



Document Control

Version No.	Purpose/Change	Lead	Review Date	Next Review Date	Signed
1	To ensure practice is compliant with legal requirements and needs of staff and learners	Muree Spence	February 2021	February 2022	
2	Equality and Diversity Lead-responsible for training, monitoring and reporting.	Zahraa Kauser	February 2021	February 2022	
3	Annual Review - addition of role to check employer E&D for apprentices etc.	Tracy Turner	February 2021	February 2022	

All policies / procedures of this nature are reviewed annually by the Directors as part of Best Choice Training operating governance. As part of the sign off the Directors will consider the most appropriate mechanism to disseminate updates to staff and service users which may include further training or briefings.

BEST CHOICE TRAINING: Equality and Diversity Policy

1. Introduction

BEST CHOICE TRAINING is committed to creating and sustaining a positive and supportive working environment for our staff and an excellent teaching and learning experience for our students, where staff and students are equally valued and respected, and students are encouraged to thrive academically. As a provider of employment and education, we value the diversity of our staff and students. We are committed to providing a fair, equitable and mutually supportive learning and working environment for our students and staff, and this is reflected in the core values of organisation.

Diversity - We view the diversity of our staff, students and alumni as a great asset.

Equity - We believe in the equal treatment of all.

The organisation Equality and Diversity Policy provides for coordination, participation and implementation at a strategic level.

2. Commitment to equality and diversity

Best Choice Training believes that excellence will be achieved through recognising the value of every individual. We aim to create an environment that respects the diversity of staff and students and enables them to achieve their full potential, to contribute fully, and to derive maximum benefit and enjoyment from their involvement in the life of the organisation.

To this end, the organisation acknowledges the following basic rights for all members and prospective members of its community:

- to be treated with respect and dignity
- to be treated fairly with regard to all procedures, assessments and choices
- to receive encouragement to reach their full potential

These rights carry with them responsibilities and the Best Choice Training requires all members of the community to recognise these rights and to engage and act in accordance with them in all dealings with fellow members of centre and other training organisation. In addition, we will comply with all relevant legislation and good practice.

No individual will be unjustifiably discriminated against. This includes, but not exclusively, discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

3. Responsibility

The senior management team has overall responsibility for ensuring that the Best Choice Training complies with the requirements of the Equality Act 2010, including the general duty to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The Senior Management Team within Best Choice Training is responsible for developing and promoting policy and practice on behalf of the company and for advising staff in order to support compliance with equality legislation. All staff are provided with the policy on induction and students are made aware of the policy and procedure as part of their initial assessment and induction with us.

Best Choice Training recognises that all of its staff and students have a duty to support and uphold the principles contained in its Equality and Diversity Policy and supporting policies.

When engaging with employers offering work placements, apprenticeship vacancies and traineeship opportunities Best Choice Training carries out necessary checks on the employers Equality and Diversity policies to ensure they too are upholding their duties under the Act.

4. Dealing with discrimination

Best Choice Training is committed to creating and sustaining a positive and mutually supportive working environment for our staff and an excellent teaching and learning experience for our students, where individuals are equally valued and respected. Bullying, harassment or victimisation of any individual will not be tolerated and any allegations will be taken seriously and dealt with appropriately under the relevant procedure

Policy and Procedure on Bullying and Harassment

Foreword:

Best Choice Training wishes to be 'a stimulating and supportive environment for all students and staff, distinguished by a commitment to high standards, respect for the individual and a strong sense of collegiality'. We believe that equity and diversity are among the values that underpin the organisation.

'Supportive', 'respect', 'collegiality', 'equity', 'diversity': fine terms, but largely empty ones unless reflected in and reinforced by behaviour. In other words, we must 'walk the talk'.

Bullying and harassment have no place in any organisation, let alone one with our vision and values. This policy sets out to specify what forms of behaviour will not be tolerated, how we will respond to them and what support we will offer to people who fall victim to bullying and harassment - and, indeed, to people who are falsely accused of such behaviour. Those who are charged with investigating these matters have to be both open-minded and even-handed.

This document serves as a guide in this difficult area. I hope that people in every part of the organisation will recognise that the policy and procedure set out below are rooted in a genuine commitment to eradicating forms of behaviour that damage individuals and working relationships.

POLICY

INTRODUCTION

Best Choice Training is committed to creating and sustaining a positive and mutually supportive working environment where staffs are equally valued and respected. We acknowledge the following basic rights for all members and prospective members of our community:

To be treated with respect and dignity

To be treated fairly

To receive encouragement to reach their full potential

We are fully committed to maintaining a positive and diverse working environment for individuals in whom people can work productively together, where dignity and respect at work are paramount, equality is promoted, and in which all staff feel valued and respected.

POLICY STATEMENT

It is the that organisation policy that bullying or harassment of its employees is unacceptable behaviour. The company intention is to promote a working environment and culture free from bullying, discrimination, harassment and victimisation, and it will take necessary steps to protect staff from such behaviour, including that which appears to be associated with individuals' race, colour, national origin, sex, disability (past or present), appearance, gender re-assignment, or political or religious belief, power, hierarchical position, socio-economic status, actual or perceived sexual orientation or age, or other differences.

The company will ensure that every employee is informed of this basic principle and of the related policies and procedures that are in place to deal with unacceptable behaviour in the workplace.

The matter is regarded as equally serious when involving students and a separate policy exists to deal with issues of bullying and harassment involving students.

Due to the seriousness with which we view harassment and bullying, informal and formal reporting procedures are provided (see below), which are separate to the grievance procedure. We believe that these procedures provide an appropriate and effective

mechanism for dealing with such issues. However, employees may choose to use the grievance procedure as an alternative.

Allegations of bullying, discrimination or harassment will be taken very seriously and, if proven, may lead to disciplinary action up to and including dismissal.

Best Choice Training recognises it can be difficult for those engaged in unfair treatment or harassment, whether intentional or unintentional, to appreciate the impact of their behaviour. Best Choice Training therefore supports this policy with the necessary measures and procedures to provide early, informal, resolution of these matters where possible.

RESPONSIBILITIES

Every employee, at every level, has a personal responsibility to comply with this policy, to take appropriate measures to ensure that bullying, harassment or victimisation does not occur, and to treat all colleagues with dignity and respect.

This responsibility includes drawing the attention of management to any sort of persistent behaviour which is adversely affecting the dignity, well-being or working environment of Best Choice staff.

All Best Choice Training managers have a responsibility to treat their staff fairly and with consideration for their dignity. In addition to fulfilling this requirement, where bullying or harassment is brought to their attention, managers must take the matter seriously and seek to resolve it. Support in dealing with such matters will be available to managers through regular training made available.

Managers also have a duty to ensure that members of staff maintain acceptable standards of performance and conduct. As a result, they may need to invoke procedures against staff to address issues of capability or conduct. Provided they do this in ways that are consistent, fair and appropriate, and established procedures are followed such management action would not constitute harassment or bullying.

Harassment and discrimination are unlawful in many cases and individual employees may be held legally liable for their actions. Best Choice Training may also be held liable for the actions of staff found to have harassed non-employees. In some cases such behaviour may also amount to a criminal offence.

RECOGNISING BULLYING AND HARASSMENT

Bullying and harassment can be hard to recognise. They do not necessarily have to be face to face, and may take the form of written, telephone or e-mail communications. They may take place between peers, or between a line manager and junior colleague. “Upwards” bullying or harassment is also not uncommon. This section provides some examples of what might constitute varying types of bullying and harassment.

Bullying

Bullying is a type of harassment. It can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. The behaviour experienced is invariably unwanted and uninvited. It may involve actions, words or physical gestures which humiliate, patronise, threaten, intimidate, undermine or demean. Bullying may appear insignificant in isolated incidents, but the cumulative effect can be devastating. Examples of what *may* amount to bullying behaviours, when exercised as defined above, include the following:

Non-Verbal

- Inappropriately removing areas of responsibility without discussion or notice
- Blocking promotion or imposing unfair sanctions
- Isolating someone or deliberately ignoring or excluding them from activities
- Persistently attacking the professional or personal standing of a staff member
- Setting out to make a member of staff appear incompetent
- Inappropriate and/or unnecessarily intrusive monitoring of work
- Claiming credit for someone else’s work
- Deliberate sabotage of work or actions
- Deliberately withholding information or providing incorrect information
- Deliberately overloading with work and/or imposing unachievable deadlines
- Displaying offensive material
- Using inappropriate means (e.g. e-mails) to reprimand insult or otherwise inform someone of their apparent failing

Verbal

Intimidation through repeatedly shouting or swearing in public or private

Public humiliation by constant innuendo, belittling and 'putting down'

Undermining professionalism

Persistent/destructive criticism, especially in front of others

Personal insults and name-calling

Aggressive verbal threats and intimidation

Intimidation through persistent threats about job security

Belittling someone's opinion

Discrediting through making false accusations

Physical

Aggressive bodily posture, gestures or physical contact

Talking/shouting directly into someone's face

Direct physical intimidation, violence or assault

Deliberate damage to personal property

However, as stated above, management action is necessary to address issues of capability or conduct. If carried out in consistent, fair and appropriate ways, such action does *not* constitute harassment or bullying.

Harassment

Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity, or creating a hostile, degrading, humiliating or offensive environment for the recipient. Harassment may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Examples of harassment may include, but are not limited to:

Sex

Sexual harassment is harassment on the grounds of a person's gender, or unwanted conduct of a sexual nature affecting the recipient's dignity. It may include physical contact,

invasion of body space, suggestive remarks, unwanted comments on dress and appearance, jokes of a sexual nature or display of sexually offensive material.

Race

Racial harassment is harassment based on race, nationality or national origin. It includes racist jokes, insults, display of racially offensive material and abusive language.

Sexual Orientation

Harassment may be against individuals or groups of people who are, or are thought to be, lesbian, gay, bisexual or transsexual. It can also include harassment of people who are known not to be lesbian, gay, bisexual or transsexual. Examples include offensive jokes, homophobic banter, ridicule, antigay comments and stereotyping, verbal abuse, threats, derogatory comments or intrusive questioning about a person's domestic circumstances. Innuendo, gossip or failure to accept partners in appropriate circumstances may also constitute harassment.

Disability

Harassment may be based on the fact that a person has a physical or sensory impairment, mental health or learning difficulty. It includes offensive or patronising language, action or behaviour, jokes, or inappropriate comments and questions which cause offence to the individual concerned.

Age

Ageism can affect both old and young people. It may include assumptions regarding the individual's age or their ability to learn, offensive remarks, or exclusion on the grounds of age.

Religious or Political belief

Harassment on the grounds of religious or political belief may include offensive comments or jokes, ridiculing or name calling, display of offensive written or visual material.

Trades Union Membership

Harassment on the grounds of Trades Union membership may include offensive comments or jokes, ridiculing or name calling, display of offensive written or visual material.

GUIDANCE FOR THOSE EXPERIENCING BULLYING AND/OR HARASSMENT

If you believe that you are being bullied or subjected to harassment, you are encouraged to attempt to resolve the matter informally at the earliest opportunity.

It may be that the other party does not know what effect his or her behaviour is having on you. Making this clear to the person concerned informally at the earliest opportunity will give the person the opportunity to recognise the effect of their behaviour and to change it. You may choose to do this in writing or face to face, and you may wish to involve a third party (e.g. a colleague, Dignity at Work Adviser, Ture representative, member of Personnel Services, etc).

It is, however, recognised that in some cases only a formal procedure would be appropriate or effective.

Whether the matter is to be dealt with informally or formally, you are advised where possible to keep a written record of incidents, including time, date, place, a full description of what happened, the names of individuals concerned and witnesses to the incidents. It is recognised that some forms of bullying are very sophisticated and it can be hard to pin down specific dates and times, and it is easy to forget details after the event, so such a record will help you when seeking advice, in deciding whether to make a complaint, in formulating the complaint and in giving evidence at any subsequent hearing.

Make sure you are aware of the options open to you under this policy, for seeking advice or support, for raising the matter informally, or for making a formal complaint(see the procedure below).

GUIDANCE FOR MANAGERS

Where you witness bullying or harassment or where such behaviour is brought to your attention, you must take action. It is important to establish the facts. It may be appropriate to bring the two parties together to agree future standards of behaviour and conduct.

Where bullying/harassment has taken place, you should advise the perpetrator that their behaviour is unacceptable and make clear to them the consequences of future harassment. You may wish to seek advice from Personnel Services on how to deal with the situation.

Where the allegation is made against someone outside your department, you should refer the matter to their manager, or to Personnel Services.

Make sure you are aware of the options open to you under this policy, for seeking advice or support, or for making a complaint.

The impact of an allegation of bullying and/or harassment on the rest of the team should not be underestimated. The earlier action is taken, the better the chance of an acceptable outcome and the greater the chance of minimising disruption and stress for all.

GUIDANCE FOR WITNESSES OF BULLYING OR HARASSMENT

All employees are reminded that there is a duty to report any suspected incidents of harassment, bullying, discrimination or victimisation perpetrated by others. Under the Best Choice Training Public Interest Disclosure Policy, staffs are assured protection from possible reprisals or victimisation if they make such a disclosure in good faith and with a reasonable belief that the incident has occurred. In all other cases, the company policy on victimisation will apply (see below).

If any employee believes or considers a colleague, student or someone connected to work (e.g. a contractor) has harassed, bullied, victimised or discriminated against a colleague or student, they should report this immediately to their line manager or Head of Department/Division or to Personnel Services so that the matter can be fully investigated.

GUIDANCE FOR THOSE ACCUSED OF BULLYING OR HARASSMENT

Anyone can have a complaint made against them and the Company recognises that behaviours complained about may not have been intended to cause offence.

Furthermore, it can be extremely distressing for an individual to have a complaint made against them, particularly where they have acted in good faith and/or believe they have taken necessary and appropriate managerial action (e.g. in managing performance).

Any member of staff who has a complaint made against them should try to step back and reflect on their behaviour in the light of the allegations. Are there ways you can see that you may have unwittingly caused offence?

If you are aware that someone is unhappy with your behaviour or may be contemplating a formal complaint, even where you do not believe you have behaved inappropriately, it may be possible to resolve the matter quickly and informally. Dignity at Work Adviser can advise you on this if you would find it helpful.

Informal resolution may involve one or more of the following: clarifying the nature and context of the behaviour and whether it was inappropriate; indicating to the complainant your view that inappropriate action has not been established and explaining why; explaining that you had not realised the effect of your behaviour; recognising, (even where you believe inappropriate behaviour has not been established), that sensitive responses to concerns can improve future relationships; offering a verbal or written apology to the complainant; giving an undertaking not to repeat the behaviour in future. You should keep a factual record of what you say, a copy of any letter you write and a note of the response of the complainant. This will be useful to you if a formal complaint is subsequently made and an investigation undertaken.

If a formal complaint is made, and you consider that either the behaviour alleged is not inappropriate, or that the allegation is false, you will be able to respond appropriately within the Complaints Procedure.

Training, coaching and counselling is also available to support you, if you wish to change behaviours that may have caused offence.

Not every allegation of harassment or bullying is well-founded. Malicious or vexatious allegations may give grounds for disciplinary proceedings against the complainant, (but this will not include unfounded allegations which were nonetheless made in good faith).

COMPLAINTS INVOLVING STUDENTS

Where a student has a complaint of bullying or harassment against a staff member, this should be raised with the Student Complaints Officer. Where it is deemed appropriate for an investigation to take place, the Director of Personnel Services will be informed. Any action taken against the member of staff will be taken under the relevant staff procedures.

Where a student is alleged to have behaved inappropriately towards a member of staff, the member of staff may raise a complaint using the procedure below. Any action taken against the student will be taken under the relevant student procedures.

CONFIDENTIALITY

All employees involved in the bullying and harassment complaints procedure and/or the investigation process (see below) are required to respect the need for confidentiality. To protect the confidentiality of other parties, if a complaint of bullying or harassment is upheld, the only information normally reported to the complainant will be that the complaint has been upheld. Details of any disciplinary or other subsequent action will only be disclosed where the action will directly involve the complainant. When a complaint is not upheld, the complainant will be given a brief outline of the reasons for this.

MALICIOUS ACCUSATION OR UNFOUNDED COMPLAINTS

The company recognises that false accusations could have serious effects on individuals and therefore malicious accusations will be treated very seriously.

Anyone who is found to have made an unfounded **and** deliberately malicious complaint or allegation against another person will be subject to formal disciplinary action under the Best Choice Training conduct procedure. Such action will not, of course, be taken where, for whatever reason, a genuinely held belief of bullying and/or harassment is deemed unfounded.

Should a member of staff be accused of, and investigated in connection with, alleged harassment, but the complaint is not upheld, we will make every effort to ensure that the individual complained against suffers no future detriment in relation to their employment.

VICTIMISATION

Best Choice Training will not tolerate victimisation of those bringing complaints under the bullying and harassment procedure (whether founded or not), of those who witness bullying and harassment, nor of those accused of bullying and harassment.

Victimisation will be dealt with as a disciplinary matter under the Company conduct procedure.

PROCEDURE

COMPLAINTS PROCEDURE FOR STAFF ON BULLYING AND HARASSMENT:

Introduction

This procedure is separate from, and different to, the company's Grievance Procedure, and provides an alternative route through which complaints of bullying and/or harassment can be brought. Individuals cannot bring complaints under both procedures.

Complaints may be brought under this procedure by the following members of Best Choice Training staff:

The individual making the allegation

Any manager

Any witness

Personnel Services

Trades Union representatives

All complaints will be taken seriously and progressed quickly with confidentiality, sensitivity and discretion. Care will be taken during any investigation to protect the interests of both the complainant and the person against whom the complaint is made, and to establish the nature of the problem.

An investigation need not be triggered by a specific complaint. Statistical monitoring, management or Personnel concern may also be sufficient.

Informal Resolution

Every effort should be made by the complainant to use informal means (including informal discussion, writing to the perpetrator, mediation, etc.), to stop the perceived offensive behaviour before the formal stages of the procedure are invoked.

In circumstances where an employee finds this difficult to do on their own, or if they feel unable to confront the individual concerned without support, they can seek support from a Dignity at Work Adviser in confidence, to help them to resolve the problem. Advisors can always be used initially to decide which approaches to explore in the particular situation.

Where an employee is unable or does not wish to deal with the matter as suggested above, or where the above means have proved unsuccessful, any complaint of bullying/harassment should be made in the first instance to the immediate line manager or next line manager, who will seek to assess the veracity and substance of the case, and advise, counsel or conciliate between parties as appropriate. Where an individual feels unable to approach their manager, they may instead involve a member of Personnel Services for assistance at this stage.

If an outcome has been agreed between parties, the manager (or Personnel Services) will monitor the situation as appropriate.

It is good practice to keep a record of any informal meetings/resolutions, as these may then be used as evidence if a formal complaint is subsequently instigated.

Where appropriate, the solution may involve the provision of training, coaching or counselling.

If the manager decides the matter is sufficiently serious, or may constitute misconduct that could warrant formal disciplinary action, they should raise the matter formally under this procedure with Personnel Services.

Formal Resolution

If the informal approach fails or the nature of the offence is serious, the individual may invoke a formal complaint under this procedure. A formal complaint may also be invoked by others who are aware of the problem.

All formal complaints should be set out in writing to a member of Personnel Services.

The complaint should clearly state:

The name of the person against whom the allegation(s) is being made

The nature of the behaviour complained about

Dates and times when the offences occurred

Examples of specific incidents and any supporting evidence (such as e-mails)

Names of any witnesses to the incident(s)

Any action taken by you (and/or the recipient of the bullying/harassment, if not you) in an attempt to stop the alleged bullying/harassment

It is expected that complaints would normally be brought under this procedure within three months of any incident. This ensures that details are fresh to all involved, and that speedy resolution can be sought.

It may be appropriate for one or both parties to be on special leave for a period of time during the investigation (for their protection or so as not to obstruct the investigation). The Director of Personnel Services will make the decision as to whether this is necessary in any particular case. Such leave does not constitute, and should not be perceived as, any form of penalty or judgement, and will be paid. All effort will be made to ensure that the duration of such leave is kept to a minimum, and that appropriate communication is maintained with any member of staff on special leave, to avoid them feeling isolated.

On receipt of a complaint, Personnel Services will then initiate an independent investigation by two members of staff not previously involved in the matter.

The individual or individuals against whom the complaint has been brought will be notified of the complaint in writing and will, unless there are very exceptional circumstances, be provided with a copy of the complaint. The individual(s) may make a written response to the complaint before the investigation commences.

The investigators will be from outside the relevant department(s), and not directly connected to any of the parties or their managers. They will have received special training in understanding bullying and harassment and will have the appropriate skills in investigating, interviewing, report writing and decision making. If, very exceptionally, circumstances make this approach inappropriate, then alternative, but equivalent, arrangements will be put in place.

The investigators will interview the individual against whom the complaint has been brought, the recipient of the unacceptable behaviour and any other relevant individuals (e.g. witnesses, etc). It is expected that all involved will co-operate fully with the investigation.

Investigators will be given reasonable and appropriate access to relevant documentation to inform their consideration of the case. This might include diary of events; correspondence; staff review records; sickness absence records; medical letters/reports; other Personnel information.

The investigators will collate all information and present this as a report with their recommendations to the Principal as quickly as possible (normally within 15 working days of the commencement of the investigation).

In making recommendations, the purpose will be to resolve the situation. The investigators may recommend that there is no case to answer. The investigators can recommend that the disciplinary procedure be initiated, but not the level of sanction.

The following repair mechanisms will also be considered as potential recommendations (to either the complainant, those complained against, or to any person involved) arising from the investigation:

Apology

Counselling and specialist help

Career development interviews

Training (assertiveness skills, confidence building, equality and diversity)

Mentoring

Coaching and support

Mediation to initiate new and improve working relationships

Secondment opportunities

Monitoring to ensure no repetition of the problem

The Director of Personnel Services, with the appropriate Dean or the Registrar, will consider the report and recommendations and decide whether the recommendations should be implemented or amended.

On completion of the investigation, the Director of Personnel Services will inform the complainant and the person against whom the complaint has been made of the process followed, and whether there was a case to answer/the allegations were proven.

It is important to seek to provide closure on the matter, and to this end the complainant will be given relevant assurances that appropriate steps are being taken to address any case found. However, to ensure confidentiality, the complainant will not normally be informed of the specifics of any action taken, or whether it was formal or informal. The question of disciplinary action is a management decision. A complainant cannot insist that a bully or

harasser is subjected to the disciplinary procedure; neither can a complainant appeal against the level of any disciplinary action taken against others.

Managers of both parties will also be advised of the outcome as appropriate, and will be involved in implementing the decision and monitoring the situation, with guidance from Personnel Services, as necessary.

Appeals

Where the individual bringing the complaint believes there has been a procedural error, or that the decision has not been implemented, or that the decision was unreasonable in light of the findings of fact, they may raise a formal grievance under Stage 2 of the Grievance Procedure. An appeal on the grounds of procedural error must be raised within 2 weeks of notification of the outcome. An appeal on the grounds of a decision having not been

Implemented must be raised as soon as possible, and at the latest within 2 months of notification of the outcome.

ANNEX 1

DIFFERENCES BETWEEN GRIEVANCE PROCEDURE AND BULLYING AND HARASSMENT COMPLAINTS PROCEDURE

The Bullying and Harassment Complaints Procedure has been introduced to provide a reasonably easy and informal route for dealing with issues of bullying and harassment. It differs from the Company's Grievance Procedure as follows:

The Grievance Procedure involves a hearing at which both parties may be present; the complaints procedure does not necessarily involve such hearing

Grievance Procedure investigations are normally carried out by the line manager or Personnel Manager. The complaints procedure investigations are carried out by specially trained investigators with no direct connection to any of the parties or their managers

A grievance must be brought by the affected individual; the complaints procedure may be instigated by others

Best Choice Training Representatives

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Signed: M Spence
