ABBEY DLD
GROUP OF COLLEGES
CAMBRIDGE • LONDON • MANCHESTER

BULLYING, HARASSMENT AND SEXUAL HARASSMENT POLICY

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CONTENTS

CLAUSE

1. Policy statement 2
2. About this policy 2
3. Who does this policy apply to? 2
4. Who is responsible for this policy? 2
5. Preventing Harassment and Sexual Harassment 3
6. Responsibilities of Managers and Employees 3
7. What are Bullying, Harassment, Sexual Harassment and Victimisation? 4
8. If you experience bullying, harassment, sexual harassment or victimisation: informal steps 7
9. Raising a formal complaint 7
10. If you witness bullying, harassment, sexual harassment or victimisation 7
11. Formal investigations 8
12. Action following the investigation 8
13. Appeals 9
14. Protection and support for those involved 9
15. Reporting outcomes, confidentiality and record-keeping 10

1. Policy statement

1.1 The Company is committed to providing a safe working environment where everyone is treated with dignity, courtesy and respect. Bullying, harassment, sexual harassment and victimisation of any member of staff, or anyone they come into contact with during the course of their work, will not be tolerated. Sexual harassment, harassment related to a protected characteristic and victimisation may also be unlawful under the Equality Act 2010. Any breach of this policy may result in disciplinary action, up to and including dismissal.

1.2 We are committed to taking all reasonable steps to prevent sexual harassment and other forms of harassment occurring in the workplace and in work-related settings.

1.3 This policy applies to conduct occurring in person, online, by telephone, through social media, messaging platforms, email, work systems and at work-related functions.

1.4 The Company recognises that preventing harassment is a proactive responsibility. We will identify and assess workplace risks and implement appropriate measures to reduce the likelihood of bullying, harassment, sexual harassment and victimisation occurring.

2. About this policy

2.1 The purpose of this policy is to set out a framework for preventing, identifying, reporting and addressing bullying, harassment, sexual harassment and victimisation involving staff (which may include consultants, contractors and agency workers) and third parties such as customers, suppliers, parents, students or visitors.

2.2 This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time.

3. Who does this policy apply to?

3.1 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

4. Who is responsible for this policy?

4.1 The CEO has overall responsibility for the effective operation of this policy but has delegated responsibility for overseeing its implementation to the Head of the HR Department. Suggestions for change should be reported to the Head of the HR Department.

4.2 Line managers have day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance.

4.3 This policy is reviewed annually by the Head of the HR Department in consultation with the CEO. We will monitor its effectiveness.

4.4 Managers are responsible for promoting a respectful working environment, identifying potential risks, addressing inappropriate behaviour promptly, escalating concerns to HR and taking reasonable measures to prevent bullying, harassment, sexual harassment and victimisation.

4.5 HR is responsible for overseeing training, monitoring trends, maintaining records and reviewing workplace risks.

5. Preventing Harassment and Sexual Harassment

5.1 The Company will take proactive steps to prevent bullying, harassment, sexual harassment and victimisation. Measures may include:

- Conducting workplace risk assessments.
- Reviewing departments or work activities where there may be greater risk.
- Assessing risks arising from customer-facing roles.
- Assessing work-related social events.
- Assessing business travel arrangements.
- Assessing lone-working arrangements.
- Reviewing complaints, grievances and disciplinary cases.
- Reviewing exit interview feedback.
- Providing mandatory staff training.
- Providing manager training.
- Monitoring workplace culture.
- Taking appropriate action where patterns or trends emerge.

6. Responsibilities of Managers and Employees

6.1 All staff must:

- Treat others with dignity and respect.
- Refrain from any form of bullying, harassment, sexual harassment or victimisation.
- Challenge inappropriate behaviour where reasonably able to do so.
- Report concerns promptly.
- Cooperate with investigations.

6.2 Managers must:

- Lead by example.
- Address concerns immediately.
- Escalate concerns to HR.
- Ensure complaints are handled appropriately.
- Complete required training.

• Take reasonable action to prevent inappropriate conduct occurring within their teams.
• Promptly address any concerns regarding customer, visitor, contractor or other third-party behaviour towards staff.

7. What are Bullying, Harassment, Sexual Harassment and Victimisation?

7.1 Bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which undermines, humiliates, denigrates or injures another person. Examples:

- Persistent criticism
- Public humiliation
- Shouting or aggressive behaviour
- Deliberately excluding someone
- Excessive monitoring
- Setting unrealistic deadlines
- Undermining professional competence
- Spreading malicious rumours

7.2 Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples:

- Racist comments
- Offensive jokes
- Mocking a disability
- Derogatory comments about age
- Religious insults
- Offensive comments regarding sexual orientation.

7.3 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to sexual harassment.

7.4 It also includes treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

7.5 Sexual harassment may include, for example:

(a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;

(b) continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;

(c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);

(d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or

(e) offensive emails, text messages or social media content.

7.6 A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

7.7 Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

(a) Bringing proceedings under the Equality Act 2010.

(b) Giving evidence or information in connection with proceedings under the Equality Act 2010.

(c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.

(d) Alleging that a person has contravened the Equality Act 2010.

7.8 Victimisation may include, for example:

(a) Denying someone an opportunity because it is suspected that they intend to make a complaint about sexual harassment.

(b) Excluding someone because they have raised a grievance about sexual harassment.

(c) Failing to promote someone because they accompanied another staff member to a grievance meeting.

(d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

(e) Treating someone unfavourably because they reported bullying or harassment internally.

7.9 Bullying, harassment, sexual harassment and victimisation will not be tolerated. Harassment related to a protected characteristic, sexual harassment and victimisation may also be unlawful under the Equality Act 2010.

7.10 They may lead to disciplinary action up to and including dismissal if they are committed:

(a) In a work situation.

(b) During any situation related to work, such as at a social event with colleagues.

(c) Against a colleague or other person connected to us outside of a work situation, including on social media.

(d) Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

7.11 We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

7.12 If any bullying, harassment, sexual harassment or victimisation of staff occurs, we will take steps to address any complaints and to prevent it happening again. These may include updating relevant policies, providing further staff training and taking disciplinary action against the individual concerned.

7.13 Third-party harassment and/or sexual harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment and/or sexual harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

7.14 The Company will not permit customers, contractors, visitors, suppliers, agents, parents, students or other third parties to harass or sexually harass members of staff. The Company will take all reasonable steps to prevent such conduct and will take appropriate action where incidents are reported or identified.

7.15 Third-party harassment and/or sexual harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment and/or sexual harassment they are a victim of, or witness, in accordance with this policy.

7.16 Any harassment and/or sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

7.17 We will take active steps to try to prevent third-party harassment and/or sexual harassment of staff. These may include warning notices to customers or recorded messages at the beginning of telephone calls. Preventative measures may include customer codes of conduct, signage, staff guidance, escalation procedures, removal from premises, refusal of service, and reporting serious incidents to external authorities where appropriate.

7.18 If any third-party harassment of staff occurs, we will take steps to remedy any complaints and will take all reasonable steps to prevent it happening again. These may include warning the individual concerned about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the colleges where appropriate.

8. If you experience bullying, harassment, sexual harassment or victimisation: informal steps

8.1 If you experience bullying, harassment, sexual harassment or victimisation, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult, you should speak to your line manager or the HR Department, who can provide confidential advice and assistance in resolving the issue formally or informally. If you feel unable to speak to your line manager because the complaint concerns them, you should speak informally to the HR Department. If this does not resolve the issue, you should follow the formal procedure below.

8.2 If you are not certain whether an incident or series of incidents amounts to bullying, harassment, sexual harassment or victimisation, you should initially contact your line manager or the HR Department informally for confidential advice.

8.3 If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below.

9. Raising a formal complaint

9.1 A formal complaint may be raised where informal resolution has not been successful, where the employee does not feel comfortable pursuing an informal approach, or where the allegation is sufficiently serious to warrant formal investigation.

9.2 A formal complaint relating to bullying, harassment, sexual harassment or victimisation should normally be submitted in writing to HR or an appropriate manager. If the matter concerns your line manager, you should submit it to the HR Department. The complaint should set out the nature of the allegation; the details of the incident or incidents; the name of the person or persons involved; dates, times and locations where known; any action that has been taken so far to attempt to stop it from occurring; details of any witnesses; and any supporting evidence available.

9.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

10. If you witness bullying, harassment, sexual harassment or victimisation

10.1 Staff who witness bullying, harassment, sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

(a) Intervening where you feel able to do so.

(b) Supporting the victim to report it or reporting it on their behalf.

(c) Reporting the incident where you feel there may be a continuing risk if you do not report it.

(d) Co-operating in any investigation into the incident.

10.2 All witnesses will be provided with appropriate support and will be protected from victimisation.

11. Formal investigations

11.1 We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.

11.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.

11.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged individual who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

11.4 Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation. Where appropriate, we will attempt to discuss the matter with the third party.

11.5 Depending on the circumstances and operational requirements, temporary adjustments to duties, working patterns or reporting arrangements may be considered to minimise contact between the parties.

11.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

11.7 At the end of the investigation, the investigator will submit a report to a senior manager. The senior manager will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the senior manager's findings will be given to you and to the individual concerned.

12. Action following the investigation

12.1 If the senior manager considers that there is a case to answer and the individual concerned is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our *Disciplinary Procedure*. Our investigation into your complaint may be put on hold

pending the outcome of the Disciplinary Procedure. Where the disciplinary outcome is that bullying, harassment, sexual harassment or victimisation occurred, prompt action will be taken to address it. If the individual concerned is a third party, such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.

12.2 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

12.3 Any staff member who deliberately provides false information in bad faith, or who otherwise acts in bad faith as part of an investigation, may be subject to action under our Disciplinary Procedure. However, you will not be disciplined or treated detrimentally because your complaint has not been upheld.

13. Appeals

13.1 If you are not satisfied with the outcome you may appeal in writing to the HR Department, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

13.2 We will hold an appeal meeting, normally within 5 working days of receiving your written appeal. Where practicable, the appeal hearing will be conducted by a senior manager, Principal, or Director who has not been previously involved in the case and is senior to the individual who conducted the previous meeting. They may ask anyone previously involved to be present. You have the right to bring a colleague or trade union representative to the meeting.

13.3 We will confirm our final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

14. Protection and support for those involved

14.1 Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

14.2 If you believe you have suffered any such treatment you should inform the HR Department. If the matter is not remedied, you should raise it formally using our *Grievance Procedure* or this procedure if appropriate.

14.3 We will monitor the treatment and outcomes of any complaints of bullying, harassment, sexual harassment or victimisation we receive to ensure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with

appropriately, cultural clashes are identified and resolved and workforce training is targeted where needed.

14.4 We offer access to confidential counselling, through our Employee Assistance Programme. The helpline number is 0800 028 0199 (organisation code if asked: MHA278342).

14.5 Support and guidance can also be obtained from the following external services:

(a) The Equality Advisory and Support Service (*https://www.equalityadvisoryservice.com/*).

(b) Protect (*https://protect-advice.org.uk/*).

(c) Victim support (*https://www.victimsupport.org.uk/*).

(d) Rape crisis (*https://rapecrisis.org.uk/*).

(e) Rights of women (England and Wales) (*https://www.rightsofwomen.org.uk/*).

15. Reporting outcomes, confidentiality and record-keeping

15.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

15.2 When appropriate and possible, where a complaint is upheld, we will advise the complainant of the action that has been taken to address their specific complaint and any measures put in place to prevent a similar event happening again.

15.3 Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Interpretation

This policy applies in all schools, colleges and other work environments within the Abbey DLD Group Limited, registered number 13933719.

The terms “Group” and “Company” should be interpreted accordingly, dependent on the employing company.

The registered office is C/O Abbey College Cambridge, Homerton Gardens, Cambridge, England, CB2 8EB. Any enquiries regarding the application of this policy should be addressed to the Head of HR at that address.