



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

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# Anti-Bullying and Harassment Procedure

**Issuing body:** Corporation

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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 to all students enrolled on a learning programme or otherwise attending learning at City College Plymouth.

## 2. STATEMENT

2.1. Bullying and harassment is 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.

2.2. This document contributes to the College's wider safeguarding strategy and the fulfilment of its duties under various legislations to exercise its functions with a view to safeguarding and promoting the welfare of all our students.

2.3. City College Plymouth recognizes that safeguarding is everyone's responsibility and adopts a student centered approach to such issues.

## 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 and social and ethical skills to help them participate in life in wider society and Britain;
- develop and promote Fundamental British Values.

and that the College will:

- reduce 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 **Board of Governors** are responsible for:

- Strategic delivery of the safeguarding agenda;
- Promoting and encouraging a safe college;
- Challenging safeguarding practices.

4.2. The **Vice Principal Resources** is responsible for:

- Ensuring this Procedure is reviewed;
- Providing appropriate training and development.

4.3. The **Safeguarding Co-ordinator** is responsible for:

- Promoting an understanding of bullying and bullying behaviour amongst all members of the College community;

- Recording, monitoring and evaluating incidents of bullying;
- 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;
- All staff who witness acts of bullying or harassment, or who are approached in confidence by students who have witnessed such incidents, have a duty to take action in line with this Procedure to prevent reoccurrence of these acts;
- Tutors of students have particular responsibility to support their students through any investigation into allegations of bullying and/or harassment and to ensure that the student is not being victimised as a result of that investigation;
- Where a complaint under this procedure is upheld, it is the responsibility of the perpetrator's personal tutor to do all they can to ensure that no further bullying takes place and that there is no subsequent victimisation;
- Every member of staff has a responsibility to treat all students with dignity and respect and to comply with the College's Professional Boundaries;
- It is recognised 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 individual student;
- Promoting and engaging in Fundamental British Values of democracy, 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:

- To treat all students, staff and members of the public with dignity and respect.;
- At no time to behave in a manner which is bullying;
- To 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;
- To assist the College in any investigations into allegations of bullying or harassment;
- Once an incident has occurred the students involved must maintain the confidentiality of all the people involved, including the person complaining of the incident, the alleged bully and any witnesses. Students are warned that if they do not keep such matters confidential they may face disciplinary action under the Student Disciplinary Policy and Procedures;
- Engaging with Fundamental British Values of democracy, rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs;
- Being aware of the Anti-Bullying Policy.

## **5. IMPLEMENTATION**

- 5.1. Staff and students are expected to follow this procedure and meet their responsibilities under it to contribute to a safe college environment.
- 5.2. All staff and students will be made aware of this procedure through induction and training including training given within the Safeguarding Training.

## **6. DEFINITIONS**

### **6.1. Bullying**

Bullying can be threatening, offensive, abusive, intimidating or insulting behaviour. Bullying may be an abuse of power, position or knowledge or may be 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 themselves.

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.

### **6.2. Harassment**

Harassment is any conduct that is unwanted by the recipient, or any conduct which 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 person. 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 has 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 taken and thrown around;
- having rumours spread about you;
- being ignored and left out;
- being forced to hand over money or 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 on-bullying, (ie. 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 treating a person in a negative way 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 in a fair and confidential manner.

### 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, radicalization for violent extremism, promoting Fundamental British Values, and college security.

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

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

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

### **7.1. NON-DISCIPLINARY (INFORMAL) ROUTE**

- If you feel that you are being, or have been bullied, you should act straight away. You should try and make a note of the behaviour as soon after the event as possible. If possible try and keep the following details:
  - Date(s), time(s) and place(s) of 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 are able to and encouraged to contact the College's Student Services 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 about speaking to the person directly, or you have tried and it has not worked, you must contact a member of College staff.
- A member of 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 member of staff 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 member of staff feels that it has been exhausted then he or she 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 his or her discretion, depending upon the circumstances of the case, may decide that it is necessary to move on to the Disciplinary (Formal) Route in any event.
- If a formal complaint is going to be made the member of staff 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 Services 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 he or she will draft the letter of formal complaint.
- The formal complaint should be addressed to the Director of Student Services. The letter should include: -
  - the name of the alleged bully;
  - the nature of the incident;
  - dates and times of 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 Director of Student Services will appoint an Investigating Officer. The Investigating Officer will be unconnected with either the complainant or the alleged bully and will be a Head of Academy or Faculty Director 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 a written acknowledgement of the formal complaint within 5 working days of its receipt.
- If the complaint is made against a member of staff the Staff Disciplinary Policy, and if necessary, the Student Disciplinary Policy will be used and 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 Policy. Both you and the alleged bully will be told by the Investigating Officer 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 then this may be viewed as an attempt to intimidate witnesses and you could be subject to disciplinary action under the Student Disciplinary Policy and Procedure.

- The Investigating Officer will, as soon as is reasonably practicable, carry out an investigation into 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 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 given the opportunity to nominate witnesses whom 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 which 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 Policy and 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 bully(ies) involved, they will inform the office of the Director of Student Services. A disciplinary hearing will take place in accordance with the Student Disciplinary Policy and Procedure.
- The Report prepared by the Investigating Officer will form the Investigation Report required under the Student Disciplinary Policy and Procedures.
- 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 Policy and 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 has to be broken. If this is the case the member of staff will make this clear to you. If there are serious concerns about your welfare, health or safety, 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 Counselling**

Support is available at any time through the College's Student Journey's Team to both you any other party who may be 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 Counselling Service where appropriate.

### **8.3. Representation**

Both 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 expert in law) 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; and 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 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 Policy and 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 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 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 are 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;
- a translator might also attend meetings or translate documents.

#### **8.7. Criminal Offences**

Where any member of staff 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 Policy and 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 in the event that new legislation or guidance comes into effect. This procedure will be monitored and reviewed through:

- The College's Safeguarding (Strategy) Working Group.
- Consultation with the Student Union.
- Formal complaints will be recorded by the College PA's and reported to the Senior Leadership Team.

**Anti-Bullying and Harassment Procedure Flow Chart**

<p>1. If you are able, try to speak with the person concerned to tell them that their behaviour is upsetting you. Keep a record of the incidents – note times, dates and what happens. If you feel you cannot speak to the person, speak to your tutor.</p>		
<p>2. Your tutor will have a confidential conversation with you to help them understand the circumstances.</p>		
<p>3. Depending on how serious the matter is, your tutor, after consultation with a Safeguarding Officer, can suggest one of two options to you.</p>		
<p style="text-align: center;"><b>Option 1 Non Disciplinary (Informal) Route</b></p>		
<p>Your tutor may, if appropriate, speak with other College staff to get further information.</p>		
<p>Matter resolved (L1/L2)</p>	<p>The tutor may then speak with the alleged bully to see what can be done. This can be done with or without you being present.</p>	<p>Referred to other support (e.g. College mediators or external agencies)</p>
<p><b>AND/OR</b></p>		
<p>Matter resolved. (L1/L2)</p>	<p>The tutor may recommend an informal meeting between yourself and the alleged bully</p>	<p>Matter not resolved. (L3 or L4)</p>
<p>If the matter is not resolved it will move to Option 2, the Disciplinary (Formal Route)</p>		
<p style="text-align: center;"><b>Option 2 Disciplinary (Formal Route)</b></p>		
<p>You will need to make a complaint in writing. Your parent/friend or supporter may help you.</p>		
<p>A member of College staff will be made an Investigating Officer. They will speak with and take statements from you and the alleged bully and any witnesses. (L5/L6/L7)</p>		
<p>The Investigating Officer may find that either</p>		
<p>No bullying found. Case dismissed (L8/L9).</p>		<p>Bullying found to have happened. (/L8/L9)</p>
<p>If bullying is found to have happened then it will be referred for disciplinary action . See Student Disciplinary Policy</p>		

## **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- centered approach (taking into account a child's wishes and feelings); and
- 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 guidance 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 eg move groups (with clear consultation and explanation), safeguarding officer support, student liaison team support, counselling etc.as appropriate.

- Ensure that on-going feedback is given to the young person, parents 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 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.