

Policy/Procedure/Guideline Review

Policy/Procedure/ Guideline:	Bullying and Harassment Policy
Senior Manager Responsible:	Associate Principal – Lancashire Adult Learning/ Quality
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Changes Made:	New. Previously replaced LAL Harassment and Bullying Policy and Procedures and NCC Anti Bullying

Bullying and Harassment Policy

1. Introduction

Nelson and Colne College, including Lancashire Adult Learning, is committed to providing a safe, supportive, healthy and secure environment for students and staff.

The college is committed to eliminating all forms of intimidation, harassment or bullying. This applies to harassment and bullying on the grounds of gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, belief, marital status, social or any other personal characteristic.

Any incident of bullying or harassment will be regarded very seriously and may be grounds for disciplinary action as outlined in the Student Disciplinary Policy.

2. Purpose

The purpose of this policy is to:

- Promote a culture where everyone is responsible for creating a safe and positive learning environment free of bullying, threat, harassment and intimidation where teaching and learning can take place.
- Implement a procedure which provides a way to respond promptly and fairly to allegations of bullying, threat, harassment and intimidation.
- Allow for complaints to be properly considered and for conclusions to be reached.

3. Legislative/Quality Framework

- Education Act 2011
- Equality Act 2010
- Keeping Children Safe 2016
- Malicious Communications Act 1988
- Race Relations (Amendment) Act 2000
- Working Together to Safeguard Children 2015
- Terrorism Act 2000
- Counter-Terrorism and Security Bill 2015.

4. Scope

This policy applies to everyone in our college including all students, staff and subcontractors and it should be read and understood and adhered to, alongside the policies and procedures listed in Section 10.

5. Definitions

For the purposes of this policy, the term 'bullying' will include the following definitions which are not exhaustive:

Bullying: Bullying is treating someone differently because of who they are, not because of anything they have done. It is the persecution of an individual by another person or group of people. Bullying is the willful conscious desire to hurt, intimidate threaten or frighten someone else. Bullying involves dominance by one person or another, or group of others. Examples would include but are not limited to:

- Peer on peer abuse.
- Intimidation or threatening behavior
- Physical abuse e.g. punching, kicking, hitting, pushing, violent threats
- Verbal abuse e.g. shouting at, insulting, name calling, sarcasm, spreading rumours, persistent teasing
- Emotional abuse e.g. tormenting, threatening, ridicule, humiliation, exclusion from groups

Harassment: Harassment is any conduct that is unwanted by the recipient or any conduct which affects the dignity of any individual or group of individuals, including cases where the recipient is not offended or not present. Harassment may be repetitive or an isolated occurrence against one or more individuals. Harassment can be physical or nonphysical, verbal or nonverbal. It can include disability, race and religion, gender, age and sexual harassment.

Cyberbullying: Cyberbullying is the use of information and communications technology particularly mobile phones and the internet to deliberately upset someone else. It can take many forms such as threats and intimidation, harassment or cyber stalking, sexting, defamation, exclusion or peer rejection, impersonation, unauthorised publication of private information or images.

Work Placement bullying: Any of the above definitions of bullying that occur in a work placement setting, and are caused by the employer or any of their staff.

Hate Crime: Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property.

A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime. Examples are identified below.

- **Disability bullying:** Conduct based on disability affecting the dignity of individuals. It includes comments and "jokes" which are deliberate and unwelcome. Threats, abuse, mockery, together with any other form of assault are more manifestations of the same problem.
- **Homophobic bullying:** Homophobic bullying targets someone because of someone's sexual orientation (or perceived sexual orientation).
- **Racist and religious bullying:** Racist and religious bullying can be defined as a range of hurtful behavior both physical and psychological that makes a person feel unwelcome, marginalized, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status.
- **Sexual, sexist and transphobic bullying:** Sexual bullying includes any behavior physical or non-physical where sexuality is used as a weapon. It can be carried out to a person's face, behind their back or by use of technology. Transphobic bullying refers to bullying because someone is, or is thought to be transgender.

6. **Employer responsibilities (for apprenticeship students)**

Employers are responsible for preventing bullying and harassment and they are liable for any harassment suffered by their employees. Staff responsible for contracting with organisations and/or employers will ensure there are appropriate bullying and harassment policies in place. The policies must be accessible to, and understood by the student.

7. **Record keeping, complaints and appeals**

- All concerns, discussions and decisions made and the reasons for those decisions will be recorded centrally on Pro-monitor. If disciplinary action is taken, records will be kept in accordance with the Student Disciplinary Policy.
- If there is a complaint about the conduct and/or investigation of matters involving bullying and harassment, the normal college Complaints Policy will apply.
- Appeals against any disciplinary action for bullying will fall in line with the Appeals procedure in the Student Disciplinary Policy.

8. **Dissemination**

- Nelson and Colne College Extranet
- Nelson and Colne College and Lancashire Adult Learning Moodle
- Nelson and Colne College and Lancashire Adult Learning Website
- Nelson and Colne College and Lancashire Adult Policy & Procedure File (located at each reception desk)

9. Monitoring and Review

The policy will be reviewed by Nelson and Colne College's Associate Principal – Lancashire Adult Learning/Quality.

10. Related Policies/Procedures

Documents related to the policy are:

- Behaviour Policies and Procedures
- IT Acceptable Use Policy
- Online/E- Safety Policy
- Safeguarding Children and Vulnerable Adults Policy, Procedures and Guidance
- Student Disciplinary Policy
- Student Code of Conduct
- Student Values

11. Management Responsibility

The Associate Principal – Lancashire Adult Learning/LAL has overall management responsibility for this policy within Nelson and Colne College. Day to day management responsibility for this policy at main site is devolved to the Student Services Manager and at LAL and the Director of Curriculum, Student Services and Quality.

APPENDIX 1 Guidance for Students on Bullying and Harassment

The college will offer support to anyone who is a victim of bullying.

Practical Actions *you* can take if you are a victim of bullying or harassment:

1. Talk about the problem with somebody that can support you (you can do this in confidence if you wish). A list of people you can talk to at College include:
 - Teacher
 - Personal Tutor
 - Student Services
 - College Nurse
 - Safeguarding Team
 - Safety and Engagement Team
 - Any trusted member of staff

2. Keep a record of the bullying:
 - a. Keep a log of the bullying, with details dates and times of what has happened.
 - b. Make sure you keep a record of any offensive e-mails, text messages or internet chat room comments. Block the person from social networking site.
 - c. If you have some examples of bullying on your mobile you could either ask your mobile phone operator to block their number – or change your own mobile number. (Remember to keep the evidence)

3. If you feel that you want to discuss a case in confidence, we will support you with this and look at ways of minimising the impact of the situation on you.

We will also be able to point you in the direction of external support and support available. This could be useful to you for times when you are on your own.

4. You will be listened to sympathetically and your concerns taken seriously. A strategy to deal with the incident will be negotiated with you, taking into account the college duty of care.

5. If there is a case to answer, the next step may be the College's Student Disciplinary Policy. An investigation may take place where a manager or other relevant member of staff will interview you and the alleged bully/bullies separately.

6. In certain circumstance the College may feel it necessary to involve your parents but will inform you before doing so.

7. You may ask for the opportunity to bring a friend or relative to support you during any necessary meetings.
8. The aim of the investigation is to gather all the facts pertinent to the case to inform a decision as to appropriate action to take.
9. If you are dissatisfied with the outcome, or with the way in which the complaint was handled, you may appeal using the college Complaints Policy.

APPENDIX 2: Guidance for Staff on Bullying and Harassment

All complaints about bullying should be taken seriously and treated sensitively. It is important to discuss possible/desirable strategies with the alleged victim in the first instance and proceed as appropriate.

1. Informal Action

Staff who witness bullying and harassment, or are informed of such issues will address the matter directly with the students involved as they arise. Staff members can call upon the support of the Safety Engagement Team (where available and relevant). The purpose at this stage is to achieve a timely and constructive outcome for all concerned. Staff should record details of the incident and agreed outcomes on Pro-monitor for the attention of the personal tutor (if not the staff member dealing with the incident), Head of Division and the Designated Safeguarding Team. The record will be factual and will avoid judgment and personal comment.

If at any stage during informal action, information is ascertained that indicates the behavior or conduct of any students relates to a criminal act (e.g. physical violence, hate crime), then this should be escalated to formal action.

2. Formal Action

If informal action is not appropriate, or if it does not work, staff should take formal action by referring concerns to the Head of Division who will initiate further investigation in line with Stage 2 of the Student Disciplinary Policy.

3. Additional Information

Statements may be taken from people involved including any witnesses. These, along with additional evidence (e.g. social media screen shots) will be collected and reviewed by the staff member conducting the informal or formal action.

If a student is in immediate danger, the Police should be notified or if they are in need of urgent medical attention an ambulance should be called.

After a concern about bullying and harassment has been addressed by the College, the situation must be monitored to ensure that bullying does not recur.

4. Cases involving 14-16 School Links Students

Any allegations of bullying between or by School Link pupils will be referred to the relevant high school by the relevant Head of Division. Where an allegation of bullying is made by a School Link student against a College student, normal College procedures will be followed and the relevant school will be informed.

Disciplinary action will be taken in liaison with school protocol wherever possible.

5. Cases involving Apprentice Students within the Workplace

Any allegations of bullying made by an apprentice in the workplace will be referred to the employer. Programme Leaders in the Business Unit will provide support to the apprentice to enable them to access the employer's policies and procedures. The College will co-operate with the employer and support the apprentice in order for any allegations to be thoroughly investigated.