

ANTI-BULLYING AND HARASSMENT POLICY (STUDENTS)

I. Statement of intent

- 1.1 Bullying and harassment can have a serious detrimental effect on the confidence, morale, performance and health of those affected.
- 1.2 The Margaret Thatcher Centre (“the Centre”) believes that all students, regardless of their background and personal circumstances, should be treated with dignity, respect and fairness. The purpose of this policy is to promote a culture where bullying and harassment are acknowledged to be unacceptable and are not tolerated, and where allegations of such behaviour are dealt with fairly and in a timely fashion, without fear of victimisation.
- 1.3 All students, staff and volunteers have a responsibility to treat colleagues and peers with dignity and respect. This means respecting the feelings, sensibilities, cultural, religious and belief differences of others and considering how your behaviour is being perceived.
- 1.4 This policy covers harassment of students by another student or by a member of staff.

2. Our commitment to tackling bullying and harassment of (and by) students

- 2.1 We are committed to:
- (i) creating and sustaining a working and learning environment which is free from discrimination, bullying, harassment or victimisation;
 - (ii) tackling swiftly any incidents of bullying, harassment or victimisation of or by students;
 - (iii) promoting this policy to all students and staff;
 - (iv) monitoring the implementation of this policy.

3. What constitutes bullying and harassment?

- 3.1 Harassment can be defined as unacceptable and offensive behaviour that has the purpose or effect of affecting the dignity of an individual or group of people. It describes behaviour which subjects an individual or a group to unwelcome attention, intimidation, humiliation or ridicule. It can range from extreme forms, such as violence, to more subtle forms, such as deliberately ignoring someone.

Harassment of a student by a member of staff

- 3.2 Harassment of a student by a person employed by the Centre is unlawful under the Equality Act 2010. The Act makes three types of harassment unlawful:
- (i) harassment related to a relevant protected characteristic;
 - (ii) sexual harassment;
 - (iii) less favourable treatment of a student because he or she submits to or rejects sexual harassment or harassment related to their sex.

- 3.3 For the purposes of the harassment provisions in the Equality Act, the protected characteristics are: age, disability, gender reassignment, race, religion and belief, sex and sexual orientation. Pregnancy and maternity are not protected directly under the harassment provisions, however, unwanted behaviour related to pregnancy and maternity (as described below) may amount to harassment related to sex.

Harassment related to a relevant protected characteristic.

- 3.4 Guidance on the Equality Act 2010 states that “harassment of a student occurs when [an individual] engages in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- (i) violating a student’s dignity; or
- (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment ...”

- 3.5 The word “unwanted” means “unwelcome” or “uninvited”. It is not necessary for the student to explicitly state that they object to the behaviour for it to be unwanted.

Sexual harassment

- 3.6 Sexual harassment occurs when an individual engages in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- (i) violating a student’s dignity; or
- (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

- 3.7 “Of a sexual nature” can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

Less favourable treatment of a student because he or she submits to or rejects sexual harassment or harassment related to their sex

- 3.8 It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

- 3.9 In relation to all three types of harassment listed above, the harasser does not have to intend to harass; it is the perception of the victim that is important. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. The defining feature, however, is that the behaviour is offensive or intimidating to the recipient or a witness. It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

- 3.10 Harassment may refer to persistent unacceptable or offensive behaviour, but – depending on the seriousness of the incident – might also refer to a single incident.

3.11 Some examples of harassment could include:

- (i) assault or other physical abuse;
- (ii) e-mail or online abuse, including through the use of social networking sites;
- (iii) jokes, ridicule or derogatory comments relating to particular equality characteristics e.g. racial background or cultural differences; sexual orientation; age; disability; sex; religion or belief; pregnancy or maternity;
- (iv) innuendo or gossip, for example based on sexual orientation;
- (v) communicating with a person with a disability via a third party (unless specifically requested);
- (vi) invading privacy or personal space;
- (vii) displaying offensive material; and
- (viii) inciting others to harass.

Harassment of a student(s) or a member of staff by another student

3.12 Harassment of a student, a group of students, or a member of staff by another student is expressly prohibited by the Centre. Under the terms of this policy, harassment of a student, a group of students, or a member of staff by another student(s) is defined in paragraph 3.1. The Centre considers that any of the behaviours described in paragraphs 3.2 to 3.11 would constitute harassment of a student, group of students or member of staff by another student(s).

Bullying of or by a student

3.13 Bullying can be defined as the abuse of power or position to threaten abuse, intimidate, insult or criticise, or to humiliate and undermine a person so that their confidence and self-esteem is affected. Bullying may happen in public or in private and may range from overt forms such as shouting to more subtle forms such as marginalising a person.

3.14 Some examples of bullying could include:

- (i) violence;
- (ii) shouting;
- (iii) sarcasm;
- (iv) constant destructive criticism;
- (v) ignoring or ostracising; and
- (vi) patronising comments.

- 3.15 In practice, the behaviours associated with and the effects of bullying and harassment often cannot be separated. The main difference is that one term (“harassment”) is defined by law and that protection against harassment of students exists under the Equality Act 2010. Bullying is not defined in law. Nevertheless, the Centre regards bullying as seriously as it regards harassment, and does not tolerate bullying of or by students.
- 3.16 Students who feel that they are being bullied or harassed can take action as set out in section four below.

Victimisation

- 3.17 Under the Equality Act 2010, victimisation occurs when a company subjects a student to detriment because he or she has carried out a “protected act” (or because it is believed that a student has carried out or is going to carry out a protected act). A “protected act” covers the following:
- (i) making a claim or complaint of discrimination (under the Equality Act);
 - (ii) helping someone else to make a claim by giving evidence or information;
 - (iii) making an allegation that you or someone else has breached the Act;
 - (iv) doing anything else in connection with the Act.
- 3.18 If an employee of the Centre treats a student less favourably because they he or she has carried out a protected act, this could be regarded as unlawful victimisation. There must be a link between the student’s protected act and the company’s officer’s treatment of that individual.
- 3.19 Note that an individual need not have a particular protected characteristic in order to be protected against victimisation under the Act.

4. Reporting, investigating and tackling incidents of bullying and harassment

- 4.1 We take all allegations of bullying, harassment or victimisation seriously. Formal procedures are in place to allow allegations of bullying or harassment to be investigated fairly and transparently and to be tackled if found to be true.

Informal resolution

- 4.2 If a student feels that he or she is being bullied or harassed – either by another student, or by a member of staff, he or she is encouraged to first of all seek to resolve the matter informally. As a first step, the student should try to make it clear to the person causing the offence that such behaviour is unacceptable, unwelcome and should be stopped. This will often be sufficient to end the behaviour which is causing offence, because in some cases, the person against whom the complaint is directed might be unaware that his/her behaviour had inadvertently caused offence. If this is the case, the inappropriate behaviour should cease quickly.
- 4.3 If they need help or advice, students might wish to consider approaching a member of staff for advice and support.

Formal complaint

- 4.4 A student might want to consider raising a formal complaint if:
- (i) he/she feels unable to approach the alleged bully or harasser informally from the outset; or
 - (ii) after communicating with the alleged bully or harasser, he/she is not satisfied with the outcome of that approach (i.e. that the bullying/harassment has stopped or will now stop); or
 - (iii) the nature of the harassment is sufficiently serious that it is inappropriate to deal with it informally as a first step.
- 4.5 If a student wishes to make a formal complaint, he or she should write to Donal Blaney, the Founder of the Centre or one of the trustees.

Tackling bullying and harassment

- 4.6 If a student is found to be guilty of behaviour which constitutes bullying or harassment under this policy, he or she will be subject to disciplinary action.
- 4.7 If a member of staff is found to have bullied or harassed a student, he or she will be subject to disciplinary action.

Malicious or vexatious allegations

- 4.9 Students who wish to inform the Centre of a malicious or vexatious allegation should inform Robyn Thackara who can be contacted by emailing robyn.thackara@thatchercentre.com.
- 4.10 Members of staff who wish to inform the Centre of a malicious or vexatious allegation made by a student should inform Donal Blaney, who can be contacted by emailing donal@griffinlaw.co.uk.

Staff or students who are concerned that they may have engaged in behaviour which may be perceived as bullying or harassment

- 4.11 If a member of staff or a student is concerned that he or she has inadvertently engaged in behaviour which might be perceived as bullying or harassment, he or she might wish to consider taking the following course of action:
- (i) seek the advice of a trusted colleague, fellow student or advisor;
 - (ii) if appropriate, seek to clarify understanding and reach an informal resolution with the person or persons who may have been offended;
 - (iii) notify someone at the Centre of the potential risk

5. Updates to this Policy

- 5.1 This policy was adopted on 20 November 2015 and will be reviewed every three years or in response to legislative changes.

Student Declaration

I confirm I have read and understood the Centre's Anti-Bullying and Harassment Policy and agree to abide by the policy at all times. I further irrevocably agree, warrant and undertake to indemnify the Centre in respect of all or any loss, damage and/or costs that the Centre might incur as a direct or indirect result of my conduct.

Print Name:

Signature:

Date: