

Student Prevention of Bullying, Harassment, Sexual Misconduct and Hate Crime Policy

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1. Purpose

- 1.1. This policy is designed to ensure a safe, welcoming and inclusive environment for all members of Hugh Baird College (which includes those who encounter Hugh Baird College staff and students in the course of their work).
- 1.2. Bullying, harassment, sexual misconduct (which includes sexual harassment) and hate crimes are unacceptable behaviours and will not be tolerated.
- 1.3. These behaviours are contrary to the Equality Act 2010; the Protection from Harassment Act 1997; and the Workers Protection Act 2024, and to Hugh Baird College's values and mission.
- 1.4. The College is committed to ensuring all users of its services are providing a supportive, friendly, safe and positive learning environment in which bullying, harassment or hate crime is not acceptable.
- 1.5. All staff and ~~students~~ have the right to be treated with respect. No member of Hugh Baird College is expected to tolerate such unacceptable behaviour, whether by a member of staff, a student, or by a third party such as a supplier or visitor to the College; or a member of the public. This policy seeks to ensure that college members are protected from bullying, harassment, sexual misconduct and hate crime. Students have the right to disclose if they have experienced unacceptable behaviour whilst at college, the College commits to listening, signposting the most appropriate support and to take the necessary action.
- 1.6. Breaches of this policy by students will be investigated under the disciplinary procedure which may result in exclusion and/or referral to the police.

2. Scope

- 2.1. This Policy applies to bullying, harassment, sexual misconduct and hate crime that is committed or is alleged to have been committed by staff, students, appointee or third parties. An appointee or third party is someone engaged by Hugh Baird College such as a volunteer, agency worker or contractor.
- 2.2. Students may (and are encouraged to) raise concerns of bullying, harassment, or sexual misconduct (including sexual harassment) and hate crime under this Policy
- 2.3. The alleged misconduct may have occurred:
 - On or off college property.
 - Via college ICT Systems
 - Online whether via email, the internet or social media.

3. Definitions

Abuse of power

An abuse of power is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, pressuring to engage in misconduct, bullying and harassment.

Abuse of power may also occur in the context of a close personal or professional relationship.

The above behaviours may be expressed in person, in writing and/or by electronic means.

Bullying

According to ACAS guidance, bullying is intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct.

Consent

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

- Freedom to consent: a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:
 - they are being threatened with violence (by the perpetrator and/or by someone else)
 - they are being threatened with humiliation
 - they believe that the continuation or assessment of their progression or advancement of their career, will be at risk if they refused
 - they are being blackmailed
 - there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

- Capacity to consent: Capacity is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have capacity to give consent if:
 - they are drunk or under the influence of drugs- this means someone may still be physically able to have sex but they may not be able to consent;
 - they are asleep or unconscious;
 - a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

Discrimination

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably based on a protected characteristic. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

Grooming

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Harassment under the [Equality Act 2010](#)

Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal.

Reporting

Reporting is the sharing of information with a staff member of the College regarding an incident of bullying, harassment or sexual misconduct or hate crime experienced by that individual for the purposes of initiating the investigation process set out in this Policy (different from *Disclosure*).

Sexual misconduct

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include sexual harassment (as defined below); sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

Sexual Harassment

Sexual harassment occurs when someone is subjected to unwanted conduct of a sexual nature which has the purpose or effect of either violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A person can be sexually harassed by someone of the same or different sex. Sexual harassment can include, for example:

(a) unwanted physical conduct of a sexual nature, including touching, pinching, pushing and grabbing, invading personal space, groping, tugging or lifting someone's clothing, and more serious forms of sexual assault.

(b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome.

(c) sending or displaying material that is pornographic or that some people may reasonably find offensive (including emails, text messages, social media content, video clips and images sent by mobile phone or posted on the internet);

(d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); sexual jokes; remarks or comments about someone's body or appearance; sexual derogatory comments about women or men; innuendos; wolf whistling; or stalking.

This list of examples is not exhaustive.

A person can be sexually harassed even if they are not the intended target.

Third-party harassment

This occurs where a person is harassed or sexually harassed by someone who does not work for Hugh Baird College but with whom that person has come into contact during their employment. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting the premises, or where a person is visiting a supplier's premises or other location in the course of their employment.

Stalking

Following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

Victimisation

Treating someone less favourably because they have made a claim or complaint of discrimination, or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure. Where Hugh Baird College becomes aware of victimisation taking place, this may lead to disciplinary action including dismissal.

Hate Crime

The term 'Hate Crime' can be used to describe a range of criminal behavior where a person is motivated by hostility or demonstrates hostility towards a person because of their disability, race, religion, sexual orientation or transgender identity. These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. The perpetrator can also be a friend, carer or someone who knows the person well but who exploits their relationship with the individual for financial gain or for some other criminal purpose.

4. Key Points To Remember About Sexual Harassment

- Sexual harassment can be a one-off event; it doesn't need to be part of a series of ongoing events.
- Sexual interaction that is welcomed or invited is not sexual harassment because it is wanted. However, the recipient is in control of determining if the interaction is wanted or not.
- Sexual harassment does not have to be between a male and female, it can be a male and male or female and female.

5. Signs and Symptoms of Bullying, Harassment and Hate Crime

5.1. Signs and symptoms can include:

- becoming anxious or withdrawn
- crying
- nightmares
- poor attendance or performance at College
- being frightened of walking to or from College
- not wanting to go on the College / public bus
- change in usual routine
- possessions going missing
- stealing or asking for money as a result of threats or victimisation
- unexplained cuts or bruises
- becoming aggressive or unreasonable; unwillingness to allow people to express opinions in relation to religion, culture or values
- lacking in confidence
- bullying other students and siblings
- threatened or attempted suicide
- changes in eating patterns
- loss of motivation

6. Difference Between Bullying and Harassment

Bullying and harassment can be very difficult to distinguish between. It is often not the actions the perpetrator takes that define whether they are bullying or harassing. Harassment is when someone is targeted because of one of their characteristics. The Equality Act 2010 lists some protected characteristics, these are:

- Age
- Disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race,
- religion or belief
- sex
- sexual orientation

If someone is being targeted with inappropriate e-mails because they are disabled, this would be classed as harassment. However, bullying relates more to a person in general rather than one of their characteristics. So, if someone has fallen out with their friend and they are sending nasty texts, this would be bullying. They are not being targeted due to a personal characteristic but rather because of a friendship issue.

The actions taken in relation to bullying and harassment can be the same, so in both situations shouting and being abusive is an example of this type of behaviour. However, the reason why someone is being targeted provides the difference between the two. If someone is being shouted at and abused randomly because they aren't friends with someone, this is bullying. If they are being shouted at and abused because they are pregnant, this is harassment.

However, no matter the definition it is important to remember both bullying and harassment are unacceptable and should be reported to the college.

7. Roles and Responsibilities

7.1 The College is committed to preventing incidents of bullying, harassment or sexual misconduct (including sexual harassment) and hate crime where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. The College also commits to make available timely support for those who have been affected by such behaviours; and to provide prompt and equitable methods of investigation and resolution to stop bullying, harassment, sexual misconduct and hate crime, to remedy any harm, and to prevent its recurrence.

7.2 All staff and students have a responsibility to ensure a working and studying environment where everyone is treated with equal respect and dignity. Each member of staff is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct (including sexual

harassment) or hate crime through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

7.3 It is important that exemplary behaviour is demonstrated by staff and students. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being under-taken.

8 Informal Resolutions

8.1 A person affected by bullying, harassment, sexual misconduct or hate crime under this policy may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious. Students are encouraged to speak to their personal tutor or a member of Student Services.

8.2 The College recognises it is for the person affected to determine the preferred pathway for resolution, and that engaging in informal resolution is not a barrier to bringing a formal complaint at a later time. However, the College may be under a duty of care to investigate the behaviour

9 Formal Procedure

9.1 If the informal resolution has not worked or is not appropriate, students who feel they have experienced or witnessed bullying, harassment or sexual misconduct, hate crime should make a formal complaint by using the complaints process. A member of student services will be able to support with this.

9.2 Students who have experienced or witnessed bullying, harassment or sexual misconduct or hate crime by a third party, or a member of the public should discuss this with their progress coach. This may involve notifying third parties and using their complaints procedure or notifying the police when involving members of the public.

10 Police Proceedings

10.1 Where criminal investigations and/or judicial proceedings are ongoing or are likely to commence in respect of a disclosure or report, the College will usually continue its own investigation and any disciplinary action, subject to the circumstances of the case and police advice.

10.2 Where, following police advice or otherwise, the college decides not to undertake its own investigation until the case has concluded, Hugh Baird College reserve the right to review this decision and to initiate its own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.

10.2 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of the College's investigation and/or

disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, the college may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party.

11 Victimization

Hugh Baird College will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps.

12 False, bad faith or misleading complaints

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with the Disciplinary Policy and Procedure.

13 Inclusive Language

As a College Hugh Baird is mindful that the language used to describe identities can be used to galvanise inclusion and create a more welcoming environment. As such positive terminology is promoted within staff and student communities. Positive terminology covers everyone across college, every community and every protected characteristic. The college strives to be as inclusive as possible and to listen to all voices, as such please be mindful when using people's pronouns and when using their names. Within Hugh Baird College all choices are respected.

14 Monitoring

All incidents of bullying will be recorded centrally by the Executive Director of HR. The effectiveness of the Policy will be monitored by Safeguarding Committee on behalf of the Principalship on a regular basis, recommending changes where necessary.

15 Evaluation

Data from monitoring and feedback will be reviewed annually and used to update the policy if necessary. The Policy will be given high profile to ensure:

- prevention activities are regularly implemented as and when appropriate
- staff are more vigilant and responsive to bullying/harassment/hate crime
- fewer students report being bullied / harassed or being identified as victims of Hate Crime
- fewer students bully/ harass or victimise others
- less incidents recorded of bullying/harassment or hate crime

16 Inclusion Statement

Hugh Baird College is proud to promote an inclusive environment for all students regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation in accordance with the Equality Act 2010. As a college it is recognised that diversity of all forms should be celebrated. This is promoted to ensure all staff, students and stakeholders feel proud to explore and share their own identity.

Appendix 1- Example of Unacceptable Behaviours

Examples of unacceptable behaviour that are covered by this statement include (but are not limited to) the following:

- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Repeatedly or deliberately ignoring people who are waiting to contribute to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions.
- Deliberately excluding someone from meetings, communications or a social activity without a good reason.
- Abuse of power by blaming a team member if something has gone wrong, rather than taking personal responsibility.
- Deliberately creating an environment where a team member is side-lined or has their responsibilities limited or narrowed.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- “Grooming” behaviour, for example making someone feel special by buying them gifts, for example, then gradually manipulating them to carry out duties outside of their normal remit.
- Inappropriate and/or derogatory remarks about someone’s performance
- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault.
- Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking or belittling a person’s protected characteristic.
- Outing or threatening to out someone as gay, lesbian, bisexual or trans
- Speculating or gossiping about someone's perceived sexuality or gender identity, refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming').
- Practices which are potentially discriminatory and have the effect of excluding certain people. Examples may include regularly holding a meeting at a time or on a day that a part-time worker cannot make or arranging an away day with a physical activity which a wheelchair-user cannot access.
- Not providing equal development opportunities or promotional prospects to those in a team.
- Any unwanted sexual advances, sexual comments or comments about someone’s body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone’s clothing, or stalking.
- Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions.
- Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by college policy, such as flexible working, or requests for annual leave.
- Overtly or covertly recording colleagues in order to gather evidence that may be used against them.

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