



Student Policy for the Prevention of Bullying and Harassment

Polisi Atal Bwlio ac Aflonyddu i Fyfyrwyr

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If you or someone you know would like this document in Welsh or an alternative format please contact the Senior Officer: Diversity at diversity@nptcgroup.ac.uk or on 01639 648175 / 07825231627

SECTION 1: CONTEXT

- 1.01 Strong legislation exists (for Wales, for the whole of the UK and internationally) which aims to protect the rights of children and young people to a life free from abuse and harm, including bullying. Existing legislation, with relevance for bullying in general, includes:
- Education and Inspections Act 2006
 - Children Act 2004
 - Education Act 2002
 - The Government of Wales Act 1998
 - Human Rights Act 1998
 - United Nations Convention on the Rights of the Child (UNCRC)
 - Equality Act 2010.
- 1.02 NPTC Group of Colleges is committed to equality of opportunity for all students and aims to provide a learning environment where everyone is treated with respect and dignity, and where no-one feels threatened or intimidated. All students should be able to learn free from harassment or bullying in a supportive, friendly, safe, and positive environment where individuals can flourish and reach their full potential.
- 1.03 This policy aims to make clear the College's zero tolerance approach to bullying and harassment, and provide clear guidelines to staff and students on how incidents will be dealt with in line with the College's disciplinary procedures. The policy pertains to all students studying at NPTC Group of Colleges, and all staff dealing with students.
- 1.04 All students and staff must have an understanding of what bullying and harassment is; know what the College's stance is, and what actions they should take if bullying and harassment occurs.
- 1.05 The policy will outline the procedures for students and staff on how to deal with issues related to bullying and harassment and to report the bullying and harassment of others.

If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender re-assignment, sexual orientation, pregnancy or maternity, marriage and civil partnership, age or race they should contact the Senior Officer: Diversity Officer, in the first instance for advice.

SECTION 2: STATUS

- 2.01 This policy was reviewed and agreed by the Policy Group on 4th June 2015.

This policy has undergone Equality Impact Assessment Screening on 10th February 2009. It was deemed unnecessary for the policy to undergo Full Equality Impact Assessment. Copies of the screening document can be obtained from the Senior Officer: Diversity. This document was subsequently Equality Impact Assessed on the 28th May 2015. The policy will be reviewed every two years and will next be reviewed in May 2019.

SECTION 3: POLICY

3:01 It is the right of every student to learn without fear of bullying and harassment. The College is committed to providing an environment in which all individuals can learn effectively, confidently and competently. If a complaint is brought to the attention of management, it will be investigated promptly and appropriately and timely action taken.

What is bullying and harassment?

3.02 **Harassment, in general terms is:**

- unwanted conduct affecting the dignity of the recipient
- persistent or isolated incidents which may be related to sex, marriage and civil partnership, sexual orientation, gender re-assignment, pregnancy and maternity, religious belief, ethnic or national origins, age and disability or any personal characteristic of the individual. However, what is relevant is the impact the actions or comments have on the recipient/complainant, in that it is viewed as demeaning and unacceptable, rather than the motive or intent behind it.

3.03 **Bullying may be characterised as:**

- offensive, aggressive, intimidating, malicious or insulting behaviour by an individual or group
- abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure another person

3.04 There are four main types of bullying (amongst others) - physical, verbal, indirect and cyberbullying. These different types of bullying have three things in common:

- they involve deliberately hurtful behaviour
- they are repeated over time
- they involve an unfair balance of power which makes it hard for the recipient to defend themselves

3.05 **Examples of bullying/harassing behaviour include:**

- Insulting someone whether verbally, in writing, or through behaviour, particularly on the grounds of age, race, sex, disability, sexual orientation, health condition, religion or belief. This could include offensive name calling, teasing, making racist, homophobic, or sexist jokes or remarks (see Appendix 2), using sexually suggestive or abusive language, or gestures.
- Spreading malicious rumours about someone.
- Exclusion from social groups and activities, or isolation or non co-operation.
- Ridiculing or demeaning someone - picking on them/giving constant criticism, whether privately or in public, or setting them up to fail, insensitive pranks.

- Unwelcome and unnecessary physical contact or sexual advances - touching, standing too close, brushing against a person, actual physical contact or serious assault.
- The display of offensive and obscene materials including pornography.
- Coercion, including pressure or requests for sexual favours, pressure to participate in political or religious groups
- Intrusion by pestering, spying, stalking etc.
- Sending offensive, threatening, obscene or insulting text or graphics via any media source, or posting offensive, threatening, obscene or insulting messages on the internet (See Appendix 1: Cyberbullying).
- Any other action or incident which the individual or group of individuals believes constitutes bullying or harassment.

The actions listed above must be viewed in terms of the distress they cause the individual. It is the perceptions of the complainant that determine whether any action or statement can be viewed as bullying.

3.06 **Bullying/harassment and the Law**

Although bullying is not a specific criminal offence in UK law, there are laws that can apply in terms of harassment or threatening behaviour. Harassment is illegal under the 1997 Protection from Harassment Act. This also applies to cyberbullying – threatening and menacing communications. (See Appendix 1)

This policy should be read in conjunction with the following policies:

- Student Disciplinary Policy
- Working Together, Student Entitlements and Code of Conduct
- Complaints Policy
- Equality and Diversity Policy

SECTION 4: PROCEDURE

4.01 **Guidelines for students:**

- If you feel that you are being bullied or harassed, **TELL SOMEONE**. This may be your personal tutor, lecturer, a member of Student Services, or any other member of staff.
- Students can also anonymously report incidents of bullying and harassment they have witnessed by letter to any main reception or Student Services.
- In the case of serious bullying or harassment such as assault or threats of a physical or sexual nature, and if the bullying/ harassment is occurring outside of

the NPTC Group of Colleges, you should seriously consider reporting this to the police.

- Once a member of staff has been told, they will inform the Head of School who will talk to you about the incidents. You will be listened to sensitively and your concerns taken seriously. A strategy to deal with the incident will be negotiated with you and carried out only with your consent.
- An investigation may take place where the Head of School will interview you and the alleged bully/bullies separately. In certain circumstances the College may feel it necessary to involve parents.
- In instances of Cyberbullying, keep evidence by not deleting any emails or text messages, take screen shots and in cases of online Cyberbullying, note website addresses. Also make a note of the time and date that messages or images were sent, along with any details you have about the sender.

(It is also advisable to make a note of dates/times and events in all bullying cases)

- If there is a case to answer, the next step may be the NPTC Group of Colleges Disciplinary Procedure.

4.02 **Guidelines for staff**

- All complaints about bullying or harassment whether raised by students, a parent, or a member of staff on behalf of a student should be taken seriously, treated sensitively, and dealt with immediately.
- It is important to discuss possible/desirable strategies with the complainant in the first instance and proceed as appropriate.
- All complaints should be investigated confidentially by the Head of School/Deputy Head of School or relevant Senior Manager.
- When the alleged bullying/harassment involves a member of staff, the facts of the complaint should be passed to Human Resources for investigation. Human Resources will then proceed in line with the appropriate staff policy.
- In cases of an alleged assault or behaviour that is considered to be serious, such as threats of a physical or sexual nature, and those occurring outside the College, advise complainant to seriously consider reporting this to the police.
- The aim of the investigation is to gather all the facts relevant to the case to decide whether the allegations have been upheld.
- In order to relieve the stress and minimise the risk of further incidents against the complainant it may be necessary to immediately remove the alleged bully/bullies from the premises and suspend pending investigation.
- In cases of Cyberbullying (see Appendix 1) advise the person to keep any emails or text messages as evidence, and to take screen shots and note website addresses of incidences of online Cyberbullying. Also advise the person to make

a note of the time and date that messages or images were sent, along with any details they have about the sender.

- Separate interviews should take place with the complainant, alleged person responsible for the bullying/harassment and any witness/witnesses. All parties involved may be accompanied by a parent, friend, or student representative.
- During the investigation notes will be taken by the Head of School, Deputy Head of School or relevant Senior Manager and the interviewees will be asked to sign these to indicate that they are an accurate reflection of the interview. Confidentiality will be maintained throughout the investigation.
- All the evidence will be assessed by a panel of Senior Managers not already involved in the investigation.
- The investigation should be concluded within 20 working days of the complaint being received. On completion of the investigation, the panel will assess the evidence gathered and make a decision as to whether the complaint is upheld.
- If the complaint is upheld and disciplinary action is justified, the appropriate action will be taken in line with the College Disciplinary Procedure.
- Where a complaint is not upheld, it is advisable to consider the action that might be taken and the support that could be provided to both parties, which could involve the Personal Tutors/Course Co-ordinators, Student Services/College Counsellors.
- The situation must be monitored to ensure that bullying and harassment does not happen again and the investigation should include a recommendation indicating a named member of staff who is responsible for monitoring the situation.
- If either party is unhappy with the outcome, or with the way in which the complaint was handled, he/she may appeal to the Principal or a Designated Person.

SECTION 5: MONITORING

- 5.01 The policy and procedure is to be implemented by all staff. The monitoring and review of the policy and procedures will be undertaken by the Head of Student Support and Assistant Managers of Student Services.

SECTION 6: REVIEW

- 6.01 The policy and procedure will be reviewed every 2 years by the Head of Student Support and Assistant Managers of Student Services, with the next review to be concluded by June 2019.

Appendix I - Guidance for Staff responding to Cyberbullying

Cyberbullying is the use of Information Communications Technology (particularly mobile phones and the internet) by one person or a group of people to deliberately threaten, tease, or embarrass someone else.

The effects of Cyberbullying

Even though cyberbullying is not physical it can still be very upsetting, leaving the recipient feeling mentally vulnerable, scared, isolated and stressed. Escaping cyberbullying can be very difficult, because anyone can get access to a mobile phone or the internet almost anywhere, and it can be difficult for those on the receiving end to avoid it, even in the safety of their own home.

What is different about Cyberbullying?

Cyberbullying has different features to other forms of bullying because:

- it can occur 24/7, anytime and anywhere,
- it can intrude into individuals' safe or personal places such as home,
- the audience can be very large and reached rapidly,
- people who cyberbully may attempt to remain anonymous causing more distress for the person being bullied,
- cyberbullying can cross over more boundaries, for example it can occur between people of different ages, size, and status,
- bystanders can become accessories by passing on humiliating messages or pictures.

Cyberbullying and the Law

Strong legislation exists (for Wales, for the whole of the UK and internationally), which aims to protect the rights of children and young people to a life free from abuse and harm, including bullying. Existing legislation, with relevance for bullying in general, includes:

- Education and Inspections Act 2006
- Children Act 2004
- Education Act 2002
- The Government of Wales Act 1998
- Human Rights Act 1998
- United Nations Convention on the Rights of the Child (UNCRC)
- Equality Act 2010.

Schools have a legal duty to ensure cyberbullying is dealt with in schools. Under the Education and Inspections Act 2006, headteachers, with the advice and guidance of governors and the assistance of school staff, must identify, and implement measures to promote good behaviour, respect for others, and self-discipline among students, and to prevent all forms of bullying. This includes the prevention of cyberbullying.

Although bullying is not a specific criminal offence in UK law, there are criminal laws that can apply in terms of harassment or threatening behaviour, including threatening and menacing communications. Some cyberbullying activities could be criminal offences under a range of different laws.

Cyberbullying can constitute harassment and is illegal under the 1997 Protection from Harassment Act. Other cyberbullying activities could be criminal offences under a range of different laws including:

- The Malicious Communications Act 1988
- Section 127 of the Communications Act 2003
- The Public Order Act 1986
- Computer Misuse Act 1990
- Crime and Disorder Act 1998
- Obscene Publications Act 1959
- Computer Misuse Act 1990

Appendix 2 – Information about Homophobic and Transphobic Bullying

Verbal Homophobic Bullying

Homophobic language is often used without thinking and often dismissed as ‘harmless banter’ but Homophobic language and negative attitudes towards lesbian, gay and bisexual people needs to be challenged because ignoring it allows homophobic bullying in general to continue to escalate. Students will always be told that homophobic language is always unacceptable, they may not understand that homophobic bullying is wrong.

Homophobic language can be used to:

- describe an inanimate object or item that is thought to be inferior or laughable – ‘that pencil case is so gay’
- bully someone who has gay parents/carers or other family members who are gay
- suggest that a person is inferior or laughable or in some way not behaving as they should do – ‘Why do you want to play tennis? Are you gay?’
- suggest that an action or response is felt to be inappropriate – ‘I’m not doing the play if I have to hug him, that’s gay’
- intimidate someone or make them feel uncomfortable – ‘Miss, are you a lesbian?’
- undermine and bully someone by suggesting that they are gay, including spreading rumours and malicious gossip
- verbally bully someone who is gay, or who is thought to be gay

All staff will challenge students, explaining the consequences of using ‘gay’ in a derogatory way. A consistent approach to zero tolerance of such language is central to achieving progress and an environment in which being gay is not thought of as bad.

Direct homophobic verbal abuse

Direct homophobic abuse is directed towards an individual or group of students, as a one-off incident or repeatedly. A boy who is called ‘poof’ or hears ‘backs to the wall’ when he walks by, or a girl who is called ‘dyke’ and avoided as she walks through the corridor, will suffer both short- and long-term harm.

Homophobic bullying increasingly takes place through cyberbullying, i.e. phone calls, text messaging, picture/video messaging, e-mail, online message boards, online chat rooms and on personal web spaces.

How to respond to verbal homophobic bullying?

- Any action to challenge homophobic language should be taken within the framework of the Student Code of Conduct and Disciplinary Procedure.

- Students will be advised that homophobic language will not be tolerated and that the College operates a zero-tolerance approach.
- When an incident occurs, the students involved will be informed that homophobic language is offensive and will not be tolerated.
- If a student continues to make homophobic remarks in the classroom they should be removed from the classroom and they will be spoken to by a member of staff in more detail about why their comments are unacceptable.
- If the problem persists, the Head of School will be advised and the student should be made to understand the disciplinary procedures that will apply if they continue to use homophobic language.
- Parents/carers will be invited in to discuss the attitudes of the student.

In addition to a zero-tolerance approach for incidents of homophobic language, it is important to create an environment where students feel able to report incidents. It is vital that when a student is reporting an incident or incidents, the member of staff does not assume the student is either gay or heterosexual. Staff members will listen carefully to the student's experience, and work with them to identify appropriate responses. The College's Student Code of Conduct and Anti Bullying policy should form the basis of the response.

Physical homophobic bullying

Physical abuse can include hitting, punching or kicking and young people also report that they experience vandalism and theft of property, being threatened with a weapon, and even death threats. Physical homophobic bullying can affect anyone, regardless of whether or not they are gay, and has to be challenged and stopped.

Responding to physical homophobic bullying

Like verbal abuse, students may be reluctant to report incidents of physical homophobic bullying because they fear that staff will assume they are gay, even if they are not. Physical abuse can indicate a student is at risk, and the overarching strategies that are implemented to safeguard students might be appropriate in this context, for example working with other agencies, including, if necessary, the police. Homophobic violence can be a crime.

The staff dealing with the issue will refer to the College's Disciplinary Procedure when responding to physical homophobic bullying.

What a member of Staff will do if you tell them about an incident of homophobic bullying

The staff member will respond promptly and calmly to the student's disclosure. Do not assume that they are gay just because they have experienced homophobic bullying or that they want to talk to you about being gay. Address the incident first and foremost. However, be responsive and respectful if they do tell you they are gay.

- Provide a private and calm space for the student to tell you exactly what has happened. The student needs to feel safe and able to explain the incident(s). They must be able to give you names and times and as much detail as possible.
- Make it clear that it will be necessary to tell other people about the incident, such the Head of School. This does not mean you will tell people that the student is gay, just about the physical abuse.
- Students may not want parents/carers to be informed about incidents of homophobic bullying. Be clear to the student the situations in which confidentiality cannot be maintained (i.e. safeguarding issues).
- Assure the student that the College will take the issue seriously. If the student thinks that there are no consequences as a result of their disclosure, they are unlikely to tell you if any further incidents occur.
- Have you asked the student how the incident has made them feel? Is the student at risk at all? Is there a need to involve other people and agencies? Not all students experience bullying in the same way or are affected in the same way. If the student is reporting a period of systematic bullying there may be issues regarding safeguarding that you need to consider.
- Give the student appropriate reassurance and support and inform them of the pastoral support available from their Personal Tutor / Course Co-ordinator, Student Services, and the College Counsellors.
- Talk to the student at their pace; do not rush them or ask them unnecessary questions.
- Record the incident, and the details of the incident.
- Follow the agreed procedures as set out in the College anti-bullying policy.
- Ensure that the student is safe and is not experiencing on going homophobic physical abuse.

Transphobic Bullying

Transgender is as an umbrella term that describes people whose sense of their gender or gender identity is seen as being different to typical gender norms. Some transgender people will choose to transition socially and some will take medical steps to physically transition (with the help of hormone therapy and/or surgery) to live in the gender role of their choice.

‘Transphobic bullying stems from a hatred or fear of people who are transgender. Anyone whose expression of their gender identity may be interpreted as different from wider cultural or social norms of being male or female may experience bullying related to this and schools and colleges should be alert for signs of bullying.

Transphobic bullying is commonly underpinned by sexist attitudes. Boys and girls may be equally affected. An individual may also experience transphobic bullying as a result of perceptions that a parent, relative or other significant figure displays gender ‘variance’ or is transgender.

Examples of some behaviours which may be seen in instances of sexist, sexual or transphobic bullying include: inappropriate and unwanted touching, spreading rumours of a sexual nature, use of humiliating or offensive sexist, sexual or transphobic language (e.g. reversing he/she pronouns) and the display or circulation of images of a sexual nature.

It is important to help prevent this type of bullying from taking place, to both safeguard the welfare of students and help create a society in which people have positive attitudes to difference and treat each other with respect.

What a member of Staff will do if you tell them about an incident of transphobic bullying

All staff and students should refer to the procedures in this policy in conjunction with the College's Disciplinary Procedure and Student Code of Conduct when responding to Transphobic bullying. However, because of the potential of this form of bullying to be characterised by inappropriate sexual behaviour and because of the particular seriousness of violence (including sexual violence), schools and colleges must always consider in cases of sexist, sexual and transphobic bullying whether safeguarding processes need to be followed and whether police involvement should be advised.

Appendix 3 – How staff will respond if you are being bullied/harassed

- Give the person reassurance that they have done the right thing by telling someone.
- Inform them of the pastoral support available such as their Personal Tutor, Course Co-ordinator, Student Services, and the College Counsellors.
- Encourage them to tell their parents / family members if they have not already done so.
- Advise the person not to retaliate, and in the case of cyberbullying not to reply to any email or text messages.
- Advise the person to keep a note of all dates / times and incidences of bullying.

In instances of cyberbullying the person will be advised to:

- Change their online user ID or nickname.
- Report the incident to the mobile phone company and internet service provider as they can trace the offender.
- Change their mobile phone number, and only give it to family and close friends.
- Keep any email or text messages as evidence, and to take screen shots and note website addresses of incidences of online cyberbullying.
- Make a note of the time and date that messages or images were sent, along with any details they have about the sender; look at and consider changing the personal information they have placed in the public domain such as on social networking sites.
- Block instant messages from certain people or use mail filters to block emails from specific email addresses.

Take action to contain the incident when it involves the circulation of offensive content. If you know the person responsible, tell them to remove the content, if the information is on a social networking site contact the host of the site to report the incident and get the content removed.