HBXL Learner Anti-Bullying and Anti-Harassment Policy

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Notes	This policy should be used in conjunction with the HBXL Learner Behaviour and Disciplinary Policy and the Disciplinary and Capability Procedure within HBXL's Staff Handbook.

1. Aims and Scope

The HBXL Skills Academy is committed to creating a learning environment free from harassment and bullying and ensuring all learners are treated, and treat others, with dignity and respect. Any incident of bullying or harassment will be taken very seriously and we will act to stop to it when it is reported. The HBXL Skills Academy values diversity and will not tolerate any form of harassment or bullying.

This policy covers harassment or bullying which occurs remotely, in the virtual classroom, or via other communication channels. It covers bullying and harassment by staff, learners and also by third parties such as subcontractors and external visitors.

2. What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

3. What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a learner's performance or behaviour, or reasonable instructions given to learners in the course of their learning, will not amount to bullying on their own.

4. What is cyber bullying?

Cyber bullying is any form of bullying which takes place online, via laptop smartphone, or tablet, on social networking sites, messaging apps, gaming sites and chat rooms such as Facebook, Xbox Live, Instagram, TikTok, Snapchat and other chat rooms.

Types of cyberbullying:

- Harassment - This is the act of sending offensive, rude, and insulting messages and being abusive. Nasty or humiliating comments on posts, photos and in chat rooms. Being explicitly offensive on gaming sites.
- Denigration – This is when someone may send information about another person that is fake, damaging and untrue. Sharing photos of someone for the purpose to ridicule, spreading fake rumours and gossip. This can be on any site online or on apps.
- Flaming – This is when someone is purposely using really extreme and offensive language and getting into online arguments and fights. They do this to cause reactions and enjoy the fact it causes someone to get distressed.
- Impersonation – This is when someone will hack into someone's email or social networking account and use the person's online identity to send or post vicious or embarrassing material to/about others. The making up of fake profiles on social network sites, apps and online are common place and it can be really difficult to get them closed down.
- Outing and Trickery – This is when someone may share personal information about another or trick someone into revealing secrets and forward it to others. They may also do this with private images and videos
- Cyber Stalking – This is the act of repeatedly sending messages that include threats of harm, harassment, intimidating messages, or engaging in other online activities that make a person afraid for his or her safety. The actions may be illegal too depending on what they are doing.
- Exclusion – This is when others intentionally leave someone out of a group such as group messages, online apps, gaming sites and other online engagement. This is also a form of social bullying and a very common.

5. What is racial harassment?

Racial harassment is any intimidating or threatening act by a person of one racial or ethnic origin against a person of another because of their race or ethnic origin

6. What is hate crime?

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity

This can be committed against a person or property. A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime.

7. Guidelines for staff

All staff should understand what bullying and harassment are and be familiar with the HBXL Skills Academy Learner Anti-Bullying & Harassment Policy.

Staff need to know how to deal promptly and effectively with incidents and allegations of bullying.

All staff, when applying this policy, must ensure that students are not discriminated against or disadvantaged as a result of their race, religion, gender or disability.

The HBXL Skills Academy is committed to removing all types of discrimination including those based on:

- Gender (including transgender)
- Ethnicity
- Disability or Learning Difficulty
- Sexual Orientation
- Age
- Religion or Beliefs
- Cultural background
- Marital status or family circumstances
- Trade union membership or activity
- other relevant difference

The HBXL Skills Academy recognises that making a complaint of harassment or bullying can be a distressing experience and that it may be difficult for students to raise these sorts of complaints.

All complaints about bullying should 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.

After a complaint about bullying has been dealt with by the HBXL Skills Academy, the situation must be monitored to ensure that bullying does not recur and the investigation should include a recommendation as to the person who will be responsible for monitoring the situation and the relevant timescale.

8. Guidelines for learners

The HBXL Skills Academy raises awareness of bullying and harassment and shares advice on handling bullying issues in a variety of ways including through our:

- Learner Handbook
- Introductory Sessions
- Modules on topics such as Online Safety, EDI and Mental Health Awareness

The HBXL Skills Academy will offer support to anyone who is a victim of bullying. If you are a victim of bullying or harassment, there are some practical steps you should take:

Reporting

Talk about the problem, in confidence if you wish, with somebody that can support you. A list of people you can talk to at the HBXL Skills Academy include:

Learner Engagement Manager (On Programme) – Rebecca Allwood
Rebecca.allwood@hbxl.co.uk

Technical Skills Lead Tutor - Tom Brooks
Thomas.brooks@hbxl.co.uk

Skills Academy Lead - Joanna Mulgrew
Joanna.mulgrew@hbxl.co.uk

If you do not feel comfortable talking to someone at the HBXL Skills Academy, you can also contact external agencies. Contact links are included in Appendix 1.

Keeping Records

To help us deal with any issues as effectively as possible, you should:

- Keep a log of the bullying, with details dates and times of what has happened.
- Keep copies of any offensive e-mails, text messages or chat messages.

HBXL Skills Academy Intervention

The HBXL Skills Academy will deal with the bullying informally in the first instance and through formal procedures where required. If you would like to discuss a case in confidence, we will support you with this and help to find ways of minimising the impact of the situation on you. We will point you in the direction of external support including online support materials which could be useful to you for times when you are on your own.

Once a member of staff has been alerted, they will inform the Learner Engagement Manager who will talk to you about the incident. You will always be listened to sympathetically and your concerns will be taken seriously. A strategy to deal with the incident will be formulated with you and carried out only with your consent.

If there is a case to answer, and the issues cannot be resolved informally, the formal procedure will be initiated. You may bring a friend or relative to support you during the formal procedure. The Skills Academy Lead or other relevant member of the staff will investigate the incident, interviewing you and the alleged bully/bullies separately. The purpose of the investigation is to gather all of the facts to ascertain whether the incident contravenes our behaviour expectations.

If you are unhappy with the outcome, or with the way in which the issue was handled, you may appeal using the HBXL Skills Academy Complaints Procedure.

Informal procedure

HBXL Skills Academy will address all incidents of harassment or bullying quickly, confidentially and, in the first instance, informally.

If an incident happens and either the learner or member of staff thinks harassment or bullying has taken place, the decision may be taken to resolve the issue informally. Often it is sufficient to explain clearly to the perpetrator that the behaviour in question is not welcome, that it is offensive, debilitating and that it impacts negatively on the learner's life. The victim needs to make it clear that they want the offensive behaviour to stop.

In circumstances where this strategy proves too difficult for the victim, staff should encourage the victim to seek support from the Learner Engagement Manager, tutor, friend or other trusted individual. This person can help the victim devise a shared action plan.

If the harassment or bullying is being perpetrated by a learner within the HBXL Skills Academy who continues to harass or bully, or in the event of the victim not wanting to challenge the perpetrator, the member of staff who is acting as advocate to the allegation will refer to the Skills Academy Lead to decide how to take it forward. The issue will be taken forward in collaboration with the victim's wishes and suggestions.

It may be appropriate for the Skills Academy Lead to challenge the alleged perpetrator with the allegation and if necessary to ask the perpetrator to refrain from attending any virtual group sessions whilst an investigation takes place. The primary concern is the safety of the alleged victim.

If the Skills Academy Lead challenges the alleged perpetrator and they admit to the incident and provide a reason for it, mediation may be suggested as a suitable strategy. Both the victim and perpetrator need to agree to mediation.

Both the perpetrator and victim need to be reassured that any incidents of bullying or harassment will not be tolerated at the HBXL Skills Academy.

If the behaviour continues or if it is not appropriate to resolve the problem informally, it should be raised through the HBXL Skills Academy formal procedure.

In certain circumstances, it may be appropriate to refer directly to the police.

All incidents will be monitored to ensure the situation has been resolved. The Skills Academy Lead will decide who will carry out the monitoring and devise a suitable action plan with the victim.

Perpetrators will often appear to comply so consideration must be given as to whether the intervention has secured lasting change and the victim feels safe.

If the perpetrator is not a learner, the alleged victim should be advised to contact the police or contact any other appropriate support services including counselling or any relevant external agency.

Formal procedure

If informal steps are not appropriate, or have not been successful, the incident will be investigated under the HBXL Skills Academy formal procedure. The investigation will be conducted by someone with appropriate experience such as the Skills Academy Lead. Those carrying out the investigation will not be connected with the allegation in any way. Details of the investigation and the names of the person making the complaint and the person accused will only be disclosed on a "need to know"

basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

The victim will be asked to provide a statement to establish full details of what happened. The Skills Academy Lead will then carry out a thorough, impartial and objective investigation as quickly as possible. An investigation will be carried out quickly, sensitively and with due respect for the rights of both the victim and the alleged harasser.

The investigation will involve interviews with the alleged perpetrator and the learner making the complaint. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond.

The victim and the alleged harasser will have the right to be accompanied at any interviews. The victim will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.

Confidentiality will be maintained throughout the investigation. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised to them.

Once the investigation is complete, we will inform you of our decision as to whether the allegation is well-founded. If we consider you have been harassed or bullied by a member of staff, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a learner, the matter will be dealt with under the HBXL Skills Academy Behaviour and Disciplinary Policy. Depending on the circumstances and the seriousness of the complaint, this may result in exclusion for that person from the HBXL Skills Academy. If the harasser or bully is a third party such as a subcontractor or external visitor, we will consider what action would be appropriate to deal with the problem.

Whether or not your complaint is upheld, we will consider how best to manage any ongoing relationship between you and the person concerned. Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases, the alleged harasser may be asked to leave the HBXL Skills Academy.

If the allegation is not well founded, consideration will be given to as to how both parties can continue to study together at the HBXL Skills Academy. Mediation might be used as a restorative measure. Learners who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result.

The HBXL Skills Academy takes these matters very seriously. However, malicious complaints of bullying/harassment can have a serious and detrimental effect upon a member of staff or student. Any unwanted allegation of harassment, made in bad faith, can be deemed potential gross misconduct.

9. Record-keeping

Information about a complaint against a member of staff will be stored in the employee's personnel file. A record of conversations and/or other documents compiled during the process will be recorded along with the outcome.

Information about a complaint against a learner will be placed in a secure file on our Learner Management system. A record of conversations and/or other documents compiled during the process will be recorded along with the outcome. All information will be processed in accordance with our Data Protection Policy.

10. Review and Monitoring

The Learner Anti-Bullying and Anti-Harassment Policy will be reviewed bi-annually and at other times in the intervening period as necessary.

Appendix 1: Sources of Support

STOP HATE CRIME

Works to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.

24 hours telephone service: 0800 138 1625
Web Chat: www.stophateuk.org/talk-to-us/

NATIONAL BULLYING HELPLINE

Information and advice for anyone dealing with bullying.

Freephone: 0300 323 0169
Website: https://www.nationalbullyinghelpline.co.uk/