

Policy Review

This policy will be reviewed in full annually

The policy was last reviewed and agreed by Adam Russell, Head of Quality on 17th July 2018.

It is due for review in August 2019

Aim of Policy

The aim of this policy, and the accompanying procedure, is to prevent bullying and harassment, to provide guidance, to resolve any problems should they occur and prevent further recurrence. This policy is not contractual, but aims to set out our goal.

We believe all our learners and staff, have the right to learn and work in an environment free from bullying behaviour and harassment, be it on the grounds of issues including but not exclusive to:

- Race
- Gender
- Disability
- Sexual orientation
- Religion or belief
- Age
- Marital status or civil partnership
- Pregnancy/maternity
- Gender reassignment or appearance

Bullying and harassment at the Academy are a violation of employment and discrimination laws, and may also contravene criminal and/or civil law in some circumstances. The damage, tension and conflict which harassment and bullying creates, not only results in poor morale, but also divides teams and reduced productivity. Such behaviour will not be tolerated and we seek to ensure that our learning environment is sympathetic to all our learners and staff and that they are treated with dignity and respect. It is the duty of Academy staff to implement and comply with this policy.

A member of staff who becomes aware of behaviour which breaches this policy, irrespective of whether a complaint has been made or not, has a responsibility to take the matter forward through investigation and ensure it is dealt with confidentially and promptly.

Examples of bullying and harassment

Bullying is defined as persistent behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.

Harassment is defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (i.e. related to the individual's relationship or dealings with others who have that personal characteristic). It may be persistent or an isolated incident. It can take many forms, from relatively mild banter to actual physical violence.

Learners and staff may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another.

Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear he/she wants it to stop.

The examples below are not exhaustive but give a clear indication of the sorts of actions that constitute bullying or harassment. Serious examples may constitute gross misconduct which could lead to suspension or withdrawal from the course.

Unwanted physical conduct - such as unnecessary touching, patting, pinching, brushing against another person's body, insulting behaviour or obscene gestures, physical threats and assault.

Unwanted verbal conduct - such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd or suggestive comments, over-familiar behaviour, slogans or songs, jokes, gossip and slander (including speculation about a person's private life and sexual activities), banter or abusive/offensive language which is either threatening or refers to a person's gender, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.

Unwanted non-verbal conduct - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, creation or distribution of suggestive or offensive pictures (including "pin-up" calendars) or videos through any means.

Bullying - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments, comments intended to undermine, belittle, embarrass or humiliate the recipient, persistent criticism or trivial fault-finding, and personal abuse, either in public or private, which humiliates or demeans the individual involved.

Virtual bullying - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing the Academy's facilities to contact a learner or staff member in an intimidating or malicious manner.

Coercion - including threats for refusal of sexual favours (or promises made in return for sexual favours), pressure to participate in political or religious groups etc.

Isolation or non-co-operation at work – including deliberate exclusion from conversations or social activities.

Learners and staff should note that any act(s) of bullying or harassment committed by them in the course of their studying at the Academy will be dealt with under this procedure. This includes not only situations occurring whilst at in the workshop or classroom, but also at any time on our premises, or externally whilst attending social functions or training courses etc. in the course of their employment.

It covers emails, phone calls and texts made outside of studying using either our equipment, as well as abusing staff and/or learners via social networking sites, such as Facebook.

The display of offensive material (including "pin-up" calendars) is not permitted and any such offending material will be removed and destroyed.

Procedure for dealing with bullying or harassment

The sensitive nature of complaints of bullying or harassment is recognised and therefore a choice of routes is provided in order to encourage learners and staff to discuss their problems in confidence with someone they trust and feel comfortable talking to.

Learners and/or staff who believes he/she has been the subject of harassment or bullying in the course of his/her study or whilst working, may either initially address the matter informally with his/her tutor [learner] or HR [staff]; and/or may make a formal complaint using the complaints procedure.

Dealing with bullying and harassment at an informal stage

If learners or staff feel s/he is a victim of bullying or harassment it should be made clear to the perpetrator that the behaviour is unacceptable and must stop. However the Academy recognises that making a complaint of harassment is likely to be a distressing experience and that it might be difficult for a person to do. In these circumstances a person may request one of the people designated above to approach the alleged perpetrator on his/her behalf or to help take such action.

Formal Procedure

1. Where informal methods fail, or serious bullying or harassment occurs, learners/staff are advised to write a formal complaint and to seek assistance from one of the people designated above. It is important to establish the facts and details of the allegations must be provided i.e. support throughout the procedure is available upon request by any of the people designated above or by a person of their choice.
 - What happened?
 - Where did it occur?
 - Who was involved?
 - Was this the first incident?
 - When did it occur?
 - Were there any witnesses?
 - Has any action been taken to prevent further repetition of the behaviour?
2. An official complaint will be reviewed and investigated by designated staff members Adam Russell, Head of Quality and Irene Forti, Head of Human Resources. If these staff members are absent the investigation will be carried out by a member of the academy's management team.
3. A complaint will take up to 5 days to investigate and the Academy has the right to temporarily suspend a learner or staff member whilst the investigation takes place. In extreme cases the Academy will refer the investigation to external parties such as the Police or the Local Authority Designated Officer (LADO) for complaints against staff.
4. The staff member who receives the complaint will carry out a thorough investigation as quickly as possible. When asking questions, it is important for staff to be sensitive and to take care not to phrase questions in a way that implies that the bullying/harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. The intention of the alleged bully/harasser is irrelevant; it is the effect on the complainant that is important.
5. All learners/staff, including any external parties, involved in the investigation are expected to respect the need for confidentiality. Failure on the part of staff to do so will be considered a disciplinary offence. Copies of statements made by witnesses will be made available to the victim and the alleged bully/harasser, but the names of the witnesses may be withheld if they request to remain anonymous, and particularly if they have a genuine belief or fear of reprisal.

6. Where the staff member in charge of dealing with the complaint believes that bullying or harassment may have taken place, if the alleged bully/harasser is an employee of the Academy, the matter will be under the jurisdiction of Irene Forti / head of Human Resources who will invoke the disciplinary procedure to ensure that the accused person has every opportunity to defend or explain his/her actions.
7. The accused person will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying/harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.
8. The severity of the penalty imposed upon the accused believed to be guilty of bullying/harassment will be consistent with other disciplinary offences. Where the accused is given a warning short of dismissal, discussions will take place with you, and, where necessary, any reasonable steps will be taken to alter working practices to minimise contact between you.
9. An accused who receives a warning or is dismissed for bullying or harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate and it may be necessary to refer the case to the police. Where the complaint is made against a client, customer or other business contact, this will be investigated and such steps will be taken as are reasonably practicable to protect the learner.
10. Any learner/staff who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint. The complainant should not be moved except at his/her request or in exceptional circumstances. However if the complaint is untrue and has been brought in bad faith (e.g. spite) disciplinary action will be taken.

Following the investigation

Once the case has been resolved and time has been given to allow relationships to stabilise and return to normal in the workplace and/or classroom, contact should be maintained with the affected persons informally. If further problems of bullying, harassment or victimisation are being encountered, or the affected person continues to experience stress or anxiety, immediate action should be taken to investigate or find a solution.

Escalation of a complaint

Our bullying and harassment policy is intended to give guidance and support, taking into account the sensitivity and serious nature of such issues. However, if the outcome of a complaint is unsatisfactory, all parties have the right to appeal. Please view our appeals procedure for guidance on how to do this.