

Policy 1.5: Inappropriate Behaviour, Discrimination, Bullying & Harassment

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### 1.0 OUR POLICY

It is in everyone’s interests for the environment in which we study and work to be harmonious and respectful. Although we would like to think that this is always the case, this policy recognises that inappropriate behaviour, which may include harassment, bullying and discrimination, can and does take place. This policy aims to ensure that if inappropriate behaviour does occur at Landmarks it is dealt with in a serious, sensitive and confidential manner so that the matter can be resolved as quickly as possible for all concerned.

We are committed to tackling incidents of inappropriate behaviour swiftly and decisively. A strong stance is needed on this issue to enable people of all backgrounds to have dignity at all times, and enable them to progress at the College and fully contribute to all our success.

### 2.0 IDENTIFYING HARASSMENT & DISCRIMINATION

Different things affect us all in different ways, and therefore what one individual might think of as harmless could be felt to be harassment or discrimination by another. It is important to remember that harassment is defined by the way that someone feels about your behaviour, and not by your intentions. For example, you tell a joke that you think is funny. Although it was just a bit of fun and you did not intend to upset anyone, someone else may find it offensive. This individual may have a valid claim that they have been harassed or witnessed an act of discrimination. Discrimination is in contravention of the College’s Equality and Diversity policy and relates to being unfavourably treated on the grounds of sex, transgender status, sexual orientation, marital or family status, race, religion, belief, political opinion, age or disability.

It is important to note that the question of whether or not behaviour constitutes harassment rests with the person on the receiving end of the behaviour. Friendly, welcome and reciprocated actions are fine, but great care should be taken when interacting with others to distinguish between behaviour that is viewed as welcome

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and behaviour that is unwanted and potentially offensive to another person. What constitutes an act of discrimination is actually based on current UK legislation.

A single incident can constitute harassment, if it is sufficiently serious. Alternatively, a series of relatively minor incidents or actions can be collectively viewed as harassment, in particular if the behaviour persists after the individual has expressed an objection to it or asked for it to stop. The College's position is that no harassment of any kind should take place and all staff, learners and volunteers have a responsibility to ensure at all times that their own behaviour does not offend others.

It is important to remember that harassment:

- Depends on the view of the individual on the receiving end of another person's behaviour
- Does not depend on the severity of the behaviour – a joke or a throw-away comment could be perceived as harassment by anyone who hears it
- Can include behaviour that you hear or see, even if it is not directed at you and has nothing to do with you

Equally, the College will not tolerate any form of discrimination, and once again this is not related to the severity of the act or whether it was directed at you.

### **3.0 IDENTIFYING BULLYING**

Bullying is regarded as any behaviour, occasional or persistent, by anyone, that intimidates or oppresses another person, possibly through the misuse of authority or power. It invariably has a negative effect on the victim's self-confidence, self-esteem and general well-being. It can be subtle in nature and is intended to hurt. It can take place with staff, learners and volunteers in public or in private, at work, study or socially.

Examples of bullying may include:

- Shouting or swearing at an individual
- Persistent, excessive, unfair or unjustified criticism
- Public humiliation and/or insults
- Persistent undervaluing of a person's efforts
- Constant ignoring of opinions
- Withholding information without justification that would be beneficial to an individual
- Unjustified, excessive monitoring and/or supervision
- Setting someone up to fail – for example, setting a target/objective that simply cannot be achieved
- Constant changing of targets for no justifiable reason
- Unreasonably blocking requests for leave

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- Aggressive communication
- Intimidating or threatening behaviour
- Physical contact against a person's will
- Offensive literature, pictures, graffiti, e-mails or websites

#### **4.0 PREVENTING DISCRIMINATION, HARASSMENT & BULLYING**

We all have a responsibility to discourage discrimination, harassment and bullying and prevent it from taking place by:

- Being aware of the problems that discrimination, harassment and bullying can cause, and ensuring that our behaviour does not cause others to feel harassed, bullied or discriminated against
- Making other people aware that certain conduct or behaviour is causing offence or concern to ourselves or to others

Staff have a particular responsibility to prevent harassment from taking place by:

- Ensuring all staff, learners and volunteers are aware of College policy in respect of discrimination, bullying and harassment
- Being alert to the possibility that discrimination, harassment and bullying may be happening in College
- Using their judgement to correct behaviour that could be considered offensive, and reminding employees, learners and volunteers of College policy on this matter
- Taking prompt action to stop discrimination, harassment and bullying as soon as it is identified
- Dealing with all incidents quickly, seriously, sensitively and in confidence

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## **5.0 DEALING WITH DISCRIMINATION, HARASSMENT AND BULLYING**

We will deal with all complaints of discrimination, harassment and bullying promptly, fairly, sensitively and in confidence.

Most people who complain that they are being harassed, bullied or discriminated against simply want the behaviour to stop. Where appropriate, they can be encouraged to take charge of the situation themselves by informing the harasser that his or her behaviour is unacceptable and must stop.

If the individual feels that they are unable to deal with a particular situation without support, they should be encouraged to ask their tutor, team leader or manager to explain to the person causing offence that their behaviour is unwelcome and must stop.

If this initial approach fails to resolve the problem, you may use the formal procedure. Disciplinary action will be considered in all cases where a claim of bullying, harassment or discrimination is substantiated.

It is important that the complainant is kept informed at all times of the actions the College will take/has taken to address their concerns, and where appropriate, should be consulted and included in any solutions the college implements to resolve the matter.

Complaints will be dealt with in line with the College's Complaints Policy.

### **What should you do? – The Procedure**

Landmarks is opposed to all forms of unlawful discrimination, bullying and harassment and seeks to create and maintain an environment where all employees, learners and volunteers are treated with dignity and respect. In order to achieve this aim, the College has devised this complaints procedure to give staff, learners and volunteers a means of challenging any unlawful discrimination, bullying or harassment they experience or witness.

All complaints of discrimination, bullying or harassment will be treated seriously and will be dealt with promptly, efficiently and, so far as is possible, in confidence. The main aim of this procedure is to resolve complaints of discrimination, bullying or harassment so that discriminatory treatment is remedied or the bullying/harassment stopped.

Any employee, learner or volunteer should use the College's Complaints Policy if they believe he or she has;

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- Been treated unfavourably in contravention of the College's equality & diversity policy on the grounds of sex, trans-gender status, sexual orientation, marital or family status, race, religion, belief, political opinion, age or disability
- Been subjected to any form of harassment or bullying at Landmarks
- Witnessed harassment or bullying of another

Employees who, in good faith, raise a genuine complaint under this procedure will not be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

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### **The Procedure**

Any employee, learner or volunteer who believes that they have been the victim of discriminatory treatment, bullying or harassment, or who has witnessed discrimination, bullying or harassment, may choose to take either informal or formal action.

### **Challenging Unacceptable Behaviour**

The College has adopted the following way of challenging unacceptable behaviour:

Express your feelings

- Start with a statement of your own feelings e.g., I feel ... angry/upset/offended/sad

Describe Behaviour

- Describe the behaviour that makes you feel this way and be specific e.g., When you ... use that word/make that joke/put people down

Identify the Change

- Ask for a specific change e.g., and I would like you not to use that word

Observe their Response

- It may be that someone comes back at you with a comment like ....I was only having a laugh....say I don't think it's a laugh

Warn of Action

- Specify the negative consequence e.g., If you continue to ..... I will speak with ....

Leave Feeling Happy

- Round off well e.g., I feel much better now we have agreed that ....I am glad that you have listened to my feelings. Thank you.

### **Informal Action**

Where possible, the employee, learner or volunteer should talk directly and informally to the person who they believe has discriminated against them, harassed or bullied them and explain clearly their objection to the other person's action or conduct. In the case of bullying or harassment the individual should explain clearly what aspect of this person's behaviour is unacceptable, or is causing offence, and request that it should stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable.

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**Formal Action**

If the learner, employee or volunteer feels unable to approach the person whose actions or conduct is causing offence, or if they have already done so but to no avail, or if the complaint is one of serious harassment, they may elect to raise a formal complaint using the Complaints Policy.

## **Appendix 1**

### **List of factors that may be indirectly discriminatory**

Some examples of factors that may be indirectly discriminatory are:

- a demand that candidates for a particular post must be of a minimum height. Such a requirement would clearly place women at a disadvantage when compared with men and, unless the height requirement could be justified objectively on job-based grounds, would be unlawful.
- a condition that applicants for a particular post must be willing to travel away from home on the employer's business for long spells. Because fewer women than men would be able to comply with this, owing to family commitments that might prevent them from being away for long periods of time, the condition would discriminate indirectly against women. It would be up to the employer to demonstrate that such travelling was necessary for the effective performance of the particular job.
- a criterion included as part of the recruitment process that applicants for a particular post must be able to speak, read or write fluent English. This criterion would discriminate indirectly against job applicants of foreign nationality whose first language was not English and would be unlawful unless fluency in English was a genuine requirement of the job in question.
- a rule that employees must not have beards. This would be indirectly discriminatory against (for example) Sikh men whose religious beliefs mean that they do not shave. The rule would be unlawful unless it could be justified. For example, if the rule was imposed as part of the employer's health and hygiene policy in relation to jobs that involved food handling, it would be capable of justification.
- a rigid policy that employees must wear a prescribed uniform if, for example, the uniform included a requirement to wear short-sleeved shirts. This would discriminate indirectly against, for example, some Muslim women who are required by their religion to have their arms covered at all times.
- the requirement that a particular person must work on (for example) Sundays (or Saturdays), which could discriminate indirectly against Christians (or against Muslims and Jews) where that the individual's beliefs means that he or she cannot work, or would have a strong objection to working, on the Sabbath.

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**Appendix 2**

**List of behaviours that may constitute harassment**

**Sex**

- unwelcome fondling, patting or touching
- threatened or actual sexual assault
- persistent sexual advances or pestering for sexual favours
- threatening someone that unless they give sexual favours, they will be disadvantaged in some way
- language of a sexual nature, whether oral or in writing, for example derogatory remarks made in an e-mail based on the person's gender
- office gossip or detrimental speculation about an employee's private sexual activities
- sexist remarks made to or about an employee
- jokes or banter based on sex
- coarse or vulgar humour
- calling someone by a name with a gender-bias, for example calling a female colleague 'blondie' which might be regarded as demeaning or insulting (based on the 'dumb blonde' stereotype)
- sexually suggestive gestures
- leering at someone in a manner that is overtly sexual
- the display of pin-up calendars or pictures of naked women (or men)
- sexually explicit material displayed on computer screens

**Sexual orientation**

- homophobic remarks or banter made to or about an employee with regard to their sexual orientation
- jokes about gay, lesbian or bi-sexual people generally
- offensive remarks (whether spoken or in writing) directed at an employee who is, or who is thought to be, gay, lesbian or bi-sexual about their sexual orientation
- offensive terminology such as the word 'lezzie' when used to or about a lesbian employee
- deliberate isolation of someone at work or nonco-operation on the grounds of the person's sexual orientation
- teasing directed at an employee on account of the fact they have a same-sex partner or a son or daughter who is gay, lesbian or bisexual
- gestures that are derogatory or demeaning towards gay, lesbian or bi-sexual people

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**Race**

- threatened or actual physical assault motivated by race, colour, ethnic or national origins
- language that is racially offensive or derogatory, whether oral or in writing
- racist remarks made to or about an employee
- calling someone by a name based on race, colour, ethnic or national origins or nationality, for example calling an Asian employee 'Paki', or a Chinese person 'Chinky', both of which might be regarded as demeaning or insulting
- offensive terminology such as the word 'wog' or 'nigger' when referring to a black person
- deliberate isolation of someone at work or non-cooperation on the grounds of race
- racist material displayed on computer screens
- the conspicuous display of a tattoo or the wearing of a shirt or badge that displays a racist or racially offensive slogan

**Religion**

- threatened or actual physical assault motivated by religious differences
- derogatory remarks made about a particular religion, or about a person on the grounds that he or she observes a particular religion
- jokes or banter based on religion
- office gossip or detrimental speculation about an employee's religion or religious practices
- deliberate isolation of someone at work or non-cooperation on the grounds of their religion or religious practices
- teasing someone on the subject of religious convictions or religious practices
- the conspicuous display of a tattoo or the wearing of a shirt or badge that displays a slogan that is offensive to people of a particular religion
- the blatant and conspicuous wearing of jewellery with an obvious religious message
- the wearing of clothing displaying football slogans that have a sectarian significance.

**Disability**

- pranks played against a disabled employee
- jokes or banter based on disability generally, about a particular type of disability, or about a particular person with a disability
- offensive terminology, such as the word 'cripple', when describing a disabled person
- mimicking someone with a disability, for example someone with a speech impairment
- deliberate isolation of someone at work or non-cooperation on the grounds of their disability

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**Age**

- jokes, teasing or banter relating to age generally
- offensive terminology, such as the word 'fossil' when describing a mature person or saying someone is 'wet behind the ears' to describe them as young and inexperienced
- Deliberate isolation of someone at work or non-cooperation on the grounds of their age
- Language that is ageist, offensive or derogatory, whether orally or written
- Ageist remarks made to or about someone in our community

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**Equality Impact Screen**

This screening form is designed to provide evidence that the college has given ‘due regard’ to the potential or actual effects of this policy, procedure or practice and whether it could have an adverse impact on different groups of people. (EA 2010)

<b>Protected Characteristics</b>	<b>Impact</b> <i>Is the impact positive, adverse or neutral? Please state which</i>	<b>Tweak</b> <i>Has the policy, procedure or practice been amended as the result of an impact?</i>	<b>Action / Comment(s)</b>
Age	Neutral		
Disability	Neutral		
Race	Neutral		
Sex	Neutral		
Religion or Belief	Neutral		
Sexual Orientation	Neutral		
Gender Identity	Neutral		
Marriage & Civil Partnership	Neutral		
Pregnancy & Maternity	Neutral		