| Anti Bullying and Harassment Policy for Students | |
|---|---|
| **Lead:** Student Wellbeing & Safeguarding Manager | **Status:** Approved |
| **Version:** 1 | **Date of Version:** July 2021 |
| **Approving Body:** Executive Team | **Supersedes**: March 2016 |
| **Approved on: 15 November 2021** | **Next Review date:    July 2026** |

## Equality analysis tool[1]

| | | |
|---|---|---|
| 1. | Is the policy relevant to the public sector equality duty? | Yes |
| 2. | Have any concerns previously been raised about this policy or practice? | No |
| 3. | Is likely to result in discrimination against a protected group? | No |
| 4. | Does this policy positively contribute to the participation of under-represented groups in the College's activities? | Yes |

## Version Control

| Version | Date | Change(s) |
|---|---|---|
| | | |

## Access

| Location | Address/Link |
|---|---|
| Sharepoint | |
| Service Centre | |
| Document Centre | |

## Communication

| Medium | Audience |
|---|---|
| Team Briefing, Managers' Briefing, All-site Staff Meetings, Moodle, Student Induction | All staff and students |
| | |
| | |

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[1] The Screening Template related to the Anti Bullying and Harassment Policy for Students can be found on page 11 of this document.

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**Wakefield College**

**Anti Bullying and Harassment Policy for Students**

**Review Cycle:**          Every 5 years

**Next Review Date:**      July 2026

**Person Responsible:**    **Student Wellbeing & Safeguarding Manager**

**Approving Body:**        Executive Team

## 1      Purpose

In presenting this policy the College seeks to:

-    express its commitment to equality and diversity and fulfil its equality duty set out in the Equality Act 2010.

-    express its commitment to following DfE advice contained in Preventing and tackling bullying (October 2013 updated 2017) and work to prevent all forms of bullying.

-    fulfil its duty of care to safeguard and promote the welfare of learners.

-    maintain and promote the College values of Excellence, Inclusiveness and Respect.

-    Comply with the statutory requirements of the SEND Code of Practice: 0 to 25 years (2014 updated 2020).

## 2      Aim

To promote an ethos of zero tolerance of bullying and provide clear guidelines for staff regarding the actions they must take if they become aware that a student is at risk of abuse from peers, including through bullying, cyber-bullying, sexting or sexual harassment.

## 3      Definitions

The key terms in this document are defined as:
- **Peer:** A person of similar age
- **Child:** Those under the age of eighteen

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- **Vulnerable Adult**: For the purpose of safeguarding, and the College duty of care, a vulnerable adult is defined as any adult considered to be at risk

- **Education and Health Care Plan (EHCP):** From September 2014 EHCPs began to replace Statements of special educational needs and Learning Difficulty Assessments from those under the age of 25. An EHCP outlines information about the person including how they communicate, what support they need and what they would like to achieve

- **Bullying:** Behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. This includes any repeated words or actions, which are aimed at causing someone to feel frightened, miserable and helpless. Bullying can take many forms, including:
  - Verbal: e.g. name calling, sarcasm, ridiculing threatening & teasing, or offensive graffiti
  - Physical: e.g. pushing, hitting, kicking, punching, pushing, tripping or any use of physical aggressive contact, or forcing someone to take drugs or other substances.
  - Social: e.g. ignoring, spreading rumours or treating someone like an outsider
  - Psychological: e.g. stalking & intimidation or continued unwanted contact
  - Racist/Religious bullying: e.g. taunts, graffiti, gestures, insults, refusal to work with others because of colour, ethnicity culture or faith, national origin or status
  - Sexist, homophobic or transphobic: e.g. bullying aimed at LGBTQ communities, insults using homophobic terms.
  - Disablist : aimed at those with disabilities

- **Cyber-bullying**: 'Virtual' bullying using technology (e.g. chat rooms, instant messaging, email & mobile phone) which can occur in or outside College. Cyber-bullying can happen at all times of the day, with a potentially bigger audience, as people can forward on content very quickly and easily.

- **Sexting:** Whilst professionals refer to the issue as 'sexting' there is no clear definition. Many professionals consider sexting to be sending or posting sexually suggestive images, including nude or semi-nude photographs, via mobiles or over the Internet but learners may be more likely to interpret sexting as writing and sharing explicit messages with people they know. Creating and sharing sexual photos and videos of under-18s, including selfies, is illegal.

- **Up skirting:** Up skirting typically involves taking a picture under a person's clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification or cause the victim humiliation, distress or alarm. Since April 2019 Up skirting has been a criminal offence -

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Under the Voyeurism Act, up skirting offenders can now be arrested, face up to 2 years in prison and have their name placed on the sex offenders register if caught up skirting. This includes instances where culprits say the images were taken just for a laugh.

- **Harassment:** Any conduct which is unwanted by a learner, which affects the dignity of the learner or group of learners in the College. Harassment may be repetitive or an isolated occurrence against one or more learners

- **Sexual Harassment:** Sexual harassment means 'unwanted conduct of a sexual nature' that can occur online and offline. Sexual harassment is likely to: violate a young person's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. Whilst not intended to be an exhaustive list, sexual harassment can include;

  - Sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
  - Sexual "jokes" or taunting;
  - Physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and
  - Online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:
    - Non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
    - Sexualised online bullying;
    - Unwanted sexual comments and messages, including, on social media; and Sexual exploitation; coercion and threats.

- **Sexual Violence:** Under the Sexual Offences Act 2003 sexual violence is describes as;

  - **Rape:** A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.
  - **Assault by Penetration:** A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another

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person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

- **Sexual Assault:** A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

- **Consent:** Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

  - A child under the age of 13 can never consent to any sexual activity
  - The age of consent is 16
  - Sexual intercourse without consent is rape.


## 4      Statement of Policy

4.1     Wakefield College is committed to ensuring that everyone is equally valued and treats each another with respect.  The College will inform all learners that all types of bullying are unacceptable.

4.2     All complaints of bullying will be taken seriously and will be dealt with as quickly as possible.

4.3     This policy applies to incidents relating to Wakefield College students. This may include incidents occurring outside College, including cyber bullying, if it involves other Wakefield College learners and has an impact on the complainant's time in College.

4.4     Incidents of bullying will be dealt with as described in the procedures at Appendix 1. Whenever possible the situation will be resolved informally but if this is not appropriate the issue may proceed to formal disciplinary action.

4.5     Where bullying is directed at learners under 18 or adults deemed as vulnerable the College will determine whether there are any issues relating to its responsibilities under the legislative requirements of safeguarding.

4.6     Bullying which involves a criminal offence will be reported to the police and will be dealt with at the appropriate level of the Disciplinary Procedures.

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4.7    All learners, including those with SEN, will have access to information on using the Internet and social media safely, including guidance on how to protect themselves against cyber-bullying and exploitation.

4.8    Supporting the emotional, mental and social development of disabled children and young people and those with SEN, to include referral to internal services as appropriate and listening to the views of pupils and students with SEN to develop measures to prevent bullying

## 5    Monitoring

5.1    Informal complaints and issues will be monitored by the Student Wellbeing and Safeguarding Manager. Formal complaints and disciplinary action will be monitored through the Student and/or Staff Disciplinary Procedures and Complaints monitoring processes.  For SEND students, the ALS Service will be informed to work with other professionals / agencies working with the young adult to protect their wellbeing and for additional strategies to be put into place to protect the young adult from harm.

5.2    Bullying incidents which are considered to be Safeguarding issues will be monitored by the Student Wellbeing and Safeguarding Manager and reported to the Safeguarding and Wellbeing Development Group. They will be reported to Governors in the annual Safeguarding report.

5.3    Awareness raising of keeping safe, bullying and e-safety will be monitored through Student Perception Survey and Student Voice Forum.

## 6    Communication

Learners will be made aware of this policy through:

-    Induction processes
-    Tutorial
-    Moodle

## 7    Useful Contacts

- NSPCC Helpline 0808 800 5000
- NSPCC Harmful Sexual Behaviour
- ChildLine 0800 500 / www.childline.org.uk
- Kidscape www.kidscape.org.uk
- Anti-Bullying Alliance www.antibullyingalliance.org
- Bullying UK www.bullyinguk.org.uk
- Brook Sexual Behaviours Traffic Light Tool

**Appendix 1**

**Procedure for Dealing with Harassment and Bullying**

Complaints of bullying and harassment could come from the following sources:

- Informal complaints
- Third party or witness complaints
- Counter complaints
- Formal complaints
- Moodle reporting

1      Informal Complaints

If a complaint is made, quick action can often lead to a problem being solved informally between those involved.  Sometimes it is not appropriate to take an informal approach; however it should always be considered before more formal action is taken.

If a learner feels they are being bullied they do not need to take action alone. They can contact their Student Group Leader, a Wellbeing Officer, a Students' Union representative, or any other member of staff with whom they would feel comfortable. That person will need to offer support and guidance to help the learner decide on the best course of action to take. If that person needs help in handling the case, they can contact a Student Experience Manager/Head or Student Wellbeing and Safeguarding Manager for advice and support.

The learner should consider how they want to approach the alleged perpetrator.  They may choose to meet with them, they might want to phone them or write a letter to them. Help with this may be given by the member of staff chosen above. If the decision is made to meet with the alleged perpetrator the member of staff may need to mediate. The alleged perpetrator needs to understand the impact of their actions and realise that it is unacceptable and must be stopped. If it comes to light that there is an underlying problem that is causing the action of the perpetrator, support can also be offered to deal with those issues.

The member of staff involved should record the details of the issue, action taken and the outcome on ProMonitor Confidential Comments for monitoring and reporting purposes.

If the situation remains unresolved, there may be no alternative but to take formal action.  If this happens the learner should be encouraged to keep a record of any incidents including dates, times, location, names of individuals involved including witnesses, action they may have taken and how they were affected by the incident.

2       Third Party or Witness Complaints

If a learner witnesses behaviour that is perceived to be bullying they should report it to a member of staff. If a member of staff witnesses behaviour that is perceived to be bullying, they should follow the procedures in Appendix 1 or refer it to another appropriate member of staff.

3       Moodle Reporting

The Moodle system can be used for self-reporting or third party reporting of bullying concerns. Any such concerns will be followed up by the Student Wellbeing and Safeguarding Manager.

4       Counter Complaints

If an alleged perpetrator, following a complaint, makes a counter-complaint, the two complaints may be investigated separately or simultaneously.  The member of staff undertaking the investigation will make a judgment about the appropriate course of action according to the extent to which evidence, witnesses etc are the same in both cases.

5       Formal Complaints

If an informal approach has not been possible or is seen as inappropriate or has not found a solution, the learner should make a formal complaint. This should then be investigated by the Head of Department as described in the Student Disciplinary Procedures.

6       Complaints Against a Member of Staff

If the complaint of bullying is against a member of staff the informal stages of this procedure may apply.  However, if a formal complaint about bullying or harassment by a member of staff or the Corporation is received, this will be dealt with using the Staff Disciplinary Procedure.

7       Safeguarding Children and Vulnerable Adults

If a case of bullying and/or harassment is considered to be a safeguarding issue in relation to the College policy, the appropriate referrals will be made according to College procedures. The Student Wellbeing and Safeguarding Manager will deal with the referral of student cases and the Director of Human Resources will deal with cases involving staff.

8. The following actions must be taken by all staff:

- All staff and learners have a responsibility to work together to ensure that abuse does not occur, or where it is found, action is taken
- Staff must ensure ground rules are set in induction and that learners are made aware of the importance of adhering to fundamental British values, what constitutes abuse (including bullying and cyber-bullying) and how any incidents of abuse will be addressed through the Student Disciplinary Procedure
- Level 1, 2 and Y1 L3 students under 18, and must be taught how to stay safe from abuse through the mandatory tutorial programme. Those under the age of 25 in receipt of an EHCP and/or high needs funding will participate in the OPE programme
- Staff receiving reports of abuse, including incidents that take place off College premises, must take appropriate action to follow up all allegations/incidents and record all incidents, actions and outcomes. Any investigations triggered investigation will be managed in line with the Student Disciplinary Procedures. Sanctions against perpetrators may include suspension whilst an investigation takes place.
- Staff must ensure appropriate managers are notified. This includes the School Partnerships Coordinator for a learner who is under the age of 16 (e.g. Y9/10/11) at the start of the academic year and the Head of Inclusion/SENDCO for a learner under the age of 25 who is in receipt of an EHCP and/or high needs funding.
- All staff involved must carefully consider the potential impact of the abuse on both the perpetrator/s and the victim/s and refer those involved for additional support from the welfare team/DSL team as appropriate.
- The DSL team will consider referring learners and their parents/carers to other agencies where appropriate. This may include referral for counselling and to the police as although some types of abuse (e.g. bullying) may not be a specific criminal offence in the UK, some types of harassing or threatening behaviour could be a criminal offence (e.g. under the Protection from Harassment Act 1997)
- All allegations/incidents must be recorded on ProMonitor Confidential Comments, and learners involved told what is being recorded, in what context, and why.
- Any incident of abuse must be discussed with the learners' parents/carers for under 18s and those under the age of 25 in receipt of an EHCP and/or high needs funding, and with the appropriate school where appropriate (for Y10/Y11s) by the 14-16 Coordinator. An agreement must be reached as to what action should be taken subject to compliance with the Student Disciplinary Procedure

- Advice for Safeguarding deputies where sexual violence occurs –

The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if it can be justified to be in the public interest, for example, to protect children from harm and to promote the welfare of children. The designated safeguarding lead (or a deputy) should consider the following:

- Parents or carers should normally be informed (unless this would put the victim at greater risk).
- The basic safeguarding principle is: if a child is at risk of harm, is in immediate danger, or has been harmed, a referral should be made to children's social care.
- Rape, assault by penetration and sexual assaults are crimes. Where a report of rape, assault by penetration or sexual assault is made, this should be referred to the police. Whilst the age of criminal responsibility is ten, if the alleged perpetrator is under ten, the starting principle of referring to the police remains. The police will take a welfare, rather than a criminal justice approach, in these cases.

**Public sector equality duty**

The Public Sector Equality Duty requires College to have **due regard** for the need to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; this involves considering the need to:
- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics;
- encourage people with protected characteristics to participate in activities where their participation is low; and to
- foster good relations between people from different groups - this involves tackling prejudice and promoting understanding between people from different groups.

Consequently, we need to assure ourselves that our policies will not have an adverse differential impact on any particular group. This pre-screening section will enable you to identify whether your policy is likely to have an adverse differential impact.

Please use the following template to help determine whether an equality analysis is required

| Name of the policy |
| --- |
| Author(s): Carol Price |
|  |

| Author(s) of Equality Analysis: |
| --- |
| Name: Carol Price |
| Job title: Student Wellbeing and Safeguarding Manager |
| Date: 03/08/2021 |
| Signature: C.Price |

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In order to decide whether the policy requires further action, please complete the following questions:

**1. What are the main aims, purpose and outcomes of the policy?**

To promote an ethos of zero tolerance of bullying and provide a framework for managing, reporting and monitoring incidents of harassment and/or bullying

**2. Will these aims affect our duty to:**

|  | Yes / No | How? |
|---|---|---|
| advance equality of opportunity? | Yes | Positively |
| eliminate discrimination? | Yes | Positively |
| eliminate harassment? | Yes | Positively |
| foster good relations between people from different groups ? | Yes | Positively |
| tackle prejudice and promote understanding between people from different groups? | Yes | Positively |

**3. What aspects of the policy, including how it is delivered, or accessed, could contribute to inequality?**

Visually impaired students may have difficulty accessing this policy by usual means so a copy will be sent to adaptations to disseminate as required appropriately to these students.

**4. Will the policy have an impact (positive or negative) upon the experience of people, including those who share a protected characteristic?**

**Please complete the following table:**

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| Protected characteristic | Meet needs of people with this characteristic | Encourage participation (if under-represented) | Remove or minimise disadvantages | Possible negative impact |
|---|---|---|---|---|
| Race | Yes | Yes | Yes | |
| Gender | Yes | Yes | Yes | |
| Disability | Yes | Yes | Yes | |
| Religion / belief | Yes | Yes | Yes | |
| Sexual orientation | Yes | Yes | Yes | |
| Gender reassignment | Yes | Yes | Yes | |
| Pregnancy /maternity | Yes | Yes | Yes | |
| Age | Yes | Yes | Yes | |
| Marriage / civil partnership* | Yes | Yes | Yes | |

**Evidence:**

All students enabled to achieve their best in college without fear of bullying or harassment and a culture of respect and tolerance for others promoted, in line with the Prevent Duty and promotion British Values.

**6. What different needs, experiences or attitudes are particular communities or groups likely to have in relation to this policy?**

**Next steps**

If your answers to these questions have identified potential negative impacts, then you should consider further consultation or action to minimise the differential impact. Please contact the Assistant Principal: Inclusion & Partnerships for support.

If no further action is required, please sign the declaration below and include with all published copies of the policy.

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**Declaration**

The policy does not have a significant impact upon equality issues and therefore does not require any further action.

| Author(s) of EA. |
|---|
| Name: Carol Price |
| Job title: Student Wellbeing and Safeguarding Manager |
| Date:03/08/2021 |
| Signature: C.Price |

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