

Dignity in the College – Anti-Bullying and Harassment Policy and Procedure

November 2012

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Version Control History

Version Number	Date of Change	Summary of Revisions Made
1	November 2012	Approved at CMT 28-Nov-12, but references to Staff Code of Conduct removed (SCF requested further consultation on this).
1.1	July 2016	Footer updated to reflect new template model. Role Title Changed: Vice Principal, Human Resources and Communications; Head of Quality.

UNCONTROLLED WHEN PRINTED

Dignity in the College – Anti-Bullying and Harassment Policy and Procedure

A Anti-Bullying and Harassment Policy

A1 Purpose

Perth College UHI is committed to a culture of dignity and respect. Central to this is a belief in the right of all members of this College community to experience dignity and respect in their work. Furthermore to achieve an environment of mutual respect and ethical behaviour it is necessary to put into place policies for recognising and responding to any form of harassment, bullying or victimisation and for such policies and mechanisms to be transparent, monitored, evaluated and acted upon. These beliefs have been encapsulated in our Dignity in the College – Anti-Bullying and Harassment Policy.

A2 Scope

This Policy covers all Perth College UHI staff.

A3 Definitions

A3.1 **Harassment:** A simple definition is any form of unwanted and unwelcome behaviour which may range from mildly unpleasant remarks to physical violence. Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal or protected characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

A3.2 **Bullying:** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

The legal definition is if the behaviour 'has the purpose or effect of violating the complainant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

The terms harassment and bullying are used interchangeably by most people, and many definitions include bullying as a form of harassment.

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Harassment and bullying can range from extremes such as physical violence to less obvious forms like ignoring someone. It can be delivered in a variety of ways – with or without witnesses and be persistent behaviour over a period of time or a one-off act and can include:

- Physical contact which is unwanted.
- Unwelcome remarks about a person's age, dress, appearance, race or marital status or any other protected characteristic.
- Jokes, offensive language, gossip, slander, sectarian songs and letters.
- Spreading malicious rumours.
- Posters, graffiti, obscene gestures, flags, bunting and emblems.
- Isolation or non-cooperation and exclusion from social activities.
- Coercion for sexual favours.
- Pressure to participate in political/religious groups.
- Intrusion by pestering, spying and stalking.
- Failure to safeguard confidential information.
- Shouting at staff or students.
- Setting impossible deadlines.
- Persistent criticism.
- Personal insults.
- Copying or sharing correspondence that is critical about someone to others who do not need to know.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision or other misuse of power or position.
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

It is not a defence to say that the harasser, or bully, did not intend to cause offence, but the impact on the recipient which determines what constitutes harassment or bullying. The impact of harassment and bullying can result in the recipient feeling discomfort or humiliation or may adversely affect the recipient's job performance, studies, undermine job security or prospects or create a threatening or intimidating work environment. It can provoke aggressive, retaliatory attitudes and actions. Certain behaviour will be, by its nature and severity, unwelcome on even a single occasion.

A3.3 Victimisation: occurs when an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he or she

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made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so, or being about to do so.

A4 **Key Principles**

- A4.1 Perth College UHI takes the issue of bullying and harassment seriously and may take disciplinary action in proven cases.
- A4.2 The College will publicise and promote this Policy and train managers to advise and support staff who feel they are the subject of bullying and harassment in any form.
- A4.3 In principle it is the intent to deal with and resolve issues of harassment and bullying at the earliest opportunity and informally, whilst recording the nature and extent of the complaint in order that patterns may be identified, which may require a formal response. Accordingly Managers will have a responsibility of recording and reporting confidentially all confirmed allegations of bullying and harassment to the Vice Principal, Human Resources and Communications.
- A4.4 Allegations of persistent, serious or disputed bullying and harassment will be required to be investigated formally through the College's disciplinary or grievance procedures, and the outcomes reported to the Senior Management Team.

A5 **Responsibilities**

- A5.1 It is the responsibility of the Vice Principal, Human Resources and Communications to review and update this policy.
- A5.2 The Vice Principal, Human Resources and Communications will record all events of harassment, bullying or Victimisation that have been resolved at the Second or Third Informal stage of the Anti-Bullying and Harassment Policy and Procedure.
- A5.3 The Vice Principal, Human Resources and Communications will confidentially record outcomes of all disciplinary, grievance and complaints processes invoked under the formal stage of the Anti-Bullying and Harassment Policy and Procedure.
- A5.4 Quality approval check of the policy is the responsibility of the Head of Quality who will arrange for the policy to be posted on the web.

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A6 **Linked Policies/Related Documents**

Equality and Diversity Policy

Disciplinary Procedure

Grievance Procedure

E-Safety Policy

Safeguarding Policy and Procedure: Protecting Children, Young People, Adults at Risk and Staff

A7 **Legislation**

- Sex Discrimination Act 1975
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995
- Disability Discrimination Act (Part1V) 2001
- Disability Discrimination Act Amendment 2003
- Disability Discrimination Act 2005
- Protection from Harassment Act 1997
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2010

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B Anti-Bullying and Harassment Procedure

B1 Purpose

This procedure sets out the process for dealing with allegations of harassment, bullying or victimisation, in accordance with the key principles of the Anti-Bullying and Harassment Policy as stated in section A4 above.

B2 Scope

This Procedure covers all Perth College UHI staff.

B3 Definitions

Definitions are given in section A3 of the Anti-Bullying and Harassment Policy above.

B4 Responsibilities

Responsibilities are given in section A5 of the Anti-Bullying and Harassment Policy above.

B5 Procedure

B5.1 Informal Process

B5.1.1 First Informal Stage

An individual or group believe themselves to be the subject of inappropriate behaviour as defined above. They identify the misbehaviour to the instigators who agree to desist. This is not recorded. Every effort should be made by all the individuals concerned to find an amicable solution to the problem.

B5.1.2 Second Informal Stage

An individual or group seeks assistance, either from a Manager, Human Resources (HR) representative, trade union representative as they believe they are the subject of bullying, harassment or victimisation. This person will offer support and guidance and advice on the options available. If there is agreement between the parties involved that the behaviour was a breach of the Policy, and a clear commitment not to repeat the behaviour established, then the matter is considered successfully resolved with the events being recorded and reported to the Vice Principal, Human Resources and Communications as detailed in B5.2.2 below. No further action will be pursued in respect of the alleged instigators.

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B5.1.3 Third Informal Stage

If the allegation remains unresolved the complainant can, with the assistance of a Manager, HR representative or trade union representative refer the matter informally to a more senior manager for appropriate guidance and assistance. If the alleged instigator is the complainant's line manager, the complaint may be referred informally to the alleged instigator's manager. Every effort should be made by all the individuals concerned to find an amicable solution to the problem. If there is agreement that the behaviour was a breach of the Policy, and a clear commitment not to repeat the behaviour established, then the matter is considered successfully resolved with the events recorded and reported as detailed above with no further action being pursued in respect of the instigator.

B5.1.4 None of the informal stages above prejudices any individual, or groups, from exercising their right to invoke formal complaints or grievance procedures. The purpose of the informal procedure is to provide an opportunity for the complainant to determine their choice of action based on the options open to them either formally or informally.

B5.1.5 If there is no agreement over the nature of the reported behaviour, or no commitment to desist the behaviour, or if the allegation is felt to be malicious then the full matter will be referred to the formal procedures through the complaints and grievance processes.

B5.2 Formal Stage

B5.2.1 All reported or serious allegations of harassment, bullying and victimisation will be acted on immediately by Management with advice from the HR department. Serious or disputed allegations will be investigated through the College's procedures covering Discipline, Grievance or Complaints.

B5.2.2 The outcome of all disciplinary, grievance and complaints processes invoked under the above terms shall be recorded confidentially by the Director of Human Resources and Organisational Development for the purpose of monitoring and recommending action as appropriate.

B5.3 Appeals

The appeals processes contained in Staff procedures relating to Discipline, Grievance and Complaints will be followed.

B6 Linked Policies/Related Documents

Equality Policy
Disciplinary Procedure
Grievance Procedure
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