



FE STUDENTS ANTI-BULLYING, HARASSMENT AND SEXUAL ABUSE POLICY

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1.0	New	24/09/2020	N/a – new policy
2.0	Replacement	September 2021	Revised to include sexual abuse awareness guidance. This policy replaces the previous 'FE Students Anti-bullying and Harassment Policy'.

This policy applies to Weston College Corporation.

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1 PURPOSE

- 1.1 This policy and its accompanying procedures are written in recognition that bullying and harassment can and in rare circumstance does happen at Weston College. It sets out how the College defines such abuses, what the College expects of its students and visitors and how the College will respond when these serious issues are experienced and perpetrated. This policy is part of a broader series of actions that have the ultimate aim of eradicating such abuse and helping to ensure all students and visitors positively experience their time at Weston College.
- 1.2 This document sets out the procedures designed to deal with complaints of harassment or bullying in an appropriate and sensitive manner. The procedure therefore seeks to ensure minimal stress for the complainant, timely resolution of complaints, and a degree of flexibility appropriate to individual circumstances.
- 1.3 Whilst this procedure is separate from the FE Student Behaviour Policy, it may be used in substitution for appropriate stages of the FE Student Behaviour Policy if the results of this investigation establish a case for disciplinary action.

2 SCOPE

- 2.1 This policy applies to all FE learners and apprentices irrespective of the mode of study they are on or the length of their study period.
- 2.2 The anti-bullying, harassment and sexual abuse policy applies to all College premises, activities related to their programme of study i.e. industry placement or work experience, campus neighbourhoods or out in the community and where the incident or issues have been reported to the College.

3 DEFINITIONS

3.1 Harassment

Harassment has specific meaning under the Equality Act 2010. It means unwanted conduct related to an equality protected characteristic (age, disability, gender identity, race, religion/belief, sex, sexual orientation, marriage/civil partnership, and pregnancy/maternity) that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The College takes a wider view and considers harassment to include any behaviour that is offensive, intimidating or hostile; which interferes with a students' course or social environment; or which induces stress, anxiety, fear or sickness on the part of the harassed student.

Harassment may include unwanted behaviour that makes its victim feel uncomfortable, even if it was not intended to do so, and even if it was not directed personally. Harassment may take many forms and involve more than one individual both as the harasser and the victim. It may be isolated or repetitive (under the Protection from Harassment Act, harassment or bullying must take place on at least two occasions to amount to an offence under the Act) and can range from extreme forms such as violence and bullying, to less obvious actions such as ignoring someone deliberately. It may occur where the harasser has a position of authority (e.g. where a tutor or administrator is able to affect a student's course or grade) and relies upon the fact that the recipient(s) are reluctant to complain for fear of ridicule or reprisals.

Some general examples of harassment may include:

- Physical contact – e.g. touching, patting; assault or gestures, intimidation, aggressive behaviour
- Verbal and written harassment - unwelcome remarks, suggestions and propositions, malicious gossip, insults, jokes and banter
- Visual display - offensive literature or pictures, graffiti and computer imagery
- Isolation or non-co-operation - in college course activities, exclusion from social activities
- Coercion including pressure for sexual favours and pressure to participate in political/religious groups
- Intrusion by pestering, spying or following someone/stalking
- Cyber bullying – e.g. sending threatening messages via email, mobile phone or social networking sites

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Any difficulty in defining what constitutes harassment or bullying should not deter students from complaining of behaviour which causes them distress. Nor should students be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. The College will respect the sensitivity of harassment complaints and their consequences as well as the need for the utmost confidentiality.

Everyone can contribute toward preventing harassment through an active awareness of the issues involved and also by ensuring that standards of conduct for themselves and for friends / peers do not cause offence.

3.2 Sexual abuse and harassment

Sexual abuse is any unwanted sexual act or activity. There are many different kinds of sexual abuse that exist on a continuum and can be psychological and/or physical. Sexual abuse can include but not restricted to rape, sexual assault, child sexual abuse, coercion and sexual harassment.

Sexual harassment is any unwanted and unwelcome words, conduct, or behaviour of a sexual nature that has the purpose or effect of creating an intimidating, embarrassing, hostile, degrading, humiliating or offensive environment for the recipient. It is a misuse of personal or institutional power and often based on a person's gender.

For the purpose of this policy whether or not the harasser intended to be offensive is irrelevant. The limit of acceptable behaviour as described by this policy is up to the recipient to decide. A single incident or persistent behaviour can amount to harassment.

Sexual harassment can range from behaviour that seems obvious to anyone or subtler behaviour less obvious to either the person responsible for the behaviour or to the recipient. Often the impact is not felt or witnessed immediately. The impact may go beyond the recipient to people who see or hear what happens or who try to offer support. Other acts that are included within this definition are; stalking, domestic violence and sexual misconduct.

The behaviour listed in this policy can be perpetrated in person or online. Members of the College community are expected to adhere to this policy while using social media and any other form of online interaction including email, Teams communications and many other channels.

3.3 Bullying

Bullying is a form of harassment and can be defined as being persistent, offensive, abusive, intimidating, malicious or insulting behaviour; abuse or misuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable and which undermines their self-confidence. This can be inflicted mentally or physically.

Cyber bullying is a form of bullying. As it takes place in cyberspace it is not confined to college buildings or college hours. Cyber bullies can communicate their messages to a wide audience with remarkable speed, and can often remain unidentifiable and unseen.

Cyber bullying includes bullying via:

- Text message e.g. sending unwelcome texts that are threatening or cause discomfort.
- Picture/video-clips e.g. using mobile phone cameras to bully someone, with images usually sent to other people.
- Phone call e.g. silent calls or abusive messages. The bully often disguises their number.
- Email e.g. emailing upsetting messages, often using a different name for anonymity or using someone else's name to pin the blame on them.
- Chat room e.g. sending upsetting responses to people when they are in a web-based chat room.
- Instant Messaging (IM) e.g. sending unpleasant messages in real-time conversations on the internet.
- Websites e.g. insulting blogs, personal websites, social networking sites, online personal polling sites and any other social media

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3.4 Victimization

Victimization means treating a person badly because they have taken particular action related to the Equality Act 2010 (or because they suspect the person has taken or will be taking such action).

Victimization is against the law. Every student has the right not to be victimised as a result of bringing to the attention of the alleged harasser or college management any conduct the individual finds unwanted.

4 POLICY STATEMENT

The College has a duty of care towards all its members to prevent and respond to these issues. In order to be the caring close-knit community we desire, it is vital that the College is clear on what kinds of behaviours and cultures are unacceptable and what can be done if they are witnessed or experienced.

- 4.1 Harassment, sexual abuse or bullying is not tolerated in any form within Weston College and its associated premises. It is the right of every student to study without the fear and we are committed to providing an environment in which all individuals can operate effectively, confidentially and competently. If a complaint is brought to the attention of management, it will be investigated promptly and appropriate action in line with College policies will be taken.
- 4.2 It is the duty of every student of the College to take responsibility for their behaviour and modify it if necessary, as harassment, bullying or sexual abuse is not acceptable under any circumstance. In the event of a failure to do so the matter will be investigated in accordance with the Policy and could result in disciplinary action being taken.
- 4.3 Any student experiencing or witnessing any form of harassment or bullying has the right to avail themselves of the procedure on bullying, harassment or sexual abuse. The College will ensure that this policy is widely publicised and its contents made known to all students and staff and where practicable contractors and visitors to the College.
- 4.4 Members of the College Community are expected to seek enthusiastic consent when interacting with others. Consent is clearly and legally defined as someone agreeing by choice and having the freedom and capacity to make that choice.
- 4.5 The College recognises that making a complaint of harassment, bullying or sexual abuse is likely to be a distressing experience and that it may be difficult for individuals to raise complaints directly with tutors. Accordingly individuals may approach the Assistant Principal for Students or any member of the Student Welfare and Pastoral team to raise the issue on their behalf.
- 4.6 Weston College will take steps to eliminate bullying, harassment and sexual abuse and other unlawful discrimination. The College will actively promote equality in order to provide a safe learning environment.
- 4.7 Weston College through a planned programme will endeavour to raise awareness of bullying, harassment and sexual abuse among students, which will include but not be limited to theme events and embedding relevant topics within programmes of learning, including apprenticeships and traineeships.

5 PROCEDURE

5.1 Reporting bullying, harassment or sexual abuse

- 5.1.1 Any member of the College community is able to report bullying, harassment or sexual abuse to the College. It can be about a member of the College Community or someone external. The College will offer support services and/or external referral to the Reporting Party irrespective of who the report is about.
- 5.1.2 Reports can be made via number of methods:
 - Online by students via the Report a Concern on the Welfare sharepoint page or by scanning the QR code on any Report a Concern poster visible throughout the College. This is a secure and confidential method for informing the College about any bullying, harassment or sexual abuse that may have happened to you or that you have witnessed.
 - In person by speaking to your personal tutor or by visiting any campus' Student Services Hub and speaking to a member of Welfare and Pastoral Support Services.
 - By phone by contacting the safeguarding number found on the reverse of all college ID badges.

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5.1.3 While it is usually not the case that the College will act upon anonymous disclosures there may be circumstances (including if the Responding Party has been named) where the organisation receives information that requires action as necessary to protect the College, any of its members or visitors.

5.2 Introduction

5.2.1 At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

5.2.2 If at any stage in this procedure an individual student does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate the student is entitled to raise the matter under the College's grievance/complaints procedure (where appropriate).

5.2.3 All complaints/allegations of sexual abuse or sexual harassment will automatically be investigated formally under stage 2 of this policy. The College takes all complaints and allegations of this nature extremely seriously and such allegations will be investigated thoroughly by experienced and appropriate members of staff with a constant focus on supporting the wellbeing of those affected.

5.3 Keeping a Record

5.3.1 It is important that any student who believes they have suffered from harassment, bullying or sexual abuse should keep notes of the details outlined below for each incident; and that they are made as soon after the event as possible. Detailed notes should include the following:

- Date
- Time
- Place
- Name of person harassing them
- What actually happened
- How the victim actually felt at the time
- Name(s) of any witness(es)
- Action taken and whether reported to management (identify name of staff member to whom it was reported)
- Any correspondence relating to the incidents and subsequent complaints

5.4 STAGES

5.4.1 Stage 1 – Informal Resolution

Every effort should be made to resolve the issue informally in the first instance if this is possible and appropriate. The following should be considered:

- The complainant should discuss the incident with the alleged harasser clearly stating that the incident is not welcomed and should stop or
- If the complainant cannot speak directly to the alleged harasser this could be done by writing to them or
- The complainant could discuss the matter with the Welfare and Pastoral Support Manager or nominated representative who would then speak to the alleged harasser on behalf of the complainant.

The complainant should make a note of the action taken at this stage and the staff representative should record this and forward the information to the Welfare and Pastoral Support Services Manager to be logged and kept on file.

If the individual student is unable to resolve the problem he/she may contact their tutor for advice. If their tutor is the person against whom the complaint is being made, the student may prefer to discuss the matter with their Dean of Study.

Any discussion will be confidential and no further action will be taken without the consent of the student concerned. In some cases the allegation may be so serious as to require immediate action, for example if

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it is thought to involve a criminal offence or gross misconduct. In such circumstances the College may be compelled to take action irrespective of the student's wishes.

The course of action open to an individual student following an attempt to resolve a problem informally includes:

- To take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the individual to seek further advice in the future if necessary;
- If the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- Make a formal complaint as outlined in Stage 2.

5.4.2 Stage 2 – Formal Complaint

This may be used where

- a) informal resolution is inappropriate
- b) informal attempts of resolution have been unsuccessful.

An individual student wishing to make a complaint of harassment, bullying or sexual abuse should put it in writing and submit it to either:

- a) The Assistant Principal for Students who will either act as or nominate a suitable Investigating Officer
- b) If the Assistant Principal for Students or nominated representative is implicated, the Deputy Principal will nominate an Investigating Officer.

The letter or email should specify that it is a formal complaint giving details of the incident(s). Once an individual student has instituted a formal complaint, they are entitled to:

- Expect the Investigating Officer to set up the formal investigation
- Lodge a grievance against the Investigating Officer should they fail to take appropriate action

5.5 Police Involvement

In cases of an alleged assault or alleged behaviour that may be considered to be a criminal offence, the individual student may contact the Police.

5.6 Investigating a Complaint

The investigation is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

All faculties and college departments are expected to co-operate in releasing staff and students from their normal duties/course activities to participate in the investigation as required.

In the event that the complaint involves:

- A contractor/contractor's employee - the complaint will be referred to the contractor for consideration. The contractor will be expected to co-operate with any College investigation, as the college remains responsible for a satisfactory conclusion of any investigation.
- A visitor - the visitor will be expected to co-operate with any College investigation and failure to do so will result in exclusion from the premises.

5.7 Time Limits

The investigation should normally be completed within 10 working days of the complaint being received. On occasions it will not be possible to keep within this timescale. In such cases the complainant and the alleged harasser(s) must both be kept informed of any need for an extension and the likely timescale for completion.

5.8 How The Complaint Will Be Investigated

5.8.1 Notifications

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The investigation will be carried out by the Assistant Principal for Students or an investigating officer will be nominated.

The Assistant Principal for Students or Deputy Principal will notify the complainant within five working days of the name of the Investigating Officer. If the complainant objects to the choice of Investigating Officer an alternative may be requested within two working days of the nomination, stating clearly the reasons for that objection. The Deputy Principal will appoint a final Investigating Officer if the complainant reasonably objects. All Investigating Officers will be third or second tier managers and suitably qualified and trained.

The Investigating Officer will notify the individual(s), against whom the complaint has been made, of the nature of the complaint and they will be sent a copy of the complainant's letter. They should also be given details of the procedure involved and advised to seek representation.

For school age students with us e.g. Link, Early College Transfer etc. their respective schools will also be notified of the complaint.

5.8.2 Procedure

The Investigating Officer within the timescale determined will interview the complainant(s) and any person(s) against whom the complaint is addressed together with any other parties having knowledge of the alleged occurrence and who are able to provide information pertinent to the alleged occurrence and investigation.

5.8.3 Possible Suspension During Investigation

In order to relieve the stress and pressure on one/ both or all parties, prevent risk of further incidents and prevent victimisation it may be necessary for the Deputy Principal or another second-tier manager to:

- Suspend the alleged harasser
- Suspend both parties

Suspension under this scheme does not constitute part of any College Disciplinary Procedure.

5.8.4 Right of Representation

Both complainant and alleged harasser(s) will have the right to be accompanied and/or represented by a parent / carer or friend of their own choosing at all stages of the formal complaints procedure.

5.8.5 Meeting the Parties Involved

The Investigating Officer will meet the complainant and the alleged harasser(s) separately and with their respective representatives. Detailed signed written statements will be required to be presented by all parties. All parties should be given the opportunity to nominate witnesses whom they wish to be interviewed. Notes of the individual meetings will be taken by the Investigating Officer.

For school age students whenever possible the interview will take place at their respective school with a representative from their school present.

5.8.6 Meeting the Witnesses

The Investigating Officer will meet anyone else who was present or who has information which is relevant to the complaint. Notes of this meeting will also be taken. Further interviews may need to take place to clarify or gain further information. The Investigating Officer will also need to ensure that he/she has collected all relevant written materials.

5.8.7 Consideration of Information

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The Investigating Officer will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated or not. In cases of identity-based harassment, such as sexual, homophobic or trans gender harassment, evidence of appearance and perceived sexual attitudes will not be taken as relevant information in any circumstances.

In some cases there will be no witnesses and it will be one person's word against another's. In these cases the Investigating Officer will consider whether on the balance of probabilities the incidents / actions occurred.

5.8.8 Investigating Officer Recommendations

The Investigating Officer will reach a conclusion and make a recommendation following due consideration of all the facts to the Deputy Principal or Assistant Principal for Students.

Having considered the facts the Deputy Principal or Assistant Principal for Students will make (and communicate in writing to the alleged harasser/s and complainant) one of the following decisions:

- a) Allegation is not substantiated – no further action will be taken
- b) Allegation is substantiated and Disciplinary action is justified - either the FE Student Behaviour Procedures (Misconduct) Gross Breach or the Dismissal and Disciplinary Procedure where an allegation is substantiated against a member of staff.
- c) Allegation is substantiated but Disciplinary action not justified in this situation resolutions may include:
 - A recommendation of course transfer for one or both parties, either on a temporary or permanent basis.
 - Setting up arrangements to monitor the situation such as a Learner Contract; (SEE APPENDIX A)
 - Required attendance on training courses;
 - Making arrangements for both parties to work as separately as possible within the college environment;

The alleged harasser(s) will be advised of his / her right of appeal within the Student Disciplinary Procedure or Dismissal and Disciplinary Procedure for staff if the complaint is upheld. The complainant will be advised of his / her right of appeal if the complaint is rejected.

In the case of school age students the Investigating Officer will call a meeting involving a representative of all schools involved. Following recommendation the schools will jointly and collectively, with the Investigating Officer, determine the disciplinary action within the confines of usual school options. Each school will communicate this in writing to their respective students sending a copy to the Investigating Officer for record.

5.8.9 Monitoring

Where a complaint is upheld, Deputy Principal will monitor the situation to ensure that the harassment, bullying or sexual abuse has stopped and does not re-occur.

5.8.10 Keeping Management Records

After the complaint has been heard the following records storage arrangement should be followed:

- Where the formal complaint is not substantiated then no record will be made on the complainant's or alleged harasser's file. However, any documents produced during the course of the investigations should be retained separately with the Deputy Principal.
- Where the complaint is substantiated, and the matter leads to disciplinary action then the storage of records should be in accordance with the Student Behaviour Procedure / Staff Dismissal and Disciplinary Procedure.
- Where the complaint is substantiated but does not lead to the Disciplinary Procedure, then an appropriate note should be made on the personal files of both parties. However, any documents produced during the course of the investigations should be retained separately with the Deputy Principal.

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Staff must maintain all records relevant to administering this policy and procedure using the Weston College (ISO) recordkeeping system

5.8.11 Actions When Parties Are Dissatisfied with The Decision

If either party disagrees with the decision, and / or considers the procedures were not properly applied, then he / she has a right of appeal under the College Grievance Procedure. If disciplinary action has been taken against either party, a right of appeal exists under the College's Student Behaviour Procedure and Dismissal and Disciplinary Procedure for staff.

6 POLICE INVESTIGATIONS AND JUDICIAL PROCEEDINGS

- 6.1 Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, the College will usually continue its own investigation via the procedures outlined in the FE Student Behaviour Policy and any disciplinary action, subject to the circumstances of the case and police advice.
- 6.2 Where, following police advice or otherwise, Weston College decides not to undertake its own investigation until the case has concluded, Weston College reserve the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.
- 6.3 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the College's investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, the College may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party, if they are a Weston College student.

7 RELATED LEGISLATION AND DOCUMENTS

- 7.1 Harassment, bullying or sexual abuse is a serious problem. It can affect a student's health, work performance, progression, career prospects and ultimately their success at College. The policy therefore closely aligns to the FE Student Behaviour Policy.
- 7.2 In law, claims from individuals can be pursued through the civil and criminal courts system under the following legislation:
 - Equality Act 2010
 - Human Rights Act 1998
 - Protection from Harassment Act 1997
 - Malicious Communications Act 1988
 - And any other relevant personal conflict or harassment legislation.
- 7.3 In the summer of 2021, Ofsted was asked by the government to carry out a rapid review of sexual abuse in schools and colleges. This rapid thematic review has revealed how prevalent sexual harassment and online sexual abuse are for children and young people. It is concerning that for some children, incidents are so commonplace that they see no point in reporting them. Weston College has not only amended this policy to reflect the findings and recommendations of this review, but has also ensured its curriculum delivery has a greater focus on sexual abuse and the wider topic of relationships, sex and health education (RSHE).
- 7.4 Claims to a civil court may lead to an injunction to restrain the harasser's behaviour and damages being awarded against the harasser. Harassment, bullying or sexual abuse is unacceptable at Weston College.

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8 APPENDICES

Appendix A

Learner Contract

A contract between (insert student name) and Weston College for the period (insert date) to (insert date)

I agree to:-

-
-
-

This will be monitored by your Personal Tutor/Subject Area Manager/Welfare and Pastoral Support Services Manager on a (insert timescale) basis. A copy of this contract will be placed on your file during the agreed timescale of the Learner Contract. The actions must be adhered to and monitored until the Learner Contract has expired, or the next stage of the policy will be implemented.

Student:

Date:

Personal Tutor:

Date:

cc. Student, Parent(s) / Carer(s), Sponsoring Employer
Student File
Subject Area Manager