

Anti-Bullying and Harassment Policy

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Anti-Bullying and Harassment Policy

Policy Statement

A safe working and educational environment depends on more than the behaviour of individuals. Intech Centre will focus on the prevention of bullying and harassment through the development of a work and study culture in which relationships are characterised by dignity and respect as well as tackling inappropriate behaviour. Intech Centre is committed to building a safe work and study environment in which both staff and students feel confident to raise concerns.

All Centre staff, students, visitors, contractors and prime contractors have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment they are aware of.

Intech Centre fully supports the right of all people to be treated with fairness, dignity and respect. It is committed to fostering an environment that values the diverse nature of its community, and where its staff, students, visitors and contractors can work, learn and visit free from intimidation, aggression, coercion and victimisation. The

Intech Centre will not tolerate bullying and harassment as it recognises that such behaviour is unacceptable, discriminatory and may also be unlawful. If bullying and harassment are not tackled, consequences for the individual, and also the Centre, can include:

- poor performance, accidents and lower productivity;
- increased absence and ill-health, particularly stress-related;
- people leaving the Centre including withdrawal from courses; and

The aim of the Policy is to be a part of the process of stopping bullying and harassment. Intech Centre recognises that in most cases the best and most desirable resolution for all those involved is through informal action. All allegations will be taken seriously and treated sensitively. They will be investigated promptly and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where a formal allegation of bullying and harassment has been upheld. This may lead to dismissal or exclusion from the Centre.

Scope of the Policy

This Policy sets standards for conduct between all those who work and study at Intech Centre including staff, students, visitors and contractors.

Information is provided about how to complain and seek resolution either informally or formally about inappropriate behaviour such as bullying or harassment.

Examples are provided about what constitutes bullying or harassment and the responsibilities of all parties are explained.

This Policy does not deal with physical violence against staff or students. Physical attacks should be reported immediately to the police.

Responsibilities

This Policy incorporates the requirement set out in the following legislation:

- Equality Act 2010
- The Protection from Harassment Act 1997
- Health and Safety Act 1974
- Malicious Communications Act 1998
- Telecommunications Act 1984

All Intech Centre staff and students have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment they are aware of. They are also responsible for ensuring they are fully aware of the requirements and implications of this Policy. Senior Manager is responsible for ensuring that the policy is implemented, monitored and fully complies with legislative requirements.

All managers, as part of their managerial responsibilities, have a particular responsibility. Where bullying or harassment is brought to the attention of a manager they must take appropriate action. Managers have a legal obligation to eliminate harassment of which they are, or should be, aware.

Managers are themselves expected to demonstrate, and act as a role model for high standards of behaviour which support a culture of dignity and respect.

All students and employees at the Intech Centre are expected:

- to treat everyone with respect and dignity;
- not to discriminate against others or incite others to behave in discriminatory ways;
- not to harass, abuse or intimidate others;
- not to victimise or attempt to victimise anyone who has made a complaint(s) of bullying or harassment or provided information on
- bullying or harassment; and
- to take appropriate action where they are informed, or are aware of, that an act or acts of bullying or harassment have occurred.

What is harassment, bullying and victimisation?

This section defines the terms 'harassment', 'bullying' and 'victimisation', and provides some examples of each form of behaviour to enable staff to make informed judgments about whether a particular type of behaviour falls within the scope of this Policy. It is recognised that there can often be a significant amount of overlap between these different types of behaviour. If someone feels they have experienced harassment, bullying or victimisation, but are unsure of which definition is the most appropriate, they should seek advice and not be deterred from reporting it.

Harassment

Equality Act 2010 – outlines three definitions of harassment:

- unwanted conduct that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person that is related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation;
- unwanted conduct of a sexual nature (sexual harassment);
- Treating a person less favourably than another person because they have been the subject of, or have reacted to, sexual harassment or harassment related to sex or gender reassignment.

The Equality Act protects a person from harassment in relation to:

- Perception of their personal identity – for example, young qualified teacher is not given a job due to his/her appearance.
- Association with someone who has a protected characteristic – for example, harassment because a friend or close relative is disabled or transgender.
- The right to complain of behaviour they find personally offensive even when they are not the target of that conduct – for example a male worker can complain about sexist remarks or jokes that are made about a female colleague (whether or not she is present when the remarks are made).
- Conduct related to a relevant protected characteristic not necessarily because of a person's identity. For example, Julian is not very popular and is continually being called gay and other related names by some of

his workmates. Although Julian is heterosexual and everyone knows this, he would still be able to claim harassment related to sexual orientation.

The Protection from Harassment Act 1997 defines harassment as repeated behaviour that causes 'alarm or distress'. Its main purpose is to protect people from what is popularly known as 'stalking' by making it a criminal offence. An example of this could be if a student persisted in sending emails to another student, or member of staff, that asserted a close, personal relationship that did not exist and that the recipient found distressing. In such cases, the Centre may report the matter to the police immediately.

Harassment can take many forms – occurring in face-to-face settings, by telephone, or in written or electronic communications. The list is by no means exhaustive but sets out to provide examples of behaviour that can amount to harassment:

- Unwelcome physical contact ranging from invading someone's 'personal space' where this is unnecessary, touching or brushing against another person's body, to physical assault, or coercing sexual intercourse.
- Unwanted verbal conduct. Includes making remarks and comments about staff or students' appearance, lewd comments, sexual advances, innuendo and banter, offensive or stereotypical comments, jokes or songs, making threats or patronising comments, for example repeatedly drawing attention to a person's disability.
- Intrusive questioning. This may include gossip, as well as questions, about a person's sexual orientation, their sex life, or religious beliefs.
- This could be directly with the person or in discussions with others.
- Unwelcome written or visual communications, including unwelcome emails, notes or pictures, displaying or sending pornographic material.
- Use of cyber or social media sites such as Twitter, Facebook etc. to ridicule, harass or bully.
- Non-verbal conduct, such as making abusive or offensive gestures.
- The deliberate exclusion of an individual from work-related activities, including social activities related to work, or conversations in which they have a right or legitimate expectation to participate.
- Other forms of oppressive or intimidatory behaviour that are somehow related to a personal characteristic, such as outing someone as gay without their permission.

Bullying

Bullying is not defined by law. However, it shares many characteristics with harassment except that it is not equality related. Intech Centre defines bullying as: offensive and unwanted behaviour, which violates a person's dignity, or creates an intimidating, hostile, degrading, threatening or offensive environment or which humiliates or undermines an individual or group. Bullying can be carried out by an individual or group of people and can involve the abuse of authority.

Examples of being bullied include:

- being shouted at;
- being humiliated in front of colleagues or other people;
- being criticised in an inappropriate manner or belittled about one's work, personality or personal appearance;
- being persistently ignored or isolated/excluded;
- being pressurised by a group into behaviour/actions against one's wishes;
- inappropriate use of BCC and CC on emails;
- use of social media to bully, harass or intimidate.

It is important to make a distinction between bullying and firm management – where a manager or other employee, such as a tutor, is carrying out their job properly and fairly. Managers should always consider their tone and ensure they treat staff with dignity and respect.

Victimisation

Staff with a grievance may sometimes complain that they are being 'victimised' in some way. However, victimisation within the scope of this Policy has a very specific meaning. It involves treating someone less favourably than other people because they have:

- made a claim of harassment or bullying under the Policy;
- suggested or complained that, in some way, they may have been discriminated against, or that the Centre's equality policies have, or may have been breached in some way; or
- helped someone else to make a claim, perhaps by providing evidence or some other form of support to that person.

Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report discrimination, harassment and bullying.

The need to tackle bullying and harassment should not stop welcome banter and good humour amongst colleagues and students. However, where such behaviour is unwanted or causes offence, it is unacceptable.

The prevention of bullying and harassment includes showing common courtesy, dignity and respect for others, and avoiding behaviour that makes anyone feel uncomfortable, degraded, upset or victimised.

Bullying and harassment can occur for a wide variety of reasons, not just those listed above, and can happen to anyone. A person being bullied or harassed may not know the precise reason. This makes no difference to their feeling of being bullied or harassed. Ultimately, it is the recipient's feelings which count. Bullying and harassment are listed specifically as examples of misconduct in the Disciplinary Procedure.

Electronic and telephone bullying or harassment

Intech Centre recognises that bullying and harassment can take place through, for example, email (direct or indirect via copying in), internet, intranet, mobile telephones, text messages, telephones or other forms of electronic communication and social media. Indecent, threatening or offensive emails or phone calls may not only be bullying or harassment but also potentially a matter for disciplinary action. They may also breach the Centre's Email Policy.

Procedures for dealing with bullying or harassment

If you think that you are being bullied or harassed, do not feel that it is your fault or that you have to tolerate it. Action may be taken in a number of ways which include both informal and formal procedures.

Attempts should be made to resolve any complaints rapidly and informally, wherever possible, as this can lead to the behaviour stopping and resolution for all concerned.

It is important to note that the person who makes a complaint is usually the recipient of the behaviour complained of, but that may not always be the case. The complainant can also be someone who has direct or sufficient knowledge of the behaviour to enable a complaint to be raised. For example, if they have overheard racist or sexist language which, while not directed at them, caused them offence and distress.

Members of staff who feel that their health is being affected by bullying or harassment are encouraged to Senior Manager for confidential help and support.

Confidentiality

Any student or member of staff involved in the informal or formal procedures covered here is expected to keep information confidential.

Only those who need to know should be informed because they have a role in providing support or progressing action to stop the bullying or harassment. This is to protect the confidentiality of the person making the

complaint, as well as the reputation of the person being complained about. If it is felt that the safety of an individual(s) is at risk of serious harm, confidentiality in these circumstances may be overridden by a duty of care and legal obligations to disclose. Unjustified failure to maintain confidentiality will itself be regarded as a disciplinary offence.

Record keeping

If you are being bullied or harassed it is a good idea to keep a note, including dates and times and a description of the behaviour and its impact on you. This can include changes to your work, study or home/social life as a result of the behaviour. The details of any witnesses to the incident(s) should also be included. Copies of relevant paper or electronic documents should also be kept.

Managers and other staff who are told by colleagues or students of bullying or harassment should ensure appropriate records are kept.

Informal procedure: students

If you are concerned about a person's behaviour towards you, try to approach them directly giving as full details of your complaint as possible to make it easier for them to understand why you are upset, offended or angry.

You can meet with the person on your own or with someone to support you. Alternatively you can write to them, explaining what they did or omitted to do that upset you and asking them not to do it again. In doing this, clearly explain what it was that specifically upset you, what the consequence and impact is on you, and what you would like to happen moving forwards.

You can ask a member of Centre staff to intervene on your behalf. If you emphasise that you wish to resolve the situation informally, they will make every effort to do so. If they feel that they have to take more formal action, they will not do so without discussing it with you. However, if the behaviour persists, or if it is so serious that you feel it is not appropriate to use informal methods, then you can use the formal procedure to try and get the situation resolved.

Formal procedure: students

A formal complaint about a member of staff should be made following the Complaints Procedure.

Informal procedure: staff

If you are concerned about a person's behaviour towards you, try to approach them directly giving as full details of your complaint as possible to make it easier for them to understand why you are upset, offended or angry.

You can meet with the person on your own or with someone to support you. Alternatively you can write a letter to them, explaining what they did or omitted to do that upset you and asking them not to do it again. In doing this clearly explain what it was that specifically upset you, what the consequence and impact is on you and what you would like to happen moving forwards.

You can ask your manager to intervene on your behalf (or a more senior manager if it is your manager who is bullying or harassing you). If you stress that you wish to resolve the situation informally, they will make every effort to do so. If they feel that they have to take more formal action, they will not do so without discussing it with you.

However, if the behaviour persists, or if it is so serious that you feel it is not appropriate to use informal methods, then you can use the formal procedure to resolve the situation.

Formal procedure: staff

If at all possible you should approach a suitable manager to complain about bullying or harassment, whether it is by a colleague, manager or student. It is the responsibility of Senior Manager to investigate any incidents of bullying or harassment that are brought to their notice.

This may lead to the use of the Centre's Disciplinary Procedure. If it is your line manager who is bullying or harassing you, then raise this to Company Director

Sanctions

Bullying and harassment potentially constitute gross misconduct and, therefore, if a complaint is upheld it could lead to the dismissal of a member of staff or the exclusion of a student. Where dismissal or exclusion are not considered appropriate, the implications for continued work and study relationships will be given serious consideration by the Senior Manager and appropriate action taken.

Intech Centre will not move the person who has complained of bullying or harassment in this case, unless it is at their request. If it is felt advisable to separate the two parties, consideration will be given to appropriate action that provides a safe inclusive working and learning environment for all concerned.

What if I am accused of bullying or harassment?

If you are accused of bullying or harassment you should seek advice and support from appropriate person. This could be your tutor, manager or Senior Manager. If the person you seek advice or support from is involved in the investigation, they will refer you to another source of help.