

Bullying and harassment policy

DHA is committed to providing a learning and working environment for all learners and staff that is comfortable and free from all forms of bullying and harassment.

There is no single definition of bullying, but for the purposes of this policy it is defined as 'unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, or injure the recipient. It is generally repeated behaviour that is intended to hurt someone either emotionally or physically.

Behaviour that falls within the definition of bullying may include one a combination of the following. This list is not exhaustive:

- Shouting or screaming at an individual
- Persistently 'singling out' an individual
- Deliberately excluding, isolating or ignoring an individual
- Spreading rumours and gossip, humiliating someone in front of others, or targeted ridicule
- Physically hurting someone
- Cyber bullying – Social Media, messaging apps, trolling

Harassment is defined as unwanted conduct related to a protected characteristic which has the purpose of violating a person's dignity or creating an intimidating, hostile, humiliating or offensive environment for them.

Under this definition, which derives from equality legislation, harassment is seen to be directed at a person's 'protected characteristics'

- Age
- Disability (covering physical disabilities, specific learning difficulties and mental health conditions)
- Gender reassignment
- Race
- Religion or belief (including lack of belief)
- Sex (including sexual harassment)
- Sexual orientation

Harassment can be communicated verbally, physically, or expressed through other means of communication, such as letters, emails and text messages. It may be expressed directly to the individual, occur in their presence or be communicated about them to a third party. In most cases, harassment is targeted at a particular individual. Not all harassment need necessarily be directed to an individual however, certain situations, such as the telling of racist jokes or making homophobic comments, could also constitute harassment.

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Behaviour amounting to harassment may include one a combination of the following. This list is not exhaustive:

- Insults
- Name-calling
- Inappropriate jokes
- Inappropriate physical contact
- Threats of physical assault
- Physical assault
- Coercive behaviour
- Unwelcome sexual advances
- Offensive images
- Stalking

Sexual harassment is unlawful under the Equality Act 2010 (the Act). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour. Under the Act sexual harassment is defined as occurring when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, or offensive environment for them.

Sexual harassment may include one a combination of the following. This list is not exhaustive:

- Sexual comments
- Jokes or name calling
- Displaying sexually graphic pictures or photos
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications
- Coercion

An individual can experience sexual harassment from someone of the same or different sex, and the recipient of the behaviour decides whether or not it is unwanted. Sexual conduct that has been welcomed in the past can become unwanted.

For learners experiencing bullying and harassment in the workplace, they should refer to and follow their bullying and harassment policies at work.

DHA operates a zero-tolerance approach towards bullying and harassment and any learner who is found to have bullied or harassed another individual will be subject to disciplinary action.

Any member of staff who is found to have bullied or harassed another individual will be subject to disciplinary action under the DHA Disciplinary Procedure.

All learners and staff are expected to uphold the principles of this policy and to support and promote a bullying and harassment-free learning and working environment. The procedure set out in this policy is to be followed by apprentices who wish to take informal or formal action against bullying and/or harassment against other learners or members of staff.

If a learner alleges they are the victim of a criminal offence, DHA recommends that the alleged incident be reported to the police and strongly advises that they also inform them via their Trainer or safeguarding lead. If a learner chooses not to report an allegation of criminal activity to the police, DHA will consider doing so where the safety of apprentices or staff may be at risk.

Where an allegation of bullying or harassment is found to have been made maliciously and there is evidence to substantiate this, disciplinary action may be taken against the complainant.

If a learner believes they are being subjected to bullying and/or harassment it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance.

In all circumstances it is recommended that a learner who believes they are being subjected to bullying and/or harassment makes a written record of the incident of bullying and/or harassment as soon as possible after an incident occurs.

Learners who want information about their concerns to be kept confidential must make this clear to the person they speak to, including their employer. Learners must be aware that in some circumstances it may not be possible for the information to remain confidential, for example where a criminal offence or safeguarding risk has been disclosed and investigation by a third party requires disclosure of information.

The Designated Safeguarding Lead will share statistical information relating to learner bullying and/or harassment cases on a quarterly basis to the Governance panel.