



Anti-Bullying & Anti-Harassment Policy & Procedure

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1. Introduction

The College is committed to ensuring equality of education and opportunity for all students, and staff, irrespective of race, gender, disability, faith or religion or socio-economic background. The College is developing a conducive environment, free from discrimination, violence, harassment & bullying and dignity and respect for everyone. Equality and diversity are core to our values, vision, mission and strategic objectives. We value the diversity of our learning community and are committed to promoting equality of opportunities for all. Our vision identifies the College as a provider of inspiring, distinctive and excellent adult learning, a college, which contributes to, and is responsive to, the communities it serves.

Oxford Business College recognises that bullying and harassment can seriously damage working and social conditions for students. The publication of this policy and its associated procedures represents a significant commitment to achieving a positive environment where personal dignity and integrity is respected and bullying and harassment are understood by all as not to be tolerated.

2. Purpose

The purpose of Policy is to set out the College's commitment to an inclusive and supportive environment for students, staff, contractors and visitors that is free from discrimination.

3. Aims and Objectives

The policy aims to prevent harassment and bullying for all staff and students, and to providing effective reporting mechanisms.

- To provide a framework for students and staff who feel that they have been the subject of harassment or bullying so that they can access appropriate support
- To provide a conducive environment, free from discrimination, violence, harassment & bullying.

4. Scope

Students Staff and other key stakeholders

5. Understanding Bullying and Harassment

The College is committed to valuing diversity and will not tolerate any form of harassment or bullying. Harassment is unlawful in many cases and individuals may be legally held liable for their actions. The College is committed to removing all types of discrimination including those based on:

- Gender (including transgender)
- Ethnicity
- Disability or Learning Difficulty
- Sexual Orientation
- Age
- Religion or Beliefs
- Cultural background
- Marital status or family circumstances

- Trade union membership or activity
- or other relevant difference

It is the right of every student to work or study without fear of harassment, victimisation or bullying. The College recognises the problems associated with harassment/bullying and is committed to providing an environment where all individuals can function effectively, confidently and competently. Any complaint that is raised will be investigated promptly and appropriate action will be taken.

Harassment and bullying can take many forms, often involving the abuse of power or position and may be a single event, sporadic events or a continuing process.

5.1. Bullying

Bullying is not defined in law but can be described as:

“The repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online” (*Anti Bullying Alliance definition*).

1. Examples of bullying may include:

This list is not comprehensive and bullying can take other forms.

Verbal or physical threats and intimidation
Unjustified persistent negative comments or criticisms
Humiliating someone in front of others
Offensive or abusive personal remarks
Threatening or abusive comments made by email or through internet forums
Setting unreasonable and unattainable targets
Ostracism
Picking on one person for criticism when there is a common problem
Making false allegations
Shouting at people in order to get things done
Ageist, Disability related, Homophobic, Racist, Sexist, Transphobic, or other such behaviour.

5.2. Harassment

The Equality Act 2010 as defines harassment:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

5.2.1. Types of Harassments

- **Sexual Harassments**

Sexual Harassment describes a range of behaviours of a sexual nature perpetrated (knowingly or unknowingly) against an individual. It includes unwanted attention of a sexual nature that degrades,

ridicules or is intimidating. For an act to be considered sexual harassment it does not matter what sex the perpetrator or the victim are for example male/male, male/female, female/female, or what the sexual orientation of those individuals is.

- Flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
 - Asking questions about someone's sex life
 - Telling sexually offensive jokes
 - Emailing, texting or messaging sexual content
 - Displaying pornographic or sexual images on posters, calendars and cards
 - Having pornographic or sexual images on computers and phones
 - Sexual assault or rape
 - Touching someone against their will, for example hugging them
- **Verbal Harassments**
 - Offensive remarks
 - Personal comments
 - Inappropriate humour
 - Innuendo
 - Unwelcome advances
 - Unwanted comments on dress
 - Spreading malicious gossip
 - Intrusive questioning about a person's marital status, gender identity, sexual orientation, ethnic origin, religion, culture or disability
 - •Intrusion by pestering or unwanted telephone calls, emails or texts at home or at work
- **Non-Verbal Harassments**
 - The circulation of offensive or sensitive photographs
 - Offensive literature
 - Graffiti
 - Pinups
 - Whistling or other sexually suggestive gestures
- **Physical Harassments**
 - Touching
 - Patting
 - Brushing up against another person
 - Standing so close to someone that they feel uncomfortable

6. Policy Statement

Every student, staff member and residential agreement holder has the right to be safe from bullying and discrimination. All of the above are responsible for creating a learning, social and living environment free from bullying, threat, harassment and intimidation. Academic, Non-academic and Staff Disciplinary Procedures within the College will support this policy. Any person alleging harassment will be provided with help and support throughout the process and will be protected from victimisation.

7. Procedures

All complaints of bullying or harassment will be addressed speedily and, if possible, following the Informal Procedure. This is likely to produce solutions that are effective and minimise embarrassment and risk to confidentiality. However, there may be occasions when the Informal Procedure is not adequate due to the nature of the complaint and the Formal Procedure is more appropriate.

7.1. Informal Procedure

There are various ways in which a student can deal with bullying or harassment, from simply asking for it to stop, through to making an official complaint.

- If a student, resident or staff member feels they are a victim of bullying or harassment they should keep a written record of all the relevant incidents, including times, dates and if appropriate the names of any witnesses to the incident/s and any other information as detailed above.
- If at all possible, the recipient of the harassment/bullying should tell the person that their behaviour is causing them offence and that they want the unacceptable behaviour to stop. Frequently the individual can be unaware that their actions are inappropriate and that there could have been some misunderstanding or misinterpretation on either part.
- Where the behaviour was unintentional, a swift and clear indication that the behaviour is unacceptable may well be enough.
- Before a student decides to take any action they may wish to discuss the matter with someone who can offer advice and counselling. This may be by accessing the staff as outlined in Responsibilities. In any event a person who has complained of bullying/harassment will be offered appropriate support and counselling/mentoring, which if they accept will be precluded by signing the Student Pre-Counselling Declaration (Appendix 1).
- If a student feels uncomfortable confronting the person directly, or talking to them has had no effect, they may want to talk the situation through with someone else like a friend, teacher or member of Student Support. This can sometimes give the student the confidence to deal with the situation.
- Where a person indicates a preference to discuss the matter with a person of the same background, for example gender, race, religious belief etc, the College will endeavour to accommodate such a request where possible.
- A student may want the support of one of the above to either accompany them when speaking to the individual or alternatively speak to them on their behalf. Every effort will be made to achieve an informal resolution.
- If however, the Informal Procedure above fails to produce a resolution or if the bullying/harassment is considered too serious, either by the complainant or the individual giving advice and guidance, to be resolved informally, the student will be advised that an appropriate Investigating Officer trained in counselling techniques will be appointed in order to advise on how to progress with the matter. This is in order that the person will be able to assess the severity of the case and advise the student on how to progress.

- In most cases it would be hoped that the situation could be resolved informally. The Investigating Officer will explore all possible options with the complainant and their representative. There may, however, be situations when the Investigating Officer will advise the complainant to raise a formal complaint without further exploring informal resolutions.

7.2. Formal Procedure

While some cases of bullying/harassment may be resolved by a direct approach to the alleged bully/harasser some cases will inevitably be incapable of resolution within the Informal Procedure.

- Those cases that are incapable of a successful resolution, or are too serious to consider resolution by means of the Informal Procedure will be referred to an appropriate Investigation Officer.
- In order to initiate the Formal Procedure, the student must make a formal complaint, ideally although not always in writing. The student's parent / friend or supporter (member of student council or external agency, but not a legal representative) may make the complaint on behalf of the student, provided it is authorised and signed by the individual.
- This should be addressed to the Quality Officer or the Safeguarding lead in the first instance. The letter should include the name of the alleged harasser/bully, the nature of the alleged harassment/bullying, dates and times of when the incidents occurred, names of any witnesses to the incidents and any action which has already been taken to attempt to stop the bullying/harassment.
- The student will receive a written acknowledgement to their formal complaint within 5 working days of its receipt.
- A preliminary investigation will be arranged, as soon as is reasonably practicable, which will be appropriate to the nature of the complaint.
- The Investigating Officer will be a member of management unconnected with either the complainant or the alleged bully/harasser and of an appropriate level to ensure that the investigation is independent and objective.
- A Parent, Friend or Supporter may accompany the student at any meetings throughout the Formal Procedure.
- Although the investigation may require the student to recount details of specific incidents, they will not be asked to do so unnecessarily or repeatedly.
- The alleged bully/harasser will be made aware of the allegation as soon as the formal complaint has been received. Depending upon the severity of the complaint, it may be necessary to separate the parties involved.
- This may involve a temporary suspension of the alleged bully/harasser from College until the complaint is resolved, or moving of them to another group.
- The alleged victim should never be suspended because they have brought a complaint or accusation. Where it is decided that it is appropriate to move one student from a group to prevent bullying, in general the victim should not be moved unless it is their wish to do so.
- Both the complainant and alleged harasser/bully will be instructed to keep the complaint confidential and not to make contact with the other party's witnesses.

Any breach of this instruction may be viewed as an attempt to intimidate witnesses and may be subject to disciplinary action against either party.

- The Investigating Officer will provide the alleged bully/harasser with written details of the complaint and the right to and time to respond to the allegation(s).
- It is anticipated that the Investigating Officer will normally meet with the alleged bully/harasser within 10 working days of receipt of the written allegation(s).
- Due to the sensitivity of some allegations, some witnesses may request that their identity is concealed. . Any such request will be fully considered by the investigating officer who will make a final decision on whether or not to grant anonymity. However, details of the allegations must be disclosed.
- Natural justice requires that a student should know the case against them in order to defend their actions and to respond to an allegation. In establishing whether witness statements should be anonymous, consideration will be given to balancing the interests of the parties involved, i.e. the need to protect witness's identity and the right of the accused to a fair hearing.
- The following principles will be adopted in the gathering of witness statements:
 - I. Statements will be in writing (these may be edited to remove names and preserve anonymity) and be made available to the student and their representative
 - II. Statements need to be accurate with regard to date, time and place of each incident, the student's observations and any other relevant details
 - III. Is there any corroborative evidence?
 - IV. Has the witness any reason to fabricate evidence?
 - V. Is the witness's fear genuinely sufficient to not require them to be involved in the procedure further?
 - VI. If at any stage in the procedure the student raises issues to be put to the witness then the Investigating Officer will make the relevant enquiries with the witness.

7.3. Meeting Parties Involved

- Any investigations will be handled with sensitivity and with due respect for the rights of all parties. The alleged bully/harasser also has the right to be accompanied at any meetings by a Parent, Friend or Supporter.
- The Investigating Officer will meet with the complainant and the alleged harasser separately and their respective representatives. Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected.
- Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.
- The Investigating Officer will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated
- In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.
- Once the investigations have been concluded, the Investigating Officer will compile a report of their findings and both parties will be informed of the outcome in writing.

- In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the Investigating Officer will consider whether on the balance of probabilities, the incidents/actions occurred. In such instances, the Investigating Officer will compile a report on their findings and refer the case to the Senior Management Team (Strategic) in order to allow both parties to put forward their case. If the Investigating Officer finds that there has been a breach of the College Harassment and Bullying Policy and Procedure, arrangements will be made through the relevant department for a disciplinary hearing to take place.
- Where disciplinary action is considered necessary, such action will be considered strictly in accordance with the College's Non-Academic Disciplinary Policy and Procedure. Students, Staff and Residential Agreement Holders should understand that there may be cases where somebody makes an unfounded allegation of bullying/harassment for malicious reasons. These cases will also be investigated under the Oxford Business College Non-Academic Disciplinary Policy and Procedure.

7.4. The Disciplinary Hearing

- Any formal disciplinary action will be taken in accordance with the appropriate policy and procedure; for students this will be the Student Disciplinary Policy and procedure, and for members of staff, the Disciplinary Policy and Procedure outlined in the Employee Handbook.
- It is understood that some witnesses may be reluctant to attend a disciplinary hearing, out of embarrassment or of fear for reprisal. All students should understand that the College will not tolerate any intimidation, victimisation or discrimination against a student for assisting in the investigation of an allegation of bullying or harassment.
- Retaliating against a student who has assisted in this procedure is considered a disciplinary offence. In exceptional circumstances the complainant may need to attend the disciplinary hearing as a witness. However, every effort will be made to avoid the need for attendance.
- If the complainant is required to attend, they can be accompanied by a parent, friend or supporter and have any questions directed through this person. However, the complainant cannot normally expect this person to respond on their behalf solely.
- The person(s) conducting the disciplinary hearing may adjourn to ask supplementary questions of witnesses in private and reconvene without disclosing the names of witnesses but making the contents of the discussion known to those involved in the disciplinary hearing.
- Witnesses may be cross-examined through the person(s) hearing the disciplinary hearing, thereby protecting their identity.
- After the procedure has been concluded, the complainant will be kept informed of the general progress of the investigation and within 5 working days of the disciplinary hearing, will be informed whether the complaint has been upheld and is to result in disciplinary action.
- The rights of the alleged harasser, as to the confidentiality of the details of any disciplinary sanction, will be respected. The counselling/mentoring service will be made available to both parties of the complaint, irrespective of the outcome, once the informal and/or formal procedure(s) have been concluded.

- Counselling/mentoring is invaluable for individuals whose behaviour is unacceptable. They may be unaware of or insensitive to the impact of their actions and counselling may change their behaviour or at least prevent further incidents. Counselling/mentoring may be of assistance to the complainant where investigations have shown no cause for disciplinary action, or may help support the person accused while the investigations are ongoing. Where a complaint is upheld, it is the responsibility of the Head of Academics to appoint an appropriate Tutor to oversee the alleged harasser/bully to such that, within their remit, no further bullying/harassment takes place in the classroom, and that, within remit, there is no subsequent victimisation.
- Similarly, it may be appropriate to monitor the relationship of the harasser/bully with other teachers and members of staff, within the confines of Safeguarding and data protection policies. After a complaint has been heard, the following storage arrangements should be followed:
 - I. Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.
 - II. Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
 - III. Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the Non-Academic Disciplinary Policy and Procedure and Data Protection Policy.

7.5. Responsibilities

Records should be kept of any incident and the ensuing investigation and outcomes. A log should be kept of all incidents, which are reviewed by the Principal on a termly basis with a view to:

- Assessing the effectiveness of the approaches adopted to dealing with bullying incidents;
- Identify any patterns in instances of bullying, and identifying suitable strategies to address these in order to reduce the incidences of bullying

The policy will be reviewed annually

7.6. Typical Staff Members Recommended for Investigating Officer

Informal

Area of Inquiry	Recommended Investigating Officer/s
Students	Safeguarding Lead, PREVENT lead
Issues with Academic Staff	Head of Academics
Issues occurring outside College and Residence	Quality Officer, Head of Academics
Issues with Admin Staff	HR Manager
Residential	Warden, Accommodation Officer

Formal

Area of Inquiry	Recommended Investigating Officer/s
Students	Head of Academics, Senior Management Team
Issues with Academic Staff	Director
Issues occurring outside College and Residence	Head of Academics, Principal, Director
Issues with Admin Staff	Senior Management Team
Residential	HR Manager

Please note that the procedures and policies outlined in this policy, and in any related policy may be reviewed or changed at any time before the actual review date.

Appendix

Pre-Counselling Declaration

Name:

Date:

- I understand and accept that no details of my discussion with the counsellor will be passed on to any member of OBC staff or students, or any third party outside the College, unless the counsellor feels I may pose a significant risk to my own health or safety, or the health and safety of others. In this instance the counsellor may contact a relevant member of staff (eg. Head of Academics, principal, first aider) or third party (eg. GP, police, dedicated helpline). In the case that the counsellor feels contact with others is required, he/ she will inform you in writing via email.

Student Signature:

Counsellor Signature:

Additionally, some students may prefer to have some details of their contact with the counsellor communicated to their tutors and Head of Academics to be considered alongside their academic progress. In this instance, those who have been informed will keep all information confidential.

- I am happy for the following reason, and no further details, to be passed on to my tutors **and/ or (select one)** Head of Academics to be considered alongside my academic progress:
- Personal issues
 - Family issues
 - Health issues
 - Financial issues
 - Reason not disclosed
- I do not want any information or acknowledgement of my discussion with the counsellor to be passed on to my tutors and Head of Academics.

Student signature:

NOTES: