

Harassment and Bullying Policy v3

Version	Date	Policy Author(s)	Review Date
Version 1.0	August 2022	Debbie Gardiner MBE	August 2023
Version 2.0	June 2023	Debbie Gardiner MBE, Managing Director	June 2024
Version 3.0	May 2024	Alpa Gohil, HR Officer	May 2025

Version	Page No.	Paragraph / Bullet	Changes
Version 2.0	1		Debbie Gardiner MBE change of job title.
Version 3.0	All		Policy reviewed

Signed:



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Date: 12th July 2024

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AKG Learning reserves the right to amend this policy, where appropriate.

1. Summary

AKG Learning (the Company) is committed to provide a workplace that is free from harassment or bullying (whether on the grounds of an individual's sex, race, or for any other reason).

The aim of this policy is to provide a means whereby an employee or group of employees may raise a complaint of harassment. A separate procedure, distinct from the Company's Grievance and Disciplinary Procedures, is necessary to ensure that the complaint is handled at the appropriate level of management and employees know that, if they raise a complaint, it will be handled appropriately and confidentially and that there will be no victimisation, intimidation or detrimental treatment of any kind because they have raised the complaint.

This Policy:

- Establishes a procedure for raising and handling complaints of harassment brought by employees involving, as appropriate, both informal and formal stages;
- Aims to raise awareness of the issue throughout the company, including the fact that harassment is unlawful and will not be tolerated within the Company;
- Communicates clearly to all employees that they have the right not to be harassed at work and that they have the right to raise a complaint if they believe this has happened;
- Provides a swift, sensitive, confidential and effective means of raising and resolving complaints and sets out appropriate remedies against employees found guilty of harassment;
- Provides that complaints will be dealt with as quickly as possible;
- Provides that members of management who deal with complaints will investigate them fully and objectively as well as sensitively and that those members of management will be properly trained in the issues which may arise;
- States that any victimisation, persecution or adverse treatment of an employee because they have made a complaint, whether by management or fellow employees, will not be tolerated.

2. General Principles

The procedure has both informal and formal stages. The procedure recognises that many complaints of harassment, if raised informally with the harasser in the first instance, are capable of being satisfactorily resolved without any need for a formal procedure or disciplinary action.

There will be managers who have been properly trained in the issues and who are outside the employee's immediate area of work with whom the employee may discuss the complaint.

The procedure is based on a clear definition of what constitutes harassment, and on the fundamental principle that every employee has an obligation not to harass or behave inappropriately towards a fellow employee for any reason.

The procedure is set out in clear, fair and accessible language.

The procedure provides for speedy investigation in the course of which both the employee making the complaint and the employee against whom the complaint is made have the right to know exactly what is being said by the other party and to be represented by a fellow employee, or a trade union representative, at all stages.

The procedure states clearly that harassment or victimisation is not tolerated by the company and will be treated as a matter of gross misconduct in appropriate cases.

3. What is Harassment?

Harassment can take many forms. It is difficult to provide a simple, straightforward definition. In broad terms, however, harassment at work means behaviour or abuse, often, but not necessarily, of a sexual or racial nature, which is unwanted and personally offensive to the recipient. It can be, and often is, a form of unlawful sexual or racial discrimination. Whether conduct or behaviour amounts to harassment is normally judged from the perception of the victim not the harasser.

Harassment is unsolicited and unwelcome, and it fails to respect the rights, dignity and feelings of others. It may upset the performance at work of the person who is the victim, and it can, and often does, cause stress and anxiety to the individual. It can involve anyone with whom the employee comes into contact at work, including outside suppliers, contractors or visitors. Often, however, it involves a manager or other employee with whom the victim works.

Harassment of any kind is unacceptable to the Company. It will not be tolerated, and it will be regarded, if proven, as gross misconduct that may justify summary dismissal.

As indicated earlier, it is impossible to provide an exhaustive definition of what amounts to harassment. However, sexual harassment may include: -

- Unwanted touching, physical contact, patting, pinching or brushing up against a person
- Unwelcome sexual or social propositions including persistent requests for social contact outside of work, offensive or persistent flirting, suggestive remarks, rude or personal comments or innuendos
- The display of pornographic graffiti, pictures, pin ups and calendars or the unwelcome organisation of kiss-o-grams and the like
- Leering or making sexually suggestive gestures, whistles or comments
- Demands for sexual favours in a work context, including indications that promotion or other advantages at work may only be granted if sexual favours are granted
- Physical assault of a sexual nature

- The wearing of offensive badges or insignia
- Offensive or sexually explicit messages or communications (including e-mail or other electronically transmitted communications)

Racial harassment may include: -

- Comments and name calling, racist abuse and racist "jokes"
- The display of racially offensive material and graffiti or the wearing of offensive badges or insignia
- Comments, insults, and nicknames of a racially specific nature
- Racially offensive messages or communications (including e-mail or other electronically transmitted communications)
- Victimisation or freezing out employees because of their race, colour or ethnic or national origin
- Insulting or abusive behaviour and gestures
- Actual or threatened physical assault on the grounds of race

The above indicate the most common forms of harassment. However, the list is not exhaustive. Harassment that is not specifically of a sexual or racial nature can also occur and this is equally unacceptable to the Company. The same applies to victimisation of any kind of any employee, whether by management or by fellow employees, because they have made a complaint under the procedure.

The Company understands that employees may be subjected to harassment by members of the public or third parties (e.g. contractors working on Company premises) over whom the Company has no control. The Company recognises its obligation to take reasonable steps to protect employees from such behaviour and will always act in accordance with this obligation (including ceasing to use a particular contractor). Any instances must be brought to the Company's attention.

4. Rights of Individual Employees

All employees have the right to work in an atmosphere that is free from any harassment, intimidation or bullying. If any employee or group of employees believe that they are a victim of harassment they should follow the procedure set out below. All employees must recognise that the procedure is provided for their protection, and that it will be operated by the Company fairly and impartially. Employees should therefore raise complaints using the procedure and not by other routes. The company will investigate all complaints promptly, sensitively, confidentially and effectively and will take appropriate action.

5. Procedure

At all stages within the procedure the manager(s) dealing with any complaint will be supported throughout by their Human Resources Team.

- In the first instance, if an employee believes that they are the victim of harassment at work, they should consider trying to resolve the matter informally;
- In many cases, this can mean no more than asking the alleged harasser politely to stop. Experience shows that often if a person is told clearly that what they are doing is unwelcome and unwanted, they will stop. It should be made clear that the behaviour is unwelcome, it is not wanted, and it should not be repeated.
- If this is not effective, or if for any reason it is not practicable, an employee can approach their Line Manager in confidence to seek advice and assistance.
- At this stage all information given will be treated in the strictest confidence. This confidentiality will continue, and the names of the individuals involved and information about the alleged behaviour will only be disclosed to those who need to know for the purpose of investigation of the complaint. It must be recognised, however, that an individual against whom a complaint is being made has the right to know what is being alleged against them and that certain information may have to be disclosed in order to investigate the complaint and interview witnesses.
- At this stage the Line Manager will discuss with the employee whether it is possible or whether the employee wishes for the matter to be resolved informally. Resolving the complaint informally may take several forms, but normally it will involve the responsible manager speaking to the alleged harasser confidentially, informing them that the complaint has been made and the nature of it, and obtaining and monitoring assurances that the behaviour will stop. In some cases, this may also involve the alleged harasser being moved to a different area of work or suspended depending on allegations.
- Whether a complaint is suitable to be resolved informally depends on all the circumstances. In some cases, the complaint may be so serious, or there may be a history of complaints, so that a formal complaint and investigation must take place. However, experience shows that often complaints may be attributable to misunderstandings or misapprehensions and that, without condoning behaviour which amounts to harassment, the matter can be resolved informally so that it does not reoccur. The aim of any procedure should be to try to resolve matters informally with the agreement of all concerned if possible.
- If matters cannot be resolved informally, or if there has been previous conduct or if the conduct is of so serious a nature that the informal procedure would be inappropriate, the procedure that follows will be used.
- As the first step, the employee making the complaint will be interviewed by an appropriate manager and may be accompanied by a work colleague or trade union representative if the employee wishes. Full details of the complaint and of any witnesses will be taken at this investigation stage. Full notes will be taken of the meeting and normally the employee will be asked to write out a statement of what is alleged to have happened so that there is no misunderstanding. This investigation meeting will take place, wherever possible, within 2-5 working days of the complaint being raised.
- The manager will then carry out a full and confidential investigation that will involve interviewing people, including the alleged harasser, involved in the complaint. Those who are interviewed will be informed of the nature of the complaint and they will be advised that the procedure is and must be confidential and that it is vital that they do not discuss the complaint or the information they have given with any other person.

They will also be informed that any information they give may be disclosed to the alleged harasser and the alleged victim. Normally notes will be taken of the interviews and/or the witnesses will be asked to sign written statements that will be disclosed to the parties to the complaint as part of the investigation.

- As part of the investigation, the employee against whom the complaint is made will be interviewed. It may be necessary in serious cases for that person to be suspended on full pay pending the outcome of the complaint, but it is stressed that such suspension is to aid investigation and is not in any way a disciplinary penalty or an indication of likely guilt. At any interview the person against whom the complaint is made will be told very clearly what is alleged against them, will be shown copies of any notes or statements taken and may want to be accompanied by a work colleague or trade union representative.
- At the end of the investigation, the manager will consider the evidence and decide what action is appropriate. If disciplinary action is appropriate, this will be handled in accordance with the Company's Disciplinary Procedure. The Company regards harassment as a matter of extreme seriousness and as gross misconduct justifying summary dismissal. However, the disciplinary action that is appropriate in each case will depend on the particular circumstances.
- If harassment is established but if dismissal is not the appropriate disciplinary penalty, it may be appropriate to separate the parties. If this happens, the guiding principle will be that it is the harasser and not the victim who should be moved.
- The employee who has made the complaint will always be informed of the outcome of the complaint and formally counselled as to the future.
- All employees must recognise that there will be instances where it is decided that no formal action can be taken. This could be because the conduct complained of did not in the Company's opinion amount to harassment or because there is insufficient evidence. Where this happens, there will always be a formal counselling meeting with the complainant to discuss the outcome and to explain the reasons for it.

Under no circumstances will any detrimental action be taken against an employee by the Company or by fellow employees because the complainant has raised a bona fide complaint under the procedure. However, employees need to recognise the serious effect which a malicious or unfounded complaint may have on an individual against whom a complaint is made. Confidentiality must always be maintained.

If the Company is satisfied that an individual made a complaint that was malicious or that the complainant knew was unfounded, this will be treated by the Company as a matter of the utmost seriousness amounting to gross misconduct that may justify summary dismissal.

- It is impossible to set a definitive timetable for dealing with a complaint. However, the aim must always be for an investigation to be concluded within one week of the complaint being raised formally by the individual.
- If a complainant is dissatisfied with the outcome of a complaint, they may raise the matter with the next level of management in accordance with the Grievance Procedure. The grievance will be investigated in accordance with the Grievance Procedure but regarding the special nature of the harassment procedure.