

2023
V3

Anti-Bullying, Harassment & Victimisation Policy

Introduction

The Company seeks to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, religion, colour, sex, age, national origin, disability or sexual orientation. Staff members, Learners, or Employees must not harass or intimidate others on any of these grounds. Such harassment not only contravenes this policy but it may also constitute unlawful discrimination. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure and could render the staff member, learner or employee liable to summary dismissal.

Objectives

All staff, learners and employees are responsible for:

- conducting themselves in accordance with this policy
- to understand what areas come under bullying and harassment
- what are the consequences of bullying and harassment and why Debut Training Academy has a zero tolerance towards it
- to know where to report any matters of bullying and harassment

The scope of limitation for bullying and harassment does not only apply to Debut Training premises but can be applicable to work-based employment premises, on social media or by outside third parties who do business with the Company.

Responsibility and Authority

Debut Training Academy has ultimate responsibility for staff, learner and employee protection and will ensure that the arrangements for overseeing anti-harassment and bullying are effective, robust and reviewed on a regular basis. As such three senior members of staff have been designated as Anti-Harassment & Bullying Personnel.

The designated safeguarding personnel are:

Linda Edwards
Designated Safeguarding Lead
01268 560552
Linda@debutacademy.com

Kersti Harding
Safeguarding Deputy
01268 560552
kersti@debutacademy.com

How Bullying & Harassment can be received

Bullying and harassment can take the form of the following:

- Face-to-face
- By email
- By letter
- Over social media
- By Phone

Confidential 24-hour Reporting Email

Debut Training Academy has the following two modes of confidential contact available to report any matter relating to harassment and bullying:

Email: linda@debutacademy.com

Phone : 01268 560552 or on the Safeguarding Mobile: 07774 096187

We would always recommend that you speak to Debut Training Academy in the first instance. If you require further advice or feel that your complaint has not had a satisfactory outcome you may wish to contact:

ACAS Helpline

Telephone : 0300 123 1100

Open Monday, Wednesday and Thursday 8am to 8pm

Tuesday and Friday 8am to 6pm

Saturday 9am to 1pm

Report – Don't Retaliate

All staff, learners or employees must not victimise or retaliate against any other who has made allegations or complaints of harassment or provided information about such harassment or bullying. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure.

Workplace Bullying and Harassment

For further advice and help you can visit the following Government link:

<https://www.gov.uk/workplace-bullying-and-harassment>

Useful guides for either employees or employers can be downloaded from this site.

Providing Evidence

If you have been a victim of bullying and harassment and this has been perpetrated by a means where it can be recorded or saved (such as social media), please take measures to save any contact (screenshotting) it, for example.

If the bullying has been perpetrated verbally, please write down the details of the bullying or harassment as soon after as possible so that it is recorded whilst still fresh in your memory and as accurate as possible. Please only record date, time, location, if anyone else was present as a witness and actual facts or spoken words. Pass this to the Safeguarding Officer as soon as you can. This evidence may be required at a later date if any investigations are taken up.

Legal Definition of Harassment

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.

Harassment can take a variety of different forms and can be written, verbal, non-verbal or transmitted electronically. Examples include repeatedly ignoring a colleague through to 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.

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.

Legal Definition of 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 a member of staff 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.

Victimisation

Debut Training Academy will not tolerate victimisation against a member of staff 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.

Debut Training Academy will also not tolerate victimisation or discrimination against members of staff who have left; for example, by refusing to give a reference because the person has made a genuine complaint.

Sexual Harassment

It is against the Company's policy for any person, male or female, to sexually harass another employee or to harass him or her on the grounds of his or her sexual orientation. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favours, engaging in other unwelcome verbal or physical conduct of a sexual nature, subjection to obscene or other suggestive comments, and sexual jokes or pictures. It is for the complainant to decide for him or herself what they regard as offensive.

Definition of Sexual Harassment

This is unwanted contact of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual attention becomes harassment if:

- The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- The recipient has made it clear that the behaviour is considered offensive; and/or
- The perpetrator should have known that the behaviour is regarded as unacceptable.

Forms of sexual harassment

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and is not limited to the following:

- Physical conduct of a sexual nature e.g. all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment e.g. unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
- Non-verbal forms of sexual harassment e.g. unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- Quid pro quo harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied bonuses, promotions, merit ratings, salary increases and/or other forms of monetary or other reward for work performance.

Guiding principles

Employers should create and maintain a working environment in which the dignity of all is respected. A climate in the workplace should also be created and maintained in which victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals.

Implementing the following guidelines can assist in achieving these ends:

- Employers/management and employees are required to refrain from committing acts of sexual harassment.
- All employers/management and employees have a role to play in contributing towards creating and maintaining a working environment in which sexual harassment is unacceptable. All should ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.
- Employers/management should attempt to ensure that persons such as customers, suppliers, job applicants and others who have dealings with the business, are not subjected to sexual harassment by the employer or its employees.
- Employers/management are required to take appropriate action in accordance with this policy, when instances of sexual harassment which occur within the workplace are brought to their attention.

Recording Sexual Harassment Complaints & Procedure of Investigation

The Centre Manager will record all matters of allegations of sexual harassment on the Sexual Harassment log. She will promptly inform both Debut Directors of the matter and together a plan of investigation will be devised. The Centre Manager will continually update the log with all communication and progress updates until conclusion. All allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

The individual that has raised the allegation should be advised there are two options to resolve a problem relating to sexual harassment:

- Either an attempt can be made to resolve the problem in an informal way or formal procedure can be embarked upon. The individual should be under no duress to accept one or the other options.
- Informal procedure – it may be sufficient for the individual concerned to have the opportunity where he/she can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends or makes them uncomfortable and that it interferes with their work/course.
- If the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include but are not limited to – sexual assault, a strip search and quid pro quo harassment.
- Formal procedure – where a formal procedure has been chosen by the aggrieved person, a formal procedure for resolving the grievance should be available. The aggrieved person should specify who has been accused, refer to timeframes and include details of allegations.
- Debut will ensure the aggrieved person is not disadvantaged and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.
- Persistent harassment, serious incidents of sexual harassment, continued harassment after warnings or single incidents of serious misconduct are dismissible offences.
- A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator and the legal rights of the victim are in no way limited by this policy.
- Confidentiality must be upheld in the matter of any investigations and allegations. Only appropriate members of staff who are part of any investigation process will be involved, including any witnesses and any representative for the aggrieved individual if they request one.

Racial Harassment

It is against the Company's policy for any employee/learner/staff member to harass another person on the grounds of his or her race, religion, colour or national origin. Racial harassment includes, but is not limited to, engaging in unwelcome verbal or physical conduct of a racial nature, subsection to racist comments, and racist jokes or pictures. Incidents of alleged Racial Harassment will be treated similarly to sexual harassment regarding investigation processes and could lead to a disciplinary or dismissal, depending on severity and if found to be upheld.

Other Harassment

It is against the Company's policy for any employee/learner/staff member to harass another person on the grounds of his or her disability, age, gender or sexual orientation.

In addition, conduct relating to a person's status or other characteristic which has the purpose or effect of unreasonably interfering with that person's work performance, or creating an intimidating, hostile or offensive working environment constitutes harassment.

Examples of such conduct can include, but are not limited to, epithets, ridicule of individuals on the basis of their status or other verbal, physical or visual abuse or conduct based on status.

Reporting and Investigation of Complaints

While the Company encourages employees/learners/staff who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

In the event that such informal, direct communication between parties is either ineffective or impractical, the following steps should be followed in reporting a complaint of harassment:

1. Any person who believes he or she has been or is being harassed in violation of this policy, or who wishes to report an incident of harassment, should speak to their line manager. If they do not wish to speak to their tutor, line manager or senior member of staff, they can instead speak to the following individual: Carla Hales
2. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All allegations of harassment will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly complaints of harassment. The allegation will be promptly investigated. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of the allegation.
4. The complainant will be informed of the outcome of the investigation and the Company's conclusions. The Company is committed to taking appropriate action with respect to all complaints of harassment.

Disciplinary Action

Any employee/learner or staff member of the Company who is found to have harassed another person and is in violation of this policy will be subject to appropriate disciplinary action under the Company's disciplinary procedure. Such behaviour will be treated as gross misconduct and could render the person liable to summary dismissal.

In addition, line managers who had knowledge that such harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

Training

Debut Training Academy ensures that training of its Safeguarding Officer, Deputy and Academy Staff is to the standard necessary for their roles and Assessor's training is as appropriate to impart knowledge and report any issues and refreshed intermittently.

Any new procedure that may arise from Government policy is filtered down to staff at regular Teaching & Learning or Standardisation Meetings and forms part of the agenda.

Learner Knowledge

Debut ensures that it embeds anti-bullying and harassment throughout a learner's programme and will also evaluate learning has taken place by means of a workshop, questioning, practical assessments, review questions, learner questionnaires and in some instances through completion of a Be Safe Knowledge booklet.

Linked Policies

Please refer to Debut's linked policies below for additional information regarding Anti-Harassment & Anti-Bullying:

- Apprentice Expectation Policy
- Code of Conduct - Staff Policy
- Code of Conduct – Learner Policy
- Confidentiality & Disclosure Policy
- Complaints Policy
- Counselling Policy
- Data Protection Policy
- Disciplinary Policy
- Learner Charter Policy
- Learner Positive Behaviour Management Policy
- Learner Contribution & Learner Voice Policy
- Mentoring – Staff Policy
- Mentoring – Learner Policy
- Observation of Teaching & Learning Policy
- Prevent Policy
- Safeguarding & Safeguarding Vulnerable Adults Policy
- Staff CPD Personal Development Training Policy
- Whistle Blowing Policy

Policy Revision

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