

# Staff Anti-Bullying and Harassment Policy

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**Approving Body:** Drivers for Change

**ELT contact:** Head of People Management

\*This procedure may need to be reviewed before the review date stated, to reflect changes in government and other agencies' advice, guidance and legislation.

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## **1. Introduction**

- 1.1 City College Plymouth (the 'College') is a leading provider of vocational, professional and technical training in the South West, that strives to provide a learning environment and organisational culture that impacts positively on the health, wellbeing and sustainability of our community, to enable all our students and staff to achieve their full potential.
- 1.2 The term 'College Community' includes all students, staff, governors, parents/carers, volunteers and visitors.

### **Our vision:**

- To be the learning destination of choice

### **Our core values:**

- Respect
- Ownership
- Integrity

## **2. Policy statement**

- 2.1 The College aims to create a working environment that respects the dignity and rights of all employees and where individuals have the opportunity to realise their full potential. The aim of this policy is to support this ethos and strive to prevent harassment and bullying from occurring.

## **3. Our commitment**

- 3.1. The College will not tolerate any form of harassment or bullying and is committed to ensuring that employees are able to work confidently and without fear of harassment, bullying or victimisation. Therefore, if a complaint is made to the College, it will be investigated promptly and appropriate action will be taken in line with the College's policy. Where an employee is found to have committed a serious act of bullying or harassment this will be dealt with under the disciplinary procedure and may be viewed as gross misconduct, which could result in summary dismissal. Where a student is found to have harassed or bullied an employee, the College will deal with this under the student disciplinary procedure, which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party, the College will take appropriate action.
- 3.2. In order to meet our commitments, the College undertakes to publicise its policy fully and to ensure that employees understand their rights and responsibilities. All employees and agency workers will be made aware how to access the policy, either via the College Intranet or in hard copy. In addition, the College will make contractors, consultants and secondees aware of its policy. Visitors to the College will also be made aware of the College's stance on bullying and harassment.

## **4. Scope**

- 4.1 This policy applies to the College Community; staff, governors, students, parents/carers, volunteers and visitors.
- 4.2 The College requires all members of the College Community to take responsibility for their own behavior and to modify it as necessary to ensure it does not cause offence to others. Failure to do so may result in disciplinary action being taken in accordance with the College's disciplinary procedures.

## **5. Purpose**

- 5.1 City College Plymouth takes all incidents of bullying and harassment seriously and will ensure that such instances are dealt with as soon as possible. The College will strive to create a working environment that respects the dignity and rights of all employees where

individuals have the opportunity to realise their full potential. The aim of this policy is to support this ethos by adopting a zero tolerance culture to bullying and harassment behaviours.

- 5.2 Where harassment and bullying behaviours occur, they can cause serious repercussions for the employer and employees. They can affect people's health, work performance and the success of the Corporation. Bullying, as a cause of stress at work, should be regarded as a workplace health and safety hazard.

## **6. Definitions of harassment and bullying**

### **6.1 Harassment**

- 6.1.1 Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- violating a person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

- 6.1.2 Moreover, harassment is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, marriage/civil partnerships, religion/belief or for a reason relating to a person's disability. It is also unlawful to subject an individual to sexual harassment, or to harassment on the grounds of that individual's membership or non-membership of a trade union.

- 6.1.2 The College will not tolerate harassment or bullying in any form.

- 6.1.3 It is the individual's perception of whether the conduct in question was unacceptable that is important in determining whether harassment occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when taking into account all the circumstances, including the complainant's perception.

### **6.2 Bullying**

- 6.2.1 Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

- 6.2.2 Examples of forms of harassment and bullying:

Harassment and bullying can take many forms. Examples of unacceptable behaviour include:

- offensive songs, remarks, jokes, banter, emails or gestures
- display of offensive posters, publications and graffiti
- unwanted physical contact or advances
- offensive remarks about a person's dress or appearance,
- offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age
- shouting, abusive or intimidating language
- belittling or patronising comments or nicknames
- spreading malicious rumours, allegations or gossip
- excluding, marginalising or ignoring someone
- intrusion by pestering, spying or stalking

- copying documents and emails that are critical about someone to others who do not need to know
- the display, sending, liking, approving, endorsing or sharing of offensive letters, publications, objects, images or sounds
- deliberately undermining a competent worker by overloading, taking credit for their work or constant criticism
- removing areas of responsibility and imposing menial tasks
- cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices
- deliberate and/or persistent behaviours which demonstrate a non-acceptance of aspects relating to protected or personal characteristics, for example, failure to use requested gender pronoun for a transitioning individual

6.3 In addition, other specific behaviours may be attributed to sexual harassment or stalking, these may also be criminal acts.

## 6.4 Sexual harassment

6.4.1 A person harasses another if they engage in unwanted conduct related to a relevant protected characteristic and the conduct has the purpose or effect of violating the person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. An employee also harasses a person if they engage in unwanted conduct of a sexual nature and the conduct has the purpose or effect referred to above.

6.4.2 An employee also harasses if they engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex and the conduct has the purpose or effect referred to above or because of an employee's rejection of or submission to the conduct, treats the person less favourably than they would if the other employee had not rejected or submitted to the conduct. In deciding whether the conduct has the effect referred to above, each of the following must be taken into account:

- a) the perception of the employee receiving the conduct
- b) the other circumstances of the case
- c) whether it is reasonable for the conduct to have that effect

### 6.4.3 Examples of sexual harassment

- indecent exposure
- sexual assault
- 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
- suggestions that sexual favours may further a colleague's career or refusal may hinder it for example, promotions, salary increases etc
- leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments.

## 6.5 Stalking

6.5.1 Stalking and harassment occurs when someone repeatedly behaves in a way that makes you feel scared, distressed or threatened. Stalking and harassment are offences under the Protection from Harassment Act 1997.

### 6.5.2 Examples of stalking behaviour:

- persistent attempts to make contact with an employee, for example through email, telephone, social media, or on behalf of a third party
- following, watching or photographing an employee
- repeated sending of overly personal, malicious or threatening messages or items

6.6 The above lists contained throughout section 6 intend to give a clear impression of the types of behaviour that the College considers to be unacceptable; however, it only contains examples and the lists are not exhaustive.

6.7 The College will not tolerate acts of harassment or bullying during work, including at other people's workplaces, but also at work-related functions, such as conferences, or at social gatherings, such as after-work drinks.

6.8 It is accepted that vigorous academic debate and occasional raised voice or argument, of itself may not necessarily constitute harassment or bullying.

6.9 Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of employees in the course of their duties, which may include legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Managers will exercise this supervision in a fair, constructive, consistent and reasonable manner that does not compromise the employee's dignity. Similarly, reasonable (but perhaps unpopular) requests by a manager of their employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

## **7. Responsibilities**

### **7.1 Corporation Members/Governors**

7.1.1 Corporations Members are responsible for ensuring that:

- They are familiar with the harassment and bullying policy;
- Training on the College's policy features as part of the College's operational policies stemming from the College's strategic plan;
- They are aware of the Corporation's legal responsibilities as an employer in relation to harassment and bullying;
- They receive and respond to any monitoring information collated as part of the reviews of the policy; and
- The College meets its public sector equality duties.

### **7.2 Managers**

7.2.1 Managers are responsible for ensuring that:

- the Principal and Executive Leadership Team are responsible for taking the lead in creating a positive, open culture that challenges inappropriate behaviour on the part of managers, employees or learners;
- they are familiar with the harassment and bullying policy and that it is followed correctly;
- they are aware of the Corporation's legal responsibilities as an employer in relation to harassment and bullying;
- monitoring in relation to the policy (see section 11) is carried out and the policy is reviewed accordingly; and
- appropriate training and development is provided to support managers' and employees' understanding of the harassment and bullying policy.

## **7.3 Employees**

7.3.1 Employees are responsible for ensuring that:

- they familiarise themselves with the harassment and bullying policy
- their behaviour supports a positive work environment free from harassment and bullying
- they participate in an investigation when asked by an investigating officer, where the employee has observed or has evidence that another employee is being harassed or bullied
- speak up if they see or hear anything that may be construed as harassment and report it to the People Management department – [peoplemanagement@cityplym.ac.uk](mailto:peoplemanagement@cityplym.ac.uk).

## **8. Support available**

8.1 The College recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their particular situation in confidence before deciding what action to take. Employees are encouraged to discuss workplace problems openly and informally with their line manager. However, the College recognises that this may not always be appropriate and provides the following support:

- employees can discuss the situation with the next level manager or with a member of the People Management department;
- employees can obtain support from their trade union representative (please refer to Appendix 1 for further details);
- the College provides two specialist counselling services which can be contacted as follows:

**Education Support Helpline – 0800 056 2561**

**The DAS Helpline – 0117 934 2121**

8.2 Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the College reserves the right to investigate the situation in accordance with its duty of care to ensure the safety of all employees who may be affected by the alleged behaviour.

## **9. Procedure for dealing with complaints of harassment or bullying**

### **9.1 Introduction**

9.1.1 If an employee wishes to make a complaint of harassment or bullying the matter should be raised as a grievance in accordance with the College's Grievance Procedure. The procedure should aim to investigate such grievances to establish whether or not harassment or bullying has occurred and make recommendations for action where necessary. Such action could include disciplinary action, in which case the College will refer to the relevant stage of the College's disciplinary procedure.

### **9.2 Confidentiality**

9.2.1 Grievances about bullying and harassment should be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

9.2.2 Where a formal grievance is raised under the grievance procedure, it should be made clear to all involved that any documentary evidence or subsequent statement taken during the investigation may form part of evidence in any disciplinary proceedings. In the event that disciplinary procedures are invoked, the investigation report, together with any

witness statements, should be made available to the alleged harasser prior to any disciplinary hearing in accordance with College procedures.

### **9.3 Keeping records of incidents**

- 9.3.1 It is helpful for anyone who believes they have been subjected to harassment or bullying to make a note of the details of the incidents as soon afterwards as possible, as memories can fade. For example: dates; times; places; the name of the person involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management.

### **9.4 Records of complaints**

- 9.4.1 The College will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. The College will keep such records for 6 years from the date of the incident/outcome of any complaint(s). Where a complaint was unsubstantiated, this will be clearly stated in the College's record. All sensitive information will be treated confidentially and in compliance with the requirements of Data Protection legislation.

### **9.5 Allegations against students**

- 9.5.1 Where the allegation is that a student has harassed or bullied an employee, the same grievance procedure applies as set out above. If the allegation is upheld, the College should take appropriate action and may refer to the student disciplinary procedure.

### **9.6 Malicious allegations and false statements**

- 9.6.1 Unfounded allegations of harassment and/or bullying for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the college disciplinary procedure and may be serious enough to constitute gross misconduct, which may result in summary dismissal. Where a student makes an unfounded allegation of harassment and/or bullying for malicious reasons, this will be dealt with under the student disciplinary procedure and may result in the expulsion of that student.
- 9.6.2 Where a witness is found to have deliberately misled an investigation, the College will treat this as a serious disciplinary offence.

### **9.7 Complaints against the Principal or other Senior Post-holder**

- 9.7.1 Where the complaint is against the Principal or another senior post-holder, the same steps as set out in section 9 should be taken to investigate the matter.
- 9.7.2 The Corporation will appoint an appropriate Investigating Officer to investigate the complaint. This may be the Principal, a member of the Corporation, or an external investigator, depending on the circumstances.
- 9.7.3 If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the College's Disciplinary Procedure for Senior Post-holders.

## **10. Victimisation**

- 10.1 Employees are protected from victimisation as a result of bringing a complaint of harassment. If an employee feels that they have been victimised following a complaint of harassment, they should raise a grievance under the College's grievance procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.



## **11. Review and monitoring**

- 11.1 It will be the responsibility of the Executive Leadership Team to review and monitor the progress of the harassment and bullying policy on a regular basis, using information such as the number of harassment complaints raised, employee attitude surveys, training feedback, the views of recognised trade union representatives and comments made in return-to-work and exit interviews. The Executive Leadership Team will then recommend changes where necessary.

## **12. General**

- 12.1 The harassment and bullying policy should not be read in isolation, but cross-referenced with all relevant College employment policies.

## **13. Evaluation and review**

- 13.1 This Procedure will be reviewed biennially, taking into account feedback from:
- Investigation Panels
  - The People Management department
  - Trade Union representatives
- 13.2 **Written comments to:** Head of People Management

## **Appendix 1: Support Available**

### **Trade Union Representatives**

Recognised trade union representatives are a source of support for their members facing bullying or harassment. The College encourages employees who are concerned about bullying or harassment to speak to their trade union representative. The College fully supports activities on the part of recognised trade unions on raising awareness and tackling the issue of bullying or harassment amongst their members. If a recognised trade union identifies a representative who will be responsible for handling bullying or harassment complaints, the College will undertake to provide that individual with reasonable paid time-off to receive training in this area from the trade union.