

## P291 CAFRE Learner Bullying and Harassment Policy

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### Version History

Version	Description of Changes	Date
2	<ul style="list-style-type: none"><li>• Change in policy name</li><li>• Update to definitions and procedure</li><li>• Update to labels from 'bully or perpetrator' to 'learner displaying bullying behaviour' and 'victim' to 'learner experiencing bullying behaviour'.</li></ul>	December 2023

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## 1. Introduction

As part of their overall commitment to equality of opportunity, and commitment to obligations under Section 75 of the Northern Ireland Act, 1998, the College of Agriculture Food and Rural Enterprise (CAFRE) are fully committed to promoting a good and harmonious learning environment where every learner is treated with respect, dignity and in which no learner feels threatened. There is a wide range of possible interventions available and there are significant differences in these in terms of the purpose of the intervention and the needs being addressed. This policy aims to promote an anti-bullying culture in CAFRE and to help staff provide support to learners who have experienced bullying and learners who have engaged in bullying behaviour.

Bullying is not considered illegal, but Harassment is.

## 2. Scope

This policy and associated procedures applies to all learners enrolled at CAFRE. This includes when they are out of college on organised college events, on placements or in their place of employment, or when they engage in off campus misconduct.

This policy was written with due cognisance to the current legislation, advice, guidance and college procedures. This policy incorporates CAFRE's Safeguarding Policy and Procedures, Children Young People, Adults at Risk of Harm and Adults in Need of Protection and the Learner Discipline Policy and Procedures.

## 3. Policy Objectives

The objectives of this policy are: -

- To maintain a culture within the college that does not tolerate bullying or harassment in any form.
- To put in place a system where allegations of bullying and/or harassment can be investigated sensitively and professionally.
- To establish a system for dealing fairly and effectively with cases of bullying and harassment.

## 4. Definitions

### 4.1. Harassment

The Equality Act 2010 defines harassment as, *“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”*.

Characteristics that are protected under the definition of harassment include:

age, disability, marital status or civil partnership, sex, sexual orientation, race, religious belief, or political opinion.

Harassment can include unwelcome physical, verbal, or non-verbal conduct. It may be persistent or an isolated incident. The conduct shall be regarded as having the effect of harassment, by weighing up all the circumstances of the case, and in conclusion deducing that harassment could be reasonably considered as having an effect on the learner experiencing bullying behaviour.

Harassment is a criminal offence.

#### 4.2. Bullying

Bullying is defined as; repeated behaviour that intentionally hurts, harms, or adversely affects the rights and needs of another or others, where the relationship involves an imbalance of power. Bullying can be physical, verbal, or psychological. It can happen face-to-face or online.

Bullying involves a deliberate intention to hurt or humiliate. There is a power imbalance that makes it hard for the learner experiencing bullying behaviour to defend themselves. Bullying is usually persistent.

Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can incorporate the following forms:

- **Emotional** being unfriendly, excluding someone, tormenting (e.g. threatening gestures, interfering with personal possessions.)
- **Physical** pushing, kicking, hitting, punching or any use of physical violence.
- **Racial** bullying can be a range of hurtful behaviour, both physical and psychological, that makes a person feel unwelcome, marginalised, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status and can include racial taunts graffiti, gestures.
- **Sexual or Sexist** bullying includes any behaviour whether physical or non-physical, where sexuality is used as a weapon. It includes unwanted physical contact or sexually abusive comments.
- **Homophobic** bullying targets someone because of their sexual orientation (or perceived sexual orientation). It can be particularly difficult for a young person to report and is often directed at them at a very sensitive phase of their lives when identity is being developed. Homophobic bullying has been shown to have an extremely damaging impact, with depression, suicidal thoughts and self-harm reported.
- **Transphobic** bullying is bullying based on prejudice or negative attitudes, views, or beliefs about trans people. Transphobic bullying affects young people who are trans but can also affect those questioning their gender identity as well as students who are not trans but do not conform to gender stereotypes.

- **Verbal** bullying includes name-calling, sarcasm, spreading rumours, teasing, and graffiti.
- **Disability** bullying involving young people with disabilities employs many of the same forms as other types of bullying, with name calling and pushing and shoving being common. Also includes, seemingly 'low level' bullying from which there is no let up.

All these will include:

- Deliberate hostility and aggression towards the learner experiencing bullying behaviour.
- A learner experiencing bullying behaviour who is weaker and less powerful than the learner displaying bullying behaviour.
- An outcome which is always painful and distressing for the learner experiencing bullying behaviour.

### 4.3. Cyberbullying

Cyberbullying is the use of technology (this includes mobile phones, any digital devices, or social platforms) to harass, threaten, embarrass, or target another person. Cyberbullying is an aggressive, intentional act carried out by a group or individual using electronic forms of contact repeatedly over time against a learner experiencing bullying behaviour who cannot easily defend himself/herself.

Cyberbullying involves several behaviours including:

- Sending anonymous texts/messages, making threats of violence or intimidation.
- Communicating through e-mails, chat rooms, messaging services, social media platforms, gaming platforms, virtual reality platforms.
- Giving out personal information belonging to other people without consent.
- Sending frightening or obscene images or video content with or without a threat.
- Impersonating someone and sending messages to others on their behalf or through fake accounts.

All learners need to understand that as members of a wider CAFRE college community they do not have total freedom to express themselves as they wish.

The following types of communication are not allowed and may lead to learners being disciplined, or in extreme cases being asked to leave CAFRE. The posting of comment or content, including images, voice notes and videos, that:

- could be viewed as bullying or harassing another member of CAFRE's community (including other learners or staff). It will be viewed as serious if they set up an online presence through any form of website, page or profile which has the clear purpose of criticising, bullying or harassing another member of CAFRE's community. It will also be viewed as serious if they make libellous statements (statements that are harmful, untrue, would discredit another person) about any other member of CAFRE's community.
- explicitly encourages other members of CAFRE's community to actively break the law. It will be viewed as serious if they actively encourage others to take prohibited substances or commit violence.

- explicitly encourages other members of CAFRE's community to physically bring harm to themselves. It will be viewed as particularly serious if they actively encourage other members of CAFRE's community to self-harm or partake in suicidal idealisation or behaviours.

#### **4.4. Victimisation**

Victimisation occurs when someone is treated less favourably than others because:

1. They have made a complaint (brought proceedings or threatened to bring proceedings).
2. They have helped someone else make a complaint (provided evidence in proceedings, acted as a witness, or provided documentation).
3. They have alleged that a service provider or their's have committed an unlawful act.

### **5. Learners' Rights**

Every learner has the right to learn in an environment which is free from any sort of bullying or harassment. CAFRE fully recognises the right of every learner to complain about bullying or harassment, should it occur. All allegations of bullying or harassment will be dealt with seriously, promptly, and confidentially.

Occasionally an incident may be deemed to be bullying or harassment even if the behaviour has not been repeated or persistent - if it fulfils all other descriptions of bullying. This possibility should be considered, particularly in cases of sexual, sexist, racist, or homophobic bullying and when young people with disabilities are involved. If the learner experiencing bullying behaviour might be in danger, then intervention is urgently required.

Bullying or harassment of any kind is unacceptable at CAFRE. If bullying or harassment does occur, all learners should be aware that incidents will be dealt with promptly and effectively. This means that all those who know that bullying or harassment is happening are expected to tell a member of CAFRE staff.

Every effort will be made to ensure that the learner experiencing bullying behaviours, and others who give evidence or information in connection with the allegation of bullying behaviours, will not be victimised. Any allegation of victimisation will be dealt with seriously, promptly, and wherever appropriate, confidentially. Proven acts of victimisation will result in disciplinary penalties in accordance with the CAFRE Learner Discipline Policy.

### **6. Learners' Responsibilities**

Every learner has a responsibility to help ensure that the dignity of every learner, staff, and other members of the CAFRE community is respected. Everyone must comply with this and learners should ensure that their behaviour does not cause offence and could not in any way be considered to be bullying or harassment. This applies to both in and outside the campus environment.

Every learner should discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting peers who suffer such treatment and/or are considering making a complaint of bullying or harassment. The learner should alert an appropriate member of staff to any incident of bullying or harassment.

If a learner feels that they are being bullied by a member of the College staff, they should report this directly to the Head of Learner Services Branch or Student Support Service Manager.

## **7. Responding to Reports**

When bullying or harassment does occur, a clear consistent response is essential. To respond restoratively to a bullying concern, staff should adopt a positive approach, focused on supporting resolution of the situation. Staff should be prepared with options for how to respond to incidents of bullying in a planned, deliberate, and positive way.

CAFRE staff will:

- Remain calm and make the learner who is experiencing bullying behaviour feel safe.
- Ensure that the college is taking their report seriously.
- Take action to stop the bullying or harassment and change the learner displaying bullying behaviour.
- Maintain positive relationships with all the learners involved.
- Involve both the learner experiencing and the learner displaying the bullying behaviour in seeking an agreed way forward.
- Determine the appropriate level of response required to manage the situation effectively.
- Make it clear to every learner that bullying or harassment is unacceptable.
- Promote positive behaviours and provide awareness raising workshops to learners on the effects of bullying and harassment.

## **8. Confidentiality**

Reports of bullying or harassment may include allegations of a highly sensitive nature and the release of such information could be damaging to the reputations of the learner experiencing bullying behaviour or alleged learner displaying bullying behaviour.

It is vital that a learner experiencing bullying behaviours who wishes to raise a complaint can be assured that the matter will be handled in the strictest confidence. Equally a learner displaying bullying behaviour is entitled to the same protection of their reputation, particularly should a complaint prove to be unfounded.

At all stages of the procedure, staff involved in any way with the complaint are required to refrain from disclosing any details of the complaint to anyone who does not have a legitimate interest in the complaint.



## 9. Procedure

Any learner who believes that they have experienced any form of bullying or harassment should follow the procedures as outlined in this document. At every stage of the formal procedure, both parties will have the right to be accompanied by a representative at investigatory meetings.

This procedure does not replace or detract from a learner's statutory rights under sex discrimination, fair employment, disability discrimination or race relations legislation.

### 9.1. The Informal Stage

This stage is appropriate where the learner experiencing bullying behaviour simply wants the harassment or bullying to stop, where they view it as not serious or where it has not been repeated.

Learners can seek to resolve matters informally by:

1. Approaching the alleged learner displaying bullying behaviour directly making it clear to the person(s) displaying bullying behaviour that the behaviour in question is offensive, is not welcome and should stop.
2. Approaching the learner displaying bullying behaviour with the support of a peer.
3. Approaching the learner displaying bullying behaviour with the support of a staff member.
4. If it is too difficult or embarrassing to do this personally, learners may request a Lecturer or the Student Support Officer, to approach the learner displaying bullying behaviour on their behalf.

A learner may contact a Lecturer or the Student Support Officer for advice and assistance during any stage of the process. The Lecturer/Student Support Officer can assist with the informal resolution of the problem and can also provide support during formal procedures but will not be involved in formal investigations.

Where a learner seeks the support of a Lecturer/Student Support Officer they will sensitively inform the learner that their role at the informal stage can only be one of support or assistance and that:

1. A formal investigation and possible disciplinary action can only take place if a formal complaint is made.
2. A written record of any action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.

College Management will monitor all reported incidents of bullying or harassment and in the event of any patterns emerging may initiate its own formal investigation and take remedial action where necessary. Additionally, there may be situations where the seriousness of a complaint warrants immediate progression to formal proceedings and if necessary, notification to the Police Service Northern Ireland (PSNI).

## **9.2. The Formal Stage**

The formal stage is appropriate if the harassment/bullying is serious, if the learner experiencing bullying behaviour requests a formal approach, or if the harassment continues after the informal procedures have been invoked.

To invoke the formal investigation process, complaints should be made in writing (including dates, times, location of event, any available evidence including screenshots and pictures) to the learner's Programme Manager who will forward the complaint to their Head of Branch for action.

While it is preferable that a complaint should be made in writing this will not preclude the investigation of a complaint made verbally.

Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.

### **9.2.1. Investigation Under the Formal Procedure**

A panel chaired by a Head of Branch and consisting of two members of staff will be appointed to conduct the investigation.

The Panel will complete the investigation within 10 working days of the complaint having been received. Where this is not possible, the procedure will be completed as soon as is practicably possible and both parties informed of the revised timetable.

The Panel will acknowledge receipt of the complaint and arrange to meet the complainant within 3 working days to:

- Clarify and formally record the nature of the complaint.
- Confirm that it is being handled under the formal procedure.
- Ensure that the complainant is aware of the next stage of the procedure.
- Advise the complainant that they have the right to be accompanied by a students' union representative, a parent/guardian/carer, a fellow learner, or safeguarding officer during investigatory meetings.

Where the allegation involves cyber bullying or sexting, the Panel may request access to screen shots of pictures of those involved as part of the investigation and reserves the right to retain copies of such.

A representative of the panel will meet with the person against whom the formal complaint has been made to:

- Outline the nature of the complaint.
- Confirm that it is being handled under the formal procedure.
- Ensure that the individual is aware of the next stages of the procedure.

- Advise the complainant that they have the right to be accompanied by a parent/guardian/carer, a fellow learner, or member of the safeguarding team during investigatory meetings.

The Panel will advise both parties that there should be no communication between them directly or indirectly, in relation to the complaint.

Where the alleged is a member of staff, NICSHR will be consulted and will advise on the conduct of the investigation to be carried out.

After a serious alleged incident, such as physical assault, criminal activity, safeguarding breaches, or health and safety concerns, it may be necessary to circumvent the defined procedure, and take immediate action to remove a learner from the campus. This is to protect both the learner and the college community. This will be undertaken by a Head of Branch or the Student Support Services Manager in accordance with the Learner Discipline Policy.

The Panel chair will write to the learner displaying bullying behaviour outlining the nature of the complaint and will set a date for a formal meeting which will be held within 5 working days of the complaint being received.

The Panel will meet separately with all parties including witnesses. A formal record of all meetings will be kept. All evidence provided will be treated as confidential to the investigation subject to any statutory requirements.

On completion of the investigation, the Panel will prepare a written report outlining its findings, and identifying whether the disciplinary procedure should be invoked, or other action taken.

The outcome of the investigation will be communicated in writing to the complainant/ learner experiencing bullying behaviour and the learner displaying bullying behaviour.

Where the allegation involves an activity that is potentially a criminal offence, for example indecent images of a minor, the matter will be referred to the PSNI for investigation, and the panel will stand down.

## **10. Support**

CAFRE recognises the sensitivities surrounding bullying and harassment. Learners who believe they are experiencing bullying behaviour may access the various forms of support as available through the campus Student Support Officer, including counselling.

The Student Support Officer will meet the learner experiencing bullying behaviour on a regular basis to offer support and to ensure that no harassment or victimisation has occurred since the original complaint was made. This action may be taken even where a complaint has not been upheld.

## 11. Appeals

The learner has the right to appeal a formal decision made by CAFRE. This means that the learner is requesting another individual (or a number of individuals) with the appropriate authority to review the previous decision. The appeal will be considered by an independent Head of Branch, supported by a panel of CAFRE Education Service staff.

The appeal must be submitted:

- Within 10 working days of the decision leading to the appeal, and,
- In writing, either by letter or email to [CAFREappeals@daera-ni.gov.uk](mailto:CAFREappeals@daera-ni.gov.uk).

CAFRE will aim to notify the learner of the outcome of their appeal within 10 working days of the date when the learner submitted their written appeal.

## 12. Northern Ireland Public Service Ombudsman (NIPSO)

The decision of the respective appeals panel is final and there is no right to appeal to CAFRE. However, if the learner remains dissatisfied they have the right to refer the appeal to the Northern Ireland Public Services Ombudsman. Further information about these processes can be found at [www.nipso.org.uk](http://www.nipso.org.uk).

## 13. Customer Complaints Procedure

CAFRE is committed to providing its customers with a high standard of service. We welcome comments on the quality of service received and suggestions on how we can improve our service.

A customer service complaint is any communication to us, which expresses dissatisfaction with the quality of our service. Complaints regarding the disciplinary process will be considered by an independent Head of Branch. This should be submitted in writing (including dates, times, location of event and staff involved) to [CAFREappeals@daera-ni.gov.uk](mailto:CAFREappeals@daera-ni.gov.uk).

## Appendix 1 – Legislative and Policy Context

The College will carry out its responsibilities under all relevant legislation, regulations and professional guidelines.

- Addressing Bullying in Schools Act (Northern Ireland) 2016
- Adult Safeguarding: Prevention and Protection in Partnership Regional Policy, DoHSS&PS & DOJ, July 2015
- Children (Leaving Care) Act (NI) 2002
- Children (Public Performances) Regulations (Northern Ireland) 1996
- Children and Young Persons Act (Northern Ireland) 1968
- Children's Services Co-operation Act (NI) 2015
- Code of Good Governance, Volunteer Now, 2019
- Criminal Justice and Courts Act 2015 Section 33
- Criminal Law Act (NI) 1967
- Education (NI) Order 1998
- Effective Responses to Bullying Behaviour (January 2022)
- Guidance for FE Colleges Providing for Young Learners, AoC/LEACAN, 2006
- Human Rights Act 1998 – Enacted 2000; Arts 2-8
- Managing Critical Incidents Guidance, Education Authority NI, 2021
- Mental Capacity Act (Northern Ireland) 2016
- NI Anti-Bullying Guidance
- Prevention and Protection in Partnership, Adult Safeguarding, DHSSPS, 2015
- Protection of Children (Northern Ireland) Order 1978 Article 3
- Sexting in Schools and Colleges, UK Council for Child Internet Safety, 2016
- Sexual Offences NI Order 2008
- Special Educational Needs and Disability Order (NI) 2005 (SENDO)
- The Children (NI) Order 1995
- The Criminal Evidence (NI) Order 1999
- The Criminal Justice Act 1988 (Reviews of Sentencing) Order (NI) 2019
- The Data Protection Act 2018
- The Disability Discrimination Act 1995
- The Education and Libraries (NI) Order 2003; Articles 17 and 18
- The Mental Health (NI) Order 1986
- The Northern Ireland Act 1998, Section 75
- The Police & Criminal Evidence (NI) Order 1989
- The Public Interest Disclosure (NI) Order 1998
- The Race Relations (NI) Order 1997
- The Safeguarding Vulnerable Groups (NI) Order 2007 (Amended 2012)
- The Sexual Offences (NI) Order 2008
- United Nations Convention on the Rights of the Child 1989