

01/23

**PREVENTION OF BULLYING,
HARASSMENT, SEXUAL
MISCONDUCT AND EXTREMISM
POLICY**

Prevention of Bullying, Harassment, Sexual Misconduct and Extremism Policy

1. Purpose

1.1 This policy is designed to ensure a safe, welcoming and inclusive working and learning environment for all of Alliance Learning's learners, customers, staff and stakeholders. Bullying, harassment, sexual misconduct and extremism are unacceptable behaviours and contrary to the Equality Act 2010, the Protection from Harassment Act 1997, our Prevent Duty and to Alliance Learning's ethos and mission.

1.2 Nobody is expected to tolerate such unacceptable behaviour, whether by a member of the Alliance Learning, another learner or by a third party such as a supplier or visitor; or a member of the public. This policy seeks to ensure that Alliance Learning learners, customers, staff and stakeholders are protected from bullying, harassment, sexual misconduct and extremism. Learners, customers, staff, stakeholders, and members of the public have the right to disclose experiences of unacceptable behaviour experienced while working, studying or participating in Alliance Learning activity – which includes when Apprentices are in their place of work; to be listened to, and to seek support.

1.3 Breaches of this policy by staff or learners will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and referral to the police. Breaches by members of the public will be referred to security and/or the police.

2. Scope

2.1 This Policy applies to bullying, harassment, sexual misconduct and extremism that is committed or is alleged to have been committed by learners, customers, staff, stakeholders or third parties.

2.2 The alleged misconduct may have occurred:

- On Alliance Learning property;
- Via Alliance Learning IT systems;
- Off Alliance Learning property;
- Online whether via email, the internet or social media;
- At an Apprentice's place of work; or a customer premises.

3. 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should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.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 studies, or 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 the 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.

3.4 Disclosure

Disclosure, for the purposes of this Policy and procedure, involves an individual choosing to tell anyone who is part of Alliance Learning, about their experience of bullying, harassment, sexual misconduct or extremism. Unlike Reporting, Disclosure does not trigger an investigation or action (unless Alliance Learning has a Duty of Care), but it would lead to support being offered in line with Alliance Learning's Safeguarding Policy.

3.5 Discrimination

The Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably on the basis of 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.

3.6 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.

3.7 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.

3.8 Reporting

Reporting is the sharing of information with a staff member of Alliance Learning regarding an incident of bullying, harassment, sexual misconduct or extremism experienced by that individual for the purposes of initiating the investigation process set out in this Policy.

3.9 Reported party

The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment or sexual misconduct.

3.10 Reporting party

The Reporting Party is the person(s) who witnessed or was subject to the alleged incident of bullying, harassment or sexual misconduct.

3.11 Sexual misconduct

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include: sexual harassment; 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.

3.12 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 so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

3.13 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.

3.14 Extremism

The UK government has defined extremism as: vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. This also includes in calls for the death of members of armed forces, whether in this country or overseas. There is a range of extremist individuals and organisations, including Islamists, the far right and others.

4. Roles and Responsibilities

4.1 Alliance Learning is committed to preventing incidents of bullying, harassment, sexual misconduct and extremism where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. Alliance Learning 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 extremism to remedy any harm, and to prevent its recurrence.

4.2 All staff and learners have a responsibility to ensure a working and learning environment where everyone is treated with equal respect and dignity. Each member of staff and each learner is expected to contribute to preventing unacceptable behaviours, including harassment, bullying, sexual misconduct and extremism through self-awareness; and by modelling positive behaviour for others, and raising any concerns.

4.3 Alliance Learning staff are in a position of trust. It is important that exemplary behaviour is demonstrated. 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 undertaken.

4.4 Alliance Learning's Safeguarding process allows for learners and staff to make an anonymous disclosure or a full report on an incident of bullying, harassment, sexual misconduct and/or extremism. The Safeguarding team will provide information on support options, internal and external to Alliance Learning, and will direct the staff member or learner on how to take the informal or formal complaint forward.

4.5 Staff and learners are required to disclose criminal convictions acquired during employment or study at Alliance Learning.

5. Informal Resolution

5.1. A person affected by bullying, harassment, sexual misconduct or extremism under this policy may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious. Staff are encouraged to speak to their manager; their HR Business Partner, a Safeguarding officer, another manager or an executive. Students are encouraged to speak to their tutor, a Safeguarding officer, their employer, Student Support or a manager at Alliance Learning. Alliance Learning 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.

5.2. However, Alliance Learning may be under a duty of care to investigate the behaviour, for further information please visit duty of care guidance.

5.3. If a learner, or a member of staff is approached and told that their behaviour could be construed as bullying, harassment, sexual misconduct or extremism, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working/learning relationship to be resumed. If the nature of the complaint is serious or

inappropriate, the learner or staff member should speak with their line manager, tutor, employer or Safeguarding officer to agree the next steps.

6. Procedure for making a formal complaint

6.1 Learners who feel they have experienced or witnessed bullying, harassment, sexual misconduct or extremism by another learner or member of staff may make a formal report to the Safeguarding team or via the Complaints procedure - <https://www.alliancelearning.com/page/complaints-procedure>.

6.2 The learner may also contact the management, HR, an executive or their employer, who will support them through the formal reporting process.

6.3 Members of staff who feel they have experienced or witnessed bullying, harassment, sexual misconduct or extremism may make a formal complaint by using the Staff Grievance Policy or they may make a formal complaint against a learner by contacting their line manager, another manager, HR or an executive

6.4 Learners or members of staff who feel they have experienced or witnessed bullying, harassment, sexual misconduct or extremism by a third party or a member of the public should discuss this with their line manager, HR, another manager, the Safeguarding team or an executive. This may involve notifying third parties and using their complaints procedure; or notifying the police when involving members of the public.

6.5 Third parties or members of the public who feel they have experienced or witnessed bullying, harassment, sexual misconduct or extremism by an employee or learner or while at Alliance Learning, may make a formal complaint using Alliance Learning's Complaints procedure - <https://www.alliancelearning.com/page/complaints-procedure>.

7. Outcome of a formal complaint/Disciplinary Case

7.1 The Reporting Party will be told whether their complaint has been upheld or not.

7.2 If the complaint is not upheld, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work or learning environment, but there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party.

7.3 Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

8. Support Available

8.1. Alliance Learning is committed to providing support for anyone affected by these issues. Support resources are available to anyone who discloses an incident regardless of whether they choose to make a report to Alliance Learning or Police. Staff who receive a report or disclosure should direct the reporting party to the support available. Alliance Learning will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

9. Interim Measures

9.1 Following a report, or a disclosure that requires an investigation, Alliance Learning may determine it necessary to introduce interim measures. Alliance Learning may assess support needs and consider how to protect the interests of all parties who may be impacted by the case, and agree to next steps. This will be achieved through a robust risk assessment to consider the academic, welfare and support needs of the parties, and any interim measures necessary to ensure a fair and transparent investigation, where appropriate.

9.2 Any interim measures will be proportionate to the nature of the risk(s) being managed. Interim measures may include alternative working arrangements, provision of support, or a recommendation to partially or fully suspend an employee or learner during this time.

9.3 A senior manager, executive or HR business partner will be responsible for considering any interim measures.

9.4 A risk assessment and any interim measures that are put in place will be shared to all relevant parties; and will be reviewed regularly.

9.5 All information disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.

10. Police investigations and Judicial Proceeding

10.1 Where criminal investigations and/or judicial proceedings are ongoing, or are likely to commence in respect of a disclosure or report, Alliance Learning 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, Alliance Learning decides not to undertake its own investigation until the case has concluded, Alliance Learning reserves 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.

10.3. 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 Alliance Learning'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, Alliance Learning may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party, if they are a learner or employee.

10.4. An internal investigation is focused exclusively on whether bullying, harassment, sexual misconduct, extremism and/or other applicable misconduct has occurred. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may, depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

10.5. Where a learner or staff member is convicted of a criminal offence or accepts a Police caution, they must declare this to Alliance Learning. The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by Alliance Learning. Appropriate measures may be taken (if they have not already) under the respective Student Disciplinary Procedure and Staff Disciplinary Procedure.

11. Victimisation

11.1 Alliance Learning 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.

11. 2. If a formal complaint of victimisation is made about a learner’s or employee’s behaviour it will be fully investigated and dealt with in accordance with the Student Disciplinary Procedure or Staff Disciplinary Policy.

12. False, bad faith or misleading complaints

13.1 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 Staff Disciplinary Procedure and Student Disciplinary Procedure, as appropriate.

13. Confidentiality

13.1. Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis.

Manager Responsible:	J Wetherby
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Signed:	