



Anti-Bullying and Harassment Policy



Issued: November 2017

Anti-Bullying and Harassment Policy

Terminology

The Term ...	Will hereinafter refer to...
Directors	The directors of PAAH.
Company Directors	The directors of PAAH Funded Organisations
Personnel	Any employees of PAAH and/or the funded organisations and partner organisations who are responsible for the delivery or support of PAAH Funded Learners.
Partner Organisations	Employers and work placement providers of PAAH Funded Learners.

Purpose

Statement of Intent

PAAH is fully committed to providing a working and learning environment that is free from bullying, harassment and victimisation of any kind. To this end, PAAH will take very seriously any allegations of bullying or harassment. PAAH believes everyone should be treated with dignity and respect at work and in the learning environment. Bullying and harassment of any kind will not be tolerated in the workplace/learning environment. After reading this policy, should you encounter bullying or harassment, you will know what to do about it and feel reassured that PAAH will help and support you to resolve any issues.

This policy will:

- Outline what constitutes as bullying and harassment and what form it may take.
- Reassure everyone that if a person makes a claim they will be protected from victimisation.
- Ensure that PAAH funded organisations, its personnel, partners, and learners are fully aware of their responsibility for keeping the work place free of bullying, harassment or victimisation.
- Give you basic information about bullying and harassment
- Outline some of the options open to anyone who feels they may be being bullied or harassed and point you to sources of further information and advice.
- Make PAAH funded organisations, its personnel, partners, and learners aware of the complaint's procedure and how it relates to harassment, bullying or victimisation claims.

The legal position with respect to bullying is complex, as there is no separate piece of legislation that deals with bullying in isolation. If bullying occurs at work or in the learning environment for a non-discriminatory reason then there still is legal protection available. However, a lot of different legal information may be involved.

It is the intention of PAAH to give effect to this policy by the provision of:

- **Breach of Contract** - usually breach of the implied term that an employer will provide reasonable support to employees to ensure that they can carry out their job without harassment and disruption by fellow workers. <http://www.acas.org.uk/CHttpHandler.ashx?id=306&p=0>
- **Common Law Right**– involving the duty to take care of workers arising out of the law of Tort. http://www.findlaw.co.uk/law/government/constitutional_law/500400.html
- **1970 Equal Pay Act** - made it unlawful for employers to discriminate between men and women in terms of their pay and conditions where they are doing the same job. Since been amended under the Sex Discrimination Acts and the Equality Act. <http://www.acas.org.uk/index.aspx?articleid=1080>
- **1974 The Rehabilitation of Offenders Act**– enabled some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention their convictions when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings. There are exceptions to this e.g. where the employment/position involves caring for children/young people/vulnerable adults. <http://www.yourrights.org.uk/yourrights/privacy/spent-convictions-and-the-rehabilitation-of-offenders/index.shtml>
- **1974 Health and Safety at Work Act**– refer to the Health and Safety Policy for full details. http://www.direct.gov.uk/en/Employment/HealthAndSafetyAtWork/DG_4016686
- **1986 Public Order Act** – makes it an offence to intentionally use 'threatening, abusive or insulting or disorderly behaviour', or display 'any writing, sign or visible image which is threatening, abusive or insulting', to cause someone 'harassment, alarm or distress'. The maximum penalty is 6 months in prison and/or a fine of £5000. http://www.nwhsa.org.uk/public_order_act_1986.htm
- **Trade Union and Labour Relations Act 1992** - defined trade unions and their legal duty to protect the right of workers allowing them to join, or leave, a union without suffering discrimination or detriment. It provided a framework for a union to engage in bargaining for a better workplace or business standards with employers and protect the right of workers in a union to take action, if necessary by strike, to support and defend their interests, when reasonable. <http://www.acas.org.uk/index.aspx?articleid=2815>
- **1994 Criminal Justice and Public Order Act** - this defines a criminal offence of intentional harassment and covers all forms of harassment, including sexual. <http://www.yourrights.org.uk/yourrights/rights-of-gypsies-and-travellers/evictions-from-unauthorised-encampements/criminal-justice-and-public-order-act-1994.shtml>
- **1996 Employment Rights Act** – required that certain terms and conditions must be set out in a single document - this can be a written "contract of employment" or a "statement of the main terms and conditions of employment." The written terms and conditions will contain both contractual and statutory rights, that is, both those protected by law and those negotiated directly between the employer and the employee or representative. It also covers wage deductions and time off work. <http://www.ncvo-vol.org.uk/advice-support/workforce-development/hr-employment-practice/contracts-terms-conditions/employment-rights-act-1996>

- **1997 The Protection against Harassment Act** - introduced new fines and sentences for harassment. <http://www.yourrights.org.uk/yourrights/privacy/harassment-unwanted-letters-and-telephone-calls/protection-from-harassment-act-1997.shtml>
- **2000 Human Rights Charter** – has sixteen basic rights, including freedom from torture and killing to individual rights in everyday life. It also includes the right not to be treated differently because of your race, religion, sex, political views or any other status, unless it can be objectively justified. It incorporates into UK law rights and freedoms guaranteed by the European Convention. <http://www.eucharter.org/>
- **2010 The Equality Act** – overrides a large amount of previous legislation and gives better protection against discrimination to a wider range of personal characteristics. For full information, refer to the Equality and Diversity Policy. <http://www.acas.org.uk/index.aspx?articleid=3017>

All people who are affected by this policy should also be aware that harassment is punishable by large fines and imprisonment. Employers need to be aware that failure to treat employees in line with this policy can result in industrial tribunals and employees seeking damages.

Harassment

Harassment can be described as unwanted behaviour, which a person finds upsetting, embarrassing, humiliating, offensive or frightening. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as humiliating and unacceptable to the receiver.

The legal definition of harassment also requires the behaviour to have 'the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.'

This could include (as examples):

- Isolating someone or not co-operating with them and excluding them from activities.
- Pestering, spying on or stalking a person.
- Physical contact – ranging from patting, touching or brushing against another person's body
- Verbal comments, for example, name calling, offensive jokes/language, sexual comments, homophobic comments, gossip, slander or rumour spreading.
- Non-verbal – for example, posters, graffiti, or written materials, including
- Unpleasant email and/or texting, which makes someone feel uncomfortable or intimidated.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, put down or injure the receiver. One of the most recent areas of bullying is called **Cyber-Bullying** this is using the internet, mobile phone and computer emails, forums, chat rooms and message boards, phone texting or messaging services, webcams, social networking sites, virtual world, video hosting sites, gaming sites and consoles or virtual learning environments. This form of bullying is just as harmful as face-to -face bullying and will be treated just as seriously under this policy. PAAH will also look into any suspicions of Cyber bullying that may be taking place outside of the learning environment; especially where this may impact on a learners programme or wellbeing.

PAAH will take action in regards to any concerns that a learner or member of staff may use the aforementioned internet platforms to incite acts of terrorism or radicalisation. See the PREVENT policy for further details.

Bullying could include (as examples):

- Excessive work loads
- Overbearing supervision or other misuse of power or position
- Unrealistic targets which will cause someone to fail
- Picking on people or setting them up to fail
- Making threats or comments about job/learning security without foundation
- Copying memos that are critical about someone to others who do not need to know
- Preventing people from progressing by intentionally blocking promotion or training opportunities
- Unfair allocation of tasks
- Inappropriate remarks or threats
- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief and other protected characteristics as defined by the Equality Act 2010)
- Excessive unjustified criticism
- Humiliating someone in front of others
- Monitoring unnecessarily or in a manner that is interfering.
- Imposing radical ideology onto others in regards to attempting to incite terrorism.

It is important to note that it is not whether the behaviour was meant to be upsetting that matters, but whether the person was offended.

Bullying and harassment are not necessarily face-to-face. They may also occur in written communications, email, phone, text and social media.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to insecurity in relation to a job or learning environment, illness, absence from work/learning, and even resignation or leaving the learning environment. Usually job/learning performance is affected and relations in the workplace/learning environment suffer. In more serious cases, harassment and/or bullying could cause a person to take their own life.

People can be subject to harassment or bullying on a variety of grounds including the following:

- Race, ethnic origin, nationality and skin colour
- Gender or sexual orientation
- Willingness to challenge harassment (leading to victimisation)
- Membership or non-membership of a trade union
- Disabilities or learning difficulties
- Status as an ex-offender
- Age
- AIDS/HIV
- Health
- Physical characteristics
- Maternity or pregnancy
- Marital status
- Transgender status
- Personal beliefs
- Political persuasion
- Religious beliefs

Persons involved/ Responsibilities

Responsibility for the detailed implementation of this policy rests with the directors of PAAH.

PAAH Funded Organisations

All funded organisations of PAAH have a legal responsibility to keep their workplaces and learning environments free from bullying and harassment. Funded organisations will choose to either adopt this policy or provide an alternative policy acceptable to PAAH. All funded organisations will be required to sign an acceptance to this policy should they choose to adopt. **All organisations have a responsibility to notify their PAAH link director of any allegations of bullying or harassment made by learners, personnel or partner organisations.**

PAAH Funded Personnel

Company directors have a responsibility to ensure that its organisation's personnel work in an environment free from bullying or harassment, in line with this policy. The personnel have a responsibility to keep the workplace and learning environment free from bullying and harassment and to ensure that learners and employers are aware of this policy and the outcome in the event they fail to comply. All PAAH funded personnel will be required to sign an acceptance to this policy.

Funded organisations' personnel will monitor learners during reviews to ensure they are fully aware of what constitutes bullying and harassment and to check for any issues and concerns regarding their learners in relation to this policy.

Learners

Learners have a responsibility for following and maintaining the ethos of this policy. All learners will be required to sign an acceptance to this policy. PAAH practice a zero tolerance policy regarding bullying and harassment. **If you feel you are a victim of bullying and/harassment or you think someone else is please notify a member of staff.**

Partnership Organisations

Have a legal responsibility to keep their workplaces free from bullying and harassment. All employers and/or trainers will be required to sign an acceptance and commitment to this policy.

Time-scale

On-going process of implementation.

Related Documentation

PAAH and its Funded organisations will ensure they maintain records for:

Organisational

Record	Purpose to record evidence of ...	Frequency
Policy Review	A summary of policy changes, any actions taken because of the review, the date of the review and name of the reviewer.	As outlined in each policy.
Policy awareness, acceptance and agreement.	Awareness, compliance and agreement to the Anti-Bullying and Harassment Policy (this may be within another document e.g. agreement/contract).	On commencement of employment / working partnership / programme. With updates as appropriate.
Impact Assessment	The outcomes of all policy impact assessments.	As outlined in each policy.
Subcontracting Agreement	The partnership working agreement to ensure anti-bullying and harassment has a key focus within all arrangements.	Annual renewal in July.
Informal Action	Mediation, training, advice and guidance provided, prior to formal proceedings, in the case of learners this may be within their Individual Learning Agreement (formerly ILP) or Learner Review documentation.	When training, advice, guidance and mediation has occurred on issues, which could potentially result in formal disciplinary action.
Formal Disciplinary	Disciplinary actions taken due to bullying and harassment with the resulting outcomes.	When formal disciplinary action is taken.
Personnel Induction	PAAH Funded Personnel receiving an introduction to bullying and harassment.	On commencement of employment.
Acceptance of PAAH Training Policies	PAAH Funded Personnel acceptance / adherence to the Anti-Bullying and Harassment Policy.	On commencement of PAAH Funded Personnel employment.
Minutes of Course Team Meetings / Communications	Anti-bullying and Harassment as an on-going item of meetings / awareness raising (under equality and diversity).	On-going
Personnel Appraisals	PAAH Training Funded Personnel satisfaction to organisational anti-bullying and harassment any Training requirements identified. Checking for issues with PAAH Training Funded Personnel's welfare in relation to bullying and harassment.	Annually(minimum)
Personnel CPD	Training and development in organisational anti-bullying and harassment.	Annually

Learners

PAAH funded organisations will ensure they maintain records for:

Record	Purpose to record evidence of ...	Frequency
Learner Induction	The learner receiving and introduction to anti bullying and harassment.	Learner commencement on programme.
Learner Review - check	Learner’s satisfaction with their treatment in relation to bullying and harassment.	Minimum of every 12 weeks.
Learner Review – inform	Awareness raising on issues relating to bullying and harassment.	Minimum of every 12 weeks.
Confidentiality Form	Confidential conversations with learners, which will be sensitive in nature, or information is only shared with certain people.	As necessary.
Learner CPD	Training and development in bullying and harassment.	Annually (minimum)

Training and Induction to the Policy

PAAH Directors

PAAH Directors are responsible for the production of this policy and therefore will sign the policy to demonstrate their agreement and understanding of the content.

PAAH Funded Organisations

PAAH funded organisations will sign to accept the content of the policy and register their agreement to comply. Organisations delivering training to PAAH funded learners will choose whether to fully adopt this policy for use with PAAH learners within their organisation, with any necessary approved addendum added to personalise as required. Alternatively, they will produce their own Bullying and Harassment Policy, which will be in line with requirements of this policy and PAAH will approve it as suitable.

Personnel delivering or supporting PAAH Funded learners

All personnel delivering or supporting PAAH funded learners will receive a copy of the PAAH Bullying and Harassment Policy (this could be an electronic version through a VLE) along with a thorough training/briefing, during their induction to post by an appropriate person – arranged by the subcontractor. Further training needs will be assessed on a continued basis, at an annual appraisal. Personnel will be asked to sign a declaration to register their understanding and agreement with this policy.

Learners

All learners will receive a “user friendly” version of the PAAH Bullying and Harassment Policy and/or their own subcontractor’s provider policy, during their induction, at the commencement of their training programme. They will be shown where full policies can be located or how to access through a VLE. They will be asked to sign a declaration to register their understanding and agreement with the ethos of the policy.

Partner Organisations

Employers involved in the recruitment and workplace provision for learners, will receive a thorough training/briefing and a copy of the PAAH Bullying and Harassment Policy or access to the document through a VLE. They will be asked to sign a declaration to register their understanding and agreement with the ethos of the policy.

Procedure

Company Directors and/or Manager (Safeguarding Designated Person)

- Ensure all PAAH Funded Personnel are aware they have the responsibility to treat others with dignity, abide by the ethos of this policy at all times and that bullying or harassment is not permitted or condoned.
- Provide, when necessary, training and guidance on the implementation of this policy.
- Promote a harmonious working environment and atmosphere in which no employee feels under threat or intimidation because of his/her beliefs or opinions.
- As part of the induction procedures, provide all new employees with training and guidance on PAAH's Anti-Bullying and Harassment Policy and practices, highlighting the importance of the policy and the seriousness of non-compliance.
- Encourage any personnel who believe that unfair treatment has been applied to him/her or others, within the scope of the policy, to raise the matter through the appropriate grievance procedure, without fear of subsequent victimisation.
- Initiate disciplinary action if any member of PAAH Funded Personnel is found to be acting unlawfully relating to bullying, harassment or victimisation,
- Initiate action when a complaint about bullying, harassment or victimisation is received.

When Dealing With Learners...

PAAH funded personnel will monitor learners to oversee the implementation of this policy within the learner's working environment during their reviews.

- Provide an environment where learners feel safe and able to disclose concerns.
- Ensure all learners are aware they have the right to be treated with dignity and a responsibility to treat others with dignity, additionally bullying or harassment at work or in training centres will not be permitted or condoned.
- Provide, when necessary, training and guidance on the contents of this policy.
- Promote a harmonious working environment and atmosphere in which no learner feels under threat or intimidated because of his/her beliefs or opinions.
- As part of the induction procedures, provide all new learners with training and guidance on PAAH's Anti-Bullying and Harassment Policy and practices, highlighting the importance of the policy and the seriousness of non-compliance.
- Encourage any learner who believes that unfair treatment has been applied to him or her, within the scope of the policy, to raise the matter through the appropriate Grievance and Complaints Policy, without fear of subsequent victimisation.

- Report to the Safeguarding Designated Person any learner who is possibly acting unlawfully relating to bullying, harassment or victimisation,
- Report to the Safeguarding Designated Person when a complaint about bullying, harassment or victimisation is received.

When Dealing with Partner Organisations

Employers that provide work or deliver training or support to PAAH funded Learners will have a copy of this policy and agree to promote and carry out the procedures in line with the policy requirements. PAAH funded organisations will ensure all partnership organisations ...

- Are aware they have the responsibility to treat others with dignity and that bullying or harassment should not be permitted or condoned.
- Have the necessary training and guidance on the implementation of this policy.
- Are aware they have the responsibility to promote a harmonious working environment and atmosphere in which no employee feels under threat or intimidated because of his/her beliefs or opinions.
- As part of the induction procedures, provide for new partners with training and guidance on PAAH's Anti-Bullying and Harassment Policy and practices, highlighting the importance of the policy and the seriousness of non-compliance.
- Report to the Safeguarding Designated Person when a complaint about bullying, harassment or victimisation is received.

PAAH funded personnel will monitor learners to oversee the implementation of this policy within the learner's working environment during their learner review.

Monitoring, Review and Evaluation

Monitoring of Process and Information

The PAAH Directors and the Quality Team will monitor the Anti-Bullying and Harassment Policy implementation

PAAH Funded Organisations are formally monitored for any issues or allegations of bullying or harassment concern during monitoring visits.

Monitoring of bullying and harassment for learners is covered in the induction and during learners' reviews and any issues raised will be fed back to management for discussion or action planning. Issues of an urgent nature should be reported to the Safeguarding Designated Person immediately if rapid intervention is required.

Questionnaires will also be used to monitor learner happiness. The outcomes from these are fed back to PAAH and included in the self-assessment process. Any necessary action relating to this policy will be identified and is included in the subsequent development plan. Issues of bullying and/or harassment will be used by organisations to identify areas for improvement and this will be actioned and implemented to prevent further concerns or incidents wherever possible.

Any member of a PAAH Funded organisation, its personnel, learners or partner organisations found to not complying with this policy will be dealt with in line with the Disciplinary Policy.

Monitoring of Documentation and Policy

The Quality Team reviews the policy and documentation as a minimum bi-annually. The updated policy will be submitted to the PAAH directors for approval/ratification. The completed policy will then be distributed to all relevant parties, displayed or easily accessible in training centres and partner organisations or placed on a VLE. PAAH funded organisations, its personnel, learners and partner organisations will be asked to sign an acceptance of the policy.

Communications, either paper or electronic, will also notify all relevant parties of all reviews and any outcomes from the reviews.

Impact Assessment

This policy will be impact assessed for equality and diversity and records will be maintained.

Safeguarding

This policy will be reviewed to ensure it fully safeguards learners, PAAH funded personnel and other partners in relation to their levels of safety, health, achievement, enjoyment, contribution and wellbeing.

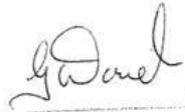
Grievances/Complaints Re: Bullying &Harassment

PAAH funded organisations, its personnel, learners or employers have the right to lodge a complaint or grievance about any of the areas covered under the Anti-Bullying and Harassment Policy. If a complaint or grievance is made it will be dealt with under the Grievances or Complaints Policy.

An organisation, its personnel, learners or partner organisations who are not satisfied with the action taken by PAAH and feels it is right to question the matter further, s/he may consider the following possible contact points:

- Skills Funding Agency
- ACAS
- The Equality and Human Rights Commission
- The employee's Trade Union
- The Citizens Advice Bureau and/or law centre/firm
- Relevant professional bodies or regulatory organisations

Approved by the Directors of PAAH on 1st November 2017

Signed:  G. Daniels