

Last reviewed	January 2023
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BULLYING AND HARRASSMENT POLICY

1. INTRODUCTION

- 1.1 BARBRI Global (the “**Company**”) recognises the right of every person to dignity and respect in the working and learning environments (“**Environments**”). As an employer and education provider we are committed to providing an environment that is free from any form of bullying, harassment, or sexual harassment (“**bullying**”). The purpose of this policy is to identify examples of unacceptable behaviour and provide a mechanism for dealing with these behaviours.
- 1.2 All employees and students (“**individuals**”) of the Company must be aware of their responsibilities to maintain a place of safety and be mindful of the health and welfare of other individuals in the Company. Where a person is in a position of authority, they should take appropriate steps to stop the bullying behaviour if they become aware of it.
- 1.3 Complaints of bullying will be taken seriously by the Company with due regard to the rights of the complainant (the person making the complaint) and of the respondent (the person against whom a complaint is made). Complaints by individuals of bullying at work will be treated with fairness, sensitivity, respect, and confidentiality for all parties concerned and will be followed through to resolution.
- 1.4 Protection under this policy applies to bullying not only of fellow individuals in the Company, but also to tutors, learning coaches, contractors, sub-contractors and / or other business contacts (“**related individuals**”) an individual might encounter throughout the course of their dealings with the Company. This policy applies to all individuals and related individuals linked with the Company in the workplace, learning environment and at associated events such as meetings, conferences, and social events whether on or off the Company premises. This policy will include all interactions whether online or in person.
- 1.5 All individuals and related individuals of the Company will be expected to comply with this policy. The Company will strive to ensure so far as reasonably possible that incidents of bullying do not occur. Any action in breach of this policy will not be tolerated. Appropriate disciplinary action, including dismissal or expulsion for serious offences or gross misconduct will be taken against any individual who violate the terms of this policy. Where a person is expelled for any of the reasons set out in this policy, they will not be entitled to a refund of any of the course fees already paid at the date in which the alleged incident occurs, with the exception that the incident happened within the 14-day cooling off period. Breaches of this policy by related individuals will not be tolerated and may lead to termination of contracts, suspension of services, exclusion from a premises or the imposition of other sanctions as appropriate. Our disciplinary and grievance procedures are set out in our Disciplinary and Grievance Policy.

2. WHAT IS BULLYING, HARASSMENT AND SEXUAL HARASSMENT

2.1 DEFINITION OF BULLYING

- 2.1.1 Bullying has been defined as “repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others which could reasonably be regarded as undermining the individual's right to dignity in the learning environment or at work.
- 2.1.2 An isolated incident of the behaviour in this definition may be an affront to dignity but as a once-off incident may not always be bullying. Only inappropriate behaviour which is systematic and ongoing is regarded as bullying. Bullying can be encountered in a direct and obvious manner but can also present itself through less direct and more subtle forms.

Examples of bullying may include but are not limited to:

- exclusion with negative consequences;
- verbal abuse / insults;
- written bullying for example through jokes, offensive language, gossip or unwarranted complaints;
- physical abuse;
- being treated less favourably than colleagues;
- intrusion – pestering, spying, or stalking;
- menacing behaviour;
- intimidation;
- aggression;
- undermining behaviour;
- excessive monitoring of work;
- humiliation;
- withholding work related information;
- repeatedly manipulating a person's job contents and targets;
- any discrimination / unfair treatment on the grounds of gender, marital status, parental status, family status, race, age, pregnancy, religious belief, sexual orientation, disability, or membership of the traveller community;
- blame for something beyond a person's control; and
- staring, leering or aggressive gestures.

2.1.3 For the purposes of this policy, where applicable, all sections apply to both in person and online environments that an individual or related individual may encounter during their course of dealing with the Company.

2.2 DEFINITION OF HARASSMENT

2.2.1 Under the Harassment Act 1997 (as amended) the term harassment is used to cover 'causing alarm or distress' under section 2 of the Protection from Harassment Act (the "PHA"), and 'putting people in fear of violence' under section 4 of the PHA. Although harassment is not specifically defined in section 7(2) of the PHA, it can include repeated attempts to impose unwanted communications and contact upon an individual in a manner that could be expected to cause distress or fear in any reasonable person.

2.2.2 Examples of harassment on any one of the grounds set out above in paragraph [2:1], may include, but are not limited to:

- treating individuals less favourably, or subjecting them to ridicule;
- undermining behaviour;
- demeaning and derogatory remarks, name calling;
- production, display or circulation of offensive material;
- demotions, career limitations;
- written harassment – e.g., faxes, text messages, emails, or notices; and
- intimidatory harassment – e.g., gestures, posturing or threatening poses.

2.3 DEFINITION OF SEXUAL HARASSMENT

2.3.1 Under The Equality Act 2010 a person sexually harasses another person if they engage in unwanted conduct of a sexual nature and the conduct has the purpose or effect of either violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This unwanted sexual conduct can happen in person, on the phone, by text or email, or online. Both the harasser and the victim or survivor can be of any gender.

2.3.2 Sexual harassment includes a wide range of behaviours, including but not limited to:

- sexual comments or noises e.g., catcalling or wolf-whistling;
- sexual gestures;
- sexual jokes;
- sexual innuendos or suggestive comments;
- unwanted sexual advances or flirting;
- sexual requests or asking for sexual favours;
- sending emails or texts with sexual content;
- commenting on someone's body, appearance or what they're wearing;
- spreading sexual rumours;
- displaying images of a sexual nature;
- unwanted physical contact of a sexual nature e.g., brushing up against someone, hugging, kissing, or massaging them;
- stalking; and
- indecent exposure.

2.3.3 Individuals are legally protected from sexual harassment in certain places including in learning environments (schools, courses, universities both on and offline), work, on transport etc.

3. RESPONSIBILITIES OF ALL INDIVIDUALS ASSOCIATED WITH BARBRI

3.1 All individuals associated with the Company have a responsibility to ensure that bullying and harassment does not occur. This should be done by treating all with courtesy and respect. The Company's managers and persons in authority are required to:

- be vigilant for signs of bullying at work through observation and through seeking individual feedback and are expected to act where reasonable, before a problem escalates;
- deal sensitively with individuals involved in a bullying complaint whether complainant or alleged bully/harasser;
- promote awareness of this policy and complaints procedure;
- explain the procedures to be followed if a complaint of bullying at work is made;
- ensure an individual making a complaint is not victimised for doing so; and
- monitor and follow up on the situation after the complaint is made so that the bullying at work does not recur.

3.2 All individuals associated with the Company have a responsibility to cooperate with this policy and with any preventative measures which are introduced. In addition, all individuals and related individuals are required to cooperate with management in the investigation of any bullying complaint. Any victimisation of, or retaliation against a complainant or a person who gives evidence regarding any bullying or harassment complaint will be dealt with through the disciplinary procedure, up to and including dismissal / expulsion, as set out in our Disciplinary and Grievance Policy.

4. COMMUNICATION OF POLICY

4.1 The Company commits to communicate this policy to all individuals. New individuals will be made aware of this policy as part of their induction. All Tutors / Managers are responsible for promoting awareness of this policy to related individuals who are invited onto the premises.

5. PROCEDURES FOR INVESTIGATING AND RESOLVING COMPLAINTS

5.1 COMPLAINTS

5.1.1 All complaints will be treated seriously by the Company and will be dealt with as quickly as possible in accordance with the procedures. Confidentiality will be considered of the utmost importance consistent with the requirements of a full, fair, and comprehensive investigation.

5.1.2 There are two types of procedure that can be used, an informal procedure and a formal procedure. Usually, the process begins with the informal procedure and if resolved will end there. If the complaint has not been resolved, the Company will at the request of the complainant use the formal procedure set out below. These procedures should be read in conjunction with the Company's Disciplinary and Grievance Procedure.

5.2 INFORMAL PROCEDURES

5.2.1 If an individual of the Company is currently or has been experiencing bullying they should in the first instance, ask the person to stop the offensive behaviour and make it clear that such behaviour is offensive and unacceptable. The individual should keep a record of incidents so that they can be specific about the behaviour or actions used that have caused offence.

5.2.2 KEEPING A RECORD - keep a written log of all relevant incidents and behaviour. We have included a non-exhaustive list below as a starting point. This information will be useful if you decide to make a complaint:

- places;
- dates;
- times;
- names of witnesses;
- what was said / done; and
- perpetrator.

5.2.3 As set out in section 3.3 of the Student's Complaints Procedure, an individual who makes a complaint must commence the informal stage within three calendar months of the alleged incident to be the subject matter of the complaint. Individuals who have left the Company either through completion of studies, termination of employment or for other means may invoke the procedures within three calendar months following the termination of their studies / employment, if the incident also occurred within three months of the complaint. This procedure is an internal procedure and recognises that individuals may have other courses of action they can pursue outside the Company.

5.2.4 If the complainant feels unable, or considers it inappropriate to approach the respondent directly, they may seek help and advice on options available on a confidential basis from their manager or from another manager in the Company. The contact person will be able to provide the complainant with a copy of the policies and outline the routes available in this policy and any other relevant company policies. The contact person does not get involved in any other way and is not an advocate to either party.

5.2.5 Having sought advice from the tutor, manager, or UK HR the complainant may request that the issue be raised with the respondent. If such an approach is considered appropriate, it will be made in a non-confrontational, confidential manner with a view to resolving the complaint in an informal way. If this approach is successful in resolving the complaint the process will end there. See Appendix 1 for complaint form.

5.2.6 If the informal procedure is not possible or appropriate, or where the informal approach has not had the desired outcome, the individual should contact the lead tutor or UK HR with a view to addressing the complaint using the formal procedures set out below. These procedures are designed to address a complaint in a fair and effective manner. All complaints will be treated as confidential and will be dealt with in accordance with the Bullying and Harassment Internal Procedure Policy.

5.3 FORMAL PROCEDURE

5.3.1 The formal procedure includes a formal complaint and a formal investigation.

5.3.2 Formal Complaint - the complainant should set out in writing to the Lead Tutor / HR, the details of the alleged incidents of bullying/harassment, including their dates and names of witnesses where possible. The formal complaint should be signed and dated. This can be done through use of the complaints form listed at Appendix 1.

5.3.3 On receipt of a written complaint of bullying, the Lead Tutor / UK HR will provide the respondent with a copy of the written complaint. The respondent will have 7 working days to respond to the allegations in writing. The respondent will be notified that their written response will be furnished to the complainant. The respondent is not permitted to approach the complainant regarding the complaint. A copy of the response received from the respondent will be given to the complainant. Thereafter, the Tutor / UK HR will investigate the complaint and will write to all parties outlining the scope of the investigation and the projected timing of resolution.

5.3.4 FORMAL INVESTIGATION - the purpose of the investigation is to determine the facts and the credibility or otherwise of a complaint and to ascertain whether on the balance of probabilities, the behaviour complained of occurred. Evidence and witness statements are relied on for this purpose. The investigation will be conducted thoroughly and objectively, with sensitivity and with due regard to the rights of both the complainant and the respondent. Confidentiality will be maintained to the greatest extent consistent with the requirements of a full, fair and comprehensive investigation.

5.3.5 The investigator will meet with the complainant and the person complained of and any witnesses or relevant persons on a confidential basis with a view to establishing the facts. A work colleague, fellow student or other agreed designated person may accompany the complainant and the respondent, if so desired. All persons being interviewed will be reminded of their obligations in relation to confidentiality in all aspects relating to the complaint. The accompanying person may not be a witness to the investigation. Statements from all parties will be recorded in writing and will be signed by those giving the statements. The complainant and the respondent will be given the opportunity to comment if appropriate on any of the statements made by a witness and to question those witnesses, if appropriate.

5.3.6 The investigation will be completed as quickly as possible. The investigator will submit the report to the UK HR Department and will include their conclusions as to the credibility of the complaint. The complainant and the respondent will be given a copy of the report and an opportunity to respond before the Company decides on any action to take. A record of all the relevant discussions which take place during the investigation will be maintained by the company through HR.

6. POST INVESTIGATION

Where a complaint of bullying is upheld, a disciplinary hearing will take place in line with the Company's Grievance and Disciplinary Policy. Should a case of bullying be proven, the Company will take appropriate disciplinary action which may include transfer or other appropriate action up to and including expulsion / dismissal. Records for any warnings for Bullying will remain on the individuals file and will be used if further offences of the same or similar nature occur in the future.

7. PROTECTION AGAINST INTIMIDATION

Individuals will be protected against intimidation, victimisation, or discrimination for filing a complaint or assisting in an investigation. Any individual found retaliating against an individual for complaining about bullying will be subject to the disciplinary procedure set out in the Grievance and Disciplinary Policy and subject to disciplinary action, as appropriate, up to and including expulsion / dismissal.

8. MALICIOUS OR VEXATIOUS COMPLAINTS

If, following the investigation, the evidence shows that the complaint was malicious or vexatious, appropriate disciplinary action will be taken against the complainant.

9. ASSAULT

If you are physically attacked, sexually assaulted, or raped you should seek help immediately. In these instances, it is important that you seek advice and medical assistance. All managers within the Company will willingly offer you support and guide you to the appropriate support services. Any accusations of this

nature will be treated confidentially and with the utmost care. If you do consult any of these contacts, no-one else will be involved without your permission. You will be advised what to do but the choice will remain your own. In cases of this nature, you will almost certainly be the victim of a crime and you are encouraged to report the incident to the police as soon as possible.

10. APPEAL

If the complainant or the respondent is unhappy with the outcome of the procedure, either party can appeal in writing to the Head of Global Company HR ("**Head of HR**"), not later than two weeks after the receipt of the decision of the Investigator. The Head of HR will appoint an objective person who has not been involved in the process to hear the appeal (generally this person will be the Careers and Employability Lead). The Head of HR will make no recommendation on the appeal to the objective person, whose decision on the matter will be final.

APPENDIX 1

Complaint form

In order to make a formal complaint, please email this form, once complete, to sqestudentservices@barbri.com, your lead tutor or UK HR.

Personal details	
Name	
Student number	
e-mail address/telephone number	

Your complaint

<p>Issue raised</p> <p>Please list the specific issues which you would like investigated</p>
<p>Action already taken</p> <p>Please describe any action you have already taken, with dates, to try and address this complaint (for example, speaking to a member of BARBRI staff, approaching your Learning Coach, utilising the BARBRI Feedback Questionnaire or other feedback tool).</p> <p>You must take reasonable steps to address your concern informally before making a formal complaint. If you require support or guidance, speak to any member of BARBRI staff.</p>
<p>Associated evidence</p> <p>Please list the evidence which you are submitting in support of your complaint (you should attach the evidence to the email in which you file your complaint). For example, you can attach emails and dates and times of meetings, with any agreed actions.</p>

Declaration

I declare that the information given in this form is true to the best of my knowledge and that I would be willing to answer further questions relating to it if necessary.

I authorise representatives of BARBRI to consider the evidence submitted alongside this complaint, and any other relevant information held by BARBRI, to the extent necessary for the consideration of my complaint.

I understand that any documentation that has implications for third parties may also be shared with those third parties in the interests of natural justice.

Name (print)	
Signature	
Date	