

Anti-Bullying, Harassment and Sexual Misconduct Policy

The Development Manager Ltd (TDM) is committed to providing a safe, respectful, inclusive and supportive learning and working environment. Everyone who engages with TDM has the right to learn, work, communicate and participate without experiencing bullying, harassment, discrimination, victimisation, intimidation, sexual harassment or sexual misconduct.

This policy applies to learners, apprentices, staff, employers, workplace mentors, contractors, volunteers, visitors, external partners and others who interact with TDM as part of learning, employment, assessment, support, partnership or programme delivery. It covers behaviour that occurs in person, online, in the workplace, during training, within virtual learning environments, through social media or messaging platforms, and during any activity connected to a TDM programme.

TDM adopts a zero-tolerance approach to behaviour that undermines the safety, dignity, wellbeing, confidence or participation of any individual. Concerns will be taken seriously, responded to promptly, recorded appropriately and managed in line with safeguarding, behavioural, disciplinary, complaints, employer engagement and partnership procedures.

TDM recognises that bullying, harassment and sexual misconduct can have a significant impact on emotional wellbeing, mental health, attendance, engagement, achievement, workplace relationships, retention and progression. The organisation is therefore committed not only to responding to concerns when they arise, but also to taking reasonable, proactive and preventative steps to reduce the likelihood of harm occurring.

The purpose of this policy is to set out TDM's expectations for respectful conduct and to explain how concerns about bullying, harassment and sexual misconduct will be prevented, reported, assessed, investigated, supported and monitored.

The policy is designed to ensure that learners, staff, employers and partners understand what types of behaviour are unacceptable, how to raise concerns, what support is available, and how TDM will respond. It also supports TDM's wider safeguarding, equality, diversity, inclusion and quality improvement responsibilities.

This policy should be understood as both a preventative and responsive policy. It is intended to strengthen organisational culture, clarify responsibilities and provide a transparent framework for dealing with concerns fairly, sensitively and proportionately.

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Legislative and Regulatory Framework

This policy is informed by relevant legislation and guidance, including the Equality Act 2010, the Worker Protection (Amendment of Equality Act 2010) Act 2023, Keeping Children Safe in Education, Working Together to Safeguard Children, the Sexual Offences Act 2003, the Protection from Harassment Act 1997, the Criminal Justice and Courts Act 2015, the Communications Act 2003, the Malicious Communications Act 1988, the Human Rights Act 1998, the Prevent Duty, Department for Education guidance on preventing and tackling bullying, Equality and Human Rights Commission guidance, ACAS guidance on preventing sexual harassment, and relevant expectations from the Office for Students where TDM provision falls within higher education partnership arrangements.

TDM recognises that employers have a legal duty to take reasonable steps to prevent sexual harassment in the workplace. As an apprenticeship and training provider, TDM also recognises the importance of working with employers to ensure learners and apprentices are supported in safe workplace environments.

Where TDM delivers higher education or degree apprenticeship provision in partnership with a university or awarding body, this policy supports partnership compliance expectations relating to harassment and sexual misconduct, including the principles reflected in the Office for Students' (OfS) Condition E6 requirements.

Scope

This policy applies to all TDM-related learning, assessment, employment and partnership activity. This includes activity taking place on TDM premises, in employer workplaces, during online learning or coaching, through Microsoft Teams or other virtual platforms, within the VLE, through email or messaging, during reviews, during work-related travel, at events, and within any programme-related communication.

Behaviour that occurs outside formal learning or working hours may still fall within the scope of this policy where it affects an individual's safety, welfare, access to learning, employment experience, participation, progression or relationship with TDM.

This policy applies to concerns involving learner-to-learner behaviour, staff-to-learner behaviour, learner-to-staff behaviour, staff-to-staff behaviour, employer-to-learner behaviour, mentor-to-learner behaviour, third-party behaviour and any conduct involving visitors, contractors or partners where it affects someone connected with TDM.

Related Policies

This policy should be read alongside:

- Safeguarding Policy and Procedure
- Behaviour and Code of Conduct Policy
- Anti-Bullying and Harassment Policy for TDM Staff
- Sexual Harassment Policy
- Equality, Diversity and Inclusion Policy
- Complaints Policy and Procedure
- Staff Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Whistleblowing Policy
- Acceptable Use Policy
- Employer Engagement Policy
- Access and Reasonable Adjustments Policy
- Freedom of Speech Policy
- External Speakers Policy
- Data Protection Policy

Roles and Responsibilities

Creating a respectful and safe environment is a shared responsibility. All learners, apprentices, staff, employers, mentors and partners are expected to behave with dignity, professionalism and respect. They should avoid behaviour that could reasonably be experienced as bullying, harassment, intimidation, discrimination, victimisation or sexual misconduct.

Learners and apprentices are expected to:

- Follow TDM's behaviour expectations, contribute positively to learning environments, use online platforms responsibly, report concerns promptly and engage constructively with any investigation or support process.

Staff, coaches, tutors and assessors are expected to:

- Model professional conduct, create safe and inclusive learning environments, respond appropriately to disclosures, avoid dismissing or minimising concerns, record relevant information and escalate matters to safeguarding or management teams without delay.

Managers are responsible for:

- Ensuring that staff understand this policy, that concerns are addressed promptly, that preventative action is taken where risks are identified, and that any disciplinary or performance-related processes are managed fairly.

Designated Safeguarding Leads are responsible for:

- Assessing safeguarding risk, recording concerns, coordinating support, advising on escalation, monitoring themes and ensuring that serious concerns are shared appropriately with senior leaders, governors, employers, local authorities, police or partner organisations where required.

Employers and workplace mentors are responsible for:

- Providing safe workplaces, taking concerns seriously, cooperating with TDM investigations, supporting reasonable adjustments, informing TDM of relevant incidents affecting learners, and ensuring that apprentices are not subjected to bullying, harassment or sexual misconduct in the workplace.

Definitions

Bullying

Bullying is behaviour that is intended to hurt, intimidate, humiliate, exclude, undermine or distress another person. It may be deliberate or may arise from behaviour that has a harmful impact, even where the individual responsible claims that harm was not intended.

Bullying is often repeated over time, but a single serious incident may be treated as bullying where the impact is significant. Bullying may be physical, verbal, emotional, psychological, social, workplace-based, online or prejudice-based.

Examples may include persistent criticism, name-calling, mocking, exclusion, spreading rumours, intimidation, threats, deliberate humiliation, damaging belongings, misuse of power, undermining someone's confidence, targeting someone's protected characteristic, or creating an environment where a person feels unsafe or unable to participate.

Harassment

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment may relate to a protected characteristic under the Equality Act 2010, including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy or maternity. Harassment may also occur through a course of conduct that causes alarm or distress.

Harassment can include offensive comments, inappropriate jokes, exclusionary behaviour, unwanted contact, intimidating behaviour, derogatory language, abusive messages, unwanted attention, or the display or sharing of offensive material.

Sexual Harassment and Sexual Misconduct

Sexual harassment and sexual misconduct include any unwanted conduct of a sexual nature. This may occur in person, online, through written communication, through social media, through images or videos, or through any other form of communication.

Sexual misconduct may include sexual harassment, unwanted sexual comments, unwanted sexual jokes, inappropriate messages, sexual gestures, unwanted physical contact, coercive behaviour, stalking, sharing intimate images without consent, sexual assault, rape, grooming, intimidation, pressure to engage in sexual activity, or promising resources, opportunities or benefits in return for sexual access or sexual favours.

TDM will treat concerns involving sexual misconduct as potentially serious safeguarding and wellbeing matters. Where behaviour may constitute a criminal offence, TDM will support the individual affected and involve external agencies where appropriate.

Cyber-Bullying and Online Harassment

Cyber-bullying and online harassment include harmful behaviours carried out through digital devices, online platforms, messaging tools, social media, virtual classrooms, gaming platforms, email, shared documents or learning technologies.

This may include abusive messages, public humiliation, fake accounts, impersonation, sharing private information or images without permission, recording or distributing content without consent, repeated unwanted contact, online exclusion, inappropriate comments in Teams chats or forums, or behaviour designed to intimidate or embarrass someone online.

Online behaviour will be treated as seriously as behaviour that occurs face-to-face. TDM expects all learners, staff, employers and partners to maintain the same standards of respect and professionalism in digital environments as they would in physical learning or workplace environments.

Victimisation

Victimisation occurs when someone is treated unfairly because they have raised a concern, made a complaint, supported another person to raise a concern, provided evidence, or participated in an investigation.

TDM will not tolerate retaliation, intimidation, disadvantage or adverse treatment against any person who raises a genuine concern or participates in a safeguarding, complaints, disciplinary or investigation process.

Protected Characteristics and Hate Incidents

TDM is committed to promoting equality, diversity and inclusion and to preventing discrimination or harassment linked to protected characteristics. Bullying or harassment that targets an individual's identity, background or protected characteristic will be treated as a serious concern.

Protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. TDM also recognises that individuals may experience overlapping forms of disadvantage or discrimination, and that the impact of harassment may be greater where behaviours relate to more than one aspect of identity.

A hate incident is any incident which the person affected, or any other person, believes to be motivated by hostility or prejudice. This may relate to race, religion, disability, sexual orientation, gender identity or other aspects of identity. Where a hate incident may amount to a criminal offence, TDM will consider whether referral to the police or another external agency is required.

TDM will consider whether incidents linked to protected characteristics require additional safeguarding action, reasonable adjustments, employer intervention, disciplinary action, or targeted education and support.

Office for Students and Higher Education Partnership Expectations

Where TDM delivers higher education, degree apprenticeship or university-partnered provision, this policy supports expectations relating to student protection, harassment, sexual misconduct, safeguarding, fair access to education and partnership oversight.

TDM recognises the Office for Students' emphasis on providers maintaining clear, accessible and comprehensive information about how harassment and sexual misconduct are prevented and addressed. For TDM, this policy acts as a core source of information and should be read alongside related policies, including the Safeguarding Policy, Sexual Harassment Policy, Complaints Policy, Staff Disciplinary Policy, Student Behaviour or Code of Conduct Policy, Equality, Diversity and Inclusion Policy, Acceptable Use Policy, Online Safety Policy, Whistleblowing Policy, Freedom of Speech Policy and External Speakers Policy.

To support OfS-aligned expectations, TDM will ensure that learners and relevant stakeholders can access clear information about:

- What bullying, harassment and sexual misconduct mean.
- How concerns can be reported.
- What support is available.
- How information will be handled.
- How investigations and disciplinary processes may operate.
- How staff-student boundaries and conflicts of interest are managed.
- How TDM takes preventative steps to reduce risk.
- How concerns can be escalated through complaints or partner university routes where applicable.

TDM will maintain transparent version control and ensure that approved versions of this policy are made available through appropriate public or learner-facing channels. Where required by a university partner, TDM will provide evidence of policy review, staff training, learner communication, safeguarding oversight and monitoring of concerns.

Staff-Learner Boundaries

TDM recognises that staff, coaches, tutors, assessors, managers and mentors may hold positions of trust or influence in relation to learners and apprentices. This can create real or perceived power imbalances, particularly where a member of staff has responsibility for teaching, assessment, support, progression, wellbeing, disciplinary action or access to opportunities.

Staff must maintain professional boundaries at all times. Any personal, intimate or close relationship that could create a conflict of interest, perceived favouritism, abuse of power, safeguarding risk or professional

boundary concern must be declared in line with relevant TDM procedures.

Where a relationship or potential conflict is disclosed, TDM will consider appropriate steps to protect the learner or apprentice and maintain confidence in the fairness of learning, support and assessment. This may include reassigning coaching, assessment, line management or support responsibilities, implementing a risk assessment, recording decisions, or taking action under disciplinary or safeguarding procedures where required.

Undisclosed relationships, inappropriate communications, misuse of authority, grooming behaviour, coercive behaviour or conduct that places pressure on a learner will be treated as serious and may result in safeguarding referral, disciplinary action or external agency involvement.

Freedom of Speech, Respectful Debate and Harassment

TDM recognises the importance of lawful freedom of speech, open discussion, debate and academic or professional challenge. Learners and staff may encounter views, topics or discussions that are challenging, unfamiliar or uncomfortable as part of education and professional development.

This policy is not intended to restrict lawful discussion, teaching, debate or expression. However, freedom of speech does not protect behaviour that amounts to unlawful harassment, targeted abuse, threats, intimidation, discrimination, victimisation or conduct that creates an unsafe or hostile environment.

Where concerns arise, TDM will consider the context, the nature of the behaviour, the impact on those affected, safeguarding considerations, equality duties, and relevant freedom of speech principles before deciding on appropriate action.

Employer Responsibilities and Workplace Incidents

Because many TDM learners and apprentices are employed, workplace culture and employer action are central to preventing and addressing bullying, harassment and sexual misconduct.

Employers are expected to maintain a safe and respectful working environment, communicate workplace behavioural expectations clearly, take reasonable steps to prevent harassment and sexual harassment, respond promptly to concerns, and work with TDM where allegations affect a learner or apprentice.

Where a concern arises in the workplace, TDM will consider both the learner's employment context and TDM's safeguarding and educational responsibilities. This may involve working with the employer's HR team, the learner's line manager, workplace mentor, safeguarding team or senior leaders. TDM will seek to ensure that the learner is protected from further harm and that any action taken does not unfairly disadvantage the learner's learning, progress or wellbeing.

If an employer fails to act appropriately, or if TDM believes that a learner remains at risk, the matter may be escalated internally and externally. This may include senior employer escalation, safeguarding referral, partner university notification where applicable, funding body notification where required, or external agency involvement.

Prevention and Culture

TDM believes that prevention is more effective than intervention. The organisation will promote respectful behaviour through induction, learner orientation, safeguarding education, professional development, equality and inclusion activity, online safety messages, employer communications and staff training.

Learners will be made aware of expected standards of behaviour and the routes available to report concerns. Staff will receive appropriate guidance so that they understand how to recognise bullying, harassment and sexual misconduct, how to respond to disclosures, and how to escalate concerns.

TDM will take reasonable steps to prevent harassment and sexual harassment. These steps may include communication with employers, staff training, learner awareness activity, monitoring of learner feedback, review of safeguarding logs, risk assessment of higher-risk contexts, clear online behaviour expectations, appropriate staff-student boundary controls, and review of incidents to inform improvement.

Where patterns emerge through complaints, safeguarding data, learner voice, employer feedback or quality monitoring, TDM will take action to address the underlying issue. This may include additional training, targeted communications, changes to process, employer support, disciplinary action, curriculum updates or governance reporting.

Reporting Concerns

Anyone who experiences, witnesses or becomes aware of bullying, harassment, sexual misconduct or victimisation is encouraged to report the concern as soon as possible. Early reporting enables TDM to assess risk, offer support and prevent issues from escalating.

Concerns may be reported to a coach, tutor, line manager, workplace mentor, Designated Safeguarding Lead, HR, senior manager or through TDM safeguarding channels. Reports may also be made by emailing safeguarding@tdm.co.uk. Where concerns relate to staff conduct, TDM may also use HR and disciplinary procedures. Where concerns relate to learners, TDM may use behaviour, safeguarding, complaints or programme procedures.

TDM recognises that some individuals may not feel ready to make a formal complaint. Where possible, TDM will offer information, support and options so that the individual can make an informed decision about next steps. However, there may be circumstances where TDM must take action even if the person affected does not wish to proceed formally, particularly where there is a safeguarding risk, risk to others, criminal concern or serious breach of professional standards.

Anonymous reports will be considered. TDM will act on anonymous information where there is enough detail to assess risk or identify appropriate preventative action. However, anonymous reports may limit TDM's ability to investigate fully or take formal action.

Complaints and Escalation Flow

TDM will ensure that concerns are directed to the most appropriate process depending on the nature of the issue, the individuals involved and the level of risk.

Where a concern is low-level, isolated and does not involve safeguarding risk, informal resolution or early intervention may be appropriate. This may include clarification of expectations, restorative conversation, coaching, mediation, behaviour agreement or employer support. Informal resolution will not be used where the concern involves serious harassment, sexual misconduct, coercion, victimisation, hate incidents, safeguarding risk or potential criminal conduct.

Where a concern involves a learner's welfare or risk of harm, it will be referred to safeguarding. Where a concern relates to the behaviour of a learner, it may be considered under learner behaviour procedures. Where it relates to staff conduct, it may be considered under staff disciplinary procedures. Where the concern arises in employment, TDM may work with the employer's HR or management processes while maintaining its own safeguarding and learner support responsibilities.

Where the person reporting remains dissatisfied with how a concern has been handled, they may use TDM's Complaints Policy. Where the learner is studying through a university partnership or degree apprenticeship arrangement, escalation to the relevant university partner may also be available in line with programme or partnership arrangements. Where appropriate, external routes may include the police, local authority services, the Office of the Independent Adjudicator for higher education matters, or other relevant regulators or agencies.

Investigation Process

When a concern is raised, TDM will undertake an initial assessment to identify the nature of the concern, any immediate safeguarding or welfare risks, whether interim protective measures are needed, and which procedure should apply.

Investigations will be conducted fairly, sensitively and proportionately. TDM will seek to protect confidentiality as far as possible while recognising that information may need to be shared with those who need to know in order to safeguard individuals, investigate concerns, meet legal duties or take appropriate action.

The investigation may include speaking with the person affected, the person alleged to have caused harm, witnesses, employers, staff members, partner organisations or external agencies. Evidence may include written accounts, emails, Teams messages, screenshots, attendance records, VLE activity, safeguarding records, employer information or other relevant material.

TDM will not make assumptions or determine outcomes before the facts have been considered. Outcomes will be based on the balance of evidence available, taking into account the seriousness of the concern, the impact on those affected, safeguarding considerations and relevant policies.

Where possible and appropriate, individuals will be kept informed about the progress and outcome of the process. The level of information shared may vary depending on confidentiality, data protection, employment law, safeguarding and disciplinary considerations.

Support for Those Affected and Those Involved

TDM recognises that bullying, harassment and sexual misconduct can be distressing and may affect an individual's ability to learn, work, attend, engage or progress. Support will therefore be considered throughout and after the reporting or investigation process.

Support may include safeguarding support, welfare check-ins, adjustments to learning or assessment arrangements, changes to coaching or review arrangements, signposting to specialist services, employer liaison, wellbeing support, reasonable adjustments, or support to access external advice.

Support may also be provided to individuals whose behaviour has caused concern, particularly where education, behaviour change, coaching or restorative intervention may reduce the risk of recurrence. However, support for the person whose behaviour is under investigation will not override the need to protect those affected or take appropriate safeguarding or disciplinary action.

Outcomes and Sanctions

Where concerns are substantiated, TDM will take action that is proportionate to the nature, severity and impact of the behaviour. Outcomes may include education, coaching, restorative approaches, behaviour agreements, warnings, additional monitoring, workplace intervention, removal from a session, temporary suspension from learning activity, exclusion from programme participation, employer disciplinary referral, staff disciplinary action or external agency referral.

Serious incidents involving sexual misconduct, threats, violence, coercion, hate incidents, abuse of power, safeguarding risks or criminal conduct will be escalated immediately to appropriate senior leaders and safeguarding personnel. Where required, TDM may involve the police, local authority safeguarding services, the employer, a partner university, funding body or other relevant external organisation.

TDM may also take preventative action where behaviour does not meet the threshold for formal sanction but indicates a need for education, monitoring, support or improvement.

Non-Disclosure Agreements and Confidentiality

TDM will not use confidentiality clauses or non-disclosure agreements to prevent learners or students from speaking about harassment or sexual misconduct, or to silence individuals who have experienced or reported harm.

TDM will maintain confidentiality as far as possible during reporting and investigation processes, but confidentiality cannot be absolute. Information may need to be shared where there is a safeguarding risk, legal obligation, criminal concern, risk to others, need to investigate, or requirement to involve an employer, partner university or external agency.

Individuals involved in a concern or investigation are expected to respect confidentiality and avoid sharing information in ways that could compromise the process, harm others or amount to victimisation.

Record Keeping, Monitoring and Governance

TDM will maintain secure records of concerns, actions, decisions, support offered and outcomes. Records will be held in accordance with data protection requirements and relevant safeguarding, complaints, HR or learner records procedures.

Safeguarding leaders and senior managers will review information to identify patterns, recurring concerns,

risks linked to particular environments, online behaviours, employer contexts, learner groups or areas of provision. Monitoring will support quality improvement, safeguarding reporting, staff training, employer engagement and governance oversight.

Relevant themes may be reported through safeguarding meetings, quality improvement processes, senior leadership meetings and governor reporting. The purpose of this monitoring is to ensure that TDM continues to improve its preventative work and maintains safe, inclusive and respectful learning and working environments.

Training, Communication and Awareness

TDM will ensure that staff and learners receive appropriate information about this policy and the standards of behaviour expected. Staff will be supported to understand how to respond to concerns, how to recognise signs of bullying or harassment, how to maintain professional boundaries, and how to escalate safeguarding or misconduct issues.

Learners will be informed about how to report concerns and what support is available. Employer-facing information will reinforce the importance of safe workplace cultures and the role of line managers and mentors in preventing and responding to harassment.

TDM will review the effectiveness of awareness activity through learner feedback, staff feedback, safeguarding records, complaints data and quality assurance processes.

Document Management

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TDM policy and procedure approval	Elizabeth Hoyos-Operations Director
Signature	
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25/06/16	4	Various dates	Reviewed for accuracy on an annual basis	EH	
25/06/16	5	26/07/21	Added SKC and PDC as coaching team. Added Designated Safeguarding Leads duties to add as an agenda item and reporting to governors.	EH	
25/06/16	6	24/06/22	Annual update and inclusion of sexual harassment	SOR	June 2023
25/06/16	6	25/07/23	Updated formatting, policy names and job titles	AR	July 2024
25/06/16	7	02/04/25	Made sections clearer to follow and updated content in cyber-bullying	CB	April 2026
25/06/16	8	08/07/25	Added 'Sexual misconduct' to expand sexual harassment. Added table of actions	JJ	April 2026
25/06/16	8	08/01/26	Added reference to the Sexual Harassment policy and removed date from Keeping Children Safe in Education report (as a new one is released each year)	AR	April 2026
25/06/16	9	21/07/26	Major policy revision and restructure. Renamed to 'Anti-Bullying, Harassment and Sexual Misconduct Policy'. Expanded definitions and scope, strengthened safeguarding and employer responsibilities, enhanced reporting/investigation/support processes, introduced protected characteristics and hate incident provisions, added boundary guidance, and aligned policy with Worker Protection Act requirements and Office for Students (OfS) harassment and sexual misconduct expectations.	CB	July 2027