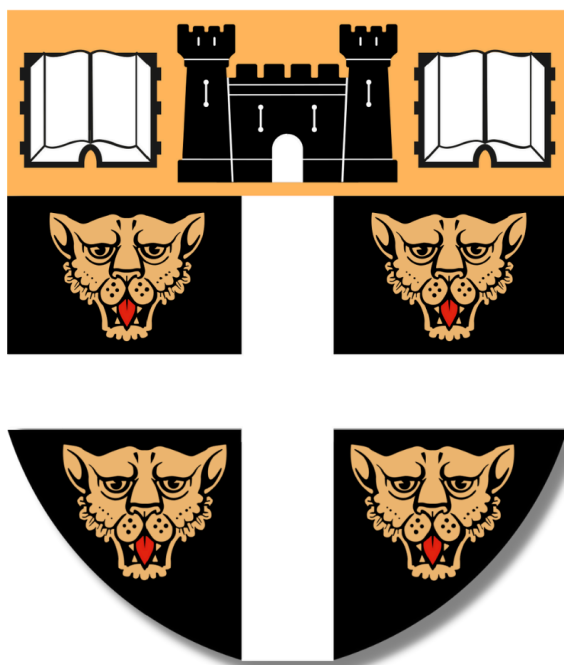


Anti-Bullying & Harassment (including Sexual Harassment) Policy

Dover College



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Approved By:		Date: November 2024
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Policy Statement

We are committed to providing a working environment free from bullying and harassment of all kinds, and ensuring all staff are treated, and treat others, with dignity and respect. You should not engage in any behaviour or conduct which may amount to harassment of another person at work. Harassment of any kind is regarded as a disciplinary offence and in serious instances may lead to summary dismissal.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on School trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include volunteers, consultants, contractors and agency workers) and by third parties such as parents, suppliers or visitors to our premises. Please also refer to our Threatening or Abusive Behaviour Towards Staff Policy.

All members of staff are entitled to be treated with dignity and respect in our place of work. This means freedom from harassment, feeling safe and supported, and having access to redress if such behaviour does arise.

About this policy

The purpose of this policy is to set out a framework for line managers to deal with any bullying or harassment (including sexual harassment) that occurs by staff (which may include consultants, contractors and agency workers) and also by third parties such as parents, suppliers or visitors to our premises.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

The policy applies to all employees, peripatetic staff, agency workers, volunteers and contractors.

This policy is reviewed regularly to ensure it remains up to date and to monitor its effectiveness.

What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian;
- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person’s disability.

A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone’s performance;

Legitimate, reasonable and constructive criticism of a worker’s performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

What is Sexual Harassment?

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of:

- violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person
- treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as “banter”
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact in online communications, including on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing

“Unwanted conduct” can cover a wide range of uninvited behaviour, and if it has one of these two effects it can be harassment even if the effect was not intended, even if the conduct was not directed at the affected employee, and even if the affected employee (and/or recipient of the conduct) does not object to it.

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have carried out the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- making a claim or complaint under the Equality Act (eg for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act
- making an allegation that someone has breached the Equality Act
- doing anything else in connection with the Equality Act

Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made a sexual harassment complaint
- dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
- excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 as amended, and will not be tolerated.

The law requires employers to take reasonable steps to prevent sexual harassment of their workers. We take action to prevent sexual harassment from occurring and have clear reporting procedures for our staff to make a complaint about sexual harassment. If you have been sexually harassed, or you have witnessed sexual harassment, we encourage you to tell us so that we can deal with the matter swiftly.

The HR Manager has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making as necessary. We expect all managers to maintain an open-door policy and we encourage all staff to come forward with any concerns in relation to sexual harassment. All our staff have a responsibility to behave in line with the requirements of this policy.

Instances of sexual harassment or victimisation may lead to disciplinary action up to and including termination of employment.

Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a work situation

- a situation occurring outside of the normal workplace or normal working hours which is related to work, eg a working lunch, a business trip or social functions/events
- outside of a work situation but involving a colleague or other person connected to the organisation, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role

If you are being harassed, sexually harassed or bullied:

Informal complaint

We are committed to ensuring that there is no bullying, harassment (including sexual harassment) or victimisation in our workplace. Allegations of harassment and victimisation will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of our disciplinary procedures, a copy of which is available from Human Resources.

If you are being harassed, sexually harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible, in line with our grievance policy. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is not appropriate or has not been successful, you should speak to your manager or to HR who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your manager because the complaint concerns them, then you should speak informally to the HR Manager.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact HR informally for confidential advice.

Formal complaint

Where the informal approach fails or if the harassment or victimisation is more serious, you should bring the matter to the attention of your Manager, or to HR as a formal written complaint under our Grievance Procedure.

The written complaint should include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment

On receipt of a formal complaint as part of the grievance process, we may need to take action to enable an uninterrupted investigation to take place. This may involve a temporary transfer to another work area or suspension with contractual pay until the matter has been resolved. Each case will be assessed individually and any action taken will be fair and reasonable.

If, following the conclusion of the grievance process, we consider you have been harassed or bullied by an employee the matter will be dealt with under our Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a parent or visitor, we will consider what action would be appropriate to deal with the problem. Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

You will not be victimised for having brought forward a complaint.

As a general principle, the decision whether to progress a formal complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

Protection and support for those involved

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure. We will seek to ensure that you are not in any way penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

If you believe you have suffered any such treatment you should inform your manager or HR. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

Access to confidential counselling is available on request for anyone affected by, or accused of, bullying or harassment. The details are available through the Benefits Platform and from HR.

What to do if you witness sexual harassment or victimisation

If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk

of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter from continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself. Calling out this behaviour where appropriate, reinforces our zero tolerance approach across the organisation.

If reporting the incident, you should bring the matter to the attention of the HR Manager in writing. Alternatively, you can report instances of sexual harassment by emailing hr@dovercollege.org.uk. This mailbox is constantly monitored.

Your concerns will be handled by an appropriate senior manager or the HR Manager who will sensitively talk to the person subject to sexual harassment to determine how they want the matter to be handled.

Third-party sexual harassment

Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes our customers, suppliers, members of the public, friends and family of colleagues, contractors, delegates at a conference and so on. This list is not exhaustive.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.

In order to prevent third-party sexual harassment from occurring, we will:

- attach signage to noticeboards within the workplace to advise both staff and visitors that sexual harassment is not acceptable
- inform third parties (ie contractors, visitors) of our zero-tolerance sexual harassment policy within our sign in information

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to the HR Manager, either in person or via email to hr@dovercollege.org.uk

Should a third party sexually harass a member of our workforce, we will take action as appropriate which could include a warning about their behaviour, a ban from our site, and/or a complaint to their employer. Any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, up to and including termination of employment. Where appropriate, any criminal acts will be reported to the police.

Disciplinary action

If the decision is that the allegation of sexual harassment or victimisation is well founded, the harasser/victimiser will be liable to disciplinary action in accordance with our disciplinary procedure up to, and including, summary dismissal. An employee who receives a formal warning or who is dismissed for sexual harassment/victimisation may appeal by using our disciplinary appeal procedure.

When deciding on the level of disciplinary sanction to be applied, we will take into consideration any aggravating factors affecting the case. One example of aggravating factors is an abuse of power, or whether there have been any previous instances of similar behaviour.

If, due to the investigation, it is concluded that your complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against the individual raising a vexatious complaint.

Training

Training is available to all our staff on sexual harassment. This ensures there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour
- how they can report any incidents of having been sexually harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal

We will regularly review the effectiveness of our policy and any associated training, including refresher training as appropriate.

False or malicious allegations

Making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

Confidentiality and record-keeping

Confidentiality is an important part of the procedures provided under this policy. Details of an investigation into a formal complaint and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about you may be placed on your personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection and Privacy Policies.