



## Anti-Harassment and Anti-Bullying Policy

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## **1. Introduction**

United Colleges Group believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect. We do a lot to support our inclusive culture and you can read more about this in our Equality, diversity and inclusion (EDI) policy.

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

The policy accompanies our Equality, diversity and inclusion (EDI) policy.

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. Scope**

This policy applies to anyone working for us. This includes employees, workers, contractors, volunteers, and apprentices. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

All parties to a complaint, and informal or formal action must maintain strict confidentiality at all times. If it is proven that confidentiality has not been maintained, action will be taken against the person responsible under the disciplinary procedure.

## **3. Our commitment to you**

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:

- ensuring all new starters undertake equality, diversity and inclusion training and anti-bullying and anti-harassment training, as part of their onboarding programme.
- requiring all employees to undertake regular equality, diversity and inclusion training and anti-bullying and anti-harassment training on at least an annual basis.
- providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace.
- encouraging individuals to support our equality, diversity and inclusion, and anti-bullying and anti-harassment, initiatives by attending events and workshops organised by the College to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.

- monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings and employee forums to identify and address any issues.
- undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace; and
- ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with.

#### **4. What we expect from you**

We expect you, and every one of our staff, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying, or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support.

#### **5. Definitions and Examples**

**Bullying** may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine or humiliate an individual or group. Bullying may be physical, verbal, or psychological, and it can occur in person, in writing, or through digital platforms. Obvious examples are:

- Repeated verbal abuse, such as shouting, insults, or offensive remarks.
- Intentionally excluding someone from meetings or social activities.
- Spreading malicious rumours or misinformation about a colleague.
- Undermining an employee's work by constant criticism or sabotage.
- Assigning unreasonable tasks beyond a person's role or capability.
- Making threats about job security.

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.

## 6. Microaggressions

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke".
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 7. Harassment

Harassment is a discriminatory act, and employees can be personally liable for harassment claims. The protected characteristics relevant to harassment are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Harassment is very difficult to define as it can take many forms, but in the main it is unwanted behaviour related to a relevant protected characteristic towards others, which has the purpose or effect of violating the victim's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment ('a hostile environment') for them. It could also be that the victim doesn't have the relevant protected characteristic, but witnessing the harassing behaviour has still created a hostile environment for them. Obvious examples are:

- Making derogatory comments or jokes based on race, gender, religion, or other protected characteristics.
- Consistently using the wrong names and pronouns following a gender identity transition.
- Mimicking or making fun of someone's disability.
- Marginalising someone because they are of a particular race.
- Derogatory comments about someone's clothing that are related to a protected characteristic, for example in relation to religious clothing.

## 8. Sexual Harassment

Sexual Harassment is a specific form of harassment, and it can often be subtle, indirect, or even unintentional. Sexual harassment includes unwanted or unwelcome sexual advances, requests for sexual favours, or other verbal, physical, or visual conduct of a sexual nature

within the workplace. It also covers any third-party harassment where a person is harassed by someone who does not work for the Company, such as a visitor or client.

We recognise the seriousness of sexual harassment, and we have zero tolerance towards this. Employees are encouraged to report any incidents of harassment by colleagues or third parties which they experience or witness. Obvious examples are:

- Unwanted touching or physical contact.
- Sending or displaying sexually explicit or suggestive materials.
- Making seemingly “harmless” jokes, comments or gestures with a sexual undertone.
- Suggesting or implying that employment, promotion, or other benefits depend on sexual favours.
- Asking personal questions about someone’s romantic or sexual life.
- Repeatedly giving compliments on someone's appearance, dress, or body that go beyond normal workplace politeness.
- Standing too close, touching, or brushing against someone unnecessarily.
- Persistently asking someone out on dates or inviting them to social activities outside of work after they have declined or shown disinterest.

Please remember that the examples of **UNWELCOME, UNINVITED AND UNRECIPROCATED** behaviour outlined in this document represent a non-exhaustive list.

## **9. Victimization**

Victimization means treating someone badly because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- Bringing proceedings under the Equality Act 2010.
- Giving evidence or information in connection with proceedings under the Equality Act 2010.
- Doing any other thing in connection with the Equality Act 2010.
- Alleging that a person has breached the Equality Act 2010.

Victimization may include, for example, a manager bringing false disciplinary proceedings against an employee because they complained they were being sexually harassed.

## **10. Complaints Procedure**

### **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.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you. See section 7. **Support for those affected or involved** for details of how to access our EAP.

### ***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 or the HR team without delay so that they can advise and support you on the best course of action.

### **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 (e.g. their immediate line manager). If for any reason you are unable to approach your line manager or a more senior manager, you can speak to the HR department.

You can raise a formal complaint of bullying or harassment under our Grievance procedure if it applies to you. However, you may prefer to do so under this policy because it is specifically aimed at dealing with such issues. You should be aware that you cannot raise a complaint under this policy if you have raised a complaint about the same issue already 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 make a decision; 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.

## **Appeals**

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

Should you wish to appeal, you should write to the Director of Business Intelligence, Information Systems and People, 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.

The Director of Business Intelligence, Information Systems and People will arrange a panel of at least two senior managers who have not previously been involved in the case, to hear the appeal. You must take all reasonable steps to attend this meeting, and you may be accompanied by a colleague or trade union representative.

The Director of Business Intelligence, Information Systems and People will write to you to confirm the outcome of the appeal, which will be final within 5 working days of the hearing.

## **11. Support for those affected or involved**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

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.

For emotional support, you can access free, confidential advice/counselling from our EAP, Health Assured. They have a free 24hour helpline: 0800 028 0199. Details can also be found on the [intranet](#).

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 team as soon as possible or refer to the Whistleblowing Policy.

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.

## **12. Sensitivity and Confidentiality**

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.

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).

### **Consequences of breaching this policy**

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.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees).

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).

If you are an employee, please refer to our Disciplinary Policy for further information.

## **13. Record-keeping**

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. 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 our Data Protection Policy as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.