



Prospect Training Services

Bullying and Harrasment Policy



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This policy applies to the ESF NEET project contract ref ESF NEET 5042 Support for NEETs.



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Mandatory User Notes

The requirements in this document are mandatory. A controlled copy of the current version of this document is located in Staff Essentials:

Before using or referencing this document, it is the User's responsibility to ensure that the hard or electronic copy in his/her possession is current. The Document Owner should be contacted for assistance and any feedback.

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BULLYING AND HARASSMENT POLICY

1. Purpose

The purpose of this document is to set out in a clear manner the company policy on Bullying and Harassment.

Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it (where the word harassment is used this is intended to include bullying as well as harassment). Harassment may also have a damaging effect on other employees not themselves the object of unwanted behaviour who are

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witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from offensive conduct. The Company is committed to promoting good and harmonious working environment where no member of staff or learner feels under threat or intimidated. Harassment applies to all protected characteristics except for pregnancy and maternity. A complainant need not possess the relevant characteristic themselves. People are also protected from harassment through perception and/or association. All staff and learners are expected to comply with the policy, and to assist in the promotion of a good working environment free from any form of harassment.

The Company will promote the policy to all staff and learners and make them aware of their responsibilities. This will help prevent harassment from occurring and, if it does occur, ensure appropriate procedures are readily available to resolve a problem and prevent it happening again.

Harassment is a disciplinary offence and will normally be treated as gross misconduct.

The aim of this policy is to clearly establish the company policy on harassment and bullying and explain responsibilities and guidance on how we implement the policy within the company.

2. Scope

This document applies to all operations and employees of PTS

3. Relationship with other policies

This Bullying and Harassment policy should be read in conjunction with other policies and procedures covering, Equal Opportunities and Diversity policy, Safeguarding and Vulnerable Groups and including policies on chaperoning, lone working, business continuity and crisis response, disciplinary procedures, grievance policy, confidentiality, whistle blowing, professional boundaries and recruitment of ex-offenders.

Line managers, human resources and occupational health must ensure that personal data, including information about Bullying and Harassment matters, is handled in accordance with the organisation's data protection policy/GDPR and child protection protocol.

4. Definitions

For the purpose of this document the term "The Company" refers to the Prospect Training Services (Gloucester) Ltd group of companies

For the purposes of this document the term "young people" or "young person" refers to anyone who is under the age of 18. We also refer to these as "our learners"

We also work with adults either as clients of our services or as members of family units. Some of these adults may from time to time also be subject to actions or behaviour by others either in the family or the community that can cause them harm of some kind. For the purpose of this document these individuals are defined as "vulnerable adults".

5. Policy Statement

We aim to provide a learning environment free from harassment and bullying and in which the dignity of all is respected. This policy links to the Equal Opportunities and Diversity Policy and all legislation related to harassment and bullying. Staff are required to implement policies and procedures designed to eradicate harassment and bullying and carry out tasks and duties with a positive attitude towards equality of opportunity. We value our clients and colleagues and treat others with respect and integrity recognising that enjoyable learning is the most effective learning.

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6. Definitions of Bullying and Harassment

Bullying

Is a form of offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment

Is a form of 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.

Homophobic Bullying and language

Is a form of bullying that is motivated by prejudice against lesbian, gay or bisexual (LGB) people. LGB people can experience bullying and harassment specifically intended to demean them because of their sexual orientation or perceived sexual orientation. Bullying and harassment of this sort can be highly personal, and people often find it difficult to report the problem. If unchallenged it can have severe negative consequences.

Harassment by Others

Is a form of harassment that applies to age, disability, gender reassignment, race, religion and belief, sex and sexual orientation.

This type of harassment makes an employer potentially liable for harassment by a third person (people who are not employed by the company). There may be liability if an employer is aware harassment has taken place and there have been no reasonable steps to prevent it from happening again.

The Company will view unacceptable behaviour as:

- spreading malicious rumours, or insulting someone
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking
- for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and/or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.
- *This list is by no means exhaustive*

Bullying and harassment are not necessarily face to face, they may be by written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), electronic email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

7. Company Responsibilities

- Managers, supervisors and coordinators have a duty to implement this policy and to make every effort to ensure that harassment does not occur, particularly in work areas for which they are responsible.

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- Managers, supervisors and coordinators have responsibility for seeking to resolve any incidents of bullying or harassment of which they are aware or ought to be aware. If bullying or harassment does occur, they must effectively deal with the situation.
- Where harassment arises from people not directly employed by the Company e.g. customers or clients, such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.
- Managers, supervisors and coordinators must ensure that they afford fair and unbiased treatment to anyone who has been accused of bullying or harassment, at all stages of the investigation.

They must:

- (i) Explain the Company policy to their staff and take steps to promote the policy.
- (ii) Ensure that staff including supervisors of learners, know how to raise bullying or harassment problems.
- (iii) Set a good example by treating all staff, learners and visitors with dignity and respect.
- (iv) Be responsive and supportive to any member of staff who makes an allegation of bullying or harassment.
- (v) Be alert to unacceptable behaviour and take appropriate action where an allegation is established.
- (vi) Ensure that any staff that have contact with learners have a responsibility to be aware of incidents of bullying or harassment and take appropriate action.

8. Individual Responsibilities

- Employees have a responsibility to carry out their duties to meet objectives in a professional manner and according to agreed procedures and standards.
- Bullying or harassment are not acceptable tools for a line manager to deal with under performance.
- All employees and learners have a responsibility to help ensure a working environment in which the dignity of employees and learners is respected.
- Everyone must comply with this policy and employees and learners should ensure that their behaviour to colleagues, learners and visitors to the Company does not cause offence and could not in any way be considered to be bullying or harassment.
- Employees and learners should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues or students who suffer such treatment and are considering making a complaint. Anyone aware of or being subjected to bullying or harassment is encouraged to follow '*Guidelines for Redress of Complaints of Harassment or Bullying*' page 5.
- Employees and learners have a responsibility towards one another and if they witness an incident of bullying or harassment they may be required to give a statement and to be interviewed in the course of an investigation.

9. Fictitious or Malicious Allegations

If the outcome of an investigation indicates that a facetious or malicious allegation has been made against a member of staff or student, this may result in disciplinary action being taken against the complainant.

The Company has a duty of care to safeguard the mental and physical well-being of its staff. If a member of staff appears to be at immediate risk because of alleged bullying or harassment the Company may have an obligation to investigate even if a formal complaint has not been lodged. This will be done within the procedures outlined in this policy.

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Guidelines for Redress of Complaints of Harassment or Bullying Staff or Learners

A member of Staff **or** Learner has what they believe to be a legitimate bullying and/or harassment complaint. Complaints should be reported as soon as possible after the alleged act so the matter can be dealt with swiftly and decisively.



Informal - The complainant is encouraged to approach the alleged bully/harasser making it clear that the behaviour in question is offensive, is not welcome and should be stopped (it is recommended a witness is present and a record is kept).

Formal – It is appropriate to make a formal complaint if the complainant feels the bullying or harassment is serious and the informal route would be inappropriate, or if the bullying harassment continues after the informal procedure has been used.
If the complainant is not comfortable dealing directly with the situation they should discuss the matter with a Programme/Line Manager who will speak to the alleged bully/harasser on the complainants behalf (it is recommended a record is kept).



Staff - If the informal direct approach fails and/or the complainant wishes to make a **formal complaint straight away** the complainant must follow the Company Grievance procedure.

Learner - If the informal direct approach fails and/or the complainant wishes to make a **formal complaint straight away** the complainant must follow the Learner complaint procedure.

Guidelines for Redress of Complaints of Harassment or Bullying Nature Involving a Learner and a Member of Staff

A member of Staff **or** Learner has what they believe to be a legitimate bullying and/or harassment complaint. Complaints should be reported as soon as possible after the alleged act so the matter can be dealt with swiftly and decisively.



It is policy that any cause for complaint involving a learner and member of staff is to be dealt with in the presence of the Equal Opportunities Advisor (EOA).

Informal - The complainant is encouraged to approach the alleged bully/harasser making it clear that the behaviour in question is offensive, is not welcome and should be stopped (it is recommended a witness is present and a record is kept).

Formal – It is appropriate to make a formal complaint if the complainant feels the bullying or harassment is serious and the informal route would be inappropriate, or if the bullying harassment continues after the informal procedure has been used.
If the complainant is not comfortable dealing directly with the situation they should discuss the matter with the Equal Opportunities Advisor (EOA) who will speak to the alleged bully/harasser on the complainants behalf (it is recommended a record is kept).



Staff - If the informal direct approach fails and/or the complainant wishes to make a **formal complaint straight away** the complainant must follow the Company Grievance procedure.

Learner - If the informal direct approach fails and/or the complainant wishes to make a **formal complaint straight away** the complainant must follow the Learner complaint procedure.

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