

## **BULLYING AND HARASSMENT POLICY**

### **1. PURPOSE**

Blackburn College recognises its responsibility to provide a safe, healthy environment and uphold the rights of employees at all levels to be treated with dignity and respect. Positive behaviour can help foster an inclusive environment where everyone feels valued. The College is committed to the promotion of equality, diversity and a supportive environment for all staff. The College is committed to maintaining a culture of professionalism, respect and a positive working environment. However, it recognises that circumstances may arise where employees could perceive that the behaviour of others makes them feel bullied or harassed.

This policy sets out the arrangements and approach the College will take to protect employees from bullying and harassment and to enable them, if necessary, to make a complaint, confident that it will be taken seriously and dealt with in confidence.

The policy and associated procedures seek to encourage staff to come forward with their concerns so that they may be dealt with promptly, impartially and with sensitivity. The policy also expects sub-contractors working on Blackburn College's premises to abide by the principles of this policy.

The College will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken against individual's found guilty of bullying or harassment.

The College will not tolerate victimisation of a person making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.

### **2. SCOPE**

This policy applies to all employees and subcontractors working on Blackburn College's premises. Complaints of victimisation will be dealt with under the grievance procedure.

### **3. DEFINITIONS**

3.1 Harassment is defined as unwanted conduct related to a protected characteristic under the Equality Act 2010 such as age, disability, gender, gender re-assignment or transgender status, ethnicity or race, sexual orientation, religion or belief, (but excludes civil partnership and marriage, and maternity and pregnancy) or any other personal characteristic or quality which:

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment; or

- Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct

Harassment can be directed at an individual at any level in an organisation or a group and any form of harassment is unwelcome and unwanted and is both stressful and intimidating for the victim.

3.2 Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which undermines, humiliates or injures the person on the receiving end.

#### **4. OBJECTIVES**

The policy seeks to set out the arrangements that will come into place to assist staff, in circumstances under the scope of this policy, to have complaints of bullying or harassment effectively and promptly dealt with.

#### **5. POLICY**

The College wishes to ensure that anyone who works for the College irrespective of their position or seniority is not subject to bullying or harassment during the Course of their employment.

Bullying and harassment of staff can come from colleagues, students, direct reports, or line managers. The College recognises that bullying and harassment may cause distress and lead to illness and poor performance. No form of bullying or harassment will be condoned at work or outside of work if it has a bearing on the working relationship. This includes harassment on the grounds of a protected characteristic (see section 3.1).

Staff have a right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress.

##### **5.1 Examples of unacceptable behaviour**

The following are examples of unacceptable behaviour covered by this policy, which are not *exhaustive*. To constitute harassment or bullying the behaviour usually is displayed on more than one occasion and / or involves a pattern of similar behaviour.

- I. Derogatory remarks and lewd comments about appearance
- II. Unwelcome jokes, comments or unwanted nicknames related to a protected characteristic
- III. Abusive, insulting, threatening words or behaviour
- IV. Homophobic comments, jokes and use of inappropriate language, which may have been intended as 'banter' but have the effects of being degrading or distressing
- V. Making unnecessary and degrading references to an individual's sexual orientation

- VI. Making assumptions and judgements about a colleague based on their sexual orientation
- VII. Unnecessary physical body contact ranging from unwelcome touching to serious assault
- VIII. Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances
- IX. Displaying abusive writing and pictures
- X. Deliberately ignoring or excluding an individual including from social activities e.g. office social event
- XI. Deliberately setting unrealistic deadlines
- XII. Public criticism including social media, copying memos or e-mails that are critical about someone to others who do not need to know
- XIII. Substituting responsible tasks with menial or trivial ones
- XIV. Withholding necessary information
- XV. Constantly undervaluing effort
- XVI. Spreading malicious rumours or insulting someone by word or behaviour

## **5.2 Examples of Positive behaviour**

The College recognises to create a culture of dignity and respect, positive behaviour traits should be encouraged by all staff. The following are examples of positive behaviours.

- I. Praising colleagues when you think they have done well at something at work
- II. Respecting an individual's personal space
- III. Being objective about issues raised rather than emotive
- IV. Being open and honest
- V. Focusing on facts rather than characteristics of an individual or group
- VI. Considering appropriate language, which may change over time, in written and oral communication
- VII. Not indulging in banter, gossip, or stereotypical views
- VIII. Making a point of talking to people with whom you do not usually have much contact and introducing colleagues you know who do not know each other
- IX. Finding out about different cultures, religions, disabilities etc
- X. Considering the diverse needs of individuals when planning events and meetings

## **5.3 Responsibilities**

The following section defines the responsibilities for staff and managers under this policy.

### **5.3.1 Responsibilities of Staff**

Under this policy it is the responsibility of individual staff should ensure that:-

- They behave in a manner that is lawful and acceptable and does not cause offence, humiliation, embarrassment or distress
- If they perceive that they are being bullied or harassed they act promptly and should not wait until working conditions reach intolerable levels or their wellbeing is jeopardised

- If they witness bullying, harassment or any incidents of unacceptable behaviour they should not ignore it. They should intervene or if they are not confident to do so, should contact their line manager for advice
- Where it is the case that the behaviour of the line manager that is causing concern, to contact the next level of authority
- That other employees, students, visitors and contractors are treated fairly and in accordance with the College's core values and ensure they do not exhibit behaviour which would constitute the bullying or harassment of others
- Understand that it is perfectly proper that their performance is evaluated by managers against fair and objective performance indicators
- Any complaints of bullying or harassment are made in good faith, are true and not vexatious or for personal gain
- They participate in harassment and bullying awareness training when required

### **5.3.2 Responsibilities of line managers**

Under this policy it is the responsibility of line managers to:-

- Deal appropriately with any complaint of harassment / bullying using the College's Bullying and Harassment procedures
- Ensure that employees are treated fairly, in a reasonable manner that should not humiliate, embarrass or distress
- Ensure that employees are trained in how to deal with harassment and bullying issues
- Look for signs of bullying or harassment by others and be aware of and challenge what is unacceptable behaviour
- Act as a source of advice
- Not ignore any incident of bullying and harassment they may witness but follow the College's procedures
- Maintain an appropriate professional relationship with colleagues, students and visitors based upon professional ethical principles and the College's Code of Ethics
- Judge performance based on fair, objective and measurable criteria
- Ensure that they and their staff participate in bullying and harassment awareness training as appropriate

### **5.3.3 Responsibilities of HR and OD Service**

Under this policy the HR and OD Service will:-

- Give appropriate advice to staff who make a complaint of harassment and bullying and ensure they are made aware of any support available
- Support managers in dealing with harassment or bullying complaints and investigations
- Ensure all cases are dealt with on a consistent and fair basis and objectively assessed
- Provide line managers with appropriate development interventions to aid them to deal with harassment and bullying complaints in line with College procedures

## **5.4 Process to follow after an incident**

5.4.1 Before raising a formal complaint, a member of staff is encouraged to consider whether in the first instance they talk directly and informally to the person whom he / she believes is subjecting them to behaviour which could be construed as bullying or harassment and explain the aspect of the person's behaviour which is unacceptable or causing offence, and request that it stop. It may be that the person is genuinely unaware that his / her behaviour is unwelcome or objectionable and that as a direct

approach may resolve the matter without the need for more formal action. The person making the complaint should make a note of any action that they have taken including dates and times.

- 5.4.2 If however, the member of staff feels unable to take this course of action, or if he/she has already approached the person to no avail, or if it is felt that the bullying and harassment is of a very serious nature, they should raise a formal complaint under the College's Bullying and Harassment procedure.
- 5.4.3 Where the method detailed in section 5.4.1 fails to resolve the bullying or harassment, or where serious harassment and bullying occurs, the next course of action available to the employee is to raise a formal complaint under the College's Bullying and Harassment procedure.
- 5.4.4 If it is established that an employee has made a deliberately false, malicious or vexatious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.
- 5.4.5 Staff need to be aware that once a complaint of bullying or harassment is made in writing, which includes e-mail, the College will treat this as a formal complaint under the College's Bullying and Harassment procedure.

## **6. STAKEHOLDER CONSULTATION**

Representatives of all recognised trade unions of the College have been consulted through the College's JCC on 12 February 2014 prior to it being submitted for approval to the Policies and Procedures Committee.

## **7. MONITORING AND REVIEWING**

The policy will be monitored by the HR Service on a quarterly basis and reported to the Policy and Resources Committee.

## **8. RELATED POLICIES/ PROCEDURES**

- 8.1 Bullying and Harassment Procedure.
- 8.2 Staff Disciplinary Procedure.
- 8.3 Capability Procedure (Managing Performance).
- 8.4 College Code of Ethics.
- 8.5 College Code of Conduct.

## **9. MANAGEMENT RESPONSIBILITY**

The Director of HR and OD has ultimate responsibility for this policy.

## **10. EQUALITY IMPACT ASSESSMENT**

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

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