

Hartlepool Jobs and Skills Service



Bullying & Harassment Policy

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1. PURPOSE

This policy explains the Hartlepool Jobs & Skills Services approach to dealing with bullying and harassment experienced by learners. It outlines the procedures for staff and learners to resolve situations promptly and effectively.

2. POLICY STATEMENT

The Service is wholly committed to providing a respectful, supportive, friendly, safe and positive environment so that learners can learn in a secure atmosphere and get the most out of their experience of learning through the Service.

Hartlepool Jobs & Skills Service deems bullying and harassment as a safeguarding matter, and we have a duty of care to protect learners. All learners, staff, volunteers and visitors to Hartlepool Jobs & Skills Service are entitled to be free from discrimination and harassment. This policy covers individuals from the following protected equality groups: Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion, belief or lack of belief, Sex or Sexual Orientation.

Bullying or harassment is unacceptable and will not be tolerated in the Service. If it does occur, learners are urged to voice their grievances in the secure knowledge that incidents will be taken seriously and dealt with sensitively and swiftly.

To promote a culture of respect, equal opportunities and inclusion for all amongst learners, staff and volunteers and to prevent any forms of discrimination, bullying and harassment, the Service will ensure that:

1. Everyone has the right to be treated with respect and dignity. Hartlepool Jobs & Skills Service's staff and volunteers recognise their individual and collective responsibility to challenge and change the behaviours of others to ensure a positive learning environment for all.
2. All learners will be provided with and informed through induction of the Learner's Code of Conduct, the mandatory requirement for respect and inclusion for all and advice on this Bullying and Harassment Policy and Procedure and what a learner should do if bullying or harassment occurs.
3. Learners, staff and volunteers will be supported and listened to when cases of discrimination, bullying or harassment are reported.
4. All learners, staff and volunteers will have a full understanding of what constitutes forms of discrimination, inequality, exclusion of others, bullying and harassment. They will receive regular training, guidance and updates on this matter and the contents of the Bullying & Harassment Policy and Procedure.

5. Staff and volunteers know how to deal promptly and effectively with incidents and allegations of bullying or harassment (With the Designated Safeguarding Lead Officer involved in all allegations from the outset to provide support and guidance to staff and learners).

3. HARASSMENT AND UNWANTED BEHAVIOUR

Harassment, as defined in the Equality Act 2010, is 'any 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'.

The following characteristics are protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

There are many types of unwanted behaviour which are not tolerated within the Service, with some examples shown below:

- **Direct discrimination** consists of treating a person less favourably than others based on race, gender, disability, religion or belief and sexual orientation.
- **Discrimination by Association**, e.g. a mum is discriminated against because she has to care for her disabled child and needs time off work.
- **Discrimination by Perception**, e.g. a person is discriminated against because someone thinks they are disabled.
- **Indirect discrimination** refers to applying a provision, criterion or practice that disadvantages people from protected equality groups; an example could be failing to make adjustments for students or visitors with disabilities.
- **Disability Discrimination** Treating someone with a disability less favourably because of their disability.
- **Victimisation** Being unfairly treated or singled out by others and treated less favourably by an individual or group; could result from a person belonging to one or more of the protected equality strands.

- **Harassment** Unwanted attention has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

4. BULLYING

Behaviour that is considered bullying by one person may not be by another. Bullying is not unlawful; however, this conduct may ultimately be defined as harassment. This includes, but is not limited to:

- Unwelcome or derogatory remarks or comments about a protected characteristic, e.g. jokes, teasing and verbal abuse
- Unwelcome physical contact
- The display of offensive material, e.g. pornographic pictures
- Offensive or suggestive gestures
- Demands for sexual favours
- Offensive or sexually explicit language
- Adverse comments, whether to their face or behind their backs
- Undignified treatment, ridicule or exclusion of people because of a protected characteristic
- Pressure to take part in religious activities
- Comments suggest that people of a certain age are less able than others.

Examples of bullying behaviour are set out below.

Physical	Direct Verbal	Indirect/Other
<ul style="list-style-type: none"> • Pushing • Threatening body language • Invasion of personal space • Physical gestures • Demanding money with force 	<ul style="list-style-type: none"> • Teasing • Sending notes • Abusive language • Rumour spreading • Ridicule of the person's work, ideas or behaviour • Verbal threats of violence • Any harassment or discrimination against a person or group due to belonging to one or more equality strands. 	<ul style="list-style-type: none"> • Prank phone calls • Isolation • Setting unrealistic targets • Deliberate occupation of an area to exclude others • Electronic harassment, e.g. text messaging, E-Mails, chat rooms, chat lines, etc.

Such behaviour will constitute unlawful harassment if it is on the grounds of age, disability (past or present), race, religion or belief, marriage and civil partnership, pregnancy and maternity, gender, gender reassignment or sexual orientation, and is

unwanted by the recipient. This behaviour is unacceptable, and if it occurs, measures will be taken to stop it, including learner-disciplinary action if necessary. Sexual harassment also includes unwanted conduct of a sexual nature (whether or not that conduct is on the grounds of sex), which has the purpose or effect set out in the previous paragraph.

Harassment can often be hard to recognise as the actions may not be obvious to others and can take many forms: verbal, non-verbal, physical and bullying ranging from physical attack to more subtle conduct, which makes the recipient uneasy. It can be a persistent or an isolated incident. All learners must be aware of the sensitivities of others. It is no excuse that other learners tolerate the behaviour. If one learner is offended or feels bullied by a particular behaviour, that behaviour constitutes harassment even if others are not offended. We treat any form of harassment as serious misconduct.

The Criminal Justice and Public Order Act 1994 created a new criminal offence of "causing intentional harassment, alarm or distress". A person will be guilty if they use "threatening, abusive or insulting words or behaviour" and may be individually prosecuted for their actions, with the risk of a fine or imprisonment.

5. EXPECTATIONS

Learners, volunteers and staff have a duty to understand how their behaviour affects others. They have a role to play in creating a climate where bullying and harassment are unacceptable. They can achieve this by being aware and sensitive towards bullying and harassment and ensuring that their standards of conduct do not offend.

Everyone should familiarise themselves with this policy and procedure and realise the possible effects of their conduct on others.

Hartlepool Jobs & Skills Service expects all learners, staff and volunteers to:

- Treat people with dignity and respect.
- Think about their behaviour and actions and how these may impact others.
- Adhere to Council and Hartlepool Jobs & Skills Service Policies introduced to ensure equal opportunity and non-discrimination.
- Do not display unwelcome behaviour or actions or undermine fellow learners or any other person.
- Report suspected unacceptable behaviour or practices against the bullying and harassment policy.
- Do not make false accusations deliberately to damage another person's reputation, dignity and character.
- Think about their behaviour online and via Social Media to help prevent and, if necessary, report instances of Online Bullying.

6. MANAGING BULLYING AND HARASSMENT

All allegations of harassment will be dealt with seriously, promptly and in confidence. Learners who believe they have been harassed are encouraged to use this procedure. They should not fear victimisation and should expect their complaint to be taken seriously, treated confidentially, and the process to provide protection from retaliation or intimidation.

If appropriate, the issues will be dealt with informally within Hartlepool Jobs & Skills Service. The aim is to produce solutions quickly to resolve issues and reduce the impact on all concerned. The informal procedure should not be used to discourage learners from using formal procedures where they are more comfortable with that option. The individual may choose to do this themselves, or they may need support from Hartlepool Jobs & Skills Service.

Where an informal resolution is impossible, the learner should make a formal complaint as defined in the Council's Complaints Procedure. Any complaint made out of malice will be a learner disciplinary issue. Managers must ensure that any alleged harassment is investigated and action taken to prevent recurrence within the Service.

7. RESOLUTION OF CONCERNS

It is an important general principle that issues of concern should normally be raised informally without recourse to the Bullying and Harassment Procedure through normal day-to-day communication channels with learners. Hartlepool Jobs & Skills Service encourages this, and the Bullying and Harassment Procedure is not intended to replace this well-established and successful method of handling issues of concern of learners.

Sometimes the person may not understand the impact of their behaviour on others. That is why dealing with the matter informally may be more appropriate. Making the person aware of the impact of their behaviour helps resolve the matter. It is also recognised that to be accused of harassment, or bullying can also be stressful, particularly if an individual was unaware their behaviour was causing a problem. It is important to understand that all parties may require support.

The learner should talk to the person directly about their behaviour, explain how it has affected them and ask them to stop behaving that way. If they find it too difficult to do this on their own, they can seek guidance or speak to a member of staff, volunteer or Safeguarding & Wellbeing Team.

If the person is their Tutor, Assessor, or another staff member, they can ask a more Senior Manager to talk to them. The learner may progress to the formal procedure if the issue still needs to be resolved informally or if the learner wishes. Sources of support are in place to provide additional support to learners, which is accessible via Hartlepool Jobs & Skills Service's Safeguarding & Wellbeing Team.

8. FORMAL STAGES OF THE PROCEDURE

Under the Complaints Procedure, the allegation of harassment or bullying will be investigated promptly. Consideration will be given to the separation of the complainant and the alleged harasser/bully, if possible, taking into account the complainant's views. In serious cases, the alleged harasser/bully may be suspended from their course for the complaint to be investigated.

Once the investigation is complete, we will write to you, usually within five working days of the final meeting, to inform you of the outcome of your complaint and any further action we intend to take to resolve the complaint. We will also remind you of your right of appeal. Where appropriate, we may hold a meeting to give you this information in person.

If a case of harassment or bullying is proven, then action taken will follow the Learner Disciplinary Procedure. The level of action taken will depend upon the seriousness of the harassment/bullying.

Learners who are the subject of a complaint will be allowed to participate in any investigation. Records of discussions will be logged and may result in a formal warning with provisos about future behaviour. If a recurrence of such an incident occurs or the perpetrator fails to meet the standards for acceptable behaviour set by the Trust, the perpetrator may be asked to leave the course.

If you bring a complaint of harassment, you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is untrue and has been brought with malicious intent disciplinary action will be taken against you. Insofar as possible, we will take appropriate action against a third-party harasser.

Stage 1

Where a learner has a complaint which still needs to be resolved, they should discuss this in the first instance with their Tutor/Assessor or another member of Hartlepool Jobs & Skills Service Staff. If the complaint concerns this person, the learner should raise the complaint with the next most Senior Staff Member.

If a learner is still determining who they should contact, they may confidently ask the Designated Safeguarding Officer, who will inform them of the appropriate person.

The Lead Officer – Skills will be the nominated lead for investigating all complaints. They will respond orally to the complaint as soon as possible and within two working days (verbally) or three working days (written response) on receipt of the complaint.

Stage 2

If the matter is unresolved and the learner is still aggrieved, they should submit a written Bullying and Harassment Grievance to the Service Manager on the 'Complaints Form' within five working days.

The Service Manager will respond in writing as soon as possible and within five working days or arrange a meeting as soon as possible with the learner and any other relevant people. The Service Manager's decision may be to accept the grievance,

dismiss the grievance, refer the matter back to the Lead Officer – Skills for resolution with appropriate comments/guidance, or any other course of action which would be reasonable in the circumstances of the individual case.

A decision following a meeting will be confirmed in writing within five working days.

Stage 3

If the matter is not resolved and the learner is still aggrieved, they should refer their grievance in writing to the Head of Service within ten working days of the date of the letter confirming the decision reached at Stage 2.

The grievance will be heard by a duly convened Panel of representatives from Hartlepool Jobs & Skills Service's Governance Board, Head of Service and/or Assistant Direct (Preventative & Community Based Services) at the earliest opportunity.

9. FURTHER INFORMATION

Where a counter-complaint is made by the alleged harasser/bully, this will be dealt with as part of the same investigation.

At any stage of the formal procedure, the complainant may decide that they wish to attempt to resolve the situation through the informal approach instead. The learner will be supported in this decision wherever possible. Suppose the Lead Officer - Skills or other Investigating Officer does not feel that the informal resolution is appropriate due to the seriousness of the complaint/grievance or that there is a potentially serious risk of harm to a learner. In that case, they should continue with the formal procedure.

Occasionally, it may be necessary to appoint an Investigating Officer to undertake an independent review of the complaint / grievance. A written report may be appropriate with the findings presented to the Service Manager.

Suppose a complaint/grievance is made against another learner, staff member or volunteer. In that case, they will be informed of the allegations against them, and interviews may be necessary to establish the facts.

It may be necessary to look at interim working arrangements for the learner, as agreed with the Service Manager. If there is sufficient evidence of unacceptable conduct and an informal resolution is not appropriate, it will be necessary to commence disciplinary proceedings against the harasser/bully in accordance with the Council's Discipline Policy and Procedure.

Following the investigation, if it is found that the complaint of bullying/harassment was a malicious allegation without foundation, substance or evidence and was made to cause upset and distress deliberately, then this will be addressed under the Council's Discipline Policy and Procedure.

Those accused of bullying and/or harassment may arrange to be accompanied by a representative at all stages of the process. Where unreasonable delay may be caused by awaiting the availability of the chosen representative, Hartlepool Jobs & Skills Service reserves the right to proceed with the investigation on the date set and to advise the relevant person to seek an alternative representative.

Where the learner making the complaint/grievance consequently only engages in the process with an acceptable reason, then a decision will be made by the Investigating Officer to determine if the complaint/grievance is discontinued. This will be confirmed in writing to the learner.