

Harassment and Bullying Policy

Cultural Capital Ltd take the bullying and harassment of any kind as a serious issue which can affect people's health, work performances, promotion, job prospects and learning and achievement. The Company is committed to eliminating all forms of intimidation, bullying or harassment, wherever they are identified.

This applies to bullying and harassment on the grounds of gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, belief, marital status, social or any other characteristic. This is in line with the Equality and Opportunity Act 2010 and also references to the safeguarding policy and procedure.

Policy

The company recognises that all employees have a right to work in an environment in which the dignity of individuals is respected and which is free from harassment and bullying. It is committed to eliminating intimidation.

The policy applies to harassment on the grounds of disability, marital status, gender, age, creed, sexual orientation, colour race or ethnic origin.

Harassment breaches the company equal opportunity policy and is classified as a serious offence, which may result in dismissal from the company.

The policy applies to all staff employed by the company.

Definition

In law harassment has no definition but is described as 'unwanted conduct which affects the dignity of men and woman at work; it includes unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidatory'. The characteristic of harassment is that action(s) is/are unwanted by the recipient.

The following examples of harassment may assist in determining whether harassment has taken place:

1. General harassment

Harassment may take many forms and may be directed at:

- Women within ethnic minorities
- Ethnic minorities
- Towards people because of their age
- Their sexual orientation
- Physical and mental disability
- Other characteristic.

It may involve comments, action, behaviour, or physical contact which is found to be objectionable or which causes offence, the result could be the recipient feels threatened, humiliated or patronised and it can create an intimidatory working environment.

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2. Sexual harassment

Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved. This behaviour causes that person to feel threatened, humiliated or embarrassed.

Examples of sexual harassment are:

- Offensive comments or gestures
- Requests for sexual favours – including threats concerning present or future employment status, implied or overt promises of preferential treatment
- Unwanted physical contact
- Sexually-orientated jibes, jokes or innuendo
- The display of sexually offensive visual material such as photographs, books, videos or calendars

Sexual harassment can be experienced by both men and woman as a result of the conduct of men or women. It applies equally regardless of level of job and may also occur when dealing with external clients.

3. Racial or sectarian harassment

Within the workplace, sectarian or racial harassment may take the form of actual or threatened physical abuse; it may involve offensive jokes, language, verbal abuse graffiti or literature of a racist or sectarian nature or offensive remarks about a person's religion, skin colour or physical characteristics. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, unfair allocation of work or pressure about quality/speed of their work in a way that differs from the treatment of other employees.

Bullying is the intimidation or belittling of a person through the misuse of power or position within the company, which leaves the recipient feeling upset, hurt, helpless or vulnerable. It is often linked to the areas of harassment described above.

The following are examples of bullying:

- Shouting at an individual, criticising an individual in front of others, unjustified criticism of an individual's personal or professional performance
- Ridicule or intimidation of individuals with a disability and/or learning difficulty
- Ignoring or excluding an individual from the team/group
- Spreading malicious rumours or making malicious allegations.

Responsibility of Managers

Managers have an obligation to prevent harassment and bullying within the workplace and must take immediate action once it has been identified, whether or not an official complaint has been made.

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Allegations of harassment or bullying received either informally or formally through the grievance procedure must be dealt with promptly and sensitively.

Managers must recognise that sexual harassment is:

‘Any sexual advance unwanted by the recipient or behaviour, which causes offence to the recipient’

Similarly, racial harassment is behaviour, which is racially offensive to the recipient. Managers therefore must take care to ensure that no pre-judgement of situations based on their own sexual or racial attitudes or prejudices takes place.

It is not always appropriate for a line manager to be involved in specific complaints. For example, if the person complaining is male and wishes to speak to a male, but the manager is female, or if the complaint relates to the conduct of the line manager. See attached procedure for alternatives in such instances.

Responsibility of all employees

Every employee has a personal responsibility not to harass or bully any other member of staff. An employee who becomes aware of harassment or bullying occurring should bring the matter to the attention immediately of his/her line manager.

Procedure for dealing with harassment

Any employee who feels that they are being subjected to harassment or bullying in the workplace may attempt to resolve the matter informally in the first instance. It may be possible and sufficient for them to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome that it offends or makes the uncomfortable.

- At the informal stage if the circumstances are too difficult or embarrassing to approach the harasser alone the complainant may wish to be accompanied by a colleague
- The complainant may wish to write a letter to the harasser
- The complainant should keep a record of incidents, detailing when, where, what occurred and witnesses (if any)
- Some victims of harassment or bullying may not be confident enough to tell the harasser that their behaviour is not acceptable. The company emphasises therefore that employees are not required to approach the harasser in an attempt to resolve the problems informally, and are entitled to report the matter immediately.

Where the above are unsuccessful or inappropriate, the complainant should inform their line manager in confidence of the complaint. Alternatively the matter can be raised with a senior manager of the same sex as the complainant.

If the matter relates to the conduct of the complainants manager the complainant may choose to discuss the matter with his/her manager’s line manager.

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The Directors will discuss the matter with the complainant where a course of action will be agreed. The complainant may wish to be accompanied by a work colleague at these meetings. The alleged harasser or bully will also have the right to state their version of events to the manager and to be accompanied by a work colleague. Confidentiality will be strictly observed throughout and the need to disclose any details of the complaint will be discussed and agreed.

At any stage throughout the process either the manager dealing with the complaint, the complainant or the accused may feel it is necessary to seek the advice of an independent person before deciding on the best course of action. The company will provide a network of trained persons who can give confidential advice and guidance.

If the situation cannot be resolved informally, then the complainant has the right to pursue his or her complaint formally through the company grievance procedure.

Where management consider that there is evidence of harassment or bullying, they may consider it appropriate to instigate a full investigation of the circumstances. In this case a manager not connected with the site involved, or an individual external to the company will be commissioned to undertake the investigation.

Where there is evidence that harassment or bullying has occurred prompt and corrective action will be taken, including disciplinary action. Harassment is a serious offence, which may result in summary dismissal.

In relation to the Safeguarding of Young Children and Adults the nominated person is Loretta Bishop.

The Duty of PREVENT will also fall under and in line with safeguarding and the safeguarding officer.

The Counter Terrorism and Security Act 2015 has introduced the Prevent Duty for various bodies including all FE colleges, adult education providers and independent learning providers with SFA funding or with over 250 students enrolled from 1st July 2015 and Ofsted are already including an assessment of its implementation in their inspections.

The Prevent Duty has "due regard to the need to prevent people from being drawn into terrorism"

Counter Terrorism and Security Act 2015: Part 5, Chapter 1, Section 26

4. COMMUNICATION

Staff will be made aware of the harassment policy and the procedure. They will be re-assured regarding:

- Fear that no action will be taken against a person guilty of harassment
- Fear that the complaint will not be taken seriously
- Fear of retaliation or victimisation in registering a complaint either informally or formally through the grievance procedure.

This policy will be included throughout the staff induction programme.

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5. TRAINING

Training will be provided for those employees who may be involved with dealing with complaints and implementing the policy and procedure.

6. MONITORING AND REVIEW

Strict confidentiality will be maintained complying with the Data Protection Act on all monitoring activities in respect of the complaints of harassment. Senior Management will evaluate the effectiveness of the procedure at the annual company SMT event to monitor the continuous improvement of all procedures and processes.

In conclusion no situation once noted will not dealt with and as such we as an organisation have a Zero tolerance for such behaviour.

All SFA Training Courses Are Co-Financed by the ESF
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