



Bullying and Harassment (Staff) Policy

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Related Policies / Procedures	Disciplinary Procedures Equality, Diversity and Inclusion Policy Grievance Policy Complaints Policy Whistleblowing Policy
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1 Introduction

- 1.1 The aim of Results Consortium Limited (thereafter 'the College') is to provide an environment that respects the rights of all people, including employees, students, and other stakeholders with whom we have contact, and where all people are treated with respect. Any behaviour that undermines this aim is unacceptable.
- 1.2 The College does not tolerate any form of harassment or bullying. While implementing and upholding the policy is the duty of our managers and supervisors, all employees have a responsibility to ensure that harassment does not occur and that they respect the dignity of all people they come into contact with.
- 1.3 Harassment is unlawful under the Equality Act 2010 and Protection from Harassment Act 1997. Organisations, managers and individuals can be held liable if they fail to take steps to prevent harassment.
- 1.4 This document outlines the type of behaviour that is unacceptable and the means of redress for those who are victims of bullying or harassment. The policy also applies to work-related functions held outside of normal working hours, such as working lunches, celebrations etc.
- 1.5 All employees will be informed of this policy at induction training and through communication and awareness programmes. Stakeholders participating in our programmes will be advised of this policy as part of their programme introduction.

2 Definitions

Harassment

- 2.1 Harassment is unwanted conduct related to a protected characteristic covered by discrimination legislation, with the intent or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 2.2 Harassment also includes stalking; examples of stalking from the Protection from Harassment Act 1997 are:

- (a) following a person, or having them followed
- (b) contacting, or attempting to contact, a person by any means
- (c) publishing any statement or other material:
 - (i) relating or purporting to relate to a person, or
 - (ii) purporting to originate from a person,
- (d) monitoring the use by a person of the internet, email or any other form of electronic communication
- (e) loitering in any place (whether public or private)
- (f) interfering with any property in the possession of a person
- (g) watching or spying on a person

2.3 Where it cannot be established that there was an intention to offend, the actions will still be regarded as harassment if, considering all the circumstances, it would be reasonable to come to that conclusion.

2.4 People can be subjected to harassment on the grounds of:

1. Sex
2. Sexual orientation
3. Gender reassignment
4. Marital status including civil partnership
5. Pregnancy and maternity
6. Race, nationality, ethnic origin, national origin or colour
7. Religion or religious and philosophical beliefs
8. Disability
9. Age

2.5 Examples of harassment include:

- 2.5.1 Verbal - open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip.
- 2.5.2 Non-verbal - wolf-whistles, obscene gestures, pornographic material, graffiti, offensive letters, e-mails or text messages, offensive objects.
- 2.5.3 Physical - touching, patting, pinching or brushing against someone, intimidating behaviour, assault and physical coercion.

2.5.4 Coercion - pressure for sexual favours (e.g. to get a job or promotion) or to participate in activities including political, religious or trade union groups.

2.5.5 Isolation or non-cooperation, or exclusion from social activities

2.6 Harassment is normally characterised by more than one incident of unacceptable behaviour, but one incident may constitute harassment if it is sufficiently serious.

Bullying

2.7 Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, with the intent or effect of undermining, humiliating, denigrating or injuring the recipient. Bullying is a sustained form of abuse that makes victims feel demeaned and inadequate. It can range from extreme forms such as violence and physical intimidation to less obvious actions:

2.7.1 More obvious:

- Shouting or swearing at people
- Persistent criticism
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort
- Dispensing disciplinary action that is unjustified
- Spontaneous rage, even over trivial matters
- Demanding money or other items

2.7.2 Less obvious:

- Withholding information
- Deliberately supplying incorrect information
- Sabotaging or impeding work performance
- Constantly changing targets
- Imposing impossible deadlines
- Removing areas of responsibility and imposing menial tasks
- Blocking applications for holiday, promotion or training
- Taking or hiding other people's property

2.8 Actions and statements must be viewed in terms of the distress they cause the individual. It is the perception of the recipient that determines whether actions or statements are considered bullying, not the intentions of the person or people making the statement or performing the action.

3 Procedure

3.1 Any harassment or bullying perpetrated by staff will be classed as gross misconduct, potentially leading to dismissal.

3.2 Where a student is found to be bullying or harassing other parties, the Bullying and Harassment (Student) Policy should be followed.

3.3 Initial Action:

3.3.1 Victims of harassment or bullying may wish to discuss their situation before deciding what action to take. Employees can discuss the matter with the Principal, Line Manager or other trusted colleague on an informal basis. All stakeholders can contact Human Resources for advice and support.

3.3.2 The chosen person should:

- listen sympathetically
- help individuals consider objectively what has happened
- discuss what outcome the individual would like
- draw attention to available procedures and options
- ensure the conversation remains confidential as far as legal liabilities allow

- help weigh up the alternatives, without pressure to adopt any particular course of action
- assist the individual in dealing with the situation if they ask for help.

3.3.3 Confidentiality will be maintained as far as possible. If an individual decides not to take any action to deal with the problem and the circumstances described are serious, the College's overall duty of care is to ensure the safety of all stakeholders.

3.3.4 It is for the individual to decide which action to take to address a problem that has occurred.

3.4 Informal Action:

3.4.1 Individuals can choose to solve the matter themselves by approaching the perpetrator, telling them that their behaviour is unwelcome and that it must stop. Otherwise, a formal complaint can be made using the procedure outlined in paragraph 3.5 below.

3.4.2 If a victim would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a third party who can accompany the victim when speaking to the perpetrator.

3.4.3 The victim may also put their views in writing, telling the perpetrator that their behaviour is unacceptable and that it must stop.

3.5 Formal Action:

3.5.1 Where informal solutions fail or serious harassment or bullying occurs, a formal complaint can be made. Legal action may also be considered, at which point independent advice should be sought by the individual. Allegations of bullying or harassment will be investigated by a senior member of staff who has no previous involvement in the case.

3.5.2 For employees, a formal complaint will be made in the form of a grievance following the internal Grievance Procedure. Employees and witnesses are assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith.

3.5.3 If the complaint is upheld, a disciplinary hearing will be conducted

with the perpetrator by the appropriate line manager with a representative from Human Resources.

3.5.4 Where employees feel unable to work in proximity during any investigation or following the outcome of the proceedings, the College will consider a voluntary request from either party to transfer to another working arrangement.

3.6 All complaints will be investigated swiftly and confidentially while ensuring that the rights of the alleged victim and alleged perpetrator are protected. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality. Where employees fail to do so, it will be considered a disciplinary matter.

3.7 Where harassment or bullying has been found to have occurred and the perpetrator remains in employment or otherwise on-site, regular checks will be made to ensure that the behaviour has stopped and that there has been no victimisation or retaliation against the victim or the perpetrator.

4 Malicious complaints

4.1 Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to relevant disciplinary procedure, as will any witnesses who have deliberately misled the College during its investigations.

5 Review

5.1 The policy will be regularly monitored to ensure that it is achieving its aims, it is being effectively applied and is updated in light of changes to legislation or identified best practice.