

Harassment and Bullying Policy v2

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Version	Page No.	Paragraph / Bullet	Changes
Version 2	1		Debbie Gardiner MBE change of jo title.

Signed:



Printed Name:

Debbie Gardiner MBE

Job Title:

Managing Director

Date:

4th June 2023

Introduction

Learn Plus Us (LPU) is committed to creating a working environment in which individuals are valued for their contribution and can develop to their full potential.

Harassment and bullying are unacceptable and can have a significant effect upon the wellbeing, engagement and motivation of an individual. LPU therefore aims to:

- Create a climate free from harassment and bullying
- Ensure all employees feel confident to raise concerns of this nature
- Provide a clearly defined procedure to support the effective resolution of complaints, in a timely and sensitive manner

Principles

- All employees, freelancers and contractors have the right to be treated with dignity and respect at work
- Harassment and bullying of any kind will not be tolerated
- Employees, freelancers, and contractors should always act in a professional manner
- Employees, freelancers, and contractors should bring to the attention of management, any incidents of harassment or bullying *towards* other team members, learners, clients, or suppliers that they have witnessed or experienced
- Employees, freelancers, and contractors should bring to the attention of management any incidents of bullying or harassment *by* visitors such as learners, clients or suppliers, in order that these may be investigated

Harassment and bullying are regarded as serious misconduct under our disciplinary policy and may result in disciplinary action up to and including dismissal. In serious cases, LPU may also report the incident to the police.

This policy covers all individuals working for LPU and covers harassment and bullying which occurs both in the workplace itself and in settings outside of the workplace such as business trips, events or social functions organised for or on behalf of LPU on or off our premises.

If an employee raises a complaint during a disciplinary procedure (including performance or absence issues) and the subject matter of the complaint is closely connected to the issues arising in the context of that procedure, LPU reserve the right to consider the matters raised within the context of that policy rather than as a separate grievance.

Information shared or obtained during the handling of a complaint will be treated sensitively. The question of maintaining information in confidence will be discussed with all those involved, but it is important to recognise that certain types of information will have to be shared within LPU in order to help the decision-making or remedy for the person making the complaint or any appropriate disciplinary action against the person responding.

It is important that those making complaints do so in the honest and genuine belief that they are being bullied or harassed. Any employee who is found to have made a complaint in 'bad faith' e.g. for the purpose of damaging the reputation/career of another individual, may be subject to disciplinary action.

Relevant Legislation & Related Policies

Our approach to harassment and bullying is compliant with the following legislation:

- Employment Act 2002
- Equality Act 2010
- Healthy and Safety at Work Act 1974
- Equal Pay Act 1970
- Fixed-term Employees Regulations 2002
- Rehabilitation of Offenders Act 1974

It is further supported by the following LPU policies and procedures:

- Grievance Policy
- Disciplinary Policy
- Equality, Diversity and Inclusion Policy
- Safeguarding and Prevent Policy

Responsibilities

This policy applies to all LPU employees, learners and clients. For the purpose of this policy, the following definitions outline who is included: any worker whether permanent, fixed term or temporary, consultants, contractors, trainees, seconded employees, casual and agency workers, volunteers, interns, agents, sponsors or any other person associated with us in any location.

All Employees:

- Attempt to resolve any issues informally through local management
- Make it clear that the issue is being raised under the terms of the harassment and bullying policy
- Adhere to the guidelines within this policy
- Provide a full explanation of the complaint

Line Managers:

- Attempt to resolve any issues informally before formal procedures are invoked
- Assess the issues without prejudice to the outcome or the individual
- Respond to any issues raised within the timescales specified
- Outline clearly the rationale for the decision reached in relation to the issue raised
- Provide documentation of any decision made.

Definitions

Harassment and bullying are terms used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment is unwanted conduct affecting the dignity of people in the workplace. It may be related to a protected characteristic such as age, sex, race, disability, religion, sexual orientation, nationality, or any other personal characteristic of the individual and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious, or it may insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Third party harassment, which could include harassment from learners, clients, or suppliers, may be characterised as unwanted conduct. It may be related to a relevant protected characteristic which has the purpose or effect of violating any individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Examples

Examples of bullying or harassing behaviour include but is not limited to:

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race sex, disability, sexual orientation and religion/belief, gender reassignment or pregnancy/maternity)
- 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
- Excluding someone from meetings or discussions that they should be involved in
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, displaying 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 constantly criticising
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Harassment and bullying are not necessarily face to face. They may also occur in written communications, email, phone or chat groups and electronic supervision methods such as computer recording of work performance against targets if these are not applied to all workers.

Examples of what harassment and bullying are **not**:

- Legitimate management and review of a colleague who is under performing
- Reasonable pressure an employee may experience in relation to meeting deadlines and targets
- Reasonable and sympathetic contact with an employee who is off sick
- Reasonable management or instructions delivered under business pressure

Impact

Research shows that harassment and bullying have significant detrimental impacts to the mental health, physical health and the workplace productivity of impacted individuals.

Prolonged bullying has been linked to panic attacks, depression, stress breakdown, poor concentration, insecurity, and compromised memory. Victims may become irritable, obsessive, hyper-vigilant or overly sensitive. They may also experience mood swings, indecision, or a loss of humour.

The World Health Organisation has found that bullying causes a lowered resistance to things such as colds, coughs, flu, and fever. Other reported symptoms include high blood pressure, migraine headaches, pains in the back and chest, hormone disturbances, physical numbness, irritable bowel syndrome, thyroid problems, skin irritations, ulcers, and a greater risk of cardiac disease.

Stress, loss of self-confidence and self-esteem caused by harassment or bullying can then also lead to job insecurity, lowered performance, absence from work, and even resignation.

Almost always job performance is affected and relationships in the workplace suffer.

Process

Complaints relating to harassment and bullying can be raised via the grievance procedure.

An employee, freelancer or contractor who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk and should instead, inform their line manager or the HR department who will address the situation.

An employee, freelancer or contractor who is subjected to bullying or harassment by a third party and has been trained on how to deal with such bullying or harassment may resolve the matter themselves or immediately report it to his or her line manager or the HR department.

An employee, freelancer or contractor should take the following steps if he or she chooses to resolve the matter by his or herself.

- 1) Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of LPU colleagues by a third party will not be tolerated
- 2) If the third party does not stop the bullying or harassment, repeat step 1 and warn them that action will be taken against them if the bullying or harassment continues
- 3) If the third party does not stop the bullying or harassment, immediately report the incident to their line manager or the HR department

The complaint will be investigated immediately and in some cases the bully or harasser may be placed on Garden Leave or if they aren't an employee they may be asked to leave LPU premises and not return.