

Bullying and Harassment Policy

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Date(s) of review(s)	Reviewed by	Date of next review
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Process for monitoring and evaluation. Monitoring by Management Team with outcomes recorded in notes of meetings and periodic evaluation and review by Management Board.

This Policy has been developed by Somerset Centre for Integrated Learning (SCIL), the training arm for Support Services for Education (SSE) part of Somerset County Council. All training programmes have a commitment to providing a supportive learning environment which enables all trainees who have chosen to study with SCIL to achieve their full potential.

Bullying and Harassment

SCIL is committed to creating a working and learning environment which is free from bullying and harassing behaviour and in which no SALT feels threatened or intimidated. SCIL recognises that incidents of bullying and/or harassment can affect a person's morale, health and their ability to study or to work.

Allegations of bullying and/or harassment will be taken seriously, however any SALT who makes a false, malicious or mischievous complaint will be dealt with under the disciplinary procedure.

What is Harassment?

Harassment is any behaviour that is unwanted, inappropriate, unsolicited and unacceptable to the person receiving it, causing them to experience unease, stress, distress and a possible loss of self-esteem.

Harassment may take place because of any issues relating to the following:

- Ethnicity, race, or national origin
- Gender or gender reassignment
- Marriage or Civil Partnership
- Family background/Family circumstances
- Disabilities and learning needs or difficulties
- Criminal record
- Age
- Religious and/or political beliefs
- Sexual orientation

The following list provides some examples of the type of things that would be considered to be harassment:

- Telling inappropriate jokes
- Making offensive and abusive remarks
- Insulting or nicknaming, comments and actions
- Isolation or 'cold-shouldering' of individuals
- Sending offensive text messages, personal images without consent or unwanted emails or attachments

- Making unwanted and deliberate sexual or physical contact (see below)

Sexual Harassment refers to 'unwanted conduct of a sexual nature' that can occur offline and/or online. Sexual harassment is likely to violate a child, young person or adult's dignity and / or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualized environment.

Sexual harassment can include (but is not limited to):

- Sexual comments such as sexual stories, lewd comments, sexual remarks about clothes or appearance and calling someone sexualized names
- Sexual jokes or taunting
- Physical behaviour such as deliberately brushing against someone, interfering with clothes and displaying pictures, photos, drawings or videos of a sexual nature
- Upskirting (taking a picture under someone's clothing without them knowing for sexual gratification). **Upskirting is a criminal offence.**
- Online sexual harassment which may include non-consensual sharing of sexual images and video, sexualised online bullying, unwanted sexual comments and messages including those on social media, sexual exploitation, coercion and/ or threats.

Any sexual harassment concerns should be reported to the Designated Safeguarding Lead or a Deputy. The referral process will be followed as set out in Keeping Children Safe in Education 2020 and the Safeguarding Children and Vulnerable Adults Policy.

What is the Bullying?

Bullying is very similar to harassment and involves persecution of the victim through intimidating, unfair, sarcastic, physical, malicious or angry behaviour that causes them to feel uneasy or threatened.

It may be:

- An abuse of power including verbal or physical threats or violence
- Physical abuse
- Deliberate withholding of knowledge or information

- Deliberate social exclusion
- Verbally abusing
- Ridicule of a person's work, ideas or appearance, for example.
- Cyber bullying can be defined as the use of ICT, (particularly mobile phones and the internet) to deliberately upset someone else. It can be an extension of face-to-face bullying, providing the bully with another route to harass their target, a whole range of devices, technologies and online spaces can be used. However, it differs in several significant ways from other kinds of bullying: the invasion of home and personal space; the difficulty in controlling electronically circulated messages; the size of the audience; perceived anonymity; and even the profile of the person doing the bullying and their target.

Both harassment and bullying may occur in 'one-off' incidents or via a series of incidents taking place over a period of time as part of a broader pattern of abuse; both may be committed by individuals or groups.

Procedure (in line with the University of Worcester)

To report a bullying or harassment incident, SALT's should in the first instance speak to their Assessor/Course Tutor. If this is not appropriate, then the SALT should contact their course Project Manager.

Informal resolution

Wherever possible, incidents should be dealt with informally by consultation between the SALT(s) and/or staff concerned.

Direct informal action – The SALT may feel able to tell the person who is harassing them to stop, either by talking or writing to them. Sometimes it is enough just to explain to the person what aspects of their behaviour are causing distress and why it is unacceptable. The SALT may prefer to be accompanied by a colleague, representative, manager.

- **Indirect informal action** – If it is too difficult/embarrassing to do this personally, the SALT may request a tutor/manager to approach the alleged harasser/bully on their behalf. If you feel unable to speak to the person concerned, this does not imply that you have accepted the harassment, discrimination or bullying, nor will it prejudice any complaint which may follow.

Mediation

Initially parties meet individually, for up to one hour, with the assigned mediator to assess whether mediation is appropriate. Subsequent meeting(s) is held with all parties in attendance and generally last for up to 3 hours. During mediation the complainant and the alleged harasser/bully can be accompanied by a support worker, e.g. signer or interpreter. Anyone brought along for general support will be required to wait in a separate room. The mediator will inform the SCIL Senior Management Team when mediation has led to an agreed proposal, but will not divulge details. If it has not been possible to resolve the matter informally or through mediation, or if it is not appropriate to seek to resolve the complaint using those less formal stages, the complainant has the right to activate the formal procedure.

Formal Complaint

If a formal complaint is raised, the process in the SCIL policy 'Appeals and Complaints' will be followed.

Anyone dealing with the formal complaint must be independent of the complainant or alleged harasser/bully. Depending on the nature and severity of the complaint the alleged harasser/bully may be suspended, with pay in the case of staff.

Investigations will be undertaken as quickly as possible, in confidence and will normally begin within 10 working days of receipt of the complaint. If this is not feasible the reasons will be explained to the complainant.

The complainant will be asked to attend a meeting by the Investigating Officer during which the procedure will be explained and discussed, and details of the allegation will be confirmed. The complainant and any potential witnesses to the alleged misconduct will then be required to attend an interview independently as part of the investigation.

The alleged harasser/bully(ies) will be informed of the substance of the complaint against them and also be asked to attend a meeting. During the meeting, the procedure will be explained and discussed, and they will be given the opportunity to respond to the complaint against them.

Comprehensive notes of any interviews will be made and will be signed by the interviewee as accurate and reflecting the discussion. The interviewee may make any written comments about any section of the notes with which they do not agree. Copies of the signed notes, with any comments, will be retained by both the interviewee and the Investigating Officer.

Outcome of formal complaint

Each case of alleged harassment/bullying behaviour will be considered on the facts of the case. On the basis of interviews and statements received, the Investigating

Officer will compile a report and inform both parties in writing of their decision, normally within 20 working days of complaint being received. Where, for reasons of complexity, it is not possible to complete the formal procedure within this time scale the parties will be kept informed.

Having gathered and considered all information relating to the case, the Investigating Officer will determine whether the outcome should be to:

- a. **Take no further action** – Where the facts of the case suggest the claim is unsubstantiated, felt to be unjustified or the evidence is inconclusive; it should be noted that part of the outcome of the investigation will address any support for both the complainant and alleged offender that is either requested or deemed appropriate;
- b. **Resolve the matter by informal means** – Where it is considered that a conciliatory meeting between the two parties accompanied by appropriate members of management will be sufficient;
- c. **Arrange mediation for the two parties** – Where it is considered that this is a viable option and has the agreement of both parties;
- d. **Arrange counselling or training for the alleged offender** – Where it is felt to be sufficient to correct the behaviour or resolve the situation;
- e. **Arrange for the matter to be referred for consideration under the appropriate disciplinary procedures** –
 - where it is felt that the conduct of the staff member or student against whom the complaint was made does constitute misconduct;
 - where it is felt that the complainant had knowingly made false or unsubstantiated allegations with malicious intent

In either of the above situations these could, if proven, lead to disciplinary action being taken, up to and including dismissal or expulsion;

- where the harasser is a student, action may be taken under the terms of the Student Disciplinary procedures;
- where the harasser is a member of staff, action will be considered in accordance with the appropriate Staff Disciplinary procedures.