

## **POLICY AND PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT AGAINST LEARNERS**

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| Policy Name:                               | Policy and procedure for dealing with bullying and harassment against learners |
| Date Equality Impact Assessment completed: | November 2019                                                                  |
| Presented for Approval:                    | November 2019                                                                  |
| Approved by:                               | Safeguarding Group                                                             |
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| Author:                                    | Head of Student Services                                                       |

## **Introduction**

**Bullying** often focusses on a particular characteristic of the individual or group being bullied, such as their gender, age, race or ethnicity, religion or sexual orientation. Such bullying behaviour also constitutes serious discrimination on the grounds of that protected characteristic. However, not all bullying is linked to protected characteristics, and this is also acknowledged. Harassment can be through association or perception. Association – harassment based on the perception that a person has a protected characteristic eg. Because a person looks after someone with a disability.

Perception-harassment based on the perception that a person has a protected characteristic when they do not eg. Because they thought someone was a muslim or was a lesbian or gay.

Bullying is behaviour whether verbal, physical or otherwise, conducted by one or more people and which is repeated. It can have a life-long negative impact, which makes it difficult for people to learn and develop. A one-off incident is not generally considered to be bullying even though it may make the individual feel undermined at the time. Bullying can include name-calling, taunting, mocking, threatening, making offensive comments or suggestions, kicking, hitting, pushing, taking belongings, inappropriate touching, spreading hurtful or untruthful rumours, and other types of unacceptable behaviour.

If a person believes they are being bullied, even if some parties do not agree then the perception of the person who believes they are being bullied will be taken into account.

**Cyberbullying** may take the form of ‘real world’ bullying being played out online. It includes text messages, emails, instant messaging, posting malicious materials on social networking sites or sending offensive or degrading images and videos.

**Harassment** is unwanted conduct affecting the dignity of a person that is related to their age, gender, race, disability, religion or belief, nationality, gender orientation or gender re-assignment. It may be persistent conduct or an isolated incident. It may also be harassment related to a perception about someone or associating them with a particular protected characteristic. An example could be a person who has received homophobic comments, even though he isn’t gay or even though the person making the comments knows he isn’t gay. This would be harassment related to the perception of sexual orientation.

## **Purpose**

Coleg Cambria is committed to providing a supportive, friendly, safe and positive environment where individuals can learn and develop in a secure atmosphere and enjoy the best possible experience of college and work-based learning. Everyone deserves to be treated with respect and no one deserves to be a victim of bullying or harassment. This commitment reflects the principles expressed in the College’s Safeguarding Children and Vulnerable Adults Policy. This policy applies to all parts of the College community:

- All college sites and outreach centres (including those on employer premises)
- Adult and Community Learners
- Open/Distance Learners
- Accommodation at Llysfas residents
- All work-based learners
- Learners on work experience

Coleg Cambria does not tolerate bullying or harassment. If it happens, learners are urged to report their concerns, safe in the knowledge that incidents will be dealt with promptly and sensitively. All allegations will be investigated and will be treated as disciplinary matters where this is found to be justified. The College disciplinary procedure details how to manage incidents. In some circumstances the College may involve the police. Anyone who reports bullying or harassing behavior will be informed of the College policy and supported to make a formal complaint. In some circumstances, particularly on WBL, the College will liaise with the employer where appropriate to invoke their HR procedures. The college’s Student Code of Conduct will be referred to and if appropriate **the IT Acceptable Use Policy for Students**.

## **Risk**

Coleg Cambria will do all it reasonably can to enable all parties concerned to remain on their course of study. Actions short of discipline, such as counselling for one or both parties or conciliation, will be used wherever possible.

## **Responsibilities**

All complaints about bullying and harassment will be taken seriously and treated sensitively. Possible and desirable courses of action will be discussed with the alleged victim in the first instance but an investigation will always be carried out where the alleged victim is under 18 years of age or classed as a vulnerable adult.

The member of staff to whom the incident is reported, or who first discovers the incident must ensure that the situation is safe in terms of the victim and the alleged bully/harasser. If necessary, support and advice should be sought from the Safeguarding Officer or a member of the Student Services team. If the alleged victim is a Work-Based Learning learner, he/she should inform his/her Assessor or someone else at the College.

The member of staff must also report the allegations in two ways:

1. Submit a report via the intranet 'Safeguarding Button' to the College Safeguarding Team.
2. Make a written report of the incident, which must be given to the relevant Deputy or Assistant Director as soon as possible and certainly within 24 hours of the initial allegation.

Individuals are also able to submit a request for help to resolve bullying by reporting allegations via the intranet 'Safeguarding button'.

The College will also take appropriate action if Bullying and Harassment takes place outside of the learning environment and off College premises, where this has an impact on Learners' safety.

The Deputy or Assistant Director will ensure that there is an initial 'fact finding' to ascertain what, if any, action needs to be taken and whether it can be dealt with informally. If it is deemed sufficiently serious to justify formal investigation, this will be carried out promptly using the Disciplinary Procedure where appropriate. Whether informal or formal, the alleged bully and alleged victim will be interviewed separately. In some circumstances it may be necessary to suspend both parties from College whilst any investigation is carried out.

The Deputy or Assistant Director will also liaise with the College Safeguarding Team to ensure that all actions taken are consistent and in the best interests of both alleged bully or harasser and alleged victim, as far as this is reasonably possible.

Where the matter is considered to be one of hate crime or harassment, the Safeguarding Officer will liaise with the College Equality and Diversity Officer to ensure legal and ethical responsibilities are fulfilled.

Appropriate action will follow the investigation. This might consist of support and counselling for one or both students and/or a conciliation process. Conciliation will normally be overseen by the College Counsellor. In some cases disciplinary action will be necessary.

## **Communication & Bilingualism**

Where the alleged victim or bully/harasser wishes to complain or conduct investigative discussions in Welsh, he/she will receive appropriate support to do so. All written processes, whether paper-based or online, will be available in both Welsh and English.

Where conciliation is used, this will be conducted bi-lingually if required. A BSL interpreter will be provided where appropriate.

The College Safeguarding Officer will collate all reports and present statistics and action plans to the College Safeguarding Group meetings.

## **Implementation Plan**

This policy and procedure is already in place. Training for all staff and students will be provided as part of their induction.

## **Key Performance Indicators & Standards**

The College Safeguarding Officer will collate all reports and present statistics and action plans to the College Safeguarding Group meetings. It is not feasible to set performance targets, but trends are expected to be downwards and urgent action will be determined by the Safeguarding Group if this is not the case.

## **References**

Learner Disciplinary Procedure  
Student Code of Conduct  
IT Acceptable Use Policy for Students