

BULLYING & HARASSMENT POLICY

Family:	Human Resources
Reference Code:	Q/1
Line Manager Responsible:	Director of HR
Approval Date:	20th July 2022
Issue Date:	1st August 2022
Review Date:	31 st March 2025

Free to Learn Ltd (Free2Learn) is committed to creating a working and learning environment which is free from harassment. It is expected that all members of the company, whether employees or learners, will have an important role to play in creating and maintaining an environment in which all forms of harassment are considered to be unacceptable. All staff, learners, visitors, contractors and subcontractors have a personal responsibility for their own behaviour and for reporting any incidents of bullying or harassment they are aware of. The Company has a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Definition of Bullying

Usually “repeated behaviour that intended to hurt someone either physically or emotionally”

There are many varieties of bullying such as:

- physical assault
- teasing
- name calling
- cyberbullying - via mobile phone or online

Definition of Harassment

Harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.¹

Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.

Examples of harassment:

- a) Lewd or abusive comments about appearance;
- b) Deliberate exclusion from conversations;
- c) Displaying abusive or offensive writing or material;
- d) Unwelcome touching; and
- e) Abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

¹ ACAS “Bullying and Harassment at Work: A Guide for Managers and Employers.”

Complaining about bullying and harassment

1. Informal complaint

We recognise that complaints of personal bullying or harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. If you're learning at Free2Learn your first point of contact will be your Tutor.

This person cannot be the Director, who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor bullying or harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

2. Formal complaint

If the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Director of Education and Quality as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- The name of the alleged harasser;
- The nature of the alleged harassment;
- The dates and times when the alleged harassment occurred;
- The names of any witnesses; and
- Any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work/learning area (if the person is studying with us) or suspension with pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work/study colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

General Notes

1. If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure or code of conduct (if it is a learner). An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.