

ANTI BULLYING, VIOLENCE AND HARRASSMENT POLICY

Introduction:

Rutledge is committed to providing a healthy and safe environment for work that is free from bullying, violence and harassment. Rutledge recognises that everyone has the right to dignity and respect and to a safe and healthy workplace.

Rutledge will not tolerate or condone these behaviours in the workplace and will put processes in place for dealing with them when they occur which are clear and easy to follow for all concerned.

Principles:

Rutledge consists of a diverse population of people. This diversity visible and non visible consists of personal differences, which include age, gender, sexual orientation, accent, religion, marital status and personality. Rutledge is committed to the elimination of all forms of bullying, violence and harassment regardless of its cause, how it originates or who's carrying it out.

Any complaints will be taken seriously and will be dealt with sensitively and so far as it is possible managed speedily and confidently.

Policy Objectives:

- To endeavour to define bullying, violence or harassment
- To promote awareness of the issue among staff/learners
- To provide an effective procedure for dealing with allegations
- To create an environment where it is clear that bullying, violence or harassment is unacceptable, thereby reducing the chance that it will occur in the first instance; and
- To provide a mechanism to resolve complaints where it is felt that bullying, violence or harassment has occurred.

Scope of policy:

This policy applies to all learners and staff at Rutledge and relates to bullying, violence or harassment perpetrated by:

- a learner against a learner
- a learner against a member of staff
- a member of staff against a learner
- a member of staff against a member of staff

What is Bullying, Violence or Harassment?

Bullying is the repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others at the place of work/training and/or in the course of employment, which could reasonably be regarded as undermining the individuals right to dignity at work.

Violence is a physical force exerted for the purpose of violating, damaging or abusing.

For the purpose of this policy, harassment is defined as unwelcome comments (written or spoken) or conduct which:

- Violates an individual's dignity, and/or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment.

This reflects the statutory definition of harassment as outlined in the recent Race and Employment Directive. It should be noted that racial harassment and harassment relating to disability are now considered to be examples of direct discrimination.

The effects of bullying:

Bullying and harassment can have psychological, physiological and behavioural effects on individuals. The symptoms include:

- Headaches
- Fatigue
- Nausea
- Sleeplessness
- Depression
- Loss of self – esteem
- Lack of motivation
- Irritated and distracted Behaviour

This can also have adverse effects on organisations and their performance because it can cause increased absenteeism, low morale, loss of job satisfaction and reduced productivity.

There are three types of bullying, verbal, non-verbal and physical. Outlined below are examples of each of these.

Verbal:

- Verbal abuse, insults and name calling
- Shouting and aggressive behaviour
- Derogatory or offensive behaviour
- Sneering or public humiliation
- Slandering or maligning a fellow employee
- Persistent unwarranted criticism

Non-verbal:

- Social exclusion, isolation or non co-operation at work
- Showing hostility through sustained unfriendly contact or exclusion
- Unfair delegation of duties
- Taking credit for someone else's work
- Excessive supervision
- Offensive gestures

- Staring or aggressive facial expressions

Physical: Violence

- Horse play
- Unwanted physical contact
- Assault
- Damage

Bullied employees waste between 10% and 52% of their time at work/ training. Research shows they spend time defending themselves and networking for support, thinking about the situation, being demotivated and stressed, not to mention taking sick leave due to stress related illnesses.

Procedure for dealing with bullying complaints:

Staff should refer to the Employee Handbook (page 28) for the procedure for dealing with bullying and harassment complaints.

There are two stages: **Informal** and **Formal**.

The informal stage:

This stage is appropriate where the victim simply wants the behaviour to stop. Learners can seek to resolve matters informally by:

- Approaching the alleged bully directly making it clear to the persons bullying them that the behaviour in question is offensive and should be stopped. This can be done verbally or in writing.
- Approaching that alleged bully with the support of a colleague.
- Approach the alleged bully with the support of a supervisor, a manager or designated advisor/mentor.

Where a learner seeks the support of a supervisor or Rutledge staff member he/she will be sensitively informed that their role at the informal stage can only be one of support. The learner will also be advised that a formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.

The formal stage:

If the behaviour continues or if it is not appropriate to resolve the problem informally, it should be raised through the formal complaint procedure as follows:

The learner may raise a complaint with their mentor. Rutledge staff carrying out investigations at the formal stage should not be connected in any way with the allegation, which has been made. Written records of any meeting which take place in regard to the complaint will be held privately by the mentor – all proceedings must have written records.

Investigation under the formal procedure:

- A complaint should be made as soon as possible after the alleged bullying.
- It is preferable but not essential that the complaint is made in writing to the management.
- The manager will acknowledge receipt of the complaint and arrange to meet the complainant within 3 working days.
- Once the manager has effectively analysed the complaint they will clarify and formally record the nature of the complaint and that it is being handled under the formal procedure.
- The manager must next inform the alleged bully of the complaint, which has been made.

The manager will meet the alleged bully and:

1. Outline the nature of the complaint
 2. Confirm that it is being handled under the formal procedure
 3. Ensure that the individual is aware of the next stages of the procedure
- Following the meeting with the alleged bully the manager will organise a date for a formal meeting to be held within 5-7 days of the complaint being made.
 - Having obtained all the information possible, the manager will consider whether the complaint of bullying is sustained.
 - The manager will then prepare a written report outlining the facts, indicating the findings and whether a case of bullying is substantiated.
 - The manager will consider the facts and decide whether to initiate the company's agreed disciplinary procedure against any party, or to take no further action.
 - Having made a decision this will be communicated in writing to both parties within 15 days of the alleged bullying.
 - After the investigation is complete, where a complaint has been upheld the complainant may wish to avoid any further contact with the bully. Should the bully remain in training/employment with the company and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this.
 - Counselling will be offered to the person who has been bullied and to the bully. This will be provided by a trained member of staff or by an external provider.
 - Every effort will be made to ensure that learner making complaints will not be victimised. Any complaint of victimisation will be dealt with promptly and will result in disciplinary action and may warrant dismissal.

Harassment:

All staff and learners can help to:

- prevent harassment by being sensitive to the reactions and needs of others, and ensuring that their conduct does not cause offence;
- discourage harassment by others through making it clear that such conduct is unacceptable and supporting colleagues and peers who are taking steps to stop the harassment.

Individual liability

A member of staff or learner who is found to be harassing another individual is liable at law for his/her actions and may face action in the courts.

Examples of harassment:

The examples given below, which include unacceptable physical (violence) and verbal conduct, are not exhaustive. Harassment on grounds of race, sex and disability now constitute forms of discrimination under the law.

Sex-related harassment

Examples includes displaying power over a man or a woman because of gender through disparaging gender-related remarks and threatening behaviour. Sexual harassment Examples include unnecessary touching, unwelcome jokes of a sexual nature, inappropriate use of suggestive visual display unit material, intimidating behaviour such as asking for, or offering, sexual favours in return for positive academic assessment or promotion.

Harassment on grounds of sexual orientation

Examples include homophobic remarks or unwelcome jokes, threats to disclose sexuality and intimate questions about sexual activity.

Racial harassment

Examples include inappropriate questioning and/or jokes about racial or ethnic origin, offensive graffiti and intimidating behaviour, including threatening gestures.

Personal harassment

Examples includes making fun of personal circumstances or appearance. This can be physical or psychological. Examples of psychological bullying include unmerited criticism, isolation, gossip, essential information withheld, or behaviour that is intimidating or demeaning.

Harassment of disabled people

Examples include discussion of the effects of a disability on an individual's personal life, uninvited touching or staring, and inappropriate questioning about the impact of someone's disability.

Age harassment

Examples includes derogatory age-related remarks and unjustifiable dismissal of suggestions on the grounds of the age of the person.

Stalking

This can be physical or psychological. Examples include leaving repeated or alarming messages on voice mail or e-mail, following people home, or approaching others to ask for personal information.

Violence:

Rutledge will strive to minimise violence risks, including the provision of facilities where required.

Ensure that all staff are aware of this policy and procedure.

- Provide appropriate training and education for staff which will be commensurate with the degree of risk they face i.e. vary from high to low risk situations as indicated by the risk assessment.
- Continually monitor the effectiveness of the training in reducing the risks to staff.
- Record all violence incidents and participate in the investigation processes

The following measures shall be adopted:

- In the event of unacceptable behaviour by learners where they have been verbally/physically abusive, intimidating or threatening towards staff, the Rutledge's Student Behaviour/Disciplinary Policy will be implemented. Rutledge will develop mechanisms to ensure that it receives as much information as possible regarding learners who are, or have previously been, violent and aggressive.
- Where action has been taken by the Police/Rutledge which has resulted in successful prosecutions or exclusion from Rutledge, this information will be circulated to staff. This again will reinforce that Rutledge will not tolerate violence and aggression and demonstrate that Rutledge takes the issue very seriously.
- Ensure staff Induction programmes include specific reference to potential difficulties in their own sphere of responsibility and that where accidents/incidents do occur that they are systematically reported, reviewed and the necessary action taken to prevent a repetition of a similar incident/accident
- Ensure that staff understand what is expected of them with regard to dealing with violent incidents
- Ensure that where members of staff have identified an area of risk, or where it is felt that staff could be placed in imminent danger, appropriate action is taken to remove or minimise that risk
- Ensure that records, including actions taken as a result of the risk assessment process, are maintained
- Ensure that staff are de-briefed as soon as possible after an incident. (The way in which the incident was handled should be discussed, not to criticise, but to offer constructive feedback, so as to improve.)
- Ensure staff have access to appropriate advice and support post-incident. Staff should be seen by the HR Manager, who can arrange for advice/support (for example, through Occupational Health).

Monitoring of policy and procedures

Learners: The Regional Management team will provide an annual report to the Operations Director containing information about the number and nature of complaints and any disciplinary action taken, without naming the individuals involved.

Staff: The HR Department will compile statistics relating to cases of harassment and will provide an annual report to the CEO containing information about the number and nature of complaints and any disciplinary action taken, without naming the individuals involved.

This policy will be regularly reviewed.

Reviewed by: SMT (August 2012)

Revised by: Breda Cullen