

Bullying and Harassment Policy and Procedure 2023-2025



Change log

Version number	Changes description	Major changes? Y/N	Initiator	Rationale	Date of completion	New version number

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1. INTRODUCTION

1.1 Hopwood Hall College recognises that bullying and harassment can seriously damage working and social conditions for staff and students. Hopwood Hall College is committed to promoting and celebrating the diversity of its community maintaining a safe working environment which fosters positive working relationships and mutual respect. It aims to promote emotional health and well-being within all settings in the college so that bullying behaviour is unlikely and unable to prosper.

1.2 This policy outlines behaviour that would be considered inappropriate or unacceptable and provides guidelines and procedures for the reporting of an incident and the hearing of complaints following a report of bullying and suspected bullying incidents. It works on the premise that bullying behaviour is a serious matter, and any incident will therefore be acted upon promptly and appropriately. We recognise that bullying behaviour can involve complex issues and interpretations of events so that each case will be dealt with on an individual basis.

1.3 Safeguarding is everyone's responsibility therefore all learners, workers and visitors to the college will be expected to fully accept and implement this policy, whether in the workplace or outside of college premises, and must take responsibility to prevent, challenge and respond to bullying or harassment wherever it occurs.

1.4 This policy should be read in conjunction with other key college policies and procedures, namely the Safeguarding & Child Protection Policy, E-Safety Policy, IT Acceptable Use Policy, Staff Professional Guidelines, Student Positive Behaviour Policy, Equality, Diversity and Inclusion Policy, Prevent Strategy, Speaking Out Policy.

1.5 This policy will not discriminate either directly or indirectly against any individual on grounds of sex, ethnicity or national origin, sexual orientation, marital status, religion or belief, age, gender identity, disability, socio-economic status, offending background or any other protected characteristic.

2. SCOPE

2.1 This policy applies to all staff, students, visitors, volunteers, contractors, apprentices, student / trainee teachers, people on placement and the whole College community, both in college and on any business or activities of the College, including educational, residential visits or work placements.

2.2 In appropriate circumstances, the provisions of the policy will also extend to cover the conduct of staff and learners when they are not on college premises and not under the control or supervision of a member of staff. Where an incident involves learners from another organisation, staff will liaise with colleagues from the relevant organisation. With all other incidents external agencies will be involved as appropriate. The college will support the tackling of bullying and harassment outside of college where this may impact on relationships and behaviour within college and / or bring the reputation of the college into disrepute.

2.3 In line with the Equality Act 2010 and the College Equality, Diversity and Inclusion Policy, the College has a duty of care to protect its employees from third-party harassment and will take reasonable steps to prevent it happening again.

2.4 It is the policy of Hopwood Hall College that:

- Every student and staff member have the right to be safe from bullying and discrimination
- All staff and students are responsible for creating learning and working environment free of bullying, threats, harassment, discrimination, victimisation and intimidation.
- This policy will be supported by the both Student and Staff Disciplinary Procedures within the College.
- Any person alleging bullying or harassment will be provided with help and support throughout the process and will be protected from victimisation. Page 3 of 10
- Bullying and harassment is be included in the College Disciplinary Procedures and specified as misconduct and potentially gross misconduct

2.5 This policy has been written to meet the guidance and duties as detailed by legislation. This policy complies with:

- Working Together to Safeguard Children 2018
- Equality Act 2010 Legislation
- The Children Act (1989): Duty of care.
- Section 175 Education Act 2002: places a duty on college to make arrangements to ensure their functions are 'exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution'. Tackling bullying is a key part of fulfilling this

3. DEFINITIONS

3.1 Harassment: any conduct that is unwanted by the person receiving it, or any conduct which affects the dignity and creates an intimidating, hostile, degrading or humiliating environment to a person or group of people. Harassment may be repetitive, or an one off event against one or more individuals. It may be related to prejudice around age, sex, race, disability, religion, nationality, culture, sexual orientation or any personal characteristic of the individual(s).

3.2 Harassment could be:

- Physical - unwanted contact, (e.g. unnecessary touching), assault or gestures, physical intimidation, aggressive behaviour, physical threats.

- Verbal - unwelcome or aggressive remarks, suggestions and propositions, malicious gossip, jokes, banter or disrespectful comments which are based on a person's sex or race or personal appearance
- Non-verbal - this includes written harassment in the form of letters, emails, internet material, text messages, social networking comments. It may also include offensive literature or pictures, graffiti, computer imagery, cyber impersonation, isolation or non-co-operation and exclusion from social activities.
- Emotional – humiliating someone, name calling, using insulting names or comments.
- Social or psychological – ignoring, alienating, excluding, spreading rumours, dirty looks.

3.3 Third Party Harassment: The Equality Act makes an organisation potentially liable for harassment of their employees by people (third parties) who are not employees of the company, such as customers or clients. The organisation will only be liable when harassment has occurred on at least two previous occasions, and they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again. This applies to the protected characteristics of sex, age, disability, sex, reassignment, race, marriage/civil partnership status, religion or belief and sexual orientation.

3.4 Bullying: a physical, psychological or verbal attack against an individual or group of individuals by a person or group of persons, intending to cause physical or psychological harm to the victim'

3.5 Bullying is the use of aggression with the intention of hurting another person. It is usually conscious and wilful and commonly consists of repeated acts of aggression and/or manipulation.

People can be bullied on the grounds of:

- Race
- Gender
- Sexual orientation
- Disability
- Socio-economic status
- Nationality
- Language
- Religion

- Other real or perceived differences

However, it can also be for no apparent reason.

Bullying can take many forms, including:

- Use of IT and mobile telephones, i.e. cyber-bullying and text messages
- Being called names
- Being teased or taunted
- Being pushed or pulled around
- Being hit or attacked
- Having bags and other possessions taken and thrown around
- Having rumours spread
- Being ignored and left out
- Being forced to hand over money or possessions
- Being attacked because of religion, colour, ethnicity, language, sexual orientation, disability, gender, class, age, family circumstances, etc.

3.6 Bullying can be subtle, or it can be blatant. It can cause short-term suffering for the victim or it can go on for years, but it is always damaging and the College will always take it seriously.

3.7 Effects of bullying/harassment: Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked, create problems for staff, students and the College as a whole. This can include poor morale; loss of respect for member of staff and learners; poor performance; increased sickness and unauthorised absence levels and increased drop out. Therefore, it is in the interest of all students and staff to take appropriate action if they believe a friend, colleague or any other individual is being bullied or harassed. (See section 6 for staff guidelines below)

3.8 It important to recognise some forms of bullying and harassment will constitute a criminal offence and the college will support criminal proceedings where appropriate.

4. ROLES AND RESPONSIBILITIES

4.1 **The College Community:** Everyone has a responsibility to safeguard the welfare of others by challenging, addressing and reporting incidents of bullying and harassment. Everyone has the responsibility to acknowledge that views and opinions held by others

may not always coincide with their own, and while such differences are unlikely to constitute harassment, personal views and opinions should be shared appropriately and responsibly.

4.2 Staff Responsibilities: Every member of staff has a responsibility to ensure all college users and colleagues are treated with dignity and respect and to ensure their conduct does not cause offence or misunderstanding. Members of staff should expect to act as role models for learners, ensuring they exhibit no bullying behaviour in their own working practice and proactively challenge, address and report bullying or harassment. All staff have a duty under the Equality Act 2010 to promote equality and diversity and to challenge any behaviour that contravenes the underlying principles of that act. For further details on staff responsibilities and conduct, please refer to the professional guidelines.

4.3 Programme Managers, Centre Directors: have a particular responsibility to support their learners through any disclosure and investigations into allegations of bullying and or harassment. The Centre Director has a duty to ensure that any allegations of bullying and or harassment are treated seriously, are reported and are investigated thoroughly.

4.4 Curriculum / Teaching Staff: have a responsibility to ensure that the delivery of the curriculum does not contravene the requirements or spirit of this and related policies.

4.5 Manager Responsibilities: All Managers and Supervisors have a responsibility to promote a culture free from unacceptable behaviour relating to bullying and harassment. Managers have a duty to ensure that any allegations of bullying and or harassment made by learners or staff are treated seriously and are investigated thoroughly. Line managers must respond to all complaints in accordance with the procedure in this document. They should ensure that after the complaint has been dealt with there are no further instances of bullying or harassment or any subsequent victimisation for any of the parties involved. Failure by a manager to act promptly in response to a formal or informal complaint will itself be treated as potential grounds for disciplinary action.

4.6 Student Responsibilities: Every student has a responsibility to treat other learners, staff and members of the public with dignity and respect, and to ensure their conduct does not cause offence or misunderstanding. Learners should report to college staff any incidents of harassment or bullying they are subject to or aware of, and co-operate fully with any investigations into allegations of bullying or harassment. Students who feel they are being bullied or harassed should consider the option of telling the person responsible to stop whatever it is they are doing that is causing distress, as they may be unaware of the effect of their actions. Where a student finds it difficult to tell the person themselves, they may wish to ask someone else - a friend or member of staff – to act on their behalf.

4.7 Student rights: All students have the right to learn in an environment free from bullying and/or harassment. Students have the right to a fair hearing and to have any accusations made against them investigated without pre - judgment. Students have the right to be able to make allegations without being punished unless they have made an accusation deliberately to get someone else into trouble.

4.8 College visitors and external contacts responsibilities: It is the duty of every member visiting the College premises, and people who may work with students within the community to take responsibility for their behaviour and modify it if necessary, as harassment is not acceptable under any circumstances.

5. PROCEDURE

5.1 All incidents and reports of bullying, harassment and discrimination should be reported on an Incident Report Form as soon as possible. Where possible, a written statement of details should be collected from the victim(s).

5.2 Differences of attitude or culture and the misinterpretation of social signs can mean what is perceived as bullying, harassment or discrimination by one person may not seem to another. However, the defining feature is that whatever the intent of the perpetrator, the behaviour is unwanted by the recipient.

5.3 Embarrassment, fear of intimidation or publicity, or difficulty in defining what constitutes bullying or harassment should not deter anyone from complaining about behaviour which causes them distress. Retaliation against or victimisation of a learner for making a complaint is to be considered a disciplinary issue.

5.4 Confidentiality: The College will respect the particular sensitivity of bullying and harassment complaints and the need for confidentiality. As a general principle, confidentiality will be agreed and maintained wherever possible. Similarly, all the parties involved should be reminded of their obligation to keep all matters relating to the complaint confidential. There may be occasions where confidentiality has to be broken, and this should be made clear to the complainant, and their agreement sought, before any further action is taken. There may be occasions where, if a complaint wishes to remain anonymous, it may not be possible to take any action. Where this is the case, this must be made clear to them. Please also see the College Whistleblowing policy.

5.5 Once the alleged perpetrator has been made aware of the complaint, s/he must be given the right to respond. For a learner, s/he has the right to be accompanied to any meeting by a parent, friend or member of Student Support at any meeting where this is discussed. For staff, this may be a colleague or Trade Union representative. 5.6 Complainants should be advised to keep notes of the details to the alleged incident(s) as soon after the event as possible.

Details should be kept of:

- Date(s), time(s) and place(s) or incident(s)
- Name of any witnesses
- What actually happened
- How it made them feel
- Any action taken (e.g. reported to member of staff & name)

5.7 A person who brings a complaint in good faith, or assists in an investigation should be protected from any form of victimisation regardless of the outcome. Malicious allegations will be subject to the College disciplinary policy and procedures.

5.8 Managers, staff and learners may approach Student Support (for complaints involving learners) or H.R. (for complaints involving staff) for advice and support at any stage.

5.9 Supportive Framework: The College recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for students to raise complaints directly with their tutor, manager or to approach the alleged harasser. Accordingly, students or staff may approach a friend, colleague or member of staff to raise the issue with management on their behalf in line with this policy and procedure.

5.10 Removal from College: Where it is decided that one of the parties concerned in a personal harassment case has to be removed from the College, then as a matter of Principal, the College would always initially consider removing the alleged harasser rather than the complainant. Discussions between the complainant and the Investigating Officer would take place to look at the impact on learning of removing one person or the other.

5.11 Students with Learning Difficulties and/or Disabilities: Some students with learning difficulties and/or disabilities (SEND/LLDD) may be especially vulnerable to bullying or harassment. Any indication of bullying/harassment of these students should be reported in the same way as for other students. Where appropriate, the Learning Support Team should be involved. Where bullying or harassment is suspected, students and vulnerable adults who have difficulties in communicating should be given the chance to express themselves to a member of staff with appropriate communication skills and/or be provided with an advocate.

5.12 Anonymous Complaints: Where an anonymous complaint of bullying or harassment is made, the college will take all reasonable steps to investigate. Where a victim and / or alleged perpetrator(s) are identified the investigating officer or line manager will work to ensure that the complaint is resolved under this policy. Where the details of the victim and / or alleged perpetrator(s) is kept anonymous, the college will try to take all reasonable steps to resolve the concern. The Speaking Out policy also identified additional measures in place for raising complaints of bullying and harassment.

5.13 Where the complaint is a malicious claim of bullying and harassment, this will not be tolerated and discipline action will be taken.

6. GUIDELINES FOR MEMBERS OF STAFF

6.1 All incidents and reports of bullying, harassment and discrimination should be reported on an Incident Report Form as soon as possible. Where possible, a written statement of details should be collected from the victim(s).

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behaviour which causes them distress. Retaliation against or victimisation of a learner for making a complaint is to be considered a disciplinary issue.

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6.6 Complainants should be advised to keep notes of the details to the alleged incident(s) as soon after the event as possible. Details should be kept of: • Date(s), time(s) and place(s) or incident(s) • Name of any witnesses • What actually happened • How it made them feel • Any action taken (e.g. reported to member of staff & name) 6.7 A person who brings a complaint in good faith, or assists in an investigation should be protected from any form of victimisation regardless of the outcome. Malicious allegations will be subject to the College disciplinary policy and procedures.

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6.13 Where the complaint is a malicious claim of bullying and harassment, this will not be tolerated and

7. MONITORING AND EVALUATION

The Executive Director for Business and Student Support and the EDI Manager is responsible for ensuring the systematic collection, collation and analysis of data.

- The number and types of bullying incidents will be monitored including the identification of those involving equality, diversity and vulnerable groups and any emerging trends.
- The Executive Director for Business and Student Support and the EDI Manager are responsible for ensuring that recording and reporting procedures are applied consistently.
- The effectiveness of the policy will be monitored through the use of both hard and soft data, including on-going use of 'Learner Voice' strategies and reported to the Equality and Diversity Steering Group, SMT and Corporation on an annual basis.

8. DOCUMENTS ASSOCIATED WITH THIS POLICY

- a. List any relevant policies, strategies, procedures not otherwise included within the policy.

APPENDIX A

Procedure for Staff Dealing with Complaints

1. INTRODUCTION

1.1 All concerns about or complaints of bullying or harassment will be addressed speedily and, if possible, dealt with informally. This is more likely to produce solutions that are effective and minimise embarrassment and risk to confidentiality. However, there may be times when the nature of the complaint means the formal action is more appropriate. Whether informally or formally dealt with, it is a legal duty on college staff that ALL reported incidents of bullying should be centrally recorded and reported on within the College on an incident report form and in the case of students, recorded on Promonitor sensitively.

1.2 Complaints raised by staff, students or a member of staff on behalf of a student will be reviewed seriously and investigated confidentially by the relevant Centre Director or Programme Manager. An incident log of the complaint should be recorded for students on their ILP.

1.2.1 Informal: In the first instance, complaints raised by staff or students this may take the form of mediation between the parties so that the matter can be resolved quickly. A member of the Student Support Team (for students) or HR (for staff) can support in this mediation process if it is felt the situation is appropriate for mediation i.e. there has been no physical assault and the incident is of a nature where mediation could be helpful.

1.2.2 Formal: If the nature of the incident is deemed to be of a more serious nature then the relevant college staff or student discipline procedure must be instigated by the curriculum area or manager in order to investigate the incident and then take the appropriate action.

2. INFORMAL PROCEDURE

2.1 There are various ways in which a victim can deal with bullying or harassment, from simply asking for it to stop, through to making an official complaint. If a person feels they are a victim of bullying or harassment they should keep a written record of all the relevant incidents, including times, dates and if appropriate the names of any witnesses to the incident/s and any other information as detailed above.

2.2 If at all possible, the recipient of the harassment/bullying should tell the person that their behaviour is causing them offence and that they want the unacceptable behaviour to stop. Frequently the perpetrator can be unaware that their actions are inappropriate and that there could have been a misunderstanding or misinterpretation on either part. Where the behaviour was unintentional, a swift and clear indication that the behaviour is unacceptable may resolve the situation.

2.3 Before an individual decides to take action they may wish to discuss the matter with someone who can offer advice and support. This can give confidence in dealing with the situation. If an individual feels uncomfortable confronting the person directly, or talking to them has had no effect, they may want to talk the situation through with someone else, such as a Teacher, Student Support Tutor, H.R. staff or colleague. They may want

support to either accompany them when speaking to the individual or alternatively to challenge the behaviour on their behalf.

2.4 The individual who is made aware that their behaviour is the subject of a complaint should listen, respect the point of view of the other parties and understand it is the victim's perception that is important in this situation. They should agree to review and change the conduct and behaviour that is causing the offence or upset

2.5 Every effort will be made to achieve an informal resolution if however, the informal procedure fails to produce a resolution or if the bullying/harassment is too serious to the resolved informally, advice on how to progress the matter should be sought / provided. This may involve moving to the formal procedure.

3. FORMAL PROCEDURE

3.1 In order to initiate the formal procedure, a complaint must be made in writing and an incident form completed. An advocate may make the complaint on behalf of the complainant, provided it is authorised and signed by the complainant. The document should include the name of the alleged harassment/bullying, dates and times of when the incidents occurred, names of any witnesses to the incidents and any action which has already been taken to attempt to stop the bullying/harassment.

3.2 A preliminary investigation will be arranged as soon as is reasonably practicable, appropriate to the nature of the complaint, usually within 5 working days. This investigation will be conducted by an Investigating Officer. This could be the Program Manager or Centre Director (for students), or a Line Manager, HR or other member of College Management (for staff). The investigating Officer should be at an appropriate level to ensure that the investigation is thorough, independent and objective. Failure by a manager to act promptly in response to a formal or informal complaint will itself be treated as potential grounds for disciplinary action.

3.3 Although the investigation may require the learner/staff to recount details or specific incidents, they will not be asked to do so unnecessarily or repeatedly.

3.4 The alleged perpetrator will be made aware of the allegation as soon as the formal complaint has been received. The only exception to this may be where there is a criminal or safeguarding aspect to the allegation and the Local Authority Designated Officer or Police advise details should not be divulged before they have investigated and / or agreed actions (see Allegation Management Policy).

3.5 Depending upon the severity of the complaint, it may be necessary to separate the parties involved. This may involve a temporary suspension from College or a move to another campus until the complaint is resolved; neither of these actions is an indication of culpability but provides a space for investigation to be carried out objectively. If the complaint suggests possible gross misconduct suspension will be initiated without prejudice in line with the staff and student disciplinary policy.

3.6 Both the complainant and alleged harasser/bully will be instructed to keep the complaint confidential and not to make contact with the other party's witnesses. Any breach of this instruction may be viewed as an attempt to intimidate witnesses and may itself be subject to disciplinary action.

3.7 The alleged perpetrator will be provided with details of the complaint and the right to and time to respond to the allegation(s). The Investigating Officer will meet with the alleged perpetrator within ten working days of receipt of the written allegation(s).

3.8 Natural justice requires that an individual should know the case against them in order to properly respond to an allegation. In establishing whether witness statements should be anonymous, consideration will be given to balancing the interests of the parties involved i.e. the need to protect witness's identity and the right of the accused to be made aware of the evidence against them. This should be the judgement of the Investigation Officer with support from College management or H.R. as appropriate

4. INVESTIGATION

4.1 The aim of the investigation is to gather all the facts pertinent to the case to inform a decision as to whether the allegations have been upheld. The Investigating Officer will meet and carry out separate interviews with the complainant, alleged perpetrator and any witness(es). All parties to these proceedings may be accompanied by a parent, friend or Student Support Adviser.

4.2 Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected and to indicate that they are an accurate reflection of the interview. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed. Strict confidentiality will be maintained throughout the investigation and the importance of this will be emphasised to those interviewed as part of the process.

4.3 In some cases, there will not be any witnesses and it will be once person's word against another's. In these cases, the Investigating Officer will consider whether, on the balance of probabilities, the incidents/actions occurred and consider appropriate action.

4.4 The investigation should be concluded within four weeks of the complaint being received. On completion of the investigation, the Investigatory Officer will assess and review all the evidence and material gathered and make a decision as to whether the complain is substantiated and upheld.

4.5 Once the investigations have been concluded, the Investigating Officer will compile a report of their findings and both parties will be informed of the outcome in writing. The Investigating Officer must keep a detailed written record of the investigation and findings and send these to the Head of Student support and Equality or HR.

4.6 If disciplinary action is justified, the appropriate action will be arranged in line with the relevant College Disciplinary Procedure. Complainants should understand that there may be cases where somebody makes an unfounded allegation of bullying/harassment for malicious reasons. These cases may result in disciplinary action.

4.7 Where a complaint is not upheld, it is advisable to consider the action that might be taken and the support that could be provided to both parties. Should this be deemed necessary the Head of Student Support and Equality or HR should be asked to advise on appropriate support.

4.8 The complainant will be kept informed of the general progress of the investigation and within 5 working days of the disciplinary hearing, will be informed whether the

complaint had been upheld and whether this will result in disciplinary action. The nature of the disciplinary action will not be disclosed.

5. AFTER THE PROCEDURE HAS BEEN CONCLUDED

5.1 Where a complaint is upheld, the Programme Manager, Centre Director or Student Support Tutor (for learners) or Line Manager (for staff) will monitor to ensure no further bullying/harassment takes place and that there is no subsequent victimisation. Similarly it may be appropriate to monitor the relationship of the harasser/bully with other learners, lecturers or members of staff.

5.2 Counselling will be made available to both parties irrespective of the outcome, once the informal and/or Formal actions have been concluded. Counselling may support perpetrators to increase awareness of the impact of their behaviour and prevent further incidents. Counselling can support a complainant during investigations and support with techniques for challenging bullying / harassment.

5.3 Where a complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting. The person receiving the complaint must also ensure the report is recorded centrally through an incident form for monitoring purposes.

5.4 Where a complaint is formally made and investigated, but is not substantiated, then a record to this effect will be kept on the learner / staff personal file or ILP.

5.5 Where a formal complaint is investigated, substantiated and action taken, a record to this effect will be kept on the learner / staff personal file or ILP.

6. APPEAL

6.1 If the complainant is dissatisfied with the outcome, or with the way in which the complaint was handled, then a written request for the case to be reconsidered should be made to the College within 5 working days of receiving the Investigating Officer's decision.

6.2 The Principal or member of SMT will then carry out an independent hearing. If this outcome is still deemed unsatisfactory by any of the parties, an appeal can be made, within a further 5 working days, to the Principal and Chief Executive.