

BULLYING AND HARASSMENT PROCEDURE

1. INTRODUCTION

1.1 Purpose

- 1.1.1 Blackburn College is committed to the promotion of equality, diversity and a supportive environment where all employees are treated with dignity and respect. The College recognises that circumstances may arise where employees could have concerns or issues which require support to resolve. In such cases an employee may wish to bring these issues to the attention of the College in the form of a bullying and harassment complaint.
- 1.1.2 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.
- 1.1.3 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.
- 1.1.4 This procedure seeks to encourage employees to come forward with their concerns so that they may be dealt with promptly, impartially and with sensitivity. The procedure sets out how to raise a bullying and harassment complaint and the steps that will be taken to find a resolution as swiftly as possible. This procedure: -
- Provides a framework where a bullying and harassment complaint can be dealt with effectively.
 - Seeks to achieve resolutions of employee bullying and harassment complaint initially through informal means before recourse to formal processes where this is appropriate.
 - Provides the general steps that will be followed by the College but is non-contractual.
- 1.1.5 The College reserves the right to vary any stage in this procedure as it deems necessary in order to comply with any current legal obligations and best practice.

1.2 Scope

- 1.2.1 This procedure shall apply to all employees of the College other than senior post holders as defined in the College's Articles of Governance.
- 1.2.2 This procedure should be followed where an employee has a bullying and harassment complaint arising from their employment, except where the matter constitutes an appeal that falls within the parameters of another policy (e.g. disciplinary policy, redundancy policy) or where the College has specifically applicable procedures such as in relation to public interest disclosure (e.g. Whistleblowing Policy).
- 1.2.3 This procedure is applicable to individual bullying and harassment complaints and not allegations that are subject of, or appropriate to, a collective disputes procedure between the College and a recognised trade union.

1.2.4 Complaints unrelated to Bullying and Harassment shall be dealt with under the College's Individual Grievance Procedure.

1.3 Definitions

1.3.1 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 their dignity or of creating an intimidating or offensive environment for them, 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.

1.3.2 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.

1.3.3 Examples of unacceptable behaviour can be found at appendix 1.

1.4 Principles

1.4.1 This procedure does not take the place of normal communications with your line manager and colleagues. You should try and resolve most issues by talking to your manager at an early stage.

1.4.2 It is the expectation that confidentiality is respected by all parties engaged under this procedure.

1.4.3 Nothing in this procedure should preclude informal meetings at any time, without prejudice to the formal stages.

1.4.4 Once a Bullying and Harassment complaint has been raised no additional Bullying and Harassment complaints relating to the same person(s) may be raised by the same individual during the procedure.

1.4.5 Bullying and Harassment complaints raised under the formal stages must be in writing using the Bullying and Harassment complaints Form at appendix 3 and be as clear and specific as is reasonably possible and include what the employee would seek as a resolution. At this stage you may be asked to give consideration to resolving the matter informally in the first instance.

1.4.6 If the subject of the Bullying and Harassment complaint decides not to attend any meeting to hear that complaint, this shall not be cause for undue delay in the hearing of the complaint.

1.4.7 If a Bullying and Harassment complaint is not resolved to the satisfaction of the employee, they shall have the right to proceed to the next stage of the procedure.

1.4.8 A Bullying and Harassment complaint that has been upheld should be remedied to the extent that it is reasonably possible.

1.4.9 If at any stage a matter emerges that should properly be dealt with under the College's procedure for discipline or capability, then the Bullying and Harassment complaint procedure may be halted until the appropriate other procedure has been exhausted.

1.4.10 The College will provide appropriate guidance and training for managers involved in the operation of the procedure to enable Bullying and Harassment complaints to be dealt with fairly and effectively.

1.4.11 An employee may, at any stage of the procedure, seek clarification and / or guidance about the Bullying and Harassment complaint process from the Human Resources Service.

1.4.12 During any stage of the procedure, managers may seek advice from the Human Resources Service. It is recommended that a Human Resources representative attend all formal hearings under this procedure. Employee representation is covered in section (2.6)

1.4.13 All Bullying and Harassment complaint must be raised in good faith and will be dealt with promptly and fairly. Vexatious or trivial complaints will not be considered.

2 THE PROCEDURE

2.1 Informal Resolution

2.1.1 It is in the interest of everyone involved if concerns can be resolved without moving to a formal process and it is anticipated that most Bullying and Harassment complaints can be resolved in this way. Finding an informal resolution generally means that an issue is resolved more quickly and prevents it escalating and causing further distress. It also means that working relationships with colleagues or others are less likely to be affected moving forward. However, some incidents, by virtue of their serious nature will need to be dealt with immediately under the formal procedure.

2.1.2 If you have a problem or concern you should speak to your line manager as early as possible and explain the issue and what you would like to see happen to resolve it. Your line manager will talk to you about your situation and agree with you how to deal with it. If you are unable to speak with your manager, you may speak to an alternative senior manager or a member of the Human Resources service where appropriate.

2.1.3 It may take time for your manager to look into your concern and put in place some actions to resolve your matters. However, they will always aim to find a resolution as quickly as possible normally within 10 working days and will keep you updated with progress. Your manager will write to you summarising your discussion and the steps taken to resolve your concern.

2.1.4 If this does not resolve the Bullying and Harassment complaint then the formal process set out under 2.2 should be followed.

2.2 Formal Resolution - Stage 1

2.2.1 If you haven't been able to resolve your concern informally or you feel that the issue is too serious or sensitive to follow that approach, you may raise a formal Bullying and Harassment complaint. You should do this by completing the Bullying and Harassment complaint form at appendix 3 where possible. You should explain what your concerns are, how it has affected you and how you've tried to resolve it so far.

2.2.2 You must also specify what remedy you would like to solve the difficulty you are experiencing. For example, you might want a person to stop behaving in a certain way towards you.

2.2.3 You should submit your Bullying and Harassment complaint to the Head of Human Resources who will determine if your complaint will be considered under this policy and if so how to proceed. This could include meeting you to discuss alternative ways of solving your concern, other than through the formal process. You will be informed if your concern will not be considered under this policy and whether it will be better dealt with under an alternative policy.

2.2.4 If the Bullying and Harassment complaint relates to the conduct of another person, they will be given a copy of the Bullying and Harassment complaint form as part of any investigation.

2.2.5 Dependant on the nature of the complaint, consideration will be given to any interim measures that may need to be put in place to allow the investigation to take place.

2.2.6 If you raise a Bullying and Harassment complaint during your notice period, we will make every effort to investigate your concern and reach a conclusion before you leave. However, if there is not sufficient time to do this, we will continue to investigate your concern and provide you with a written response.

2.2.7 If it is considered an appropriate matter for the Bullying and Harassment complaint to be dealt with formally, a manager at an appropriate level will be appointed as the Investigating Officer to investigate the matter and you will be invited to a hearing. The purpose of the hearing will be for you to explain your Bullying and Harassment complaint issue in more detail and how it may be resolved. Once you have raised a Bullying and Harassment complaint, you must ensure you do everything possible to attend the hearing. Should you fail to attend the hearing a further hearing may be organised, and any further non-attendance may result in the Investigating Officer reaching a decision based upon the written information provided.

2.2.8 Following the hearing, the Investigating Officer will consider all of the matters raised at the hearing and, where appropriate, interview any witnesses and make further investigations as necessary. You will be informed if the process is likely to take more than 20 working days. A written decision will be issued as soon as practicable. The letter will include the right to appeal against the decision if you are not satisfied with it. If the written outcome cannot be achieved within a reasonable timeframe, the Investigating Officer will write to you informing you of the reasons for any delay.

2.3 Formal Resolution - Stage 2 Appeal

2.3.1 If you are not satisfied with the outcome of stage 1, you may within 5 working days of receipt of the decision, appeal in writing to the Head of Human Resources who will arrange for an appropriate Appeal Officer to hear the appeal.

2.3.2 The grounds for appeal should be clearly documented within this correspondence.

2.3.3 The Appeal Officer will write to you to invite you to attend an appeal hearing.

2.3.4 At the appeal hearing, you will be given the opportunity to explain your Bullying and Harassment complaint and the grounds of appeal and state how you think it may be resolved. The Investigating Officer will explain their decision and reasons for making the decision.

2.3.5 The Appeal Officer will review the issues and if necessary, adjourn the appeal hearing to seek advice or undertake further investigation.

2.3.6 The decision of the Appeal Officer shall be either that the decision of the Investigating Officer:

- Stands;
- Is amended;
- Is not upheld

2.3.7 Following the Bullying and Harassment complaint appeal hearing, the Appeal Officer's decision will normally be conveyed in writing to you. If the decision is against another employee,

they will also be advised of the outcome of the appeal hearing. This shall be the final stage of the Bullying and Harassment complaint procedure within the College.

2.4 Mediation

Mediation may be recommended as a potential way forward in appropriate cases at any stage of the bullying and harassment process. Mediation is a voluntary and confidential process, which involves an independent, impartial person helping to reach a solution that is acceptable. Mediation can take place in different ways. The mediator can talk to all parties separately or together and will not make judgements, attribute blame or determine outcomes. Mediation aims to restore and maintain the employment relationship and its focus is on working together to go forward, not determining who was right or wrong in the past. Where mediation is considered an appropriate mechanism for resolving a particular Bullying and Harassment complaint, an individual will be sourced by the Human Resources service.

2.5 Time Limits

The College is committed to resolving Bullying and Harassment complaints within a reasonable timeframe and without undue delay. It should also be recognised that in certain circumstances it may be necessary to extend time limits in order that the Bullying and Harassment complaint and any appeals are dealt with properly.

2.6 Representation

2.6.1 The employee may be accompanied at any stage of the formal procedure by a recognised trade union representative or a Blackburn College work colleague. It is the employee's responsibility to arrange their own representation. The person accompanying the employee may not be a legal representative. It is also not normally reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to be asked to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

2.6.2 The companion may address the hearing to put or sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not have the right to answer questions on the employee's behalf or address the hearing if the employee does not wish it, nor prevent the Investigating Officer or Appeal Officer from explaining the College's position.

3 MONITORING AND REVIEWING

This policy statement will be reviewed every three years or sooner should the relevant legislation change.

4 RELATED POLICIES/PROCEDURES/CODES AND GUIDANCE

4.1 The Bullying and Harassment Procedure should be read in conjunction with:

Individual Grievance Procedure
Disciplinary Procedure for Staff
Capability Procedure – Managing Performance
Whistle Blowing / Public Interest Disclosure Procedure

5 STAKEHOLDER CONSULTATION

This procedure has been to the Policies and Procedures Review Committee for approval on 19th June 2024

6 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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and 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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Appendix 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.

- a) Derogatory remarks and lewd comments about appearance
- b) Unwelcome jokes, comments or unwanted nicknames related to a protected characteristic.
- c) Abusive, insulting, threatening words or behaviour.
- d) Homophobic comments, jokes and use of inappropriate language, which may have been intended as 'banter' but have the effects of being degrading or distressing.
- e) Making unnecessary and degrading references to an individual's sexual orientation
- f) Making assumptions and judgements about a colleague based on their sexual orientation.
- g) Unnecessary physical body contact ranging from unwelcome touching to serious assault
- h) Unwelcome sexual advances – touching, not respecting personal boundaries, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances.
- i) Displaying abusive writing and pictures
- j) Deliberately ignoring or excluding an individual including from social activities e.g. office social event
- k) Deliberately setting unrealistic deadlines
- l) Public criticism including social media, copying memos or e-mails that are critical about someone to others who do not need to know.
- m) Substituting responsible tasks with menial or trivial ones
- n) Withholding necessary information
- o) Constantly undervaluing effort
- p) Spreading malicious rumours or insulting someone by word or behaviour
- q) Online abuse (cyber bullying)

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.

- a) Praising colleagues when you think they have done well at something at work
- b) Respecting an individual's personal space
- c) Being objective about issues raised rather than emotive
- d) Being open and honest
- e) Focusing on facts rather than characteristics of an individual or group
- f) Considering appropriate language, which may change over time, in written and oral communication
- g) Not indulging in banter, gossip, or stereotypical views
- h) 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
- i) Finding out about different cultures, religions, disabilities etc
- j) Considering the diverse needs of individuals when planning events and meetings

Appendix 2

If You Have Been Complained About

1. Introduction

Blackburn College recognises that being involved in a bullying and harassment complaint process can be distressing for all parties including the person being complained about (the respondent). This section explains what they can expect if someone raises a bullying and harassment complaint about them.

2. The bullying and harassment complaint

The person raising a bullying and harassment complaint (complainant) will outline their concern on a bullying and harassment complaints form. This will include what resolution they are looking for. If someone raises a bullying and harassment complaint about them, normally by their manager or the Human Resources Service. If the bullying and harassment complaint relates to the conduct of another person, they will be given a copy of the bullying and harassment complaint form.

3. The Investigation

A manager will be appointed as the Investigating Officer to look into the issue raised in the bullying and harassment complaint. The Investigating Officer will be the complainant's manager or other manager, depending on the nature of the bullying and harassment complaint. There may however be times when someone external to Blackburn College will be appointed to undertake this role.

The Investigating Officer will send the respondent a copy of the complainant's bullying and harassment complaint form. The Investigating Officer will start their investigation by interviewing the complainant. The respondent will also be interviewed so that they can put forward their point of view. The Investigating Officer will usually be supported by a representative from the Human Resources Service. The respondent may arrange to have a Blackburn College work colleague or recognised trade union representative with them at the interview if they wish. Sometimes witnesses may also be interviewed.

A note of your interview will be sent to you after the hearing so that you can confirm it accurately reflects what you said. The note will be a summary, i.e. it will not be a verbatim note of everything discussed in the hearing.

At the end of the investigation the Investigating Officer will review all of the information available to them and conclude their findings. This outcome will be shared with the complainant and the person who the bullying and harassment complaint was about.

4. Support During the Bullying and Harassment complaint Process

We recognise that it is important to have someone for support or to seek advice from if you are the respondent in a bullying and harassment complaint. The respondent may arrange to have a trade union representative or Blackburn College colleague (who is not a witness to the issues raised) with them at their investigation interview.

Employees also wish to access services provided by the College's Employee Assistance Programme (EAP). Please speak to a member of the Human Resources service for contact details for the EAP.

Appendix 3

Bullying and Harassment complaint Form



Please refer to the Bullying and Harassment Policy before completing this form.

Do not complete this form if your concern:-

- Relates to another Blackburn College policy which has a built-in appeals process.
- Is trivial or vexatious (i.e. it is unreasonable, groundless or untrue).

If either of the above apply it is unlikely your concerns will be taken forward.

Section 1 – Your Personal Details

Employee Full Name:

Job Title:

Department:

Staff ID:

Contact Number:

Section 2 – Your **Bullying and Harassment complaint.**

Please provide a concise description of your bullying and harassment complaint and be as specific as possible. Please bear in mind that if your bullying and harassment complaint relates to the conduct of another person, they will be given a copy of this form.

When did the issue/incident first occur?
In a series of events please provide dates.

Have you tried to resolve the matter informally

Yes/No

If Yes to the above what steps have you taken to try and resolve the matter

Section 3a - Complete this section if your Bullying and Harassment complaint relates to the conduct of another person.

Who is your complaint about and what is their relationship to you? (e.g. line manager, colleague).

Briefly describe the key issues of your bullying and harassment complaint.

Section 3b – Complete this section if your bullying and harassment complaint relates to a breach of College policy, procedure or your terms and conditions of employment.

Which policy, procedure or terms and conditions of your employment do you believe have been breached?	
Briefly describe the key issues of your bullying and harassment complaint.	

Section 4 – Personal Impact

Please briefly describe the personal detriment /impact the issues raised have had on you.	
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Section 5 – Steps taken to resolve your concerns.
If you have not already tried to resolve your concerns on an informal basis, you may be asked to consider this as an alternative to proceeding with a formal bullying and harassment complaint.

If you have already tried to resolve your concerns on an informal basis what was the outcome?	
Why has the informal approach not resolved matters for you?	
If you have not tried to resolve your concerns on an informal basis, briefly explain why not.	

Section 6 – Proposed Resolution
Please consider carefully the outcome you are looking for (i.e. what would resolve your concern).

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Section 7 – Additional Documentation

If relevant please list any additional documents you are submitting with this bullying and harassment complaint form.	
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Section 8 – Declaration and Signature

I confirm that the information I have provided is true and accurate

PRINT NAME:

SIGNATURE:

DATE

You must submit this form to The Head of Human Resources.