



UCG STAFF BULLYING AND HARASSMENT POLICY

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1.0 INTRODUCTION

- 1.1 United Colleges Group has zero tolerance for bullying or harassment of staff or students. All staff have the right to be treated with dignity and respect and the College is committed to establishing a culture of trust where staff feel confident about raising a concern and have the confidence that their concerns will be taken seriously and will be dealt with in a fair and consistent manner. The College has an agreed Staff Behaviour Framework that sets out the organisational culture and professional standards of behaviour for staff.
- 1.2 This policy explains what constitutes bullying and harassment, what staff should do if they feel they are not being treated appropriately and how the complaint will be dealt with.
- 1.3 Workplace bullying is intimidation on a regular and persistent basis or as a one off which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end. Bullies can also misuse their power, position or knowledge to criticise or humiliate.
- 1.4 Every effort will be made to deal with allegations on an informal basis in the first instance unless it is deemed too serious for informal resolution by the Director of People & Communications.

2.0 SCOPE

- 2.1 This policy applies to all staff employed by the College.
- 2.2 All contracted and agency staff as well as visitors to the College must comply with the principles of this policy.
- 2.3 The College takes seriously its legal responsibilities to promote equality of opportunity and eliminate harassment in all its forms, and consequently encourages the adoption of these principles by external contractors.
- 2.4 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.

3.0 DEFINITIONS

- 3.0 Bullying and harassment can be verbal, non-verbal, physical or psychological. They can occur during face-to-face encounters, or through correspondence, on the telephone and by email or social media and can be difficult to recognise and report.

3.1 It can be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through mean intended to undermine, humiliate, denigrate or injure the recipient.

3.2 there is a fine line between bullying and harassment, and each can be a form of the other.

4.0 BULLYING

4.1 Bullying can involve offensive, intimidating, malicious or insulting behaviour that has the effect of undermining, humiliating or injuring the person who is subjected to it. It can involve an abuse or misuse of power e.g. by someone in a position of authority; it can involve an individual or number of individuals.

4.2 Examples of Bullying Behaviour

- Spreading malicious rumours
- Public humiliation i.e. shouting or swearing or sharing written communication which is critical of others.
- Persistent undue criticism outside of normal feedback
- Personal insults, name calling, threats
- Increasing responsibility whilst decreasing authority
- Ignoring, marginalizing or excluding an individual or group
- Setting individuals up to fail e.g. setting unachievable targets
- Constantly changing deadlines
- Withholding college-related information which could impact on the ability of the employee to undertake their role
- Blocking promotion or training opportunities
- Bullying by e-mail, e.g. using capital letters or red letters
- Deliberately sabotaging or impeding work performance

4.3 Bullying or effective management - Legitimate, constructive and fair criticism of an employee's performance at work is not bullying or harassment. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

5.0 HARASSMENT

5.1 Harassment is the unwanted behaviour or conduct that affects the dignity of people in the workplace. Harassment creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be related to age, sex, race, disability, religion, sexuality or any personal characteristic of an individual. It may be persistent or an isolated incident, and it may also be from a third party such

as an external client or the provider of contracted services. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

5.2 Examples of Harassment

- Racist, sexist, ageist or homophobic, biphobic, transphobic jokes and language
- Making obscene gestures, phone calls
- Behaviour of a sexual nature that is unwanted and intimidating
- Sending obscene emails, texts, social media references
- Isolation, non-cooperation, exclusion from social activities
- Coercion for sexual favours
- Pressure to participate in political or religious groups
- Intrusive or persistent questioning about personal characteristics for example, a person's racial/ethnic origin, their sex, their culture, religion or belief, sexual orientation, age, relationship status or disability

6.0 IMPLICATIONS

6.1 Bullying and Harassment are not only unacceptable on moral and legal grounds but can also have serious implications for the operation and business of the college in terms of low morale, a lack of motivation, poor performance, absenteeism, high staff turnover and damage to reputation.

7.0 RESPONSIBILITIES

7.1 All staff have a responsibility to help create a working environment which enables all individuals in the College to feel confident and secure and to carry out their work in a safe working environment.

7.2 College Managers have a responsibility to ensure that this Policy is effectively applied and to support those that approach them and deal with any bullying and harassment that they witness or that is reported to them.

8.0 SUPPORT AVAILABLE

8.1 Staff experiencing bullying and harassment or who might want to seek advice about a concern or against whom an allegation has been made, can contact any of the following:

- Director of People and Communications
- The Equality & Diversity Co-ordinator
- Trade Union Representative
- HR Business Partners

9.0 CONFIDENTIAL ADVISER

9.1 Any member of staff who is being bullied or harassed or who has been accused of bullying or harassment and wants to seek confidential advice and/or counselling should contact Health Assured, the College Employee Assistance Provider. Health Assured has a free 24 hour helpline: **0800 028 0199**

10.0 TRAINING

10.1 Training will be offered to staff and managers on the operation of this policy and procedure.

11.0 MONITORING AND REVIEW

11.1 Confidential data about complaints of bullying and harassment will be monitored by the Director of People and Communications.

12.0 WHAT TO DO IF YOU FEEL BULLIED OR HARASSED

12.1 Making a complaint

If an employee feels they are being bullied or harassed they should ask the person doing it to stop, however we understand that not everyone is able to do this. If this cannot be done then the employee should approach their line manager in the first instance, if this is not possible then speak to any of the people listed in section 8.0, who will then give advice on the process.

12.2 Keeping a Record

Wherever possible, the employee experiencing bullying or harassment should keep a note of incidents, comments and behaviour. Such notes might include;

- The name of the person doing the bullying or harassing
- Dates, times and places where the incidents take place
- Names of any witnesses
- Any evidence relating to the incidents
- Any actions taken by the employee to deal with the situation
- The implications of the behaviour for the employee e.g. feelings, health, ability to do their job

12.3 Informal Stage

Every effort should be made to resolve issues at an early stage using this informal stage of the procedure if this is appropriate or possible. For example:

- Wherever possible, the employee should make it clear that the behaviour is unwelcome e.g. by asking the person to stop doing what they have been doing. This may be done in writing or face to face- with or without a work colleague for support. If the employee has a disability and needs assistance they should contact the Head of Equality & Diversity, their line manager or their Trade Union Representative.
- Where it is too difficult for the employee to do this themselves, they should then speak with their line manager or Trade Union Representative, colleague who could speak to the individual on their behalf.
- A further informal stage could be through mediation involving the relevant parties, if agreed by the complainant and respondent. Contact HR for advice regarding this process.
- If the bullying or harassing behaviour does not cease, the employee should inform their line manager, if they have not already done so or a

- more senior manager if the allegations are against their line manager or if they wish contact HR.
- Managers involved in any informal resolution should keep a record of any discussions or developments and actions taken to resolve the issues by filling in the Bullying and Harassment Informal Resolution form found in Appendix A. This form when completed should be filed confidentially and only be passed to the Director of People & Communications if requested.
 - As part of the informal resolution, Managers are advised to hold a review period and ensure that any agreed actions are carried out.
 - If after informal resolution, the behaviour continues, the manager should take the matter to the formal stage.

12.4 Formal Stage

Where it has not been possible to resolve the matter informally, the following steps should be taken.

- 12.4.1 The manager or member of staff should submit details of the incident on the Bullying & Harassment Complaint form found in Appendix B together with any related documents and sent to the Director of People & Communications.
- 12.4.2 The information submitted should include:
- Details of all the incidents including dates, times, places
 - Any supporting evidence including names and contact details of any witnesses
 - Details of any actions taken by the employee or designated person
 - The effect of the bullying or harassing behaviour on the employee
 - Details of support that has been available to the employee
 - Any remedies or support being sought
- 12.4.3 On receipt of the Bullying & Harassment Complaint form with the above information, the Director of People & Communications will decide whether there should be a further attempt to resolve the matter informally or whether a formal investigation will be instigated. Where a further attempt to resolve the matter is made, this may involve support and counselling for the complainant and the person against whom the allegations have been made and/or support for both parties to repair the relationship.
- 12.4.4 Within 5 working days of receiving the completed Bullying & Harassment Form the Director of People & Communications will nominate an appropriate Manager to investigate the complaint.
- 12.4.5 The Investigating Manager will complete the investigation within 28 days unless there are any extenuating circumstances. Guidance can be found in Appendix D.

12.4.6 Once the investigation is completed, the employee will be informed of the outcome within two working days of completion of the investigation.

12.4.7 If the evidence indicates that Bullying & Harassment has taken place a formal disciplinary hearing will be arranged by a member of the HR team in line with the College's Disciplinary Policy and Procedure.

12.4.8 If the complaint is not resolved to the satisfaction of the employee at this stage, the employee may appeal in writing to the Director of People & Communications within 5 working days of receiving the outcome of the investigation. The Director of People and Communications will arrange a Panel of at least two senior managers who have not previously been involved in the case, to hear the appeal which must set out the grounds of appeal which must be one or more of the following:

- i. Procedure – a failure to follow procedure had a material effect on the decision;
- ii. The facts of the case – the manager came to a conclusion on a material point of fact, which no reasonable person could have come to;
- iii. New evidence

The appeal outcome will be communicated to the employee in writing within 5 working days of the Appeal Hearing.

12.5 Third Party Harassment

An employee who feels bullied or harassed by a third party may resolve the matter themselves or immediately report it to his or her line manager. Where it has not been possible to resolve the matter informally, employees must inform their line manager and HR. HR would then immediately report the matter to the third parties employer requesting them to investigate the matter promptly.

13. VICTIMISATION

13.1 No employee will be treated less favourably because they have exercised their right, honestly and truthfully, to use this procedure.

13.0 MALICIOUS ALLEGATIONS

14.1 Where it is found, at any stage of this procedure that a malicious and/or untrue allegation has been made this may be dealt with under the disciplinary procedure.

APPENDIX B

CONFIDENTIAL Bullying and Harassment Complaint Form

Name:	Centre/Service
Phone Number:	Work Location:
Name of Representative, if any: (Trade Union or work colleague)	Date of Complaint:

A) Please provide details of Complaint in the box below ensuring you include the following points:

1. Please state the type of complaint (Bullying/Harassment)
2. Summarise the details of all incidents including dates, times, places.
3. Provide details of any supporting evidence.
4. Details of any actions you or your representative have taken.
5. What effects has the bullying or harassing behaviour had on you?
6. What support have you had?
7. What remedies and/or support are you seeking?

Please continue overleaf

B) Have you made any attempts to deal with this informally? YES
NO

If Yes please describe how this was done and the result.

GUIDANCE

The Complainant

- If you decide to speak to the person directly who you feel is carrying out the bullying or harassment, remember they may not even realise that their behaviour and actions have had such an effect on you.
- If you can resolve the matter informally, make sure you keep notes and a record of what was agreed. The respondent must also do this. It would be a good idea to inform your line manager of the situation however if you prefer not to, you could speak to a colleague or a Trade Union Representative.
- Before deciding to instigate a formal investigation under the Bullying and Harassment Procedure, the Director of People and Communications may, in certain less severe instances, look into the matters complained about and take informal action in order to resolve the problem if there is information to support an allegation of bullying and harassment. This action might include:
 - o Instructing the harasser/bully to stop the behaviour which caused the complainant to feel harassed or bullied;
 - o Requiring the harasser/bully to receive appropriate guidance and/or training;
 - o Making the appropriate changes in working arrangements which will not be to the disadvantage of the complainant.

This action will be documented and the employee warned that if the behaviour continues, an investigation will take place that could result in a disciplinary hearing. The employee making the complaint will be informed of the action taken.

- Make sure a record is kept of incidences with dates and witnesses and keep everything confidential- particularly if you are making a formal complaint.
- It is advised to try and report the incident(s) as soon as possible of it happening.

Line Managers

- If you are dealing with an informal resolution, remember to fill in the Informal Resolution Form to keep as a record. If the complainant agrees you could send a copy of the Informal Resolution Form to be filed in HR.
- Support can be gained from HR who may also be able to provide additional professional support.
- Remember to provide the complainant with the number and details of the Employee Assistance Programme.
- If the complaint involves allegations of racism, sexual harassment, homophobia, sex discrimination, age and disability discrimination contact HR for advice as they may have to go straight down the formal route as some cases could be within the definition of a criminal offence.
- Please do contact HR if you are unsure on how to proceed, individual confidential coaching can be provided.

Investigating Managers

- HR can provide support and coaching throughout the investigation. They can also provide template letters to invite the respondent and witnesses for interview.
- If you require a note taker HR can also provide support.
- The time stated to complete an investigation is 28 days however if someone is on annual leave or sickness absence then these will count as extenuating circumstances.
- The investigation process will involve:
 - A meeting with the employee making the complaint.
 - A meeting with the member(s) of staff against whom the complaint has been made.
 - A meeting with any other employee who is relevant to the investigation.
 - Consideration of any relevant supporting paperwork provided by the employee or others during the investigation.
 - Any other reasonable action required to determine the facts.