

# ANTI-BULLYING AND HARASSMENT POLICY-LEARNER

## Policy Document Purpose Statement

This document sets out the policy supporting students to learn and work in an environment that is not tolerant of bullying or harassment within Cornwall College Group.

## Application

The objective of this document is to provide a framework to ensure all learners are treated with courtesy, respect and dignity without fear of harassment, threats, bullying or intimidation.

## Interpretation

Further guidance on the use or interpretation of this policy may be obtained from the responsible post holder.

## Legislator / Regulatory Compliance

Compliance with relevant current Health and Safety legislation, Data Protection Act and other legislation / regulations named within the body of the document.

## Publication Restrictions

A version of this document is available to view on the Cornwall College Website.

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# ANTI-BULLYING AND HARASSMENT POLICY-LEARNER

## 1. Purpose of the Policy

- 1.1. The aim of this policy is to ensure that all individuals are treated with courtesy, respect and dignity without fear of sexual harassment, threats, bullying, humiliation or intimidation. The Cornwall College Group (TCCG) will not tolerate bullying or harassment in any form and will act against any form of harassment or bullying in a robust manner, and in accordance with the colleges disciplinary process.
- 1.2. Everyone has the right to be protected against bullying, threats, sexual harassment, humiliation or intimidation.

## 2. Applicability

- 2.1. This policy applies to:
  - 2.1.1. all sites and activities that form part of The Cornwall College Group (TCCG), including work-based learning, sub-contracted provision, college-managed residential accommodation, all off site activity including college-led trips and off site events organised and/or led by staff employed by TCCG;
  - 2.1.2. all learners, staff/governors, visitors, contractors, volunteers, advisory board members, and staff from partner organisations working on our sites, including those organisations using or hiring college sites or facilities;
  - 2.1.3. sub-contracted partners providing education and training for TCCG enrolled learners on non-college premises will be required to apply due regard to this policy and provide assurance and evidence that their own safeguarding policies and procedures meet the statutory requirements and obligations below.

## 3. Statutory Obligations

- 3.1. The Group has a statutory duty under Section 175 of the Education Act (2002) to have in place arrangements for carrying out its functions with a view to safeguarding and promoting the welfare of children, young people and adults who may be vulnerable in line with the definition set out in The Care Act (2014).
- 3.2. This policy takes into account, amongst others, the following publication, including recent / relevant guidance and legislation in this area:
  - 3.2.1. Keeping Children Safe in Education (KCSIE): Statutory guidance for schools and colleges. (Department for Education, September 2022)  
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
  - 3.2.2. The Equality Act 2010
  - 3.2.3. Children Act 1989
- 3.3. Bullying in itself is not a specific criminal offence in the UK although some types of harassing, threatening or intimidating behaviour, together with ways of communicating could be considered or may need to be treated as a criminal offence such as Sexual Violence, Stalking & Harassment or Hate Crime.

## 4. Policy Principles

- 4.1. TCCG will ensure that:
  - 4.1.1. bullying, harassment and sexual harassment is not tolerated;
  - 4.1.2. it maintains a safe, friendly and caring environment, free of bullying, threats, harassment and intimidation;
  - 4.1.3. bullying, harassment and sexual harassment will never be passed off as “banter”, “just having a laugh”, “a part of growing up” or “boys being boys”;
  - 4.1.4. any learner alleging harassment or bullying will be taken seriously, listened to and provided with help and support throughout the process, while being protected against victimisation;
  - 4.1.5. any learner being accused of harassment or bullying will be provided with help and support throughout the process and protected against victimisation;
  - 4.1.6. help is available to anyone who bullies someone else to change that behaviour;
  - 4.1.7. help will be given to all learners to become resilient, confident, tolerant and understanding;
  - 4.1.8. any incident of bullying or harassment that has a negative impact on a learner in college, the teaching and learning environment or reputation of the college but occurs out of normal working hours, outside of the college environment or via information communication technology / online will be treated in accordance with this policy and associated procedures.

## 5. Definitions

- 5.1. **Bullying:** ‘Behaviour by an individual or group, repeated over time that intentionally hurts another individual or group either physically or emotionally’. (*Source: Preventing and Tackling Bullying; Advice for Headteachers, Staff and Governing Bodies. Department of Education July 2017*)

Most of us know when it is happening; it happens at all ages. Generally, bullying is something that happens more than once and can take place verbally, in writing, by text message, by email or through social networking. Examples of bullying behaviour are:

- 5.1.1. name calling;
- 5.1.2. mocking;
- 5.1.3. humiliation in public;
- 5.1.4. spreading unkind stories;
- 5.1.5. writing nasty notes;
- 5.1.6. nasty phone calls;
- 5.1.7. hitting;
- 5.1.8. punching;
- 5.1.9. kicking;
- 5.1.10. pushing;

- 5.1.11. excluding/not talking to someone;
  - 5.1.12. damaging or hiding belongings;
  - 5.1.13. threats;
  - 5.1.14. extortion/stealing;
  - 5.1.15. abuse;
  - 5.1.16. persistent unfair treatment;
  - 5.1.17. intimidation/harassment;
- 5.2. **Harassment:** 'Repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person'.  
(Source: *Protection from Harassment Act 1997*)
- 5.3. **Hate Incident:** 'A Hate Incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender'.  
(Source: Metropolitan Police)
- 5.4. **Hate Crime:** 'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender'. (Source: *The Association of Chief Police Officers*)
- 5.5. **Sexual Harassment:** 'The legal definition of sexual harassment is when someone carries out unwanted sexual behaviour towards another person that makes them feel upset, scared, offended or humiliated... It is also when someone carries out this behaviour with the intention of making someone else feel that way. This means that it can still be sexual harassment even if the other person didn't feel upset, scared, offended or humiliated' and 'is a form of unlawful discrimination under the Equality Act 2010'. It includes a wide range of behaviours such as:
- 5.5.1. Sexual comments or noises – for example, catcalling or wolf-whistling.
  - 5.5.2. Sexual gestures.
  - 5.5.3. Leering, staring or suggestive looks. This can include looking someone up and down.
  - 5.5.4. Sexual 'jokes', Sexual innuendos or suggestive comments.
  - 5.5.5. Unwanted sexual advances or flirting.
  - 5.5.6. Sexual requests or asking for sexual favours.
  - 5.5.7. Sending emails or texts with sexual content – for example, unwanted 'sexts' or 'dick pics'.
  - 5.5.8. Sexual posts or contact on social media.
  - 5.5.9. Intrusive questions about a person's private or sex life.
  - 5.5.10. Someone discussing their own sex life.
  - 5.5.11. Commenting on someone's body, appearance or what they're wearing.
  - 5.5.12. Spreading sexual rumours.
  - 5.5.13. Displaying images of a sexual nature.
  - 5.5.14. Unwanted physical contact of a sexual nature – for example, brushing up against someone or hugging, kissing or massaging them.
  - 5.5.15. Stalking.
  - 5.5.16. Indecent exposure.
  - 5.5.17. Taking a photo or video under another person's clothing – what is known as 'upskirting'.  
(Source: Rape Crisis England & Wales)

## 6. Related Documents

- Anti-Bullying and Harassment Procedure
- Safeguarding and Child Protection Policy and procedures
- Safeguarding Guidance
- Peer on Peer Abuse Incident Procedure and Guidance
- Prevent (extremism and radicalisation) Policy and Procedure
- Student Behaviour and Misconduct Policy and Procedure
- Disciplinary Procedure-Staff
- Health and Safety Policy
- Risk Assessment Guidance
- Risk Assessment Procedure
- Code of Conduct-Learner
- Code of Conduct-Staff Professional Guidance