



# DERBY COLLEGE GROUP POLICY

## Student Bullying & Harassment Policy

Policy Number:	CUR-01
Executive Owner:	Deputy CEO
Owning Strategy / Department:	Pastoral & Academic Support / Behaviour for Learning
Approval Board / Committee / Group:	Standards Committee
User Group:	Students and all employees who deal with pastoral support, engagement and positive behaviours
Relevant To:	As above
Implementation Date:	July 2011
Approval Date:	July 2022
Next review Date:	June 2023

Date:	April 2022
Originator:	Head of Behaviour for Learning
Area:	Student Bullying & Harassment Policy

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**POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS**

## Policy Accountability and Implementation

Policy Title:	Student Bullying and Harassment Policy
Policy Author / Reviewers:	Head of Behaviour for Learning
Policy Implementation:	Head of Behaviour for Learning
Policy Monitoring and Compliance:	Head of Behaviour for Learning
Policy Review Timeline:	Annual basis

### Synopsis:

This policy aims to ensure that the procedures used to deal with any allegations of bullying and harassment are conducted in a fair and transparent manner, that the College exercises an appropriate duty of care, complying with equal rights and human rights legislation, and takes all reasonable steps to prevent their recurrence

## Policy Classification and Publication

### Classification

- Strongly Recommended (SR)

### Publication

- Intranet – Policy portal
- Student VLE (Moodle)

**Empowering/related legislative and/or authoritative references:** None

**Impact Assessment reference:** IA34

## Periodic Policy Review / Change History

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
V2	Head Student Support Services	Policy review	J2E	July 2015
V3	Head Student Support Services	Minor amends. Updated job title to Vice Principal	AS	July 2016
V4	Team Manager – Student Engagement	Minor Amends; changed learner to student references	Deputy CEO – Heather Simcox	July 2017
V5	Head of Behaviour for Learning – Aaron Denton	<p>Section 2:</p> <ul style="list-style-type: none"> <li>• Included additional elements and references to social media</li> </ul> <p>Section 4:</p> <ul style="list-style-type: none"> <li>• added in additional element relating to work experience</li> <li>• included a line relating to disciplinary action despite a formal complaint being made.</li> </ul> <p>Section 5:</p> <ul style="list-style-type: none"> <li>• amendments to job titles</li> <li>• included a line on allegations relating to staff</li> </ul>	Director for Services for Students	09/2018
V6	Head of Behaviour for Learning	<p><b>Section 2</b> Added examples of bullying and harassment Added a definition for victimisation</p> <p><b>Section 5:</b> Student Union representatives added to responsibilities.</p> <p><b>Section 9:</b> Added in a section on recording incidents reported via ProMonitor Amendments to job titles from Personal Coaches to Student Experience and Progression Coaches.</p>		June 2019
V7	Head of Behaviour for Learning	<p><b>Section 2</b> Added additional elements of what is on-line bullying?</p>	Director for IT	May 2020
V8	Head of Behaviour for Learning	<p><b>Section 2</b> Added a section on Sexual Misconduct</p> <p><b>Appendix 1:</b> included the link to the complaints form via the internet</p>	Deputy CEO  Noted at Corporation	May 2021  May 2021

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
V9	Behaviour & Engagement Lead	Section 5 Amendments to job title from head of behaviour for learning to Director of student Experience and Pastoral Support Section 11 Amendments to job title from Student experience and progression coach to student experience and Pastoral Coach	Team Manager – Student Welfare	May 2022

## 1. Policy Statement

All Derby College Group students need to feel able to develop their potential without fear of physical, verbal or written abuse. As outlined in the Student Code of Conduct, all forms of anti-social behaviour within the College community will not be tolerated.

Bullying, including physical violence of threats, and racial and sexual harassment are forms of anti-social behaviour which will be subject to disciplinary action e.g. suspension or exclusion. The College is committed to a zero-tolerance approach to bullying and harassment.

## 2. Definitions

Bullying, harassment, victimisation and sexual misconduct may be by an individual, against an individual or may involve groups of people. It may be obvious or invidious; abuse of power can be explicit or implicit. Bullying and harassment are not necessarily face-to-face. They may also occur through various other forms of communication (e.g., email, phone, written communication, and social media).

**Bullying** may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate or injure the recipient.

Some examples of bullying include:

- Verbal and/or physical intimidation.
- Ignoring, patronising or excluding.
- Setting random or unachievable workloads in an unreasonable manner and making threats associated with failure to achieve.
- Public reprimand, ridicule, sarcasm or humiliation
- Posting offensive comments on social networking sites or in other media.
- Sending offensive text messages, emails or offensive messages through other forms of social media
- Intentionally blocking a person's training, learning or development opportunities.

**Harassment** is defined in the Equality Act 2010 as:

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.

Some examples of harassment include (but are not limited to):

- Offensive or derogatory remarks, gossip or jokes.
- Obscene gestures or language.
- The display or electronic transmission of offensive pictures graffiti or other visual material
- Physical contact (ranging from touching to serious assault), to which a person has not consented, or which they have not been given the opportunity to reject.

- Intrusion by pestering, including through the use of text messaging, email or other telecommunications.
- Following, stalking or spying on people.
- Pressing people to accept unwelcome invitations.
- Obtaining sexual or other favours through threat or by making promises.
- Isolation or non-cooperation and exclusion from social activities

**Sexual misconduct** relates to all unwanted conduct of a sexual nature. This includes, but not limited to:

- Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- Assault (as defined by the Sexual Offences Act 2003)
- Rape (as defined by the Sexual Offences Act 2003)
- Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- Intimidation, or promising resources or benefits in return for sexual favours
- Distributing private and personal explicit images or footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015)

**Victimisation** occurs when someone is treated badly because they have made or supported a complaint about discrimination or harassment, or because an individual think that they are doing or may do these things.

Some examples of victimisation include:

- Excluding someone from social situations following a complaint or rumour.
- Denying someone the opportunity to participate in a project, social event or apply for a placement opportunity because they are perceived to be a 'troublemaker'.
- Lowering a student's assessment results because they have made or supported a complaint

### **What is online bullying?**

The rapid development of, and widespread access to technology, has provided a new medium for 'virtual' bullying, which can occur in or outside the learning environment. Online-bullying is a different form of bullying and can happen at any time of the day, with a potentially bigger audience, and more accessories as people forward on content at the push of a button. Although some technology seemingly allows anonymity, there are ways to find out information about where bullying originated. However, it is important to be aware that this may not necessarily lead to an identifiable individual. For instance, if another person's phone or College network account has been used, locating where the information was originally sent from will not, by itself, determine who the bully is.

Examples of online bullying include:

- Online stalking, including PC attacks – the sending of messages to frighten or threaten someone, and/or sending of spyware, viruses, worms, Trojan horses, etc.
- Degradation/humiliation – spreading of rumours and hearsay with the purpose of damaging the victim's reputation to ensure that they are shunned.
- Harassing – sending of insulting, threatening and harassing messages via the internet or mobile phones. These messages can be sent persistently and tirelessly.
- Impersonating – impersonation is the act of taking on an identity that is false for the purpose of tormenting a person and damaging their reputation. Impersonation can also be acted out by pretending to be the victim, by creating a false identity or profile, or by password theft.
- Text messaging – use of text messaging to torment another person, this could be an individual or a group who send endless text messages to their victim's phone.
- Website creating – creating websites and pages and loading them with images, statements and insulting remarks for the sole purpose of tormenting and humiliating a person or persons.

- Use of photos and images – posting embarrassing photos of an individual all over the internet/ apps (Snap-chat for example) to torment and humiliate them. In some cases, these photos and images are fake and have been altered to implicate/portray the victim.

### 3. Principles

The policy is based upon the principle of empowerment, whereby students are accepting of others, respect their peers and are tolerant.

This policy embraces expectations relating to the world-of-work and employment law, enabling students to accept responsibility of their own behaviours, self-discipline and understanding the procedures to follow if they are experiencing bullying or harassment or see others being bullied.

### 4. Scope and Limitations

This policy applies to all students and covers bullying and harassment both on and off College campuses (including social media).

In addition, the College will take all reasonable steps to ensure that external organisations providing placement and secondment opportunities have appropriate policies and procedures in place with regards to bullying and harassment. Any student subjected to bullying and harassment whilst on placement will be supported appropriately by the college.

The College can take disciplinary action against a student of its own wish even if the reporting student does not wish to make a formal complaint.

### 5. Responsibilities

All DCG **employees** and **students** are responsible for fostering an inclusive culture of respect and dignity for all members of the College community and beyond and for adhering to equality and diversity principles.

The Leadership and Management team is responsible for the implementation and monitoring of the effectiveness of this policy.

Formal allegations against an employee or contractor are overseen by the **Executive HR Director**.

Formal allegations against another student are overseen by the **Director of Student Experience and Pastoral Support**.

All **students** are responsible for reporting any instances of harassment and bullying that they become aware of.

Where appropriate the College will refer to external support agencies. Support can take a range of forms, depending on what is needed and appropriate in each individual case.

Employees involved will be able to access support through the **Human Resources** department.

**Student Union** representatives are available to help students when drafting letters of complaints.

## 6. Implementation Arrangements

Employees are obligated to make themselves aware and check their understanding of College policies which are contained within the Policy section of the intranet. Updates and amendments to procedures are disseminated and revisited periodically during team time, CPD and team meetings.

Students are made aware of the policy during **induction** and the themes of bullying and harassment are revisited during **tutorial** and / or through **enrichment** activities.

Employees, students and parents/guardians/ carers have access to this policy via the college internet.

## 7. Monitoring and Review

The Bullying and Harassment Policy is subject to regular review. The policy and the implementation arrangements which underpin it will be formally reviewed on an annual basis.

The review will take into account the views of employees and students and relevant to local and national planning and guidance documents.

## 8. Guidelines

Often cases of bullying and harassment are clear cut but sometimes people can feel unsure and may want to talk through informally what has happened and discuss the different options open to them, what support could be offered, and whether an informal or formal approach would be more appropriate.

If bullying and / or harassment occurs, it is generally important to act as quickly as possible so that any issues are addressed quickly, the impact is minimised as much as possible, and recurrence is prevented.

It is useful if students who raise an allegation of bullying and / or harassment keep a diary of any incidents, which includes details such as the date and time when the instance of bullying and / or harassment occurred, copies of any evidence (emails, social media evidence) and the names of any witnesses.

### **Recording:**

The employee which the student has reported the incident too must record on ProMonitor under comments using the comment type: **Reference Comment: Bullying and Harassment**

## 9. Procedures

See Appendix A

## 10. Templates / Forms

Incident Diary  
Incident Report - Witness Statement

## 11. Related Documents

Compliments and Complaints Policy  
E-Safety Policy / Social Media Policy

Positive Behaviour Policy  
Student Code of Conduct

## **Appendix 1: Procedures following an allegation**

Any student who feels they are a victim of bullying and / or harassment should discuss their concerns with a member of staff either verbally or through email or by phoning the confidential helpline (01332 387499)

In the case of full-time students, the member of staff to discuss your concerns with would be your Personal Tutor or Student Experience and Pastoral Coach. Depending on the severity of the complaint, an initial attempt will be made to deal with the situation informally. The employee and the student will complete an incident report / witness statement.

The Personal Tutor/ Student Experience and Pastoral Coach will inform the Team Manager of the academy of any reported incidents.

After discussion with the student, the decision will be made to:

- Stay at incident report stage, which is recorded and kept on file, or
- Progress immediately to the complaints stage

The employee may offer possible interim actions which may include:

- Speaking to the alleged perpetrator(s) to raise awareness of unacceptable behaviours
- Monitoring the situation via curriculum/ apprenticeship and Behaviour for Learning team members
- Providing an 'incident diary report form' to record further incidents
- Arranging future meetings to review the situation.

If the allegation involves a breach of the equality act, e.g., racism, the employee/student will be required to consult with the Assistant Principal, Head or Director of the areas.

### **Informal resolution**

Depending very much, of course, on the severity of the harassment and / or bullying, before any formal procedures are started, it may be appropriate to use an informal approach first. When the bullying and / or harassment is serious, it is expected the matters will be proceeded to a formal stage straightaway, following student disciplinary processes as appropriate.

### **Formal resolution**

If attempts to resolve issues informally have been unsuccessful or if an informal approach is not appropriate because of the severity of the allegation of bullying and / or harassment then the formal procedures are available.

### **Formal Complaint**

Complaint forms are to be completed using the online form or the printable version available from DCGs website: [Compliments and Complaints - Derby College \(derby-college.ac.uk\)](http://derby-college.ac.uk)

Handwritten forms should be handed in to Student Services or Reception in an envelope and these will be forwarded to the Deputy CEO or their nominated manager, a senior manager will be allocated to investigate the allegations.

Based on the information submitted and depending on the severity of the allegation, the person chairing the investigation will arrange and facilitate the investigation. Such as investigation will involve liaising with a variety of college employees as appropriate and will include taking further statements. The investigation will also involve speaking to accused individual/s.

As a result of the investigation, the chair will ensure that any appropriate disciplinary action is taken in-line with the Positive Behaviour Policy. Such action could also include exclusion, in which case the chair if appropriate will need to secure the authority of a member of Senior Management.



The chair will arrange to communicate the outcome of the investigation to the student making the allegation, and to other individuals involved, as appropriate within five working days. In the case of students under 18, this will involve communication with parents/carers/guardians.

## **Appeals**

If the student is still dissatisfied with the response that they have received, they should write to the Deputy Chief Executive Officer outlining their reason for appeal.

- The Deputy Chief Executive Officer (or their representative) will then review the complaint, including any investigation to date.
- They may also carry out further investigations on the students' behalf. In any event, they will seek to resolve the issues involved and issue a written response within 10 working days of receipt of the appeal letter.

If a student is still dissatisfied with the findings of the Deputy Chief Executive (or their representative) they have their right to direct their concerns to the Education and Skills funding Agency (ESFA).

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>