

Anti-Bullying, Harassment and Sexual Harassment Policy

1.0 Introduction

- 1.1 The College of Animal Welfare believes that having a culture that is diverse, equitable, inclusive and safe is core to everything that we strive to achieve and to the organisational environment we wish to protect. We operate a zero-tolerance approach for bullying, harassment, discrimination, sexual misconduct or victimisation. Each of our representatives, regardless of role or status, is responsible for the way they interact with and treat others. The college will not tolerate misuse of power in workplace relationships, for example through seniority or influence. We will take all complaints seriously and complaints of bullying, harassment and sexual harassment will not be ignored. This policy should be read in conjunction with the College of Animal Welfare's *Acceptable Behaviour*, and *Equity, Diversity and Inclusion (EDI) Policies*.
- 1.2 This policy sets out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.
- 1.3 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2.0 Purpose

- 2.1 This policy applies to all the College representatives including employees, workers and contractors. This policy is also applicable to third parties including customers, clients and visitors to the College. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. field trips, business trips and study or work-related social events. This policy also applies to bullying or harassment by third parties.
- 2.2 The College is committed to providing an environment which promotes mutual respect, good working relationships and ensuring that everyone is equally valued and will not tolerate bullying and harassment of any kind. The College aims to inform its employees, contractors, third parties and visitors that any type of harassment, intimidation, discrimination or bullying are unacceptable. The College will also not tolerate victimisation of a person for making allegations

of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

- 2.3 Managers and other senior members of staff are responsible for taking prompt and appropriate action in all cases of harassment and bullying, both to address the behaviour of the alleged perpetrator and to provide support for the victim. We encourage those who experience harassment and bullying to take appropriate action to prevent further occurrences and will support them in this action. All complaints related to harassment and bullying are taken seriously and will be dealt with promptly and with sensitivity and respect for those involved. The College recognises that employees may require personal development and training to better understand and address behaviours that arise from ignorance and will provide training when necessary. The College encourages staff to report situations where they felt at risk, even if nothing happened.

3.0 Harassment

- 3.1 Harassment can be defined as a situation in which, on the grounds of race, colour, nationality, ethnic or national origin, gender, sexual orientation, gender reassignment, age, health status, disability, political or religious beliefs, a person engages in unwanted conduct which has the purpose or effect of violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. It can be harassment if the behavior has one of these effects even if not intended and if it was intended to have one of these effects even if it did not have that effect. It should be noted that this can apply when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a protected characteristic
- is harassed because they have a connection with someone with a certain protected characteristic
- witnesses harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

- 3.2 Whether someone's behavior counts as harassment depends on:

- the circumstances of the situation
- how the person receiving the unwanted behavior views it
- if the person receiving the behavior is 'reasonable' to view it as they do

3.3 There may also be circumstances in which an individual is subjected to unwanted behaviour from a third party, such as a client or visitor. If an employee feels that they have been bullied or harassed by clients or visitors, they should report any such behaviour to their manager or the HR manager who will take appropriate action. Bullying or harassment of clients or visitors or others will be dealt with through the disciplinary procedure.

3.4 Unwanted behavior can include:

- a serious one-off incident
- repeated behavior
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behavior that affects the person

This behavior may make the person being harassed feel: disrespected; frightened; humiliated; insulted; intimidated and or threatened.

3.5 Examples of harassment (this list is not exhaustive):

- "banter", jokes, taunts, derogatory or offensive comments or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- excluding someone from a conversation or a social event or marginalising them from the group;
- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive

4.0 Sexual harassment

4.1 Harassment may be sexual in nature. Employees, workers, contractors and self-employed people working for The College as well as job applicants are protected against sexual harassment by law. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

It can be sexual harassment if the behaviour has one of these effects even if it was not intended or was intended to have one of these effects even if it did not have that effect.

4.2 Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- touching someone against their will e.g. hugging them
- asking questions about someone's sex life
- telling sexually offensive jokes
- showing or sending offensive or pornographic material or sexual images or other sexual content by any means (e.g. by text, video clip, email or by posting on the internet or social media)
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- sexual assault or rape

4.3 The College operates a zero-tolerance approach to sexual harassment and encourages all the college representatives to report any incidents of sexual harassment experienced or witnessed and any situations where they feel at risk, even where nothing happens.

4.4 The College has considered the risks of sexual harassment in the workplace and recognises that whilst the sector which The College operates within, the type of work, ways of working and roles within the organisation present a low risk, there are however some individuals who may be more at risk including those that are in contact with customers and clients, those that stay in accommodation overnight as part of work, and those that attend external conferences and events. It is imperative that the College representatives who feel that they would benefit from an alarm request this from their manager and that managers incorporate reviewing the safety of individuals from sexual harassment into their line management responsibilities.

4.5 Absence arising from proven sexual harassment in the workplace including sickness absence and appointments for specialist support will usually be paid time off and will not count towards the Bradford Index triggers documented in the college *Absence Policy*.

5.0 Bullying

5.1 Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to someone.

5.2 Bullying might:

- be a regular pattern of behavior 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

It is possible someone might not know their behavior constitutes bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

5.2 If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

5.3 While this is not an exhaustive list, bullying may include:

- constantly criticising someone's work
- Spreading malicious rumours about someone
- Constantly putting someone down
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from team social events
- Putting humiliating, offensive or threatening comments or photos on social media

5.4 It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

5.5 Upward bullying can happen from staff toward someone more senior, for example a manager. This can be from one employee or a group of employees and may include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

7.0 Victimisation

7.1 Victimisation is subjecting a person to a detriment because they have, in good faith, done or intend to do a 'protected act'. A protected act means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting some else's complaint
- gathering information that may lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support some else's complaint

7.2 Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

7.3 This could include labelling the individual a trouble maker, isolating someone because they have made a complaint or not allowing them to do something.

7.4 Someone is not protected from victimisation if they:

- deliberately give false evidence
- deliberately make a false allegation of discrimination or harassment

8.0 What to do if you are being bullied or harassed

8.1 Informal route

Bully/harasser is a colleague

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Bully/harasser is a third party

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, we encourage you to report this to your manager and the HR Manager without delay so that they can advise and support you on the best course of action, this may include the reporting of the incident to external authorities such as the Police. Where a bully/harasser is a third-party the college HR Manager and the Board will review the incident to include the steps to be taken to prevent such an incident happening in the future.

8.2 Formal route

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with a more senior manager, member of the Board, or the HR manager.

While you can raise a formal complaint of bullying or harassment under the college's *Grievance Policy and Procedure*. You should be aware that you cannot file a complaint under this policy while pursuing the same issue under the Grievance procedure. Under the formal procedure within this policy, we will usually:

- ask you to set out your complaint in writing and include as much detail as possible, for example the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far;
- hold a meeting with the alleged bully/harasser to ascertain their response to the allegations;
- carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
- invite you to a meeting to discuss your complaint in full and where you will have the right to be accompanied by a colleague or trade union representative;

- hold a meeting with you to enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- consider all the evidence in full and decide; and
- inform you of our decision and, if we uphold the complaint, instigate disciplinary action up to and including dismissal against the bully/harasser.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations and we will discuss this with you.

9.0 Appeals

9.1 If you are not satisfied with the outcome of the formal investigation, you have the right to appeal.

9.2 Should you wish to appeal, you should write to a member of the college Board setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and usually no longer than five working days after we inform you of the decision.

9.2 A meeting will be arranged with you to discuss your appeal in full and to try and reach a satisfactory solution. You must take all reasonable steps to attend this meeting and you may be accompanied by a work colleague or trade union representative.

9.2 You will be written to following the appeal to confirm the outcome which will be final.

10.0 Support for those affected or involved

10.1 We understand that anyone witnessing, affected by, or involved with, a complaint of bullying, harassment or sexual harassment may feel anxious or upset and we will do what we can to support you. You can speak to your line manager for guidance or contact HR for confidential advice.

- 10.2 If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.
- 10.3 For emotional support, you can access free, confidential counselling from the College Employee Assistance Programme. Details of this programme are on the college VLE or can be obtained from HR.
- 10.4 Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager/the HR manager as soon as possible.
- 10.5 Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate.

11.0 Sensitivity and confidentiality

- 11.1 Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.
- 11.2 If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal (or other appropriate action for non-employees).

12.0 Consequences of breaching this policy

- 12.1 If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.
- 12.2 We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). Please refer to our *Disciplinary Procedure* for further information.

- 12.3 Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees) under our Disciplinary procedure.

13.0 Training

- 13.1 All new starters must undertake equality, diversity and inclusion training as part of their onboarding programme.
- 13.2 Every current employee must attend regular equality, diversity and inclusion training on at least an annual basis.

14.0 Record-keeping

- 14.1 We process personal data collected in relation to bullying or harassment complaints in accordance with the College *Privacy Policy – General Data Protection Regulation (UK GDPR)*. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data in accordance with the college's *Privacy Policy – General Data Protection Regulation (UK GDPR)* and *Data Breach Investigation and Notification Policy* as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.