

Anti-Bullying & Harassment Policy & Procedure

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Context

Harassment or bullying is not tolerated in any form within The Park Community Centre Ltd. It is the right of every student to study without the fear of harassment or bullying and we are committed to providing an environment in which all individuals can operate effectively, confidentially and competently. If a complaint is brought to the attention of management it will be investigated promptly and appropriate action in line with The Park policies will be taken.

Background

Harassment or bullying is a serious problem. It can affect a student's health, work performance, progression, career prospects and ultimately their success at College. In law, claims from individuals can be pursued through the civil and criminal courts system under the following legislation:

Equality Act 2010

Human Rights Act 1998

Protection from Harassment Act 1997

Malicious Communications Act 1988

And any other relevant personal conflict or harassment legislation.

Harassment or bullying is unacceptable at The Park whether or not it is unlawful.

What is Harassment?

Harassment has specific meaning under the Equality Act 2010. It means unwanted conduct related to an equality protected characteristic (age, disability, gender identity, race, religion/belief, sex, sexual orientation, marriage/civil partnership, and pregnancy/maternity) that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The Park considers harassment to include any behaviour that is offensive, intimidating or hostile; which interferes with a students' course or social environment; or which induces stress, anxiety, fear or sickness on the part of the harassed student.

Harassment may include unwanted behaviour that makes its victim feel uncomfortable, even if it was not intended to do so, and even if it was not directed personally.

Harassment may take many forms and involve more than one individual both as the harasser and the victim. It may be isolated or repetitive (under the Protection from Harassment Act, harassment or bullying must take place on at least two occasions to amount to an offence under the Act) and can range from extreme forms such as violence and bullying, to less obvious actions such as ignoring someone deliberately. It may occur where the harasser has a position of authority (e.g. where a tutor or administrator is able to affect a student's course or grade) and relies upon the fact that the recipient(s) are reluctant to complain for fear of ridicule or reprisals.

Some general examples of harassment may include:

- Physical contact – e.g. touching, patting; assault or gestures, intimidation, aggressive behaviour
- Verbal and written harassment - unwelcome remarks, suggestions and propositions, malicious gossip, insults, jokes and banter
- Visual display - offensive literature or pictures, graffiti and computer imagery
- Isolation or non-co-operation - in college course activities, exclusion from social activities
- Coercion including pressure for sexual favours and pressure to participate in political/religious groups
- Intrusion by pestering, spying or following someone/stalking
- Cyber bullying – e.g. sending threatening messages via email, mobile phone or social networking sites

Any difficulty in defining what constitutes harassment or bullying should not deter students from complaining of behaviour which causes them distress. Nor should students be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The Park will respect the sensitivity of harassment complaints and their consequences as well as the need for the utmost confidentiality.

Everyone can contribute toward preventing harassment through an active awareness of the issues involved and also by ensuring that standards of conduct for themselves and for friends / peers do not cause offence.

What is Bullying?

Bullying is a form of harassment and can be defined as being persistent, offensive, abusive, intimidating, malicious or insulting behaviour; abuse or misuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable and which undermines their self-confidence. This can be inflicted mentally or physically.

Cyber Bullying

Cyber bullying is a form of bullying. As it takes place in cyberspace it is not confined to The Park Centre or college hours. Cyber bullies can communicate their messages to a wide audience with remarkable speed, and can often remain unidentifiable and unseen.

Cyber bullying includes bullying via:

- **Text message** e.g. sending unwelcome texts that are threatening or cause discomfort.
- **Picture/video-clips** e.g. using mobile phone cameras to bully someone, with images usually sent to other people.
- **Phone call** e.g. silent calls or abusive messages. The bully often disguises their number.
- **Email** e.g. emailing upsetting messages, often using a different name for anonymity or using someone else's name to pin the blame on them.
- **Chat room** e.g. sending upsetting responses to people when they are in a web-based chat room.
- **Instant Messaging (IM)** e.g. sending unpleasant messages in real-time conversations on the internet.

Websites e.g. insulting blogs, personal websites, social networking sites and online personal polling sites.

Responsibilities

It is the duty of every student and service user of The Park to take responsibility for their behaviour and modify it if necessary, as harassment or bullying is not acceptable under any circumstance. In the event of a failure to do so the matter will be investigated in accordance with the Policy and could result in disciplinary action being taken.

Any student experiencing harassment or bullying has the right to avail themselves of the procedure on harassment or bullying. The Park will ensure that this policy and its contents made known to all students and staff and where practicable service users and visitors to The Park.

Time

Students are encouraged to report incidents of bullying and harassment as soon as possible. In line with Equal Opportunities legislation students must report bullying or harassment within 3 months of the alleged incident.

PROCEDURE FOR DEALING WITH HARASSMENT or BULLYING

1) Introduction

This procedure has been designed to deal with complaints of harassment or bullying in an appropriate and 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.

Whilst this procedure is separate from the Disciplinary Procedure, it may be used in substitution for appropriate stages of the Disciplinary Procedure if the results of this investigation establish a case for disciplinary action.

If at any stage in this procedure an individual student does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate the student is entitled to raise the matter under The Parks complaints procedure (where appropriate).

2) Keeping A Record

It is important that any student who believes they have suffered from harassment or bullying should keep notes of the details outlined below for each incident; and that they 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 victim actually felt at the time
- name(s) of any witness(es)

- action taken and whether reported to management (identify name of staff member to whom it was reported)
- any correspondence relating to the incidents and subsequent complaints

3) Stage 1 Informal Resolution

(i) Every effort should be made to resolve the issue informally in the first instance if this is possible and appropriate. The following should be considered:

- The complainant should discuss the incident with the alleged harasser clearly stating that the incident is not welcomed and should stop or
- If the complainant cannot speak directly to the alleged harasser this could be done by writing to them or
- The complainant could discuss the matter with a nominated representative who would then speak to the alleged harasser on behalf of the complainant.
- The complainant should make a note of the action taken at this stage and the staff representative should record this and forward the information to the Education Manager to be logged and kept on file.

(ii) If the individual student is unable to resolve the problem he/she may contact their tutor for advice. If their tutor is the person against whom the complaint is being made, the student may prefer to discuss the matter with the Education Manager.

Any discussion will be confidential and no further action will be taken without the consent of the student concerned. In some cases the allegation may be so serious as to require immediate action, for example if it is thought to involve a criminal offence or gross misconduct. In such circumstances The Park may be compelled to take action irrespective of the student's wishes.

The course of action open to an individual student following an attempt to resolve a problem informally includes:

- 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 individual to seek further advice in the future if necessary;
- if the offender 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 as outlined in Stage 2.

4) Stage 2 Formal Complaint

4.1 This may be used where

- a. informal resolution is inappropriate
- b. informal attempts of resolution have been unsuccessful

An individual student wishing to make a complaint of harassment or bullying should put it in writing and submit it to either;

- a. the Education Manager or
- b. if the Education Manager is implicated, the Director Education (who may nominate an Investigating Officer).

The letter or email should specify that it is a formal complaint giving details of the incident(s).

Once an individual student has instituted a formal complaint, they are entitled to:

- expect the Investigating Officer to set up the formal investigation
- Lodge a grievance against the Investigating Officer should they fail to take appropriate action

4.2 Police Involvement

In cases of an alleged assault or alleged behaviour that may be considered to be a criminal offence, the individual student may contact the Police.

4.3 Investigating a Complaint

The investigation 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.

All faculties and college departments are expected to co-operate in releasing staff and students from their normal duties/course activities to participate in the investigation as required.

In the event that the complaint involves:

- i) A Tenant/Tenant organisations employee - the complaint will be referred to the contractor for consideration. The Tenant will be expected to co-operate with The Park investigation, as The Park remains responsible for a satisfactory conclusion of any investigation.

- (ii) A visitor - the visitor will be expected to co-operate with The Park investigation and failure to do so will result in exclusion from the premises.

4.4 Time Limits

The investigation should normally be completed within 10 working days of the complaint being received. On occasions it will not be possible to keep within this timescale. In such cases the complainant and the alleged harasser(s) must both be kept informed of any need for an extension and the likely timescale for completion.

5) How the Complaint will be investigated

5.1 Notification

The investigation will be carried out by the Director Education or an investigating officer who will be nominated by a Director

The Director will notify the complainant within five working days of the name of the Investigating Officer. If the complainant objects to the choice of Investigating Officer an alternative may be requested within two working days of the nomination, stating clearly the reasons for that objection. The Director will appoint a final Investigating Officer if the complainant reasonably objects. All Investigating Officers will be suitably qualified and trained.

The Investigating Officer will notify the individual(s), against whom the complaint has been made, of the nature of the complaint and they will be sent a copy of the complainant's letter. They should also be given details of the procedure involved and advised to seek representation.

For school age students with us their respective schools will also be notified of the complaint.

5.2 Procedure

The Investigating Officer within the timescale determined will interview the complainant(s) and any person(s) against whom the complaint of harassment/bullying is addressed together with any other parties having knowledge of the alleged occurrence and who are able to provide information pertinent to the alleged occurrence and investigation.

5.3 Possible suspension during the investigation

In order to relieve the stress and pressure on one/ both or all parties, prevent risk of further incidents and prevent victimisation it may be necessary for the Director to:

- Suspend the alleged harasser
- Suspend both parties

Suspension under this scheme does not constitute part of The Parks Disciplinary Procedure.

5.4 Right of representation

Both complainant and alleged harasser(s) will have the right to be accompanied and/or represented by a parent/carer or friend of their own choosing at all stages of the formal complaints procedure.

5.5 Meeting the parties involved

The Investigating Officer will meet the complainant and the alleged harasser(s) separately and with their respective representatives. Detailed signed written statements will be required to be presented by all parties. All parties should be given the opportunity to nominate witnesses whom they wish to be interviewed. Notes of the individual meetings will be taken by the Investigating Officer.

For school age students whenever possible the interview will take place at their respective school with a representative from their school present.

5.6 Meeting with witnesses

The Investigating Officer will meet anyone else who was present or who has information which is relevant to the complaint. Notes of this meeting will also be taken. Further interviews may need to take place to clarify or gain further information. The Investigating Officer will also need to ensure that he/she has collected all relevant written materials.

5.7 Consideration of information

The Investigating Officer will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated or not. In cases of identity-based harassment, such as sexual, homophobic or trans gender harassment, evidence of appearance and perceived sexual attitudes will not be taken as relevant information in any circumstances.

In some cases there will be no 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.

5.8 Investigating Officer/Director Recommendation

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The an Investigating Officer is in place they will reach a conclusion and make a recommendation following due consideration of all the facts to the Director Education

Having considered the facts Director will make (and communicate in writing to the alleged harasser/s and complainant) one of the following decisions :

- a. **Allegation is not substantiated** – no further action will be taken
- b. **Allegation is substantiated and Disciplinary action is justified** - either the Student Disciplinary Procedures or The Park employee Disciplinary Procedure where an allegation is substantiated against a member of staff.
- c. **Allegation is substantiated but Disciplinary action not justified** in this situation resolutions may include:
 - A recommendation of course transfer for one or both parties, either on a temporary or permanent basis.
 - Setting up arrangements to monitor the situation such as a Learner Contract;
 - Mediation between parties
 - Required attendance on training courses;
 - Making arrangements for both parties to work as separately as possible within the college environment;

The Investigating Officer will reach a conclusion and make a recommendation following due consideration of all the facts to the Director – Staff and Students.

Having considered the facts the Director – Staff and Students will make (and communicate in writing to the alleged harasser/s and complainant) one of the following decisions :

- a. **Allegation is not substantiated** – no further action will be taken
- b. **Allegation is substantiated and Disciplinary action is justified** - either the Student Disciplinary Procedures or employee Disciplinary Procedure where an allegation is substantiated against a member of staff.
- c. **Allegation is substantiated but Disciplinary action not justified** in this situation resolutions may include:

- A recommendation of course transfer for one or both parties, either on a temporary or permanent basis.
- Setting up arrangements to monitor the situation such as a Learner Contract; **(SEE APPENDIX A)**
- Required attendance on training courses;
- Mediation between parties
- Making arrangements for both parties to work as separately as possible within the college environment;

The alleged harasser(s) will be advised of his / her right of appeal within the Student Disciplinary Procedure or Dismissal and Disciplinary Procedure for staff if the complaint is upheld. The complainant will be advised of his / her right of appeal if the complaint is rejected.

In the case of school age students the Investigating Officer will call a meeting involving a representative of all schools involved. Following recommendation the schools will jointly and collectively, with the Investigating Officer, determine the disciplinary action within the confines of usual school options. Each school will communicate this in writing to their respective students sending a copy to the Investigating Officer for record.

6) Monitoring

Where harassment or bullying complaint is upheld, The Director Education will monitor the situation to ensure that the harassment / bullying has stopped and does not re-occur.

7) Keeping Management Records

After the complaint has been heard the following records storage arrangement should be followed:

- Where the formal complaint is not substantiated then no record will be made on the complainant's or alleged harasser's file. However, any documents produced during the course of the investigations should be retained separately with Director Education.
- Where the complaint is substantiated and the matter leads to disciplinary action then the storage of records should be in accordance with the Student Disciplinary Procedure / Staff Dismissal and Disciplinary Procedure.
- Where the complaint is substantiated but does not lead to the Disciplinary Procedure, then an appropriate note should be made on the personal files of both parties. However, any

documents produced during the course of the investigations should be retained separately with the Director Education.

8) Action when Parties are dissatisfied with the decision

If either party disagrees with the decision, and / or considers the procedures were not properly applied, then he / she has a right of appeal under The Parks Grievance Procedure. If disciplinary action has been taken against either party, a right of appeal exists under The Parks's Student Disciplinary Procedure and Dismissal and Disciplinary Procedure for staff.

The policy also works in conjunction with the following Centre policies:

- Disciplinary
- Student disciplinary
- Safeguarding
- Equality and Diversity
- Data Protection

Appendix A

Anti-Bullying and Harassment & Disciplinary Procedure

Learner Contract

A contract between **(insert student name)** and The Park for the period **(insert date)** to **(insert date)**

I agree to:-

-
-
-

This will be monitored by your Personal Tutor/Programme Coordinator on a **(insert timescale)** basis. A copy of this contract will be placed on your file during the agreed timescale of the Learner Contract. The actions must be adhered to and monitored until the Learner Contract has expired, or the next stage of the policy will be implemented.

Student:

Date:

Tutor:

Date:

Appendix B

Keep a Record

Any student who believes they have suffered from harassment or bullying should keep notes for each incident and any relevant evidence eg. Emails, text messages, social media. Notes should include date, time, place, names of people involved, what happened etc. The student should report any bullying or harassment to their Tutor or Programme Coordinator



Stage 1 Informal Resolution

Every effort should be made to resolve the issue informally in the first instance if possible and appropriate. Please inform the Programme Coordinator who will support, advise and/or initiate the informal resolution process where appropriate.



Stage 2 Formal Complaint

This may be used where informal resolution is inappropriate or informal attempts of resolution have been unsuccessful, Complainants should submit their formal complaint in writing and submit this to the Director Education. Depending on the severity of the complaint one of the following will occur:

- A) Refer matter to the police
- B) Complaint investigated by Director Education – Possible outcomes: no case to answer or student disciplinary procedure initiated.
- C)

Staff should liaise with Director Education for advice and guidance on the Anti-Bullying and Harassment Policy.