The right support, at the right time

Zero Tolerance
Discrimination, Bullying and Harassment Policy

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This policy sets out the procedures for dealing with discrimination, bullying and harassment at Leading Futures Alternative Provision.

Policy Statement

Leading Futures is committed to a working and learning environment where learners and staff can achieve their full potential, free from any form of discrimination, harassment or bullying and is committed to providing an inclusive culture of equality, diversity, and respect between individuals.

This policy outlines the provision's vision in creating and maintaining a healthy environment where its members are confident that any complaints raised by them in relation to any form of discrimination, harassment and bullying will be dealt with fairly, diligently, and promptly. It is also committed to providing a supportive culture which encourages the reporting of such incidents/ behaviour and early intervention.

The provision recognises the need to challenge any tacit or explicit acceptance of discrimination, harassment or bullying to prevent escalation and is therefore dedicated to focusing on initiatives that will work to prevent such unacceptable behaviour arising. This includes working to improve the understanding of discrimination, harassment and bullying across the provision's community to prevent future such behaviour from occurring.

Appropriate steps will be taken to deal with behaviour, intentional or unintentional, that results in a breach of this policy and the provision's procedures allow for the investigation of allegations made and for disciplinary action to be taken where allegations are upheld. Individuals may be personally liable for their actions, which in some instances could lead to criminal or civil action in the courts under the Protection from Harassment Act 1997, Crime and Disorder Act 1998, The Equality Act 2010 and/ or any other relevant legislation.

The provision is also committed to protecting and promoting freedom of speech *within the law*. Free speech is limited by law when it is necessary to prevent crime, for national security purposes, public safety or to prevent unlawful discrimination and harassment.

For the purposes of this policy, references to 'the Learning Futures community' includes, but is not limited to, staff, learners, parents/ carers/ volunteers, and individuals authorised to be on provision premises.

Scope of this Policy

The provision will not tolerate any form of discrimination, harassment or bullying within its community, including but not limited to that which takes place beyond the physical premises and normal business hours of the provision, such as conduct at provision events, social events related to work or studies, trips abroad and/ or on social media.

It also applies to members of the Leading Futures community who may be working remotely and engaging with others remotely via an online platform.

This policy applies to any discriminatory behaviour, as set out in this policy, perpetrated by learners, members of staff, or other members of the Leading Futures community, against other learners, members of staff, or other members of the Leading Futures community. It also applies to behaviour committed against any other third party (including but not limited to contractors, visitors, job/ learner applicants) where it occurs on premises and/ or where third-party contact is made in relation to work/ study purposes.

The provision will also take reasonable steps to prevent any third-party harassment (e.g. from a

visitor, supplier, member of the public) that may occur against a member of the Leading Futures community.

The provision may also consider third party allegations and/ or historic allegations of discrimination, harassment, bullying and victimisation against a member of the Learning Futures community that is raised formally, and where the provision assesses that there may be a continued risk to members of the Leading Futures community.

This Policy consists of and includes an:

- Appendix 1 which provides examples on the distinct types of discrimination, bullying, harassment, and victimisation amongst other forms of unacceptable behaviour defined under this policy.
- Appendix 2 which outlines internal and external contacts and sources of support.
- Appendix 3 which sets out the legislation.

Responsibility of the Leading Futures Community

All members of the Leading Futures community should help to:

- Prevent discrimination, bullying and harassment by being sensitive to the reactions and needs of others, and ensuring that their conduct does not cause offence.
- Discourage discrimination, bullying and harassment by others by making it clear that such conduct is unacceptable, and supporting colleagues and peers who are taking steps to stop it.
- Understand what constitutes discrimination, harassment and bullying by attending training sessions and/ or seeking advice from the provision's Directors.
- Encourage an equitable and inclusive environment for all, following the directives outlined in the Leading Futures Equality, Diversity, and Inclusion Policy.

All Leading Futures staff are responsible for:

- Taking reasonable steps to eliminate discrimination, bullying and harassment as well as to actively promote equality to provide a collegiate and harmonious working environment.
- Taking appropriate action and early intervention when it is aware that discrimination, harassment, and bullying may be or is taking place.
- Raising awareness to help members of the Leading Futures community identify and deal with discrimination, harassment, and bullying.

Directors are responsible for:

- Implementing training of members of staff in relation to discrimination, harassment, and bullying.
- Ensuring that this policy is implemented, to promote equality, an inclusive and non-discriminatory environment, and to tackle swiftly and fairly any discrimination, harassment and bullying that is reported to them.
- Providing regular opportunities for staff to revisit this policy.
- Ensuring this policy is reviewed and distributed to staff annually.
- Ensuring this policy is read and understood by new staff as part of the induction process.
- Ensuring this policy aligns with the provision's Equality, Diversity, and Inclusion Policy.
- Providing appropriate support for those affected by discrimination, bullying or harassment, offering supervision sessions, arranging peer support opportunities, or signposting to external services that will provide expert support for health and wellbeing.

Definitions

For the purposes of this policy, the following definitions apply:

Discrimination

Discrimination is defined under The Equality Act 2010 and takes place when an individual or a group of people are treated less favourably than others based on a protected characteristic, such as age, disability, gender reassignment, pregnancy and maternity (including treating a woman unfavourably because she is breastfeeding), race (including colour, nationality, ethnic and national origin), religion or belief, sex or sexual orientation and in relation to direct discrimination only, marriage and civil partnership. Discrimination includes the following categories: direct discrimination (which includes discrimination by association and perception), indirect discrimination and discrimination arising out of a disability.

Direct discrimination occurs where an individual is treated less favourably because of one of the protected characteristics(s). For someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or has received. If there is no comparator, it can still be considered direct discrimination if an individual can show that another individual who did not have their protected characteristic would have been treated better in similar circumstances.

Discrimination by association (other than pregnancy and maternity) refers to a situation where an individual is discriminated against because of the protected characteristic of another individual(s), with whom they are associated.

Discrimination by perception (other than pregnancy and maternity) is discrimination against an individual because he or she is wrongly perceived to have a certain protected characteristic.

In relation to pregnancy and maternity, it is discriminatory to treat an individual (including a learner) unfavourably because of their pregnancy and any related illness or because an individual is seeking to take, taking or has taken maternity leave/ pay during what is known as ‘the protected period.’ This protected period begins from the start of pregnancy and ends when maternity leave ends or an individual returns to work after giving birth. If an individual is not an employee, the protected period ends two weeks after a child is born.

Indirect discrimination occurs where an individual is disadvantaged by an unjustified provision, criterion or practice that puts an individual with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic. Any individual claiming indirect discrimination must be able to show that they have been disadvantaged personally or that they will be disadvantaged, and it cannot be shown that there is a good reason for applying that specific provision, criterion, or practice. For the avoidance of doubt, a provision, criterion, or practice can include, but is not limited to, provision policies, ways in which access to any benefit, service or facility is provided and one-off decisions.

Another category of discrimination is discrimination arising out of a disability, which occurs when a disabled individual is treated unfavourably because of something connected with their disability and there is no justification for this treatment. The Equality Act 2010 protects a person from being treated badly because of something connected to their disability, such as needing time off for medical appointments. It will not apply if the individual alleged to have committed discrimination arising from disability did not know, or could not have been expected to know, that the individual making the allegation had a disability.

In the Equality Act 2010, disability means a physical or a mental condition which has a substantial and long-term impact on an individual's ability to do normal day to day activities.

Discrimination arising from disability will occur if the following three conditions are met:

- A disabled individual is treated unfavourably, and are therefore at a disadvantage, even if this was not the intention, and
- This treatment is because of something connected with the disability (which could be the result, effect, or outcome of that disability), and
- The treatment cannot be justified by showing that it is 'a proportionate means of achieving a legitimate aim.'

It is not unlawful discrimination to treat a disabled person more favourably than a non-disabled person if they require it.

Under the Equality Act 2010, an employer has certain duties to make 'reasonable adjustments'. This is to ensure that a disabled person is not put at a substantial disadvantage by the employment/study arrangements or by any physical feature of the workplace or learning environment. There is a responsibility to make sure that disabled people can access jobs, education, and services as easily as non-disabled people. This is known as the 'duty to make reasonable adjustments.' What is reasonable will depend on a number of factors.

<u>When Discrimination may be Lawful and the Occupational Requirement</u>

The following types of discrimination may be justified in certain circumstances:

- Indirect discrimination.
- Discrimination because of something connected to an individual's disability.
- Direct age discrimination.

They may be justified where the following three circumstances apply:

- Positive action – to help a disadvantaged or underrepresented group.
- Objective justification – when an employer can prove a legitimate need for less favourable treatment.
- Using protected characteristics in recruitment.

Under the Equality Act 2010, there can be objective justification for discrimination where both of the following apply:

- There is a 'legitimate aim', such as a genuine business need or a health and safety need, and
- The discrimination is 'proportionate, appropriate and necessary' – this means the legitimate aim is more important than any discriminatory effect.

If discrimination is found to be justified, then it will not be considered unlawful discrimination.

There may also be other situations where it is lawful for an employer to require a job to be done by someone with a particular characteristic, if having this characteristic is an occupational requirement for the job.

The Equality Act 2010 states that all the following need to be shown for the discrimination to be lawful:

- The requirement is an occupational requirement and there must be a link between the requirement and the job.
- The employer has a good business reason or a legitimate aim for applying the requirement and must be able to show it.

Having the requirement is the best way to achieve the employer's aim, it must be proportionate The occupational requirement exception only applies in relation to a decision about:

- Recruitment - whether to offer a job.
- Access to training.
- Promotion or transfer to another job.
- Dismissals.

Harassment

Harassment is set out under the Protection from Harassment Act 1997 and the Equality Act 2010. Section 1 of the Protection from Harassment Act 1997 sets out that:

'A person must not pursue a course of conduct: (a) which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other.' Whilst harassment is not defined, references to harassment under section 7(2) of the Act include 'alarming the person or causing the person distress.' It can include repeated attempts to impose unwanted communications and contact upon other individual(s) in a manner that could be expected to cause distress or fear in any reasonable person.

Under Section 26 of the Equality Act 2010, harassment is defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. As such, individuals are protected from three types of harassment. Firstly, it is unlawful to treat someone less favourably where it relates to a 'relevant protected characteristic,' which for the purposes of harassment includes age, disability, gender re-assignment, race, religion or belief, sex, and sexual orientation. For the avoidance of doubt, pregnancy and maternity, marriage and civil partnership are not specifically included within the harassment provisions of the Equality Act 2010, although unwanted conduct related to these would be considered as harassment due to sex. In addition to this, an individual may put forward a case for harassment if they do not have the specific protected characteristic but instead have a connection with the protected characteristic.

Another form of harassment is sexual harassment which occurs when you engage in unwanted conduct or behaviour which is of a sexual nature, and which has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, or offensive environment. Examples of what may constitute sexual harassment are set out in Appendix 1 of this policy.

Harassment may also occur when an individual is treated less favourably because they have rejected or submitted to unwanted conduct of a sexual nature or behaviour related to sex, gender reassignment, or perceived gender identity.

Misogyny is the conscious or unconscious hatred/ dislike of, contempt for or ingrained

prejudice against women. It can take many forms such as male privilege, patriarchy, gender discrimination, sexual harassment, belittling of women, violence against women and sexual objectification of women. It can also be expressed in many forms including psychological and physical abuse, sexual harassment, and sexual violence.

Misandry is the conscious or unconscious hatred/ dislike of, contempt for, or ingrained prejudice against men. It can take many forms, including stereotyping by holding negative stereotypes about men as a group, such as the belief that all men are abusive or lacking in emotional intelligence, bias in the workplace and emotional invalidation.

Victimisation

Victimisation means treating an individual unfavourably (subjecting them to a detriment) because they have done a protected act. A protected act can be:

- Making a claim or complaint under the Equality Act (for example, for discrimination or harassment)/Public Interest Disclosure Act 1998.
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that someone has breached the Equality Act.
- Doing anything else which may relate to the Equality Act.

Victimisation also means subjecting an individual to a detriment because it is believed they have done or are going to do a protected act; or giving evidence to support an individual complaining about a protected act; the individual does not actually need to have done the protected act.

Bullying

Bullying is defined as intimidating, hostile, degrading, humiliating or offensive behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct. Bullying does not need to relate to a protected characteristic.

It may be physical or psychological in nature and conducted in an open environment or a secretive manner. It is behaviour that is often repetitive and intended to dominate another person or group by making them feel degraded, humiliated, intimidated, or offended. It can cause a person to lose respect and confidence.

Stalking

Stalking is an offence under English law and is also considered a form of harassment and/ or bullying, regardless of whether the perpetrator is known or a stranger to the victim. It is usually persistent and unwanted conduct. It can be physical or psychological and take place directly against a person, or by approaching a third party about a person. Following a person home, pestering them, sending or leaving them unwanted and repeated messages on their telephone or email, bullying them on social media or making intrusive or unwanted visits are examples of how stalking may take place.

Hate Crimes, Incidents and Speech

Hate crimes are any crimes that are perceived to be targeted at an individual because of hostility or prejudice towards that individual's: disability, race or ethnicity, religion or belief, sexual orientation, transgender identity.

A hate incident is behaviour which is not a crime, but which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on the protected characteristics. When hate incidents become criminal offences they are known as hate crimes and can be prosecuted.

Hate speech is all forms of speech which spread and justify racial hatred, xenophobia, homophobia, biphobia, transphobia, Islamophobia, antisemitism, or other forms of hatred based on intolerance. This includes hate speech directed at others due to their protected characteristics (all protected characteristics as set out in the Equality Act 2010).

Examples of all the above definitions are set out in Appendix 1.

Harassment and Bullying via the Internet and/or Email and Social Media Sites

Harassment, bullying and stalking can also take place on the internet and through the misuse of email and social media. This can include, but is not limited to, the use of social media including Twitter, Facebook, Instagram, LinkedIn, WhatsApp, YouTube, Reddit, TikTok, Snapchat and other platforms, as well as chat rooms and other forums, personal web pages, emails, text messages, Skype, conference calling and other online tools. This may also occur during online teaching/seminar or any other online meeting that may be arranged and connected to a learner's learning experience.

When using social media or posting online, all members of the Leading Futures community should consider the content, language, and appropriateness of such communications. Use which is deemed unacceptable includes but is not limited to the following:

- Making and/ or sharing sexually explicit, racist, violent messages and/ or offensive messages or other such content via social media.
- Forming or participating in an online group that isolates or victimises fellow learners, members of staff and or other members of the Leading Futures community.
- Using social media to access or share illegal content.
- Using language which would be deemed to be offensive, threatening or humiliating to others in a face-to-face setting.
- Making defamatory comments.
- Sharing confidential information.
- Imitating another Leading Futures community member on social media.

Any such unacceptable use can lead to an investigation under the relevant disciplinary procedure. Staff and learners are additionally required to comply with the provision's Acceptable Use of IT policy.

Action Against Discrimination, Bullying, Harassment and Victimisation

Informal Reporting

Where it is possible, and where there is no risk to safety, the provision would always encourage an individual to inform the alleged perpetrator that they find the behaviour directed against them unacceptable and ask them to stop. In some cases, the situation may be resolved in this way.

All members of the Leading Futures Community who experience or witness discrimination, bullying, or harassment are encouraged to report the incident informally to a trusted member of staff. The staff member will listen to the individual's concerns and provide support and guidance. They will also help the individual to decide whether to make a formal complaint.

Formal Reporting

If the matter is not resolved or the behaviour persists, then an individual should make a formal complaint in writing to a Director. The complaint should include the following information:

- The nature of the complaint
- The date(s) and time(s) of the incident(s)
- The name(s) of the individual(s) involved
- Any witnesses to the incident(s)

Where an allegation is brought forward to be considered formally, the Director informed will conduct a confidential and impartial investigation into allegations made. In deciding whether conduct is discrimination, bullying or harassment, they will take account of the following factors:

- The alleged reporting individual’s perception of the conduct.
- Other circumstances of the case.
- Whether it is reasonable for the conduct to have had the effect of discrimination, bullying or harassment.

The Director will take into consideration any aggravating factors, such as unacceptable behaviour arising from an abuse of power from an individual who is in a senior position against an individual who is in a junior position.

Feedback/ Further Actions

The Director will acknowledge receipt of the complaint within two working days. They will then investigate the complaint and aim to provide feedback to the individual within 10 working days. However, if the complaint is complex or requires further investigation, the timeline may be extended. The feedback will include the outcome of the investigation, and any recommended actions will be outlined within an action plan that includes timeframes where necessary.

Where an allegation is upheld, this may normally result in disciplinary action which can include dismissal, expulsion, or referral to the police in serious cases. The relevant procedures are outlined in the policies listed below and can be accessed on the ‘Policies’ page of our website:

For Staff:

- Staff Code of Conduct, Discipline and Grievance Policy
- Management of Allegations Against Staff Policy
- Procedures for Dealing with Allegations of Abuse Towards Staff Policy
- Equality, Diversity, and Inclusion Policy

For Learners:

- Equality, Diversity, and Inclusion Policy
- Engagement for Learning Policy
- Anti-bullying Policy
- Online Safety Policy
- Safeguarding and Child Protection Policy

Allegations by or against other members of the Learning Futures community will be considered under their relevant contract/ engagement with the provision or any other relevant provision Procedure/ Policy which may relate specifically to them.

If an individual has experienced or witnessed third party harassment (of a member of the Leading Futures community) they should initially discuss this with the Directors/ their Line Manager. The provision will then consider what appropriate action will need to be taken, which may include, but is not limited to, notifying third parties and using their complaints procedure if applicable or notifying the police if required.

Where a disclosure or report indicates that there may be a risk of harm to that individual or others within the Leading Futures community, then the Designated Safeguarding Lead (DSL) will assess the risks arising from such disclosure/ report and consider what immediate and long term action may be necessary to ensure the safety and wellbeing of the individual who has made the disclosure/ report, as well as the other learners, staff and wider Leading Futures community.

The Appeal Process

Individuals who are dissatisfied with the outcome of their complaint may appeal to the other Director. The appeal should be made in writing within 10 working days of receiving the feedback. The Director will consider the appeal and make a final decision within 10 working days. Should the outcome remain unsatisfactory to the individual, they should seek further advice from their union representative.

Cluster Disclosures

Where there may be a cluster of disclosures (whether made anonymously or not) that originate from a group within the provision, and which concern any type of unacceptable behaviour outlined in this policy, then the provision may carry out an investigation with staff/ learners. This is to ascertain information on and understand the unacceptable behaviour that has been disclosed and to identify next steps including putting in place appropriate support and/ or taking any necessary preventative measures.

Malicious and/or Vexatious Allegations

Disciplinary action may be taken if allegations are found to be malicious or vexatious. However, individuals will not be subject to disciplinary action or to any other detriment simply because their complaint is not upheld, and will only face disciplinary action if it is found both that the allegation is false and made in bad faith (that is, without an honest belief in its truth).

Confidentiality and Data Protection

The provision will conduct confidential and impartial investigations into allegations made relating to unacceptable behaviour or conduct as outlined in this policy. It will always comply with The Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Any information provided in relation to harassment, discrimination and/ or bullying shall be kept confidential and will only be shared with others within the provision on a 'need to know' basis.

There may be instances where the provision may have to disclose confidential information to the police (where in exceptional circumstances the provision considers that there is a high risk of continuing harm to the reporting individual or others within the Leading Futures community or to prevent a further incident which constitutes a criminal offence from occurring), the civil and criminal courts if requested formally or to the Office of the Independent Adjudicator (OIA). The provision may also use anonymous data on cases internally for reporting, learning, training, and evaluating.

Monitoring of Cases

The provision will compile anonymous information about the number, nature, and outcomes of, discrimination, bullying and harassment cases each academic year. This will produce statistics that will be used to monitor and evaluate the effectiveness of this policy and produce necessary action plans/ inform provision development plans.

This policy will be reviewed by Directors on an annual basis, or upon reflection of any incidents that occur.

APPENDIX 1- EXAMPLES

DISCRIMINATION

Direct Discrimination

Age:

- An employer refuses an individual to do a training course because they think they are ‘too old’ but allows younger colleagues to do the training.

Disability:

- During an interview, a job applicant tells the potential employer that he has multiple sclerosis. The employer decides not to appoint the individual even though they are the best candidate they have interviewed, because they assume the individual will need a lot of time off sick.

Gender re-assignment:

- A transgender learner is discriminated against and treated differently to someone who is non transgender. They are forced to use unisex bathrooms and barred from utilising facilities that are assigned to a specific gender.

Marriage:

- A woman works night shifts but is dismissed when she gets married because her employer thinks a married woman should be at home in the evening.

Race:

- A member of staff is treated less favourably than their colleague and denied promotion because they are from a different race.

Sex:

- Male learners are given preferential treatment in seminars over female learners.
- A manager expects only women to bring refreshments to a work gathering.
- A male manager is congratulated and admired for his senior role, his female counterpart is described as bossy and is belittled, despite her excellent performance.

Sexual orientation:

- At a job interview, a woman makes a reference to her girlfriend. The employer decides not to offer her the job, even though she is the best candidate they have interviewed.

Examples of direct discrimination based on association or perception:

- An individual is discriminated against because their family member is transgender (association).
- An individual is discriminated against because they are perceived to be of a certain religion (perception).

Indirect Discrimination

Age:

- An employer applies a policy whereby it only offers training development opportunities to employees under the age of 30.

Disability:

- A job advert states that all applicants must have a driving licence. This puts some disabled people at a disadvantage because they may not have a licence because, for example, they have epilepsy. If there is an occupational requirement for this, the requirement will be justified. If it is for a class teacher, it would be more difficult to justify.

Gender re-assignment:

- A class teacher runs an icebreaker asking all learners to bring in childhood photos and then chastises a trans-learner for not doing so (because the learner does not want their colleagues to know that their natal sex does not align with their gender identity).

Race:

- An employer refuses to employ people who cover their own hair, this would put certain individuals from a particular race(s) at a disadvantage when applying for a position.

Religion:

- A dress code is imposed which in appearance applies to everyone, but which may discriminate against certain individuals who follow a particular religion.

Sex:

- An imposition of compulsory full-time work for all is introduced per new criteria – this may put female staff members at a disadvantage as they are more likely to be the primary care giver for their children and may need to work part time/ have flexible hours.

Sexual Orientation:

- A workplace has a policy of offering benefits to all husbands and wives of its staff, but not to their civil partners.

Discrimination Arising out of a Disability

- A learner with autism who can be disruptive is no longer allowed to spend time in a classroom with their peers.
- A department is aware that a new member of staff requires certain reasonable adjustments to be made because of their disability. Some of those adjustments are made, but other adjustments are not made. This results in the staff member struggling at work and requiring further time off.
- An employee with cancer is prevented from receiving a bonus because of time they have taken time off to receive treatment.

HARASSMENT

- Jokes, offensive remarks, or intimate questions conveyed orally or in writing directly to a person or about a person to a third party.
- Producing, sending, or displaying inappropriate and/or offensive images or other material to, or about, a person or group.
- Insulting, abusive, embarrassing, or patronising behaviour or comments, humiliating and/or demeaning criticism.
- Abuse, threats or intimidation towards a person or group.
- Damaging, defacing, or removing a person's or group's property.
- Breaching a person's confidentiality by disclosing their sensitive personal information.
- Less favourable treatment by excluding a person from a benefit or opportunity that is open to others.
- Isolation from normal work or study place conversations or social events.
- Unwanted physical conduct such touching, staring at or hitting a person.
- Sexually assaulting or making sexual advances towards another person.
- Being part and contributing to a workplace or study environment where a culture which tolerates harassment and bullying persists, i.e. in telling racist/religious jokes.
- Persistently overloading an individual with work that the individual cannot reasonably be expected to complete.
- Gaslighting - manipulative, abusive behaviour targeting an individual with the purpose of making them question their own memory, perception or judgment using persistent denial, misdirection, contradiction and lying.

Harassment Due to Age

This could be any action whereby prejudicial assumptions, attitudes and stereotyping is expressed about an individual's abilities based on their age. It can also result in exclusions from social or educational activities because of these prejudicial views.

- Assumptions regarding the individual's inability to learn.
- Offensive remarks.
- Exclusion on the basis of age.

Harassment of People with Disabilities

This could include any of the following:

- Failure to make reasonable adjustments.
- Imposing unfair work expectations and tasks.
- Intimidation and name calling.
- Discussion of the effects of a disability on an individual's personal life.
- Inappropriate touching or staring relating to an individual's disability.
- Inappropriate questions about the impact of someone's disability.

Harassment Due to Gender Re-assignment

Gender re-assignment covers a person who:

- Is proposing to undergo

- Is undergoing
- Or has undergone

a process, or part of the process, to reassign their sex by changing physiological or other attributes determining sex.

Examples include but are not limited to:

- Insulting remarks relating to gender re-assignment.
- Jokes and mocking behaviour.
- Asking inappropriate questions in relation to an individual's gender re-assignment.
- Name calling.

Harassment Based on Race

Any hostile or offensive act or expression by a person of one race, colour, nationality - including citizenship, or ethnic or national origin against a person of another. Examples can include but are not limited to:

- Making jokes, insinuations, humiliating comments, or racially oriented remarks.
- Criticizing and being intolerant about the individual's differences: his or her accent, clothing, hairstyle, customs, and beliefs.
- Acting disgusted or showing contempt in the individual's presence • finding excuses for not working with an individual.
- Exclusion from normal workplace conversations or activities.
- Unfair allocation of work.
- Stereotyping the victim with subordinate tasks or caseloads.
- Trying to hinder or stop the victim's chances for a promotion.
- Showing comic strips, pictures or images that are racially degrading.
- Racist graffiti, slogans, images, or insignia.
- Racial stereotyping - assuming that all people of a particular race have the same characteristics.
- Unacceptable terminology - derogatory terms that refer to somebody's race are clearly unacceptable and discriminatory.

Harassment Based on Religion

Religious harassment is any behaviour deliberate or otherwise, pertaining to religion, religious belief or other similar philosophical belief and it is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, humiliating or offensive environment. Examples can include, but are not limited to:

- Making offensive jokes regarding an individual's religion.
- Ridiculing their religious beliefs/practices.
- Displaying offensive material

Harassment Based on Sex

Sex-based harassment means unwanted conduct that is related to an individual's sex or the sex of another person.

Sex-based harassment will not, therefore, be sexual in nature but will be behaviour that is linked in some way to gender and causes offence to an individual. Examples can include:

- Making derogatory or demeaning jokes about women generally and a particular individual (male or female) finds this unwelcome and offensive.
- Sexist comments/jokes/banter and gendered expressions being made, such as using generic masculine pronouns in conversations (him/his etc).
- Disproportionately checking up on female staff more than male staff to ensure that work is being done as an assumption is made that women working remotely will undertake more childcare or housekeeping duties than men.
- Setting out sexist stereotypes aimed at women. This can include viewing women's sexual behaviour to men's sexual behaviour differently or thinking women are not good at sports or that women should become mothers and stay at home.
- Devaluing women, their voices, and their work. This can include explaining things to women in a condescending way as if they have no knowledge on the subject, talking over women or talking down on the work of a woman within a field/ subject. This can also include having different views or judgments on behaviour, for example, women in leadership may be called bossy and seen negatively whereas men may be congratulated and are given more positive connotations in comparison.
- Silencing, belittling or stereotyping women; this can include but is not limited to not including women in conversations, and making assumptions about a particular role being suitable for specific genders. An example can include organising a course committee meeting and women being expected to organise the refreshments.

Harassment Based on Sexual Orientation

Homophobia is a term used to describe a range of negative attitudes and feelings towards same-gender attraction or people who are identified or perceived as being lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+). It may be directed against individuals or groups of people and harassment in this case is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, humiliating or offensive environment. Examples may include but are not limited to:

- Homophobic, biphobic or transphobic remarks or unwelcome jokes.
- Verbal threats to disclose sexuality.
- Derogatory comments.
- Intrusive questioning about a person's domestic circumstances or intimate questions about sexual activity.
- Innuendo and gossip about the individual.
- Physical attack.
- Exclusion from normal workplace/ class conversation or activities.
- Incitement of others to commit any such acts.

Sexual Harassment

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual. 'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature. Examples can include but are not limited to:

- Sharing sexually inappropriate images or videos, such as pornography or salacious gifs, with co-workers.
- Sending suggestive letters, notes, or e-mails.
- Displaying inappropriate sexual images or posters in the workplace.
- Telling lewd jokes or sharing sexual anecdotes.
- Making inappropriate sexual gestures.
- Staring in a sexually suggestive or offensive manner, or wolf-whistling.
- Making sexual comments about appearance, clothing, or body parts.
- Violent sexualised language aimed at women such as having conversations that include graphic and nongraphic depictions of violent acts against women which can take place in person or online.
- Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person.
- Asking sexual questions, such as inquiries about someone's sexual history or their sexual orientation.

Harassment Relating to the Rejection or Submission of Unwanted Contact of a Sexual Nature or Behaviour that is Related to Gender Identity or Sex

- An individual is being moved from a committee, department, or study group, because they have rejected sexual advances of another member of the same group.

BULLYING

Examples of such behaviour includes, but is not limited to the following:

- Unmerited criticism, exclusion, isolation, and/or gossip.
- Spreading rumours about a person.
- Stalking or persistently displaying unwanted conduct to a person face-to-face, online for those who are remotely working/studying or by another means of communication.
- Micro-managing (vs what constitutes reasonable staff monitoring and assessment) and constantly checking up on staff to indicate to the staff member a lack of trust, e.g. constantly checking a staff member's availability status on Teams.
- Ignoring or belittling someone's contribution at meetings (including at online meetings) or providing a disproportionate, aggressive, or unreasonable response to their contributions.
- Repeatedly failing to copy someone into emails who should be copied in.
- Members of staff, including senior managers, encouraging or directing bullying behaviour via other members of staff (to assume no direct involvement).
- Gaslighting - manipulative, abusive behaviour targeting an individual with the purpose of making them question their own memory, perception or judgment using persistent denial, misdirection, contradiction and lying.

- Taunting, teasing, ostracising, or ridiculing a person either directly or to a third party.
- Shouting at or berating a person in a public environment, such as in an office, during a committee session or in a classroom as well as if they are working/ studying remotely within their home environment.
- Ignoring or excluding individuals.
- Actively trying to remove credit given to individuals for work they create or to knowingly transfer credit for that work to others who did not create the work/ were not involved.
- Taking or hiding another person's property.
- Undermining a person's ability to carry-out or take credit for their work by unfairly overloading them with menial tasks, taking their work away from them, or stealing, duplicating, or copying their work.
- Physically or verbally threatening or intimidating a person.

VICTIMISATION

- An individual suffers a detriment as they are denied opportunities to progress by their manager because the individual previously made a race discrimination claim against them.
- An individual supports a fellow colleague/learner in making a complaint of sex discrimination against their line Manager/ supervisor. As a result, that individual is treated unfairly and has been subjected to isolating and exclusionary behaviour by their line manager/supervisor.

STALKING

Examples of such behaviour includes, but is not limited to the following:

- Following an individual.
- Contacting/attempting to contact a person by any means including via social media.
- Monitoring the use by a person of the internet, email, or any other form of electronic communication.
- Interfering with the property in the possession of an individual.
- Loitering in any place (whether in public or private) where the individual may be present.

CYBER HARASSMENT AND BULLYING

Examples of such behaviour includes, but is not limited to the following:

- To harass and bully an individual via social media.
- Online surveillance of an individual.
- Identity theft such as subscribing the individual to services, purchasing goods and services in their name.
- Damaging the reputation of the individual on social media.
- Inappropriate use of texts or postings on social media against an individual.
- Electronic sabotage such as spamming and sending viruses.
- Tricking other internet users into harassing or threatening an individual
- Creating, sharing or distributing AI-generated images, videos, audio recordings or other manipulated digital content intended to humiliate, harass, intimidate, bully or harm another individual

- Using artificial intelligence tools to impersonate another person, create false allegations, spread misinformation or damage an individual's reputation

HATE INCIDENT/ CRIME AND HATE SPEECH

Hate incidents/ crime can fall into one of three main types: physical assault, verbal abuse, and incitement to hatred.

- Physical assault - Physical assault of any kind is an offence. Depending on the level of the violence used, an alleged perpetrator may be charged with common assault, actual bodily harm, or grievous bodily harm.
- Verbal abuse - Verbal abuse can include threats or name-calling.
- Incitement to hatred - The offence of incitement to hatred occurs when someone acts in a way that is threatening and intended to stir up hatred. That could be in words, pictures, videos, music, and includes information posted on websites.

Hate content may include:

- Messages calling for violence against a specific person or group.
- Web pages that show pictures, videos, or descriptions of violence against anyone due to their perceived differences.
- Chat forums where people ask other people to commit hate crimes against a specific person or group

Hate Speech

- Demonisation: Presenting the target group/individuals (often but not always a minority) in overwhelmingly negative terms – characterising them as inherently malicious, dishonest, or threatening.
- Toxic misinformation: False stories linking the target group to violent, criminal or morally corrupt behaviour.
- Dehumanisation: Portraying the target group as subhuman.

APPENDIX 2 – INTERNAL AND EXTERNAL CONTACTS AND SOURCES OF SUPPORT

INTERNAL CONTACTS

You are encouraged to approach one of the following members of provision staff if you have any concerns about discrimination, harassment, and/or bullying:

Mrs Emma Rennie-Gibbons - Director of SEND/ DSL

e.rennie@leadingfutures.uk

Mrs Samantha Webster - Director of SEND/ SENDCo/ DDSL/ Dedicated Teacher for Children in Care

s.webster@leadingfutures.uk

Both Directors are experienced, fully qualified teachers who are trained in safeguarding, handling difficult conversations, and conducting investigations.

EXTERNAL CONTACTS

General

- Ask the Police
- Citizens Advice Bureau (Rights and responsibilities)
- Crimestoppers (Reporting crime)
- Equality Advisory and Support Service
- Metropolitan Police
- NHS 111 (Non - emergency service)
- Nightline Open every night from 6pm to 8am during term time
- Samaritans (24-hour emotional support): 116 123
- Stop Hate UK (All forms of hate crime and discrimination)
- Victim Support (Victims of crime)
- National Stalking Helpline (Support for anyone experiencing stalking)

Sexual and Female Related

- National Domestic Abuse Helpline Women and children: 0808 2000 247
- Rape Crisis (Rape and sexual abuse)
- Solace Women's Aid 0808 802 5565/ advice@solacewomensaid.org)
- Women's Aid
- Refuge (Support for women and children who have experienced domestic abuse)
- NAPAC (Support for survivors of childhood sexual abuse for all genders)
- Rights of Women (Free and confidential legal advice for women)

Men Related

- National Domestic Abuse Helpline 0808 801 0327
- Survivors UK (Male victims of rape and sexual abuse)
- Mankind (Support for men who have been sexually abused)
- Men's advice line (Support for men experiencing domestic violence)
- NAPAC (Support for survivors of childhood sexual abuse for all genders)

Race Rated

- Ashiana (Asian women's refuge)
- The Monitoring Group (Racial harassment and abuse)
- Southall Black Sisters (BME women's rights and advice)
- Imkaan (Provides full list of organisations supporting BAME women survivors of sexual and domestic violence)

LGBTQ+ Related

- Galop (LGBTQ+ anti-violence charity)
- Switchboard (LGBTQ+ helpline)
- TransUnite (Find a trans support group near you)

Disability Related

- Mencap (The voice of learning disability)
- Mind (Mental health)
- Respond (Support for children and adults with learning disabilities who have experienced abuse and/ or trauma for all genders)
- DeafHope (Support for Deaf people experiencing domestic abuse)

Religious and Belief Related

- Karma Nirvana (Supporting victims of honour-based abuse and forced marriage)
- Forced Marriage 020 7008 0151 (emergencies)
- Muslim Women's Network (Support for Muslim women experiencing or at risk of abuse)

Hate Crime

Please call 999 if you believe you are in immediate danger.

Call 101 for non-emergency enquiries.

In addition, you can report hate crime to some of the organisations who support affected communities, including:

- Stop Hate UK (All hate crime)
- True Vision (All hate crimes)
- Tell Mama (Anti-Muslim hate crime)

- Community Security Trust (Anti-Semitic hate crime)
- GALOP (Anti-LGBTQ+ hate crime)

APPENDIX 3 - LEGISLATION

- The Equality Act 2010 applies to nine protected characteristics. It provides individuals with legal protection against discrimination, harassment, and victimisation.
- Leading Futures is committed to upholding the principles of the Equality Act 2010 by eliminating discrimination, advancing equality of opportunity and fostering good relations between different groups.
- The Worker Protection (Amendment of Equality Act 2010) Act 2023 places a preventative duty on employers to take reasonable steps to prevent sexual harassment in the workplace and to respond appropriately where concerns are raised.
- The Human Rights Act 1998 (HRA): sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic law.
- The Protection from Harassment Act 1997 prohibits harassment whatever the cause, with Section 2A specifically referring to stalking. The Act gives rise to both civil and criminal remedies.
- The Sexual Offences Act 2003 covers all physical forms of sexual abuse, including non-consensual sexual activity.
- The Crime and Disorder Act 1998 introduced anti-social behaviour orders, sex offender orders, parenting orders and laws specifically relating to racially aggravated offences, hate crime.
- The Health and Safety at Work Act 1974 is the main piece of legislation covering health, safety, and welfare in the workplace.
- The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 set out the legal requirements for processing, storing and sharing personal information.