



Bullying and Harassment Policy

Version 2

Validated by name: Print Signature	Keziah Ampofo <i>Keziah Ampofo</i>
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This policy will be reviewed on an annual basis. Keir Training reserves the right to amend this policy, following consultation, where appropriate.

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Date of next review:	March 2023



Introduction

Keir Training and Recruitment Ltd., (Keir) is committed to staff and learners' right to work and learn in an environment that is safe and free from discrimination and bullying.

Keir as a High-Quality Provider has a zero-tolerance approach to all forms of bullying, including on-line, and is fully committed to upholding and promoting Fundamental British Values.

This policy provides background on the problem and guidance towards effective remedies, both formal and informal. While these remedies are a guide, Keir understands so long as certain types of behaviours continue either to be overtly reinforced or tacitly rewarded then problems will continue to arise. In these circumstances harassment and bullying may represent symptoms of deeply embedded cultural values that no amount of training or policy development ('blaming and training') can hope to remedy. This policy cannot address these cultural issues directly, but they should never be ignored in the pursuit of best practice and ultimately the maintenance of an organisation where personal dignity is not only protected but valued.

Who bullies and harasses?

Traditionally it has been assumed that there are certain types of people who are more inclined to engage in these behaviours, including those who abuse their power or those with more authoritarian personalities or masculine interpersonal styles. Early attempts to profile a typical offender often have been disappointing and this failure points to the complex interplay between personal and contextual factors in determining when and where harassment and bullying occur. They can represent either individual or group phenomena, they can appear up, down or across an organisation and they can be sporadic or serial. It is therefore vital that Keir staff take every instance or report seriously and follow the complaints process which allows for investigation and action.

Who are victims?

Statistical evidence shows that victims vary and any attempt at profiling a typical recipient is likely to be unprofitable. What is far more consistent is the statistic that around two-thirds of those who have suffered harassment at work will have left their employment as a direct result. Furthermore, those who raise complaints often tend to be people who are newly recruited to an organisation, perhaps giving a sign that the behaviour may have been disregarded or even condoned by other employees in the past.

Who brings complaints?

Media reports of large compensation awards or of high-profile employers being brought before an Industrial Tribunal may create an impression that the incidence of workplace harassment and bullying is burgeoning. Does this perceived increase reflect on the reality of a more litigious society, greater public awareness, or are employees simply more willing to assert their rights? There is little doubt that each answer is partially true. On the one hand there may be unduly sensitive or litigious employees and learners while on the other hand there may be employers who either tacitly condone or ignore management styles that blatantly constitute harassment or bullying.

Policy Statement

Bullying and Harassment are unacceptable forms of behaviour. What is more, these actions must be outlawed regardless of the motive or intent of the perpetrator – the why. Instead the onus must fall on each organisation to ensure that effective proactive and reactive measures are available to prevent and protect. This policy seeks to put into context and to modernise the approach to harassment and bullying in the workplace from both the employer/ learner and the employee perspectives. Given that everyone in the



workplace has the potential to bully or be bullied, or to harass or be harassed, then it is appropriate that this policy is for anyone with an interest or engagement with the world of work at Keir Training.

The definition of harassment introduced by Discrimination Regulations, represent new pieces of legislation that impact significantly on any harassment and bullying policy. At this time, the out-workings of some parts of this legislation have yet to be fully experienced although case law is already starting to accumulate.

This bullying and harassment policy/procedure that incorporates, and totally subsumes the minimum statutory requirements of both grievance and discipline procedures as defined in that legislation. In effect this policy creates a statutorily compliant but subject-specific grievance and discipline procedure for harassment and bullying in partnership with the Complaints or Grievance policy (for staff). For learners please see our Behaviour for Learning Policy with our procedure identified.

Keir wishes to provide a stimulating and supportive working environment, whether face-to-face or through a Virtual Learning Environment (VLE) which will enable its staff to fulfil their personal potential and creativity. Such an environment cannot exist where any member of staff is subjected to harassment, intimidation, aggression or coercion.

Keir is fully committed to the principles of equality and diversity in the workplace and regards harassment as a form of discrimination. As such Keir will not tolerate any form of bullying or harassment.

Workplace bullying - a persistent pattern of mistreatment from others in the workplace that causes either physical or emotional harm. It can include such tactics as verbal, nonverbal, psychological, physical abuse and humiliation (definition from Wikipedia).

Harassment- unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be on the grounds of sex, marital status, race, disability, religion or beliefs, sexual orientation, age or gender reassignment.

For purposes of this Policy this list should be considered non-exhaustive, and harassment or bullying on any grounds will not be tolerated by Keir Training. Harassment may be persistent or an isolated incident, obvious or subtle, face to face or indirect. It may even be through unequal or unfair application of monitoring systems, for example through the monitoring of breaks where it is not applied equally to all employees.

Examples of behaviour which may constitute harassment or bullying include (but are not limited to):

- Spreading malicious rumours
- Professional or social exclusion
- Insulting behaviour
- Unwelcome sexual advances or physical contact
- Unfounded threats relating to job security
- Calculated undermining of an employee's competence, for example through a
- consistently unreasonable or unfair workload, overbearing supervision or unnecessary
- circulation or critical memoranda
- Physical assault
- Verbal abuse, derogatory name-calling, ridicule, insults and offensive or embarrassing jokes
- Offensive emails, texts or visual images
- Derogatory graffiti/insignia or display of derogatory or offensive material
- Inciting others to commit any of the above
- Inappropriate use of social media or IT / digital systems

This policy will equally apply to work related events even if they occur away from the normal workplace.

The following are expressly unlawful grounds as identified in Keir informed by The Equality Act 2010, by which a person may experience harassment or bullying:

- Harassment or bullying on the grounds of a person's sex, pregnancy, maternity leave etc.- this can apply even where the complainant was not the employee to whom the harassment was directed
- Harassment or bullying on the grounds of a person's marital status
- Harassment or bullying on the grounds that a person intends to undergo gender reassignment, is currently undergoing gender reassignment or has already undergone gender reassignment
- Sexual Harassment which can be physical, visual, verbal or non-verbal conduct that is sexual in nature
- Harassment or bullying on the grounds of race, colour, ethnicity or nationality
- Bullying or harassment on the grounds of a person's disability
- Bullying or harassment on the grounds of a person's sexual orientation, applying equally to "same sex" orientation, "opposite sex" orientation and "both sexes" orientation
- Harassment or bullying on the grounds of a person's religion or beliefs
- Harassment on the grounds of a person's age, applying to all people regardless of age
- Harassment or bullying as a consequence of a person raising a grievance

Sexual harassment of learners

The passage of The Education and Training (Welfare of Children) Act 2021, which came into effect on 29 June 2021, means that the latest version of DfE's statutory guidance 'Keeping children safe in education', in force from September 2021 will apply to ITPs (Keir), special post 16 institutions/ independent special colleges and 16 to 19 academies to the extent that they have students or learners who are under the age of 18.

The findings and recommendations of Ofsted's sexual abuse in schools and colleges review report published on 10 June and this found that sexual harassment, including online sexual abuse, has become 'normalised' for children and young people although staff are not always aware and recommended that school and college leaders act on the assumption that sexual harassment is affecting their pupils, and take a whole-provider approach to address these issues, creating a culture where sexual harassment is not tolerated.

[Review of sexual abuse in schools and colleges - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/reviews/sexual-abuse-in-schools-and-colleges)

This Policy therefore needs to be read in conjunction with our Safeguarding Policy



Responsibilities

Staff

All staff are responsible for:

- Being aware of the Anti-Bullying Policy and the procedures for reporting bullying.
- Acting in line with this policy should they witness acts of bullying or harassment; or are approached in confidence by learners being bullied or harassed; or by learners who have witnessed such actions.
- Treating all learners with dignity and respect, ensuring their own conduct does not cause offence or misunderstanding; and challenging behaviour or the use of language which could cause offence.

1. Learners

Learners are required to:

- Follow the learner Code of Conduct including the Disciplinary procedure.
- Be aware of the Anti-Bullying Policy.
- Report incidents of bullying.
- Embrace and uphold Fundamental British Values.

2. Parents/Carers

Keir expects parents and carers to contact Keir if they know or suspect their son /daughter is being bullied or is bullying others. It is also expected that parents/carers will work with Keir staff to resolve conflicts between learners.

3. Senior Management Team

The Senior Management Team will monitor the reported incidents of bullying and the actions taken to resolve these issues through quarterly monitoring of disciplinary and safeguarding.

Procedure for Complaints

Anyone who feels that they have been subjected to harassment or bullying by another member of staff, learner or other stakeholder should raise the matter as soon as reasonably practicable.

Employees and stakeholders can raise a complaint informally or formally. They should contact their Manager or Director with their complaint or grievance if it is against that specific individual.

Informal Procedure

If the employee/ learner feels able, they should speak up at the time when they feel harassed or bullied. It is important to be direct and for the employee/ learner to state explicitly that they feel they are being harassed and that the behaviour is unacceptable to them. The learner should in the first instance speak to their assessor/tutor, or if the complaint is against them they should raise directly with the Managing Director. The employee can also discuss the matter with another colleague or Managing Director and ask them to speak to the harasser on their behalf. Alternatively, if the employee/ learner feels unable to speak to the harasser directly, they could write a letter to them which clearly identifies the offending behaviour and requests that it stops immediately. The employee/ learner should sign and date any such letter and ensure that a copy is kept for any possible future formal complaint. It is also advisable that the employee keep an 'incident diary' of any offending behaviour.



Where the informal procedure has not resolved a complaint, a formal complaint/ grievance can be raised by the employee, learner or stakeholder.

Formal Procedure

Any employee/ learner who feels that they have been subjected to harassment or bullying may at any time decide to deal with the issue through formal procedures, regardless of whether informal steps have been taken or not. Where an employee wishes to deal with any issue of harassment formally, they must do so according to Keir's Complaints, Grievance Policy or Equality and Diversity Policy, as appropriate. Complaints about learners would follow the Behaviour for Learning Policy and procedure.

Where employees are not happy with the outcome of the formal grievance procedure and learners are not happy with the outcome of a complaint then they can appeal this decision internally as outlined in our Complaints Policy, available on the website.

The company will investigate any informal or formal complaint thoroughly and fairly in line with policy and procedure.

Consequences of Breach

Harassment is a disciplinary offence and will be dealt with according to the Company's disciplinary procedure. Bullying, harassment, victimisation or discrimination may constitute gross misconduct, punishable by summary dismissal without notice. Employees / learners should bear in mind that harassment or bullying may also constitute a criminal offence and therefore the appropriate authorities may be notified.

Responsibilities of Employees, Learners, Associates, Managers and Directors

All employees/ learners are responsible for their own behaviour and should ensure that they comply with this Policy at all times. The Managing Director is responsible for implementing this Policy and bringing it to the attention of employees. Any complaints or grievances under this Policy brought to the attention of a manager must be dealt with promptly, confidentially, fairly and consistently.

Confidentiality

The company will treat any complaint received under this Policy confidentially. All employees involved with an investigation are required to respect the need for Confidentiality. Any breaches in confidentiality will be subject to disciplinary action committee of Keir Training.