

Anti-Bullying and Harassment Policy

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1. Purpose and Scope

- a. This policy applies to UK-based employees of all Kaplan International Pathways and Shared Services.
- b. This policy does not form part of any contract of employment or contract to provide services, and we may amend it from time to time.
- c. The purpose of this policy is to clearly define what constitutes bullying, harassment (including sexual harassment), and victimisation in the workplace. It also aims to provide guidance on resolving complaints, whether informally or formally, should such behaviour occur.
- d. We are dedicated to creating and maintaining a safe, welcoming, and inclusive community free from discrimination, bullying, harassment, or victimisation, where everyone is treated with dignity and respect in line with our core values (Act with Integrity, Grow Knowledge, Empower & Support, Create Opportunity, Drive Results Together).

- e. We will not tolerate bullying, and harassment of any kind. All allegations of bullying and harassment will be investigated, and if appropriate, disciplinary action will be taken. Employees found to have engaged in conduct that constitutes bullying, or harassment may face disciplinary sanctions, up to and including summary dismissal (i.e. dismissal without notice). We will not tolerate victimisation of a person for making allegations of bullying and harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.
- f. This policy covers bullying and harassment of and by all staff including employees, consultants, contractors, agency workers and anyone else engaged to work within KI, whether they are in a direct contractual relationship with the organisation or otherwise. This policy also relates to job applicants and is relevant to all stages of the employment relationship. If the complainant or alleged harasser is not employed by the organisation, e.g. if they are self-employed or their contract is with an agency, this policy will apply with any necessary modifications such as that the organisation could not dismiss the contractor or worker but would instead cease using their services or require the agency to remove the worker, if appropriate, after investigation and any other necessary processes had been carried out.
- g. This policy covers bullying and harassment both in and outside of the workplace, such as on business trips or at work-related social events, and can also occur online, such as on social media.

2. Our Commitment to you

- a. We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our workers by:
 - I. Ensuring all new staff complete 'Bullying and Anti-Harassment Training,' as well as training on being inclusive as part of their onboarding programme;
 - II. Monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, return-to-work meetings, and employee resource groups (where applicable) to identify and address any issues;
 - III. Assessing what reasonable measures can be implemented to minimise the risk of exposure to sexual harassment in the

workplace (and by third parties that individuals may have contact with), and;

- IV. Ensuring that our approach to all forms of discrimination, bullying and harassment, is communicated to all workers, and third parties.
- b. We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.
- c. A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of individuals, the workforce as well as the wider organisation.
- d. The abuse or misuse of power by a senior employee to bully or harass a more junior employee will be taken extremely seriously.

3. What we expect from you

- a. We expect everyone at Kaplan to take personal responsibility for observing, upholding, promoting, and applying this policy. Staff should also familiarise themselves with the [code of business conduct](#) which can be found on GH Connect.
- b. Any dealings you have with third parties, including customers, suppliers, contractors, agency staff, consultants, and students, must be free from discrimination, harassment, victimisation, or bullying.
- c. If any of our people are found to have committed, authorised, or condoned an act of bullying or harassment, appropriate action will be taken under our Disciplinary procedure, up to and including summary dismissal (for those to whom it applies).
- d. If you experience, or witness bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support.

4. What is Bullying, Harassment and Sexual Harassment

4.2 Bullying

- a. There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating, or injuring the recipient either physically or emotionally.
- b. Bullying can be physical, verbal, or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.
- c. Conduct may amount to bullying whether or not the person behaving in that way intends to undermine, humiliate or injure the recipient.
- d. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.
- e. Examples of bullying may include but are not limited to the following:
 - I. Physical, verbal, or psychological threats;
 - II. Spreading malicious rumours about someone
 - III. Unreasonably excluding someone from team social events
 - IV. Excessive, and unwarranted levels of supervision; and
 - V. Inappropriate and derogatory remarks about a person's performance. (It is important to understand that legitimate, reasonable, and constructive criticism of a person's performance or behaviour, following the company's capability or performance procedures, or reasonable instructions given to people in the course of their employment, will not amount to bullying.)

4.3 Harassment

- a. The Equality Act (2010) defines harassment as unwanted conduct related to relevant protected characteristics, which are age, disability, gender

reassignment, race (which includes colour, nationality, and ethnic or national origins), religion or belief, sex, or sexual orientation, that has the purpose or effect of:

- I. Violating someone's dignity; or
 - II. Creating an intimidating, hostile, degrading, humiliating or offensive environment for someone.
- b. Different people find different things acceptable. What one person considers a joke or banter; another might find offensive. If somebody persists with behaviour that a colleague has made clear they find offensive, this may be considered harassment.
- c. Behaviour that any reasonable person would likely interpret to be offensive will be considered to be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them.
- d. Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to repeatedly tease an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, partner is pregnant, or friend is a devout Christian.
- e. A person may feel harassed even if the unwanted conduct is not directed towards them or related to their actual or perceived protected characteristic. For example, it may be harassment where an employee is offended by derogatory remarks made about observance of religious practices.
- f. While this is not an exhaustive list, examples of harassment include:
- I. "Banter", jokes, taunts, or insults that are sexist, racist, ageist, transphobic, homophobic, or derogatory against any other protected characteristic;
 - II. Unwanted physical behaviour, for example, pushing or grabbing;

- III. Excluding someone from a conversation or a social event or marginalising them from the group due to a protected characteristic;
 - IV. Derogatory comments about pregnancy, maternity leave, or IVF treatment;
 - V. Mimicking or making fun of someone's disability;
 - VI. Derogatory or offensive comments related to religion or belief, including an individual's choice to follow or not follow a religion, their perceived religion or belief, or their association with others based on religion or belief;
 - VII. Unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
 - VIII. "Outing" (i.e. revealing their sexual orientation against their wishes), or threatening to "out", someone;
 - IX. Deliberately using the wrong names and pronouns following the transition of a person's gender identity;
 - X. Displaying images that are racially offensive; and
 - XI. Excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.
- g. Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors, or visitors, they should report any such behaviour to their manager who will take appropriate action.

4.4 Sexual Harassment

- a. The Equality Act (2010) defines sexual harassment as:
- I. Unwanted conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
 - II. Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

- b. Sexual harassment can occur in many forms, and can take place either at work, outside work, in person, or online. While this is not an exhaustive list, examples include:
 - I. Physical conduct of a sexual nature, unwelcome physical contact, or intimidation;
 - II. Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
 - III. The offer of rewards for going along with sexual advances, e.g. promotion, access to training etc.
 - IV. Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the individual's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
 - V. Showing or sending offensive or pornographic material by any means (e.g. by text, video clip, email or by posting on the internet or social media);
 - VI. Unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
 - VII. Offensive comments about appearance or dress, innuendo, or lewd comments;
 - VIII. Leering, whistling, or making sexually suggestive gestures; and
 - IX. Excessive gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

5. Bullying or harassment of students

- a. Allegations of bullying or harassment of students will be taken extremely seriously.
- b. In most cases, if the complaint is substantiated and therefore upheld, bullying or harassment of students will be considered gross misconduct, and result in summary dismissal (i.e. dismissal without notice) in line with our Disciplinary policy. If the alleged harasser is not employed by the organisation, e.g. if they are self-employed or their contract is with an agency the organisation would instead cease using their services or require the agency to remove the worker,

if appropriate, after investigation and any other necessary processes had been carried out.

6. What can I do to help stop bullying and harassment?

- a. We have a shared responsibility to create and maintain a workplace free from bullying and harassment. As such, we adopt a zero-tolerance approach to all forms of such behaviour including sexual harassment. Every incident will be taken seriously, investigated promptly, and addressed appropriately in line with this policy.
- b. You can help prevent bullying and harassment by:
 - I. Being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
 - II. Treating your colleagues with dignity and respect;
 - III. Taking a stand if you think inappropriate jokes or comments are being made;
 - IV. Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
 - V. Intervening, if possible, to stop harassment or bullying and giving support to recipients;
 - VI. Making it clear that you find harassment and bullying unacceptable;
 - VII. Reporting harassment or bullying to your manager or Human Resources (HR), and supporting the organisation in the investigation of complaints; and
 - VIII. If a complaint of harassment or bullying is made, not prejudging, or victimising the complainant or alleged harasser.
- a. Managers have a particular responsibility to:
 - I. Set a good example by their own behaviour;
 - II. Address behaviour that is unacceptable;
 - III. Ensure that there is a supportive working environment;

- IV. Make sure that staff know what standards of behaviour are expected of them;
- V. Intervene to stop bullying or harassment; and
- VI. Report promptly to HR any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

7. Victimisation

- a. Victimisation is subjecting a person to a detriment because they have in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- b. Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment, and the organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.
- c. However, making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

8. What should I do if I think I am being bullied or harassed?

- a. You may be able to resolve matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in HR, a manager, or another employee. Alternatively, an initial approach could be made on your behalf by one of these people.
- b. You could tell the person what behaviour you find offensive and unwelcome through the use of clear examples stating that you would like it to stop

immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or HR. You should keep a note of the date, and what was said and done. This will be useful evidence if the unacceptable behaviour continues, and you wish to make a formal complaint.

- c. If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the organisation's grievance policy. You can choose whether to raise your grievance with your manager or directly with a member of the HR team.
- d. If you wish to anonymously raise a concern relating to bullying, and or harassment you can do so using the [ethics hotline](#), however we would encourage individuals to raise their concerns to their manager or a member of the HR team directly to allow for a more effective investigation and resolution than an anonymous report would permit.
- e. In very serious cases, a criminal offence may have been committed, and you may wish to report matters to the police. A manager or HR can arrange for someone to accompany you to make a complaint to the police.

9. How will my complaint be dealt with?

- a. Complaints will be dealt with according to our Grievance Policy, Investigation Policy, and (if applicable) Disciplinary Policy.
- b. Complaints will be thoroughly investigated and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union official of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the investigation subject to data protection requirements. The organisation will decide on a balance of probabilities, after considering all available evidence, whether harassment or bullying has occurred.
- c. The organisation will treat complaints of bullying and harassment sensitively and make every effort to maintain confidentiality in as far as possible. Investigation of allegations will normally require limited disclosure on a "need

to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses, to ensure a fair and sufficiently thorough investigation. The importance of confidentiality will be emphasised to witnesses.

- d. Wherever possible, the organisation will try to minimise any contact between you and the alleged harasser while the complaint is under investigation. This could involve the company deciding that one of you should temporarily work from a different part of the office, from a different office altogether, work from home, and/or may determine that a temporary change of line management is appropriate. In serious cases, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.
- e. If your complaint is not upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- f. You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.
- g. Support is available from our employee assistance programmes. Please contact the HR Department for your individual scheme login details if you require them. This is not a route for raising your concern, but a source of support and advice for you should you feel that you need this.

10. What happens if I am accused of bullying or harassment?

- a. If someone approaches you informally about your behaviour, do not dismiss their complaint because you might feel you were "only joking," or think the complainant is being too sensitive. Remember that different people find different things acceptable. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be

careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

- b. If a formal complaint is made about your behaviour, this will be fully investigated and the organisation may bring disciplinary proceedings, if appropriate. The organisation will follow its disciplinary procedure. You will have the right to be informed of the allegations against you, and to put forward your account of events. You will also have the right to be accompanied to meetings by a trade union official or work colleague. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to summary dismissal. It is important to note that individuals found to have engaged in harassment can also be held personally liable.
- c. The organisation will treat complaints of bullying and harassment sensitively and make every effort to maintain confidentiality as fully as possible. To allow for a full and thorough investigation to take place limited disclosure on a "need to know" basis may be required. For example, some details may have to be given to potential witnesses, but this will be limited in as far as possible. The importance of confidentiality will also be emphasised to witnesses.
- d. Wherever possible, the organisation will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.
- e. If the complaint against you is upheld, on a balance of probabilities, a disciplinary sanction may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the organisation could decide to transfer you to another post.
- f. If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the

organisation will investigate and, if appropriate, will take disciplinary action against the person making the false complaint.

- g. If the complaint is not upheld, we will consider how best to manage any ongoing working relationship between you, and the person concerned, it may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- h. You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the organisation has good reason to think that you may have victimised the complainant or someone else.
- i. Some types of bullying or harassment may constitute unlawful discrimination, and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the organisation's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts were brought against you. Criminal proceedings could lead to conviction and criminal penalties.

11. Making this policy work

- a. All employees and managers have a role to play in creating a working environment free of bullying and harassment. The HR team will provide guidance and support to managers to enable them to deal more effectively with complaints of bullying and harassment.
- b. The outcomes of cases where complaints of bullying and harassment have been made will be reviewed to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

12. Policy review & contacts

- a. If you have any questions about this policy, your line manager or HR can help.
- b. Our policies are reviewed and (if required) updated at least every two years in line with legal obligations, business objectives, and operational needs. We will notify staff of some key changes, but it is not practical to notify of every change that occurs, so it is everyone's responsibility to keep themselves up to date with the current versions of policies as made available via our intranet. Please revisit employment policies at regular intervals and refer to specific relevant policies when the need arises.