

# Anti-Bullying & Harassment Policy and Procedure

Author	People Services
Date	May 2018
Version	V1
Review requirements	Biennial
Date of next review	May 2020
Approval body	Senior Leadership Team/Board of Governors
Ratified by	Union
Publication	Staff Intranet

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.

---

## Policy and Procedure for Bullying & Harassment

## Table of Contents

1. Purpose	3	
2. Our commitment	3	
3. Legislation	3	
4. Background		3
5. Harassment		3
6. Bullying	4	
7. Examples of forms of bullying & harassment	4	
8. Responsibilities	5	
9. Support available	6	
10. Procedure for dealing with complaints	6	
11. Informal Resolution		7
12. Formal Resolution	9	
13. Appeal	9	
14. Malicious Allegations	9	
15. Complaints against the Principal	10	
16. Victimisation	10	
17. Authorities and Responsibilities	10	
18. General	10	
Appendix 1	11	
Appendix 2	11	

## **1. PURPOSE**

The College aims to create a working environment that respects the dignity and rights of all employees, and where individuals have the opportunity to realise their full potential. The aim of the College's policy is to support this ethos and to strive to prevent harassment and bullying from occurring.

## **2. OUR COMMITMENT**

The College will not tolerate any form of harassment or bullying and is committed to ensuring that employees are able to work confidently and without fear of harassment, bullying or victimisation. Therefore, if a complaint is made to the College, it will be investigated promptly and appropriate action will be taken in line with the College's policy. Where an individual is found to have committed a serious act of bullying or harassment this will be dealt with under the disciplinary procedure and may be viewed as gross misconduct, which could result in summary dismissal. Where a student is found to have harassed or bullied an employee, the College will deal with this under the student disciplinary procedure, which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party, the College will take appropriate action.

In order to meet our commitments, the College undertakes to publicise its policy fully and to ensure that employees understand their rights and responsibilities. All employees and agency workers will be made aware how to access the policy, either via the College Intranet or in hard copy. In addition, the College will make contractors, consultants and secondees aware of its policy. Visitors to the College will also be made aware of the College's stance on bullying and harassment. The College reserves the right to depart from the precise requirements of the policy and procedure where it is necessary and where the resulting treatment of the member of staff is no less fair.

## **3. LEGISLATION**

Individuals are protected from harassment and bullying under current legislation and the College will ensure all legal obligations are met.

## 4. BACKGROUND

Where harassment and bullying occur, they cause serious repercussions for the employer and employees. They can affect people's health, work performance and the success of the Corporation. Bullying, as a cause of stress at work, should be regarded as a workplace health and safety hazard.

## 5. HARASSMENT

Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- violating a person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying and harassment can be a one off event of a serious nature or a number of less serious events over a period of time.

Moreover, harassment is unlawful when it is on the grounds of sex, gender reassignment, race, ethnic or national origin, sexual orientation, age, religion/belief, or for a reason relating to an individual's disability. It is also unlawful to subject an individual to sexual harassment, or to harassment on the grounds of that individual's membership or non-membership of a trade union, or, in Northern Ireland, on the grounds of an individual's political belief.

### **The College will not tolerate harassment or bullying in any form.**

It is the individual's perception of whether the conduct in question was unacceptable that is important in determining whether harassment occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when taking into account all the circumstances, including the complainant's perception.

## 6. BULLYING

Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

## 7. EXAMPLES OF FORMS OF HARASSMENT AND BULLYING

Harassment and bullying can take many forms. Examples of unacceptable behaviour include:

- Offensive songs, remarks, jokes, emails or gestures
- Display of offensive posters, publications and graffiti

- Unwanted physical contact or advances
- Offensive remarks about a person's dress or appearance,
- Offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age
- Shouting, abusive or intimidating language
- Spreading malicious rumours, allegations or gossip
- Excluding, marginalising or ignoring someone
- Intrusion by pestering, spying or stalking
- Copying memos that are critical about someone to others who do not need to know
- Deliberately undermining a competent worker by overloading, taking credit for his/her work or constant criticism
- Removing areas of responsibility and imposing menial tasks
- Cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.

The above list is intended to give a clear impression of the types of behaviour that the College considers to be unacceptable; however, it only contains examples and is not exhaustive.

The College will not tolerate acts of harassment or bullying during work, including at other people's workplaces, but also at work-related functions, such as conferences, or at social gatherings, such as after-work drinks.

It is accepted that vigorous academic debate and occasional raised voice or argument, of itself may not necessarily constitute harassment or bullying.

Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of individuals in the course of their duties, which may include legitimate, constructive and fair criticism of an individual's performance or behaviour at work. Managers will exercise this supervision in a fair, constructive, consistent and reasonable manner that does not compromise the individual's dignity. Similarly, reasonable (but perhaps unpopular) requests by a manager of their employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

## **8. RESPONSIBILITIES**

### **Corporation Members/Governors**

Corporation Members are responsible for ensuring that:

- They are familiar with the harassment and bullying policy;
- Training on the College's policy features as part of the College's operational policies stemming from the College's strategic plan;
- They are aware of the Corporation's legal responsibilities as an employer in relation to harassment and bullying;

- They receive and respond to any monitoring information collated as part of the reviews of the policy; and
- The College meets its public sector equality duties.

## **Managers**

Managers are responsible for ensuring that:

- The College Principal & Chief Executive and Senior Leadership Team are responsible for taking the lead in creating a positive, open culture that challenges inappropriate behaviour on the part of managers, employees or learners;
- They are familiar with the harassment and bullying policy, and that it is followed correctly;
- They are aware of the Corporation's legal responsibilities as an employer in relation to harassment and bullying;

## **Employees**

Employees are responsible for ensuring that:

- They familiarise themselves with the harassment and bullying policy;
- Their behaviour supports a positive work environment free from harassment and bullying; and
- They participate in an investigation when asked by an investigating officer, where the employee has observed or has evidence that another employee is being harassed or bullied.

## **9. SUPPORT AVAILABLE**

The College recognises the sensitive nature of harassment and bullying. Individuals who believe they are being harassed or bullied may wish to discuss their particular situation in confidence before deciding what action to take. Individuals are encouraged to discuss workplace problems openly and informally with their line manager. However, the College recognises that this may not always be appropriate and provides the following support:

- Individuals can discuss the situation with the next level manager or with a member of People Services ;
- Individuals can obtain support from their trade union representative (please refer to Appendix 1 for further details);
- The College provides specialist counselling services which can be contacted confidentially. Full details are available via the Staff Intranet.

Confidentiality will be maintained as far as possible. However, if an individual decides not to take any action to deal with the problem and the circumstances described are very serious, the College reserves the right to investigate the situation in accordance with its duty of care to ensure the safety of all employees who may be affected by the alleged behaviour.

## **10. PROCEDURE FOR DEALING WITH COMPLAINTS OF HARASSMENT OR BULLYING**

### **10.1 Introduction**

If an individual wishes to make a complaint of harassment or bullying the matter should be raised as a grievance in accordance with the College's grievance procedure. The procedure should aim to investigate such grievances to establish whether or not harassment or bullying has occurred and make recommendations for action where necessary. Such action could include disciplinary action, in which case the College will refer to the relevant stage of the College's disciplinary procedure.

Due to the complexity of some Bullying and Harassment grievances, the timelines within the College grievance procedure may not be supportive of a detailed and robust investigation. During complex cases, timescales will be reviewed on a regular basis and communicated to relevant parties.

### **10.2 Confidentiality**

Grievances about bullying and harassment should be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

Where a formal grievance is raised under the grievance procedure, it should be made clear to all involved that any documentary evidence or subsequent statement taken during the investigation may form part of evidence in any disciplinary proceedings. In the event that disciplinary procedures are invoked, information from the investigation, should be made available to the alleged harasser prior to any disciplinary hearing in accordance with college procedures.

### **10.3 Keeping records of incidents**

It is helpful for individuals who believe they have been subjected to harassment or bullying to make a note of the details of the incidents as soon afterwards as possible, as memories can fade. For example: dates; times; places; the name of the person/s involved; what actually happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management.

## **RESOLUTION GUIDANCE**

### **11. STAGE 1**

In most cases it is preferable to deal with grievances informally in accordance with Stage 1 of the College's grievance procedure. Sometimes individuals are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering, disruption to work and working relationships.

In many cases it will be sufficient for the complainant to raise the problem with the alleged harasser as soon after the incident as possible, stating clearly that the behaviour is unacceptable. A note should be made of the action taken.

If the complainant does not feel able to do this alone, they could seek support from:-a colleague, trade union representative, line manager or appropriate member of People Services. Where both parties are in agreement, the College may consider addressing the unacceptable behaviour through a recognised mediator.

If the matter is very serious, the individual feels the matter has not been resolved at this stage, or in other circumstances where the individual does not wish to raise the matter informally, the individual has the option to proceed to the formal stage of the College's grievance procedure (Stage 2).

## **12. STAGE 2**

The individual must outline their grievance in writing, giving full details of the incidents and any action taken to date as per Stage 2 of the College's grievance procedure. .

The investigation of the formal grievance should be conducted in a sensitive manner and without undue delay. Ideally all grievances should be responded to within 10 working days however, if it is not possible for a decision to be reached within this period, the manager will write to the individual with an explanation for the delay and when the written decision can be expected.

The following steps may be taken to investigate a formal grievance of alleged harassment or bullying:

- If the grievance is seen to be complex or involves more than one complainant it is recommended that the College appoints an appropriate manager to investigate the grievance (the Investigating Officer). The investigation should be carried out in an impartial and objective manner. Ideally the Investigating Officer should be an independent manager (e.g. from a different department).

- In cases which appear to involve serious misconduct, and there is reason to separate the parties, a short period of suspension of the alleged harasser may need to be considered while the investigation is carried out. Suspension should be with pay. Alternatively, the College may consider temporarily relocating either party during the investigation.

Within the written response from the investigating officer, it is recommended that it is clearly stated whether harassment or bullying occurred and will outline any recommendations for action. For example:

•**Harassment or bullying did not occur – no or limited action required.** In such circumstances the Investigating Officer may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.

•**Harassment or bullying did occur – recommendations for action short of disciplinary action.** It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the Investigating Officer may recommend other appropriate action to address the behaviour, such as:

- training/coaching/mentoring;
- re-arrangement of working conditions;
- redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or □ monitoring of the situation.

•**Harassment or bullying did occur – disciplinary action may be required.** In such circumstances the alleged harasser will be asked to attend an investigation meeting under the College's disciplinary procedures. (refer to the college disciplinary procedure).

### **13. APPEAL – STAGE 3**

If dissatisfied with the decision in relation to their grievance at Stage 2, the complainant has the right to appeal against the decision by proceeding to Stage3 of the College's grievance procedure.

### **Records of complaints**

The College will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. Where a complaint was unsubstantiated, this will be clearly stated in the College's record.

Data relating to the application of this Policy and Procedure will be held and destroyed in accordance with the provisions of the General Data Protection Regulation (GDPR) introduced in 2018 and any College policy which derives from GDPR.

### **14. MALICIOUS ALLEGATIONS AND FALSE STATEMENTS**

Unfounded allegations of harassment and/or bullying for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the college disciplinary procedure and may be serious enough to constitute gross misconduct, which may result in summary dismissal. Where a student makes an unfounded allegation of harassment

and/or bullying for malicious reasons, this will be dealt with under the student disciplinary procedure and may result in the expulsion of that student.

Where a witness is found to have deliberately misled an investigation, the College will treat this as a serious disciplinary offence.

## **15. COMPLAINTS AGAINST THE PRINCIPAL & CHIEF EXECUTIVE OR OTHER SENIOR POST-HOLDER**

Where the complaint is against the Principal & Chief Executive, or another senior postholder, the Grievance Policy and Procedures for Senior Post Holders should be followed.

If the matter is complex or involves more than 1 person, The Corporation may appoint an appropriate Investigating Officer to investigate the complaint. This may be a relevant member of the Senior Leadership Team, a member of the Corporation or an external investigator, depending on the circumstances.

If the complaint is upheld and disciplinary action may be required, the matter must be referred to the Corporation who should follow the College's Disciplinary Procedure for Senior Post-holders.

## **16. VICTIMISATION**

Employees are protected from victimisation as a result of bringing a complaint under the harassment and bullying policy. If an individual feels that they have been punished or treated less fairly, following a complaint of harassment or bullying, they should raise a grievance under the College's grievance procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.

## **17. AUTHORITIES AND RESPONSIBILITIES**

People Services are responsible for administering this Policy and will provide guidance to all Managers concerning the application.

If you have any questions relating to anything you have read in this document, please do not hesitate to contact a member of People Services

## **18. GENERAL**

The harassment and bullying policy should not be read in isolation, but cross-referenced with all relevant College employment policies, particularly Policy and Procedures for Staff Grievances.

## Appendix 1: Support Available

The College recognises the sensitive nature of harassment and bullying. Individuals who believe they are being harassed or bullied may wish to discuss their particular situation in confidence before deciding what action to take. Individuals are encouraged to discuss workplace problems openly and informally with their line manager.

The College recognises that this may not always be appropriate and provides the following support:

- Individuals can discuss the situation with the next level manager or with a member of People Services;
- Recognised trade union representatives are a source of support for their members facing bullying or harassment.

## Appendix 2: Guidance for Managers

The following guidelines are to provide guidance to the person responsible for investigating any cases covered by the Bullying and Harassment Policy. To administer this policy correctly, it has to be read in conjunction with the Policy and Procedure for Staff Grievances.

- The Investigating Officer must, as soon as possible, invite the complainant to a grievance hearing to investigate their complaint. The complainant has the right to be accompanied at this meeting by a work colleague or trade union representative. At the meeting the complainant will have the opportunity to fully explain what has happened and the Investigating Officer will have the opportunity to ask any questions and discuss any points that require further discussion.

- The Investigating Officer should also invite the alleged harasser to an investigation meeting where they will have the opportunity to respond to the grievance and the allegations against them. Prior to this meeting the alleged harasser should be provided with a copy of the written grievance. The alleged harasser should be given the opportunity to be accompanied at this meeting by a work colleague or trade union representative. Reasonable notice of this meeting should be given.

- The Investigating Officer should meet with any witnesses cited by either the complainant or the alleged harasser. Notes of these meetings should be taken, and the Investigating Officer may take statements from the individuals.

- Where there is conflicting evidence the Investigating Officer may wish to meet with any of the parties again to clarify and complete the investigation.

- The Investigating Officer should assess the evidence and write a report summarising the findings of the investigation. The Investigating Officer's decision in relation to the grievance should be communicated in writing to the complainant and the alleged harasser without undue delay, giving an explanation of the outcome of the grievance and the reasons.

It is important that throughout the investigation the person responsible for it, referred to above as the Investigating Officer, should keep all relevant parties informed of progress being made and estimated completion dates.

Within the grievance procedure it is recommended that responses are available within 10 working days. Depending on the complexity of the issues raised, this timeline may not be appropriate to ensure a full and robust investigation is undertaken. If timelines do need to be extended, it is imperative that all relevant parties are kept informed

