

**Harassment & Bullying Policy**

**Current Year: 2019** (Jan. – Dec.)

**Version: 2**

**Date: March 2019**

Protected

|  |  |
| --- | --- |
| Policy Lead/ Author + Job Title: | Hayley Tarrant, Head of HR |
| Company Lead (if different to above) | - |
| Priority Level:Red - within 1 year; Amber – within 2 years; green - within 3 years | Amber |
| Review Date: | Formal Review date set: July 2018 **Formal review due: July 2020** |
| Whom applicable to:  | All Futures Staff, Volunteers and Learners/ Customers |

**Approval of policy (including revisions if required)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Position | Signature (if required) | Policy Version No. | Date |
| Annette Temple  | Futures Policy Lead | N/A | 2019,V1 | 3.1.19 |
| Tracey Finch | Interim Policy lead | N/A | 2019, V2 | 26/3/19 |
|  |  |  |  |  |
|  |  |  |  |  |

**All policies are located in the policy zone of the intranet.**

**Policy: Revision History and distribution**

|  |  |  |  |
| --- | --- | --- | --- |
| Policy Version No. | Date – revision/ distribution | Summary: Revisions and distribution | Updated by – initials  |
| 2018,V3. | 27.12.18 | Checked by Futures Policy Lead and minor changes made. Now 2019, V1.  | AT |
| 2019, V1 |  |  |  |
| 2019, V2 | 26/3/19 | Customer/employee procedures added to policy | TF |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**1. Policy Context/Statement.**

* 1. **For information:** The Futures Group – which we’ll refer to as ‘Futures’ in this policy – is made up of a number of related brands and businesses: Futures for You, Futures for Business and Futures Employment Solutions. To keep things simple throughout this document, ‘we’ and ‘us’ means the Group and its brands.
	2. Futures does not tolerate any form of harassment or bullying. The implementation of this policy is the responsibility of all employees, volunteers, customers and learners within the Futures Group. Everyone has a responsibility to ensure that harassment and bullying does not happen.
	3. Any case of harassment and bullying will be dealt with promptly and thoroughly.
	4. Futures believes that everyone should feel appreciated and valued regardless of their age, ability, race, gender, religion or sexual orientation, marital status or status as an ex-offender. All victims of bullying and harassment will be treated in a supportive manner, all claims will be taken seriously and acted upon.
	5. Harassment and bullying in the workplace or learning environment can affect the fundamental wellbeing of any individual and it is detrimental to the company and the services that we provide. An employee, volunteer, customer or learner cannot fulfil their true potential if they are being demoralised and feel stressed by the fear of harassment or bullying.
	6. The damage, tension and conflict that harassment and bullying creates should not be underestimated. The result is not just poor morale of employees, volunteers, customers and learners, but high turnover, reduced productivity, reduced attendance, divided teams/groups and poor service quality.

**2. Overall Aim**

* 1. To provide a working and learning environment that respects the rights of everyone, where everyone treats each other with dignity and respect and actively works to prevent any form of bullying and harassment.
	2. Futures seeks to provide a caring, friendly and supportive environment for all employees, volunteers, customers and learners.
	3. The damaging effects of bullying and harassment cannot be overstated. These are serious issues of behaviour that will not be tolerated. They will be considered as amounting to gross misconduct and equate to disciplinary offences for employees and volunteers or the potential removal from learning programmes for learners.
1. **Objectives**
	1. To inform employees, volunteers, learners and customers about the types of behaviour that are unacceptable and to provide the victims of incidents of harassment and bullying with a means of redress.
	2. All incidents of bullying and harassment will be fully investigated.
	3. To raise awareness that Futures will not tolerate the harassment and/or bullying of employees, learners, volunteers or customers.
	4. This policy also applies to work related or learning related functions or activities which are held outside of normal operating hours, either on or off Company premises, such as Christmas parties, leaving celebrations and social functions.
2. **Harassment**

* 1. Harassment is any persistent and unwanted physical, verbal or non-verbal behaviour that has the purpose or effect of violating an individual’s dignity or creates an intimidating, humiliating or offensive environment to work or learn in.
	2. It is identified not by the intention or the actions of the perpetrator, but by the effect that the behaviour has had on the victim.
	3. Harassment is a criminal offence and it is unlawful under the Equality Act 2010 (https://www.legislation.gov.uk/ukpga/2010/15/contents) when it is on the grounds of sex, race, gender reassignment, ethnicity or national origin, sexual orientation, age, marital status, maternity, religion/belief or for a reason relating to a disability.
	4. Harassment may occur in connection with any of the following:
	a) Race, ethnic origin, nationality and skin colour
	b) Gender and sexual orientation
	c) Membership of a trade union
	d) Disability
	e) Personal beliefs or religion
	f) Physical characteristics
	g) Status as an ex offender
	h) Marital status
	5. Examples of harassment include:

|  |  |
| --- | --- |
| Types of Harassment | Examples of Harassment |
| Verbal | Crude language, open hostility, offensive jokes, suggestive remarks, innuendos, rude or vulgar comments, malicious gossip |
| Non Verbal | Wolf whistles, obscene gestures, sexually suggestive posters or calendars, pornographic material, graffiti, offensive letters, emails or text messages and offensive objects |
| Physical | Unnecessary touching, petting, pinching or brushing against somebody, intimidating behaviour, assault and physical coercion, sexual harassment |
| Coercion | Pressure for sexual favours, pressure to participate in political or religious groups, pressure to join trade union groups or to take part in the related activities |
| Grooming | Predatory acts of putting another person into a position that makes them feel isolated, dependent, likely to trust, and more vulnerable to abusive behaviour |
| Isolation | Non-cooperation and exclusion from social situations or activities |
| Intrusion | Following, pestering and spying |

1. **Bullying**
	1. Bullying is not defined legally but can be described as offensive, intimidating or insulting behaviour which involves the misuse of power and can make an individual feel vulnerable, upset, humiliated, undermined or threatened.
	2. Bullying occurs when an individual or a group exert their power over another individual or group. It can cause the victim(s) serious physical and mental issues.
	3. Incidents of bullying will not be ignored by the company and they will be dealt with promptly and the victim will be treated sympathetically throughout the process.
	4. Examples of bullying include:

|  |  |
| --- | --- |
| Types of Bullying | Examples of Bullying |
| Physical | The use of physical actions to gain power over victims. Can include kicking, hitting, punching, slapping, shoving and other physical attacks. |
| Verbal | The use of words, statements and name calling to gain power over victims.  |
| Emotional | A type of social manipulation where individuals try to hurt their peers or sabotage their social standing. This can involve ostracising others from groups, spreading rumours and breaking confidences. |
| Online | Using the intranet or technology to threaten, embarrass or target another person. This can involve posting hurtful images, making online threats, sending hurtful emails or texts. Please see Online Safety Policy for further information |
| Sexual | Behaviour that degrades someone out by the use of sexual language, gestures and victimising someone for their appearance. This can involve sexual name-calling, crude comments, vulgar gestures, uninvited touching and sexual propositioning. |
| Prejudicial | Based on prejudices individuals have towards others of different races, religions or sexual orientations. This can include all other types of bullying. |

* 1. Bullying must be distinguished from managers or tutors/coaches exercising proper supervision and management, which may include legitimate constructive and fair criticism of performance or behaviour.
	2. Bullying is not:
	a) Teasing between friends without intention to cause hurt
	b) Falling out between friends after a disagreement
	c) Behaviour that all parties have initially consented to and enjoy
1. **The Law Relating to Harassment and Bullying**
	1. Some areas of harassment constitute as a criminal offence, but generally the failure to protect an individual from bullying and harassment may cause an employer or learning provider to be deemed in breach of duty to provide a working and learning environment that is safe and conductive to the welfare of their employees, volunteers, customers or learners.
	2. There is no act of law which deals explicitly with bullying but it is possible that some aspects of this kind of behaviour may be covered by existing laws designed to address harassment.
2. **Dealing With Complaints**
3. Allegations of harassment and bullying will be dealt with promptly and in the strictest of confidence.
4. Individuals can feel confident that their complaints will not be ignored and that they will not be victimised because of any disclosure that they have made.
5. Individuals should report a problem to their line manager or tutor/coach at the earliest opportunity. If it is not possible to go to the direct line manager or tutor/coach for any reason, the following reporting line should be used:

Staff – Next line of management or HR
Learner – Tutor/Coach/Adviser or Designation Safeguarding Officer (DSO)

1. **Roles, Responsibilities and Structure**
	1. The Company expects that this policy and procedure is adhered to at all times and expects all employees and learners to respect the dignity of those around them.
	2. The Chief Executive and Senior Leadership Team are responsible for taking the lead in creating a positive, open culture that challenges inappropriate behaviours on the part of manager, coach/tutor, employees or learners.
	3. The Company recognises that a written policy alone is not sufficient to eliminate harassment and bullying. Regular communication, training and awareness sessions are important to ensure that all employees and learners:

a) Understand our commitment to prevent incidents of harassment and bullying

b) Understanding responsibilities and individual roles in the policy and procedure

c) Know how to seek advice and guidance should they witness, or be a target of harassment and bullying and have the confidence to know that the situation will be handled effectively.
d) Challenge and help to stop unacceptable behaviour in the working or learning environment.
e) Informing the appropriate people of any incidents of harassment.
f) Not colluding with any inappropriate behaviour.

* 1. Employees and volunteers are responsible for:

a) Ensuring that they familiarise themselves with the harassment and bullying policy and procedure

b) Ensuring that their behaviour supports a positive work environment free from harassment and bullying

c) To respond to queries and concerns from parents/guardians, providers, sponsors, peers and other stakeholders, positively and without delay.

* 1. Customers and Learners are responsible for:

a) Reporting all incidents of bullying or harassment to a member of staff without delay

b) Act in a respectful and supportive manner to other learners and customers including reporting any suspected incidents which a victim may be afraid to report.

c) Refrain at all times from any behaviour which would contribute to the bullying or harassment of fellow learners or members of staff.

* 1. Parents/guardians, providers, sponsors, employers and other stakeholders are responsible for:

a) Stressing to learners the importance of acceptable sociable behaviours
b) Reporting any concerns that they may have concerning a victim or perpetrator of

 harassment and bullying.

1. **Procedures**
	1. The Company recognises the sensitive natures of harassment and bullying. Employees or volunteers who believe that they are being harassed or bullied may wish to discuss their situation confidentially before deciding what action to take.
	2. Confidentiality will be maintained as far as possible. If an employee, volunteer, customer or learner decides not to take any action to deal with a harassment or bullying incident or problem and the situation described is very serious, the Company reserves the right to investigate the incident in accordance with its duty of care.
	3. Procedure:

|  |  |  |
| --- | --- | --- |
| Victim of alleged harassment and bullying | Perpetrator | Action |
| Employee/volunteer | Employee/volunteer | All employees/volunteers should follow the Grievance policy and associated procedure |
| Learner | Speak to Line Manager or DSO. The Classroom Management procedure should be followed |
| Customer | Employee to complete Cause for concern form and email to their Line Manager (YP&VA and NCS division) who will discuss situation with Head of Operations to decide if the person should be suspended or terminated from using our services. |
| Learner | Employee | Speak to Tutor/Coach/Adviser or DSO. Learner should follow the Complaints policy, full investigation will take place |
| Learner | Speak to Tutor/Coach or DSO. The Classroom Management procedure should be followed |
| Customer | Customer | Speak to Adviser. Customer should follow the Complaints policy, full investigation will take place |
| Employee/volunteer | Customer should follow complaints policy, full investigation will take place. Procedures in Managing Allegations of abuse against staff Policy should be followed |

9.4 Informal Procedure:

9.4.1 It may be possible to resolve the complaint informally resulting in a speedy resolution causing the least amount of embarrassment and risk or confidentiality. In this case the complainant would need to point out to the perpetrator that their behaviour is unacceptable. If this is too difficult the individual should contact the next line of management or Tutor/Coach/Adviser for support.

9.5 Formal Procedure:

9.5.1 If an informal procedure fails, formal action should be taken. Employees/Volunteers/Learners/customers should state their grievance in writing to the Operations Manager or Tutor/Coach/Adviser.

9.5.2 After the perpetrator has been notified of the complaint, both parties and their representatives will be interviewed, along with any relevant witnesses. These witnesses will be made aware of the confidential nature of the proceedings.

9.5.3 All relevant details of the complaint will be investigated, with time for all parties to respond. If a complaint is upheld, disciplinary actions will be taken using Futures disciplinary procedures. Learners will be subject to the Classroom Management procedure (located in the policy zone on the intranet) which may result in the removal from their course. Customers may be suspended or terminated from using our services.

9.6 Following Up on Procedures

9.6.1 A record of the complaint and its investigation will be made, including the names of those involved, dates, the nature and frequency of the incidents, the action taken and any follow up or monitoring information

9.6.2 At the end of an investigation into harassment or bullying, a check will be made to ensure that the unwanted behaviour has stopped and that there has been no victimisation or grievance.

**10. Monitoring of Incidents of Harassment**

10.1 All records should be kept confidentially. This should include all case notes, which should be destroyed after six years. Any case which results in a safeguarding issue will remain on file for an undetermined period of time.

10.2 The Head of Human Resources should be kept informed and record all formal cases of harassment, and their outcome, so that the procedure can be monitored and kept under regular review.

**11. Integration of the Complainant Back into Work**

11.1 It is recognised that once a case of harassment has been concluded that the complainant may face difficulty in resuming their duties in the workplace or returning to their course of learning. Management and tutors/coaches must be aware of the sensitivity and difficulty of the situation and take steps to minimise potential problems by discussing the situation with the complainant and their colleagues or learning peers. This should be monitored and reviewed until the complainants feels fully integrated.

**12. Victimisation Following Complaint**

12.1 Victimisation for those making or supporting a complaint of harassment is unlawful under the Equality Act 2010.

12.2 Victimisation may arise when:
a) After making a complaint the victim of the harassment is treated unfavourably or detrimentally by the line manager/tutor/coach or by work colleagues and learning peers.
b) An employee or learner who has supported their fellow colleague or learner in challenging, unacceptable behaviour finds that they are treated in an unfavourable or detrimental manner by the line manager/tutor/coach or by work colleagues and learning peers.

12.3 It is the responsibility of the employer or learning provider to ensure that this does not arise by monitoring the situation and taking the appropriate steps to prohibit it. Where victimisation or retaliation does occur, the employer or learning provider must take immediate action to stop it or to be held liable.

**13. The Law**

13.1 Harassment may, under certain circumstances, constitute to a criminal offence or may contravene other obligations imposed by the law, or a duty, contractual or otherwise to be a good employer or learning provider.

13.2 Employers and learning providers have an implied duty to take steps to prohibit discriminatory behaviour which is detrimental to the wellbeing of an individual. While the harasser is always liable, the employer or learning provider can be held liable unless reasonable steps have been taken to prevent or discourage such action if it occurs. This could contravene the Equality Act 2010 if an employee or learner can prove that they have been subjected to a detriment.

13.3 In relation to discrimination law, employers and learners can be made directly liable for unlawful discrimination. Anything which a person does in the course of their employment or duration of their learning programme, the employer or learning provider is treated as having committed the act.

**14. Malicious Allegations and False Statements**

* 1. In the event that allegations of harassment and bullying are made for malicious reasons, cases will be investigated and where necessary dealt with using the Company disciplinary procedure for employees and the Classroom Management procedure for learners as will any witnesses who have deliberately misled the Company during its investigations.
	2. The Company recognises that on rare occasions that unfounded allegations may be made for a genuine reason, such as a misunderstanding of the definition of harassment or bullying. In such cases, after investigation and discussion with the individual, no disciplinary action will follow and the Classroom Management procedure will be stopped.
1. **Policy Monitoring and Evaluation**
	1. It will be the responsibility of the senior management team to review and monitor the progress of the harassment and bullying policy on a regular basis, using information such as the number of harassment complaints raised, employee and learner attitude surveys, training feedback, the views of recognised trade union representatives and comments made in return-to-work and exit interviews.
	2. The senior management team will recommend changes where necessary.
2. **List of related strategies, policies and procedures**
	1. The harassment and bullying policy should not be read in isolation but cross referenced with all relevant Company employment policies.
	2. List of related strategies, policies and procedures (all located in the [Policy Zone](http://home.futuresadvice.co.uk/central-services/business-improvement/strategies-policies-implementation-plans-and-processes/a-z-of-policy-documents/))

a) Disciplinary Policy and Procedure

b) Whistleblowing Policy and Procedure

c) Grievance Policy and Procedure
d) Complaints and Feedback Policy
e) Classroom Management Procedure
f) Online Safety Policy
g) Safeguarding Policy & Impact Plan
h) Equality & Diversity Policy
i) Managing Allegations of Abuse Policy