

## **Anti-Bullying and Harassment Policy**

Datalaw is committed to providing a safe, supportive, healthy and secure environment for apprentices and staff.

Datalaw is committed to eliminating all forms of intimidation, harassment or bullying. This applies to harassment and bullying on the grounds of gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, belief, marital status, social or any other personal characteristic.

Any incident of bullying or harassment will be regarded very seriously and may be grounds for disciplinary action.

This policy is intended to provide a framework, which will assist in the prevention of bullying and harassment and provide guidance as to what action should be taken if such incidences occur.

### **Purpose**

The purpose of this policy is to:

- Promote a culture where everyone is responsible for creating a safe and positive learning environment free of bullying, threat, harassment and intimidation where teaching and learning can take place.
- Implement a procedure which provides a way to respond promptly and fairly to allegations of bullying, threat, harassment and intimidation.
- Allow for complaints to be properly considered and for conclusions to be reached.

### **Implementation**

All staff, apprentices, employers and subcontractors have a responsibility to recognise bullying and harassment and take the appropriate action in accordance with this policy immediately they become aware of any such behaviour. A list of examples and definitions of what may be considered bullying & harassment are listed below for guidance and practical purposes. Datalaw will conduct an immediate investigation into any claim of unfair treatment reported by staff members or apprentices.

## **Recognising Bullying and Harassment**

Bullying may appear as:

- Offensive, intimidating, malicious or offensive behaviour
- Abuse, or misuse of power which is meant to humiliate, undermine, degrade or injure the victim

Harassment may appear as:

- Unwanted conduct, affecting the dignity of men and women in the workplace in relation to: Race, age, sex, disability religion, nationality or one of the protected characteristics under the Equality Act 2010

The person on the receiving end of such actions or comments will undoubtedly report them as degrading or unacceptable.

## **Definitions**

For the purposes of this policy, the term 'bullying' will include the following definitions which are not exhaustive:

### **Bullying**

Bullying is treating someone differently because of who they are, not because of anything they have done. It is the persecution of an individual by another person or group of people. Bullying is the willful conscious desire to hurt, intimidate threaten or frighten someone else. Bullying involves dominance by one person or another, or group of others. Examples would include but are not limited to:

- Peer on peer abuse.
- Intimidation or threatening behavior
- Physical abuse e.g. punching, kicking, hitting, pushing, violent threats
- Verbal abuse e.g. shouting at, insulting, name calling, sarcasm, spreading rumours, persistent teasing
- Emotional abuse e.g. tormenting, threatening, ridicule, humiliation, exclusion from groups

### **Harassment**

Harassment is any conduct that is unwanted by the recipient or any conduct which affects the dignity of any individual or group of individuals, including cases where the recipient is not offended or not present. Harassment may be repetitive or an isolated occurrence against one or more

individuals. Harassment can be physical or nonphysical, verbal or nonverbal. It can include disability, race and religion, gender, age and sexual harassment.

### **Cyberbullying**

Cyberbullying is the use of information and communications technology particularly mobile phones and the internet to deliberately upset someone else. It can take many forms such as threats and intimidation, harassment or cyber stalking, sexting, defamation, exclusion or peer rejection, impersonation, unauthorised publication of private information or images.

### **Work Placement bullying**

Any of the above definitions of bullying that occur in a work placement setting and are caused by the employer or any of their staff.

### **Hate Crime**

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property.

A victim does not have to be a member of the group at which the hostility is targeted. In fact, anyone could be a victim of a hate crime. Examples are identified below.

- **Disability bullying:** Conduct based on disability affecting the dignity of individuals. It includes comments and "jokes" which are deliberate and unwelcome. Threats, abuse, mockery, together with any other form of assault are more manifestations of the same problem.
- **Homophobic bullying:** Homophobic bullying targets someone because of someone's sexual orientation (or perceived sexual orientation).
- **Racist and religious bullying:** Racist and religious bullying can be defined as a range of hurtful behavior both physical and psychological that makes a person feel unwelcome, marginalized, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status.
- **Sexual, sexist and transphobic bullying:** Sexual bullying includes any behavior physical or non-physical where sexuality is used as a weapon. It can be carried out to a person's face,



behind their back or by use of technology. Transphobic bullying refers to bullying because someone is, or is thought to be transgender.

Datalaw regards the following behaviours as totally unacceptable:

- Spreading malicious rumours or insulting staff/learners
- Sending / copying memos that are critical of a person
- Ridiculing or demeaning someone
- Picking on an individual or setting them up to fail
- Excluding an individual / group
- Treating an individual less favourably than another
- Overbearing supervision or misuse of power
- Unwelcome advances of a sexual nature – touching, standing too close
- Deliberately overloading competent workers and constantly criticising them
- Blocking promotion and training opportunities

### **Employer responsibilities (for apprenticeship students)**

Employers are responsible for preventing bullying and harassment and they are liable for any harassment suffered by their employees. Staff responsible for contracting with organisations and/or employers will ensure there are appropriate bullying and harassment policies in place. The policies must be accessible to and understood by the student.

### **Reporting Bullying and Harassment**

Any incident of bullying and harassment that is reported by a Datalaw member of staff or apprentice will be treated with the strictest confidence. Staff dealing with these matters will show empathy and respect and not be judgemental.

Datalaw will take the necessary measures to ensure the safety and well-being of the victim. Witnesses will also be treated fairly and respectfully and protected from victimisation.

Anyone wishing to report an incident of bullying or harassment can do so through the Apprenticeship Management Team.

## Action on Reported Harassment Incidents

On receiving an official complaint:

- Staff informed of such behaviour should first listen to the individual concerned and make such enquiries necessary to clarify exactly what has been happening.
- The staff member should make a written summary of events and bring the information to the attention of the Commercial Director. The investigation into the matter will take approximately 10 days.
- The alleged perpetrator will be notified in writing of the complaint against them and will be invited to an investigative meeting which will be chaired by a manager or member of the Board. They will be informed that disciplinary action may be taken against them.
- The relevant staff member should follow up and talk to all individuals concerned
  - Employers, mentors, line managers and parents should be involved as appropriate and with full agreement of the individual concerned.
- The apprentice should be fully supported by the relevant staff member until the situation has been brought to a satisfactory result and fully resolved.
  - The complainant will receive a written acknowledgement of the report and all details should be recorded and held on the apprentice's file.
- Records of investigations, disciplinary actions taken will be recorded on personnel files for up to 6 months.

On receiving an unofficial complaint – Process where the complainant discloses a matter but does not wish to make it official:

- A member of the Apprenticeship Management Team will discuss with the complainant the actions to be taken which may result in a series of informal 3-way meeting between complainant, alleged perpetrator and a facilitator. The purpose of the meeting will be to aim to resolve the bullying or harassment issue.
- As a result of the investigation and meeting, either the complainant or the alleged perpetrator may experience extreme stress. The manager or Board member should recommend stress counselling.

**Remember each employee /apprentice has the right to feel happy, safe and valued in the workplace.**

You are helping a bully by:

- Providing an audience

- Not supporting someone who is being bullied
- Passing on harassment notes
- Passing on rumours
- Laughing at a bully's actions

Positive action to help eradicate bullying:

- Take assertive action - Tell the bully how you feel
- Discuss it with a line manager, assessor, tutor, colleague or mentor
- Assess your own behaviour
- Avoid situations that lead to bullying
- Talk to a trusted person
- Keep a diary of events when incidents occur

### **Responsibility for Implementation of the Policy**

The Commercial Director is responsible for implementing and monitoring this Policy.

### **Monitoring and Quality Assurance**

This policy will be reviewed annually by the Commercial Director to assess its implementation and effectiveness. This is in line with statutory requirements.

### **Access to Policy Documentation, Advice and Support**

This policy is made available to all staff. It is also available to the public via the Apprenticeship Management Team.

The policy will be promoted and implemented throughout Datalaw without exception.