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| Learner Bullying & Harassment |
| Policy |
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| **Contents** |  |
|  | **Page** |
| Purpose | 3 |
| Scope | 3 |
| Legal Context | 3 |
| Responsibilities | 3 |
| Definition of Bullying | 4 |
| Prevention | 4 |
| Intervention Procedures | 5 |
|  |  |
| Appendix 1 – Types of Bullying | 6 |
| Appendix 2 – Anti-Bullying Policy for Learners | 7 |
|  |  |
|  |  |
|  |  |
|  |  |
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1. **PURPOSE**

JM Excellence in Training is committed to staff and learners’ right to work and learn in an environment that is safe and free from discrimination and bullying. The organisation has a zero-tolerance approach to all forms of bullying and is fully committed to upholding and promoting Fundamental British Values.

1. **SCOPE**

This policy applies to all learners whilst enrolled on any JM Excellence in Training learning programme, including whilst on learning related activities off site eg. a work placement. The organisation will also act where allegations are made regarding a learner’s behaviour outside of learning times, including online activity.

1. **LEGAL CONTEXT**

The Keeping Children Safe in Education Legislation places a duty on colleges to safeguard and promote the welfare of children and the Public Sector Equality Duty 2011 requires all public bodies to eradicate discrimination, advance equality and foster good relations. Safeguarding encompasses bullying and all principles are applicable to the entire learner population of the organisation. JM Excellence in Training safeguarding policies make specific reference to bullying with protected characteristics and these will be reported as part of the safeguarding monitoring process.

1. **RESPONSIBILITIES**

**Staff**

All staff are responsible for:

* Being aware of the Learner Bullying Policy and the procedures for reporting bullying
* Taking action, in line with this policy, should they witness acts of bullying or harassment or are approached in confidence by learners being bullied or harassed or by learners who have witnessed such actions
* Treating all learners with dignity and respect, ensuring their own conduct does not cause offence or misunderstanding and challenging behaviour or the use of language which could cause offence

**Learners**

Learners are required to:

* Follow the Code of Conduct outlined in the learner handbook
* Be aware of the Anti-Bullying Policy
* Report incidents of bullying
* Embrace and uphold Fundamental British Values

**Parents/Carers (where appropriate)**

JM Excellence in Training expects parents and carers of all children and vulnerable adults on learning programmes with the organisation, to alert a member of staff if they know, or suspect their son/daughter, is being bullied or is bullying others. It is also expected that parents/carers will work with JM Excellence in Training’s staff to resolve conflicts between learners.

**Management Team**

The Management Team will monitor the reported incidents of bullying and the actions taken to resolve these issues through monthly meetings.

1. **DEFINITION OF BULLYING**

Bullying is deliberately hurtful or intimidating behaviour by an individual or group, repeated over time. Which results in intentionally or unintentionally undermining, humiliating, denigrating or injuring the recipient.

Bullying can be:

* Direct – physical, verbal, non-verbal
* Indirect – cyber-bullying, e-bullying, texting

Bullying often relates to differences, real or perceived (see Appendix 1). Specific areas of bullying can include:

* Race/Religion
* Appearance
* Culture/Nationality
* Ability
* Disability
* Health
* Homophobia/Sexual Orientation/Transgender
* Family/Home Circumstances
* Sexism
* Socioeconomic Aspects
1. **BULLYING IN THE WORKPLACE**

Bullying or harassment in the workplace must be dealt with appropriately and timely to avoid further negative impact on the staff member. This includes learners employed by or on placement with external employers.

Employees should see if they can sort out the problem informally first and can seek support from their tutor/assessor (where relevant). If this is not resolved, they can talk to their:

* manager
* human resources (HR) department
* trade union representative

If this does not work, they can make a formal complaint using their employer’s grievance procedure. If this does not work and they’re still being harassed, they can take legal action at an [employment tribunal](https://www.gov.uk/employment-tribunals/taking-a-case-to-an-employment-tribunal).

They could also call the Acas (Advisory, Conciliation and Arbitration Service) helpline for advice:

**Acas helpline**
Telephone: 0300 123 1100
Textphone: 18001 0300 123 1100
Monday to Friday, 8am to 6pm
[Find out about call charges](https://www.gov.uk/call-charges)

1. **PREVENTION**

JM Excellence in Training is committed to establishing a culture of tolerance and positive engagement so that bullying is prevented. To establish this ethos, the organisation has developed a number of strategies aimed at prevention. Underpinning these strategies are JM Excellence in Training’s core values of respect for staff and learners, excellent behaviour standards and inclusivity.

Prevention strategies include:

* Learners learn about respect and bullying, citizenship, the Prevent strategy, equality and diversity. Throughout the curriculum there are opportunities to develop skills such as team work, empathy and resilience
* Anti-Bullying posters are displayed throughout JM RET sites to raise awareness and signpost support
* All staff receive safeguarding training and training specific to the Prevent Duty
* Anti-Bullying Week, Hate Crime Awareness, LGBT Month and Internet Safety day are acknowledged
* Staff work with learners to develop resilience, communication skills and coping strategies
* Expectations are made clear to learners at induction
1. **INTERVENTION PROCEDURES**

All reports of bullying will be taken seriously and addressed as quickly as possible. The priority is to support those being bullied. JMET determines the nature and extent of the bullying and takes actions appropriate to the circumstance.

In summary, once a report of bullying is received a member of staff will meet with the individual(s) being bullied to discuss the circumstances and severity of the bullying, identify the learner’s wishes regarding moving forward and determine how the organisation intends to proceed. It may be appropriate to involve parents/carers at this stage. Anonymity cannot always be guaranteed and on occasion, JM Excellence in Training will have to take action that the learner may not be in full agreement with. This is due to the organisation’s duty to act to protect and safeguard learners, but every effort will be made to deal sensitively with the issues and, wherever possible maintain anonymity.

A record of accusations of bullying behaviour and actions taken are kept on safeguarding records.

When the organisation believes that bullying has occurred it will be dealt with as a disciplinary matter through the organisation’s disciplinary process.

If the person making the allegation is dissatisfied about how it has been dealt with, he/she has the right to request that the outcome is independently reviewed through the organisation’s complaints procedure.

**Appendix 1**

**TYPES OF BULLYING**

**Bullying includes:** a wide range of repetitive behaviours with the intent to cause harm - for example: name calling, offensive comments, hitting, pushing, theft or damage to belongings, graffiti, coercion, spreading of harmful messages through gossip, sending or spreading messages and images through mobile phones and the internet, deliberate exclusion.

**Bullying is not:** teasing and banter between friends without intention to cause harm, falling out between friends after a disagreement, behaviour that all parties consented to.

**Bullying linked to prejudice and discrimination:** bullying can also be linked to prejudicial behaviour or targeting of certain individuals or groups – for example homophobic bullying, bullying associated with disability, bullying related to health conditions and allergies, bullying related to race and religion, bullying of learners who care for their parents or their siblings (young carers), and gender based bullying (e.g. transphobia, sexual and sexist bullying).

**Bullying related to appearance:** we also know that learners can be subjected to bullying related to their physical appearance (e.g. weight, height, disfigurements, hair, teeth, skin conditions, and clothes).

**Sexual bullying:** sexual bullying is any behaviour with a sexual element that is harmful, non-consensual and repeated. This could include sexual comments and name-calling, spreading of sexual rumours, use of technology and social networking sites to spread sexual gossip, comments or images, sexting, non-consensual touch (e.g. touching body parts, pulling on items of clothing specific to a gender).

**Cyber-bullying:** the development of internet and mobile phone technology has provided different tools and methods for bullying others known as ‘cyber-bullying’. However, fundamentally it is driven by the same behaviour and motivation as any form of bullying. One off incidents, such as sending an image which is then forwarded to a group, can quickly become repetitive. Cyber-bullying can include sending or posting of harmful messages, comments and images online or through mobile phones, exclusion from social networking and impersonating of others to cause harm. The sharing and posting of images without the persons consent that cause harm and embarrassment is unlawful and subject to legal proceedings.

**Bullying and crime:** There are times that bullying behaviour becomes criminal - but not all bullying behaviour is criminal. Some examples of bullying behaviour that could be considered criminal include threatening or actual physical assault, threatening or actual sexual assault, the use of technology to bully and harm, coercing others to commit a crime, hate crime (e.g. racism). If we think a crime has been committed, the police will be contacted.

**Appendix 2**

**Anti-Bullying Policy for Learners**

**INTRODUCTION**

JM Excellence in Training is a place where every person has the right to be themselves and to be included in a safe and happy environment. All learners are equal and should be treated with respect.

**WHAT IS BULLYING?**

Bullying is hurtful or unkind behaviour which is deliberate and repeated. Bullying can be done by an individual or group of people towards another individual or group.

**WHAT DOES BULLYING LOOK LIKE?**

Bullying can be:

* Hitting or threatening to hit someone
* Touching someone inappropriately without their consent
* Calling someone names or spreading rumours or gossiping about someone
* Stealing, hiding or damaging someone’s property
* Deliberately ignoring someone or leaving them out
* Sending hurtful or unkind texts or online messages to or about someone

Remember that bullying isn’t just physical, and it can happen outside or inside learning or work. If someone is deliberately and repeatedly being hurtful or unkind towards you or someone else, whatever that looks like or for whatever reason, it is bullying.

**WHAT KINDS OF BULLYING CAN HAPPEN?**

Bullying can be based upon a number of things including:

* Race
* Religion or belief
* Culture or class
* Gender
* Sexual orientation
* Gender identity
* Special educational needs or disability
* Appearance or health conditions
* home or other personal situations

**WHAT SHOULD I DO IF I’M BEING BULLIED OR SOMEONE ELSE IS BEING BULLIED?**

**It is really important to report bullying.** It won’t make the situation worse and it will help to stop the bullying whether it is happening to your or to someone else. If you know that someone is being bullied, try to reassure and support them. Tell them that what is happening is wrong and help them to tell someone. Bullying can be reported using one of these ways:

* Report to a member of JMET staff. This could be a technical expert/tutor, manager or member of the Safeguarding team
* If the learner is on a work placement or employed, they can report any issues to their employer, supervisor or other manager
* If the learner is a child they can speak to someone in confidence at ChildLine on 0800 1111

JM Excellence in Training staff will make sure that the bullying is recorded and taken seriously and will follow up to support you or the person being bullied. They will also act to sort out the situation with the bully and any others involved.