

Quality Controlled Document

Policy: **Bullying and Harassment** **Date: December 2021**

Approved By: **Director of HR**

1. Scope

This policy applies to all employees at Gloucestershire College.

2. Policy Statement

- 2.1 The College will not tolerate any form of bullying or harassment, including but not limited to, social gatherings organised by the College, work parties or outings (when they are held at a time or place associated with the workplace).
- 2.2 The College is committed to providing a working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of their own, or an associate's, disability, race, religion or belief, sex, sexual orientation, age, marriage or civil partnership, pregnancy and maternity or gender reassignment.
- 2.3 The College adopts a zero-tolerance approach towards bullying and harassment and any employee who is found to have bullied or harassed a colleague will be subject to disciplinary action, which could result in the termination of their employment.
- 2.4 The purpose of this policy is to provide guidance and a process for members of staff who believe that they have been bullied or harassed.

3. Aims

The main aim of this policy is to provide a framework to address complaints of bullying or harassment and to stop any behaviour that is causing offence or distress.

4. Objectives

The objectives of this policy are for the College to:

- Treat all complaints of bullying or harassment seriously and to investigate them promptly and efficiently.

- Ensure that any employee who makes a complaint of bullying or harassment or who witnesses bullying and harassment taking place, is protected and not penalised or victimised in any way.
- Ensure that the College is fulfilling its duty of care, and responsibilities under health and safety and discrimination legislation, in regard to the issues of harassment and bullying.

5. Definition of Bullying and Harassment

Bullying

- 5.1 Bullying, is not specifically defined in law, but is usually considered as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment

- 5.2 In the Equality Act 2010, harassment is defined as ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.
- 5.3 It is the individual’s perception of whether the conduct in question was unacceptable that is important in determining whether harassment has occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when taking into account all of the circumstances, including the complainant’s perception.

Examples of bullying and harassment

- 5.4 Bullying and harassment can take many forms. Examples of unacceptable behaviour include:
- Offensive songs, remarks, jokes, emails or gestures.
 - Unwanted physical contact or advances.
 - Offensive remarks about a person’s dress or appearance.
 - Offensive remarks about a person’s disability, race, religion or belief, sex, sexual orientation, age, marriage or civil partnership, pregnancy and maternity or gender reassignment.
 - Shouting, abusive or intimidating language.
 - Spreading malicious rumours, allegations or gossip.
 - Excluding, marginalising or ignoring someone.
 - Intrusion by pestering, spying or stalking.
 - Copying memos that are critical about someone to others who do not need to know.
 - Deliberately undermining a competent worker by overloading, taking credit for his/her work or constant criticism.
 - Removing areas of responsibility and imposing menial tasks.

- 'Outing' a person in relation to their sexual orientation (or perceived sexual orientation or gender reassignment).
- Cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.
- Display of offensive posters, publications and graffiti.

5.5 The above list is intended to give a clear impression of the types of behaviour that the College considers to be unacceptable; however, it only contains examples and is not exhaustive.

6. What are the grounds and forms of harassment?

- 6.1 UK discrimination law was amended in 2010 to cover harassment on a variety of grounds: disability, race, religion or belief, sex, sexual orientation, age, marriage or civil partnership, pregnancy and maternity or gender reassignment.
- 6.2 There is no single checklist of what defines harassment as it is often specific to the person, relating to their feelings of respect and dignity.
- 6.3 Individuals are protected from discrimination both while applying for a job, during employment and after the working relationship ends (for example in terms of the provision of a verbal or written reference). There is also protection for people against harassment on the basis of their membership or non-membership of a trade union.

7. Responsibilities

7.1 The College Principal and Executive team are responsible for taking the lead in creating a positive, open culture that challenges inappropriate behaviour on the part of managers, employees or learners.

7.2 Managers are responsible for ensuring that:

- They are familiar with the Bullying and Harassment Policy and it is followed correctly.
- They are aware of the Corporation's legal responsibilities as an employer in relation to bullying and harassment.
- Monitoring in relation to the policy is undertaken at regular intervals and the policy is reviewed accordingly.
- Appropriate training and development is provided to support managers' and employees' understanding of the Bullying and Harassment Policy.

7.3 Employees are responsible for ensuring that:

- They familiarise themselves with the Bullying and Harassment Policy.
- Their behaviour supports a positive work environment, free from bullying and harassment.

- They participate in an investigation when asked by an investigating officer, where the employee has observed or has evidence that another employee is being bullied or harassed.

8. Procedure

- 8.1 Employees have an absolute right to complain if they are treated in a manner that they believe constitutes bullying or harassment. This will include behaviour that has caused offence, humiliation, embarrassment or distress. Employees who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.
- 8.2 However, if it is established that an employee has made a deliberately false or malicious complaint against another person about bullying or harassment, disciplinary action may be taken against that employee.
- 8.3 If an employee wishes to make a complaint of bullying or harassment, the matter should be raised as a grievance, in accordance with the College's Grievance Procedure.
- 8.4 The College is committed to the avoidance of formal procedures wherever possible and will aim to resolve all concerns informally through discussions within the department or school as soon as they arise. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.
- 8.5 If an employee considers that his/her concerns have not been addressed adequately or if the matter is deemed to be too serious to address informally, it may be necessary for more formal action to be taken.
- 8.6 If the College has grounds to believe that an employee may have been bullying or harassing another employee, whether or not there has been a formal complaint, the College will instigate an investigation into the alleged bullying or harassment.
- 8.7 In bringing a complaint/grievance of bullying/harassment, the employee should be prepared to state:
- The name of the person whose behaviour he/she believes amounts to bullying or harassment;
 - The type of behaviour that is causing offence, together with specific examples if possible;
 - Dates and times when incidents of bullying or harassment occurred, and where they occurred;
 - The names of any employees who witnessed any incidents, or who themselves may have been the victims of bullying or harassment by the same person; and
 - Any action that the employee has already taken to try to deal with the bullying/harassment.

- 8.8 Upon receipt of a complaint in relation to bullying and harassment, an investigation will take place to determine the facts. It is accepted that organisational debate and occasional raised voices or arguments, may not necessarily constitute bullying or harassment.
- 8.9 Any employee accused of bullying or harassment will be informed of the exact nature of the complaint against him/her and afforded a full opportunity to challenge the allegations and put forward an explanation for his/her behaviour in a confidential meeting, with a work colleague or accredited trade union representative present if he/she wishes. No employee will be presumed guilty following an allegation of bullying or harassment against him/her.
- 8.10 The College regards all forms of bullying and harassment as serious misconduct, and any employee who is found to have bullied or harassed a colleague may be subject to disciplinary action up to and including dismissal. The College will maintain records of investigations into alleged incidents of bullying or harassment, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 1998.
- 8.11 Following the completion of the investigation, the College will inform the employee suspected of bullying or harassment as to the outcome and whether a disciplinary hearing will follow. Any disciplinary proceedings will, where possible, be conducted by a different manager from the person who conducted the investigation.

9. Law relating to this policy

- Data Protection Act 1998
- Employment Rights Act 1996
- The Employment Relations Act 1999
- The Human Rights Act 1998
- The Protection from Harassment Act 1997
- The Equality Act 2010

Related Policies

Related Policies and Procedures
Disciplinary Policy
Grievance Procedure

Approved By: Carly Rosser-Mayo
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