

Quality Procedures and Policies	HS-021	Issue Number	3
		Issue Date	October 2024
Bullying and Harassment		Originator	Peter Hurlstone
		Amended by	Peter Hurlstone
		Approved by	Julie Gough

1. Scope

As part of SETA's overall commitment to equality of opportunity, it is fully committed to promoting a fair and harmonious working environment, in which everyone is treated with respect and dignity, and in which no individual feels bullied, threatened or intimidated. The aim of this policy is to prevent harassment and bullying in the workplace which includes harassment and bullying of/by apprentices, staff, contractors, visitors, other customers and third parties.

Harassment and bullying have a negative impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of unwanted or unacceptable behaviour. Harassment or bullying at SETA in any form is unacceptable behaviour and will not be tolerated; it is an unlawful act. It will be viewed as a gross misconduct offence which may result in staff dismissal, apprentice withdrawal or removal from site and SETA's services of external contractors, other customers, visitors and third parties, immediately without notice. In the case of staff allegations, aggravating factors, such as abuse of power over a more junior colleague, for example will be considered in deciding what disciplinary action to take.

This policy covers all areas of the business, including when staff visit overseas sites to conduct business, subject to any applicable local laws.

2. Legislation

On 26th October 2024, the HM Government released the 'Worker Protection (Amendment of Equality Act 2010) Act'. The act introduced a new legal duty on SETA as an employer, to take reasonable steps to prevent sexual harassment of their workers; this is known as the 'Preventative Duty'. Previously there was no proactive legal obligation on employers to take steps to prevent sexual harassment at work. SETA extends this to its customers, visitors and third parties due to the nature of its business.

The act also includes the ability for compensation in sexual harassment claims to be increased. If an employment tribunal finds a worker has been sexually harassed, it must consider whether the preventative duty has been met. If not, the employer can be ordered to pay an additional 25% (maximum) compensation.

Baroness Kishwer Falkner, Chairwoman of the Equality and Human Rights Commission, said: *'Sexual harassment continues to be widespread and often under-reported. Everyone has a right to feel safe and supported at work. The new preventative duty coming into force on 26th October 2024 aims to improve workplace cultures by requiring employers to proactively protect their workers from sexual harassment. Employers will need to take reasonable steps to safeguard their workers. We have updated our guidance to ensure they understand their obligations and the kinds of steps they can take. We will be monitoring compliance with the new duty and will not hesitate to take enforcement action where necessary.'*

SETA has a positive legal duty to take reasonable steps to prevent sexual harassment of their workers under this act; SETA subscribes to this act and fully supports Baroness Kishwer Falkner's statement.

SETA understands that if it fails to take reasonable steps, enforcement action will be taken against us.

3. Definition

Harassment

Harassment is any unwanted physical, verbal or non-verbal conduct-based offensive behaviour towards another individual. It can concern religion or belief, age, race or disability for example. It is anything which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Many forms of behavior can constitute harassment, and a single incident of unwanted or offensive behaviour can amount to harassment. Such include are:

- *Physical conduct, ranging from touching, pushing or grabbing to punching or serious assault*
- *Verbal or written harassment through jokes, offensive language, defamatory remarks, gossip, threats or letters*
- *Inappropriate posts or comments on or via social media commonly known as 'cyber bullying'*
- *Isolation, non-co-operation at work or exclusion from social activities*

Sexual Harassment

Sexual harassment is unwanted behavior of a sexual nature and could be a one-off incident or an ongoing pattern of behavior. It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

Such examples include:

- *Flirting, gesturing or making sexual remarks about someone's body, clothing or appearance*
- *Asking questions about someone's sex life*
- *Telling sexually offensive jokes*
- *Making sexual comments or jokes about someone's sexual orientation or gender reassignment*
- *Displaying or sharing pornographic or sexual images, or other sexual content including e-mails, text messages, video clips, photographs, posters, emblems/symbols or any other offensive material*
- *Unwelcome sexual behavior, including unwanted suggestions, propositions or advances*
- *Coercion, including pressure for sexual favors*
- *Inappropriate personal contact, including intrusion by pestering or spying*
- *Up-skirting*

It should be noted that it is the impact of the behavior that is relevant and not solely the motive or intent behind it.

Sexual Violence

Sexual violence is rape, assault by penetration, sexual assault or causing someone to engage in sexual activity without consent.

Such examples include:

- *Physical conduct such as touching or grabbing parts of another individual's body without consent*
- *Pressure to do sexual things they didn't want to*
- *Sexual assault of any kind*
- *Being recorded in explicit pictures or videos*

Consent

Consent is about having the freedom and capacity to choose; saying yes when being pressured, coerced, or threatened is not consent. Consent to sexual activity may be given to one sort of sexual activity but not another. It is illegal to perform a forced act upon a person, and consent can be withdrawn at any time during sexual activity, each time activity occurs.

Bullying

Bullying is persistent, offensive, abusive, intimidating or insulting behaviour, which, through the abuse of power, makes the recipient feel upset, threatened, humiliated or vulnerable. Bullying can be a form of harassment and can undermine an individual's self-confidence and self-esteem and cause them to suffer stress.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- *Shouting at or humiliating others*
- *Showing anger and threatening behaviour*
- *High-handed or oppressive levels of supervision*
- *Unjustified, offensive and/or insulting remarks about performance*
- *Exclusion from meetings, events or communications without good cause*
- *Physical or emotional threats*
- *Gaslighting and other forms of psychological manipulation*

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

4. Rights of an Individual

All individuals have the right to work in an environment which is free from any form of harassment or bullying. SETA recognises the right to complain about harassment or bullying should it occur. All complaints will be dealt with seriously, promptly and confidentially.

Every effort will be made to ensure that, when a complaint is made, the complainant will be protected from further acts of bullying and harassment. If others also give evidence or information in connection with the complaint, they equally will be protected. Perpetrators of these acts will be subject to disciplinary action which may warrant dismissal.

5. Responsibilities of an Individual

All individuals have a responsibility to help ensure a working environment in which the dignity of everyone is respected. Everyone must comply with this policy and ensure that their behavior to colleagues and anyone connected to SETA does not cause offence and could not in any way be considered harassment or bullying.

All individuals should discourage harassment and bullying by making it clear that such behavior is unacceptable. Colleagues who suffer such treatment and are considering making a complaint should also be supported. Any individual suffering at the hands of harassment or bullying should report it immediately as highlighted in **Section 6** of this policy, to enable SETA to deal with the matter promptly and effectively.

SETA will ensure that adequate resources are made available to promote respect and dignity in the workplace, and to deal effectively with complaints of harassment and bullying. This policy and procedure will be communicated effectively to all, and SETA will ensure that everyone is aware of their responsibilities. Appropriate training or re-training where necessary, will be provided.

6. Reporting Procedure

SETA encourages individuals to report all bullying and harassment, ideally to the Designated Safeguard Leads (DSL) in the first instance, but any member of the Safeguarding team can be reported to. Once done so, the Safeguarder must report to either of SETA's DSL's immediately so they can lead the case.

The DSL will begin the investigation and gather evidence/information as required. SETA's Human Resources (HR) department will be contacted before the investigation in the instance it is a Staff member being reported, as it may be necessary for the accused to be suspended from the center, and HR may wish to lead the case.

A contractor, visitor, third party and other customer should report to their host or the Staff member responsible for their visit, who will in turn contact a member of the Safeguarding team or DSL.

Conflicts of Interest

Should the person being reported to be involved or connected with the complaint/allegation, the individual should ask to speak directly to either of the DSL's, who in turn will begin the investigation.

7. Investigation

The DSL's will carry out interviews with all involved parties in the strictest confidence. All relevant investigation notes will be handed over to the relevant external source, such as Hampshire Police or the HR department of the employer the visitor or apprentice is working for, at the swiftest opportunity, possibly without the victim's consent depending on the case.

SETA will report any criminal act to Hampshire Police possibly without consent of the victim should the case warrant it. This will be at the DSL's discretion, depending on the nature of the case.

8. Findings and Action

When harassment and bullying do happen, SETA will look at each case individually to remedy the case and look at what steps must be taken to prevent it happening again.

9. Post Support

SETA's Safeguarding team will offer their full support to all victims of harassment or bullying by keeping in contact and assisting with contacting outreach groups (**Please see Section 14**) as required.

10. Records and Documentation

All documentation and investigation notes will be recorded on the 'MyConcern' Safeguarding platform by the DSL's.

11. Appeals

Appeals will be brought before the Chief Executive Officer (CEO), who will call upon HR or the trustees for assistance as required. They will investigate the appeal and decide the outcome.

The CEO's decision is final.

12. Emergency Situations

The DSL's will immediately contact Hampshire Police in the event of recent sexual violence and/or they feel the victim may be put at risk of future harm.

13. References

Equality and Human Rights Commission (EHRC)

EHRC publishes updated workplace sexual harassment guidance ahead of change to law

<https://www.equalityhumanrights.com/media-centre/news/ehrc-publishes-updated-workplace-sexual-harassment-guidance-ahead-change-law>

HM Government

Worker Protection (Amendment of Equality Act 2010) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/51/contents/enacted>

The Safeguarding Network

Sexual Violence and Sexual Harassment

<https://safeguarding.network/content/safeguarding-resources/sexual-violence-sexual-harassment#:~:text=Sexual%20violence%20is%20rape%2C%20assault,conduct%20of%20a%20sexual%20nature>

NHS

Help after rape and sexual assault

<https://www.nhs.uk/live-well/sexual-health/help-after-rape-and-sexual-assault/>

Victim Support

A national charity dedicated to helping anyone affected by crime to cope with and recover from their experience

<https://www.victimsupport.org.uk/>

National Bullying Helpline

A UK charitable organisation addressing both adult and child bullying

<https://www.nationalbullyinghelpline.co.uk/>

14. Contacts

Safeguarding Team		
Name	Role	1 st Avenue Location
Tracy Simper	DSL	Upper Mezzanine
Peter Hurlstone	DSL	Front Offices
Lily Lavall	Safeguarder	Front Offices
Honor Hurlstone	Safeguarder	Upper Mezzanine
Tracey Peerless	Safeguarder	Upper Mezzanine
Dave Payne	Safeguarder	Upper Mezzanine

Please contact the Safeguarding team on 07594 299517 or at safeguarding@seta-training.co.uk

15. Review

This procedure will be reviewed quarterly by the DSL's and the CEO. This will include monitoring its effectiveness and implementation of any changes that may be required.