**Harassment and Bullying Policy**

**Control of document**: Adult Community Learning Senior Leadership Team

**Policy aims and intention**

ACL promotes a culture where everybody feels a personal responsibility to ensure that the dignity of all those engaged with the service is not abused. The Policy is intended to apply to all staff, learners and other service users.

The following definitions of Harassment and Bullying underpin this document:

* Harassment is unwanted conduct affecting the dignity of men and women. It may be related to age, disability, gender, race, ethnicity or culture, religion or belief, sexual orientation or any other personal characteristic of the individual or related to socio-economic circumstances. It may be persistent or an isolated incident.
* Bullying may be characterised as abusive, offensive, intimidating, malicious or insulting behaviour that is intended to undermine, humiliate, denigrate or injure the recipient.

The Service will ensure a support mechanism is in place when required to advise and guide all parties involved in any complaint or accusation of Harassment and/or Bullying.

|  |  |
| --- | --- |
| Responsibility  | Vice Principal Quality and Compliance  |
| Date of acceptance  | 27th April 2004 |
| Last review date | August 2022 |
| Next review date | August 2023 |
| Audience | All Managers, academic and support staff, volunteers, Learners, and other service users. |

# The policy

For the purpose of this document the use of the term learner is inclusive of apprentices. The policy includes cyberbullying within its scope.

Adult Community Learning Essex is committed to the fair treatment of all staff and learners. ACL complies with the Essex County Council Bullying and harassment and Grievance policy and procedures for staff: <https://intranet.essex.gov.uk/Pages/search.aspx?k=harassment%20and%20bullying>

ACL demonstrates a commitment to providing clear policy and guidance to all employees, promoting a culture of fair treatment, respect and dignity, irrespective of individual differences.

In addition, it is necessary to identify appropriate guidance for learners as ACL Essex believes that bullying, harassment, discrimination and victimisation in any form is unacceptable.

Any learner or member of staff committing an offence of harassment and/or bullying may be personally liable for their behaviour under Equal Opportunities, (Equality Act 2010) legislation or the Protection from Harassment Act 1997.

Within the Equality Act there are three types of harassment which are unlawful under the Act:

* Harassment related to a particular characteristic
* Sexual harassment
* Less favorable treatment of a person because they submit to or reject sexual harassment or harassment related to sex

Examples of unacceptable behaviours that could be considered to constitute bullying and harassment:

* Bullying by exclusion – this may take the form of social isolation and or exclusion to meetings
* The deliberate withholding of information with the intention of affecting a colleagues’ or learners’ performance
* Unfair and destructive criticism
* Intimidating behaviour including verbal or physical abuse, use of inappropriate language
* Spreading of unfounded rumors or unfounded accusations
* Subjecting others to humiliation and/or ridicule
* Distributing or copying to other staff, learners and/or other parties any form of written communication, including electronic correspondence, which is critical of an individual or group of individuals
* Subjecting others to cyber-bullying, for example social networking sites
* Subjecting others to unfair treatment for reasons related to health or medical conditions and/or disability including mental health and caring responsibilities

**Cyberbullying**

ACL staff, learners, and partners all have rights and responsibilities in relation to cyberbullying and will work together to create an environment in which learners can learn and develop and staff can carry out their roles free from harassment and bullying.

There is an expectation of all staff and learners that they will behave appropriately at all times.

**Key advice that will help protect online safety, identity, and reputation includes:**

* Ensure you understand ACL’s policies on the use of social media (Online learning Policy 2022-2023).
* Do not leave a computer or any other device logged in when you are away from your desk.
* Enable a PIN or passcode to protect you from losing personal data and images (or having them copied and shared) from your mobile phone or device if it is lost, stolen, or accessed by others.
* Familiarise yourself with the privacy and security settings of the social media and
* apps you use and ensure they are kept up to date.
* Keep a check on your online presence – for example by typing your name into a search engine. If there is negative content online, it is much easier to deal with this as soon as it appears.
* Be aware that your reputation could be harmed by what others share about you
* online, such as friends tagging you in inappropriate posts, photographs, or videos.
* Consider your own conduct online. For staff, misconduct, could breach the ECC code of conduct.
* Discuss these same issues with close family, friends, and colleagues, as you could become a target if they do not have security and privacy settings in place.
* Use your ECC or ACL email address for work and your personal email address for your private life; do not mix the two. This includes file sharing sites; for example YouTube.

All allegations of harassment, whether by staff, learners, or other service users towards staff or learners, must be taken seriously, investigated and dealt with sensitively, professionally and speedily.

* You should not respond or retaliate to cyberbullying incidents. You should report incidents to the ACL Safeguarding team and seek support.
* Save evidence of the abuse; take screen prints of messages or web pages and record the time and date.
* If the comments are threatening or abusive, sexist, of a sexual nature or constitute a hate crime it may need reporting to the police. Online harassment is a crime.

**This list is not exhaustive**

In addition to acknowledging that all forms of harassment, bullying, discrimination and victimisation are unacceptable, the ACL Service has certain legal duties under Equalities legislation, (Equality Act 2010) which place certain responsibilities on all learners and staff.

**Learners and staff**

* To have an awareness of the ACL Charter and Learner Handbook
* To have an awareness of what constitutes harassment and bullying
* To have an awareness of what constitutes discrimination and victimisation
* Not to behave in a manner that could be offensive, harassing or bullying to others
* To challenge offensive, inappropriate, harassing or bullying behaviour across the ACL Service
* To set a positive example by treating others with respect and dignity
* To be supportive of other learners who may be subject to bullying and harassment

**Staff**

* Implement this policy and bring it to the attention of staff and/or learners in their area
* Set a positive example by setting defined standards of acceptable behaviour as defined in the ECC Code of Conduct, see below link:

<http://intranet.essex.gov.uk/Documents/Code_of_conduct.pdf>

* Set a positive example by setting defined standards of acceptable behaviour as defined in the ACL Charter
* Ensuring standards of conduct or behaviour which do not allow harassment, bullying, discrimination or victimisation to occur
* To be supportive of learners and staff who may be subject to bullying and harassment, ensuring that learners are informed about the ACL Policies on Harassment and Bullying and Safeguarding
* To treat complaints or allegations seriously and deal with them promptly, sensitively, and confidentially, giving all parties involved full support during the process
* Provide adequate support in respect of complaints ensuring a proper and timely investigation of any allegations and/or reported incidents

In some circumstances an informal approach may resolve a situation, however when this has not been successful a formal investigation will be required. This decision will be made by Senior Managers.

Where an allegation involves a member of staff the investigation should be conducted independently by an appropriate line manager with the support of a member of HR in line with Essex County Council disciplinary procedures. Where harassment or misconduct has occurred, a detailed response will be given to both parties outlining the results of the investigation and what action is deemed necessary.

Where allegations made against a learner have been investigated resulting in a proven case the ACL Exclusion Policy may be brought into effect.

**Method of implementation**

* ECC staff Processes: [Employment policies and guides (essex.gov.uk)](https://intranet.essex.gov.uk/Pages/Employment_policies_and_guides.aspx)
* Staff and Learner handbooks
* ACL Charter
* ECC Code of Conduct
* Inclusive approach which recognises diverse needs, as identified in: *Equality and Diversity Policy, Safeguarding Policies, and other related ACL Policies*
* Safe and supportive learning environment
* Observations of Teaching and Learning
* Qualified/trained staff

**Monitoring and evaluating**

* Annual Self-Assessment and ACL Single Equality Scheme
* Complaints records
* ECC Dispute Resolution records
* Learner Feedback
* Learner retention data
* Observation of Teaching and Learning and appropriate action planning
* Records of meetings
* Staff retention data

**Links to other ACL policies:**

Adult Safeguarding Policy

Children and Young people Safeguarding Policy

Learning Support Policy

Equality and Diversity Policy

Exclusion Policy

Disability Policy

Fitness to Learn Policy

ACL Positive Behaviours Policy

Admissions Policy