

<b>Title:</b>	Prevention of Bullying and Harassment (Students)
<b>Reviewed by:</b>	Jayne Davis, Deputy Principal September 2018
<b>Approved by:</b>	Senior Management Team September 2018
<b>Date of next review:</b>	September 2020
<b>Associated documents / policies:</b>	Code of Conduct for Students Child Protection & the Protection of Vulnerable Adult Policy Safeguarding Policy E-safety Policy Student Disciplinary Policy and Procedure Employee Disciplinary Policy and Procedure Confidentiality Policy Equality Policy Protection from Harassment Act 1997 Public Order Act 1986 Malicious Communications Act 1988 Communications Act 2003

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## 1. Objectives

This policy aims to:

- Demonstrate the College's commitment to the prevention of bullying and harassment, as part of its safeguarding duties.
- Provide guidance and definitions of the type of behaviour the College deems to be unacceptable with regard to bullying and harassment
- Provide information and guidance to students who feel they have been the victim of, or have been accused of, bullying and harassment
- Outlines our partnership working with the Police

## 2. Scope

This policy is applicable to all students and visitors to Bath College. If you are a member of staff and witness behaviour that you perceive to be inappropriate you should consult with your line manager and the designated safeguarding person. If following this consultation you each conclude that the behaviour should be

investigated further the informal or formal stages of this procedure should be followed.

The College defines harassment and bullying in the following way:

## **2.1 HARASSMENT**

A situation in which, on the grounds of their personal and/or protected characteristics a person engages in unwanted conduct which has the purpose or effect of violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other. The reasonable perception of the other person of behaviour constituting harassment shall be taken into account. Harassment can be 'one off' incidents or continuous behaviour.

Examples could include:

- Verbal behaviour – jokes, suggestive or racist comments, unwanted demands for sex, name-calling or malicious gossip
- Non-verbal behaviour – non-co-operation, suggestive or aggressive looks, gestures or invasion of personal space
- Visual behaviour – display or transmission of pictures, graffiti or literature
- Physical contact – unwanted touching or assault
- Electronic communication – unwanted, malicious or suggestive e-mail, text messages or postings on social networking sites

## **2.2 BULLYING**

The misuse of power or position through on-going and persistent attacks - verbal, written, electronic, psychological or physical – on an individual. The purpose of these attacks is to humiliate and undermine an individual's ability until he or she loses confidence and self-esteem.

Examples could include:

- Isolation or exclusion from activities
- Refusal to give credit for work undertaken
- Teasing or calling names
- Sending unwanted text, voicemail or online messages
- Public humiliation
- Physical abuse

## **2.3 CYBER-BULLYING**

The College recognises that social networking sites, mobile phones and other web-based technologies can be used to bully or harass a student. The College monitors social networking sites for references to Bath College and will invoke the procedure associated with this policy should there be any evidence of bullying

and harassment. Complaints of bullying using mobile or web technologies will be taken seriously. Even though there is no geographical location for such bullying or harassment, the College will take action if there is evidence that the alleged bullying or harassment results from the alleged perpetrator and the victim's relationship or contact at College.

### **3. POLICY AND PROCEDURE**

Bath College is committed to ensuring that everyone is equally valued and treats one another with respect. The College will inform all students, staff, members of the Corporation and visitors that all types of harassment and bullying are unacceptable. Managers are responsible for dealing with cases of harassment and bullying – both to address the behaviour of the alleged bully and to provide support for the victim. All staff and students are responsible for supporting victims and for referring them to support services within the College.

We encourage people who experience harassment and bullying to take appropriate action to prevent further occurrences and will support them in this action. All complaints about harassment and bullying are taken seriously and will be dealt with quickly and with respect for all people involved.

Harassment and any form of intimidatory or violent behaviour is potentially a breach of the law. The college works in close partnership with Avon and Somerset Police (and neighbouring police forces) and will, when appropriate, either suggest that victims report incidents to the police or do so directly, via the Student Welfare & Participation Manager, another senior manager and/or the security team.

In the case of any serious equalities-related bullying, the college will also submit a B&NES Serious Equality Incident Report Form (SEIRF) and liaise accordingly with the chair of the B&NES Anti-Bullying group (Kate\_Murphy@bathnes.gov.uk)

We recognise that staff and students may need training in order to address behaviour that arises from ignorance and will provide anti-harassment training when necessary.

**3.1** Complaints of harassment and bullying could come from the following sources:

- Informal complaints
- Third party or 'witness' complaints
- Counter-complaints
- Formal complaints
- Observation/incident report from security team or any other staff member

#### **3.1.1 Informal complaints**

##### **If you are making a complaint**

Quick action can often lead to a problem being solved informally between those

involved in a situation where someone perceives that they have been harassed or bullied. All those involved should make every effort to resolve a situation quickly and informally wherever possible. If you request a meeting with someone with a view to resolving the issue informally you should make it clear to this person that you are taking an informal approach to the matter.

Sometimes it is not appropriate to take an informal approach. However, it should always be considered before more formal action is taken.

If you feel you have been harassed or bullied, you do not need to take action alone. Under the informal stage of this procedure you may seek support from a friend or colleague, your personal tutor, the student mentor, college counsellor, a staff or student equality champion the college chaplain, or any member of staff with whom you feel comfortable. If you are from a black or minority ethnic background, you can also be supported by the Black Families Education Support Group, with whom we work in partnership.

You should also consider how you want to approach the alleged perpetrator. You may choose to meet with them, accompanied by one of the people listed above.

If the situation is not resolved, you may have no alternative but to take formal action. If this happens you should keep a record of any incidents including dates, times, location, names of individuals involved, (including witnesses), action you have taken and ways in which your life has been affected by the situation.

### **3.1.2 If a complaint is made against you**

No matter how trivial the complaint may seem you should take it seriously and make every effort to resolve the complaint. You should not automatically feel that the complaint is your fault or that there is nothing you can do about it. You can receive help and support from the same people as those listed earlier in this section.

You should respond positively to a request from the complainant to meet or speak about the complaint and seek an amicable and mutually acceptable solution.

This informal stage may solve the problem. If it does not, the complainant may take the complaint to the formal stage of the procedure. If you have been guilty of bullying and harassment you may face disciplinary action and possible police involvement.

### **3.1.3 Third party or 'witness' complaints**

If you are a student and witness behaviour that you perceive to be inappropriate you should consult with your tutor or any member of staff that you trust. Advice can be sought from the Deputy Principal, who oversees safeguarding in the college.

### **3.1.4 Counter-complaints**

If an alleged perpetrator, following a complaint, makes a counter-complaint the two complaints may be investigated separately or simultaneously. The College manager undertaking the investigation will make a judgement about the appropriate course of action according to the extent to which evidence, witnesses etc. are the same in both cases.

### **3.1.5 Formal complaints**

If an informal approach has not been possible, or is seen as inappropriate, you should make a formal complaint to your Head of Department or the Deputy Principal. Your tutor can provide you with their details if you are unsure. You may have support in writing a complaint from your tutor or the Student Mentor. On receipt of this complaint the Head of Department or the Deputy Principal will commence an investigation in line with the student Code of Conduct procedures.

The information that is used when making the investigation conclusions will be made available to the alleged perpetrator (except when the information is of a confidential or personal nature).

Once the investigation is completed, the investigator will notify each party of the outcomes – within two days. If he or she concludes that disciplinary action should be taken the student disciplinary procedure will be invoked immediately.

Either party has the right to appeal if they feel the process of the investigation was not carried out in accordance with the policy and procedures to prevent harassment and bullying of students. Appeals should be lodged with the Principal within 5 working days of notification of the outcome of the investigation. The Appeal will be conducted using the College's Appeals procedure.

## **3.2 COMPLAINTS AGAINST A MEMBER OF STAFF OR MEMBER OF THE CORPORATION**

If the complaint of bullying or harassment is against one of the above the informal stages of this procedure may apply. However, if a formal complaint about bullying or harassment by a member of staff or the corporation is received this will be dealt with under the guidelines for conducting staff investigations and in consultation with the Director of Human Resources & Organisational Development.

## **3.3 MONITORING AND EVALUATION**

This policy will be reviewed every 2 years.

Incidents reported under this policy will be monitored by the Deputy Principal and reported annually as part of the Safeguarding Report to the Management Team which will be responsible for developing action plans to address issues.

### **3.4 PUBLICISING OUR COMMITMENT**

To staff through:

- the induction process
- publication of this policy and procedure on public folders
- the Equality and Diversity Committee
- the Safeguarding Panel

To students through:

- the induction process
- the student handbook
- the Feel safe poster campaign
- personal tutors
- Student Welfare and Participation Team
- Student Advice Centre

To members of the Corporation through:

- the member's handbook
- Equality and diversity reports
- Safeguarding Report

### **CONSULTATION**

When reviewing the policy and procedure the following groups will be consulted:

Welfare Team, Senior Management Team, Students' Union