Anti-Bullying and Harassment Policy

To be read in conjunction with:
Complaints Policy

Policy Statement

This Policy sets out Graduately Developing Future's (GDF) commitment to tackling all forms of bullying and harassment and other unacceptable behaviours. It is part of the School's overall approach to ensuring that all individuals are treated with dignity and respect.

The Policy gives clear direction to all and will help us to value all those involved with GDF School, providing a fair, supportive and discrimination-free environment that promotes equality and diversity for staff, managers, learners and contractors.

Scope of the Policy

This Policy sets standards for conduct between all parties involved with GDF School including staff, managers, learners and contractors. Information is provided about how to complain and seek resolution, either informally or formally, about inappropriate behaviour such as bullying or harassment.

Examples are provided about what constitutes bullying or harassment and the responsibilities of all parties are explained.

Responsibilities

This Policy incorporates the requirement set out in the following legislation:

- Equality Act 2010
- The Protection from Harassment Act 1997
- Health and Safety Act 1974
- Malicious Communications Act 1998
- Telecommunications Act 1984

All staff, managers, learners and contractors have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment they are aware of. They are also responsible for ensuring they are fully aware of the requirements and implications of this Policy. The Human Resources Director is responsible for ensuring that this Policy is implemented and monitored and, ultimately, is accountable for ensuring that GDF School complies with all legislative requirements.

All staff have a responsibility to report any incidents of bullying, including cyberbullying, or harassment to a member of the Senior Leadership Team (SLT). The SLT **must** take appropriate action and have a legal obligation to eliminate harassment of which they are aware of. All staff are expected to demonstrate, and act as a role model for, high standards of behaviour which support a culture of dignity and respect.

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All staff, managers, learners and contractors of GDF school are expected to:

- treat everyone with respect and dignity
- not discriminate against others or incite others to behave in discriminatory ways
- not harass, abuse or intimidate others
- not victimise or attempt to victimise anyone who has made a complaint(s) of bullying or harassment or provided information on bullying or harassment; and
- take appropriate action where they are informed, or are aware, that an act or acts of of bullying or harassment have occurred.

Explanation of harassment, bullying and victimisation

Harassment

Equality Act 2010 – outlines three definitions of harassment:

- unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person that is related to age, disability, gender, race, religion or belief, sex or sexual orientation
- unwanted conduct of a sexual nature (sexual harassment)
- treating a person less favourably than another person because they have been the subject of, or have reacted to, sexual harassment or harassment related to sex or gender reassignment.

The Equality Act protects a person from harassment in relation to:

- Perception of their personal identity
- Association with someone who has a protected characteristic – for example, harassment because a friend or close relative is disabled or transgender
- The right to complain if they find behaviour personally offensive even when they are not the target of that conduct – for example a male worker can complain about sexist remarks or jokes that are made about a female colleague (whether or not she is present when the remarks are made)
- Conduct related to a relevant protected characteristic not necessarily because of a person's identity.

The Protection from Harassment Act 1997 defines harassment as repeated behaviour that causes 'alarm or distress'. Its main purpose is to protect people from what is popularly known as 'stalking' by making it a criminal offence. The list is by no means exhaustive but sets out to provide examples of behaviour that can amount to harassment:

- Unwelcome physical contact ranging from invading someone's 'personal space' where this is unnecessary, touching or brushing against another person's body, to physical assault, or coercing sexual intercourse
- Unwanted verbal conduct. Includes making remarks and comments about staff or students' appearance, lewd comments, sexual advances, innuendo and banter, offensive or

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stereotypical comments, jokes or songs, making threats or patronising comments, for example repeatedly drawing attention to a person's disability
- Intrusive questioning. This may include gossip, as well as questions, about a person's sexual orientation, their sex life, or religious beliefs. This could be directly with the person or in discussions with others
- Unwelcome written or visual communications, including unwelcome emails, notes or pictures, displaying or sending pornographic material
- Use of cyber or social media sites such as Twitter, Facebook etc. to ridicule, harass or bully
- Non-verbal conduct, such as making abusive or offensive gestures
- The deliberate exclusion of an individual from work-related activities, including social activities related to work, or conversations in which they have a right or legitimate expectation to participate
- Other forms of oppressive or intimidatory behaviour that are somehow related to a personal characteristic, such as outing someone as gay without their permission.

Bullying

Bullying is not defined by law. However, it shares many characteristics with harassment except that it is not equality related. Bullying, including cyberbullying, typically involves offensive and unwanted behaviour, which violates a person's dignity, or creates an intimidating, hostile, degrading, threatening or offensive environment or which humiliates or undermines an individual or group. Bullying can be carried out by an individual or group of people and can involve the abuse of authority.

Examples of being bullied include:

- being shouted at
- being humiliated in front of colleagues or other people
- being criticised in an inappropriate manner or belittled about one's work, personality or personal appearance
- being persistently ignored or isolated/excluded
- being pressurised by a group into behaviour/actions against ones wishes
- Inappropriate use of BCC and CC on emails
- use of social media to bully, harass or intimidate

It is important to make a distinction between bullying and firm management – where a manager or other employee, such as a tutor, is carrying out their job properly and fairly. Managers should always consider their tone and ensure they treat staff with dignity and respect.

Victimisation

Staff with a grievance may sometimes complain that they are being 'victimised' in some way. However, victimisation within the scope of this Policy has a very specific meaning. It involves treating someone less favourably than other people because they have:

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- made a claim of harassment or bullying under the Policy
- suggested or complained that, in some way, they may have been discriminated against, or that the company's equality policies have, or may have been breached in some way; or
- helped someone else to make a claim, perhaps by providing evidence or some other form of support to that person.

Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report discrimination, harassment and bullying. The need to tackle bullying and harassment should not stop welcome banter and good humour amongst colleagues, managers and students. However, where such behaviour is unwanted or causes offence, it is unacceptable.

The prevention of bullying and harassment includes showing common courtesy, dignity and respect for others, and avoiding behaviour that makes anyone feel uncomfortable, degraded, upset or victimised.

Bullying and harassment can occur for a wide variety of reasons, not just those listed above, and can happen to anyone. A person being bullied or harassed may not know the precise reason. This makes no difference to their feeling of being bullied or harassed. Ultimately, it is the recipient's feelings which count. Bullying and harassment are listed specifically as examples of misconduct in the Disciplinary Procedure.

Procedures for dealing with bullying or harassment

If you think that you are being bullied or harassed, do not feel that it is your fault or that you have to tolerate it. Action may be taken in a number of ways which include both informal and formal procedures.

Attempts should be made to resolve any complaints rapidly and informally, wherever possible, as this can lead to the behaviour stopping and resolution for all concerned.

It is important to note that the person who makes a complaint is usually the recipient of the behaviour complained of, but that may not always be the case. The complainant can also be someone who has direct or sufficient knowledge of the behaviour to enable a complaint to be raised. For example, if they have overheard racist or sexist language which, while not directed at them, caused them offence and distress.

Confidentiality

Any student, contractor or member of staff involved in the informal or formal procedures covered here is expected to keep information confidential. Only those who need to know should be informed because they have a role in providing support or progressing action to stop the bullying or harassment. This is to protect the confidentiality of the person making the complaint, as well as the reputation of the person being complained about. If it is felt that the safety of an individual(s) is at

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risk of serious harm, confidentiality in these circumstances may be overridden by a duty of care and legal obligations to disclose. Unjustified failure to maintain confidentiality will itself be regarded as a disciplinary offence.

Record keeping

If you are being bullied or harassed it is a good idea to keep a note, including dates and times and a description of the behaviour and its impact on you. This can include changes to your work, study or home/social life as a result of the behaviour. The details of any witnesses to the incident(s) should also be included. Copies of relevant paper or electronic documents should also be kept. Managers and other staff who are told by colleagues or students of bullying or harassment should ensure appropriate records are kept.

Informal procedure: staff

If you are concerned about a person's behaviour towards you, try to approach them directly giving as full details of your complaint as possible to make it easier for them to understand why you are upset, offended or angry. If you need support to do this you can ask a member of the SLT or the HR Director to help you.

You can meet with the person on your own or with someone to support you. Alternatively you can write a letter to them, explaining what they did or omitted to do that upset you and asking them not to do it again. In doing this clearly explain what it was that specifically upset you, what the consequence and impact is on you and what you would like to happen moving forwards.

You can ask your line manager to intervene on your behalf (or a member of the SLT if it is your manager who is bullying or harassing you). If you stress that you wish to resolve the situation informally, they will make every effort to do so. If they feel that they have to take more formal action, they will not do so without discussing it with you. However, if the behaviour persists, or if it is so serious that you feel it is not appropriate to use informal methods, then you can use the formal procedure to resolve the situation.

Formal procedure: staff

If at all possible you should approach a member of the SLT or HR Director to complain about bullying or harassment, whether it is by a colleague, manager or student. It is the responsibility of GDF managers to investigate any incidents of bullying or harassment that are brought to their notice. This may lead to the use of the Disciplinary Procedure. If it is your line manager who is bullying or harassing you, then raise this with your manager's line manager or contact the HR Director.

If you have brought it to the notice of management and feel they have not taken appropriate action, you can raise the issue using GDF's Grievance Procedure. If you wish to raise a grievance regarding the outcome of an investigation into an allegation of bullying or harassment, it will commence at step 3 of the Grievance Procedure as a first formal investigation will have already

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been completed under the Anti-Bullying and Harassment process. However, you cannot use the Grievance Procedure if a disciplinary investigation as a result of a complaint by you is already underway. If you need further clarity or advice contact the HR Director.

A formal complaint about a student should be made to the programme manager, where it is felt important, due to staff or student perceptions of the objectivity of those involved in an investigation, a manager from another department or the HR Director may manage the complaint.

If, after following all the internal procedures, you remain dissatisfied you may be able to seek a legal remedy via the courts. However, you should note that there are time limits within which complaints should normally be lodged. In these circumstances you may wish to seek independent legal advice.

Procedure: Students

If a student reports that they are being bullied or harassed, or a member of staff witnesses possible bullying or harassment toward to student, the following procedures must take place:

- The staff member should communicate with all parties concerned to ascertain facts and address any misunderstandings, where applicable.
- The incident should be logged and a member of SLT informed.
- Where the bullying/harassment occurs from another student, therapeutic intervention/mediation should take place in order for the situation to be rectified in an appropriate manner. If the bullying/harassment persists, parents will be informed and appropriate sanctions put in place adhering to our Behaviour and Positive Intervention Policy.
- Where the bullying/harassment occurs from a member of staff, SLT and the HR Director should be in formed immediately in order for the incident to be fully investigated and appropriate disciplinary procedures adhered to, where applicable.

Sanctions

Bullying and harassment potentially constitute gross misconduct and, therefore, if a complaint is upheld it could lead to the dismissal of a member of staff or the exclusion of a student or volunteer. Where dismissal or exclusion are not considered appropriate, the implications for continued work and study relationships will be given serious consideration by the HR Director and appropriate action taken.

GDF will not move the person who has complained of bullying or harassment in this case, unless it is at their request. If it is felt advisable to separate the two parties, consideration will be given to appropriate action that provides a safe inclusive working and learning environment for all concerned.

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What if I am accused of bullying or harassment?
If you are accused of bullying or harassment you should seek advice and support from an appropriate source, including a manager or the HR Director. If the person you seek advice or support from is involved in the investigation, they will refer you to another source of help.

Malicious complaints
GDF takes all accusations of bullying and harassment seriously. If an individual brings a complaint that is found to be mischievous or malicious then appropriate action will be taken. This may include disciplinary action. The mere fact that a complaint is not found to be justified does not mean it has been made in bad faith.

Training
To ensure this Policy is effective, training will be provided for all staff that have a specific responsibility for implementation including dealing with complaints that arise.

Relevant training includes:

- training for managers on dealing with issues of bullying and harassment via their Management Development Programme
- training for investigators on complaints and use of the Grievance and Disciplinary Procedures by Human Resources
- training on issues of bullying and harassment in induction programmes

Review
This policy will be reviewed on an annual basis as a minimum. Next review date 01.09.2027

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