



## **Student Anti-Bullying & Harassment Procedure**

<b>Reviewed:</b> February 2023	<b>Next review due:</b> February 2024
<b>Approving Body:</b> MLT	<b>ELT contact:</b> Executive Of Curriculum, Quality and Student Experience

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\*This policy may need to be reviewed before this date to reflect changes in government and other agencies advice, guidance and legislation\*

## **1. SCOPE**

1.1 This Procedure applies when students are on City College Plymouth premises, on transport to and from college, or college-related activities off-site. The College will also act where behaviour can be linked to the College, could bring the College into disrepute and/or could endanger staff and students. The Anti-Bullying Policy is aimed at the whole college community, staff, students, parents, carers, employers, volunteers and partners.

## **2. STATEMENT**

2.1 City College Plymouth recognises its duty of care and places the highest importance on safeguarding students' safety, well-being and mental health, and is paramount in all College activities. The College recognises that members of staff, students, partners, visitors, contractors and subcontractors working on behalf of the College have an essential role to play in safeguarding, in particular, the welfare of young people and vulnerable persons and preventing abuse/or harm. City College Plymouth recognises that "safeguarding is everyone's responsibility" to adopt a "child-centred approach" (taking into account a child's wishes and feelings) and to provide a safe learning environment free from bullying and harassment.

2.2 Bullying and harassment are not acceptable within the College, and this document sets out for students and staff the procedures to be followed should bullying or harassment occur and fulfils the College's Student Anti-Bullying Policy.

2.3 This document contributes to the College's wider safeguarding strategy and the fulfilment of its duties under Keeping Children Safe in Education 2022 and Working Together to Safeguard Children 2018. This is further supported by the Education Act 2011 and the Children Act 1989 and 2004.

## **3. KEY PRIORITIES**

3.1 The key priorities of this Procedure are that young people and children:

- Are protected from harm;
- Achieve their full potential in education;
- Feel good about themselves and others;
- Develop essential personal, social and ethical skills to help them participate in life, in the wider society and Britain;
- Develop and promote fundamental British and Community Values.

and that the College will:

- Eliminate bullying and bullying behaviour within the College environment;
- Promote an understanding of bullying and the implications of bullying amongst all members of the College community;
- Record, monitor, report and evaluate incidents of bullying.

## 4. RESPONSIBILITIES

4.1 The Governing Body is responsible for:

- The endorsement, approval and implementation of the College's safeguarding policies, including the anti-bullying policy.
- A member of the Governing Body is appointed as 'The Designated Governor with responsibility for Safeguarding and Child and Vulnerable Adult Protection' and can be contacted through the Clerk to the Governors.

4.2 The Executive Of Curriculum, Quality and Student Experience are responsible for:

- Ensuring this Procedure is reviewed;
- Providing appropriate training and development.
- the development and overseeing of the implementation of the arrangements covered in this procedure.

4.3 The Safeguarding Coordinator is responsible for:

- Promoting an understanding of bullying and bullying behaviour amongst all members of the College community;
- Recording, monitoring and evaluating bullying incidents;
- Regularly reviewing the effectiveness of prevention and responses to bullying.

4.3.1 The Safeguarding Officer is responsible for:

- Supporting the Safeguarding Coordinator to promote an understanding of bullying and bullying behaviour amongst all members of the College community;
- Recording, monitoring and evaluating bullying incidents;
- Regularly reviewing the effectiveness of prevention and responses to bullying.

4.4 All staff are responsible for:

- Being aware of the Anti-Bullying Policy and Procedure.
- Take appropriate action if they witness bullying or harassment or are approached in confidence by students who have witnessed such incidents, and take action in line with this Procedure to prevent the reoccurrence of these acts.
- Supporting their students through any investigation into allegations of bullying and/or harassment and ensuring that the student is not being victimised due to that investigation.
- Ensuring no further bullying takes place and that there is no subsequent victimisation where a complaint under this procedure is upheld.
- Treating all students with dignity and respect and complying with the College's Professional Boundaries.
- Recognising that individuals in positions of authority have both the right and responsibility to discharge their duties. In doing so, they may need to adopt a

firm or assertive style but should take care not to demean, devalue or intimidate students taking into consideration the personal circumstances and characteristics of each student;

- Promoting engagement in Fundamental British Values of democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

A failure by a member of staff to undertake their responsibilities under this procedure may be regarded as a potential disciplinary offence under the Staff Disciplinary Policy.

4.5 All students are responsible for:

- Treat all students, staff and members of the public with dignity and respect.
- Not behave in a manner that could be interpreted as bullying or harassment.;
- Contribute to a safe college environment by reporting to College staff any incidents of bullying or harassment that they are aware of or subject to;
- Adhere to the College Code of Behaviour and Conduct.
- Assist the College in any investigations into allegations of bullying or harassment;
- Maintain confidentiality once an incident has occurred. The students must maintain the confidentiality of all the people involved, including the person complaining of the incident, the alleged bully and any witnesses. Students may face disciplinary action under the Student Disciplinary Policy and Procedures if they do not keep such matters confidential.
- Engage with Fundamental British and Community Values of democracy, the rule of law, individual liberty, mutual respect, and tolerance of different faiths and beliefs.
- Be aware of the Anti-Bullying and Harassment Policy.

## **5. IMPLEMENTATION**

5.1 Staff and students are expected to follow this procedure, meet their responsibilities, and contribute to a safe college environment.

5.2 All staff and students will be made aware of this procedure through induction and training within the Safeguarding Training.

## **6. DEFINITIONS**

6.1. Bullying can be threatening, offensive, abusive, intimidating or insulting behaviour. Bullying may be an abuse of power, position or knowledge or maybe one person or group of people trying to dominate another person. Bullying can be identified when the conduct makes the person feel upset, humiliated, vulnerable or bad about himself or herself.

Bullying can happen in public or private. An assertive teaching style, firm management, or strong personality in itself would not constitute bullying, but where

assertiveness gives way to aggression, that is likely to be bullying.

Constructive, justified and fair criticism of a student's performance, attitude or behaviour at College is not bullying. An occasional raised voice or argument is also not considered bullying.

Cyberbullying, including the use of social media.

This is the sending or posting harmful or cruel text or images using the internet or other digital communication devices. Examples of cyberbullying are as follows:

- Text messages - unwelcome texts that are threatening or cause discomfort.
- Picture/video clips via mobile phone cameras – images sent to others to make the victim feel threatened or embarrassed.
- Mobile phone calls – silent calls or abusive messages; or stealing the victim's phone and using it to harass others to make them believe the victim is responsible.
- Emails – threatening or bullying emails, often sent using a pseudonym or somebody else's name.
- Chat room bullying – menacing or upsetting responses to young people when they are in a web-based chat room
- Instant messaging – unpleasant messages sent as young people conduct real-time conversations online.
- Bullying via websites – use of defamatory blogs, personal websites and online personal polling sites
- Comments and images posted on social networking sites that make an individual feel threatened and intimidated and have an adverse effect on that individual's well-being.

The actions listed above must be viewed regarding the distress they cause the individual. Motive is not necessarily relevant – “it's a joke” is not a defence. The perceptions of the recipient determine whether any action or statement can be viewed as bullying.

## 6.2. Harassment

Harassment is any conduct that is unwanted by the recipient or any conduct that affects the dignity of any person or group of people.

Harassment may be related to age, sex, race, disability, religion, nationality, sexuality, gender reassignment or any personal characteristic of the

individual. Harassment happens when actions or comments are felt to be offensive or frightening, and upsetting to the recipient, whether that was the intention of the person causing the harassment or not.

When investigating whether harassment and bullying have happened, the college will look at whether that behaviour would be regarded as harassment and bullying by any reasonable person in a similar situation.

One minor incident will not necessarily constitute bullying/harassment. However, a series of such incidents might do so, particularly where the student has made it clear that that behaviour is upsetting them or has asked for it to stop. Threatening behaviour or inappropriate sexual advances are examples of situations where one incident may be enough to constitute bullying. Some examples of bullying are:

- Being called names for any reason
- Being teased
- Having your bag and possessions thrown around
- Having rumours spread about you
- Being ignored and left out
- Being forced to hand over money and possessions
- Being hit or spat at
- Unpleasant or threatening letters, emails or text messages;
- Comments or actions which make you feel bad about yourself or embarrass you in public;
- Threats or unpleasant comments related to your ethnicity, age, sex, culture, religious beliefs and sexuality.

This list is not exhaustive; other forms of bullying exist and will be treated seriously. Some examples of harassment and, therefore, bullying could be:

- Physical - unwanted touching, assault or gestures, intimidation, aggressive behaviour, physical threats or shouting.
- Verbal - Comments which make you feel uncomfortable, swearing, suggestions and propositions, "jokes" and "banter" which is based on a person's sex or race or which refers to a person's age, disability, sexuality, religion, gender reassignment, ethnic origin or personal appearance.
- Non-verbal- this may include what is known as online bullying (i.e. inappropriate text messages, e-mails, or internet materials, sending offensive or degrading images by phone or internet) as well as graffiti, being left out of social activities or other written harassment in the form of letters.
- Sexual - This may include unwanted touching of an intimate nature, name-calling of a sexual nature, comments, innuendo or suggestions of a sexual nature and unwanted approaches of a sexual nature.

This list is not exhaustive; other forms of harassment exist and will be treated seriously.

### 6.3. Victimisation

Victimisation is negatively treating a person because they have made a claim of bullying or harassment or they are supporting a person who has made such a claim.

A person may have a fear of what will happen if they make a complaint, people witnessing bullying or harassment may not want to come forward for fear of being bullied or harassed themselves and may even join in with the person or group of people carrying out the behaviour to avoid being turned against. The College is committed to ensuring that no person making or assisting in a complaint under this policy and procedure is victimised because of it and will treat all investigations fairly and confidentially.

#### 6.4. Safeguarding

Safeguarding is not just about protecting children and adults at risk from deliberate harm. It includes issues for Further Education Colleges such as student health and safety; bullying; racist or homophobic abuse, or any form of harassment and discrimination; meeting the needs of students with medical conditions; providing first aid; drug and substance misuse; educational and off-site visits; intimate care; internet safety; issues which may be specific to a local area or population, for example, gang activity, County Lines, radicalisation and extremism, promoting Fundamental British and Community Values, and college security.

### **7. ANTI-BULLYING AND HARASSMENT PROCEDURE**

A summary of the procedure to be followed is attached in Appendix A.

In the event of bullying or harassment, students are advised of the following: -

#### 7.1. Non-disciplinary (Informal) Route:

If you feel you are being or have been bullied, you should act immediately. You should try to make a note of the behaviour as soon after the event as possible. Try and keep the following details:

- Date(s), time(s) and place(s) of the incident(s);
- Name of any witnesses;
- What actually happened?
- How it made you feel;
- Any action taken, e.g. did you report it to a member of staff;
- Keep anything you receive (e.g. bullying letters, texts or emails, Facebook posts etc.)
- At all times you can and are encouraged to contact the College's Student Journey and Safeguarding Team.
- If you feel able to, you should tell the person that their behaviour is causing you offence or upsetting you and that you want the unacceptable behaviour to stop. Sometimes the person is unaware that their actions are upsetting you.



- If you feel uncomfortable speaking to the person directly or have tried and it has not worked, you must contact a College staff member.

A member of the College staff will explore all possible options with you to see what can be done. This may include talking to the alleged bully, arranging an informal meeting if appropriate and referring you to another support service.

- If the Informal Route has worked, the staff member will write to you and the alleged bully to confirm that the matter has been resolved.
- If the Informal Route does not work or the staff member feels it has been exhausted, they may advise you to raise a formal complaint under the Disciplinary (Formal) Route.
- If you do not want to make a complaint, the College staff member, at their discretion, depending upon the circumstances of the case, may decide that it is necessary to move on to the Disciplinary (Formal) Route.
- If a formal complaint is going to be made, the staff member will write to you to confirm this.

## **7.2. DISCIPLINARY (FORMAL) ROUTE**

To start the Disciplinary Route, you must make a complaint in writing. Your parent/friend or supporter (e.g. Student Experience staff) (but not a legal representative) may make the complaint on your behalf, provided it is authorised and signed by you.

If you are not making a complaint, but the member of staff has decided that a complaint must be taken forward, they will draft the letter of a formal complaint. The formal complaint should be addressed to the Director of Student Journey. The letter should include -

- the name of the alleged bully;
- the nature of the incident;
- dates and times when the incidents occurred;
- names of any witnesses to the incidents; and
- any action which has already been taken to attempt to stop the alleged bullying or harassment.

The Executive of Curriculum, Quality and Student Experience will appoint an Investigating Officer.

The Investigating Officer will be unconnected with either the complainant or the alleged bully and will be a Curriculum Lead Development Officer, Programme Lead or Manager, depending on the seriousness of the complaint and whether it would be likely to be considered a misconduct offence or a gross misconduct offence, under the Student Disciplinary Policy and Procedure.

- You will receive written acknowledgement of the formal complaint within five working days of receipt.
- If the complaint is made against a staff member, the Staff Disciplinary Policy, and if necessary, the Student Disciplinary Policy will be used. The rest of this procedure will not apply.
- The Investigating Officer will arrange a brief meeting with the alleged bully to let them know about the complaint and will then confirm the complaint in writing.

Depending upon the severity of the complaint, it may be necessary for the College to take steps to separate the parties involved. As a last resort, this may involve a temporary suspension from College under the Student Disciplinary Procedure. The investigating officer will tell you and the alleged bully to keep the complaint confidential and not to make contact with each other or with each other's witnesses. If you do not follow this instruction, this may be viewed as an attempt to intimidate witnesses. You could be subject to disciplinary action under the Student Disciplinary Procedure.

- The Investigating Officer will, as soon as reasonably practicable, investigate the complaint as set out below. Following guidance from Safeguarding Principles (Appendix B).
- The Investigating Officer will interview you and the alleged bully separately and with the respective representatives, if appropriate. Detailed written statements will be taken, which the relevant parties will sign and date, confirming that they agree with the statements collected. Both parties will be allowed to nominate witnesses they wish to be interviewed.
- The witnesses will, wherever possible, be notified in writing that they will be interviewed.
- The Investigating Officer will meet with the witnesses. Detailed written statements will be taken that the witnesses will sign and date.
- There may be exceptional circumstances in an extremely sensitive case where the witnesses do not wish their identity to be revealed. The Investigating Officer should seek advice from the Legal and Risk Officer on a case-by-case basis on whether the student's identity should be concealed. However, details of the allegations must be disclosed in any situation.
- On completion of the investigation, the Investigating Officer will consider the information collected and decide on the balance of probabilities whether the complaint should be referred to a disciplinary hearing under the Student Disciplinary Procedure and will compile a report.

- If the Investigating Officer's report finds that there has been a breach of this policy by the alleged bullies involved, they will inform the Executive of Curriculum, Quality and Student Experience. A disciplinary hearing will take place in accordance with the Student Disciplinary Procedure.
- The report prepared by the Investigating Officer will form the Investigation Report required under the Student Disciplinary Procedure.
- Both you and the alleged bully will receive a letter from the Investigating Officer telling you the outcome of his investigation.

7.3. Unfounded allegations of bullying or harassment for malicious reasons will be dealt with under the Student Disciplinary Procedure.

## **8. SUPPLEMENTARY ISSUES**

### 8.1. Confidentiality

The College recognises that bullying and harassment complaints can be sensitive in some cases, and there may be a need for confidentiality. As a general principle, confidentiality will be kept wherever possible. Under our wider responsibilities of safeguarding and child protection, there may be occasions where confidentiality must be broken. If this is the case, the member of staff will make this clear to you. If there are serious concerns about your well-being, welfare, health and safety. In that case, the matter will be referred to a Safeguarding Officer, who will make the final decision as to whether confidentiality should be broken. In such serious and exceptional circumstances, the Safeguarding Officer will keep you informed.

### 8.2. Access to Support Counseling

Support is available at any time through the College's Student Experience Team to you and any other party involved in the complaint. This service will be available throughout the period of any complaint and after the complaint has been dealt with. Access may also be sought from College's Counseling Service where appropriate.

8.3. Representation: You and the alleged bully may be accompanied at any meetings throughout the Disciplinary Route by a friend, student representative, or family member of their choice. If that friend is a lawyer (professional law expert), they cannot be there in their legal capacity.

### 8.4. Records

Under this procedure, the following storage arrangements should be followed:

Where the complaint is informal but has been reported to a member of staff, a full record of the complaint, the action taken and the letters of outcome will be kept on the file of the student who has made the complaint. A note of the issues and the letter of resolution will be kept on the file of the student who is the subject of the complaint.

Where the complaint is formal, a record of the complaint, the action is taken, and the outcome will be kept on the files of both the student who had made the complaint and

the student who is the subject of the complaint.

Where the matter proceeds to a disciplinary hearing, the storage of records relating to the Student Disciplinary Procedure will be in accordance with that procedure.

#### 8.5. Students under 18/Sponsored Students

If a student under 18 years of age is the subject of Disciplinary Route proceedings under this Procedure (i.e. is either the student making the complaint or the alleged bully), wherever practicable a parent/carer or guardian will be invited to attend any meetings (in addition to any friend or student representative under paragraph 3 above).

If a student under 18 years of age is asked to be a witness under the Disciplinary Route of this procedure, wherever practicable. In that case, an appropriate adult will be appointed to attend any meetings with that student.

#### 8.6. Variations and Amendments to this Procedure

In some cases, it may be necessary that variations be made to this procedure. The College may make such variations as it sees fit, subject to informing the students concerned and subject always to considerations of fairness, equality and diversity legislation and the Human Rights Act 1998. Without limitation, such variations may include:

- Interviews being conducted by different persons if the person who would otherwise be conducting the interview has previously had close personal involvement in the matter to be considered;
- Use of a translator to attend meetings or translate document

#### 8.7. Criminal Offenses

Where any staff member has reason to believe that a student may have committed a criminal offence in relation to an incident of alleged bullying or harassment, the College may refer the matter to the police. If the incident is serious, the College may defer action under the Disciplinary Route pending the outcome of criminal proceedings.

#### 8.8. Suspension

Where, as a result of an incident of alleged bullying or harassment, the College decides that the safety and wellbeing of others on the premises is at risk, the College may suspend the alleged bully in accordance with the Student Disciplinary Procedure.

### **9. MONITORING, REVIEW AND EVALUATION**

9.1. This procedure shall be reviewed annually. This document is capable of review and variation at any time if new legislation or guidance comes into effect. This procedure will be monitored and reviewed through:

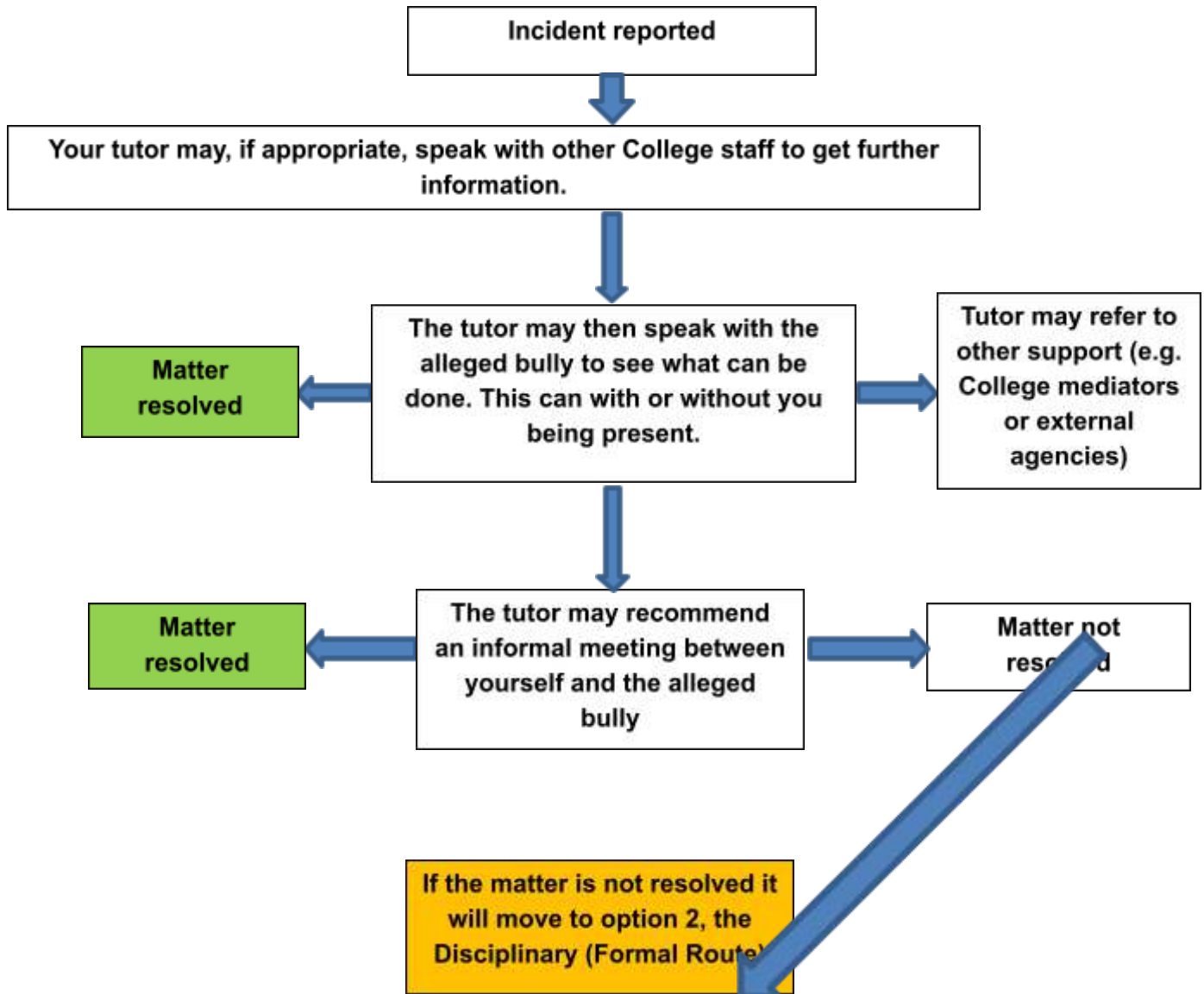
- The College's Strategic Safeguarding Group.
- Consultation with the Student Union.
- Formal complaints will be recorded by the College PAs and reported to the Executive Leadership Team.

## Appendix A

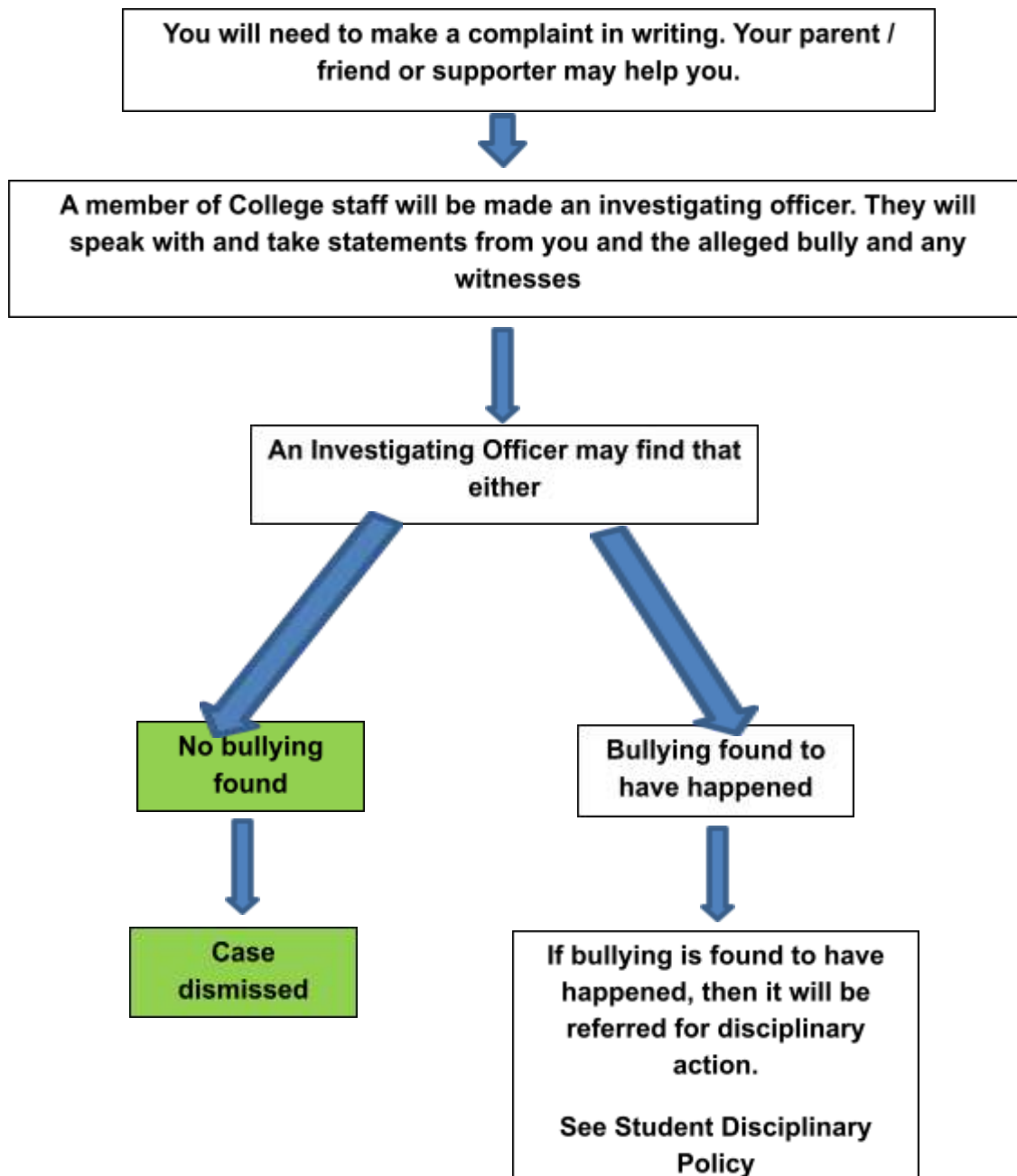
### Anti-Bullying and Harassment Procedure Flow Chart

#### Option 1

#### Non-Disciplinary (Informal) Route



**Option 2  
Disciplinary (Formal) Route**



## Appendix B –

### Safeguarding Principles And Guidance

Student Complaints and Student Disciplinary Investigations.

City College Plymouth recognises that it has a duty to safeguard and promote the welfare of students. The College is committed to fulfilling these duties.

We recognise:

- That safeguarding, and promoting the welfare of children, is everyone's responsibility;
- The importance of always adopting a child-centred approach (taking into account a child's wishes and feelings)
- The requirement to provide a safe environment for learning.

It is important to keep the above in mind when a student raises a concern or when carrying out a student disciplinary procedure. Please also consider the following guidelines when these situations occur:

- Ensure that we respond appropriately, every time a concern is raised, regardless of a young person's previous behaviour or disciplinary record.
- Ensure that any individuals raising a safeguarding concern are spoken to at the earliest stage of an investigation, to clarify what they have heard and/or seen.
- Ensure that everything possible is done expediently in order to immediately protect the young person and, where appropriate, others involved e.g move groups (with clear consultation and explanation), safeguarding officer support, student liaison team support, counselling etc. as appropriate.
- Ensure that ongoing feedback is given to the young person, parents, guardian, carer or whoever raised the concern, as appropriate, to reassure them and inform them of the actions taken. Feedback should be given by an agreed-nominated individual.
- Consider the employment relationship and appropriate communications if the student is an apprentice.
- If a disciplinary investigation is required, there should be a careful selection of the most appropriate Investigating Officers (IO)
- there should be a degree of separation of IOs with multiple investigations around a
- single individual, to avoid any risk of pre-judgements or pre-determination.
- Information should be obtained by the College as part of a disciplinary investigation. Documents should not be accepted as the only 'evidence' from a third party, even if that is an employer.
- Consider the best way to interview students, so that they feel more relaxed and comfortable, in order to be able to recall matters. This should be in as informal a setting as practicable in the circumstances.