



## ERTG Harassment and Bullying Policy

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## **1. Introduction**

Harassment or bullying in any workplace is clearly undesirable and unacceptable. Not only can it have a detrimental effect on health and well-being of an employee who suffers it, but it can generally undermine good working relationships, affect staff morale and reduce overall effectiveness in a working environment. An employer has a legal duty to provide a safe working environment for its employees.

The purpose of this policy is to ensure that complaints of harassment or bullying are dealt with swiftly, fairly and consistently, that unwanted behaviour ceases, and that prompt and effective solutions are found, whilst maintaining all parties' rights.

## **2. Scope**

As a work-based learning training provider, we have used the model policy for a local school as this sets best practice and good standards for us to adhere to.

This procedure applies to all teaching and support staff in Eastern Region Training Group Ltd. It applies to staff who work with us as partners who are in a capacity to scribe for or supervise students who are on our premises.

This policy covers bullying pertaining to both staff and students covering staff to staff peer bullying, student to student peer bullying and management to staff bullying or student to staff bullying. If a member of staff displays any bullying behaviours towards a student, this is immediately classed as abuse and will be treated as a safeguarding concern as set out in the safeguarding policy.

An employee working with us but employed on another organisation's terms and conditions of employment should have any grievance managed under their own organisation's appropriate policy/procedure.

## **3. Confidentiality**

The material involved in a complaint of harassment or bullying is of a sensitive nature. All the parties involved in these procedures, including the complainant, the person responding, and any witnesses, have a right to expect that the information which they provide will be treated in confidence by all parties.

Details should only be disclosed to those who have a role within the procedure, or for the purposes of seeking professional advice, and for legitimate purposes to expedite the procedure.

Any written instruction to an employee, or the outcome of any subsequent disciplinary proceedings associated with a complaint of bullying or harassment will be kept on the personal file of the employee receiving the instruction or warning.

Minutes of the proceedings of any committee of the management will usually be confidential to pertinent members of staff, although the decision and outcome of management will be recorded in accordance to data protection, internal verification and external quality assurance procedures. Other records, complaints, statements etc. collected during the process of investigation and assessment of the complaint should be held securely.

#### **4. Exclusions**

This policy is not intended to preclude the exercise of normal management functions, nor the issuing of reasonable and lawful instructions in an appropriate manner.

The procedure does not apply to authorised investigations into the conduct or capability of employees (including attendance and/or health), nor to the proper application of disciplinary, capability or similar procedures. Complaints about the conduct of such investigations and/or procedures should be raised through the appropriate appeals process or grievance procedure.

#### **5. Roles and Responsibilities**

All employees are reminded that they are expected to observe the highest standards of behaviour towards all members of the Eastern Region Training Group community and that harassment or bullying of other employees may be regarded as a disciplinary offence.

It is a disciplinary offence to victimise an employee who has made a complaint of harassment or bullying, or an employee who gives evidence in good faith about a matter under investigation.

Where an employee has raised a complaint of harassment or bullying it must be recognised that this is likely to be a very stressful time for the employee concerned and managers (as appropriate) must be mindful of this and consider what support may be necessary via school well-being programmes or similar. The same support should also be offered to alleged perpetrators who are being called upon to respond to such allegations.

#### **6. Using this policy**

This policy defines the key terms and expectations in this area. Complaints of bullying and/or harassment by colleagues should be made in accordance with the Locally Managed Schools' Grievance Policy (document P41) and will be dealt with via the process set out in that policy. This should be read by employees and managers in conjunction with this Harassment and Bullying Policy. The Grievance Policy sets out both informal and formal measures. It is hoped that, in many cases, conflict between employees can be resolved by quick intervention and the use of informal measures, rather than resorting to a formal process, although it is recognised that there may be no alternative in serious cases.

Where a complaint of harassment or bullying has been upheld, the perpetrator's actions will usually be addressed under Disciplinary Policy.

#### **7. Key terms: definitions of harassment and bullying**

Harassment and bullying can take many forms. It can be directed at an individual, or a group, and examples include violence, abusive or offensive behaviour towards an individual or ignoring someone.

Employees and students can be subject to harassment and bullying on a wide variety of grounds, including their:

- age;
- gender;
- gender reassignment
- marital or civilly partnered status;
- pregnancy and maternity;

- physical characteristics;
- race, ethnic origin, nationality or skin colour;
- religion, belief or political convictions, or none;
- sensory or physical impairments, learning difficulties, ill health or medical condition;
- sexual orientation;
- trade union membership, or non-membership;
- willingness to challenge harassment and bullying, leading to victimisation;

This list is not exhaustive. Employees are also protected on the basis of being perceived to possess the above protected characteristics, whether they have them or not. They are also protected on an associative basis (e.g. parents of a disabled child are protected from harassment on this basis). Job applicants, as well as current employees, are also covered by the legislation.

### **7.1 Definition of Harassment**

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading or offensive work environment.

The types of harassment set out in the Equality Act 2010 are as follows:

1. General: based on a protected characteristic
2. Conduct of a sexual nature
3. Less favourable treatment because of rejection of or submission to conduct of a sexual nature, or harassment based on sex or gender reassignment

The Equality Act 2010 protects staff and customers from harassment because of: age, disability, gender, gender reassignment, marriage and civil partnerships, pregnancy and maternity; race, religion or belief, and sexual orientation. It should be noted that behaviour does not have to be directed at a person in order for them to make a claim; they simply have to be able to demonstrate that the behaviour had the effect of creating an intimidating, hostile or offensive environment for them. For example, that derogatory terms were used as a joke, or that the perpetrator was unaware the complainant was of a particular protected group when they made the offensive remarks, or that they treat everyone equally badly. Harassment is defined not by the intention of the perpetrator, but by the negative impact on the recipient.

Harassment can take many forms including:

- physical contact, ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip, slanderous correspondence;
- graffiti or obscene gestures;
- sending offensive material by email, by post, by text, or via social networking media;
- isolation or non co-operation at work; exclusion from social activities;
- coercion ranging from pressure for sexual favours to pressure to participate in particular activities;
- intrusion by pestering, spying, following;
- "outing" someone - to state openly and publicly someone's sexual orientation without their permission

The scope of the various forms of harassment is explained in more detail below.

- Harassment on age grounds can affect people of any age
  - Harassment on disability grounds affects people with physical and sensory impairments, learning difficulties and mental health conditions.
  - Harassment on gender grounds affects people of any gender.
  - Harassment on gender reassignment grounds affects people as soon as they manifest their transgendered status (e.g., by dressing in the clothes of the opposite sex).
  - Harassment on marriage or civil partnership grounds affects those who are currently married or civilly partnered. There is no legal protection for previous or future relationships.
  - Harassment on pregnancy or maternity grounds affects female employees who are pregnant or on statutory maternity leave.
  - Harassment on race grounds affects people of all races, and includes race, colour, nationality, citizenship, caste, and ethnic or national origins.
  - Harassment on religion or belief grounds affects people from all religions and religious groups; people with certain belief systems and also people who have no religious belief.
  - Harassment on sexual orientation grounds affects people of all sexual orientations, whether they are heterosexual, lesbian, gay or bisexual.
  - Sexual harassment refers to unwelcome conduct of a sexual nature. If an incident of perceived sexual harassment persists once it has been made clear that it is regarded by the recipient as offensive or unwelcome, this is deemed to be harassment. In certain cases, however, one incident of harassment may constitute sexual discrimination if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour that is welcome and mutual. People are also protected from less favourable treatment because of rejection of or submission to conduct of a sexual nature. Further details as to the forms it can take are given below.
- (i) Physical contact of a sexual nature is commonly regarded as meaning unwanted physical contact, ranging from unnecessary touching of a colleague, to sexual assault and coercing intercourse.
- (ii) Verbal conduct of a sexual nature may include unwelcome sexual advances, offensive flirtations and continued unwelcome suggestions for social activity outside the workplace, suggestive remarks, and lewd comments.
- (iii) Non-verbal conduct of a sexual nature refers to the display of pornographic or sexually suggestive pictures, objects or written materials; leering, and/ or making sexually suggestive gestures.

Third party harassment – please see section 8.

## **7.2 Definition of Bullying**

Bullying is the misuse of power or position to criticise and condemn unreasonably; to humiliate and undermine an individual's professional ability. In terms of legislation, an employer's duty to prevent bullying comes under the health and safety provision of a "duty of care".

Obvious bullying may include:

- shouting at employees
- displaying instantaneous rages

- using personal insults and name-calling
- criticising unreasonably
- humiliating publicly
- threatening with demotion

Less obvious bullying may include:

- setting objectives with impossible deadlines
- removing areas of responsibility
- setting menial tasks
- changing working guidelines
- ignoring or excluding an individual
- talking only through a third party
- refusing reasonable requests
- blocking a person's promotion
- stealing credit for the work of the victim
- subjecting the employee to excessive scrutiny or 'micromangement'

It is the pattern of such events that determines if bullying is taking place. Any one of these examples may occur in isolation and can be 'out of character' for the person who perpetrates it. A bully, however, will consistently use one or more of the above methods to harass and intimidate the victim.

### 7.3 Definition of Victimisation

Victimisation is treating someone less favourably than others because he or she has reported harassment (whether formally or otherwise), or supported someone in making a complaint, for example by giving evidence as a witness in relation to a complaint. It includes when A *believes* B has made, or may make, a complaint or support another's complaint.

In these situations, the employee can use this policy or report the incident to a manager. If they choose not to report the issue formally, then it may not be appropriate for any further action to be taken. However, if the offence was very serious, the school, or county council, would consider that it was failing in its duty to provide a safe working environment, free from unlawful discrimination, if it did not act. In this situation, where the school/county council is aware of the incident, formal action could be taken without the employee's permission, although he or she would be informed.

### 7.5 Young Persons Peer to Peer Bullying:

Many young people can be unkind to each other during adolescence as they refine social skills and grow into adults. While these interactions can be unpleasant, there is a clear line between normal conflicts and bullying which if left untreated could lead to needing consideration under child protection.

### DEFINITION OF BULLYING

Incidents of bullying must include **all three** of these characteristics:

1. **Intentional Aggression:** The aggressive behaviour is a deliberate attempt to hurt or control another person or persons by targeting them.
2. **Imbalance of Power:** The aggressor targets someone who has (or perceives the target to have) less power than they do and uses it to achieve their goal of hurting or controlling that person. Imbalance of power can include differences in such things as: physical strength or

body types, access to embarrassing information, popularity, and social status related to wealth and/or talents. Power imbalances can change over time and in different situations, even if they involve the same people.

3. **Repetition:** (or has the potential to be repeated) over time for the sole purpose of harming or controlling the targeted person or persons.

## TYPES OF BULLYING

These are the **four types of bullying**, which can occur separately or simultaneously:

1. **Physical Bullying** such as: kicking, tripping, pushing, spitting at, taking or breaking someone's personal things, hitting, pinching, mean or rude gestures, and intimidation by physical proximity.
2. **Verbal Bullying** such as: name-calling, teasing, inappropriate sexual comments, taunting, threatening to cause harm.
3. **Relational or Social Bullying** such as: purposely excluding someone to cause them hurt, convincing others not to be friends with the targeted person, spreading rumours, character assassination, and embarrassing someone in public.
4. **Cyber or Digital Bullying** (bullying over electronic devices) such as: mean text messages or emails, "liking", "favouring" or "following" an aggressor's posts, rumours sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles. Cyberbullying continues to increase as digital media use becomes more prevalent in the social culture of children and teens and college age students. Both the students who are targeted and those who bully others may develop serious, lasting problems affecting academics, legal, social, physical health and emotional well-being. The harmful effects of bullying are frequently felt by others, including friends and families, and can hurt the overall climate and health and safety of schools, neighbourhoods, and society.

## IS IT BULLYING?

Be cautious about labelling. While the media uses the terms "victim," "bully," and "bystander" to refer to the roles that youth can play, it is important to consider the impact that these labels can have on young people's identities. Many people have played all three roles at any given time in life. Therefore, it is preferred to focus on the behaviour in question rather than the labelling of a person as a "bully" or "victim". It is better to focus on the bullying as changeable behaviours (aggression and targeting) rather than as a label that the person must wear (bully and victim).

**BULLYING IS A LEARNED BEHAVIOR. IT CAN BE UNLEARNED.**

## WHAT IS AN UPSTANDER?

Since students often look to their peers for how they will respond in a group interaction, peer reactions to aggression can make or break a bullying situation. Students who stand around passively to watch or laugh at someone being targeted only enable those bullying behaviours to be prolonged; but, if they intervene appropriately, the bullying tends to stop.

Students who can communicate bullying response skills are considered "**upstanders**" and **upstander empathy**, as compared to **bystander apathy**, is the key component in changing any school climate.

**UPSTANDER:** Someone who actively stands up for his or her beliefs; A person who does what they think is right, even if they are alone; A person who comes to the aid of a person targeted by aggression.



**BYSTANDER:** A person who is standing near and sees something that happens, without being or getting involved in it; A person who is not active in standing up for his or her beliefs; A person that, by passive consent, makes it seem that bullying is acceptable.

Bullying, in all its facets, is primarily a group phenomenon. It occurs because there are bystanders to observe the behaviour. Bullying generally requires witnesses if there is to be a payoff for the aggressor. Conversely, bullying will diminish when those same **bystanders** step-up to interrupt the negative behaviour and there is no further payoff for the aggressor.

Adolescents' attitudes are highly influenced by their perception of what their peers do and think. These same young people can be highly motivated by the expectations of respected peer role models. When students lead anti-bullying efforts in schools, the results are reductions in bullying and more positive student attitudes toward school, increased student willingness to seek help, and less tolerant attitudes toward aggression in all of its forms.

Students can learn to re-frame a communication so that the focus is put on the changeable behaviour or conflict rather than the person. At that point, the behaviour can be changed. Students who stand up for someone who is, at that moment, unable to do so for themselves, are role models for civility, kindness, and high character.

They can make all the difference in the world at the moment they stand up and make aggression unacceptable behaviour. They are creating ripple effects that will directly affect, for the better, the physical, mental and social health of someone who is targeted.

## **8. Complaints of Harassment or Bullying by Third Parties**

Employees should report any complaint to the manager, or, in the case of "unattached" teachers employed directly by the Local Authority, their line manager, who will determine, with appropriate assistance where required, what action may be taken. In some cases, it may be appropriate to report incidents via the incident reporting procedure. Suffolk County Council has a duty to provide a safe working environment.

**NB:** It is important to consider the importance of ensuring that children and vulnerable adults with special educational needs or disabilities are not overlooked when employing the potential triggers for changes or escalation in behaviour. Bullying or harassment must be investigated when assessing any support needs so that it can be addressed or ruled out as appropriate.