



BILBOROUGH
SIXTH FORM COLLEGE

PROTECTION FOR STUDENTS FROM PEER ON PEER ABUSE (BULLYING AND HARASSMENT AT COLLEGE)

POLICY & PROCEDURE

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A FUTURE LESS ORDINARY

Bilborough College

PROTECTION FOR STUDENTS FROM PEER ON PEER ABUSE (BULLYING AND HARASSMENT AT COLLEGE)

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PROTECTION FOR STUDENTS FROM PEER ON PEER ABUSE (BULLYING AND HARASSMENT) AT COLLEGE POLICY AND PROCEDURE

Policy Statement

*Bilborough College supports the right of **all** students to be treated with dignity and respect at college and is committed to providing a safe and supportive environment free from all forms of peer on peer abuse*

1. Introduction

- a. The College is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed, or religious belief, ethnic or national origins, age and disability. It is the right of every student to attend College without fear of bullying, harassment or victimisation. The College recognises the problems associated with bullying and harassment and is committed to providing an environment in which **all** individuals feel safe, can study and enjoy college. If a complaint of bullying or harassment is brought to the attention of the College, it will be investigated promptly and appropriate action taken.
- b. "**All** staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying (including cyberbullying), sexual violence, sexual harassment and sexting. All staff should be clear as to the school or college's policy and procedures with regards to peer on peer abuse".
"All staff should recognise that children are capable of abusing their peers. All staff should be clear about their college's policy and procedures with regard to peer on peer abuse.
- c. Abuse is abuse and should never be tolerated or passed off as "banter", "just having a laugh" or "part of growing up"; Recognition of gendered nature of peer on peer abuse (i.e. that is it more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously.

All staff should recognise that children are capable of abusing their peers. All staff should be clear about their school or college's policy and procedures with regard to peer on peer abuse.

- d. Bully and harassment are serious problems, which should not be dismissed as individuals being over sensitive. They can affect student's health, happiness, achievement and progression and thereby, the success of the College.

2. Definitions and examples of Bullying and Harassment

Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour; abuse of power or authority which attempts to undermine an individual and which may cause them to suffer stress.

Harassment is unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be related to age, sex, race, disability, religion, belief, sexual orientation or nationality or any personal characteristic of the individual and may be persistent or an isolated incident.

Bullying or harassment may occur between students, a member of staff and a student or a student and a visitor to the College. Whilst the definitions and examples of bullying in this policy are relevant to all these situations, **the procedure outlined below is designed to deal with peer on peer abuse. If a student feels that they are being bullied or harassed by a member of staff, they should see a member of staff in student support and/ or follow the procedures laid down in the complaints policy**

Bullying and harassment include the following:

- Spreading malicious rumours, insulting or taunting someone (particularly on the grounds of race, sex, sexual orientation and religion or belief)
- Verbal intimidation – e.g. threats, shouting and swearing at someone, racist or sexist comments.
- Making someone the butt of jokes to humiliate them in front of others
- sexual violence and sexual harassment, sexual advances including touching, standing too close, display of offensive materials.
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- gender-based violence
- Victimisation or exclusion, where a person is treated less favourably than another for example because he/she has complained about the behaviour of someone who has been harassing them
- Conduct, which is physically intimidating, abusive or threatening.
- Offensive or threatening letters, e-mail or text messages, including sexting*.
- Cyberbullying, use of social media to intimidate/harass or victimise.
- Initiation-type violence and rituals.

*In cases of 'sexting' we follow guidance given to schools and colleges by the UK Council for Child Internet Safety (UKCCIS) published in 2017: 'Sexting in schools and colleges, responding to incidents, and safeguarding young people'.

3. College Responsibilities

It is the duty of the College to provide an environment for students which is free from bullying and harassment.

It is the duty of College to ensure that any concerns raised by students in relation to bullying and harassment are investigated in a timely and effective manner.

The College will treat seriously any complaint of bullying or harassment that is made and will offer counselling support for the complainant and alleged bully/harasser when appropriate.

All complaints will be investigated in a confidential manner in so far as this is possible.

When a complaint is upheld steps will be taken by the College to prevent any further instances occurring.

The College will protect a student within the College who makes a complaint of bullying or harassment.

4. Student Responsibilities

It is the duty of every student to take responsibility for their own behaviour and modify it if necessary, as bullying and harassment **are not acceptable under any circumstances.**

- Students should treat all with whom they work with dignity and respect in accordance with the Student Agreement.
- Students should not bully or harass other students, members of staff or members of the public.
- Students should be encouraged to take action in accordance with this policy if bullying or harassment occurs.
- If a student believes a fellow student is being subjected to peer on peer abuse they should speak to the individual concerned and encourage them to report the complaint to either their tutor, Director of Student Support (Michelle Harvey) or Helen Ginns-Farrow, Welfare Officer. They can also use the anonymous Whisper button on Student Advantage.

5. Awareness Raising

Students will be informed of the college policy on peer on peer abuse as part of the start of year procedure through tutor group sessions. Issues relating to misuse of email and of cyber bullying will also be highlighted at the log on/induction session to the colleges ICT session.

6. Supportive Framework

The College recognises that making a complaint of bullying or harassment is likely to be a distressing experience and that it may be difficult for students to raise complaints directly with the offender, or personal tutor. Students may approach any member of staff or a fellow student representative to raise the issue with the College management on their behalf in line with the procedure.

If one of the parties concerned in a personal bullying or harassment case has to be removed from the college, then as a matter of principle, the College will remove the harasser rather than the complainant.

PART B: PROCEDURE

7. Procedure for dealing with peer on peer abuse.

7.1 Introduction

This procedure has been designed to deal with complaints of peer on peer abuse which always need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the student making the complaint, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

This procedure is separate from the Student Disciplinary Procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedure.

If at any stage in this procedure a student does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate, the student is entitled to raise the matter under the College's complaints procedure for students.

It is recognised that in bringing a complaint, the student must be protected from further bullying or harassment arising from the alleged incident and associated complaint.

8.2 Keeping a record

It is important that any student who believes that they have suffered from bullying or harassment is able to provide specific information relating to the incidents in question. Where possible the following information should be provided;

- date
- time
- place
- name of person bullying or harassing them
- what actually happened
- how the person actually felt at the time
- name of any witnesses
- action taken and whether reported to a member of staff

8.3 Stage 1: Informal Resolution

Every effort will be made to resolve the issue informally in the first instance, if appropriate.

The informal procedure recognises that sometimes people are not aware that their behaviour is unwelcome and is viewed by others as bullying or harassment. If it is clearly pointed out to them that their behaviour is unacceptable the problem can sometimes be resolved

On occasions, staff dealing with the situation may suggest that the student, who believes that he or she has been the subject of bullying or harassment should, in the first instance, ask the person to stop the harassing or bullying behaviour and make it clear what aspect of their behaviour is offensive and unacceptable and the effect it is having on them. If the student feels unable to speak to the offender directly, a meeting between the two parties can be facilitated by a member of staff, or a member of staff can raise the issue on their behalf.

If a student initially attempts to deal with the issue themselves and the bullying continues, then they are advised to contact the Director of Student Support Services or the Welfare Officer.

Where the student indicates that they would prefer to discuss the matter with a member of staff of the same sex/race etc, this should be arranged whenever possible.

Any discussion will be confidential and no further action will be taken without the consent of the complainant, unless the Director of Student Support Services considers the incident so serious, in which case they will inform the student of their need to take action against the alleged offender, following consultation with the student concerned.

The student may have a friend present at all stages of the informal procedure.

One of the following courses of action may then be followed by the Director of Student Services or Principal:

- take no further action at this stage, but record any future incidents as recommended above and keep the situation under review, enabling the student to seek further advice in the future if necessary
- if the offender has not already been approached, ask the person to stop the offending behaviour and again keep the situation under review
- act as mediator in holding informal discussions with the complainant and the alleged offender. These discussions should determine exactly what issues exist and if possible resolve them informally without having resort to a formal complaint.
- advise the student to make a formal complaint
- if the incident is so serious, instigate student disciplinary procedures against the offender

The Director of Student Support Services, Welfare Officer or Principal will keep a written note of any discussions, with the complainant and the offender as appropriate and record details of any action taken.

Where an informal approach has failed or is not appropriate, for example in the case of serious allegations, the formal procedure should be used, see 8.5 below.

8.4 Counselling

The complainant can either self refer or ask for referral to the College approved student counsellor(s). The role of the counsellor is to provide support and assistance to the complainant during this stressful time. The role also extends to the alleged offender, if requested. However, the same counsellor should not advise the alleged offender.

The counsellor(s) have no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between counsellor and student are confidential.

8.5 Stage 2: Formal Complaint

Any student is entitled to:

- expect the College to institute a formal investigation /proceedings
- institute grievance proceedings against the College for failing to investigate and take appropriate action
- institute grievance proceedings against the College for failing to meet their responsibilities under this policy and procedure on bullying and harassment.

To make a formal complaint the student should report the incident to the Director of Student Support Services or the Principal. If the student is uncomfortable discussing the incident with the Director of Student Support Services, he/she can report the incident to a Head of Faculty or Principal.

When an incident of bullying or harassment is reported, full details should be recorded on a Bullying/Harassment Reporting Form to provide a basis for an investigation (Appendix A).

The form should be completed jointly by the complainant and the person receiving the complaint. As outlined above, the officer could be the Director of Student Support or Head of Faculty, if necessary, the Principal.

If anyone other than the Director of Student Support Services completes the form, then the form should be taken to the Director of Student Support Services as soon as possible. The Director of Student Support Services will ensure that an investigating officer is appointed and that the correct procedure is complied with. Please refer to Section 9 below.

8.6 Serious Criminal Offences

In cases of an alleged assault or alleged behaviour that is considered to be a criminal offence, the matter should be referred to the Principal. If the complainant so wishes and/or if the College considers the incident to be a serious criminal offence, the Principal will contact the Police for their advice as to the appropriate action to take.

8.7 Investigating a complaint

The investigating officer is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

All curriculum areas are expected to co-operate in releasing students/appropriate members of staff from their lessons/normal duties to participate in the investigation as required.

Section 9 below outlines the investigation process.

8.8 Time Limits

The investigation should normally be completed within 10 working days of the complaint being received. On occasions, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged offender must both be kept informed of any need for an extension and the likely timescale for completion.

8. How the Complaint will be investigated

8.1 Initial response

The investigation will be either be carried out by the Director of Student Support Services (Michelle Harvey) or a member of the College Management Team.

The person against whom the complaint has been made should be informed as to the nature of the complaint and the procedure involved and advised that they will be invited to a meeting to discuss the issue(s) and make a response. They should also be advised of the right to be accompanied at any stage of the procedure by a friend

The investigation will take place promptly and will normally be completed within 10 working days, see 8.8 above. Notes made by the Investigating Officer should be signed, dated and retained.

8.2 Possible suspension during the investigation

In order to relieve the stress and pressure on one or both parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged bully *or* harasser. The Principal has the authority to suspend. The Director of Student Support Services shall assume this responsibility in the absence of the Principal under delegated powers.

8.3 Meeting the parties involved

The Investigating Officer will meet with the complainant and the alleged offender separately (with their respective representatives if they want this). Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected. Both parties will be given the opportunity to nominate witnesses whom they wish to be interviewed.

8.4 Meeting with witnesses

The Investigating Officer will meet anyone else who was present or who has information which is relevant to the issue. Notes of these meetings will also be taken and the individuals called will be able to be accompanied by a colleague or student union representative if they wish.

Further interviews may need to take place to clarify or gain further information. The Investigating Officer will also need to ensure that they have collected all relevant written materials.

8.5 Consideration of Information

The Investigating Officer will, on completion of the investigation, review the material collected and make a recommendation as to whether the complaint is substantiated and the action required. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.

In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the Investigating Officer will consider whether on the balance of probabilities, the incidents/actions occurred.

8.6 Further action

The Investigating Officer will consider the facts and submit a written report to the Director of Student Support Services, including recommended action, for example:

- take no action, that is the allegation has not been substantiated; or
- initiate the College's agreed student disciplinary procedure, in which event the investigation that has taken place will form the basis of the case for disciplinary action; or
- take management action other than to initiate the disciplinary procedure. This could include:
 - a recommendation of removal/transfer of one or both parties, e.g. to another class or tutor group, either on a temporary or permanent basis.
 - setting up arrangements to monitor the situation;
 - making arrangements for both parties to work as separately as possible within the same workplace.

The Director of Student Support Services will consider the recommendation and the outcome will be communicated to both parties within five working days of the decision being reached. The letter must clearly state the course of action decided upon and the right for both parties to appeal; this should include how to appeal, to whom to appeal; and time limits.

8.7 Keeping management records

After a complaint has been heard, the following storage arrangements should be followed:

- Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.
- Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
- Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the disciplinary procedure.

8.8 Action when one of the parties is dissatisfied – the right to appeal

If the complainant or alleged offender is not satisfied with the outcome of the investigation he or she may, within five working days of receipt of the decision, appeal in writing to the Director of Student Support Services who will normally reply within five working days inviting the student to a meeting to explain their reasons for the appeal. If the College finds it appropriate the student will be invited to attend a formal appeal hearing.

Any formal appeal hearing will normally take place within ten working days of referring it, unless agreed otherwise, for example to allow for further investigation to take place. The hearing will normally be chaired by the Principal.

If a student is dissatisfied with disciplinary action taken against them as a result of a Bullying and Harassment investigation they must appeal through the College Disciplinary Procedure.

8.9 The Disciplinary Process

If serious allegations of peer on peer abuse are to be heard under the Student Disciplinary Procedure and the alleged offender has already been suspended under the Bullying and Harassment procedure this will be converted to a disciplinary suspension.

The outcome of any hearing may include

- a warning;
- compulsory transfer to another class or tutor group;
- the drawing up of a formal contract clarifying expectation; and/or
- short-term permanent exclusion for serious offences that constitute gross misconduct.

The normal student disciplinary procedure should be applied; however, the following points should be taken into account:

- The complainant will normally be required to attend the disciplinary hearing as a witness, although every effort should be made to avoid this whenever possible.

Previous Incidents

Have you ever been bullied or harassed before?

If so, please give details of previous incidents.

Date	Type of incident/location	Was incident reported? If so, to whom?

Alleged Offender (if known)

Name:	Tutor Group:
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Section for notes

Director of Student Support Services' Comments:

Signed Person reporting incident

Signed Director of Student Support Services

Date report made

Report to be taken by Director of Student Support Services