

# Bullying and Harassment Policy

Policy statement	2
Scope	2
Objectives of this Policy	2
Responsibilities	2
Related College Policies	
Definitions of Bullying, Harassment, and Victimisation	3
Signs and Symptoms of Bullying in children	4
Signs and Symptoms of Bullying in Adults	5
Unwarranted Complaints	5
Victimisation	5
If a complaint is Made Against You	6
Bullying and Harassment Complaints Procedure for Students	7
Support for those Experiencing Bullying, Harassment and Victimisation	7
Informal complaints	7
Formal complaints against a member of staff	8
Formal complaints against a student	8
Formal Complaints Procedure	9
Appeal Procedure: Request for Formal Review	10
Appendix 1	11
Appendix 2	12

## **Policy statement**

Bird College is committed to providing a caring, friendly, and safe environment for all of our students, and will not tolerate bullying and/or harassment of one individual or group in the college's community by another. All members of the college community should be treated with dignity and respect so that they can fulfil their personal potential in a professional working and learning environment.

## **Scope**

This policy applies to all college students, staff, visitors, and anyone acting or working on behalf of the college. The purpose of the policy and procedure is to encourage a culture where bullying and/or harassment will not be tolerated and does not occur, and to outline the steps that can be taken to deal with any issues of bullying and/or harassment and prevent their occurrence.

## **Objectives of this Policy**

- All members of the college community including, teaching and non-teaching staff, students, visitors, contractors, and Board members should have an understanding of what bullying is
- All staff should know what the college policy is on bullying and harassment, and follow it when bullying and/or harassment is reported
- All Students and parents (where appropriate) should know what the college policy is on bullying and harassment, and what they should do if bullying and/or harassment arises
- As a college we take bullying seriously. Students and staff should be assured that they will be supported when bullying is reported

## **Responsibilities**

- The Executive Group is responsible for monitoring the effective implementation of this policy and procedure and report any claims to the Board of Directors
- Heads of Department and Managers are responsible for positively encouraging respect for dignity in the workplace and classroom, and for referring concerns as per the policy
- The Principal and Artistic Director is responsible for dealing with formal allegations against members of staff
- The Assistant Principal (FE/HE/Quality Assurance) is responsible for dealing with formal allegations against students
- Each individual student and member of staff is personally responsible for fostering a culture of respect and for avoiding behaviour that is offensive to other people

The failure to investigate a complaint or to follow agreed procedures may be regarded by the college as a failure to take reasonable steps to prevent bullying and harassment. This not only undermines the ethos of this policy but may also be potentially unlawful.

## **Legal Framework – Government Law**

Bullying and harassment are unacceptable on moral grounds. There are legal requirements to address bullying and harassment. Further information on relevant legislation can be found below:

Equality Act 2010

<https://www.gov.uk/guidance/equality-act-2010-guidance>

### **Related College Policies**

- Staff Disciplinary Policy
- Discipline and Complaints (Regulations and Procedures)
- Code of Conduct for Staff
- Equal Opportunities Policy
- Equality and Diversity Policy
- Safeguarding Policy
- Student Charter
- Anti-Racism Policy
- Religion and Belief Policy
- Disability Policy

### **Definitions of Bullying, Harassment, and Victimisation**

#### ***Bullying***

There is no legal definition for bullying. However, it is usually defined as behaviour that is repeated and intended to hurt someone either physically or emotionally, and it is often aimed at certain groups, e.g., because of race, religion or sexual orientation. This type of behaviour is perceived as unacceptable, offensive, intimidating, malicious, by the individual receiving it. Bullying can also be defined as the abuse or misuse of power which attempts to undermine, humiliate, or injure an individual.

Bullying can be:

- Emotional categorised as offensive, intimidating, malicious or insulting behaviour
- Physical use of physical actions to intimidate and gain control
- Racist racially abusive comments, racial taunts, graffiti, gestures
- Sexual unwanted physical contact or sexually abusive comments
- Homophobic because of, or focusing on the issue of sexuality
- Transphobic because of, or focusing on issue of gender variation
- Biphobic because of, or focusing on the issue of sexuality
- Verbal name-calling, sarcasm, spreading rumours, teasing
- Faith because of, or focusing on issue of religion and beliefs
- Disability because of, or focusing on a physical or learning disability
- Cyber All areas of internet, such as email and internet chat room misuse  
Mobile threats by text messaging and calls  
Misuse of associated technology, i.e. camera and video facilities

#### ***Harassment***

Harassment is unlawful under the Equality Act 2010. Harassment is unwanted conduct which has the purpose or effect of violating the recipient's dignity, unacceptable language or unwanted attention which creates an intimidating, hostile, degrading, humiliating or offensive environment for the recipient, is considered harassment. This is not an all-inclusive definition. Harassment can take many forms. What might be acceptable to one person may be upsetting and/or intimidating to another. It is not the intention of the harasser, but the conduct itself and the impact on the recipient(s) that determine what constitute harassment.

Forms of harassment could be:

- images and graffiti
- physical gestures
- facial expressions
- jokes
- spreading malicious rumours
- unfair treatment
- picking on someone
- offensive emails, tweets, or comments on social networking sites

### **Victimisation**

Victimisation occurs when a person is treated less favourably because they have asserted their rights under this policy. This also applies to those who acted as witnesses or supporters of individuals complaining of bullying or harassment.

### **Signs and Symptoms of Bullying in children**

It can be hard for adults, including parents, to know whether or not a child is being bullied. A child might not tell anyone because they are scared the bullying will get worse. They might think that they deserve to be bullied, or that it is their fault. It is not always possible to see the signs of bullying and no one sign indicates for certain that a child is being bullied.

Examples of signs:

- belongings getting “lost” or damaged
- physical injuries such as unexplained bruises
- being afraid to go to class, skipping classes, not doing as well in their studies
- being nervous, losing confidence, or becoming distressed and withdrawn
- problems with eating or sleeping
- bullying others

### **Signs and Symptoms of Bullying in Adults**

Signs of abuse in adults can often be difficult to detect and many types of abuse are also criminal offences and should be treated as such.

Types of abuse:

- Physical abuse
- Domestic violence or abuse
- Sexual abuse
- Psychological or emotional abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational or institutional abuse
- Neglect or acts of omission
- Self-neglect

Examples of signs:

- Uncharacteristic failure to engage in social interaction
- Not taking account of individuals' cultural, religious, or ethnic needs
- Not taking account of educational, social, and recreational needs
- verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
- Harassment or deliberate exclusion on the grounds of a protected characteristic
- Substandard service provision relating to a protected characteristic
- Withdrawal or change in the psychological state of the person
- Low self-esteem
- Uncooperative and aggressive behaviour
- Signs of distress: tearfulness, anger
- Cyber bullying
- Assault, hitting, slapping, punching, kicking, hair-pulling, biting, pushing

### **Unwarranted Complaints**

The College treats genuine complaints seriously; however, the possibility of malicious, vexatious, spurious, or frivolous complaints is recognised. Any complaints identified as such, via an investigation, will be treated seriously and the college may respond with the appropriate disciplinary procedures. A complaint put forward on insufficient grounds and with the intention of causing harm to an individual can be in itself a form of harassment.

### **Victimisation**

Those making complaints of harassment should not be subject to any form of less favourable treatment as a result of making a complaint. This also applies to those who have been cleared of bullying and harassment following an investigation, and individuals giving evidence in support of a complaint.

### **If a complaint is Made Against You**

Staff and students are expected to respond appropriately when an individual raises a problem with their behaviour. An apology or assurance that the behaviour will not be repeated may be all that is needed to deal with the situation.

The college recognises it can be distressing and stressful to be accused of bullying and/or harassment. If a formal complaint is made about your behaviour, this will be investigated. Information on support available is outlined within the Bullying and Harassment Procedure. The college may decide to follow disciplinary proceedings as a result of an investigation.

## **Bullying and Harassment Complaints Procedure for students**

This procedure forms part of and should therefore be read in conjunction with the Bullying and Harassment policy.

As an equal opportunities' employer and educational institution, Bird College supports and working and learning environment for individuals in which dignity is of paramount importance. All members of the college community should be treated with dignity and respect so that they can fulfil their personal potential in a professional working and learning environment.

The purpose of this procedure is to support a working and learning environment and culture in which bullying and harassment of any kind will not be tolerated.

Any member of the college community should feel comfortable about coming forward to make a complaint. Prior to take any action, an individual may wish to keep a log of the instances of bullying and harassment they believe they have been subject to. It is important to record the date, time, and location of the incident, what was said/done and by whom, the context of those words/actions, how it made the individual feel, and what action was taken (if any).

There are two routes for dealing with allegations of bullying and harassment:

- Informal
- Formal

### **Support for those Experiencing Bullying, Harassment and Victimisation**

Where a student feels that they have been bullied, harassed or victimised they can seek support from the Assistant Principal (student Wellbeing) Counsellor, or Personal Tutor.

#### **Informal complaints**

Complaints are often resolved at an informal level, which is the preferable route for most parties and most situations. Confidentiality will be maintained during informal procedures unless otherwise agreed. Informal complaints resolution should be sought, whenever practicable, before moving forwards to the formal bullying and harassment complaints procedure.

A student who believes that they are being harassed could consider the following options:

- Discuss the problem with the alleged harasser. The discussion should involve giving one or more examples of the unacceptable/unwanted behaviour and agreeing how the behaviour should change in the future. The student may not be confident in doing this alone and it may be appropriate for another person such as the Assistant Principal (Student Wellbeing) or Personal Tutor to be present.
- Write to the alleged harasser, outlining the unacceptable/unwanted behaviour, with example(s) and ask for a change in behaviour.
- Meeting with the Assistant Principal (Student Wellbeing) or Personal Tutor to discuss the options available to resolve the situation. This could include arranging an informal meeting with both parties to discuss the matter in an open way. In this event, the alleged harasser would have to be informed in advance of the allegation so that an opportunity can be given to respond to the allegation. Both parties could be accompanied by an appropriate person and the Assistant Principal (Student Wellbeing) or Personal Tutor would try to facilitate a resolution.

### **Formal complaints against a student**

Complaints against students should be made in writing to the Assistant Principal (HE/FE Quality Assurance). The Assistant Principal will assess the risk for all parties involved while the investigation is being conducted. This may involve one or all parties to be suspended until the investigation is completed.

### **Formal Complaint against a member of staff**

Complaints against a member of staff should be made in writing to the Principal and Artistic Director. The Principal and Artistic Director will assess the risk for all parties involved while the investigation is being conducted. This may involve one or all parties to be suspended until the investigation is completed.

### **Formal Complaints Procedure**

A formal, written complaint should be detailed and include evidence upon which the complainant intends to rely.

All formal written complaints submitted by a student will warrant an investigation which must be resolved formally (both parties have the right to know the details about the complaint). The college is clear that the investigation will be conducted in a fair and transparent way and that during that process neither party will not be considered blameworthy and will ensure that appropriate support is available for that person during the Bullying and Harassment Procedure.

If the complaint is very serious and involves a criminal offence, there may be the need to involve other agencies and consider other policies and procedures.

A receipt will be issued for all formal complaints within 5 working days and will inform both the complainant and the alleged harasser that an investigation is to be undertaken, by whom, and what the procedure will be.

### **Procedures for Investigation**

A member of staff who is independent of the event will be asked to lead on the process. Where that is not possible, a non-executive Director will be asked to fulfil this role.

The investigation will be completed as soon as it is reasonably possible but it will not take longer than 20 working days.

The following process will be followed:

1. Interview the complainant
2. Interview the alleged harasser
3. Interview any witnesses
4. Consider the evidential material provided
5. Repeat stage 1,2 and 3 if required
6. Compile an Investigation Report (compiled within 10 working days after the end of the investigation)

### **Investigation Report**

The report will include:

- A summary of the investigation procedure (including details of investigation meetings)
- A list of written evidence
- An analysis of the claim being made
- A conclusion
- Recommendations

The report will be submitted to the Principal and Artistic Director, who will consider the recommendations. Based on the Report's findings the following outcomes may occur:

#### *Staff*

- A further attempt to resolve the matter informally
- Mediation between the parties involved
- Staff Disciplinary Procedure (this may also be the case if the complaint is considered unwarranted)
- Additional training is made available to individuals or groups

#### *Students*

- A further attempt to resolve the matter informally
- Mediation between the parties involved
- Student Disciplinary Procedure (this may also be the case if the complaint is considered unwarranted)
- Additional training is made available to individuals or groups

The Principal and Artistic Director or the Assistant Principal (FE/HE Quality Assurance) will communicate in writing to both parties within 5 working days and will include a full copy of the investigating report.

### **Appeals Procedure - Request for Formal Review**

Any member of staff or student involved has the right to request a Formal Review following an investigation, except where the recommended outcome of the formal investigation is to invoke the relevant disciplinary procedure. In this case, the right to appeal within that policy applies.

The request must be in writing and should outline and provide appropriate reasons.

The request must be submitted to the Chief Executive who will be responsible for selecting the Formal Review Panel. In the case of a complaint against the Chief Executive or the Principal and Artistic Director, the request must be submitted to Chair of the Board of Directors who will appoint a non-executive Director to investigate. The members of the Review Panel should not be connected to the complainant or alleged harasser and should have no line management or academic responsibility for either party. The Formal Review process will be completed within 20 working days and will follow steps outlined below:

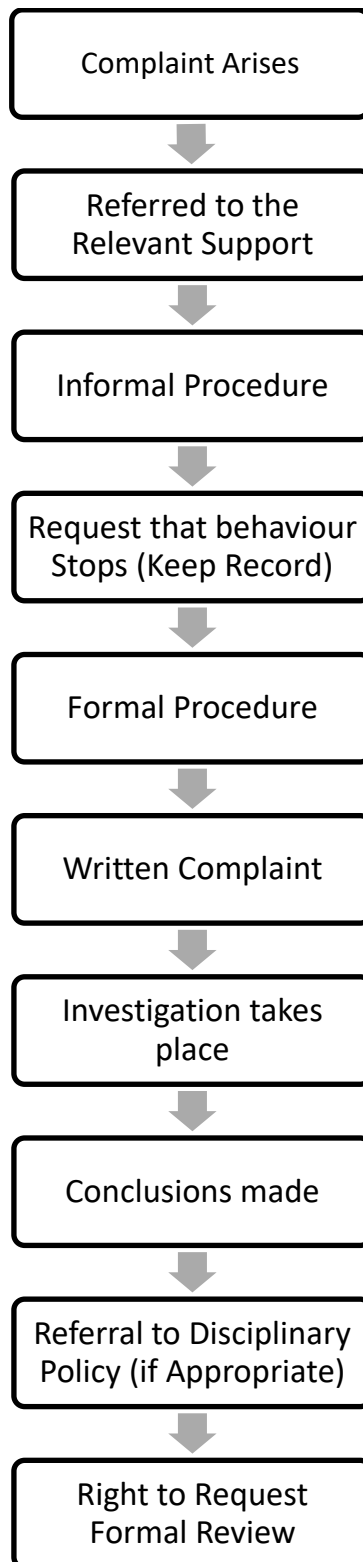
The Chief Executive selects Formal Review panel who will:

1. Consider the Investigation Report and its accompanied evidence, the recommended outcome of the investigation, and any additional evidence supplied
2. Come to a decision and communicates in writing to both parties. The communication will state whether the Panel has found that the harassment has or has not taken place, and whether the investigation's outcome is being supported. The Panel will indicate a revised course of action, if appropriate. Their decision will be final.



## Appendix 1

### Bullying and Harassment Procedure Flowchart



## Appendix 2

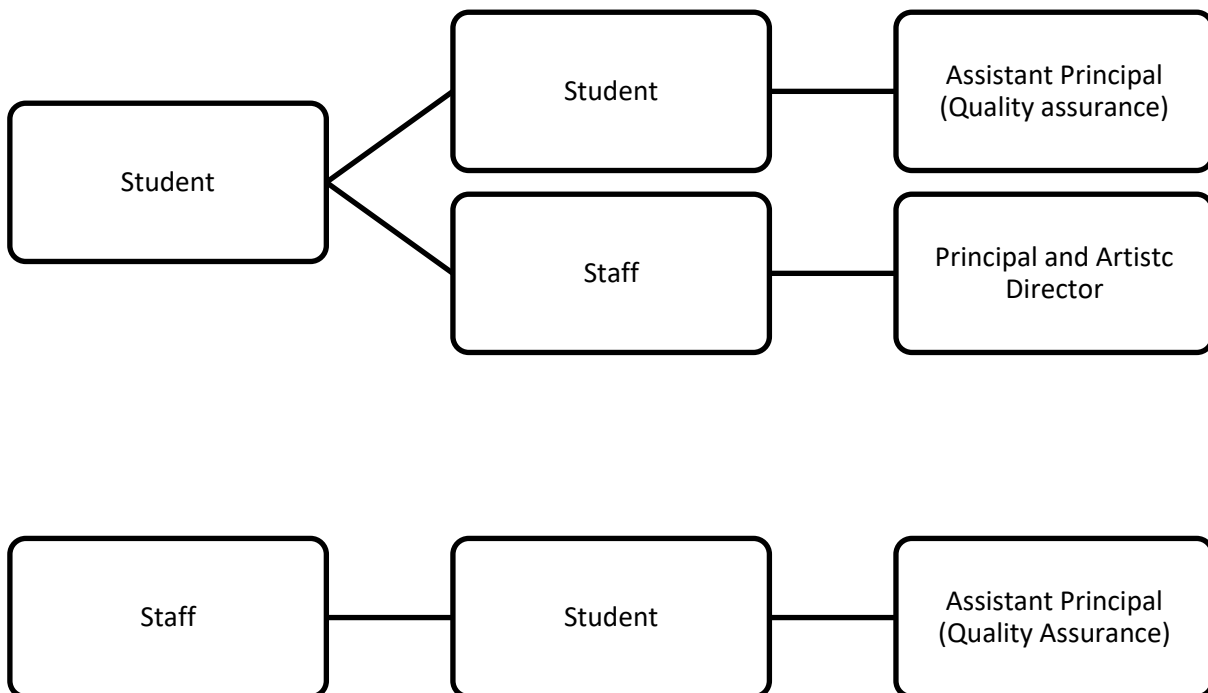
### Where to Address Formal Complaints

Alleged Harasser:	Address Formal Complaint to:
Chief Executive	Chair of Board of Directors
Principal and Artistic Director	Chair of Board of Directors
Staff	Principal and Artistic Director
Student	Assistant Principal (Quality Assurance)

#### Complainant

#### Alleged Harasser

#### Address Formal Complaint to:



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