

**Bullying and Harassment Policy**

**City College Limited**

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**Key Person(s)**

**Managing Director**

**Associate Director for Quality and Partnerships**

**Higher Education Manager**

**Chief of Staff**

# Bullying and Harassment Policy

**Policy Statement**

City College is an equal opportunities employer and takes bullying and harassment at work and in learning very seriously both as an equality and health and safety issue for staff and students. Bullying and harassment can result in difficult working conditions, undermine health and safety, and produce feelings of isolation, despair and fear. The College will work with staff and students to address allegations and any impact on their well-being or work with appropriate confidentiality and sensitivity

This policy is not intended to replace existing procedures, staff and students should read this policy in context and:

* If the concern is about services provided, it should be raised as a complaint through the standard Complaints Policy and Procedure.
* If the concern is about services of a serious nature in the broader public interest, they should be raised through the Whistleblowing Policy

The following legislation is relevant to this policy;

* The Human Rights Act 1998
* Equality Act 2010
* Education Act 2011
* Protection of Freedoms Act 2012
* General Data Protection Regulation 2018
* Keeping Children Safe in Education 2019

**Definitions**

Harassment is defined as unwanted and unwarranted physical, sexual, verbal or non-verbal conduct which may violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment. It is not necessary for the recipient to have explicitly stated that they object to the behaviour nor for the behaviour to be unintentional.

Harassment could be one off incidents or more systematic behaviours of either a physical, psychological, and/or sexual nature. Behaviours could be perpetrated in person or electronically, through e-mail or social media. What is deemed to be offensive, insensitive behaviours may vary considerably depending on context, the relationships, historical or cultural factors. However, it is the perception of the recipient and the impact of the alleged perpetrator’s behaviour which is most relevant, not the motivation for the behaviour itself

Sexual Harassment - Sexual harassment involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Any unwelcome behaviour of a sexual nature which creates an intimidating, hostile or offensive environment for the recipient may be regarded as sexual harassment. It affects both men and women.

## Racial Harassment - Racial harassment is offensive action and behaviour, deliberate or otherwise, relating to race, colour, ethnic or national origin directed at an individual or group, which is objectionable to the recipient and which creates an intimidating, hostile or offensive environment.

Religious / Belief Harassment - Harassment related to person's religion or belief.

## Homophobic or Sexual Orientation Harassment - This is harassment directed at persons or groups on the grounds of a perceived or actual sexual orientation (applying equally to homosexual, heterosexual or bisexual men or women).

“*In terms of religion/belief and sexual orientation, harassment can occur because of an association with a person of a particular religion or sexual orientation (friend or relative, etc*”.)

Disability Harassment - Harassment related to a person's disability, mental health or impairment.

Bullying – Both bullying and cyber bullying are forms of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or the abuse or misuse of power intended to undermine, humiliate, or denigrate a person

# Process

Should students or staff suffer harassment, they can do one or more of the following:

* Take the matter up with the person concerned
* take informal advice
* make a formal complaint.

**Taking it up with the Person Concerned**

If at all possible, it should be made clear that his/her behaviour is unacceptable. This can be done by word of mouth or in writing. If done in writing, a copy of the letter should be kept, bearing in mind that this letter can be used as evidence by the other person.

Detailed notes of any incidents that caused distress should be kept, including information on the ways in which the incidents caused a change in work and learning patterns or social life. Notes of who witnessed any incidents should also be retained.

If a person feels unable to take the matter up with the person concerned, or if harassment continues, further action can be taken through one of the following.

## Taking Informal Advice

Advice can be taken from various internal sources, including:

* Student Support Worker
* Programme Lead
* Senior Leader
* Student Representative

Any discussion with the above-mentioned sources will be private and confidential, those suffering bullying or harassment can bring a friend or colleague with them. They (above sources) may be able to make informal approaches to the person concerned to ensure that harassment is not repeated. The decision whether to go further will depend on the person raising the concern. Even if complaints are about conduct that is actually criminal, no proceedings can take place without the persons express wishes and evidence. However, it may be impossible to prevent any documentation being used as evidence.

## Formal Complaint

Any complainants are strongly advised to take the informal route first, with the support of above-mentioned sources. This may lead to a decision whether to make a formal complaint or not.

If after following the informal route complainants do not feel their complaint has been dealt with satisfactorily, or if they feel the informal route is not appropriate for a specific complaint, they should follow a formal procedure by emailing either the Higher Education Manager, an administrator or the Designated Safeguarding Officer (DSO) submitting the following details;

* Nature of the complaint
* Date the matter occurred
* Consequences as result
* Remedy sought
* Supporting evidence

The College will acknowledge receipt of all complaints in writing within 2 working days, together with a copy of this procedure. The appointed person will then investigate the complaint. This may involve sharing information with the relevant departmental head or seek feedback where required from any associated teams, or indeed require further clarification from the complainant.

Every attempt will be made to ensure that a level of confidentiality is maintained. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality. Should this be the case the College will inform complainants of this before action is taken, unless there were exceptional circumstances, for example, where doing so could pose a risk of harm to you or others.

The College will respond to complainants within 20 days of a complaint being acknowledged, in writing of the outcome, if the complaint has been upheld or not. If further information is required or the investigation is likely to exceed the 20 days response period, the complainant will be informed of the status of the complaint and the period within which any investigations are completed. At any stage during the process complainants can try and resolve the complaint informally.

**Appeals**

If the complainant is not satisfied that their complaint has been dealt with effectively, they should advise the College within 28 days of the date of the decision. Complainants should contact either the Curriculum Manager, an administrator or the Designated Safeguarding Officer (DSO) whoever did not deal with the complaint in the first instance.

* The original complaint and all reasons relating to this complaint
* The reasons why the complainant is not satisfied with the outcome.

The complaint will then be escalated to the Senior Leadership team who will be responsible for convening a complaints committee, which is made up of the following staff members (if appropriate):

* The College Director
* The Associate Director for Quality and Partnerships
* The Higher Education Manager
* The Operations Director

Where it is not appropriate for the Senior Leadership team to escalate the complaint, the DSO will do so. Following the committee meeting, a member of the team will provide a written response within 28 days of receipt of the appeal, this will be the College’s final decision.

All complaints will be dealt with seriously, promptly and confidentially. Internal procedures do not replace the right of aggrieved staff or students to pursue complaints to a partnership organisation where appropriate, the awarding body, an Industrial Tribunal, the Fair Employment Tribunal or to the courts. Those who wish to consider that option may obtain advice from their partnership organisation, awarding body, the Equality Commission in relation to incidents of harassment (telephone: 028 90 500 600), or from the Labour Relations Agency in relation to incidents of bullying (telephone: 028 90 321 442)

Any staff or students who make complaints or who give evidence or information in connection with such complaints, will not be victimised (i.e. they will not be discriminated against, harassed or bullied in retaliation for their actions). Victimisation is also discrimination contrary to the Equality Act and this policy. Any such behaviour will be treated as misconduct which may warrant dismissal form either employment or learning programme.

**Student Further Appeals**

Where all the above procedures are exhausted without suitable agreement, students may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case. Information on the OIA scheme can be found at [www.oiahe.org.uk](http://www.oiahe.org.uk/)

**Record Keeping**

Quality of service is an important measure of the College effectiveness. Learning from complaints, is a powerful way of helping continuous improvement and enable the College to better deliver our values and standards. All complaints will be looked at by a responsible manager from the appropriate team, and a response, if required, sent to the complainants directly within 20 working days where possible.

The College will continue to record all complaints received and collate data from them to help understand what types of problems are most prevalent, and how well the College is working to resolve them.

The College will manage personal information so that it is only processed and retained appropriately and legally, in line with General Data Protection Regulations (GDPR)

# The Police

Criminal conduct will be reported to the police. If that conduct has taken place in the College, staff or students may report it to the police themselves or use the College polices as outlined above. If the person concerned is prosecuted, the College's formal disciplinary processes may be instigated, whether or not they are found guilty.

# Group Complaints

There may be occasions when several students or staff wish to make a joint complaint (e.g. about a problem affecting a number of people or a teaching problem). It is generally not helpful to make a group complaint - this can be intimidating and may simply produce a defensive reaction. Equally, it is appreciated that none of those making the complaint may wish to act as spokesperson, being concerned that this might put them in a vulnerable position. In these circumstances, it is suggested the support of a student representative should be sought to act as a spokesperson (i.e. someone not involved in the matter concerned) and this person could be accompanied by one or two members of the group.

**Related policies**

This policy needs to be read in conjunction with other policies including:

* Appeals Procedure
* Complaints Procedure
* Quality Assurance Policy
* Health and Safety Policy
* Equality and Diversity Policy
* Whistleblowing Policy
* Governance Code
* Academic Freedom Policy
* Access and Participation Statement