



Football Family Ltd: Bullying & Harassment Policy

Document Type	Revision No	Date Created	Approved By
Policy	001	24.09.19	T.Wiles

Positional Statement

The Football Family Ltd are committed to developing and maintaining a culture and environment that respects and protects the dignity and rights of all learners, staff, volunteers and visitors. Neither, bullying, harassment, victimisation or discrimination will be tolerated under any circumstances, the scope of which extends to both on and off the premises and to all staff, learners, volunteers and visitors which may represent or be linked with the Football Family at any time.

This Policy covers all forms of bullying, harassment, victimisation and discrimination (whether direct or indirect), which includes any form of the aforementioned, regarding to a persons protected characteristic including; age, disability, gender identity or presentation, relationship status or sexual orientation, race or religion (for more information on protected characteristics, see the Football Family Equality and Diversity Policy, 2019 and the Football Family Safeguarding Policy, 2019).

Objectives

The purpose of this policy is to ensure that all staff, learners, volunteers and visitors are aware of relevant Football Family Policies, to provide a comprehensive understanding of the values and behaviours that are expected of all Football Family representatives, to provide a clear path for reporting / whistleblowing (See the Whistleblowing Policy, 2019), for any representative who witnesses or feels bullied, harassed, victimised or discriminated against and/or who wishes to make a complaint, and to ensure all representatives are made aware of the consequences and relevant disciplinary procedures, should they be found to be in breach of this policy at any time.

All staff, learners, volunteers and visitors are within their rights to make a complaint / make it known if they believe they are being or have been subjected to bullying, harassment, victimisation or discrimination. This includes from another Football Family representative or third party (such as contractor or external visitor). All complaints will be dealt with on a case by case basis, will be dealt with fairly and all complainants will have the right to protect their anonymity. Any person(s) found to be in breach of this Policy, and subsequently the Football Family Equality & Diversity policy, will be subject to internal investigation and disciplinary procedures. External investigation may be required where cases are considered more extreme,

or whereby the type of bullying, harassment, victimisation or discrimination is considered to fall into the category of hate crime. A hate crime, according to the Crown Prosecution Services (2019), covers a range of bullying, harassing, victimising and discriminating behaviours, where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

Equally, any staff, learner, volunteer or visitor found to have falsified allegations of bullying, harassment, victimisation or discrimination will be subject to disciplinary procedures as a result. In more extreme cases, where the falsified allegation has resulted in the alleged individual to incur negative consequences as a direct result of the falsified allegation including (but not limited to); job insecurity or loss, loss of earnings, character deformation or reputational damage, legal action may be taken as a result.

Definition and Terms

Whilst bullying, harassment, victimisation and discrimination are equally unacceptable, it is possible to differentiate, however slight, between these terms and the actions that are associated with them. This Policy provides definition of terms and examples to allow staff, learners, volunteers and visitors to appropriately recognise acts of, or suspected acts of bullying, harassment, victimisation and discrimination.

Harassment:

Harassment is a specific form of discrimination that falls under the Equality Act (2010). This form of discrimination, and any that is in direct breach of the Equality Act (2010) is considered unlawful and court action can be taken as a consequence. Harassment is categorised as being any unwanted behaviours or actions which an individual may find intimidating, humiliating, or offensive. **Note, an individual does not need to have previously opposed or objected to a form of harassment for it to be classed as unwanted.**

Examples include:

- Jokes
- Texts, emails, tweets or other social media comments.

- Gestures, comments and suggestive facial expressions

Bullying:

Whilst there is no legal definition or categorisation for bullying, like harassment it can take various forms. A general definition of bullying would be repeated behaviours that can be different or the same that is intended to cause physical or emotional harm. Note, bullying can occur anywhere and is often aimed at a person because of their protected characteristic such as; gender, disability, race, religion, sexual or gender identity or other aspects of their appearance.

Examples include:

- Cyber bullying / any harassment or abuse that takes place online
- Repeated physical or emotional assault
- Threatening behaviour
- Name calling / teasing

Cyber Bullying

Due to the continuously increased use in electronic devices both online and offline, cyber bullying is a recognised form of bullying and as such, it is important to include examples of this, to ensure that all staff, learners, volunteers and visitors are fully informed.

Examples include:

- Inappropriate use of sharing of emails (with or without attachments) that intend to intimidate, offend or harass
- Using screen savers of computers, tablets or any other mobile device that are considered offensive, hurtful, discriminatory or abusive
- Bullying someone over the internet such as in a blog, on social media, through direct messaging or email.

Victimisation

As with harassment, victimisation is a form of discrimination that falls under the Equality Act (2010). The act of victimisation refers to the detriment, disadvantage, discrimination or harassment that a person is subjected to because they complain of being discriminated against in some way. Note, a person is entitled to legal protection if they are concerned about any such consequences occurring as a result of their complaint.

Examples include:

- Being denied a promotion or being moved to a lower position, as a result of complaining about being discriminated against
- Being treated less favourably as a result of making a claim of harassment, bullying or discrimination
- Being excluded from work / education related activities or conversations because they have made a claim or complaint of harassment, bullying or discrimination.

Discrimination

As with harassment and victimisation, discrimination is heavily linked to the Equality Act (2019). Discrimination is defined as being treated negatively or unfairly based on one or more of the 9 protected characteristics, outlined in the Equality Act (2019). These are; age, gender, race, disability, religion, pregnancy and maternity, sexual orientation, gender reassignment and marriage and civil partnership. In addition to harassment, bullying and victimisation, there are other forms of discrimination (see examples below).

Examples include:

- Direct discrimination – being turned down for a job or promotion based on your age
- Indirect discrimination – if a workplace has a policy that states all employees must work on Sundays, this puts Christians (and other religions for which Sunday is a day of worship) at a disadvantage
- Discrimination by perception – being denied a job because the employer assumes you are homosexual based on their perception and misconceptions of one or more aspects of your appearance or behaviours.
- Discrimination by association – being treated negatively or unfairly because you are with a person of a certain race, religion or other protected characteristic.

Because of the nature business undertaken by the Football Family on a day-day basis, it's worth noting also some specific clauses from the Equality Act (2010), with regards to disability discrimination and discrimination in the workplace (see below).

Disability Discrimination

Under the Equality Act (2010) it is against the law to directly or indirectly put disabled individuals at a disadvantage in work or educational settings. Note, actions that would otherwise be considered discriminatory may be considered legal and justifiable if done so based on health and safety or unavoidable business justifications.

Discrimination in the Workplace

The Equality Act (2010) protects an individual from being discriminated against at every phase of employment, including:

- Recruitment
- Employment terms and conditions
- Training
- Salary and benefits
- Promotion and advancement

- Redundancy
- Dismissal

Concerns, Claims and Allegations

Concerns, claims and allegations of bullying, harassment, victimisation or discrimination will be taken seriously and treated fairly.

The main priority is to assess the situation and allegation first to ascertain whether a referral is required to incorporate the next steps in a multi-agency approach. Once the referral has been made then depending on the outcome of any investigation that may be undertaken externally, the concerns or allegations will normally be dealt with through Football Family Ltd.

It may be advisable depending on the situation, to remove one or both parties from the environment in which the alleged harassment, bullying, victimisation or discrimination took place, until investigations are finalised.

Learners

Learners must raise any concerns or claims with their tutor initially. From there it is the tutor's responsibility to ensure the correct procedure is followed and that the concern or claim is recorded and followed up. If a concern or claim is raised by a learner to a volunteer or visitor, this person then has the responsibility of reporting the allegations in a timely manner, to their line manager or the person(s) with whom they are visiting.

Staff

Any staff member who suspects or bears witness to harassment, bullying, victimisation or discrimination towards any representative of the Football Family, including other staff members, learners, volunteers, visitors and third parties such as contractors, must record the details of the incident and report it to their line manager.

Visitors and Volunteers

Any visitor or volunteer who suspects or bears witness to harassment, bullying, victimisation or discrimination towards any representative of the Football Family, including other staff members, learners, volunteers, visitors and third parties such as contractors, must report this to their duty manager, line manager or the person(s) with whom they are visiting.

Reconciliation and Mediation

In less severe cases, it may be decided that an informal meeting or series of meetings are required to 'build bridges', to educate or to repair peer relationships at an early stage, to prevent issues from escalating further. To support a discussion between the two parties an informal facilitated meeting could be arranged. This meeting would usually be facilitated by a line manager or another member of staff that may be appropriate. This would be discussed and agreed with you in advance of the meeting.

Mediation is suitable for resolving a range of issues including allegations of bullying and harassment. Mediation is recognised as a useful tool for settling workplace disputes and is included in the "ACAS Code of Practice on disciplinary and grievance procedures".

Responsibilities & Disciplinary Procedures

All staff, learners and volunteers will be made aware of this Policy and the expectations upon them to adhere to it. Failure to do so may result in internal investigations being undertaken by Football Family or in more severe cases, external investigations by the relevant regulating body (Ofqual).

Any suspected cases harassment, bullying, victimisation or discrimination will be taken seriously and examined in an efficient and timely manner. Following successful investigation, if any case of harassment, bullying, victimisation or discrimination has been found to have occurred, Football Family will take all reasonable steps to prevent an adverse effect occurring and to prevent events of a similar nature occurring in the future and will ensure that all incidents are reported and followed up, involving or informing care providers, parents or guardians in any cases involving a child or vulnerable adult with special educational needs and requirements.

Any representative found to be in breach of this policy will be subjected to the appropriate disciplinary procedure depending on the severity. Local and legal authorities will be involved in any cases considered to fall under the Equality Act (2010) or in cases where there is direct evidence of a hate crime taking place. If any cases are taken to court, all representatives of Football Family who are directly involved will receive the appropriate support and guidance throughout.

Note, no persons will be discriminated against during investigations.

Policy Reviews

This Policy will be renewed annually.

For further information or to discuss any concerns regarding this, or any of our other Policies and Procedures, please contact: tom.wiles@footballfamily.org.uk