

Bullying and Harassment Policy

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Title of Policy	Bullying & Harassment
Policy Owner	Frances Drew
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Introduction

DBC Training is committed to providing a working and learning environment free from bullying and harassment, and has a zero-tolerance policy towards incidents of bullying and harassment. All concerns raised will be dealt with investigated seriously.

Everyone has the right to be treated fairly and with respect, and is entitled to work and study in an environment free from harassment, victimisation and bullying, due to their age, sex, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief and sexual orientation.

DBC's aim is to eliminate harassment, victimisation and bullying.

Context:

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the [Equality Act 2010](#).

Links with other DBC policies

This policy links with several DBC policies including:

- Complaints policy
- Safeguarding Policy
- E-safety Policy
- Health & Safety Policy
- Whistleblowing Policy
- Preventing Extremism Radicalisation Policy
- Equality & Diversity Policy

Purpose:

This Bullying & Harassment Policy has been written in accordance with the UK [Equality Act 2010](#) and Protection from Harassment Act and provides DBC Training employees, learners, visitors and other stakeholders with assurance that the Company is committed to preventing harassment and bullying in the workplace.

It includes instructions on how to confront harassment, both through informal steps and a formal grievance procedure. It also clarifies the right of employees to be protected from harassment by third parties.

This policy emphasises the need to treat everyone fairly draws attention to the many forms of harassment, victimisation and bullying at work and their serious adverse effects makes explicit those behaviours which will not be tolerated provides practical guidance to all employees on how to deal with harassment, victimisation and bullying

Forms and types of bullying covered by this policy:

Bullying can happen to anyone. This policy covers all types and forms of bullying, be it in person, verbal or online including:

- Bullying related to physical appearance
- Bullying of young carers or otherwise related to home circumstances
- Bullying related to physical/mental health condition
- Physical bullying o Emotional bullying
- Sexual bullying, violence and harassment
- Bullying via technology, known as online or cyberbullying
- Harassment
- Prejudicial bullying (against people/learners with protected characteristics):
- Bullying related to race, religion, faith and belief and for those without faith
- Bullying related to ethnicity, nationality or culture
- Bullying related to Special Educational Needs or Disability (SEND)
- Bullying related to sexual orientation (homophobic/biphobic bullying)
- Gender based bullying, including transphobic bullying

The Law:

Whilst Bullying is not currently formally defined in law, Harassment is, and relates to when the unwanted behaviour is related to one of the following:

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

Harassment is harmful to employees, employers, learners and customers alike. It can subject individuals to fear, stress and anxiety. Great strains can be put on work, personal and family life. Harassment can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment and people leaving. It impacts badly on safety organisational effectiveness and business success.

Individuals who are harassed, victimised or bullied are often made to feel vulnerable and can be reluctant to complain. They may fear reprisals and may suffer in silence. They may not want attention focused on them or on the situation; they just want the behaviour to stop.

DBC Training's Bullying & Harassment Policy is one step towards ensuring the fair treatment and dignity of all employees, trainees, learners and stakeholders. It prohibits all forms of harassment as defined in the [Harassment Act 1997](#) whether amounting to unlawful racial or sexual discrimination or not. It intends to prevent all forms of offensive and unfair behaviour, whether or not such behaviour is lawful.

Everyone has a Responsibility:

Every employee, employer, stakeholder and learner has a responsibility not to behave in a way that could be offensive to others or allow others to do so. DBC have a responsibility to communicate this policy to all DBC staff members. All staff are responsible for ensuring that the Policy is implemented and communicating the policy to customers.

All instances of harassment, victimisation and bullying will be thoroughly investigated and resolved as soon as possible in line with the Harassment & Complaint Procedure

The Intention:

The intention is to develop working environment free from harassment, victimisation and bullying. Collusion with these is not acceptable. Individuals must feel confident enough to bring forward complaints without fear of ridicule and reprisal. Fair treatment and respect for the dignity of all employees is essential.

Unacceptable Behaviour:

Any conduct which denigrates, ridicules, intimidates or is abusive of another individual or group be it in person or via the use of any online medium constitutes unacceptable behaviour.

This includes:

- **Unwanted Physical Conduct** such as unnecessary touching, patting, pinching and brushing against another person's body, insulting or abusive behaviour, gestures, physical threats or assaults.
- **Unwanted Verbal Conduct** such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to a person or group's gender, colour, race, nationality, ethnic or national origins, disability, sexual preference, etc., repeated suggestions for unwanted social activities inside or outside the workplace.
- **Unwanted Non-Verbal Conduct** such as abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature, pictures or films/videos or inappropriate and/or illegal use of visual display units (VDUs) IT equipment or network systems for this purpose.

- **Bullying** including persistent criticism and personal abuse, either in public or private, which humiliates or is physically abusive of an individual or group.

The above types of behaviour will not be tolerated and may result in disciplinary action.

Harassment Complaints Procedure

The aim is to stop the undesirable behaviour and prevent recurrence. When or where appropriate, every effort will be made to resolve the situation informally. Complaints should be made as soon as possible after the incident/s involved. All concerns or complaints raised will be automatically reviewed in accordance with DBC's safeguarding policy and procedures to determine whether they need to be investigated via this route.

What You Can Do:

Any employee or learner who feels that they have been harassed, victimised, bullied or treated in a way that breaches this policy should, if they feel able to do so, immediately tell the person(s) doing it that the behaviour in question is offensive, unwanted, and that they want it to stop.

Those who feel they are not able to do this may prefer to put it in writing to the person(s) doing it, keeping a dated copy of the letter, or to ask a friend or staff representative to speak to the person on their behalf.

A note should be kept of the date(s) and what was said by all involved. This may be needed as evidence of harassment, victimisation or bullying or subsequent recur. This is often enough to sort things out, particularly if the person(s) involved was/were unaware that the behaviour was causing offence.

What We Can Do:

At any time, whether or not informal steps have been taken, any employee or learner who feels that they have been harassed, victimised, bullied or treated in a way that breaches this Policy can raise the matter directly with **Frances Drew** (frances@dbc-training.co.uk / **01332 295588**) or **Kerry Bentley** (kerry@dbc-training.co.uk / **01332 295588**) either verbally or in writing.

Thereafter the matter will be:

- Investigated in accordance with the relevant DBC policy and procedure to establish whether there is a need to take disciplinary action
- The complainant and alleged harasser will be informed of the outcome as soon as possible following the conclusion of the investigation
- If, following the investigation, the manager decides that there is a case to answer; the appropriate Disciplinary Procedure will be started immediately.
- The manager will inform any complainant of the outcome as soon as possible after any disciplinary action

All complaints will be taken seriously and dealt with confidentially and promptly. Depending on the nature of the conduct the matter will be dealt with by a written or verbal warning. Where incidents are serious or repeated the person concerned may be asked to leave or summarily dismissed from his/her post.

If any complainant feels that the matter has been handled inappropriately they should raise this through the Complaints Procedure.

Please note, in accordance with our safeguarding policy, if an allegation is made that a child has been bullied and harassed or otherwise harmed by a person in a position of trust (i.e. a member of staff), DBC's Designated Safeguarding Lead will need to ensure that the necessary procedures in terms of notifying the relevant Local Authority Designated Officer (LADO) have been followed before any investigation starts.

Confidentiality:

All complaints, associated correspondence, and interviews must be treated in strict confidence.

Confidentiality, where possible, will be maintained between the people involved in a bullying or harassment situation and its investigation. We recognise, however, that confidentiality cannot be guaranteed where it would be a breach of our 'duty of care' statutory responsibilities.

In the circumstance where the complaint is related to a vulnerable young person and depending on the nature/seriousness it may need to be shared with a 3rd party. In such situations information will only be shared on a 'need to know' basis. If a situation involves a criminal offence, serious misconduct, or we deem that there is an unacceptable risk to the person who has been bullied or harassed, another person, or to DBC itself, we will make a referral to the police or other organisation as necessary.

It is important that all employees must abide by the Bullying and Harassment policy or they may face disciplinary action.

Malicious Allegations and Complaints

Where a person makes a malicious complaint or knowingly provides false information, they may be subject to staff or learner disciplinary procedures. If a person in authority also raises grievance or disciplinary proceedings against a person who has made a complaint against them under this policy, they will be required to show that this is not victimisation of the person who has complained against them. Once that has been confirmed, the matter will be investigated in the normal manner.

Definition of terms:

Unlawful sexual discrimination occurs when, because of their sex, a woman or man is treated less favourably than a person of the opposite sex in similar circumstances.

Unlawful racial discrimination occurs when, on racial grounds, a person is treated less favourably than others.

In either case there is a need for the person discriminating to intend to do, merely evidence that the reason for discrimination was in fact racial or sexual.

Direct Discrimination consists of treating a person, on the grounds of one or more of the 9 protected characteristics, less favourably than others who would be treated in the same or similar circumstances.

Indirect Discrimination consists of applying a requirement or condition which, whether intentionally or not, adversely affects one group considerably more than another which cannot be justified.

Harassment consists of any unwanted conduct affecting the dignity of women and men at work. It includes unwelcome physical, verbal or non-verbal conduct and it could amount to unlawful discrimination. It could involve a single incident or may be persistent and may be directed to one or more individuals.

Unlawful Victimisation consists of treating a person less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the [Equality Act 2010](#).

Abuse Child-on-Child (Learner on Learner) Abuse by one person on another can take different forms such as sexual violence and sexual harassment, physical abuse such as hitting, kicking or shaking, sexting, or initiation type violence and rituals (hazing). It can also take place in person, online or via a mobile phone. It occurs when a young person is exploited, bullied and / or harmed by their peers who are the same or similar age; everyone directly involved in child-on-child abuse is under the age of 18. 'child on Child/ learner' abuse can relate to various forms of abuse (not just sexual abuse and exploitation), and crucially it does not capture the fact that the behaviour in question is harmful to the child perpetrator as well as the victim.

DBC takes **Child-on-Child/ Learner on Learner abuse seriously**. It should not be tolerated or passed off as 'banter', 'just having a laugh' or 'part of growing up' and can cause severe and adverse effects on emotional development.

Any reported incidences of child on child or Learner on Learner abuse may be investigated under DBC's Safeguarding Policy and Procedures.

Definitions of bullying and harassment

Bullying is the repeated less favourable treatment of a person by another or others, either in public or private, which humiliates and demeans the individuals involved, gradually eroding their self-confidence and/or may be considered unreasonable or inappropriate. Such behaviour can be physical, such as violent acts or non-consensual touching, verbal, non-verbal, antisocial or technological, such as cyber bullying. Bullying is the intentional and persistent victimisation of a person and can be offensive, abusive, intimidating or humiliating behaviour; or an abuse or misuse of power which is meant to undermine the recipient personally and/or professionally and has the effect of making the recipient feel isolated, marginalised, powerless or worthless

Bullying can be motivated by many reasons, including on the grounds of someone's age, disability, gender reassignment/identity, sex, sexual orientation, race, religion or belief, marital or civil status, pregnancy or maternity or any other personal characteristic. Bullying

may also take the form of singling out a member of staff or learner because they belong to a particular group.

Bullying is to be distinguished from the actions of a manager or tutor making reasonable, but perhaps unpopular, requests to staff or learners. Bullying, harassment and victimisation may include:

- offensive songs, remarks, jokes, emails or gestures
- display of offensive posters, publications and graffiti
- unwanted physical contact or advances
- offensive remarks about a person's dress or appearance
- offensive remarks about a person's race, gender, marital status, disability, religion or belief, sexual orientation, gender reassignment/identity or age
- 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 competent worker by overloading, taking credit for his/her work or constant criticism
- removing areas of responsibility and imposing menial tasks
- the same unacceptable behaviours expressed online, sometimes called online or cyberbullying. This can include: sending offensive, upsetting and inappropriate messages by phone, text, instant messenger, through gaming, websites, social media sites and apps, and sending offensive or degrading photos or videos.

In some circumstances with bullying a person can be both a victim and instigator of bullying.

Harassment can take many forms and can be defined as unwanted conduct related to age, disability, gender identity, sex, sexual orientation, race, religion or belief, marital or civil status, pregnancy or maternity or any other personal characteristic which has the purpose or effect of violating a learner's or staff member's dignity or creating an intimidating, hostile, degrading or offensive environment for employment, study or social life.

The defining feature is that the behaviour is unwanted by the recipient and unwarranted by the working or study/social relationship and would be regarded as such by any reasonable person.

Unacceptable behaviour may be physical, verbal, online and/or non-verbal, such as ignoring someone. It may be repetitive, sporadic or an isolated incident against a person or group. The behaviour may be harassment even if the person behaving in that way did not intend offend someone, and whether or not the person the behaviour was aimed at witnesses it or not.

Differences in attitude or culture or misreading/interpreting of social signals can mean that what is perceived as harassment by one person may not seem so to another. Harassment may not always be intentional, but it is always unacceptable.

Examples of Harassment

In addition to the examples outlined above, harassment on the grounds of a particular protected characteristic may also include other facets outlined below

- **Harassment on the grounds of disability** is any behaviour, deliberate or otherwise, relating to a person's disability, which is unwanted by the recipient and creates an

intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or a group.

Disabilities may be visible or hidden, and include physical disabilities, learning difficulties and mental illness. Harassment on grounds of disability may also include:

- unwelcome discussion of the effects of a disability on an individual's personal life
- refusal to work/study alongside a person with a disability
- communicating with a person with a disability via a third party
- excluding a person with a disability from social events or meetings
- uninvited, patronising or unnecessary assistance with work/study prejudging an individual's capabilities without reference to him/her
- mischievous interference with personal aids or equipment.

Gender harassment is any behaviour, deliberate or otherwise, pertaining to gender and/or a person's gender identity, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group.

Gender harassment may include abusive comments/jokes about an individual's gender, gender identity and/or gender reassignment, being a trans or gender-neutral person, 'dead naming' a trans person, and making comments/jokes about a person's capability based on assumptions relating to gender.

Complaints regarding the behaviour of men and women, directed towards members of the same or a different sex, will be taken equally seriously.

Racial harassment is any behaviour, deliberate or otherwise, relating to race, colour, ethnic or national origin, which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or group.

Racial harassment may include:

- abusive comments about racial origins and skin colour
- racist insults jokes and comments about capability
- racist graffiti or offensive material
- exclusion/ignoring someone based on assumptions relating to race

Harassment on the grounds of religion or belief or non-belief is any behaviour, deliberate or otherwise, relating to a person's religion or similarly held belief or non-belief which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life.

These grounds may include:

- refusal to work/study alongside a person because of their religion/belief or non-belief
- excluding a person from social events or meetings on the grounds of their religion/belief or non-belief
- prejudging an individual's capability on assumptions relating to their religion/belief or non-belief
- making offensive comments or jokes about a person's religion/belief or non-belief.

Sexual harassment is any unwanted conduct of a sexual nature, which violates a person's dignity, and/or makes them feel intimidated, degraded or humiliated, and/or creates a hostile, offensive or sexualised environment. Sexual harassment may occur between members of the same sex or of the opposite sex. It may be directed at an individual or a group. Sexual harassment can also include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance, calling someone sexualised names and sexual 'jokes' or taunting
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature
- online sexual harassment, which might include: non-consensual sharing of sexual images and videos and sharing sexual images and videos (sexting); inappropriate sexual comments on social media; exploitation, coercion and threats. Online sexual harassment may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

Sexual harassment creates an atmosphere that, if not challenged, can make it appear that this behaviour is acceptable, creating a culture and environment that could lead to sexual harassment.

It is also unlawful to treat a person less favourably because they either submit to or reject sexual harassment.

Sexual harassment and sexual violence exist on a continuum and may overlap; all activities which are potentially criminal in nature must be challenged and will be investigated in accordance with DBC's Safeguarding policy and procedures

Harassment on the grounds of sexual orientation ('being LGBTQ') is any behaviour, deliberate or otherwise, relating to sexual orientation which is unwanted by the recipient and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life. It may be directed at an individual or a group.

Harassment on grounds of sexual orientation may be experienced by someone who is, for example:

- a bisexual/bi person (i.e. attracted to a person's own gender and other genders)
- a gay/lesbian woman or a gay/homosexual man
- questioning/Q (i.e. someone who may still be exploring their gender, sexual identity or sexual orientation or all three and are concerned about applying a social label to themselves).

Harassment on grounds of sexual orientation may also include:

- failure to accept that same-sex partners should be given the same recognition as heterosexual partners
- threats of, or actual unwanted disclosure of sexuality (sometimes referred to as 'outing' someone)
- expressing or acting on stereotypical assumptions.

If any DBC learner who identifies as LGBTQ needs to speak with someone in a safe space, they are welcome to speak with any member of DBC's 'Keeping you Safe' team

Other forms of harassment – in addition to the specific forms of harassment referred to above, harassment can take a variety of other forms including being ageist, and harassing other minorities where the behaviour is unwanted, and creates an intimidating, hostile, degrading or offensive environment for employment, study or social life.

Bullying and harassment by association and/or perception – harassment can also occur in situations where a person is treated less favourably or experiences unwanted conduct in relation to a personal characteristic of someone who they **have an association with**, for example, a learner is subjected to offensive joking about their brother's disability or their friend's religion.

Similarly, a person may be treated less favourably or experience unwanted conduct in relation to a **perceived personal characteristic** – for example, a straight/heterosexual staff member is excluded from social events because they are thought to be gay, for example.

Bullying and harassment can often involve an actual or perceived unequal power relationship. Individual harassment tends to reflect wider social inequalities.

Those who are in authority are less likely to experience harassment than other members of society.

Useful links and supporting organisations:

- Anti-Bullying Alliance: www.anti-bullyingalliance.org.uk
- Childline: www.childline.org.uk
- Family Lives: www.familylives.org.uk
- MindEd: www.minded.org.uk
- The BIG Award: www.bullyinginterventiongroup.co.uk/index.php
- Restorative Justice Council: www.restorativejustice.org.uk
- The Diana Award: www.diana-award.org.uk
- Victim Support: www.victimsupport.org.uk
- Young Minds: www.youngminds.org.uk
- Young Carers: www.youngcarers.net
- The Restorative Justice Council: www.restorativejustice.org.uk/restorative-practiceschools
- Changing Faces: www.changingfaces.org.uk
- Mencap: www.mencap.org.uk
- Anti-Bullying Alliance Cyberbullying and children and young people with SEN and disabilities: www.cafamily.org.uk/media/750755/cyberbullying_and_send_-_module_final.pdf
- DfE: SEND code of practice: www.gov.uk/government/publications/send-code-ofpractice-0-to-25

Cyberbullying

- Childnet: www.childnet.com
- Internet Watch Foundation: www.iwf.org.uk
- Think U Know: www.thinkuknow.co.uk
- UK Safer Internet Centre: www.saferinternet.org.uk
- The UK Council for Child Internet Safety (UKCCIS) www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis
- DfE 'Advice for parents and carers on cyberbullying': www.gov.uk/government/publications/preventing-and-tackling-bullying

Race, religion and nationality

- Anne Frank Trust: www.annefrank.org.uk
- Kick it Out: www.kickitout.org
- Report it: www.report-it.org.uk
- Stop Hate: www.stophateuk.org
- Tell Mama: www.tellmamauk.org
- Educate against Hate: www.educateagainsthate.com
- Show Racism the Red Card: www.srtrc.org/educational

LGBT

- Barnardo's LGBT Hub: www.barnardos.org.uk/what_we_do/our_work/lgbtq.htm
- Metro Charity: www.metrocentreonline.org
- EACH: www.eachaction.org.uk
- Proud Trust: www.theproudtrust.org
- Stonewall: www.stonewall.org.uk

Sexual harassment and sexual bullying

- Ending Violence Against Women and Girls (EVAW)
www.endviolenceagainstwomen.org.uk
- Disrespect No Body: www.gov.uk/government/publications/disrespect-nobodycampaign-posters
- Anti-bullying Alliance: Preventing and responding to Sexual Bullying:
www.antibullyingalliance.org.uk/tools-information/all-about-bullying/sexual-and-genderrelated/preventing-and-responding-sexual
- Anti-bullying Alliance: advice for school staff and professionals about developing effective anti-bullying practice in relation to sexual bullying:
www.antibullyingalliance.org.uk/tools-information/all-about-bullying/sexual-and-gender-related

Additional links can be found in 'Preventing and Tackling Bullying' (July 2017)
www.gov.uk/government/publications/preventing-and-tackling-bullying