



Policy Name	<b>Harassment and Bullying Policy</b>
Policy Version	
Department / Area	H.R. Department / Learner Services
Created By	Head of Policies
Amended By	J. Townsend
Approved by SLT	
<b>Date updated</b>	August 2020
Next Review	August 2021
Document REF	EOD
Category	Staff/Learner
Covers	Staff / Learner / Both

1. **Policy Statement**

- 1.1 The Company wishes to provide a stimulating and supportive working environment which will enable its staff to fulfil their personal potential and creativity. Such an environment cannot exist where any member of staff is subjected to harassment, intimidation, aggression or coercion.
- 1.2 The Company is fully committed to the principles of equality and diversity in the workplace and regards harassment as a form of discrimination. As such the Company will not tolerate any form of bullying or harassment.

2. **Harassment**

- 2.1 Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be on the grounds of sex, marital status, race, disability, religion or beliefs, sexual orientation, age or gender reassignment. For the purposes of this Policy this list should be considered non-exhaustive, and harassment or bullying on any grounds will not be tolerated by the Company.
- 2.2 Harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. It may even be through unequal or unfair application of monitoring systems, for example through the monitoring of breaks where it is not applied equally to all employees.
- 2.3 Examples of behaviour which may constitute harassment or bullying include (but are not limited to):
  - 2.3.1 spreading malicious rumours;
  - 2.3.2 professional or social exclusion;
  - 2.3.3 insulting behaviour;
  - 2.3.4 unwelcome sexual advances or physical contact;
  - 2.3.5 unfounded threats relating to job security;
  - 2.3.6 calculated undermining of an employees competence, for example through a consistently unreasonable or unfair workload, overbearing supervision or unnecessary circulation of critical memoranda;
  - 2.3.7 physical assault;



- 2.3.8 verbal abuse, threats, derogatory name-calling, ridicule, insults and offensive or embarrassing jokes;
- 2.3.9 offensive emails, texts or visual images;
- 2.3.10 derogatory graffiti/insignia or display of derogatory or offensive material; and
- 2.3.11 inciting others to commit any of the above.

### 3. **Unlawful Grounds of Harassment and Bullying**

The Company wishes to reiterate that it will not tolerate any instance of harassment or bullying regardless of the grounds. This Policy will equally apply to work related events even if they occur away from the normal workplace. The following are expressly unlawful grounds by which a person may experience harassment or bullying:

#### 3.1 **Sex**

Harassment or bullying on the grounds of a person's sex, pregnancy, maternity leave etc. This can apply even where the complainant was not the employee to whom the harassment was directed;

#### 3.2 **Marital Status**

Harassment or bullying on the grounds of a person's marital status;

#### 3.3 **Gender Reassignment**

Harassment or bullying on the grounds that a person intends to undergo gender reassignment, is currently undergoing gender reassignment or has already undergone gender reassignment;

#### 3.4 **Sexual Harassment**

This is distinct from sex harassment, as it is physical, visual, verbal or non-verbal conduct that is sexual in nature;

#### 3.5 **Race**

Harassment or bullying on the grounds of race, colour, ethnicity or nationality;

#### 3.6 **Disability**

Bullying or harassment on the grounds of a person's disability;

#### 3.7 **Sexual Orientation**

Bullying or harassment on the grounds of a person's sexual orientation, applying equally to "same sex" orientation, "opposite sex" orientation and "both sexes" orientation;

#### 3.8 **Religion or Belief**

Harassment or bullying on the grounds of a person's religion or beliefs;

#### 3.9 **Age**

Harassment on the grounds of a person's age, applying equally to all people regardless of age;

#### 3.10 **Grievance**

Harassment or bullying as a consequence of a person raising a grievance.



#### 4. **Procedure for Complaints**

4.1 Any employee who feels that they have been subjected to harassment or bullying by any other member of staff, should raise the matter as soon as reasonably practicable.

4.2 Employees can raise a complaint informally and/or formally. They should contact Jayne Townsend or another manager in the absence of that manager or where their complaint is against that specific manager.

##### 4.3 **Informal Procedure**

4.3.1 If the employee feels able, they should speak up at the time when they feel harassed or bullied. It is important to be direct and for the employee to state explicitly that they feel they are being harassed and that the behaviour is unacceptable to them. The employee can also discuss the matter with another colleague or their supervisor and ask them to speak to the harasser on their behalf.

4.3.2 Alternatively, if the employee feels unable to speak to the harasser directly, they could write a letter to them which clearly identifies the offending behaviour and requests that it stops immediately. The employee should sign and date any such letter and ensure that a copy is kept for any possible future formal complaint. It is also advisable that the employee keep an 'incident diary' of any offending behaviour.

4.3.3 Where the informal procedure has not resolved an employee's complaint, a formal grievance can be raised by the employee.

##### 4.4 **Formal Procedure**

4.4.1 Any employee who feels that they have been subjected to harassment or bullying may at any time decide to deal with the issue through formal procedures, regardless of whether informal steps have been taken or not.

4.4.2 Where an employee wishes to deal with any issue of harassment formally, they must do so according to EITHER [the Company's Grievance Procedure] OR [the Dedicated Grievance Procedure contained in the Company's Equal Opportunities Policy].

4.4.3 Where employees are not happy with the outcome of the formal grievance procedure they can appeal this decision internally.

4.5 The Company will investigate any informal or formal complaint thoroughly and fairly.

#### 5. **Consequences of Breach**

5.1 Harassment is a disciplinary offence and will be dealt with according to the Company's Disciplinary Policy. Bullying, harassment, victimisation or discrimination may constitute gross misconduct, punishable by summary dismissal without notice.

5.2 Employees should bear in mind that harassment or bullying may also constitute a criminal offence punishable by a fine and / or imprisonment.

#### 6. **Responsibilities of Employees and Managers**

6.1 All employees are responsible for their own behaviour and should ensure that they comply with this Policy at all times.

6.2 All managers are responsible for implementing this Policy and bringing it to the attention of employees.

6.3 Any complaints under this Policy brought to the attention of a manager must be dealt with promptly, confidentially, fairly and consistently.



7. **[Support and Advice]**

7.1 [The Company will offer counselling and mediation where appropriate.]

7.2 [The Company will work in conjunction with trade unions in addressing unacceptable and/or inappropriate behaviour.]

8. **Confidentiality**

8.1 The Company will treat any complaint received under this Policy confidentially.

8.2 All employees involved with an investigation are required to respect the need for confidentiality.

8.3 Any breaches in confidentiality will be subject to disciplinary action.