



## Educ8 Training Group of Companies

### Anti-Harassment and Anti-Bullying Policy

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## 1. Introduction

Educ8 Training Group (“**ETG**”) is one of the largest independent training providers in England and Wales. All companies within the ETG group uphold the same company Vision, Mission and Core Values and follow our group policies and procedures.

At the date of this policy these companies are:

- Educ8 Training Group Limited, registered number 10865705.
- Haddon Training Limited, registered number 04773490.
- Aspire and Learn Ltd, registered number 08784755.
- Educ8 Ltd, registered number 05059754.

Any reference to “ETG” throughout this policy includes all the companies named above.

For the purpose of this policy the reference to “**Funding Bodies**” includes the Welsh Government, DfE/Education Skills Funding Agency (ESFA), and local authorities.

## 2. Purpose:

As a leading provider of education and training and a holder of public and private funds, the ETG Group (‘ETG’) consisting of Educ8 Ltd, Haddon Training, Aspire 2Be and its sub-contractors have a duty to ensure that staff, learners and other stakeholders are able to work and learn in a safe environment which is free from harassment and bullying.

ETG is committed to ensuring equal opportunities and fair treatment in the workplace for all its staff and learners. One of the key aims of the policy is to enable ETG to provide a working environment in which all staff feel safe and in which everyone is treated with respect and dignity. ETG takes a zero tolerance towards any form of harassment or bullying. ETG is aware of its duty for employers to take ‘reasonable steps’ to prevent sexual harassment at work.

## 3. Scope:

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers harassment or bullying by staff (which may include consultants, contractors and agency workers) and also by third parties such as learners, employers, customers, suppliers or visitors to our premises. This policy cannot be viewed in isolation and must be read in conjunction with the following policies:

- ETG Equality, Diversity & Inclusion policy
- ETG Safeguarding policy
- ETG Complaints policy
- ETG Grievance policy
- ETG Whistleblowing Policy
- ETG Lone Working Policy
- ETG Professional Conduct Policy

ETG will treat all complaints of harassment or bullying seriously and will investigate them promptly, efficiently and in confidence. The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

## **4. Definitions:**

### **4.1 What is Harassment**

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them around their work or place of study. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Racial harassment is any unwelcome or hostile act or series of acts carried out by a person wholly or partly because of the racial origin of the targeted individual or group, which is perceived by the recipients to be racially offensive. Disability harassment is unwanted conduct based on or around a perception of an individual's disability that affects the dignity, confidence levels or opportunities in or around their place of study.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment and bullying may include, for example:

Physical - unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, actual assault, threatening gesture or other aggressive or offensive behaviour

Sexual - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);

Verbal - offensive e-mails, text messages or social media content, spoken, textual or pictorial words or images which are threatening, defamatory, humiliating, abusive, sexually suggestive or racially offensive, including malicious gossip, comment, jokes or banter, mocking, mimicking or belittling a person's disability

Non-verbal – isolation, exclusion or segregation; abuse of power, removal of responsibility, behaviour which undermines confidence or unfair sanctions

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

### **4.2 What is Sexual Harassment**

Sexual harassment is unwanted behaviour of a sexual nature. To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

You could experience sexual harassment from anyone you come into contact with because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- third parties – for example learners, employers, customers, clients and members of the public

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Examples include:

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

ETG will undertake a risk assessment which will consider factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them.

### **4.3 What is Bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- Physical or psychological threats;
- Overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;
- Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **4.4 Microaggressions**

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying, "it's just a joke".

- Micro-insults: Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- Micro-invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 5. Raising Awareness

This policy is designed to effectively meet the following aims:

### **To raise awareness of the impact of harassment or bullying in its various forms by:**

- To raise everyone's awareness of bullying during induction and ongoing thereafter.
- Ensuring that all staff are fully aware of their responsibilities and policies and procedures in place
- Providing information to learners through the Learner Handbook and use of pastoral time and other elements of the curriculum to raise learners' awareness of bullying issues and to develop learners' assertiveness in order that they may feel better able to deal with bullying situations.
- Provide and encourage a safe, listening environment where individuals feel free to discuss their concerns regarding bullying behaviour.

### **To ensure vigilance in the identification of harassment and bullying in its various forms through:**

- Management support for employees and observations of teaching, learning and assessment for learners.
- Providing channels for employees, learners and others to raise concerns in a safe and supportive manner

### **To provide a clear commitment to employees and learners through:**

- Consistent application of this policy and reporting procedures
- Ensuring that all instances/allegations of harassment or bullying, receive either informally or formally, are dealt with promptly, sensitively, fairly, objectively, confidentially and seriously, through the established procedure
- Ensuring that the policy is made available at all delivery venues and that, when required, the contents are explained to learners and other users
- Supporting employees and learners to report any instances of harassment and bullying
- ETG are committed to the Anti-Racist Wales framework and is demonstrated in the Welsh Government Anti-Racist Wales Action Plan to further support learners from BAME groups

## 6. Legal and Regulatory Framework:

ETG is fully aware of its obligations within the following legal framework and is committed to meeting its legal requirements.

- Children's Act 1989

- Welsh Language Act 1993
- Human Rights Act 1998
- Equal Pay Act (EPA) 1970 (Amendment) Regulations 2003
- The Equality Act 2010
- The Worker Protection (Amendment of Equality Act 2010) Act 2023
- Well-being of Future Generations (Wales) Act 2015

ETG will ensure compliance with the requirements of any future legislation.

## **7. Employee reporting procedure:**

### **Right to report harassment or bullying**

Employees have an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress.

Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been harassed or bullied by a third party, for example a learner, employer, customer, client or supplier.

Employees who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

Any employee who witnesses an incident that he/she believes to be the harassment or bullying of another member of staff should report the incident in confidence to his/her Line Manager. ETG will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

### **Third party Harassment**

The law requires employers to take reasonable steps to prevent sexual harassment by third parties. While an individual cannot bring a claim for third-party harassment alone, it can still result in legal liability when raised in other types of claim. ETG also operates a zero-tolerance policy in relation to harassment of their employees by a third party, such as a learner, employer, client/customer, supplier or visitor. You are encouraged to report any instances of harassment involving a third party in line with the reporting procedure out below.

If an allegation of harassment by a third party proves to be well-founded, steps taken by the organisation may include:

- warning the individual about the inappropriate nature of their behaviour;
- banning the individual from the organisation's premises; and
- reporting the individual's actions to the police.

### **How to raise a complaint**

Before raising a formal complaint, the employee is encouraged in the first instance to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where

an employee would like support to make such an approach, he/she should contact their Line Manager.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager for support or another manager in the absence of that manager or where your complaint is against that specific manager. You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

If, however, the employee feels unable to take this course of action, or if he/she has already approached the person to no avail, or if the harassment is of a very serious nature, he/she may elect to raise a formal complaint using ETG's Grievance Procedure.

In bringing a complaint of harassment or bullying, the employee should be prepared to state:

- the name of the person whose behaviour he/she believes amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the employee has already taken to try to deal with the harassment.

In bringing a complaint of harassment/bullying, you should be prepared to state:

- the name of the person whose behaviour you believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that you have already taken to try to deal with the harassment.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

If an employee would like to make an anonymous complaint regarding sexual harassment they can complete the below form. However, dealing with anonymous complaints may prove more difficult for ETG to investigate due to the lack of the complainants participation.

To make an anonymous complaint please click [here](#).

### **Protection and support for those involved**

Managers should be responsive and supportive towards any worker who raises a genuine complaint of harassment or bullying.

ETG reserves the right, at its discretion, to suspend any employee who is under investigation for harassment or bullying for a temporary period whilst investigations are being carried out. Such suspension will be for as short a time as possible and will be on full pay.



Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against him/her and afforded a full opportunity to challenge the allegations and put forward an explanation for his/her behaviour in a confidential interview, with a companion present if he/she wishes. No employee will be presumed guilty following an allegation of harassment or bullying against him/her.

ETG regards all forms of harassment or bullying as serious misconduct, and any employee who is found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal. Aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take. However, if it is established that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

Regardless of the outcome of a complaint, ETG will consider carefully how to best approach any ongoing working relationship between the individuals concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either individuals. Alternatively, we may decide workplace mediation is appropriate.

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the ETG's Disciplinary Procedure.

ETG will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the UK GDPR.

## **8. Learner reporting procedure:**

- ETG's zero tolerance stance means that incidents should be dealt with as quickly as possible. Every effort will be made to ensure the safety of the victim whilst on a training programme.
- Any learner wishing to report an incident that takes place whilst on site or during a session facilitated by ETG staff about another learner should, in the first instance, speak to their trainer coach.
- Trainer Coaches can also register a learner's concern on a Cause for Concern and forward these to the Safeguarding Lead to be addressed in line with safeguarding procedures.
- Where a learner wishes to raise an issue regarding bullying in the workplace they should follow their companies relevant anti-bullying/whistleblowing policy and procedure.
- Where a learner wishes to raise an issue regarding a member of staff the complaints policy and procedure will be followed.

## **9. Responsibilities:**

The following outlines the requirements of ETG, however they may be adapted to suit individual organisational structures without diluting the overarching responsibility.

### **9.1 The Board of Directors has responsibility for:**

- Ensuring ETG fully meets its legal requirements
- Ensuring the policy meets the requirements of relevant legislation
- Ensuring effective implementation and monitoring of the policy
- Ensuring the policy is reviewed and that all employees receive appropriate training

## **9.2 The Operations Board has responsibility for:**

- Providing a consistently high-profile lead on all issues contained within the policy
- Ensuring all aims and objectives of the policy are effectively implemented
- Ensuring all employees are fully aware of their individual and collective responsibilities
- Providing appropriate training and development activities to ensure employees have the skills and knowledge to support this policy
- Ensuring that appropriate action is taken against anyone found to be in breach of the content of this policy

## **9.3 Managers have responsibility for:**

- Proactively communicating commitment to this policy to employees, learners, employer and other external stakeholders
- Ensuring their team members are made aware of their responsibilities and are provided with appropriate training and support
- Taking action against any identified bullying or harassment following the appropriate procedures

## **9.4 All employees have responsibility for:**

- Remaining vigilant to potential bullying or harassment
- Effectively identifying and challenging bullying behaviour
- Ensuring own conduct cannot be perceived as bullying or harassment
- Challenging and reporting any bullying or harassment following the appropriate procedures
- Speaking out if they witness or are aware of discrimination, bullying, unfair treatment or harassment
- Supporting learners to address any bullying and harassment they may experience as appropriate

## **9.5 All learners have responsibility for:**

- Taking equal responsibility in ensuring that we create a learning environment where people are valued and respected
- Effectively challenging any form of bullying or harassment
- Ensuring own conduct cannot be perceived as bullying or harassment
- Speaking out if they witness or are aware of discrimination, bullying, unfair treatment or harassment

## **9.6 The role of parents/guardians, providers, sponsors, employers and other stakeholders:**

- Stressing the importance of sociable behaviour to learners.
- Reporting any concerns they may have, concerning either victims or perpetrators of bullying.

## **10. Communication:**

This policy and any updates will be disseminated to all ETG and its sub-contractors employees through team meetings and will be made available on the HR system. All new employees will be advised of this policy as part of initial induction.

Employers and learners will be provided with access to this policy in an appropriate format. This policy will be made available bilingually and in large print upon request.

## **11. Complaints:**

ETG and its sub-contractors will not tolerate abuse, prejudice, harassment or bullying and will use the appropriate disciplinary procedures to investigate and address any complaints. All complaints will be taken seriously and dealt with in a timely and sensitive manner, in accordance with the ETG's Grievance (employees) or Complaints (learners/employer) Policy and Procedure.

**12. Monitoring and Review processes:**

This policy will be routinely reviewed on an annual basis or when there are changes to regulatory requirements. Reviews will be undertaken by ETG SMT.