

GENERAL POLICY: BULLYING AND HARASSMENT

This policy is biennially reviewed to ensure compliance with current regulations

Approved/reviewed by	
Deputy Principal	
Date of next review	Feb 2024

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, Socio-Economic Disadvantage

1. Document Control

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1. **INTRODUCTION**

- 1.1 Boston 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 wellbeing within all settings in the College so that bullying behaviour is unlikely and unable to prosper.
- 1.2 Safeguarding is everyone's responsibility therefore all learners, staff, contractors 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.
- 1.3 This policy aims to provide guidelines and procedures to be followed in the event of a serious incident 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.
- 1.4 This policy also aims to raise awareness and create an ethos of collective responsibility where bullying behaviour is unacceptable, and fear of reprisal is removed. This will be achieved by whole college cross curricula activities, involving all those in the College community – learners, staff, governors and parents/carers/guardians and other agencies where appropriate.
- 1.5 This policy should be read in conjunction with other key college policies and procedures, namely the Safeguarding Policy, I.T. Acceptable User Policy, Staff and Student Disciplinary Policies and the Single Equality Scheme. Professional Code of Practice.
- 1.6 This policy will not discriminate either directly or indirectly against any individual on grounds of gender, race, ethnicity or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, socio- economic status, offending background or any other personal characteristic.
- 1.7 This policy has been written to meet the guidance and duties as detailed by legislation. This policy complies with: -
 - The Children Act (1989): Duty of care.
 - Section 175 Education Act 2002: places a duty on the 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 duty.

- Education and Inspection Act 2006 – All educational establishments must have measures to encourage good behaviour and prevent all forms of bullying amongst learners.
- Equality Act (2010): Section 26 – Harassment.
- Other Legislation relating to the safeguarding and welfare of young people and vulnerable adults.

2. **SCOPE**

- 2.1 This policy applies to the whole college community and therefore includes learners, staff, contractors, visitors, parents / carers etc. It applies to all college activities whether on college premises, within employment, business or workplace, or college activities such as educational and residential visits. 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 / or not under the control or supervision of a member of staff (see section 2.6 above). Where an incident involves learners from another organisation, staff will liaise with colleagues from the relevant organisation. With all incidents, external agencies will be involved where appropriate.

3. **DEFINITIONS**

Harassment

Harassment may be directed at an individual or group. Under the Equality Act 2010 harassment is defined as:

'unwanted conduct relating to a relevant protected characteristic, which has the affect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

- **Physical** - unwanted contact, (e.g. unnecessary touching), assault or gestures, physical intimidation, aggressive behaviour.
- **Verbal** - unwelcome or aggressive remarks, suggestions and propositions, malicious gossip, jokes, banter or disrespectful comments.
- **Non-verbal** - this may include offensive literature or pictures, graffiti, computer imagery, text messages, 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.
- **Indirect** – Spreading rumours, whether true or untrue.

- **Sexual** – Unwelcome conduct of a sexual nature towards another person which could reasonably be expected to make that other person feel offended, humiliated or intimidated.

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These examples are not intended to be exhaustive. They are, however, indicative of conduct that would be considered unacceptable by the College.

Harassment (including Third Party harassment and harassment by association and perception), together with victimisation due to one or more of the following protected characteristics is unlawful under the Equality Act 2010: -

- age
- disability (physical or mental)
- gender reassignment
- race (including ethnic and national origins, colour and nationality)
- religion or belief (including lack of belief)
- sex (including sexual harassment)
- sexual orientation

3.1 **Bullying**

Bullying is a particular form of harassment. It is 'behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally'.

- 3.2 Bullying may be verbal, non-verbal, social or psychological. It is persistent, deliberate, malicious, threatening, offensive, abusive, intimidating, and / or insulting behaviour. It may be linked to an abuse of power, position or knowledge. It may involve the use of unfair sanctions. It can happen in public or in private. What is important is not necessarily the intent of the perpetrator but that their conduct makes the recipient(s) feel upset, humiliated, vulnerable, or undermines their self-confidence.

Some examples of bullying are: -

- Consistently undermining someone and their ability to do their work.
- Shouting or use of sarcasm at an individual to get things done.
- Derogatory or belittling remarks in front of others regarding appearance, work or personal attributes.

- 3.3 Bullying is not confined to open, derisory remarks or aggression, but can also be subtle and devious, resulting in an individual being singled out, demeaned, devalued or being set up to fail.

- 3.4 Bullying may be face to face or may take the form of cyber-bullying – through mobile phones, email, social networking sites etc.
- 3.5 The College will support the tackling of bullying outside of College where this may impact directly on relationships and behaviour within College and / or bring the reputation of the College into disrepute.
- 3.6 It is important to recognise some forms of bullying will constitute a criminal offence and the College will support criminal proceedings where appropriate or required.

3.7 **Prejudice Based Bullying**

Bullying can be by singling out someone or a group of people because they belong to a particular group. This is prejudice based bullying which can take many forms and will not be tolerated at the College: -

- **Racist bullying:** A range of hurtful behaviour, both physical and psychological, that makes a person feel unwelcome, marginalised, excluded, powerless or worthless because of their colour, ethnicity, national origin or national status.
- **Sexual bullying:** Any behaviour, whether physical or non-physical, where sexuality is used as a weapon by boys or by girls. It can be carried out to a person's face, behind their back or by use of technology.
- **Transphobic bullying:** Bullying because someone is, or is thought to be, transgender.
- **Homophobic bullying:** Targets someone because of their sexual orientation (or perceived sexual orientation).
- **Disablist bullying:** Bullying involving people with disabilities employs many of the same forms as other types of bullying, with name calling and pushing and shoving being common but the disability is the reason for the bullying.

3.8 **Other Key Terms**

- **Cyber bullying** – Any form of bullying using a mobile phone or the internet, chat rooms, social networking sites, instant messaging or email.
- **Discrimination:** treating someone differently because of a real or perceived difference.
- **Hate incident:** any incident which is perceived to be racist, sexist, disablist, faith based, homophobic, transphobic etc by the victim or any other person.
- **Hate Crime:** any offence committed against a person or property which is motivated by the offender's hatred of people because they are seen as being different e.g. their sex, race, religion, disability or sexual orientation.

4. EFFECTS OF BULLYING / HARASSMENT

- 4.1 Bullying and harassment can be unpredictable, irrational and may not be obvious to others. They can cause an individual to feel isolated, vulnerable or frightened and can have implications for physical, mental health and wellbeing. This can exhibit in poor motivation and relationships, poor performance, increased sickness, unauthorised absence levels and increased drop out.
- 4.2 Victims may fear retribution if they make a complaint. Others may be reluctant to come forward as witnesses and may collude with the bully as a way of avoiding unwanted attention themselves.
- 4.3 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.

5. RESPONSIBILITIES

The College Community: -

- 5.1 Everyone within the College community has a responsibility to safeguard the welfare of others by challenging, addressing and reporting incidents of bullying and harassment.
- 5.2 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.

Staff Responsibilities: -

- 5.3 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.
- 5.4 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.
- 5.5 Personal Tutors have a particular responsibility to support their learners through any disclosure and investigations into allegations of bullying and or harassment, including liaison with Learner Services.
- 5.6 All reports of bullying and harassment from learners are recorded centrally.

Learner Responsibilities: -

- 5.7 Every learner 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.
- 5.8 Learners should report to College staff any incidences of harassment or bullying they are subject to or aware of and co-operate fully with any investigations into allegations of bullying or harassment.

Manager Responsibilities: -

- 5.9 All Managers have a responsibility to promote a culture free from unacceptable behaviour relating to bullying and harassment.
- 5.10 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.
- 5.11 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 and subsequent victimisation for any of the parties involved.
- 5.12 The College will respect the particular sensitivity of bullying and harassment complaints and the need for confidentiality. 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 before any further action is taken. Likewise, there may be occasions where, if a complainant 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.
- 5.13 Proven malicious allegations will be subject to the College disciplinary policy and procedures.
- 5.14 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.

6. IMPLEMENTATION & MONITORING

6.1 Implementation

- The implementation of the policy will be led by the Executive Leadership Team, and the Senior Leadership Team.
- The Head of Learner Services will have responsibility in relation to learners.

- The Executive Director: People will have responsibility in relation to staff.
- The College Management Team will be integral to the implementation process.

6.2 **Monitoring and Reporting**

- The Head of Learner Services and Executive Director: People are responsible for ensuring the systematic collection, collation and analysis of data.
- The number and types of formal bullying and harassment incidents will be monitored including the identification of those involving equality, diversity and vulnerable groups and any emerging trends.
- The Head of Learner Services and Executive Director: People 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 the Equality, Diversity and Inclusion (EDI) Working Group.

7. **PROCEDURE FOR DEALING WITH COMPLAINTS**

- 7.1 All concerns about or complaints of bullying or harassment will be addressed speedily and, if possible, within the informal procedure. 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 procedure 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 within the College by using VITAL.

Informal Procedure

- 7.2 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 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)

- 7.3 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.

- 7.4 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.
- 7.5 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 appropriate, such as a Lecturer, Personal 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.
- 7.6 Counselling can support a complainant during investigations and support with techniques for challenging bullying / harassment.
- 7.7 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 party/ies 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.
- 7.8 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 by a parent, friend or member of Learner Services team at any meeting where this is discussed. For staff, this may be a colleague or Trade Union representative.
- 7.9 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 be resolved informally, advice on how to progress the matter should be sought / provided. This may involve moving to the formal procedure.
- 7.10 If the learners are under the age of 18 years, then staff will make a judgment whether parents are informed.

Formal Procedure

- 7.11 In order to initiate the formal procedure, a complaint must be made in writing. A colleague or friend (who is employed or enrolled at the College) 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 perpetrator, 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.
- 7.12 The written complaint can be submitted to any member of staff (for Learners) or a Line Manager or the H.R. Department (for staff). An acknowledgement of receipt should be provided within five working days.

- 7.13 A preliminary investigation will be arranged as soon as is reasonably practicable, appropriate to the nature of the complaint. This investigation will be conducted by an Investigating Officer. This could be the Personal Tutor or Curriculum Leader (for learners), or a Line Manager 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. (Note: as in point 5.13 above, 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).
- 7.14 Although the investigation may require the learner to recount details or specific incidents, they will not be asked to do so unnecessarily or repeatedly.
- 7.15 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 may advise details should not be divulged before they have investigated and / or agreed actions.
- 7.16 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.
- 7.17 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.
- 7.18 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).
- 7.19 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.
- 7.20 If learners are under 18 years of age then parents should be informed of any allegation.
- 7.21 Managers, staff and learners may approach Learner Services staff (for complaints involving learners) or H.R. (for complaints involving staff) for advice and support at any stage.

8. MEETING PARTIES INVOLVED

- 8.1 Any investigations should be handled with sensitivity and with due respect for the rights of both parties. Both parties have the right to be accompanied at any meetings by an appropriate person. For a learner this may be a parent, friend or member of the Learner Services team. For staff, this may be a colleague or Trade Union Official.
- 8.2 The Investigating Officer will meet with the complainant and the alleged perpetrator separately. 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.
- 8.3 The Investigating Officer will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated.
- 8.4 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.
- 8.5 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 Officer will consider whether, on the balance of probabilities, the incidents / actions occurred and consider appropriate action.
- 8.6 If the Investigating Officer finds that there has been a breach of the College Bullying and Harassment Policy, appropriate action will be taken in line with the College Staff or Student Disciplinary Policy as appropriate.
- 8.7 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.

9. DISCIPLINARY HEARING

- 9.1 If a disciplinary hearing is deemed appropriate, both parties will be informed of this decision.
- 9.2 Any disciplinary hearing will be conducted in line with the Staff / Student College Disciplinary Policy.

10. AFTER THE PROCEDURE HAS BEEN CONCLUDED

- 10.1 A 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.
- 10.2 Counselling will be made available to both parties irrespective of the outcome, once the informal and / or Formal Procedure(s) have been concluded.
- 10.3 Counselling may support perpetrators to increase awareness of the impact of their behaviour and prevent further incidents.
- 10.4 Where a complaint is upheld, the Personal 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.
- 10.5 Where a complaint is informal, a record will be kept on personal files for monitoring purposes. The person receiving the complaint must also ensure the report is recorded centrally for monitoring purposes.
- 10.6 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.
- 10.7 Where a formal complaint is investigated, substantiated and action taken, a record to this effect will be kept on the learner / staff personal file.

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