

BULLYING AND HARASSMENT POLICY

Pier Training is committed to ensuring all our employees and apprentices are able to study or work in an environment that is free from discrimination, harassment or victimisation. We are committed to treating all staff, apprentices and stakeholders fairly and equitably.

Pier Training will seek to eliminate any form of bullying and harassment by creating a working and learning environment based on positive relations, equality of opportunity, inclusion and diversity. The Equality and Diversity Policy sets out our responsibilities and objectives. This policy is also supported by our Safeguarding Policy.

The Company has a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Key Principles

The Company will provide and sustain a safe work and learning environment in which everyone is treated fairly and with respect. Those working or dealing with the company must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness, or which comes to their attention. Employees have a responsibility to act as role models proactively addressing instances of bullying and harassment.

We all have a responsibility to ensure that children, young people and adults at risk are protected from harm, informed about potential risks to their welfare, and understand how to seek help. We ensure all concerns are dealt with timely and appropriately. We also have a responsibility to minimise the risk of allegations against employees/apprentices.

Harassment

Harassment is unwanted behaviour which you find offensive, or which makes you feel intimidated or humiliated. It can happen on its own or alongside other forms of discrimination.

Harassment may be defined as any conduct which is:

- unwanted by the recipient
- is considered to be objectionable
- causes humiliation, offence, distress or other detrimental effects

Harassment is unlawful discrimination under the Equality Act 2010 if it is because of or connected to one of the following **protected characteristics**:

- age

- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion or isolation from social activities.

Sexual Harassment

Sexual harassment can occur through a group of peers or young people sexually assaulting or sexually harassing a single individual or group. It can occur online and face to face (both physically and verbally) and are never acceptable. Pier Training is committed to addressing inappropriate behaviour and we understand that intervention can help prevent problematic, abusive and/or harmful behaviour in the future.

Sexual harassment can include:

- sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names
- sexual “jokes” or taunting
- physical behaviour, such as deliberately brushing against someone, interfering with someone’s clothes
- online sexual harassment, such as consensual and non-consensual sharing of nude and semi-nude images, upskirting, sexualised online bullying, unwanted sexual comments and messages, sexual exploitation

Sexting between adults is legal. However, it is against the law to send a nude or any kind of sexual image or video to someone under 18.

Harmful sexual behaviour is:

- contact and non-contact behaviours
- online and offline behaviours including technology-assisted behaviours
- group/gang and peer-influenced behaviours

Harmful sexual behaviours are therefore defined as:

“Sexual behaviours expressed by children and young people under the age of 18 that are developmentally inappropriate, may be harmful towards self or others, or be abusive towards another child, young person or adult.”

Bullying

Bullying is defined as the repetitive, intentional hurting of one person or group by another person or group, where the relationship involves an imbalance of power. It can happen face to face or online.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour, which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- **Physical** – conduct which is abusive or threatening such as pushing, poking, kicking, hitting, biting, pinching etc.
- **Verbal** – name-calling, shouting, sarcasm, spreading rumours, threats, teasing, belittling.
- **Emotional** – conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues or peer group, isolating others, tormenting, threatening gestures, ridicule, manipulation and coercion.
- **Sexual** – unwanted physical contact, inappropriate touching, abusive comments, homophobic abuse, exposure to inappropriate films etc.
- **Online /Cyber** – posting on social media, sharing photos, sending nasty text messages, social exclusion, bullying via e-mail.
- **Indirect** – can include the exploitation of individuals, such as:
 - Consistently undermining someone and their ability to do the job.
 - Setting unrealistic targets or excessive workloads.
 - Setting an individual up to fail e.g., by giving inadequate instructions or unreasonable deadlines.

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Any employee or apprentice who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager if they feel able to do so. Should the issues not be resolved at this stage, or the individual feels unable to raise the issue informally, then a formal resolution will be sought.

If the apprentice has a concern over their personal welfare and wellbeing, the tutor will listen and record all information given, making no judgement or assumptions. The tutor will take any actions required to secure the immediate safety of the child or adult at risk if deemed appropriate.

If the tutor feels the apprentice's safety and wellbeing are at risk and the apprentice does not give consent for the matter to be escalated, then the tutor will escalate the matter only when they believe that the matter would deteriorate if additional support were not sourced.

The tutor will always consider the wishes of the individual, even those aged under 18. They will speak with the designated safeguarding officer if they are unsure. They will then decide the appropriate course of action, and if a referral outside the organisation is appropriate.

When a complaint of harassment or bullying is brought to the attention of a manager or tutor that involves employees at Pier Training at any level, whether informally or formally, prompt action will be taken to investigate the matter. Corrective action will be taken where appropriate, and this may require an investigation under the company's **Disciplinary Policy** and/or **Safeguarding Policy**.

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

Resolution Procedure

The designated safeguarding lead will take the necessary steps as set out in our safeguarding policy in particular for any incidents which relate to the abuse of a child or young person.

The response will be decided using our continuum of responses as set out below:

- Green: **Developmentally typical behaviours** – this could be an opportunity to positively reinforce healthy behaviours and to provide further information and support
- Amber: **Problematic behaviours** – signal the need to take notice and gather information in order to consider an appropriate action
- Red: **Harmful behaviours** – indicate a need for immediate intervention and carefully considered actions

Informal Resolution

Individuals are not always aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague or peer could be asked to speak to the alleged harasser on the complainant's behalf. A record will be made of the action taken and the matter notified to the line manager or designated safeguarding officer.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised.

- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation.
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important.
- Agree the aspects of behaviour that will change.
- Review their general conduct/behaviour at work and with workplace colleagues.

Formal Resolution

If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent the use of the informal procedure, then the individual will be advised to raise it formally.

The individual can submit the complaint in writing to their line manager or the Managing Director.

When we deal with a complaint of harassment under the formal resolution procedure, the following steps are taken:

- Full details of the incidents are taken in writing from the complainant and their representative (if appropriate).
- Full details are taken from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour.
- The alleged harasser will be informed of the complaints against him/her. The alleged harasser will be advised to seek representation and they will be invited to a meeting so that they can comment on the allegations against them.
- All parties will be kept informed of expected timescales.
- All parties will be informed in writing of the outcome and any action that may be required.

If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with the established disciplinary procedure).

Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be considered:

- The complainant will be required to attend the disciplinary hearing as a witness unless there are exceptional circumstances which prevent them from doing so.
- If the complainant is required to attend the hearing, they are entitled to be accompanied by either a Trade Union representative or work colleague.

If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:

- Dismissal
- A formal warning

- A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment
- Implementation of other sanctions as detailed in the company's disciplinary policy

In addition to the above, the harasser may be required to attend any training courses as deemed necessary.

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to disciplinary proceedings as outlined in the company's disciplinary policy.

Appeals

Appeals against decisions taken under the Bullying and Harassment Policy shall be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with by the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with by the appeal process in the Grievance Policy.

Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- Following a formal investigation, where the complaint is not substantiated, no records will be retained.
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file.
- Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the disciplinary procedure.

POLICY REVIEW

How will this policy be reviewed?

The Operations and Commercial Manager (OCM) is responsible for the implementation and review of this policy. This review is completed annually or when considered necessary. The date of review is recorded in the policy review table of the document and includes the date of the next required review. This enables the OCM to easily track when the last review was completed ensuring the policy is relevant and up to date.

Following the annual review, the senior management team (SMT) read the policy, make any suggestions for amendments and then it is finally approved by the Managing Director.

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