

POLICIES AND PROCEDURES

7.5 Harassment, Bullying and Discrimination

7.5.1 The policy applies to allegations raised by employees and should be regarded as forming the initial procedure for handling such matters, which may lead to invoking the grievance procedure and subsequently to formal disciplinary proceedings. It may be classified as gross misconduct should a case prove to be sufficiently serious. Disciplinary action, including dismissal, will be taken against all those failing to fulfil their responsibilities under this policy, including senior staff failing to maintain and establish a working environment free from bullying, or failing to resolve the problem quickly and effectively.

7.5.2 Anglo-Continental regards harassment and bullying as unacceptable and all employees and students have a right to be treated with dignity and respect. The aim of this policy is to eliminate all forms of offensive behaviour and to promote an environment in which employees and students feel able to raise, if necessary, complaints of harassment or bullying without fear of victimisation.

It should also be noted that cases of harassment on sexual, racial and disability grounds is unlawful. They are contrary to the Race Relations Amendment Act 2000, the Sex Discrimination Act (1975), the Race Relations Act (1976), the Disability Discrimination Act (1995), Protection from Harassment Act (1997) and Equality Act (2010)

All employees have a personal and legal responsibility not to behave in a manner which could be offensive to others. It is important to ensure that an individual accused of harassment or bullying is able to respond fully and explain their position before any conclusions are reached.

7.5.3 Harassment can be defined as unwelcome behaviour which causes offence or embarrassment, or causes the recipient to feel threatened. It can create an intimidating, stressful environment and includes teasing, ridiculing, bullying and victimisation.

The following are some examples of harassment:

- **Physical Conduct** – Unwanted physical contact including unnecessary touching or brushing against another person's body, assault, coercing sexual intercourse, physical threats, insulting or abusive behaviour.
- **Verbal Conduct** – Unwelcome or derogatory remarks, lewd or abusive language, which is sex or race based or which refers to a person's age, disability, sexuality, religion or personal appearance. This includes insensitive jokes or pranks.
- **Non-Verbal Conduct** – Making abusive or offensive gestures; displaying offensive written or visual material; ignoring or excluding an individual or any other unacceptable non-verbal conduct.
- **Bullying** – This can be defined as offensive, abusive, intimidating, malicious or insulting behaviour, including by email, abuse of power or unfair sanctions which make the recipient feel upset, threatened or vulnerable, which undermines their self-confidence and which may cause them stress. These include public criticism, humiliating or demeaning the individual, substituting responsible tasks with menial or trivial ones, withholding necessary information and cyber-bullying by colleagues.

Discrimination – This is the selection or unfavourable treatment of an individual on the basis of gender, race, colour, ethnic or national origin, religion, sexual orientation, social class, age, marital status or family responsibilities, or as a result of any condition or requirements that do not accord with the principles of fairness and natural justice. It can take a variety of forms and may include the following:

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- (i) direct discrimination, for example, refusing to employ or promote individuals because they are from a minority ethnic group, male, female, disabled or because of their sexual orientation;
- (ii) indirect discrimination, for example, setting age qualifications which discriminate against women who have periods away from work because of family responsibilities.

This list is not exhaustive. The actions listed above must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

7.5.4 Anglo-Continental's approach to complaints of harassment, bullying or discrimination is to attempt to resolve them as quickly and as informally as possible and at the level at which they occur. The procedure set out below reflects this approach. However, if the individual raising the allegation considers the matter to be sufficiently serious, then they may bypass the informal procedure and lodge a complaint under the organisation's formal grievance procedure.

If an individual feels that they have been subjected to harassment, bullying or discrimination in any form, they should not feel that it is their fault, or that they have to tolerate it.

The individual should consider how best to deal with the situation and may wish to seek help from one of the following members of staff, as they have a responsibility to investigate any complaints of harassment or bullying by a member of staff or a student.

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Mr Guido Schillig	-	Managing Director
Miss Julie Haine	-	Personnel and Student Administration Manager
Mr Jon Underwood	-	Academic Head
Mr Phillip Bashford	-	Academic Head
Mrs Rina Loder	-	Student Support Counsellor
Mr Jonathan Jeffery	-	Safeguarding Liaison Officer

Under the informal procedure the employee should keep a written record of any incidents of bullying, including the date, time, nature of incident, the name(s) of those involved and the names of any witnesses. Any complaints of bullying should be made to their immediate line manager or one of the above senior members of staff.

If possible, the person who is bullying should be told by the individual who is being bullied that the behaviour is offensive and unwanted and must stop. A colleague or the Personnel and Student Administration Manager can act as a witness when this statement is made. Alternatively, an appropriate senior member of staff can, with the bullied employee's agreement, speak to the alleged perpetrator. When the matter moves to a point of a third party assisting in confronting the harasser, then the Personnel and Student Administration Manager should be informed of the situation, to ensure that there is coordination among the various parties involved, as well as to ensure that procedures are followed correctly.

If the matter remains unresolved, then further advice should be sought. One possible option in this situation would be to seek an appropriate solution through mediation. Mediation can proceed only with the agreement of both parties and with clearly defined and agreed terms of reference.

If the matter remains unresolved through this informal approach, or if the problem continues after an agreed resolution, the matter should be referred to the formal stage.

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- Members of staff who wish to refer their complaint to the formal stage should do so through the Anglo-Continental's Grievance Procedure. Complaints of harassment and bullying handled formally under the procedure for staff grievances may lead to action being taken in accordance with the organisation's disciplinary procedures.

7.5.5 If someone makes a complaint against you, you should consider the following:

- differences of attitude and culture or misinterpretation of social signals mean that what is perceived as harassment by one person, may not seem so to another. Even though your behaviour may seem harmless to you, it is the other person's reasonable reaction to your behaviour that is important.
- listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable and appropriate to change your behaviour.
- The first indication you may have that there is a problem may be when a colleague or student tells you that they are offended or upset by certain aspects of your behaviour and asks that you cease behaving towards them in a particular manner. All staff and students are informed that they have the right to ask any of their colleagues to stop behaving in a manner which is insulting, discriminatory or offensive to them.
- Alternatively, you may first be aware that there is a problem when approached by one of the staff listed in point 7.5.4, attempting to resolve a reported issue, or informing you that a formal complaint has been made.
- If you are accused of harassment or bullying, you may wish to consult one of the staff listed in point 7.5.4. Advice and assistance will then be given to find positive ways of resolving complaints.

7.5.6 Where the above informal methods fail, or the employee chooses not to use them, or considers that the problem is sufficiently serious, a formal complaint can be made. The complaint must be made in writing, describing the incident(s) as fully as possible. This complaint should be given to the Personnel and Student Administration Manager.

A senior member of staff will be appointed to investigate the complaint and will interview the person against whom the allegations have been made, the complainant and any relevant witnesses. These interviews will be conducted in confidence. All parties to these proceedings can choose to be accompanied by a work colleague or a trade union representative.

The investigation should be concluded within four weeks of the complaint being received. If this time limit is exceeded, the complainant should be advised of this and given a date when the investigation will be concluded and the reasons for the delay. Detailed written records of the investigation, its findings and recommendations must be kept. The complainant and the person(s) against whom the allegation has been made must be informed in writing of the findings by the investigating senior member of staff.

Once the investigation is complete, the senior member of staff in conjunction with the Personnel and Student Administration Manager will review the report's recommendations and where appropriate, carry these out. The aim should be to put a stop to the bullying, prevent its recurrence and where appropriate, instigate the disciplinary procedure in respect of the employee who perpetrated the bullying.

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If the complainant is not satisfied with the outcome and / or any actions taken, or with the way in which the complaint was handled, they may appeal in writing within five working days of receiving the written findings of the investigation to Personnel and Student Administration Manager, stating the grounds for the appeal.

An appeal meeting will be arranged as soon as reasonably practicable and usually within 10 working days of receiving the appeal. A more senior member of staff will conduct the appeal and will carry out further investigations if deemed necessary. All parties attending the appeal meeting can choose to be accompanied by a work colleague or trade union representative.

A written record must be kept of the appeal meeting and any investigations that took place. The complainant and any other person affected by the complaint must be informed of the findings in writing by the senior member of staff who conducted the appeal. The appeal decision will be final.

If disciplinary action is justified, a disciplinary hearing will be arranged within 15 working days of the decision of the investigation. The hearing will be conducted in accordance with the organisation's disciplinary procedure.

- 7.5.7 This procedure aims to promote fairness and consistency in dealing with reasonable complaints. Anglo-Continental does have a duty to protect its employees and students from frivolous or malicious complaints. Appropriate disciplinary action may be taken when it can be demonstrated that a complaint has been made on a frivolous or malicious basis.
- 7.5.8 If a satisfactory solution cannot be found internally, then it may be appropriate for an independent mediator, such as ACAS, to offer a third party impartial solution. The aim of workplace mediation is to restore and maintain the employment relationship and this means that their focus will be on working together to go forward, rather than determining who was right or wrong in the past.