



Newbury College

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| External Web Site appropriate: | YES | | |
| Linked policies/College documents: | Student Charter Student Code of Conduct and Exclusion Policy and Procedures Complaints Policy Equality and Diversity Policy Policy on Whistleblowing Safeguarding Policy. Safeguarding Policy: Annex A: Guidelines on setting and maintaining professional boundaries Staff Disciplinary Procedures Disciplinary procedures for senior post holders Code of Conduct for IT Facilities Policy Visitors to College Procedure GDPR (Addresses photographs as personal data). | | |
| Summary available: | NO | | |

Harassment, Bullying and Sexual Misconduct Policy and procedure (HE)

This document can be made available in other formats,
on request

Introduction

Newbury College is committed through its values (respectful, democratic, innovative, accountable and aspirational) to provide an inclusive working, learning and social environment.

Everyone has the right to be treated with consideration, dignity and respect. We all have a responsibility to lead by example in treating others with respect and promoting positive attitudes.

The College will not tolerate any form of harassment, bullying, aggression or sexual misconduct. This policy supports the student code of conduct, exclusion policy and procedures and the complaints procedure.

This policy has been developed to ensure that everyone knows.

- The sort of behaviour we expect to see.
- The sort of behaviour that is not acceptable.
- What support is available to students who feel bullied, harassed or discriminated against.
- What steps you can take if you feel bullied, harassed or discriminated against.
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This policy is designed to give guidance to all students on the behaviours expected to ensure an environment where everyone is treated with dignity and respect.

It also provides information about the support available to students and the processes to be followed when dealing with unacceptable behaviour.

Expected behaviour

Expected behaviour is in line with Newbury College values:

Accountable: Acting with integrity, taking responsibility & ensuring that department tasks and obligations are met.

Democratic: Ensuring students, staff and other stakeholders are engaged and consulted. Shows examples of when opinions/views have been sought and how these have been dealt with.

Respectful: Fostering a culture of mutual respect & tolerance for the rights, differences and liberties of all members of the College Community. Shows examples of respect and tolerance shown during the year.

Aspirational: Being ambitious for students and for the quality of provision. Gives examples of how work has improved the quality of what Newbury college does directly or indirectly.

Innovative: Encouraging new ideas and creative approaches. Shows examples of improving the ways of doing things.

Unacceptable behaviour

The College defines unacceptable behaviour as any form of conduct or behaviour of a physical, verbal or non-verbal kind which: -

- Is unwanted, unsolicited, unreasonable or personally offensive to the recipient.
- Creates an intimidating, hostile or humiliating environment, affecting their dignity whilst at the College.
- Fails to both respect the rights and recognise the impact that such behaviour may have on others.

Any other conduct that may be defined as:

- harassment, bullying – see policy

- bullying or cyberbullying
- sexual misconduct.

What is harassment?

The College follows the definitions taken from the [Equality Act, 2010](#):

“Harassment, bullying: Unwanted conduct related to a protected characteristic that intended to or has the effect of:

- violating a person’s dignity or
- creates an intimidating, hostile, degrading, humiliating or offensive environment.”

Harassment, bullying is considered unlawful discrimination where it is related to the protected characteristics defined by the Equality Act 2010

“Protected characteristics: The public sector equality duty covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty”.

For the purpose of this policy conduct that is considered to be ‘harassment, bullying will also include any acts of bullying, violence towards another associated with the protected characteristics of the Equality act 2010’; or any form of [hate crime](#) as defined by the Home Office in 2016 .

What is bullying and cyberbullying?

“Bullying is the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face-to-face or through online, and comes in many different forms:

Verbal: Name calling, persistent teasing, mocking, taunting and threats.

Physical: Any form of physical violence, intimidating behaviour, theft or the intentional damage of possessions. This includes hitting, kicking and pushing.

Emotional: Excluding, tormenting, ridiculing, humiliation, setting people up and spreading rumours.

Cyberbullying: The misuse of digital technologies or communications to bully a person or a group, typically through messages or actions that are threatening and/or intended to cause offence, anxiety or humiliation.”¹

What is sexual misconduct?

“Sexual misconduct includes any form of harassment, bullying that is of a sexual nature and although this list is not exhaustive may include:

- I. Sexual harassment, bullying as defined by [section 26\(2\) of the Equality act 2010](#).
- II. Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)

¹ Kidscape.org.uk. (2020). *Kidscape - What is bullying?* [online] Available at: <https://www.kidscape.org.uk/advice/facts-about-bullying/what-is-bullying/> [Accessed 21 Jan. 2020].

- III. Assault (as defined by the [Sexual Offences Act 2003](#))
- IV. Rape (as defined by the [Sexual Offences Act 2003](#))
- V. Physical unwanted sexual advances (as set out by the [Equality and Human Rights Commission](#): Sexual harassment, bullying and the law, 2017)
- VI. Intimidation or promising resources or benefits in return for sexual favours (as set out by the [Equality and Human Rights Commission](#): Sexual harassment, bullying and the law, 2017)
- VII. Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the [Criminal Justice and Courts Act 2015](#))”.

Support available

We will provide training on harassment, bullying and sexual misconduct will be provided for staff and for students at their induction or at an additional in year development event and will include:

- Recognising what constitutes harassment, bullying and sexual misconduct
- Personal safety
- How to report incidents of harassment, bullying and sexual misconduct

Support will be provided to those who have experienced harassment, bullying, bullying and sexual misconduct through the Course Leader, Safeguarding and Wellbeing team. Where relevant referral will be made to relevant external agencies such as Police, NHS and Local support services.

Steps to take.

A student who has experienced or witnessed harassment, bullying, bullying or sexual misconduct is encouraged to disclose the incidence to any member of College staff or may go directly to a Safeguarding Officer as identified on the College website and on posters around the College.

A student may report an incident of harassment, bullying, bullying or sexual misconduct to:

- Seek advice, guidance and support,
- Seek a resolution
- Raise a complaint with the College.
- Raise a safeguarding incident

Students are encouraged to report the incident at the earliest possible opportunity to ensure the safety and wellbeing of themselves and others and to ensure that all evidence is available for an investigation.

When seeking advice, guidance and support; Students may talk to any member of staff and will be supported to come to an informed decision on how to take the issue forward and will be provided with details of any agencies that they may approach for further support. They will be advised that notes of the key facts of the discussion will be made following safeguarding procedures. Any disclosure that indicates a significant safeguarding risk to them or to the safety or wellbeing of others may be referred to the Police and relevant support agencies.

When seeking a resolution; Follow the informal stage of the Complaints Policy. The student is ideally required to start the process as soon as possible following an incident so that the process may be responded to within a timely manner. Occasionally, where a student is unhappy with the behaviour of a peer they may seek to resolve an incident themselves. In this situation students are advised to obtain confidential

support and guidance from a member of staff such as their Course Leader, Curriculum Manager or Wellbeing Officer prior to taking any action. Guidance provided aims to help the student to:

- consider what they intend to say.
- be precise in their description of the behaviour they consider to be harassment, bullying.
- include when and where the incident happened.
- state how the behaviour/incident made them feel
- say exactly what they want to happen going forwards.
- hold their conversation with an impartial member of staff such as the wellbeing officer in support, to manage the risk of reprisal or counter-accusation or to act a mediator.

If this direct approach is unsuitable or fails to address the issue, the student will be supported to raise a formal complaint and the complaints procedure will be implemented. Following an initial investigation and assessment of the concerns raised referral may be made to either:

- The Student Code of Conduct and Exclusion Policies and Procedures: Disciplinary procedure
- The Safeguarding Policy.

To raise a formal complaint: The student should:

- a) ask for advice from the safeguarding team.
- b) determine whether this is a complaint or safeguarding issue.

If raising a complaint:

1. read the Complaints policy available on the [Newbury College Website](#) and via moodle.
2. detail the issue in writing on a 'Have your Say' Complaints form
3. hand the form in at Reception or the Information Services Desk or
4. email the details to: info@newbury-college.ac.uk .

The Complaints procedure provides timeframes for reporting and responses and so complaints should be raised at the earliest opportunity and ideally within 15 working days of the incident.

When the issue falls under the safeguarding policy:

Students will be informed that any safeguarding disclosure made will be shared on a 'need to know' basis. A member of staff is required to report such incidents of harassment, bullying and sexual misconduct to the Safeguarding Officer. Dependent upon the nature of the allegation, external agencies may be involved either to provide essential support or to investigate an allegation of a criminal nature.

Safeguarding disclosures will be referred to the safeguarding team who will:

- ensure that all concerns, discussions and decisions made and the reasons for those decisions are recorded in writing
- assess the reported situation
- provide any necessary support for the student to ensure their safety and wellbeing
- make any referral to external agencies for specialist support or investigation and ensure a record of that referral is kept
- refer the student to the wellbeing officer for additional support if needed.
- ensure that there is a written plan in place to protect the student.
- facilitate any further internal investigation or fact finding related to the incident.

If the incident reported is of a criminal nature or indicates that there is a significant risk to members of the College or wider community, the Safeguarding Officer will refer the matter to the Police.

Responsibilities:

Senior Managers will:

- ensure that training is provided to staff and students to ensure that all are aware of this policy.
- provide reports to Governors of any disciplinary actions taken or complaints received related to harassment, bullying and sexual misconduct.
- provide clear and consistent communication to students, student representatives, staff and the wider College community that harassment, bullying and sexual misconduct will not be tolerated.
- ensure that behaviour expectations are set out clearly in the student code of conduct and any supporting documentation, together with the sanctions that will be imposed.
- ensure that behaviour expectations are followed.

Governors will:

- maintain an overview of the activities taken to address harassment, bullying and sexual misconduct.
- receive, review and challenge, as required, reports on any disciplinary actions taken or complaints received related to harassment, bullying and sexual misconduct.
- discuss and contribute to any preventative measures being implemented and their likely impact on students.

Students and their representatives will:

- engage with discussions of the policy and its implementation at Student Council Meetings.
- participate in training and development activities that educate on the Equality and diversity Act, 2010, harassment, bullying, sexual misconduct, its prevention and the implications of not being compliant.

Tutorial Lead will:

- provide training for students to raise awareness of harassment, bullying and sexual misconduct and to encourage reporting of any occurrences. They will also provide development on the Whistleblowing policy.
- train students on how to report an incident whether they have directly experienced an incident or have witnessed an incident.
- work with the staff development team to support the student context within staff development and awareness of harassment, bullying and sexual misconduct.

Staff Development team will:

- provide staff development and update training on:
 - The Equality Duty Act, 2010
 - Harassment, bullying and sexual misconduct.
 - Safeguarding.

Following the outcome of a complaint regarding harassment, bullying or sexual misconduct:

Any student who, on completion of all the procedures in the complaints policy remains dissatisfied with the outcome may seek the support of the office of the independent Adjudicator: <https://www.oiahe.org.uk> .

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Newbury College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students> . You normally need to have completed the complaint procedure before you complain to the OIA. Newbury College will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your complaint is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your complaint is upheld or partly upheld, you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters> .

Useful Contacts and Numbers:

Berkshire Women's Aid: www.berkshirewomensaid.org.uk

Helpline: 0118 950 4003

Bullying UK: Help line: 0808 800 2222 <https://www.bullying.co.uk/>

ditchthelabel.org : international anti-bullying charity. <https://www.ditchthelabel.org/>

Kidscape.org.uk : Guidance and support on bullying. <https://www.kidscape.org.uk/>

Police: Call 101 or in an emergency, 999

Reading Trust House, Sexual Abuse Centre. <http://trouthousereading.org/>

Support line: 0118 958 4033

Revenge Porn Helpline: TEL: 0345 6000 459 <https://revengepornhelpline.org.uk/>

Safe Sex Berkshire: www.safesexberkshire.nhs.uk

SupportU Thames Valley LGBT support and resources: <https://www.supportu.org.uk/>

TEL: 0118 321 9111

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