Policy/Procedure/ Guideline:	Learner Bullying and Harassment Policy
Senior Manager Responsible:	Assistant Principal Learner Experience and Support - Leyanne Fitzmaurice (DSL)
Author:	Safeguarding, Prevent & Wellbeing Manager
Approved By:	Senior Leadership Team and Quality & Standards Committee
Date Approved:	23 June 2026
Next Review Date:	23 June 2028
Publication:	Staff Hub College Websites
Changes Made:	Job Titles changes Review date amended Language and grammatical changes Legislative framework and quality framework dates changed (Updated to include new College branding and name change September 2025) Appendix 5 Image updated and language changed from Appropriate to Normal.

Learner Bullying and Harassment Policy

1. Introduction

East Lancashire Learning Group is committed to providing a safe, supportive, healthy and secure environment for Learners and staff.

The college group is committed to eliminating all forms of intimidation, harassment, violence or bullying. This applies to harassment and bullying on the grounds of gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, belief, marital status, social or any other personal characteristic. Sexual Harassment and/or Violence between learners is covered by this policy.

Any incident of bullying, harassment or violence will be regarded very seriously and may be grounds for college disciplinary action or criminal investigation.

2. Purpose

The purpose of this policy is to:

- Is to ensure we meet our legal responsibilities, Colleges have a statutory duty to safeguard and promote the welfare of the children at their college. As part of this duty, colleges are required to have regard to guidance issued by the Secretary of State.
- The college is aware of their obligations under the Human Rights Act 1998 (HRA). It is unlawful for colleges to act in a way that is incompatible with the European Convention on Human Rights.
  These rights include:
  Article 3: the right to freedom from inhuman and degrading treatment (an absolute right);
  Article 8: the right to respect for private and family life (a qualified right) includes a duty to protect individuals' physical and psychological integrity;
  Article 14: requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination; and
  Protocol 1, Article 2: protects the right to an effective education. Being subjected to sexual violence or sexual harassment may breach any or all of these rights, depending on the nature of the conduct and the circumstances.
- The college is required to comply with relevant requirements as set out in the Equality Act 2010 (the Equality Act)
- The college will promote a culture where everyone is responsible for creating a safe and positive learning environment free of bullying, threat, harassment and intimidation where teaching and learning can take place.

- Implement a procedure which provides a way to respond and safeguard promptly and fairly to allegations of bullying, threat, harassment, Sexual harassment/Violence, Harmful sexual behaviour and intimidation.
- Allow for complaints to be properly considered and for conclusions to be reached.

3. Legislative/Quality Framework

- Education Act 2011
- Equality Act 2010
- Keeping Children Safe Education 2025
- Malicious Communications Act 1988
- Race Relations (Amendment) Act 2000
- Working Together to Safeguard Children 2023
- Counter-Terrorism and Border Security Act 2019
- Counter- Terrorism strategy (CONTEST) 2023
- Ofsted – Review of sexual abuse in schools and colleges 2021

4. Scope

This policy applies to everyone in our college including all Learners, staff and subcontractors and it should be read and understood and adhered to, alongside the policies and procedures listed in Section 10. It covers Bullying, Harassment, Cyberbullying, Sexual Violence, Sexual Harassment, Harmful Sexual Behaviour, Hate Crime and Hate Incidents.

5. Definitions

This policy will include the following definitions which are not exhaustive:

Bullying: Bullying is treating someone differently because of who they are, not because of anything they have done**.** It is the persecution of an individual by another person or group of people. Bullying is the wilful conscious desire to hurt, intimidate, threaten or frighten someone else. Bullying involves dominance by one person or another, or group of others. Examples would include but are not limited to:

- Child on child abuse.
- Intimidation or threatening behaviour
- Physical abuse e.g. punching, kicking, hitting, pushing, violent threats
- Verbal abuse e.g. shouting at, insulting, name calling, sarcasm, spreading rumours, persistent teasing
- Emotional abuse e.g. tormenting, threatening, ridicule, humiliation, exclusion from groups

See appendix 1 'Guidance for Learners on Bullying and Harassment' and appendix 2 'Guidance for Staff on Bullying and Harassment'

Harassment: Harassment is any conduct that is unwanted by the recipient or any conduct which affects the dignity of any individual or group of individuals, including cases where the recipient is not offended or not present.
Harassment may be repetitive or an isolated occurrence against one or more individuals. Harassment can be physical or nonphysical, verbal or nonverbal. It can include disability, race and religion, gender, age and sexual harassment.

See appendix 1 'Guidance for Learners on Bullying and Harassment' and appendix 2 'Guidance for Staff on Bullying and Harassment'

Cyberbullying: Cyberbullying is the use of information and communications technology particularly mobile phones and the internet to deliberately upset someone else. It can take many forms such as threats and intimidation, harassment or cyber stalking, sexting, defamation, exclusion or peer rejection, impersonation, unauthorised publication of private information or images.

See appendix 1 'Guidance for Learners on Bullying and Harassment' and appendix 2 'Guidance for Staff on Bullying and Harassment'

Where cyberbullying links to the following definitions refer to:

See Appendix 3 'Guidance for Staff - The immediate response to a report - Sexual Harassment and/or Violence' and Appendix 5 for 'Guidance for staff on dealing with sexual behaviours.

Sexual Violence
We are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we do so in the context of child-on-child sexual violence. For the purpose of this policy, when referring to sexual violence we are referring to sexual offences under the Sexual Offences Act 2003 as described below:

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration, and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching, and A does not reasonably believe that B consents.

What is consent? Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g.to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity, and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice.

- a child under the age of 13 can never consent to any sexual activity;
- the age of consent is 16;
- sexual intercourse without consent is rape.

See Appendix 3 'Guidance for Staff - The immediate response to a report - Sexual Harassment and/or Violence' and Appendix 5 for 'Guidance for staff on dealing with sexual behaviours.

Sexual Harassment:
For the purpose of this policy, when referring to sexual harassment we mean 'unwanted conduct of a sexual nature' that can occur online and offline. When we reference sexual harassment, we do so in the context of child-on-child sexual harassment. Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.
Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;

- sexual "jokes" or taunting

- physical behaviour, such as deliberately brushing against someone, interfering with someone's clothes (colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and

- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);

- sexualised online bullying;

- unwanted sexual comments and messages, including, on social media; and
- sexual exploitation; coercion and threats.

It is important that we consider sexual harassment in broad terms. Sexual harassment (as set out above) creates an atmosphere that, if not challenged, can normalise inappropriate behaviours and provide an environment that may lead to sexual violence.

See Appendix 3 'Guidance for Staff - The immediate response to a report - Sexual Harassment and/or Violence' and Appendix 5 for 'Guidance for staff on dealing with sexual behaviours.

Harmful sexual behaviour

Children's sexual behaviour exists on a wide continuum, from normal and developmentally expected too inappropriate, problematic, abusive and violent. Problematic, abusive and violent sexual behaviour is developmentally inappropriate and may cause developmental damage. A useful umbrella term is "harmful sexual behaviour". The term has been widely adopted in child protection and is used in this policy. Harmful sexual behaviour can occur online and/or offline and can also occur simultaneously between the two. Harmful sexual behaviour should be considered in a child protection context.

When considering harmful sexual behaviour, ages and the stages of development of the children are critical factors to consider. Sexual behaviour between children can be considered harmful if one of the children is much older, particularly if there is more than two years' difference or if one of the children is pre-pubescent and the other is not. However, a younger child can abuse an older child, particularly if they have power over them, for example, if the older child is disabled or smaller in stature.

Harmful sexual behaviour can, in some cases, progress on a continuum. Addressing inappropriate behaviour can be an important intervention that helps prevent problematic, abusive and/or violent behaviour in the future. Children displaying harmful sexual behaviour have often experienced their own abuse and trauma. It is important that they are offered appropriate support from the Safeguarding Team.

Sexual violence, sexual harassment and harmful sexual behaviour exist on a continuum and may overlap, they can occur online and offline (both physically and verbally) and are never acceptable. It is important that all are taken seriously and offered support via the Safeguarding Team. Reports of sexual violence,

sexual harassment and harmful sexual behaviour are extremely complex to manage and must be reported directly to the Designated
Safeguarding Lead through the college safeguarding procedures. It is essential that victims are protected; offered support by the Safeguarding Team and every effort is made through liaising with curriculum to ensure their education is not disrupted. It is also important that other learners including adult learners and college staff are supported and protected as deemed appropriate by the Designated Safeguarding Lead.

See Appendix 3 'Guidance for Staff - The immediate response to a report - Sexual Harassment and/or Violence' and Appendix 5 for 'Guidance for staff on dealing with sexual behaviours.

Hate Crime:

A hate crime is defined as 'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.'

Examples are identified below.

- **Disability bullying:** Conduct based on disability affecting the dignity of individuals. It includes comments and "jokes" which are deliberate and unwelcome. Threats, abuse, mockery, together with any other form of assault are more manifestations of the same problem.
- **Homophobic bullying**: Homophobic bullying targets someone because of someone's sexual orientation (or perceived sexual orientation).
- **Racist and religious bullying:** Racist and religious bullying can be defined as a range of hurtful behaviour both physical and psychological that makes a person feel unwelcome, marginalized, excluded, powerless or worthless because of their colour, ethnicity, culture, faith community, national origin or national status.
- **Sexual, sexist and transphobic bullying**: Sexual bullying includes any behaviour physical or non-physical where sexuality is used as a weapon. It can be carried out to a person's face, behind their back or by use of technology. Transphobic bullying refers to bullying because someone is or is thought to be transgender.

All Hate Crime should be referred to the safeguarding team

Hate Incident

A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.
Not all hate incidents will amount to criminal offences, but it is equally important that these are reported and recorded.

All Hate Incidents should be referred to the safeguarding team

6. Employer responsibilities (for apprenticeship Learners)

Employers are responsible for preventing all forms of bullying and harassment and they are liable for any harassment suffered by their employees. Staff responsible for contracting with organisations and/or employers will ensure there are appropriate bullying and harassment policies in place. The policies must be accessible to and understood by the Learner.

7. Record keeping, complaints and appeals

- All concerns, discussions and decisions made and the reasons for those decisions will be recorded centrally on Pro-monitor. Harassment cases involving sexual harassment and/or violence or harmful sexual behaviour, hate crime or hate incident will be recorded via the Level two confidential comments section on Promonitor.
- All Learner concerns of bullying, harassment, sexual harassment and/or violence, harmful sexual behaviour, hate crime and hate incidents will be reported to the safeguarding team.
- If disciplinary action is taken, records will be kept in accordance with the Learner Disciplinary Policy.
- If there is a complaint about the conduct and/or investigation of matters involving all forms of bullying and harassment, the normal college Complaints Policy will apply.
- Appeals against any disciplinary action will fall in line with the appeals procedure in the Learner Disciplinary Policy.

8. Dissemination

- East Lancashire Learning Group Staff Hub
- East Lancashire Learning Group Websites

9. Monitoring and Review

The policy will be reviewed by the Deputy Principal Curriculum and Quality (DSL)

10. Related Policies/Procedures

Documents related to the policy are:

- Behaviour Policies and Procedures
- Acceptable Use Policy
- E- Safety Policy

- Safeguarding Children and Vulnerable Adults Policy, Procedures and Guidance
- Learner Disciplinary Policy
- Learner Code of Conduct
- Complaints, Compliments and Comments Policy

11. Management Responsibility

The Assistant Principal Learner Experience and Support has overall management responsibility for this policy. Day to day management responsibility for this policy is devolved the and the Safeguarding, Prevent & Wellbeing Manager

APPENDIX 1: Guidance for Learners on Bullying and Harassment

The college will offer support to anyone who is a victim of bullying or harassment.

Practical Actions *you* can take if you are a victim of bullying or harassment:

1. Talk about the problem with somebody that can support you (you can do this in confidence if you wish). A list of people you can talk to at college include:

    - Teacher
    - Personal Tutor
    - College Nurse
    - Safeguarding and Wellbeing Team
    - Learner Personal Development Officer
    - Any trusted member of staff

2. Keep a record of the bullying:

    a. Keep a log of the bullying, with details dates and times of what has happened.
    b. Make sure you keep a record of any offensive e-mails, text messages or internet chat room comments. Block the person from social networking site.
    c. If you have some examples of bullying on your mobile you could either ask your mobile phone operator to block their number – or change your own mobile number. (Remember to keep the evidence)

3. If you feel that you want to discuss a case in confidence, we will support you with this and look at ways of minimising the impact of the situation on you.

We will also be able to point you in the direction of external support and support available. This could be useful to you for times when you are on your own.

4. You will be listened to empathetically and your concerns taken seriously. A strategy to deal with the incident will be negotiated with you, taking into account the college duty of care.

5. If there is a case to answer, the next step may be the College's Learner Disciplinary Policy. An investigation may take place where a manager or other relevant member of staff will interview you and the alleged bully/bullies separately.

6. In certain circumstance the College may feel it necessary to involve your parents but will inform you before doing so.
7. You may ask for the opportunity to bring a friend or relative to support you during any necessary meetings.

8. The aim of the investigation is to gather all the facts pertinent to the case to inform a decision as to appropriate action to take.

9. If you are dissatisfied with the outcome, or with the way in which the complaint was handled, you may appeal using the college Complaints Policy.

APPENDIX 2: Guidance for Staff on Bullying and Harassment

All complaints about bullying should be taken seriously and treated sensitively. It is important to discuss possible/desirable strategies with the alleged victim in the first instance and proceed as appropriate.

1. Informal Action

Staff who witness bullying and harassment or are informed of such issues will address the matter directly with the Learners involved as they arise. Staff members can call upon the support of the Safeguarding Team (where relevant). The purpose at this stage is to achieve a timely and constructive outcome for all concerned. Staff should record details of the incident and agreed outcomes on Promonitor for the attention of the personal tutor (if not the staff member dealing with the incident), Head of Division and the Safeguarding Team. The record will be factual and will avoid judgment and personal comment.

If at any stage during informal action, information is ascertained that indicates the behaviour or conduct of any Learner relates to a criminal act (e.g. physical violence, sexual violence, hate crime), then this should be escalated to formal action.

2. Formal Action

If informal action is not appropriate, or if it does not work, staff should take formal action by referring concerns to the Head of Division who will initiate further investigation in line with the Learner Disciplinary Policy. The Head of Division will liaise with the safeguarding team and share information.

3. Additional Information

Statements may be taken from people involved including any witnesses. These, along with additional evidence (e.g. social media screen shots) will be collected and reviewed by the staff member conducting the informal or formal action.

If a Learner is in immediate danger, the Police should be notified or if they need urgent medical attention an ambulance should be called. The safeguarding team will be informed.

After a concern about bullying and harassment has been addressed by the College, the situation must be monitored by the Personal Tutor to ensure that bullying does not recur.

4. Cases involving Apprentice Learners within the Workplace

Any allegations of bullying made by an apprentice in the workplace will be referred to the employer. Programme Leaders in the Business Unit supported by the HOD will provide support to the apprentice to enable them to access the employer's policies and procedures and will report the concern to the safeguarding team. The College will co-operate with the employer and support the apprentice in order for any allegations to be thoroughly investigated.

Where the apprentice is in learning on campus follow appendix 2 – 1,2,3

APPENDIX 3: Guidance for Staff - The immediate response to a report - Sexual Harassment and/or Violence

Responding to the report

The college's initial response to a report from a child is important. It is essential that all victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

In some cases, the victim may not make a direct report. For example, a friend may make a report, or a member of college staff may overhear a conversation that suggests a child has been harmed. As with all safeguarding concerns, it is important that in such instances staff take appropriate action in accordance with the child and vulnerable adult

protection policy. They should not assume that someone else is responding to any incident or concern. If in any doubt, they should speak to the designated safeguarding lead (or a deputy). In such cases, the basic safeguarding principles remain the same, but it is important for the college to understand why the victim has chosen not to make a report themselves. This discussion should be handled sensitively and with support from the Safeguarding Team.

There may be reports where the alleged sexual violence or sexual harassment involves pupils or Learners from the same college but is alleged to have taken place away from the college premises, or online. There may also be reports where the children concerned attend two or more different schools or colleges. The safeguarding principles, and individual schools' and colleges' duties to safeguard and promote the welfare of their Learners, remain the same.

As per Part one of Keeping Children Safe in Education, all staff should be trained to manage a report. The NCCG Child and Vulnerable Adult Protection Policy (and annual safeguarding training) dictates exactly how to report.

Effective safeguarding practice includes:

• **Not promising confidentiality** at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;

• **Recognising a child is likely to disclose information to someone they trust**: this could be anyone on the college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;

• **Listening carefully to the child**, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc.;

• **Considering the best way to make a record of the report**. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes, especially if a second member of staff is present. However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made;

• **Only recording the facts as the child presents them**. The notes should not reflect the personal opinion of the note taker. Colleges should be aware that notes of such reports could become part of a statutory assessment by children's social care and/or part of a criminal investigation;

• **Where the report includes an online element**, being aware of searching screening and confiscation advice (for schools) and UKCCIS sexting advice (for schools and colleges). The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable.

• **If possible, managing reports with two members of staff present**, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible; and

• **Informing the designated safeguarding lead** (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

APPENDIX 4 – Sexual Abuse in Colleges

In 2021 Ofsted was asked by the government to carry out a rapid review of sexual abuse in schools and colleges.

They were asked to report on the following:

- Safeguarding and Curriculum
- Multi-agency safeguarding arrangements
- Victims' voice and reporting
- Other considerations

The review included visits to 32 schools and colleges. In these, they spoke to over 900 children and young people about the prevalence of peer-on-peer sexual harassment and sexual violence, including online, in their lives and the lives of their peers. They also spoke to leaders, teachers, governors, LSPs, parents and stakeholders.

As a result, KCSIE has been strengthened and the college has reviewed its policies and practices, the following are highlighted for staff:

At ELLG we create a culture where sexual harassment and online sexual abuse are not tolerated, and we identify issues and intervene early to better protect children and young people.

In order to do this, we assume that sexual harassment and online sexual abuse are happening in our settings, even if there are no specific reports, we have a whole college approach to address them. We include:

- a carefully sequenced tutorial curriculum, based on the Department for Education's (DfE's) statutory guidance, that specifically includes sexual harassment and sexual violence, including online. We include time for open discussion of topics that Learners tell us they find particularly difficult, such as consent and the sending of 'nudes'

- We ensure high-quality training for tutorial leaders, tutors and teachers delivering tutorial

- The Safeguarding Team ensure routine record-keeping and analysis of sexual harassment and sexual violence, including online, to identify patterns and intervene early to prevent abuse

- Through our behavioural approach and both behaviour and disciplinary policies, we reinforce a culture where sexual harassment and online sexual abuse are not tolerated, including sanctions when appropriate

- The Safeguarding Team work closely with LSPs in the area so we are aware of the range of support available to children and young people who are victims or who perpetrate harmful sexual behaviour

- support for designated safeguarding leads (DSLs), such as protected time in timetables to engage with LSPs is allocated

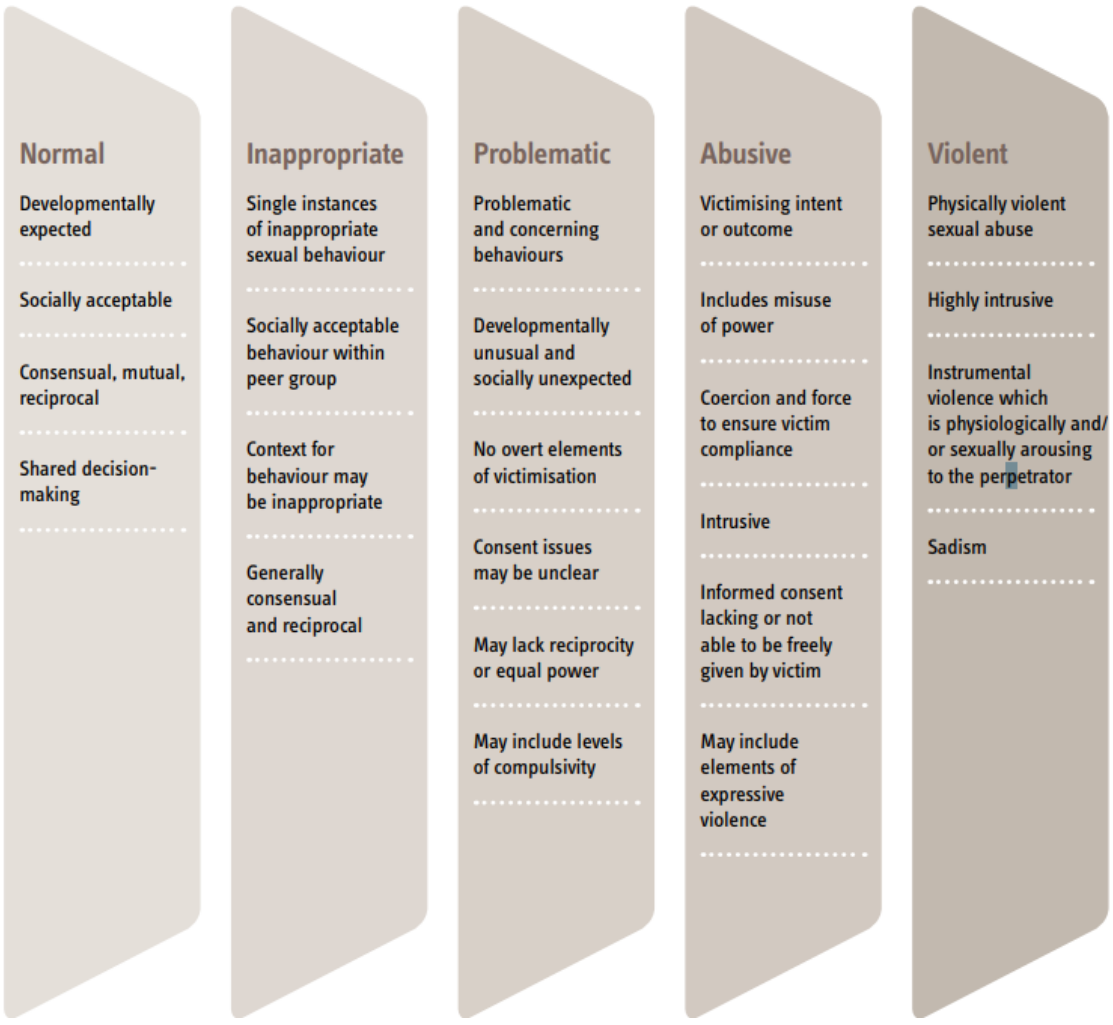
- We provide training to ensure that all staff (and governors, where relevant) are able to:
    - better understand the definitions of sexual harassment and sexual violence, including online sexual abuse
    - identify early signs of peer-on-peer sexual abuse
    - consistently uphold standards in their responses to sexual harassment and online sexual abuse

Appendix 5 – Guidance for staff on dealing with sexual behaviours - Hackett's 'Continuum of children and young people's sexual behaviours' model (2010)

Hackett (2010) has proposed a continuum model to demonstrate the range of sexual behaviours presented by children and young people, from those that are normal, to those that are highly deviant:

.....

A continuum of children and young people's sexual behaviours (Hackett, 2010)



The below is guidance on support you should seek based on each section of the continuum:

Level of Continuum	Normal	Inappropriate	Problematic	Abusive	Violent
College Intervention	No intervention required	Intervention required	Intervention required	Intervention required	Intervention required
Intervention by who	n/a	Curriculum pastoral intervention required and logged on promonitor Support from safeguarding team requested if/when required Consider safeguarding referral	Safeguarding referral to be made Safeguarding team intervention Safeguarding team escalate or deescalate as appropriate DDSL/DSL Awareness	Safeguarding referral to be made Safeguarding Team intervention Safeguarding Team to work with external partners DDSL/DSL Involvement	Safeguarding referral to be made Safeguarding Team intervention Safeguarding Team to work with external partners DSL Involvement