



NTIA

Bullying and Harassment at Work Policy

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Bullying and Harassment at Work Policy

1.0 Purpose

This policy explains our approach to dealing with cases of bullying and harassment experienced by staff, learners and or apprentices and outlines the Demanding money with force

- Teasing
- Sending notes
- Abusive language

Rumour spreading procedures for staff and learners to resolve situations promptly and effectively. This involves ensuring that all members of staff, learners and apprentices are treated with dignity and respect. It also means standards of everyday behaviours that contribute to a working environment in which mutual respect and individual dignity is maintained.

NTIA is not directly responsible for bullying or harassment that takes place outside the learning and/or work environment and off-site training premises but will take appropriate action if activities outside of academy have an impact on that learner/staff's safety at NTIA.

2.0 Aim

The aim of this policy is to prevent any harassment, bullying and/or victimisation and to provide guidance to resolve any problems should they occur, and avoid recurrence.

It is the responsibility of all line managers to make sure that their staff have familiarised themselves with and understand this policy. Line managers have an obligation to tackle harassment, bullying and victimisation.

NTIA complies with the Equality Bill 2010 the Health and Safety at Work Act 1974, the Criminal Justice and Public Order Act 1994, and the Prevention of Harassment Act 1997.

2.1 NTIA treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices. Line managers and supervisors are therefore required to familiarise and understand this procedure.

3.0 Policy Statement

3.1 We are committed to providing a supportive, friendly, safe and positive environment so that the staff, learners and apprentices have a secure atmosphere. Bullying or harassment of any kind is unacceptable at NTIA. If it does occur, staff ,learners or apprentices are urged to voice their grievances in the secure knowledge that incidents will be taken seriously and dealt with sensitively.

It is therefore imperative that:

- All staff, learners and apprentices should know the bullying and harassment policy and what they should do if bullying or harassment occurs.
- Staff, learners and apprentices should be assured that they will be supported and listened to when bullying or harassment is reported.
- All managers and Staff need to know how to deal promptly and effectively with incidents and allegations of bullying or harassment, to the safeguarding and wellbeing team so that they are all centralised and that incidents are managed in a timely and effective manner.
- If an incident occurs restorative practice will be used in questioning staff, learners or apprentices and as a way of bringing together those involved in incidents where appropriate.
- No one deserves to be a victim of bullying or harassment.

- Everyone has the right to be treated with respect.
- NTIA and its staff recognises its responsibility to challenge and change the behaviours of others to ensure a positive learning and working environment for all.
- All learners and apprentices, staff and visitors to the company are entitled to be free from discrimination and harassment, this policy also covers any stake holders from the following protected equality groups Age, Disability, Gender reassignment, Marriage and Civil Partnership , Pregnancy and Maternity , Race, Religion, belief or lack of belief, Sex or Sexual Orientation. Any such circumstances that may arise must be brought to the attention of the Human Resources.

4.0 Definitions

4.1 Harassment: Both men and women have a right not to be subjected to harassment at work or work in an intimidating environment. Legally, it is defined as occurring where an individual engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading or offensive environment for that person. Please note that an individual may feel harassed or offended even when the inappropriate comment or conduct is not made towards or about the individual personally.

4.2 Harassment can take a variety of different forms and can be written, verbal, nonverbal or transmitted electronically. Examples include repeatedly ignoring a colleague, subjecting him or her to unwelcome attention, ridicule or humiliation. More extreme forms of harassment and bullying include intimidation, physical threats or violence. Harassment may consist of a single incident or a series of incidents and may not always be directed to or be about the person who makes a complaint of harassment. Harassment may not always be intentional but is always unacceptable whether intentional or not.

5.0 Examples of harassment

All forms of harassment intentional or not are covered by this policy and procedure. The following are examples of unacceptable behaviour. This list is not exhaustive:

- **Sexual harassment** can be physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assault. It can include questions or remarks about a person's sex life, comments or ridicule about appearance or dress, unwanted sexual advances, sexually explicit remarks or innuendoes and/or pressure for sexual favours, displays or distribution of pornographic or sexually suggestive material, including graffiti, posters or other offensive material.
- **Racial harassment** may include obscene gestures or jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can include deliberate exclusion for reasons related to race. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular ethnic groups. It also includes inappropriate displays of posters, or other offensive material. In some circumstances it can include pressure to participate in political/religious groups.
- **Harassment of people with disabilities** can take the form of individuals being ignored, disparaged, ridiculed or denied opportunities because of mistaken assumptions about their capabilities. In such cases, disability, rather than ability, has become the focus of attention. Such harassment can include inappropriate personal remarks, jokes or inappropriate references to an individual's appearance.
- **Harassment on the grounds of actual or perceived sexual orientation** can include homophobic remarks or jokes (whether spoken, written or sent by email), offensive comments

relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status.

- **Harassment on the grounds of religious belief** can include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
- **Harassment on the grounds of gender reassignment** can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
- **Harassment on the grounds of age** can include jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.
 - **Harassment based on pregnancy or maternity** can include jokes about pregnancy or maternity, use of offensive names, use of insensitive stereotypes, verbal abuse based on pregnancy or maternity, circulation or display of offensive material based on pregnancy or maternity, detrimental behaviours because of a colleague's pregnancy or maternity.

5.1 **Bullying:** The exercise of power over another person through persistent, negative acts or behaviour that undermines an individual, personally and/or professionally. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour placing inappropriate pressure on the recipient which can affect self-confidence and self-esteem or has the effect of isolating or excluding them. Bullying can take the form of persistent shouting, sarcasm or derogatory remarks; it can be constant criticism, without constructive support, to assist the affected individual to address performance concerns; it may also include cyber bullying, i.e. using the internet and related technologies to harm another person in a deliberate, repeated and hostile manner.

The distinction between good management and bullying is that, whilst the former is intended to support and develop potential and to promote desired work performance, the latter is intended to hurt, intimidate and undermine the individual.

6.0 Victimization

NTIA will not tolerate victimisation against any member of staff, learner or apprentice because he or she has made, or intends to make, a complaint or allegation, or has given, or intends to give, assistance and/or evidence in an investigation. NTIA will also not tolerate victimisation or discrimination against member of staff, learner or apprentice who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

7.0 Types of unwanted bullying behaviour could be:

- **Direct Discrimination** consists of treating a person less favourably than others on the grounds of race, gender, disability, religion or belief and sexual orientation.
- **Discrimination by Association** e.g. a mum is discriminated against because she has to care for her disabled child and needs time off work.
- **Discrimination by Perception** e.g. a person is discriminated against because someone thinks they are disabled.
- **Indirect Discrimination:** refers to applying a provision, criterion or practice which disadvantages people from protected equality groups, an example of this could be failing to make adjustments for learners or visitors with disabilities, in order to allow access.
- **Disability Discrimination:** Treating someone with a disability less favourably because of his or her disability.
- **Victimisation:** Being unfairly treated or singled out by others and treated less favourably by an individual or group, this could be a result of a person belonging to one or more of the protected equality strands.

- **Harassment: Unwanted attention**, which has the purpose or effect of either violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Where a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or to gender reassignment (this is known as consequential harassment)

Bullying has several things in common:

- It is deliberately hurtful behaviour
- It is usually repeated over a period of time (although it could be a one-off incident)
- It is difficult for those being bullied to defend themselves.

Examples of bullying are:

Physical examples:

- Pushing
- Threatening body language
- Invasion of personal space
- Physical gestures
- Demanding money with force

Direct Verbal examples:

- Threatening body language
- Invasion of personal space
- Physical gestures
- Ridicule of the person's work, ideas or behaviour
- Verbal threats of violence
- Any harassment or any type of discrimination against a person or group due to them belonging to one or more of the equality strands.

Indirect/other:

- Isolation
- Setting unrealistic targets
- Deliberate occupation of an area to exclude others
- Electronic harassment, e.g. text messaging, E-Mails, chat rooms, chat lines, etc

8 Procedure for Staff, learners or apprentices

Staff, learners or apprentices

- If you feel you are a victim of bullying or harassment, **TELL SOMEONE**. This may be, in the first instance, your Trainer/assessor/line manager or any other member of staff.
- Once a member of staff/management has been alerted, they will then inform the safeguarding and wellbeing team along with the Commercial and Training Manager for your area who will interview those involved separately.
- You will be listened to sympathetically and your concerns taken seriously. Restorative questions will be used by staff when speaking to you to ensure a fair process and that you have your say.
- All incidents that are reported and interview notes will be recorded on the learner/apprentice incident form and kept securely on file in the Learner Services and Quality team.
- As a result of the interviews the Learner/Apprentice Disciplinary Procedure may be followed, or support offered.
- In certain circumstances, if you are under 18, NTIA may feel it necessary to involve your parents or carers

- All incidents reported are monitored termly by the Equality and Diversity Committee. This is to monitor incidents and effectiveness of interventions, no names are discussed, only curriculum areas that are involved.

9 Procedure for Staff

- All complaints about bullying or harassment will be taken seriously and treated sensitively. It is important to discuss possible / desirable strategies with the victim in the first instance and proceed as appropriate.
- Inform the Safeguarding and Wellbeing Team along with the Commercial Training Manager immediately.
- Tutors/Trainers and assessors are advised not to try and resolve the issue themselves as it can affect their relationship with the learners/apprentices.
- Any follow up action or reports must be reported to the Safeguarding and Wellbeing Team so that it can be logged with the other information about the incident.
- Where it is found that a learner has failed to observe the Bullying and Harassment Policy, then the learner/apprentice Disciplinary Procedure should be followed.
- Where appropriate the Director of Curriculum, Quality and Standards will contact all of the appropriate stakeholders detailing the incident and stating the action being taken.
- Counselling and other support can be offered to all learners and apprentices involved where appropriate.

10 Monitoring and reporting

This policy has been approved by the NTIA's Equal Opportunities & Diversity Committee. The Committee will keep the implementation of this policy under regular review. Senior managers with advice from the Head of HR will monitor the effectiveness of the policy. The range and number of cases will also be monitored so that action can be taken to address any issues of concern. All cases should be reported to your HR representative.

APPENDIX 1

PROCEDURE

1. *Informal Resolution*

- 1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 1.3 If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Human Resources.
- 1.4 An individual who is made aware that their behaviour is unacceptable should:-
 - Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
 - Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
 - Agree the aspects of behaviour that will change;
 - Review their general conduct/behaviour at work and with workplace colleagues.

2. *Formal Resolution*

- 2.1 If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the employer.
- 2.2 Normally, the employer's representative will be the employee's line manager. However, if the employee feels unable to do this they should submit the complaint in writing to a more senior manager within their Department or Directorate. In exceptional circumstances, allegations may be raised directly with the relevant Director, who will with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy and procedure.
- 2.3 When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:
 - a Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour

- c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - d Keep all parties informed of expected timescales.
 - e Inform all parties in writing of the outcome and any action that may be required.
- 2.4 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department.
- 2.5 Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:-
- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
 - If the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.
- 2.6 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:
- Dismissal
 - A formal warning
 - A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - Implementation of other sanctions as detailed in NTIA's Disciplinary Policy.
 - Making arrangements for both parties to work as separately as possible within the same workplace.
- 2.7 In addition to the above, the harasser may be required to attend any training courses as deemed necessary by NTIA.
- 2.8 It should also be noted that the complainant may wish to move Department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.
- 2.9 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in NTIA's Disciplinary Policy.

Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Policy.

Records

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary action, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.