

Anti-Bullying and Harassment Policy - Staff

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Written/Reviewed by:	
Approved by:	Director of Compliance
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Related Policies/Procedures:	Equality Opportunities; Disciplinary Procedure; Grievance Procedure; Health & Safety; Staff Handbook
Policy Owner:	HR Co-ordinator

1. Policy Statement

- 1.1. At New College Group (NCG) we believe that staff members, students, customers, contractors, collaborators, visitors and members of the outside community all have the right to work, study and live in an environment that is safe and free from bullying and harassment.
- 1.2. This document’s ultimate aim is to ***achieve a safe, healthy, fair and stress-free working environment where every and each member of staff is able to achieve his or her full potential***. This is to be pursued by:
- 1.2.1. Fostering an environment where it is clear that bullying and harassment are unacceptable, thereby reducing the chance that bullying and harassment will occur in the first instance.
 - 1.2.2. Deterring bullying or harassing behaviour, detecting it when it occurs, and dealing with it on a case-by-case basis by counselling and/or disciplinary sanctions.
 - 1.2.3. Encouraging the reporting of bullying or harassing behaviour at all levels.
 - 1.2.4. Setting out strategies and mechanisms to respond to allegations of bullying and harassment and to resolve complaints where bullying or harassment have occurred.
 - 1.2.5. Complying with the duties under the Equality Act 2010.

- 1.3. Disciplinary action may be taken to deal with actions or behaviour that results in a breach of this policy. Disciplinary action will also be taken should allegations of bullying or harassment be found to be malicious or vexatious.
- 1.4. No decision affecting employment will be taken on the basis of whether someone submitted or rejected a particular instance of bullying or harassment.
- 1.5. Harassment is unlawful and it can lead to civil and criminal claims beyond the company's own disciplinary procedure.

2. Scope of the Policy

- 2.1. The provisions of this document will apply to any individual working for NCG or any of its related companies, regardless of age, gender, nationality and other personal circumstances. The policy also applies to anyone employed by NCG or any of its related companies on an unpaid or voluntary basis.
- 2.2. The provisions of this policy will apply on the company's premises both in and out of working hours, without exceptions. It is intended that such provisions will also apply, in appropriate circumstances, when staff members are away from the company's premises, when entertaining customers or at other work events.
- 2.3. This policy relates to bullying and harassment perpetrated by or against (the following list is non-exhaustive):
 - 2.3.1. Fellow NCG staff members;
 - 2.3.2. NCG Students and other NCG customers;
 - 2.3.3. External contractors who work for or with NCG;
 - 2.3.4. Visitors on NCG premises;
 - 2.3.5. Members of the general public.

3. Definitions

- 3.1. For the purpose of this policy, the following definitions will apply:
 - 3.1.1. **Staff member:** Any individual who works, part-time or full-time, under a contract of employment, whether oral or written, express or implied, with NCG or any of its companies, regardless of whether the work is paid or unpaid.
 - 3.1.2. **Victim/Complainant:** Any individual who believes to have been subject to, or witnessed, instances of harassment or bullying.

3.1.3. **Perpetrator/Offender**: Any individual who is accused of having conducted themselves in a manner that may be deemed to constitute bullying or harassment as defined in this policy.

3.1.4. **Bullying** (as defined in the ACAS guidance *Bullying and Harassment at Work*, July 2011):

“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”

Examples of what constitutes bullying are given in Appendix A

3.1.5. **Harassment** (as defined in the Equality Act 2010):

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”

Examples of what constitutes harassment are given in Appendix A

3.1.6. **Protected Characteristic** (as listed in the Equality Act 2010):

- i. Age;
- ii. Disability;
- iii. Gender reassignment;
- iv. Marriage and civil partnership;
- v. Pregnancy and maternity;
- vi. Race;
- vii. Religion or belief;
- viii. Sex;
- ix. Sexual orientation.

4. General Principles for the Prevention of Bullying and Harassment

4.1. NCG is committed to promoting an anti-bullying and anti-harassment culture among its staff members at all times.

- 4.2. NCG will never condone or tolerate any form of bullying or harassment under any circumstances. This includes bullying and harassment perpetrated by students, customers, visitors or other members of the general public.
- 4.3. NCG will always encourage and support the disclosure and reporting of any bullying or harassment episode by those who believe they have been subject to, or witnessed, harassment or bullying.
- 4.4. Any reported incident will be treated seriously however trivial it may seem at first glance. NCG guarantees absolute confidentiality to any complainant.

5. Responsibility of Staff Members

5.1. All NCG staff members, with no exceptions, are expected to:

- 5.1.1. Help NCG to promote and achieve an anti-bullying and anti-harassment culture by fully adhering to the principles set out in this policy and refraining from acting or conducting themselves in a bullying or harassing manner towards fellow staff members or any other individual.
- 5.1.2. Prevent bullying and harassment by being sensitive to the reactions and needs of others, and ensuring that their conduct does not cause offence.
- 5.1.3. Discourage bullying and harassment by others through making it clear that such conduct is unacceptable, and supporting any individual who is taking steps to stop bullying or harassment.
- 5.1.4. Speak up and report whenever they believe they have been subject to, or witnessed, harassment or bullying.

5.2. In addition to the above, the senior management team of NCG are expected to:

- 5.2.1. Set a good example by avoiding strong/authoritarian management style.
- 5.2.2. Foster a culture where employees are consulted frequently and problems discussed, as this is less likely to encourage bullying and harassment.

6. Reporting Bullying or Harassment

6.1. Any staff member who believes they have been subject to, or witnessed, or informed about, a bullying or harassment incident, shall follow the procedure(s) outlined below:

6.1.1. Informal resolution:

- i. Individuals may not realise that their behaviour is unwelcome or misunderstood and therefore an informal discussion can lead to greater understanding and to an agreement that a particular behaviour or conduct will cease.
- ii. Complainants are encouraged to ask the offender to stop or make it clear that their behaviour is unwelcome. This may be done verbally or in writing, in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- iii. If the complainant feels unable to approach the alleged perpetrator, a work colleague could be asked to speak to the alleged perpetrator on the complainant's behalf. A note should be made of the action taken and the matter notified to the HR Co-ordinator.
- iv. An individual who is made aware that their behaviour is unacceptable should:
 - a) Listen to the complaints and the concerns raised;
 - b) Respect the other person's point of view;
 - c) Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
 - d) Agree the aspects of behaviour that will change;
 - e) Review their general conduct/behaviour.

6.1.2. Formal resolution:

- i. If the unwanted behaviour continues, or the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally.
- ii. Normally, the employer's representative will be the staff member's line manager. However, if the staff member feels unable to do this (because, for instance, the line manager is the alleged offender), they should submit the complaint in writing to the HR Co-ordinator. In exceptional circumstances, allegations may be raised directly with the Managing Director, who will appoint an appropriate senior manager to arrange for the matter to be progressed in accordance with this policy and procedure.

- iii. When dealing with a complaint of bullying or harassment, the relevant manager (the line manager, HR Co-ordinator or senior manager appointed by the Managing Director) will:
 - a) Take full details of the incident in writing from the complainant and/or their representative.
 - b) Take full details, in writing, from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour.
 - c) Inform the alleged perpetrator of the complaints against him/her in writing, advise the alleged perpetrator to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - d) Keep all parties informed of expected timescales.
 - e) Inform all parties in writing of the outcome and any action that may be required.
- 6.1.3. The timescales for action will be set by the person investigating the incident and will vary depending on the gravity of the allegations, the number of individuals involved, the extent of the investigation and other circumstances. Once set, the timescales will be communicated in writing to all parties concerned.
- 6.1.4. In cases of serious alleged harassment, any staff member directly involved (victim and perpetrator) may be suspended on full pay pending investigation.
- 6.1.5. Should the outcome of the investigation confirm that a bullying or harassment incident has actually taken place, then the perpetrator will be dealt with in accordance with the company Disciplinary Procedure. Should the outcome of the investigation reveal that the allegations were malicious or vexatious, then the complainant will be dealt with in accordance with the company Disciplinary Procedure.
- 6.2. Appeals against decisions taken under this policy shall be dealt with as follows:
 - 6.2.1. Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
 - 6.2.2. Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Procedure.

6.3. If the above procedures do not work and a staff member feels that they are still being harassed, or to raise a complaint against the employer or Managing Director, they can take legal action at an employment tribunal. They could also call the ACAS (Advisory, Conciliation and Arbitration Service) helpline for advice:

ACAS helpline (Monday to Friday, 8am to 8pm Saturday, 9am to 1pm)
Telephone: 0300 123 1100
Textphone: 18001 0300 123 1100

7. Responding to Bullying or Harassment

7.1. When formal allegations of bullying or harassment are raised, the person investigating the incident will endeavour to:

- 7.1.1. Take the bullying or harassment issue seriously and investigate the incident thoroughly.
- 7.1.2. Ensure that victim and perpetrator are interviewed separately.
- 7.1.3. Obtain witness information whenever possible.
- 7.1.4. Keep a written record of the incident, investigation and outcomes.
- 7.1.5. Ensure that action is taken to prevent further incidents. These could include, but are not limited to:
 - i. Dismissal of the perpetrator.
 - ii. Issue a formal written warning to the perpetrator.
 - iii. A recommendation of redeployment of the perpetrator, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - iv. Implementation of other sanctions as detailed in the company's Disciplinary Procedure.
 - v. Making arrangements for the victim and the perpetrator to work as separately as possible within the same workplace.
 - vi. Asking the perpetrator to attend any training courses as deemed necessary.

- 7.2. In assessing what actions to take when a bullying or harassment incident has been confirmed, it will be taken into account whether the bullying or harassment is deliberate or intended to hurt. Some individuals may see their hurtful conduct as "teasing" or "a game". These forms of bullying are equally unacceptable but may not be malicious and can often be corrected quickly with advice and without disciplinary sanctions.
- 7.3. Notwithstanding the provisions of this policy, any staff member who is found to be bullying or harassing another individual is liable at law for their conduct and may face action in the courts.

Appendix A

A.1. Bullying: the examples provided below are not exhaustive.

A.1.1. Bullying may be:

- **Physical:** hitting, kicking pushing people around, spitting; or taking, damaging or hiding possessions.
- **Verbal:** name-calling, taunting, teasing, mimicking, insulting or demanding money.
- **Exclusionary Behaviour:** intimidating, isolating or excluding a person from a group.
- **General Unkindness:** spreading rumours, writing unkind notes, mobile phone texts or e-mails;
- **Cyber bullying:** using the internet, mobile phones or other electronic devices, social networking sites etc. to deliberately upset someone else (see section below).

A.1.2. Bullying may also be:

- **Sexual:** talking to or touching someone in a sexually inappropriate way.
- **Sexist:** related to a person's gender or gender reassignment.
- **Racist:** or regarding someone's religion, belief or culture.
- Related to a person's sexual orientation (homophobic).
- Related to pregnancy and maternity.
- Related to a person's home or economic circumstances.
- Related to a person's disability, special educational needs, learning difficulty, health or appearance.

A.1.3. **Cyber bullying:** "Cyber bullying" is any form of intimidation, abuse or unpleasant behaviour which targets any individual by using information and communication technologies – for example, e-mail, digital and mobile device cameras, text messages, social networking sites, web documents and online blogs. Any form of bullying, intimidation or unpleasantness that is publicised on such sites or through any form of electronic communication will not be tolerated. Likewise, any posting on such sites that brings the reputation of NCG or any of its companies into disrepute will be treated as a serious offence. An incident of cyber bullying will be dealt with in accordance with the procedures in this policy.

A.2. Harassment: the examples provided below are not exhaustive.

A.2.1 Harassment may be:

- **Sexist:** Examples include displaying power over a man or a woman because of gender through disparaging gender related remarks and threatening behaviour.
- **Sexual:** Examples include unnecessary physical contact; jokes of a sexual nature; displaying sexually explicit material; indecent demands or requests for sexual contact.
- **Harassment on grounds of sexual orientation:** Examples include homophobic remarks or unwelcome jokes, threats to disclose sexuality and intimate questions about sexual activity.
- **Racial harassment:** Examples include inappropriate questioning and/or jokes about racial or ethnic origin, offensive graffiti and intimidating behaviour, including threatening gestures.
- **Personal harassment:** Examples include making fun of personal circumstances or appearance.
- **Age harassment:** Examples include derogatory age-related remarks and unjustifiable dismissal of suggestions on the grounds of the age of the person.
- **Stalking:** This can be physical or psychological. Examples include leaving repeated or alarming messages on voice mail or e-mail, following people home, or approaching others to ask for personal information.