



ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

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ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability, Socio-economic Disadvantage.

The term 'student' is used throughout the document to describe all learners, both full and part-time in all settings, including workplace learning, apprentices, and all aged learners.

Aim of Policy

APPROVED training is committed to valuing diversity and will not tolerate any form of harassment or bullying.

Harassment is unlawful in many cases and individuals may be legally held liable for their actions.

APPROVED training is committed to removing all types of discrimination including those based on:

- Gender (including transgender)
- Ethnicity
- Disability or Learning Difficulty
- Sexual Orientation
- Age
- Religion or Beliefs
- Cultural background
- Marital status or family circumstances
- Trade union membership or activity
- or other relevant difference
- Menopause

It is the right of every student to work or study without fear of harassment victimisation or bullying. APPROVED training recognises the problems associated with harassment/bullying and is committed to providing an environment where all individuals can function effectively, confidently and competently. Any complaint that is raised will be investigated promptly and appropriate action will be taken.

1.0 SCOPE

What is harassment? What is Bullying?

Harassment can take many forms and is defined as 'Unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading or humiliating environment

ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

(DCSF, 2007) Bullying can be defined as 'The repetitive, intentional hurting of one person by another, where the relationship involves an imbalance of power. Bullying can be carried out physically, verbally, emotionally or through cyberspace' (Anti-Bullying Alliance 2008)

Harassment /bullying may be repetitive or an isolated occurrence against one or more individuals. It is the unwanted nature of the behaviour which distinguishes harassment from friendly behaviour/banter which is welcome and mutual. Harassment/bullying is both deliberate and targeted. It can be undertaken by an individual or by groups of people.

The impact of harassment/bullying on the individual can be damaging both in the short term and the long term.

Indirect Bullying

There may be cases where an individual who observes bullying may be personally offended by the act. This is also a form of bullying and should be reported under the normal policy guidelines.

Harassment/bullying can:

- make the recipient feel upset, threatened, humiliated or vulnerable.
- undermine a person's confidence and may cause them stress.
- lead to mental health difficulties and in some extreme cases can lead to the victim taking their own life.

The most common forms of harassment/bullying are:

- Physical
- Unwanted physical contact, assault or gestures, intimidation, aggressive behaviour
- Verbal
- Unwelcome remarks, threats, suggestions and propositions, malicious gossip, jokes and banter, based on any type of discriminatory characteristic.
- Non-verbal
- Offensive literature or pictures, graffiti and computer imagery, phone text messages, emails, screen savers, isolation or non-co-operation and exclusion from social activities.
- Cyber Bullying
- Peer on peer abuse
- Offensive, abusive, intimidating, or insulting comments via text, social networking sites or any other 'e' contact. Sending or posting offensive or degrading images and videos.
- Prejudice Based Bullying
- Homophobic or Trans phobic – verbal or non-verbal offence - including abusive, intimidating, or insulting comments, unwanted physical contact, assault or gestures, intimidation, aggressive behaviour.

1.1 Responsibilities

ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

- It is the duty of every member of APPROVED training and those visiting APPROVED Training premises, to take responsibility for their behaviour as harassment/bullying is not acceptable under any circumstances.
- Anyone found responsible for harassment/bullying may also be held personally liable should the person who has been harassed undertake legal proceedings.
- Anyone experiencing harassment/bullying has the right to make use of the procedures on harassment/bullying irrespective of the right, which may exist to pursue a grievance through a Court of Law.
- If the behaviour is seen as harassment/bullying the perpetrator maybe subject to APPROVED Training 's Disciplinary Policy.
- APPROVED Training will ensure that this policy is widely published, and its contents made known to all staff, students, contractors and volunteers.

1.2 Supportive Framework

APPROVED training recognises that making a complaint of harassment/bullying can be a distressing experience and that it may be difficult for students to raise these sorts of complaints. However, it is important that students do tell a member of staff within APPROVED Training, who will take appropriate action. (See Procedure for Dealing with Harassment/bullying 2.1/2.2 below).

Students can access a wider range of support which includes:

- A Tutor who will also guide and support them.
- Support is available to all students as a way of reparation and to improve understanding of the impact of bullying/harassment.
- Students will be helped to understand the impact of bullying/harassment and to become familiar with APPROVED TRAINING 's policy and procedures through information provided on leaflets/posters across the APPROVED TRAINING sites.

1.3 Reviewing and Monitoring of the Procedure

It is APPROVED training 's responsibility to review and monitor the progress of the policy and procedure on a three-yearly basis and bring about change where necessary.

2. Staff guidelines for dealing with harassment/bullying.

Due to the seriousness with which APPROVED Training views harassment and bullying both informal and formal reporting procedures have been introduced.

These have been designed to deal with complaints for harassment/bullying in a way that will ensure minimal stress for the complainant, timely resolution for complaints and a degree of flexibility appropriate to individual circumstances.

All allegations of harassment/bullying must be dealt with seriously, promptly and in confidence. Students who feel they have been subject to harassment must be encouraged

ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

to use this procedure without fear of victimisation. Retaliation against, or victimisation of, a student for making a complaint is likely to lead to disciplinary action being taken.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing. However, it may be necessary to share information on a 'need to know' basis for the wellbeing of persons concerned.

This procedure is separate from the disciplinary procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedure. If the degree of bullying/harassment is so serious then a member of the

management team may ask both the perpetrator and the victim to leave APPROVED training for the day for a cooling off period. If a longer period of absence is thought necessary, the Director will authorise suspension in order to ensure safety of both the victim and the perpetrator.

Both victim and perpetrator will be advised that the victim is free to take legal action and to contact the police independently.

In circumstances where the student/and or staff feel that the victim is not safe, contact should be made with the appropriate external agency.

2.1 Informal procedure

All incidents of bullying/harassment should be addressed speedily and where possible within the informal procedure.

If an incident happens where the student or member of staff thinks it could be harassment or bullying and the victim does not wish for it to happen again, it may be decided to resolve the problem informally. In some cases, it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it is offensive, debilitating and that it impacts negatively on the student's life. The victim needs to make it clear that they want the offensive behaviour to stop.

In circumstances where this strategy proves too difficult for the victim, staff should encourage the victim to seek support from a friend, tutor, counsellor, welfare adviser, youth worker or employer, if a work-based learner. This person can help the victim devise a shared action plan.

If the harassment/bullying is being perpetrated by a student within APPROVED Training who continues to harass/bully, or, in the event of the victim not wanting to challenge the perpetrator the member of staff who is acting as advocate to the allegation will refer to the senior manager of that area or to the manager to decide how to take it forward. The issue will be taken forward in collaboration with the victim's wishes and suggestions.

It may be appropriate for the Director to challenge the alleged perpetrator with the allegation and if necessary, to ask the perpetrator to leave the premises whilst an investigation takes place. The primary concern is the safety of the alleged victim.

ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

If the Director challenges the alleged perpetrator they admit to the incident and provide a reason for its mediation may be suggested as a suitable strategy. Both the victim and perpetrator need to agree to mediation.

Both the perpetrator and victim need to be reassured that any incidents of bullying/harassment will not be tolerated at APPROVED Training.

If the behaviour continues or if it is not appropriate to resolve the problem informally, it should be raised through APPROVED Training 's Complaints Procedure.

Circumstances may be such that it may be appropriate to refer directly to the police via APPROVED Training 's Police links. All incidents will be monitored to ensure the situation has been resolved. Appropriate Staff members will decide who will carry out the monitoring and devise a suitable action plan with the victim. Perpetrators will often appear to comply so consideration must be given as to whether the intervention has secured lasting change and the victim feels safe.

If the perpetrator is not a APPROVED Training student, the alleged victim should be advised to contact the police, inform their parents/carers or contact any other appropriate support services including counselling, their Personal tutor or any relevant external agency e.g. ACT.

2.2 Keeping a record

Staff need to keep a record of any bullying/harassment incidents which should cover the following aspects:

- Date, time and place of alleged incident(s)
- Name of perpetrator
- Nature of incident
- Feelings of victim
- Perpetrator's response
- Name of any witnesses
- Action taken and whether reported and to whom
- Any correspondence relating to the incident(s) and subsequent action

2.3 Formal procedure

Where informal methods fail, or serious harassment occurs, students are advised to complain formally, using APPROVED Training's Complaints Procedure.

Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases the alleged harasser may be suspended by the Director.

The victim will be interviewed by a member of APPROVED Training's Senior Management Team to establish full details of what happened. He or she will then carry out a thorough, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both the victim and the alleged harasser.

ANTI-HARASSMENT AND ANTI-BULLYING POLICY AND PROCEDURES

The investigation will involve interviews with the alleged perpetrator and the student making the complaint. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond.

The victim and the alleged harasser will have the right to be accompanied and/or represented by a fellow student or their Tutor, at any interviews. The victim will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.

Confidentiality will be maintained throughout the investigation. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised to them.

When the investigation has been completed the victim will be informed as to whether their allegation is considered to be well founded.

If the allegation is well founded disciplinary action may be taken against the perpetrator and, depending on the circumstances and the seriousness of the complaint, this may result in exclusion for that person.

If the allegation is not well founded, consideration will be given to as to how both parties can continue to study together at Approved training, and, mediation might be used as a restorative measure.

APPROVED Training takes these matters very seriously. However, malicious complaints of bullying/harassment can have a serious and detrimental effect upon a member of staff or student. Any unwanted allegation of harassment, made in bad faith, can be deemed potential gross misconduct.

3. Support for students

If the victim feels distressed or would just like to be able to talk about what they are going through in an informal way, the Directors can provide/signpost support and assistance.

Support can be provided to both the complainant and the alleged harasser. However, different members of the support team will see the victim and the alleged harasser.

Note: Confidentiality will be maintained throughout the process unless it is thought necessary to share information on a need-to-know basis for the wellbeing of persons concerned.

This Policy cross references with the following documents:

- ✓ Equal Opportunities Policy
- ✓ Complaints Procedure
- ✓ Disciplinary Policy
- ✓ Safeguarding policy
- ✓ ICT Use – Guidance for Students
- ✓ Health & Safety Policies and Procedures
- ✓ E Safety Policy