and harassment may take the following forms, though again this is not intended as an exhaustive list:

* Limiting or withdrawing verbal communication.
* Isolating another by unfriendly behaviour.
* Behaviour designed to belittle or produce anxiety in another.
* Unreasonable scrutiny of learner work.
* Unreasonable criticism of learner work and adopting double standards in expectations of learning performance.
* Unreasonable denial of leave and/or special leave requests.
* Unreasonable denial of requests for flexible learning.
* Learning or learning social activities that deliberately exclude another.
* Jokes or inappropriate humour at the expense of another
* Courtesy towards another.
* Maintaining a temperate tone, and temperate language, in all verbal and written communication with another.
* Avoidance of the use of foul language.
* Awareness of language and conduct which have the potential to offend a another.
* Obtaining the express or implied permission of a another before adopting familiarity in conduct or language.

1. WHAT TO DO IF YOU OR ANOTHER IS SUBJECT TO BULLYING OR HARASSMENT

The company is committed to ensuring that there is no harassment or bullying in the organisation. Allegations of harassment will be treated as a serious matter, although every situation will be considered on an individual basis and in accordance with the principles of the grievance and complaints a copy of which is available from [Debbie Richards].

* 1. **Informal Complaint**

The first step you are encouraged to take is to raise such issues with a senior manager of your choice as a confidential helper. However, this person cannot be [Debbie Richards], who will be responsible for investigating the matter if it becomes a formal complaint.

If you decide you can deal with the inappropriate behaviour informally, for example, if the act concerned is relatively minor, isolated or clearly unintentional. In these situations, it is possible that the matter can be resolved immediately by letting another know that the behaviour in question is unacceptable to you and should be avoided in future. If you feel unable to do this verbally, you should hand a written request to your harasser; this is something your confidential helper can assist you with.

* 1. **Formal Complaint**

If you feel uncomfortable about raising the issue directly with your harasser or if you consider the behaviour is more serious because it was deliberate, part of a persistent pattern, or serious in nature, or has been repeated despite having discussed a previous incident informally, then you should bring the matter to the attention of [Debbie Richards] as a formal written complaint and again this is something that your confidential helper can assist you with.

If possible, you should keep notes of the harassment so that the written complaint can include:

* + 1. the name of the alleged harasser;
    2. the nature of the alleged harassment;
    3. the dates and times when the alleged harassment occurred;
    4. the names of any witnesses; and
    5. any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another area away from you whilst the matter is dealt with.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a serious matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, the decision of the investigator detailing the findings will be sent, in writing, to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

1. NOTES
2. If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
3. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if it is concluded that the complaint is both untrue and has been brought with malicious intent, action will be taken against you.