



## ANTI-BULLYING AND HARASSMENT - STUDENTS

Policy and Procedure

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| AREA STUDENT SERVICES                           |  |
| Policy prepared by:<br>Student Services Manager | Approved by: Corporation<br><br>Agreed by: SMT |
| Date: Updated August 2020                       | Review Date: Annual                            |

# POLICY ON BULLYING AND HARASSMENT

## 1 Introduction

Bolton College is committed to the elimination of discrimination on the grounds of gender, marital status, gender re-assignment, sexual orientation, race, colour, nationality, creed, religion, belief, ethnic or national origins, age and disability. It is the right of every student to study without fear of harassment or victimisation. The College Board, recognised Trade Unions, management and staff who work in the College, recognise the problems associated with bullying and harassment and are committed to providing an environment in which all individuals can operate effectively, confidently and competently. If a complaint is brought to the attention of staff, it will be investigated promptly and appropriate action taken.

### 1.1 Background

Bullying and harassment is recognised by the College when it occurs as a serious problem for the victim. It can affect people's health, wellbeing, work and study performance, promotion, job prospects and thereby, the success of the College. Claims from individuals may be brought within the tribunal system as well as the court system under the following legislation:

- Education Act 2011
- The Equality Act 2010
- The Education and Inspections Act 2006
- Children Act 2004
- The Protection from Harassment Act 1997
- The Malicious Communications Act 1988
- The Communications Act 2003
- The Public Order Act 1986.

**Bullying and Harassment is unacceptable in the College, whether or not it is unlawful.**

### 1.2 What is Bullying and Harassment?

Bullying and harassment is defined as any conduct which is unwanted by the recipient, or any such conduct which affects the dignity of any individual, or group of individuals at work / study. Bullying and harassment may be repetitive, or an isolated occurrence against one or more individuals. It may be perpetrated in person (face to face) or it can be perpetrated through other people, through letter or through electronic means e.g. email, texts and use of social network sites.

Bullying and harassment may be:

- Physical - contact, assault or gestures, intimidation, aggressive behaviour, deliberately damaging someone's property
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, name calling
- Non-verbal - offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities
- Cyberbullying - the widespread access to technology has provided a medium for 'virtual' bullying, which can occur in or outside education settings. Cyber-bullying is a different form of bullying and can happen at all times of the day, with a potentially bigger audience, and more accessories as people forward on content at a click. Cyberbullying can happen via social networking sites; offensive texts; You Tube; prank calls; instant messaging services and sexting.

Bullying is persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer undue stress.

### **1.3 Responsibilities**

It is the duty of all students and those visiting the College premises, to take responsibility for their behaviour and modify it if necessary, as bullying and harassment is not acceptable under any circumstances. In the event of a failure to do so, disciplinary action in accordance with the College's Student Behaviour for Success Policy or Staff Disciplinary Procedure may be a consequence and anyone found responsible may also be held personally liable should the person who has been bullied or harassed undertake legal proceedings. Managers are required to ensure that the policy is effectively applied and that bullying and harassment does not occur. Anyone experiencing bullying and harassment has the right to avail themselves of the procedure on bullying and harassment, irrespective of the right, which may exist to pursue a grievance through a Court of Law. The College will ensure that this Policy is widely publicised and its contents made known to all staff, students, contractors and visitors.

### **1.4 Supportive Framework**

The College recognises that making a complaint about someone's bullying behaviour is likely to be a distressing experience and that it may be difficult for students to raise complaints directly with the Head of Area or Curriculum Leader or Learning Development Mentor (LDM) /Tutors. Accordingly, students may approach a friend or Student Services Manager to raise the issue with management on their behalf in line with procedure.

If one of the parties concerned in a personal harassment case has to be removed from the place of study, then as a matter of principle, the College will remove the alleged perpetrator rather than the complainant.

### **1.5 Review and Monitoring of the Procedure**

It will be the responsibility of the Director of Quality to review and monitor the progress of the policy and procedure on an annual basis and to recommend change where necessary.

## **2 Procedure for dealing with Bullying and Harassment**

### **2.1 Introduction**

This procedure has been designed to deal with complaints of bullying and harassment, which need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances. At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing. This procedure is separate from the Behaviour for Success Procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the Behaviour for Success Policy. It is recognised that in bringing a complaint, the complainant must be protected from further harassment or detriment arising from the alleged incident and associated complaint.

#### **2.1.1 Keeping a record**

It is important that anyone who believes that they have suffered from bullying or harassment should keep any evidence that they may have e.g. texts or email messages and make notes of the details outlined below for each incident and that these notes are made as soon after the event as possible. Detailed notes should include the following:

- date;
- time;
- place;
- name of person harassing them;
- what actually happened;
- how the person actually felt at the time;

- name of any witnesses;
- action taken and whether reported to College;
- any correspondence relating to the incidents and subsequent complaints.

## **2.2 Stage 1: Informal Resolution**

Every effort will be made to resolve the issue informally in the first instance, if this is appropriate. As soon after the incident as possible, the individual should make it clear to the offender that the incident is not welcomed and should stop. If too embarrassed to speak directly, this could be done by writing, or by asking a friend or the Student Services Manager to support them with this. A note should be made of the action taken.

If the action continues, or the individual cannot take personal action, then they are advised to contact the Student Services Manager or their LDM / Tutor.

Where the complainant indicates that they would prefer to discuss the matter with a person of the same sex/race etc, this should be arranged whenever possible.

Any discussion will be confidential and no further action will be taken without the consent of the complainant. Unless the staff member considers the incident so serious, in which case they will inform the student of their need to take action against the alleged perpetrator.

The student may have a friend present at all stages of the procedure.

One of the following courses of action may then be followed with the agreement of the complainant:

- to take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the student to seek further advice in the future if necessary;
- if the alleged perpetrator has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- make a formal complaint.

## **2.3 Counselling**

The role of the College Counselling Service is to provide support and assistance to the complainant during this stressful time, should the complainant feel it is required. The role also extends to the alleged bully, if requested. However, the same counsellor should not meet with the alleged bully. The counsellor has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between counsellor and students are confidential.

## **2.4 Stage 2: Formal Complaint**

Any student is entitled to:

- expect managers to institute formal investigation/proceedings;
- initiate a complaint proceedings against management for failing to meet their responsibilities under the College's Policy and Procedure for Bullying and Harassment.

If the student wishes to make a formal complaint, they should follow the College Complaints Policy and Procedure and make an on line complaint – for help with this contact Student Services or the College Principalship. The complaint needs to specify that it is a formal complaint giving details of the incident(s) – as set out above. The complaint will be dealt with according to the College Complaints Policy and Procedure and an investigation into the issue will established.

## **2.5 Serious Criminal Offences**

In cases of an alleged assault or alleged behaviour that is considered to be a criminal offence, the College through the Head of Area or Student Services Manager, should contact the Police for their appropriate action if the complainant so wishes and if the staff member considers the incident to be a serious criminal offence. If the Police are investigating the complaint, any College investigations will be suspended until the Police investigation is completed. At this time the alleged perpetrator may be temporarily suspended from their studies or alternative study arrangements may be made for them.

## **2.6 Investigating a complaint**

The member of staff investigating the incident is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

## **2.7 Time Limits**

The investigation should normally be completed within 15 working days of the incident of bullying/harassment complaint being received. On occasions, e.g. where the collection of evidence can be a lengthy process, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged perpetrator must both be kept informed of any need for an extension and the likely timescale for completion.

## **3 How the Complaint will be Investigated**

### **3.1 Initial response**

The investigation will be carried out by the Manager who received the complaint. They should not be connected with the case in any way. The Manager may request that a third party unconnected with the incident is brought in to assist with the investigation e.g. Student Services Manager. The person against whom the complaint has been made should be informed of the nature of the complaint and sent details of the procedure involved and advised to seek representation.

### **3.2 Possible suspension during the investigation**

In order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged perpetrator. Temporary redeployment of one or both parties may also be considered where possible.

### **3.3 Meeting the parties involved**

The investigating member(s) of staff will meet with the complainant and the alleged perpetrator separately and with their respective representatives. Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed as part of the investigation.

### **3.4 Meeting with witnesses**

The investigating staff member(s) will meet anyone else who was present or who has information which is relevant to the issue. Notes of this meeting will also be taken and the individuals called will be able to be accompanied by a friend. Further interviews may need to take place to clarify or gain further information. The investigating staff will also need to ensure that they have collected all relevant written materials e.g. copies of texts; emails; computer imagery; pages from social network sites etc.

### **3.5 Consideration of Information**

The investigating staff member will on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information. In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the investigating staff will consider whether on the balance of probabilities, the incidents/actions occurred.

### **3.6 Further action**

The panel will consider the facts and will decide one or more of the following courses of action:

- take no action, that is the allegation has not been substantiated; or

- initiate the Behaviour for Success / Staff Disciplinary Procedure; or
- a recommendation of redeployment of one or both parties, either on a temporary or permanent basis if this is possible;
- set up arrangements to monitor the situation;
- make arrangements for both parties to study separately if possible within the same site or at different sites

### **3.7 Record Keeping**

After a complaint has been heard, the following storage arrangements should be followed:

- Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.
- Where the complaint is not substantiated, then no record will be kept on the alleged perpetrator's file.
- Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the Behaviour for Success Policy.

### **3.8 Action when the complainant is dissatisfied**

If the complainant or alleged perpetrator disagrees with the decision, they have the right to raise this matter by writing to the Director of Quality within 10 days of receiving the decision.

### **3.9 The Behaviour for Success / Staff Disciplinary Process**

The normal Behaviour for Success / Staff Disciplinary Procedure should be applied, however the following points should be taken into account:

- The complainant will normally be required to attend the disciplinary hearing as a witness, although every effort should be made to avoid this whenever possible.
- If they are required to attend, then they should be allowed to bring advocacy support or friend and have any questions directed through this person

## FLOWCHART FOR DEALING WITH BULLYING & HARASSMENT CASES

