

# RHACC

**Richmond and Hillcroft  
Adult Community College**

## **ANTI BULLYING AND HARASSMENT POLICY**

**The College's policy against bullying, harassment and victimisation**

Owner:	HR	Approved by:	Finance & Resources Committee
Review interval:	Three years	Approved on:	14 January 2023
Date of next review:	January 2026	Post to website:	No

## POLICY ON ANTI BULLYING AND HARASSMENT

### 1. INTRODUCTION

- 1.1 Richmond and Hillcroft Adult Community College (RHACC) believes that every member of staff has the right to work in a supportive environment, free from harassment, bullying and victimisation.
- 1.2. We will not tolerate acts of harassment, bullying or victimisation by any member of staff against either another member of staff or against any other individual with whom the member of staff interacts in the course of his or her duties, including learners. We will also not tolerate acts of harassment, bullying or victimisation by any learner against another learner, against any member of staff or anyone else in the College.
- 1.3. We expect all staff to work in line with our values of:
- **Service** – we exist to serve our adult learners and communities. Their needs inform curriculum and business decisions and how we deliver our services
  - **Enterprise** – we are bold and enterprising and are not afraid to do things differently in order to deliver positive outcomes to those we serve. We use our initiative to get the best possible outcome for our learners and community by developing new courses, fundraising for bursaries or by providing new services where there is unmet need, such as co-working at The Bridge and vocational opportunities for adults who have a disability.
  - **Inclusion** – we aspire to have something for everyone and take action to make services accessible to all through e.g. 1:1 learning support, small classes, and a supportive environment where diversity is celebrated and everyone is given the space they need to grow and thrive
  - **Pride** – we take pride in our unique character as an adult learning specialist, in the achievements and diversity of our learners, in achieving high standards and the positive impact we make.

### 2. AIM

- 2.1. The aim of this policy is to eliminate all forms of offensive behaviour by;
- Raising awareness of the effects of such behaviour on individuals and on the working environment.
  - Promoting a climate in which people feel able to raise complaints of harassment or bullying without fear of victimisation.
  - Stopping unwanted or inappropriate behaviour and finding ways in which parties can move forward positively.
  - Ensuring that where behaviour constitutes a disciplinary offence or is unlawful, appropriate action is taken through the College's disciplinary procedure.

### 3. SCOPE

- 3.1. This policy applies to everyone at the College including;
- All employees.
  - Other workers who are not employed directly by the College (such as external consultants, or employees of contractors engaged by the College).
  - All learners.

Owner:	HR	Approved by:	Finance & Resources Committee
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- Visitors to the College and other third parties who are visiting or contacting the College.

#### 4. ROLES

##### 4.1. The College will;

- Take appropriate steps to ensure that you and others are made aware of this Policy and your rights and responsibilities.
- Foster a positive culture for working which permits freedom of thought and expression within a framework of mutual respect.
- Offer appropriate training on this policy and in creating a working environment where everyone is treated with dignity and respect.
- Ensure that you feel safe and listened to when raising concerns about behaviour.
- Deal with malicious or vexatious allegations in line with College disciplinary policy and procedure.
- Ensure the policy is reviewed on a regular basis.

##### 4.2. In addition to the above, managers will;

- Lead by example in promoting the development of a culture where everyone is treated with courtesy and respect and where it is understood that harassment, victimisation and bullying will not be tolerated.
- Ensure that new staff are made aware of this policy and that it is implemented effectively within their area of responsibility.
- Take an effective, rapid, and sensitive approach when a complaint of harassment, victimisation and bullying is made. Failure to deal with a complaint could amount to misconduct.
- Be sensitive to behaviour which may point to harassment, victimisation, or bullying.
- Take appropriate action, or seek advice from HR, if they become aware of behaviour that contravenes this Policy.

##### 4.3. All staff, whether employed directly by the College or not, must;

- Treat everyone with courtesy and respect.
- Not participate in, or condone, acts of harassment, bullying or victimisation.
- Ensure they are familiar with this policy and comply with it.
- Modify behaviour at work if they become aware that it is unacceptable, even if no complaint whether formal or informal has been made.
- Challenge unacceptable behaviour when it occurs, even if it is directed at them.
- Try and address and resolve matters themselves, where reasonably practicable, in a positive and constructive way.
- Draw to the attention of a manager if they feel that a workplace culture is developing which is leading, or is likely to lead, to harassment, bullying or victimisation. If it is perceived the manager has contributed to the development of such a culture the matter should be raised with a more senior manager.

Owner:	HR	Approved by:	Finance & Resources Committee
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#### 4.4. All learners must;

- Behave in a professional and responsible manner with respect for staff and learners as set out in the College Learner/ User Disciplinary Policy 2021-24, and Learner Code of Conduct.
- Not participate in, or condone, any acts of harassment, bullying or victimisation.
- Modify their behaviour if they become aware that it is unacceptable in light of this policy, even if no formal or informal complaint is made.
- Ensure that they are familiar with the structure and content of the terms of this policy.

### 5. DEFINITIONS

#### 5.1 Protected Characteristics

5.1.1 The Equality Act 2010 defines nine protected characteristics: age, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. It also defines unlawful actions in relation to these protected characteristics that are defined as discrimination;

- Direct discrimination
- Indirect discrimination
- Victimisation
- Harassment
- Discrimination by association

5.1.2 You do not need to possess the relevant protected characteristic yourself but may be subject to unacceptable behaviour/discrimination because you are wrongly perceived to have a protected characteristic or because of your association with a person who has a protected characteristic.

#### 5.2. Harassment

5.2.1. Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

5.2.2. In some circumstances, first-time conduct which unintentionally causes offence will not be harassment, but it may become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

5.2.3. A single incident can be harassment if it is sufficiently serious.

5.2.4. Harassment can also include unreciprocated and unwelcome comments, actions, suggestions or physical contact that is found objectionable and offensive. In deciding whether harassment has occurred, it is not the intention of the perpetrator that is paramount, but whether the behaviour could be deemed unacceptable by a reasonable person or disadvantageous to the recipient of the

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Review interval:	Three years	Approved on:	14 January 2023
Date of next review:	January 2026	Post to website:	No

unwanted conduct.

5.2.5. It is therefore your duty to be aware that you could unintentionally be harassing another member of the College's community and should take responsibility for your behaviour and, if necessary, modify it.

5.2.6. Forms of harassment may include those listed below. This list is not exhaustive and should not be considered as being so.

- Physical contact ranging from touching to serious assault.
- Oral and written harassment through jokes, offensive language, emails, gossip, defamation, letters, social media etc.
- Visual display of inappropriate material such as posters, cartoons, graffiti, obscene gestures, etc.
- Isolation or non-co-operation whilst studying or working, and exclusion from social activities.
- Coercion ranging from pressure for sexual favours through to being put under duress to participate in a lobbying or support group for political, religious, or discriminatory activities etc.
- Intrusion by pestering, spying, stalking, etc.
- Intimidatory conduct involving abuse of authority, power or coercion.

5.2.7. The law on harassment also applies to:

- A person being harassed because they are thought to have a certain protected characteristic when they do not.
- A person being harassed because they are linked to someone with a certain protected characteristic.
- A person who witnesses harassment, if what they have seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them.

### 5.3. Bullying

5.3.1. Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either;

- Offensive, intimidating, malicious or insulting.
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

5.3.2. Bullying might;

- Be a regular pattern of behaviour or a one-off incident.
- Happen face-to-face, on social media, in emails or calls.
- Happen at work or in other work-related situations.
- Not always be obvious or noticed by others.

Owner:	HR	Approved by:	Finance & Resources Committee
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5.3.3. Examples of bullying could include;

- Spreading malicious rumours about someone.
- Consistently putting someone down in meetings.
- Deliberately giving someone a heavier workload than everyone else.
- Excluding someone from team social events.
- Someone consistently undermining their manager's authority.
- Putting humiliating, offensive or threatening comments or photos on social media.

5.3.4. Sometimes bullying might be classed as harassment, if it's related to certain 'protected characteristics' under discrimination law (Equality Act 2010).

#### **5.4. Victimization**

5.4.1. Victimization involves treating someone less favourably than other people because that individual has;

- Made, in good faith, a claim of harassment or bullying.
- Suggested or complained that, in some other way, he/she has, or may have been discriminated against, bullied or harassed or that the College's policies on equal opportunities have been breached in some way.
- Helped some other person who is making such a claim.

5.4.2. It is important to note that victimisation is also unlawful. You may be named personally in a legal complaint and may be required to pay compensation to a successful claimant.

5.4.3. Examples of victimisation, include, but are not limited to;

- Penalising someone for making a claim of discrimination, harassment or bullying e.g., giving someone unrealistic or unachievable deadlines.
- Excluding a person from work related activities or conversations in which they have a legitimate expectation to participate in because they have made a complaint about discrimination, harassment or bullying.
- Creating a difficult or oppressive environment for an individual because they have made a complaint – whether formal or informal e.g., talking negatively behind someone's back, ridiculing or mocking comments/remarks.

#### **5.5. Harassment, bullying and victimisation by electronic methods**

5.5.1. Bullying, harassment and victimisation can also occur by electronic means.

5.5.2. Some examples include;

- Sending emails which are deemed to be in breach of this Policy.
- Inappropriate copying of emails to parties not relevant to the discussions as a way of intimidating or inappropriately gaining leverage over a member of staff.
- Using, displaying or saving offensive material which is then accessed, or seen by, another person or group of people.
- Downloading, displaying or printing offensive material from the internet in the presence of

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Date of next review:	January 2026	Post to website:	No

another person/group of people.

- 5.5.3. Please note that this is not an exhaustive list and it is the perception of the recipient that determines whether any particular behaviour can be reasonably considered to be viewed as bullying, and whether it is reasonable for the victim to feel that way.

## 5.6. Cyberbullying

- 5.6.1. Cyberbullying can be defined as the use of the information and communication to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.
- 5.6.2. Typically cyberbullying involves the use of the internet, email or mobile phones to send or post text or images intended to hurt or embarrass another person. In many cases, the spreading of offensive jokes or shocking or sexual material via phone or email may also constitute cyber-harassment.

## 6. COMPLAINTS MADE IN BAD FAITH

- 6.1. You should only make a complaint under this policy if you have genuine cause to believe that you have been harassed, bullied or victimised. We will take all complaints seriously unless there is clear and objective evidence that a complaint is made in bad faith.
- 6.2. We have a duty to protect staff and learners from complaints made in bad faith. A complaint made in bad faith is a complaint which is malicious or repetitious such as:
- The complaint is only being made to secure leverage over another person or exert power inappropriately. Such a complaint may be made to slow down or frustrate another procedure that the person is involved in.
  - The complaint may be considered repetitious if it is identical, or substantially similar, to a complaint which has been investigated previously. You are encouraged to use the appeals process.
- 6.3. Please note that in some situations making a complaint in bad faith can itself constitute an unacceptable form of behaviour and fall within the definition of bullying or harassment. As a result, you may be subject to appropriate action under this policy or the disciplinary policy.

## 7. RESOLUTION

### 7.1. Informal Stage

- 7.1.1. If you believe you are being bullied, you should, where possible, indicate directly to the person concerned that the behaviour in question is unacceptable. If you find it difficult to approach the person directly, you should seek help and advice from either your manager, HR Department or in the case of a learner a member of the Learner Services team. As a learner you can also email [feedback@rhacc.ac.uk](mailto:feedback@rhacc.ac.uk); staff should email [HR@rhacc.ac.uk](mailto:HR@rhacc.ac.uk).
- 7.1.2. Mediation may be suggested to resolve the issue informally.
- 7.1.3. Where you do not wish to take a complaint further, you should be aware that no further action is likely to be taken, unless the complaint forms part of a pattern of similar, or linked, issues with other employees or learners.

Owner:	HR	Approved by:	Finance & Resources Committee
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**7.2. Formal Stage - Staff**

- 7.2.1. The formal stage follows the college grievance procedure in terms of the number and level of stages, timescales, recording and reporting.
- 7.2.2. Where sufficient evidence exists, action should be taken under the Disciplinary Policy.

**7.3. Formal Stage – Learners**

The formal stage follows the Learner/ User Disciplinary Procedure 2021-24.

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## EQUALITY IMPACT ASSESSMENT: INITIAL SCREENING (STAGE 1)

Name of Policy or Practice: Anti Bullying and Harassment Policy

Person/ Team/ Department Responsible: HR

Date of Assessment: November 2022

### Consider the three aims of the public equality duty:

- To eliminate discrimination
- To advance equality of opportunity
- To foster good relations

### Protected Characteristics:

Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage & Civil Partnership, Pregnancy & Maternity

What is the purpose of the policy, decision or practice	Policy provides a clear and transparent approach to management of bullying and harassment
Who is affected by the initiative? Does the initiative make a positive contribution to equality and diversity in the College?  Or is it equality neutral e.g. no particular effect on anyone group?	This policy makes a positive contribution to EDI in the college
Is there the potential for there to be a negative impact on one or more of the Equality groups as a result of this initiative?  If so what groups may be affected and why?  Or is it equality neutral?	Equality Neutral
Has anyone complained about the policy or initiative?	No
Is the impact of the initiative significant enough to warrant a more detailed assessment?	No

Owner:	HR	Approved by:	Finance & Resources Committee
Review interval:	Three years	Page 6 of 9 Approved on:	14 January 2023
Date of next review:	January 2026	Post to website:	No