



## **PREVENTION OF HARASSMENT, SEXUAL HARASSMENT AND BULLYING POLICY**

<b>Purpose of Policy/Document</b>	This policy provides detailed information to all staff on the College's approach in dealing with complaints of harassment and bullying.
<b>Target Audience (staff/students/visitors/contractors)</b>	The policy applies to all staff.
<b>Particular Legal Requirements/Issues outside of EDD</b>	Equality Act; Health & Safety at Work Act; Employment Rights Act; Human Rights Act; Protection from Harassment Act. The Worker Protection (Amendment of Equality Act 2010) Act 2023
<b>Links with Other Policies/Documents</b>	Grievance Procedure Disciplinary Procedure Employee Privacy Notice Professional Code of Standards for Staff 2024
<b>For completion by The Executive</b>	
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<b>Authorised By: (ELT/Corporation)</b>	<b>ELT</b>
<b>Communicated via/Location: (Policy Acceptance software/website/portal etc)</b>	<b>Portal</b>
<b>Equality Impact Assessment Statement</b>	The Equality Act 2010 does not require public authorities to carry out EIAs by law. The College does however, carefully consider the impact, when creating or amending its policies, on all concerned parties regarding Equality, Diversity and Inclusion and records this at ELT meetings in order to demonstrate compliance with Public Sector Equality Duty (PSED).

# **HEART OF WORCESTERSHIRE COLLEGE**

## **Prevention of Harassment and Bullying Policy**

### **1. Introduction**

- 1.1 The policy provides a common procedure for dealing with all incidents and complaints of personal harassment or bullying, whether based on race, gender, disability, learning difficulties, belief, religion, age, maternity or sexual orientation and on the grounds of that individual's membership or non-membership of a trade union. Separate definitions and illustrations of harassment on the basis of race, gender, disability or learning difficulty and on bullying are included to provide assistance to employees in identifying various forms of personal harassment.
- 1.2 As a responsible and inclusive employer, and in full understanding of our obligations under the Worker Protection (Amendment of Equality Act 2010) Act 2023 effective as of October 2024, (Heart of Worcestershire College) is committed to taking proactive steps to prevent employees experiencing sexual harassment in the course of their employment and also to comprehensively investigating and finding resolution to any alleged acts of sexual harassment.

### **2. Aims**

2.1 The College aims to create a working environment that respects the dignity and rights of all employees and one where individuals have the opportunity to realise their full potential.

2.2 This policy aims to:

- a) To support this ethos and to strive to prevent harassment and bullying from occurring;
- b) Provide a supportive context for individuals to challenge behaviour which is not acceptable;
- c) Provide procedures which will enable complaints to be handled with tact, sympathy and speed.

2.2 This policy considers all harassment including sexual harassment occurring 'in the course of employment'. This covers harassment within the workplace and at a work-related event such as conferences or social gatherings and acknowledges that the College should always seek to prevent sexual harassment including third-party sexual harassment.

### **3. Scope**

3.1 This policy and its associated procedure apply to all employees of the College.

### **4. Our Commitment**

4.1 The College will not tolerate acts of harassment or bullying during work, including at other people's workplaces, and is committed to ensuring that employees are able to work confidently and without fear of harassment, bullying or victimisation. This also applies at work-related functions, such as conferences or at social gatherings, such as after-work drinks.

4.2 Where an employee is found to have committed a serious act of bullying or harassment this will be dealt with under the Disciplinary Procedure and may be viewed as gross misconduct which could result in summary dismissal. Where a student is found to have harassed or bullied an employee, the College will deal with this under the student Disciplinary Procedure which could result in expulsion. Where an employee reports an incident of harassment or bullying by a third party the College will take appropriate action.

4.3 In order to meet our commitments, the College undertakes to publicise its policy fully and to ensure that employees understand their rights and responsibilities. All employees and agency workers will be made aware how to access the policy, either via the College Intranet or in hard copy. In addition, the College will make Corporation members, contractors, consultants and secondees aware of its policy. Visitors to the College will also be made aware of the College's stance on bullying and harassment.

## **5. Legislation**

5.1 This policy is informed and underpinned by various statutes and regulations relating to legislation about harassment and bullying.

5.2 Under these pieces of legislation, individuals are protected from harassment and bullying under various legislation and an employee may be held individually liable for an act of harassment as well as the College being held vicariously liable for that employee's act.

5.3 Sexual harassment is a form of unlawful discrimination under the Equality Act 2010 in the UK. From 26 October 2024, the Worker Protection (Amendment of Equality Act 2010) Act 2023 introduces a legal duty for employers to ensure they seek to prevent sexual harassment before it occurs and protect workers from third-party sexual harassment.

## **6. Harassment and Bullying**

6.1 Where harassment and bullying occur they can cause serious repercussions for the employer and employees. They can affect people's health, work performance and the success of the College. Bullying, as a cause of stress at work, can be regarded as a workplace health and safety hazard.

## **7. Definitions**

### **Harassment**

7.1 Harassment occurs when an individual is subjected to unwanted conduct which has the purpose (intentional) or effect (unintentional) of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

7.2 Harassment can occur:

- a) When submission to such conduct is made explicitly or implicitly a term or condition of the individual's employment, academic assessment or promotion.
- b) When rejection of such conduct by an individual is used as the basis for denial of employment, academic assessment, or promotion for that individual.
- c) When such conduct has the purpose or effect of interfering with an individual's work or academic performance, or of creating an intimidating, hostile or offensive working or academic atmosphere.

7.3 It is the individual's perception of whether the conduct in question was unacceptable that is important in determining whether harassment occurred. Where the conduct in question is found to have been unintentional, it will be viewed as having the effect of harassment if this could be regarded as a reasonable conclusion when taking into account all the circumstances, including the complainant's perception.

## **Bullying**

7.4 Bullying, although not defined legally, is described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, injure or to coerce others by fear. Bullying may be defined as deliberate repeated abuse or harassment that destroys self-confidence and creates harmful stress.

7.5 Bullying may be coupled with other forms of harassment (e.g. sex, race, disability).

## **Examples of forms of harassment and bullying**

7.6 Examples of unacceptable behaviour include:

- Verbal abuse or offensive comments, jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation or Trade Union membership
- Offensive songs, emails or gestures
- Displaying offensive posters, publications and graffiti
- Distributing offensive material
- Wearing badges or insignia belonging to political organisations known to promote racial prejudice
- Unwanted physical contact or advances
- Offensive remarks about a person's dress or appearance
- Requests for sexual favours
- Shouting, abusive or intimidating language
- Spreading malicious rumours, allegations or gossip
- Excluding, marginalising or ignoring someone
- Intrusion by pestering, spying or stalking
- Copying memos that are critical about someone to others who do not need to know
- Deliberately undermining a worker by overloading, taking credit for his/her work or constant criticism
- Removing areas of responsibility and imposing menial tasks
- Cyber-bullying: that is, the sending or posting of harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.

7.7 The above list is intended to give a clear impression of the types of behaviour that the College considers to be unacceptable; however, it only contains examples and is not exhaustive.

7.8 Vigorous academic debate and occasional raised voice or argument of itself may not necessarily constitute harassment or bullying.

7.9 Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of employees in the course of their duties, which may include legitimate, constructive and fair criticism of an employee's performance or behaviour at work. Managers will exercise this supervision in a fair, constructive, consistent and reasonable manner that does not compromise the employee's dignity. Similarly, reasonable (but perhaps unpopular) requests by a manager of his/her employees in the normal course of their duties will not be viewed as acts of harassment or bullying.

## 8. Sexual Harassment

8.1 Sexual harassment is unwanted attention that violates a person's dignity or creates an offensive or degrading environment. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended.

Examples of sexual harassment are included below; However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

- sexual images displayed or shared;
- offensive words or comments;
- demeaning or humiliating behaviour or language;
- references to someone's body;
- intrusive questions about someone's private life;
- stalking, including online stalking;
- sexual gestures, such as simulating sexual acts;
- unwanted touching, such as putting hand on someone's knee or hugging them;
- unwanted sexual attention whether verbal or physical;
- coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
- sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.
- It can also be non-verbal such as staring or leering

8.2 Sexual harassment can happen to anyone, regardless of the gender of the victim or the harasser, and does not always occur in plain sight. It can happen in-person and online, and outside of as well as during working hours. Regardless of when and how it occurs, the College will consider any sexual harassment involving employees as a workplace issue and will act in line with our disciplinary policy accordingly.

## 9. Policies & Procedures

The College has a zero-tolerance policy for any form of harassment. All incidents will be taken seriously and investigated thoroughly.

Reporting procedures are further outlined below and in our grievance policy but include;

- Informing a line manager or HR.
- There will be no retaliation against anyone who reports harassment in good faith.

## 10. Responsibilities

10.1 To create a respectful workplace everybody is responsible to;

- Respect boundaries: Always ensure your behaviour is appropriate and respectful.
- Educate yourself: Understand the different forms of harassment and avoid crossing lines.
- Be an ally: If you witness inappropriate behaviour, speak up or offer support.
- Consider how your own behaviour may affect others, and amend it accordingly;
- Be receptive, rather than defensive, if asked to modify your behaviour;
- Treat your colleagues with dignity and respect;
- Take a stand if you think inappropriate comments, jokes or behaviour is occurring;

- Make it clear to others if you find their behaviour unacceptable;
- Intervene if possible to stop sexual harassment and give support to others;
- Report any type of harassment or potential harassment in the appropriate manner to either your line manager, or a member of the HR Team.

## 10.2 Corporation Members

Corporation Members are responsible for ensuring that:

- They are familiar with the Prevention of Harassment and Bullying Policy and Procedure;
- Training on the College's policy and procedure features as part of the College's delivery of the College's strategic plan;
- They are aware of the Corporation's legal responsibilities as an employer in relation to harassment, sexual harassment and bullying;
- They receive and respond to any monitoring information collated as part of the reviews of the policy; and
- The College meets its public sector equality duties.

## 10.3 Managers

Managers are responsible for ensuring that:

- The Principal and the Executive are responsible for taking the lead in creating a positive, open culture that challenges inappropriate behaviour on the part of managers, employees or learners;
- They are familiar with the Prevention of Harassment and Bullying Policy and procedure and that it is followed correctly;
- They are aware of the Corporation's legal responsibilities as an employer in relation to harassment and bullying;
- Monitoring in relation to the policy is carried out and the policy is reviewed accordingly; and
- Appropriate training and development is provided to support managers' and employees' understanding of the Prevention of Harassment and Bullying Policy.
- Senior leaders and line managers must foster a culture built on mutual respect where all employees feel safe to share their views and raise concerns. The College expects leaders and line managers to act as role models by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.

## 10.4 Employees

Employees are responsible for ensuring that:

- They familiarise themselves with this Policy;
- They attend training and development activities designed to ensure their understanding of the Prevention of Harassment and Bullying Policy;
- Their behaviour supports a positive work environment free from harassment and bullying; and
- They participate in an investigation when asked by an investigating officer where the employee has observed or has evidence that another employee is being harassed or bullied.

## 10.5 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 is encountered in connection with work. This includes customers, suppliers, members of the public, contractors, students, parents, delegates at a conference, etc.

Third-party sexual harassment of our workforce is unlawful and will not be tolerated. Steps to prevent this will be in place by assessing any high risk environments, for example where the workforce may be alone with third parties.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to Human Resources following the procedure outlined below in section 5.

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, including termination of employment.

## **11. Training**

11.1 In order to support the College's aim of preventing harassment, sexual harassment and bullying awareness training will be provided to all staff. The College will also provide specific training to managers in the correct operation of the Prevention of Harassment and Bullying Policy and Procedure and Prevention of Sexual Harassment.

The College will support and train leaders and line managers so that they are able to foster a culture of open communication and reinforce values based on dignity and respect as this will enable them to understand and resolve issues in their team proactively, quickly, effectively and impartially.

## **12. Support Available**

12.1 The College recognises the sensitive nature of any forms of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their particular situation in confidence before deciding what action to take. Employees are encouraged to discuss workplace problems openly and informally with their line manager. However, the College recognises that this may not always be appropriate and provides the following support:

- Employees can discuss the situation with the next level manager or with a member of the HR department;
- Employees can obtain support from their trade union representative or staff representative;
- We recognise the need for regular risk assessments and audits to identify and mitigate risks of sexual harassment. We will actively consider the risks of sexual harassment occurring in the course of employment and devise and implement reasonable steps we can actively take to reduce those risks and proactively prevent sexual harassment occurring.
- We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment which is described below.

### **12.2 Employee Assistance Programme**

The College understands that reporting harassment or sexual harassment takes courage and can be extremely stressful. We will ensure that any individuals raising a concern or complaint are given reassurance and support throughout the process. This support may also need to be extended to any employees who have witnessed harassment.

EAP is a confidential employee benefit designed to help you deal with personal and professional problems that could be affecting your home life or work life, health and general wellbeing.

Website: [Employee Assistance Programme | HoW4U \(rewardgateway.co.uk\)](https://rewardgateway.co.uk)

Contact number: 0800 756 0834

The EAP service provides a complete support network that offers expert advice and compassionate guidance 24/7, covering a wide range of issues. Health Assured strongly believe in providing an EAP service that offers not only reactive support when someone needs it but also proactive and preventative support to deliver the best possible outcomes.

### **13. If You Are Concerned About Sexual Harassment:**

The below procedure can be followed by any employee of the College. You can follow this process if you feel you are experiencing sexual harassment or if you witness sexual harassment or have a concern that another colleague may be experiencing sexual harassment.

The College commits to treating all allegations of sexual harassment with the upmost seriousness. We will follow a fair and equitable process to ensure all concerns are investigated thoroughly to allow us to resolve matters promptly whilst ensuring all parties are treated sensitively and in a confidential manner.

### **14. Relationships between Students / Staff**

All staff including Academic and Business Support staff at the College, must maintain professional relationships with students and avoid behaviors that could be perceived as inappropriate, coercive, or exploitative. This includes in Higher Education courses that are being delivered on behalf of a provider. Staff found in violation of this may face disciplinary action.

All staff members are required to report any suspected or observed incidents of harassment or misconduct towards students immediately.



## **Procedure for dealing with complaints of harassment, sexual harassment or bullying**

### **1. Scope**

1.1 This procedure applies to *all* staff.

1.2 The following types of incident are covered by this procedure:

- a) Employee being harassed, or bullied by a fellow employee
- b) Employee being harassed or bullied by a student, visitor or contractor
- c) Employee being sexually harassed by a fellow employee
- d) Employee being sexually harassed by a student, visitor or contractor

### **2. Principles**

2.1 In order to stop any form of harassment continuing in the College any instances are brought *promptly* to the attention of managers, the HR Department or *contact staff* in the College.

2.2 Complaints about bullying and harassment, including sexual harassment will be dealt with in a confidential manner to respect the privacy of all parties and to ensure the matter is dealt with sensitively and effectively. Any breach of confidentiality may result in disciplinary action against those concerned.

2.3 Where a formal complaint is raised under this procedure, it will be made clear to all involved that any documentary evidence or subsequent statement taken during the investigation may form part of evidence in any disciplinary proceedings.

2.4 It is not possible for a guarantee of total anonymity to be given to the harassed individual since identification is a pre-requisite of management action. However, it is crucial to the operation of this and the Grievance Procedure that as much confidentiality is maintained as possible.

2.5 The rights of all parties – including the alleged harasser – in any complaint will be respected.

2.6 Incidents of repeated or serious harassment or bullying will be considered under the College's Disciplinary Procedure. Similar action will be considered if a malicious allegation of harassment or bullying is made.

### **3. Support**

3.1 Support will be given as appropriate to all the parties to the alleged harassment or bullying.

### **4. Keeping records of incidents**

4.1 It is helpful for anyone who believes they have been subjected to harassment or bullying to make a note of the details of the incidents as soon afterwards as possible, as memories can fade. For example: dates; times; places; the name of the person involved; what happened; how the person felt at the time; the names of any witnesses; action taken at the time and whether the incident was reported to management.

## 5. The Procedure

- a) Take **informal action** to stop and remedy the situation.
- b) If **formal action** is needed they should follow the formal stages of the College's Grievance Procedure.

### Informal Resolution

5.2 It is important, where appropriate and possible, that the individual who is complaining about harassment or bullying tries to resolve the matter *informally* in the first instance. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. Solutions can be reached quickly with minimum risks of embarrassment, suffering, disruption to work and working relationships.

5.3 In many cases it will be sufficient for the complainant to raise the problem with the alleged harasser as soon after the incident as possible, stating clearly that the behaviour is unacceptable.

5.4 If you feel able to, tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You are encouraged to keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you wish to raise the matter formally. If you do not feel able to do this alone, seek support from a line manager or an appropriate member of the HR department. Where both parties agree and where appropriate, the College may consider addressing the unacceptable behaviour through a recognised mediator.

5.5 If the matter is very serious; if the employee feels the matter has not been resolved at this stage; or in other circumstances where the employee does not wish to raise the matter *informally*, the employee may proceed to the formal stage of the Grievance Procedure.

5.6 The standard *formal* way to raise an allegation of harassment or bullying is through the College's Grievance Procedure. However you may report this harassment in a way that is most comfortable to you. This may include via email or face to face conversations with Human Resources.

5.7 Some allegations may be so serious as to require immediate attention (e.g. if it involves a criminal offence or gross misconduct). In such circumstances, the College may be compelled to take action irrespective of the individual's wishes.

5.8 Any individuals who have been party to the action complained of – excluding anyone who helped the complainant – may be cited as witnesses in any subsequent disciplinary proceedings.

## 6. Outcomes from formal investigations

6.1 The manager considering a complaint about bullying and harassment at a formal stage of the Grievance Procedure will determine whether harassment or bullying occurred and may outline certain actions. For example:

***Harassment, Sexual Harassment or bullying did not occur – no or limited action required.***

In such circumstances the Investigating Officer may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.

***Harassment, Sexual Harassment or bullying did occur – recommendations for action short of disciplinary action.***

It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the manager may decide on other appropriate action to address the behaviour, such as:

- training/coaching/mentoring;
- mediation;
- re-arrangement of working conditions;
- redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
- monitoring of the situation.

***Harassment, Sexual Harassment or bullying did occur – disciplinary action required.***

In such circumstances the alleged harasser will be asked to attend a disciplinary hearing (refer to the College Disciplinary Procedure).

HR will investigate all complaints of this nature in a timely, confidential and sensitive manner. The investigation will be conducted by someone with appropriate seniority, training and experience and with no prior involvement in the complaint. Details of the investigation and the names of any persons involved will only be disclosed on a 'need to know' basis. We will consider whether any steps are necessary to manage the ongoing employment relationship between all parties involved.

## **7. Reports of Sexual Harassment**

7.1 All reports of sexual harassment should be believed and protecting the person who raised the complaint or who is the recipient of sexual harassment should be paramount. Alongside this, the alleged harasser also needs to be treated fairly in line with procedure and the law.

In some cases, more immediate action may need to be taken, such as suspending or moving the alleged harasser. A member of the HR Team will be able to advise investigating managers on the appropriate course of action. Care must be taken to ensure no action is taken that could be perceived as punishing any person who raises a complaint.

## **8. Records of complaints**

8.1 The College will keep a confidential record of complaints and investigations, which will include the names of the people involved, dates, the nature of the incident(s), the action taken, and any follow-up and monitoring information. The College will keep such records for 6 years from the end of employment. Where a complaint was unsubstantiated, this will be clearly stated in the College's record. All sensitive information will be treated confidentially and in compliance with the requirements of the Data Protection Act 1998.

## **9. Allegations against students**

9.1 Where the allegation is that a student has harassed or bullied an employee, the same procedure applies. If the allegation is upheld, the College will take appropriate action in line with the student Disciplinary Procedure.

## **Malicious allegations and false statements**

9.2 Unfounded allegations of harassment and/or bullying for malicious reasons will not be tolerated by the College. Any such cases will be investigated and dealt with under the College's Disciplinary Procedure and may be serious enough to constitute gross misconduct, which may result in summary dismissal. Where a student makes an unfounded allegation of harassment and/or bullying for malicious reasons, this will be dealt with under the student Disciplinary Procedure and may result in the expulsion of that student. Where a witness is found to have deliberately misled an investigation, the College will treat this as a serious disciplinary offence.

## **10. Complaints against the Principal or other Senior Post-holder**

10.1 Where the complaint is against the Principal or another senior post-holder, the same steps will be taken to investigate the matter.

10.2 The Corporation will appoint an appropriate Investigating Officer to investigate the complaint. This may be the Principal, a member of the Corporation, or an external investigator, depending on the circumstances.

10.3 If the complaint is upheld and disciplinary action may be required, the matter will be referred to the Corporation who will follow the College's Disciplinary Procedure for Senior Post-holders.

## **11. Victimisation**

11.1 Employees are protected from victimisation as a result of bringing a complaint under the Prevention of Harassment, Sexual Harassment and Bullying Policy. If an employee feels they have been victimised following a complaint of harassment or bullying, they should raise a grievance under the College's Grievance Procedure. Where it is found that victimisation has occurred, this will be treated as a disciplinary offence and may be serious enough to constitute gross misconduct.

## **12. Review and Monitoring**

12.1 The Executive will review and monitor the use of the Prevention of Harassment, Sexual Harassment and Bullying Policy on a regular basis.

12.2 The policy and procedure may be altered after consultation with staff.