

Prevention from Bullying, Harassment and Victimisation Policy

1 Purpose

- 1.1 The purpose of this policy is to ensure that DN Colleges Group and all of its subsidiaries (hereafter referred to as 'the College') provides a framework for the prevention of bullying, harassment, discrimination and all other forms of unwanted conduct including, but not limited to, direct, indirect, combined and/or dual discrimination.
- 1.2 This policy is written in line with the College's Strategy, Vision and Values which identify a commitment to safeguarding, health, safety and welfare, equality, diversity and inclusion and data protection.
- 1.3 The purpose of this policy is to prevent harm, promote wellbeing and safety. It is essential everyone feels safe and knows they are protected against bullying, victimisation and/or harassment. There are procedures in place for preventing instances and processes for dealing with any incidents which may occur. The College encourages people to confidentially disclose incidents of bullying, harassment or victimisation.

2 Scope

- 2.1 We will establish an ethos where we embrace and reflect the many aspects of our diverse workforce, student population and communities. We encourage everyone to be sensitive to the rights, needs and dignity of others.
- 2.2 This policy applies to all applicants, enrolled students, both FE and HE, irrespective of age, including Apprentices, Adults, whether full-time, part-time or distance learners. This policy applies to all staff, prospective and current, both paid and non-paid, including agency workers, contractors, volunteers and Governors. This policy also applies to visitors and those who use our facilities.
- 2.3 This policy sets out behaviours that are unacceptable within our learning and/or working environment, which may constitute bullying, harassment or victimisation.
- 2.4 Reasonable adjustments of additional support with any College procedure may be agreed, at the discretion of the Director of HR, who may rely on Occupational Health advice.

3 Responsibilities

- 3.1 All members of our College community, detailed in 2.2, have both rights and responsibilities.
Everyone has the right to:
- be treated with respect, whether in person or online
 - be physically and emotionally safe
 - expect their property to be safe
 - be free from all forms of bullying, harassment and victimisation
 - be free from extortion, pressure or blackmail
 - be free from any hurtful remarks in person or online, including remarks which may relate to a protected characteristic

Everyone has the responsibility to ensure that:

- others are treated with respect at all times
- the physical, emotional or online safety of others is not endangered
- the property of others is not endangered, damaged or destroyed
- others are free from all forms of bullying, harassment or victimisation
- others are free from extortion, pressure or blackmail
- others are free from hurtful remarks in person or online in person or online, including remarks which may relate to a protected characteristic

These lists are not exhaustive.

- 3.2 All students, staff, visitors, those who use our facilities, those who provides services on behalf of the College and those who works in partnership with the College must adhere to this policy and associated procedures for students, staff, visitors and premises hire.
- 3.3 Leaders and managers have a specific responsibility to ensure that they, and their staff, are fully aware of this policy and that it is applied in accordance with all procedures, visitors guidance and premises hire processes as appropriate.
- 3.4 Safeguarding colleagues are responsible for supporting students with any issues that arise from incidents in relation to this policy. Relevant colleagues are appointed to the role of Designated Safeguarding Lead (DSL) and take lead responsibility for Safeguarding and Child Protection. The College also appoints Deputy DSLs (DDSL's) who are trained to the same standard as DSLs.
- 3.5 The Director of HR and members of the HR team will manage any process and offer welfare support to staff where appropriate, primarily via the College's employee assistance programme.
- 3.6 Students and staff with learning difficulties and/or disabilities may require reasonable adjustments and additional support.
- 3.7 The Chief Operating Officer – People and Information has overall responsibility for the effective operation of this policy in addition to ensuring the strategic direction of equality, diversity and inclusion in respect of preventing bullying, harassment and/ or victimisation.
- 3.8 The Board of Governors will ensure compliance with local authority Safeguarding, Child Protection and Prevent policies, procedures and arrangements, in addition to the legislative requirements detailed in Keeping Children Safe in Education (2023) and any subsequent amendments or updates.

4 Definitions and/or Relevant Legislation

4.1 Bullying

Bullying is any type of behaviour that is directed towards a person or group, which is offensive, intimidating or malicious in nature, and perpetrated to physically and/or emotionally injure the receiver/s.

4.2 Harassment

Harassment (as defined by Section 26 of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017) is unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race (including ethnic or national origins, colour or nationality)
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

Incidents of harassment towards another person based on a perception of a protected characteristic are also incidents of harassment. A one-off incident can amount to harassment.

4.3 Victimisation

Victimisation (defined in Section 27 of the Equality Act 2010) takes place where one person treats another less favourably because they asserted their legal rights in line with the Act or helped someone else to do so. Victimisation is different to bullying. Victimisation means the person suffers a detriment because they have taken, or intend to take, action related to a 'protected act'. A 'protected act' means taking action related to discrimination law. This could include:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- giving evidence that does not support someone else's complaint

4.4 Sexual misconduct

We define sexual misconduct as any unwanted or attempted unwanted conduct of a sexual nature. This includes, but is not limited to:

- sexual harassment
- sexual assault
- rape

Sexual misconduct may include offensive communication, unwelcome sexual advances, unwanted sexual misconduct and/or suggestive behaviour. Under our definition, we understand harassment to also include domestic abuse, which can also involve control, coercion, threats and stalking.

Sexual misconduct also can include intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017). Sexual misconduct also includes distributing

private and personal explicit images or videos of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).

All definitions can include bullying, harassment and/or victimisation of one student by another student.

4.5 **Legislation**

Relevant legislation and guidance include, but is not limited to:

- The Equality Act (2010) including Specific Duties and Public Authorities Regulations 2017
- The Public Sector Equality Duty in The Equality Act
- Section 1 of the Protection from Harassment Act (1997)
- Criminal Justice and Courts Act (2015)
- Office for Students Prevent and address harassment and sexual misconduct guidance
- Keeping Children Safe in Education (2023) and any subsequent amendments or updates
- Prevent Duty Guidance (2023) and any subsequent amendments or updates
- Working Together To Safeguard Children (2023)
- Equality and Human Rights Commission: Sexual harassment and the law (2017)
- Health and Safety at Work Act (1974)
- Data Protection Act (2018) and UK General Data Protection Regulation (2021)
- The Employment Rights Act (1996)
- The Human Rights Act (1998)
- The Counter Terrorism Act (2015)
- The Prevent Duty Guidance (2023) and any subsequent amendments or updates
- Advisory, Conciliation and Arbitration Service (ACAS) Guidance
- DNCG Behavioural Policies and procedures for students, staff and visitors

5 The Policy

5.1 Behaviours and Indicators

Bullying, harassment and victimisation can be physical, verbal, non-verbal and can also occur online. It is not exclusive to typical college opening hours, and can occur at any time of the day, whether in person or via cyber use, and during holiday periods.

Bullying, harassment or victimisation can include behaviours such as someone being directly or indirectly targeted; being treated differently to others which impacts negatively on that person; rumour spreading; people being purposefully excluded; inappropriate contact with another person, which results in the person feeling unsafe or concerned.

Bullying, harassment or victimisation behaviours may be of a racist, religious or sexual nature, which could be characterised by abusive name calling, inappropriate and uninvited touching, or linked to sexual orientation, such as homophobic language and mocking a person's demeanour or way of speaking. People who are neurodiverse are

often at greater risk of bullying, harassment or victimisation often characterised by name calling and comments on appearance or perceived ability.

A person who is being subjected to bullying, harassment or is being victimised may display behaviours which may cause concern including appearing visibly upset; a significant change in their typical attitude or overall demeanour; they may appear to be overly nervous around others when before they were not; but equally there may be no behaviours or indicators about bullying, harassment or victimisation.

A person may state verbally or in writing about their experience, which is referred to as a disclosure.

5.2 Reporting

Instances of bullying, harassment or victimisation must be reported.

Students can talk to a member of staff with whom they feel comfortable, ask a friend or parent/carer to make a report or access support from the Safeguarding Team.

Staff can talk to their line manager, a member of the HR Team or another colleague,

In the first instance, if a person feels able, they can speak directly with the person who has carried out the bullying, harassment or victimisation. If the person does not feel able to do this, or it is inappropriate, or the behaviour continues, they can share their concerns a member of staff with whom they feel comfortable. Staff will adhere to the Safeguarding and Child Protection policy in respect of confidentiality.

All reports will be recorded, taken seriously and investigated where required. Where appropriate, all parties involved will be informed about the complaint and they will be formally asked for a response.

All staff have the right to challenge and/or report any incidents of inappropriate behaviour, including bullying, harassment and victimisation, they observe, are party to, or suspect. It is the duty of everyone who is aware of an instance of bullying, harassment or victimisation or potential bullying, harassment or victimisation intervene and not to be a bystander.

The instance may then be escalated through the College disciplinary process.

6 Relevant Policies and Procedures

6.1 Relevant Policies include, but are not limited to:

- Safeguarding and Child Protection Policy
- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- DNCG Behavioural Policies and procedures for students, staff and visitors including the Prevention from Bullying, Harassment and Victimisation Policy

7 Who to contact with queries

- 7.1 For advice or guidance on any of the topics covered in this policy contact:
- | | |
|-------------------|--|
| Safeguarding Team | safeguarding@dncolleges.ac.uk |
| HR Team | hr.group@dncolleges.ac.uk |
- 7.2 It is recognised that managing disclosures, incidents or concerns may be stressful for staff. For additional support and guidance, staff may contact a member of the HR team or access the Employee Assistance Programme.
- 7.3 The policy will be monitored by the People Services Department.
- 7.4 If you require this information in another language or a different format, please contact Academic Services academic-services@dncolleges.ac.uk or hr.group@dncolleges.ac.uk.

8 Communication

- 8.1 The Prevention from Bullying, Harassment and Victimisation Policy will be made available via staff Intranet, website and from the HR Team.

9 Authorisation

Policy Holder:	Rachel Maguire, Chief Operating Officer – People & Information
Union Approval Date:	N/A
SLT Approval Date:	27 August 2024
Governor Committee/ Board Approval Date:	N/A
Next Review Date:	August 2027

*Policies will be reviewed every 3 years unless there is a specific requirement to undertake a review more frequently. If for any reason a review does not take place in the planned period, the policy will remain current until a review takes place.

The Equality Impact has been considered on this policy and procedure.