BULLYING AND HARASSMENT POLICY
Policy Statement

At PBD, we do not tolerate any form of harassment or bullying under any circumstances. We respect the rights of all of our employees, students, customers and other individuals with whom we have a relationship. We aim to treat all individuals with respect and condemn any behaviour that undermines this aim.

We expect all employees to implement and uphold this policy, ensuring that harassment or bullying does not occur. Contained within this policy are the details of what we consider to be unacceptable behaviour and our procedure for how we remedy the situation for victims of bullying or harassment. All work-related functions are included in this policy.

Communication

Staff will be informed of this policy during induction training and periodically throughout employment during training to ensure that all staff know how to seek advice and guidance, thoroughly understand PBD’s commitment to preventing harassment and bullying and how their role is fundamental to this. Staff also needs to know how to make complaints and be assured that these will be dealt with professionally, effectively and with compassion.

Students will also be made aware of our policies during their sign up appointment and induction to programme.

Associated Policies

This policy should be read in conjunction with the following policies:

- Equality & Diversity
- E-Safety
- Code of Conduct
- Complaints & Compliments
- Disciplinary Procedures
- Safeguarding

Definitions

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.

Unwanted behaviour could be:

- spoken or written words or abuse
- offensive emails, tweets or comments on social networking sites
- images and graffiti
- physical gestures
- facial expressions
- jokes

You don’t need to have previously objected to something for it to be unwanted (Citizens Advice, 2019).
It is important to remember that what is deemed acceptable behaviour for one individual may not be acceptable to another. Harassment is usually more than one incident of unacceptable behaviour however this may not be the case if a single incident is sufficiently serious.

Harassment is unlawful under the Equality Act 2010 and Protection from Harassment Act 1997 – organisations, managers and individuals can be held liable if they fail to take steps to prevent harassment. Organisations are also liable for harassment by a third party e.g. a customer or supplier, if that harassment occurs on more than one occasion, the organisation is aware it has happened and does nothing to stop it happening again.

Bullying

There is no legal definition of bullying. But it is usually defined as repeated behaviour which is intended to hurt someone either emotionally or physically, and is often aimed at certain people because of their race, religion, gender or sexual orientation or any other aspect such as appearance or disability.

Bullying can take many forms including:

- physical assault
- teasing
- making threats
- name calling
- cyber bullying (Bullying UK, 2019)

Within the workplace, this may also translate as persistent criticism, shouting or swearing at people, deliberately ignoring or excluding people or the spreading of rumours. There are also more subtle forms of bullying such as deliberately supplying incorrect information, deliberately sabotaging or impeding work performance, imposing impossible deadlines, removing areas of responsibility and withholding information.

The key consideration is the distress that these actions may cause the individual on the receiving end of such behaviour. It is the perception of the victim which determines if a behaviour or action is considered bullying.

The impact of harassment and bullying is damaging to not only the individual involved but also PBD as it can lead to illness, poor performance or resignation. The wider impact can also be felt in terms of poor morale, cost of labour turnover and reduced productivity and poor quality of training for the student.

Procedure

Any harassment or bullying perpetrated by staff will be classed as gross misconduct, potentially leading to dismissal.

If a student or customer is found to be bullying or harassing other individuals (including staff members), the Training Director will discuss the situation with the training assessor responsible for that student and any other interested parties (e.g. their employer, if an apprentice) and appropriate action will be agreed. The possible actions PBD may take involve dismissal or suspension from the programme or a transfer to a different provider.

Initial Action

PBD operates an open door policy which invites employees and customers to discuss any issues with management on an informal basis. It may be the case that a victim of bullying or harassment may
want to discuss their situation before deciding on their course of action and PBD welcomes this approach.

Management will:

- listen sympathetically;
- ensure the conversation remains confidential as far as possible;
- help the individual to objectively consider what has happened;
- discuss the desired outcome of the individual;
- point individuals in the direction of appropriate policies, procedures and legal obligations;
- remain impartial whilst discussing different approaches to resolution;
- give help when asked

It is for the individual involved to decide what action to take to address a problem that has occurred. However, if an employee or customer decides not to take any action to deal with the issue disclosed, management reserve the right to investigate the circumstances (if deemed appropriate) as part of our duty of care to employees and customers.

Informal Action

Individuals may choose to solve the matter by approaching the other individual involved and explaining that their behaviour is unwelcome and it shouldn’t continue, and if it does continue that formal action will be taken. This can be done in person, over the phone or in writing, whichever medium the individual feels most comfortable with.

If an individual would like support in raising the issue directly with the person creating the problem, support can be sought through a third party who can accompany them when speaking to the perpetrator.

Formal Action

Where the above informal actions do not resolve the issue, or serious harassment or bullying takes place, a formal complaint should be made. Legal action may also be considered, at which point independent advice should be sought by the individual.

Employees:

To make a formal complaint, employees should contact the Training Director or Operations Director where they will discuss the issue formally with them. A written account will also be requested. Employees and witnesses will not be victimised, ridiculed or disadvantaged in any way for making, or assisting in making, a complaint (whether upheld or not) as long as the complaint has been made in good faith. If the complaint is upheld, the matter will be dealt with by the Company Directors and a disciplinary hearing will be held with the perpetrator as per our disciplinary procedure.

If an employee does not feel able to continue working in close proximity with the individual in question during an investigation or following the outcome of disciplinary proceedings, PBD will accept a request from either party to adjust their working situation, however this cannot always be guaranteed.

Customers:

You should raise a formal complaint using PBD’s Complaints and Compliments Procedure. All complaints will be investigated quickly, confidentially and with discretion whilst ensuring the rights
of all involved are protected. All parties involved will be required to maintain confidentiality and failure to meet this requirement will be a disciplinary matter.

**Monitoring**
Following on from any formal action, where the perpetrator remains in employment, management will ensure that they regularly check in with the victim to ensure the behaviour has stopped and there has been no victimisation or retaliation against the victim or the perpetrator.

**Malicious Complaints**
Where a complaint is found to be entirely false and has not been brought in good faith, the complainant will be subject to PBD’s disciplinary procedure. This will also apply to any witnesses who have attempted to mislead PBD during its investigations.

**Responsibilities**
Every employee at PBD is responsible for acting in accordance with this policy, treating their learners, customers and colleagues with respect and challenging any bullying or harassing behaviour that they see and bringing it to the attention of management.

Managers’ responsibilities include:
Managers must ensure all staff have a good understanding of the bullying and harassment policy, know how to implement it and communicate with learners about what to do if they experience bullying or harassment. They should also take positive action to prevent harassment, ensure an appropriate, consistent and timely response to any complaints and encourage any incidents to be reported.

**Monitoring & Review**
This policy will be reviewed by the Operations Director to ensure it is up to date and compliant with all current legislative requirements. They will evaluate if it is still fit for purpose, adapt it to include any additions of best practice and ensure it is achieving its aims. External governance will also provide feedback for improvement if required.