

SPI Preventing Bullying, Harassment and Victimisation Policy



ATHROFA PADARN SANT
ST PADARN'S INSTITUTE

Document Control Table

Document Title:	SPI Preventing Bullying, Harassment and Victimisation Policy
Author(s) (name, job title and organisation):	Kathryn Delderfield, Director of Operations, SPI
Version Number:	3
Document Status:	Approved
Date Approved:	October 2025
Approved By:	St Padarn's Executive Board
Effective Date:	October 2025
Date of Next Review:	June 2028
Superseded version:	2
Related Documents:	<p>The Representative Body of the Church in Wales Preventing Bullying, Harassment and Victimisation Policy</p> <p>St Padarn's Equality and Diversity Policy</p> <p>St Padarn's Code of Conduct</p> <p>St Padarn's Prevent Policy</p> <p>St Padarn's Misconduct Policy for Occasional Learners</p> <p>St Padarn's Misconduct Policy for Regular Learners</p> <p>St Padarn's Complaints Policy</p> <p>The Church in Wales Safeguarding Policy</p>

		The Church in Wales Dignity Charter	
Document History			
Version	Date	Author	Notes on Revisions
2	June 2022	Kathryn Delderfield	<ul style="list-style-type: none"> • Related documents reviewed • Revision of confidentiality section • Corrections to protected characteristics • Minor amendments for clarity
3	Sept 2025	Kathryn Delderfield	<ul style="list-style-type: none"> • Updated definitions • Added Appendix of Unacceptable Behaviours

SPI Preventing Bullying, Harassment and Victimisation Policy

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2. Introduction

St Padarn's does not tolerate any form of harassment, bullying or victimisation and expects all members of the St Padarn's community (including learners, staff volunteers

and any other person who contributes to St Padarn's activities), its visitors and contractors to treat each other with respect, courtesy, and consideration.

St Padarn's is committed to fostering an inclusive, caring, Christian culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all are respected.

St Padarn's believes that harassment, bullying, unlawful discrimination, and victimisation are behaviours which undermine the well-being of the person concerned and may also adversely affect their performance. No such conduct is a part of a culture in which learners, staff and others involved are treated with dignity and respect. They are also incompatible with the Christian values on which St Padarn's is built.

Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for bullying, harassment, or victimisation. Bullying, harassment, or victimisation can take place in person, by phone, in writing or electronically, including but not limited to social media posts, emails, and video meetings.

The intentions of the alleged perpetrator are not always determined by whether harassment has taken place. The perception of the complainant and the extent to which that perception is reasonable will also be relevant. The recipient does not need to have explicitly stated that the behaviour was unwanted for it to be harassment.

St Padarn's staff also come under the Representative Body of the Church in Wales Preventing Bullying, Harassment and Victimisation Policy.

3. Aims

- Promote a positive environment in which people are treated fairly and with respect.
- Make it clear that bullying, harassment, and victimisation are unacceptable and that all involved in St Padarn's have a role to play in creating an environment free from harassment.
- Provide a framework of support for those who feel they have been subject to harassment or victimisation.
- Provide a mechanism by which complaints can wherever possible be addressed in a timely way. (Complaints of harassment relating to staff will be dealt with under

the Representative Body of the Church in Wales Preventing Bullying, Harassment and Victimisation Policy).

- Provide support for staff and learners who feel that they have been subject to or have witnessed bullying, harassment, or victimisation, including sexual misconduct.

4. Commitment

St Padarn's is committed to:

- Creating a positive environment in which all learners and staff are respected, provided with development and progression opportunities, and can make the most of their abilities. Fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all involved in St Padarn's are respected and where individual differences and the contributions of all staff, learners and contributors are recognised and valued. St Padarn's celebrates and encourages diversity in all areas of its community.
- Identifying and eliminating unfair or unlawful discrimination of all those with whom we interact. No member of, or applicant to, St Padarn's will receive unfair or unlawful treatment due to the Equality Act 2010 protected characteristics of disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race (including colour, ethnic/national origin, or nationality), religion or belief, sex, and sexual orientation, nor face unwarranted discrimination on the grounds of age.
- Creating a working and learning environment free of harassment, bullying, victimisation, and unlawful discrimination and expecting all involved with St Padarn's to treat each other with respect, courtesy, and consideration at all times.
- Taking seriously complaints of harassment, bullying, victimisation, and unlawful discrimination by all involved in St Padarn's.
- Opposing all forms of unlawful discrimination among our staff, including in pay and benefits, terms, and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training, or other developmental opportunities.

5. Implementation

St Padarn's will therefore:

- Make opportunities for training, development, and progress available to all staff, who will be helped and encouraged to develop their full potential.
- Make decisions concerning learner and staff recruitment and/or employment based on merit.
- Ensure that the Representative Body of the Church in Wales policies with regard to employment practices and procedures are followed.
- Inform all members of senior management, line managers and all other employees and students about their rights and responsibilities under this policy.
- Inform all staff, learners, and volunteers that they as well as their employer, can be held liable for acts of harassment, bullying, victimisation, and unlawful discrimination, in the course of their employment, against all members of the St Padarn's community, its visitors and the general public.
- Respond to all complaints of harassment, bullying, victimisation and unlawful discrimination by fellow employees, students, visitors, the public and any others in the course of St Padarn's activities.

St Padarn's monitors the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy.

6. Definitions

6.1 Abuse of power is where someone uses their position of power or authority in an unacceptable manner. Abuse of power can take various forms and may include, but is not limited to, grooming, manipulation, coercion, putting pressure on others to engage in conduct they do not feel comfortable with.

6.2 Bullying may be offensive, intimidating, malicious or insulting behaviour that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Bullying may be a pattern of behaviour or a one-off incident. Bullying may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks. Legitimate and constructive feedback related to academic or work-related performance is unlikely to amount to bullying.

6.3 Discrimination The Equality Act 2010 prohibits less favourable treatment which is linked to one of the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality, and colour), religion or belief, sex and sexual orientation.

6.4 Grooming is when a person in a position of power or authority builds a relationship with someone so they can abuse them and/or manipulate them into doing things they may not be comfortable with and may also make it less likely that the abusive behaviour is reported or rejected.

6.5 Harassment under the Equality Act 2010 Harassment includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.

In deciding whether conduct has the effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment towards that person, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect. The last point is important because it introduces an element of objectivity into the test. The perception of the person who is at the receiving end of the conduct is not the only relevant consideration in determining whether the conduct amounts to unlawful harassment.

6.6 Harassment under the Protection from Harassment Act 1997 Harassment is defined as a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.

6.7 An offence is committed only if the person knows the conduct amounts to harassment of the other, or a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person. When the term 'harassment' is used in this policy it can mean harassment

under the **Equality Act 2010** and/or under the **Protection from Harassment Act 1997**.

6.8 Safeguarding Protecting the health, wellbeing and human rights of a child or an adult at risk, and enabling them to live free from harm, abuse, and neglect.

6.9 Sexual Harassment occurs when someone is subjected to unwanted conduct of a sexual nature or which is related to sex which has the purpose or effect of either violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for them. A person can be sexually harassed by someone of the same or different sex.

6.10 Sexual misconduct means any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to sexual harassment, sexual assault, and rape.

6.11 Stalking can include physically following a person, watching, or spying on them or forcing unwanted contact with them through any means, including social media.

6.12 Third-party harassment This occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, St Padarn's but with whom that person has come into contact during their employment or studies. Third-party harassment could include, for example, unwelcome sexual advances from a supplier visiting St Padarn's premises, or where a person is visiting a supplier's premises or other location in the course of their employment or studies.

6.13 Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

St Padarn's will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:

- Made an allegation of harassment or indicated an intention to make such an allegation.
- Assisted or supported another person in bringing forward such an allegation.
- Participated in an investigation of a complaint.
- Participated in any misconduct hearing arising from an investigation.
- Taken any other steps in connection with this Policy and Procedure or is suspected of having done so.

St Padarn's seeks to protect any member of its community from victimisation, which is a form of misconduct which may itself result in invoking the misconduct procedures.

7. Policy Application

Any member of St Padarn's staff who feels they have been subject to or have witnessed any form of harassment should refer to the Representative Body of the Church in Wales Preventing Bullying, Harassment and Victimisation Policy. Anyone else who feels they have been subject to or have witnessed any form of harassment in their interaction with St Padarn's should refer the matter to the Principal (or Chair of the Executive Board if the alleged harassment is by the Principal) to be investigated under the appropriate policy. The matter will be handled with sensitivity and fairness.

Allegations of harassment in whatever form it takes will be taken very seriously. Serious complaints against staff or learners which are upheld amount to gross misconduct and would be dealt with under the St Padarn's Misconduct Policy for Regular Learners, the St Padarn's Misconduct Policy for Occasional Learners or, if the complaint is against a staff member, the Representative Body of the Church in Wales Disciplinary Policy.

When a criminal offence may have been committed, or there is risk of harm the case will be referred to the relevant authority.

If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and action may be taken under the misconduct policy against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

8. Confidentiality

St Padarn's will be mindful of its obligations under relevant data protection regulations and the Equality Act 2010 in relation to any information shared about the alleged harassment.

Information associated with the alleged harassment will be disclosed to as few people as possible.

Where there is risk of harm, or a criminal offence has been alleged information may need to be referred onto the Church in Wales Safeguarding Team or the local police authority.

9. Appendix 1- Example of Unacceptable Behaviours

Examples of behaviour that may be considered unacceptable under this policy include (but are not limited to) the following:

- Shouting at, being sarcastic towards, ridiculing or demeaning others.
- Repeatedly or deliberately ignoring people who are waiting to contribute to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions.
- Deliberately excluding someone from meetings, communications, or a social activity without a good reason.
- Abuse of power by blaming someone else when something has gone wrong, rather than taking personal responsibility.
- Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by a St Padarn's policy.
- Deliberately creating an environment where a person is side-lined or has their responsibilities or input limited or narrowed.
- Overbearing and intimidating levels of supervision.
- Inappropriate and/or derogatory remarks about someone's performance.
- Physical or psychological threats.
- "Grooming" behaviour, for example making someone feel special by buying them gifts, for example, and then gradually manipulating them to carry out activities outside of their normal remit, or which are in breach of St Padarn's policy
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.

- Any unwanted sexual advances, sexual comments or comments about someone's body or appearance, innuendos, wolf whistling, groping, tugging or lifting someone's clothing, or stalking.
- Intentionally invading someone's personal space; for example, by standing too close to them, blocking their path, or rubbing against them.
- Touching someone without their consent, including kissing, grabbing, pinching, groping, and stroking.
- Sending or displaying material that is pornographic or that some people may reasonably find offensive (taking into account the specific circumstances of the case, including, where relevant, if materials are provided in an academic context) including emails, text messages, social media content, video clips and images sent by mobile phone or posted on the internet.
- Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking, or belittling a person's protected characteristic(s).
- Outing or threatening to out someone as gay, lesbian, bisexual, non-binary, or transgender.
- Speculating or gossiping about someone's actual or perceived sexuality or gender identity.
- Deliberately and persistently refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming').
- Practices that are potentially discriminatory and have the effect of excluding certain people. Examples may include arranging worship or learning activities with a physical activity which a wheelchair-user cannot participate in.
- Being discriminatory in recruitment practices.
- Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions.