



# Policy on Harassment, Bullying and Unwanted Sexual Attention

## 1. Policy Statement

The Arts Educational Schools (ArtsEd) is committed to a working and learning environment which is based on collaboration and respect, free from bullying including discrimination, victimisation and harassment, and in which no one, student or member of staff, feels under threat or intimidated.

We expect staff and students to recognise that each individual has a right to an environment in which to study and work which encourages respectful, considerate, dignified and non-sexualised relationships. Everyone is responsible for their own behaviour, and it is each person's duty to treat others with dignity and respect. We are opposed to harassment and bullying in any form.

In striving toward the achievement of such an environment, allegations of bullying, harassment or unwanted sexual attention by students or staff will be taken seriously by ArtsEd. If substantiated, allegations of bullying, harassment and/or unwanted sexual attention may provide grounds for disciplinary action and possible dismissal. ArtsEd recognises that incidents of bullying, harassment and/or unwanted sexual attention can affect a person's work, morale and health. Therefore, all complaints (informal or formal) will be dealt with promptly and treated confidentially.

This procedure applies to all students and staff at ArtsEd (there is a separate Anti-Bullying policy in place for children in the Day School/Sixth form). The procedure relates to those who are being bullied or harassed by another student, a member of staff or any other employee of ArtsEd, including freelance and visiting staff.

## 2. Bullying and Harassment

Bullying can be defined as behaviour which is offensive, intimidating, malicious or insulting, an abuse or misuse of power through means intended to undermine, humiliate denigrate or injure the recipient and undermine their ability and confidence.

Harassment is defined in equality legislation as unwanted conduct related to religious belief, political opinion, sex, gender reassignment, race, sexual orientation, disability or age, which has the purpose or effect of violating a person's dignity or of creating an intimidating hostile, degrading, humiliating or offensive environment for that person.

Harassment may constitute a breach of the ArtsEd's **Equality and Diversity Policy**.

Harassment may also be a criminal offence and may contravene Health and Safety legislation. Complaints of this type of harassment can also be brought under the Protection from Harassment (NI) Order 1997.

All further references to harassment in this policy should be taken to include bullying.

## **Examples of Harassment**

Many forms of behaviour can constitute harassment; this list is neither exclusive nor exhaustive and other forms of behaviour may be regarded as harassment:

- i. Oral or written harassment through derogatory remarks, jokes, insults, offensive language, gossip and slander. Written harassment includes, but is not limited to, letters, emails, postings on websites and texts.
- ii. Visual displays of posters, graffiti, obscene gestures, flags, bunting, pictures, emblems or any other offensive material (including the use of email or mobile devices to send or view such material).
- iii. Physical conduct ranging from the invasion of personal space and/or inappropriate touching to serious assaults.
- iv. Open aggression, threats, shouting.
- v. Unjustifiable exclusion e.g. withholding information, isolation or non-cooperation of colleagues, exclusion from classroom and social activities.
- vi. Intrusion by pestering, spying, following and/or stalking.
- vii. Humiliation, intimidation, action which demeans or undermines the individual.

## **3. Sexual harassment, unwanted sexual attention, language or inappropriate behaviour of a sexual nature or intent**

Sexual harassment is defined in this policy as any unwanted conduct of a sexual nature, or other conduct based on sex, affecting a person's dignity. This can include unwelcome physical, verbal or non-verbal conduct whereby the behaviour is inappropriate, offensive or distressing for the recipient; and such conduct creates an environment in which to work or study which is intimidating, hostile, humiliating or sexualised for the recipient. Conduct or comments become harassment when they are unwelcome to others or make others feel uncomfortable or threatened, even if they are intended as a joke. Intention is not the same as impact.

Unwanted sexual attention can take many forms, and the list below is not exhaustive. Conduct may include:

- i. Insinuating and sexualised remarks
- ii. Grabbing, deliberate touching
- iii. Suggestive gestures and jokes
- iv. Staring, meaningful glances

- v. Seemingly accidental touching
- vi. Demand for sexual attention
- vii. Derogatory remarks about an individual's body, manner or sexual activities
- viii. Insult after rejection of an advance and/or repeated propositions
- ix. Showing, sending or display of pornography
- x. Promise of advantage for sexual concessions
- xi. Threat of disadvantage for rejection of advances
- xii. Physical force, or threat of force, for sexual action

#### **4. Sources of Advice and Help**

If someone believes they are being harassed, there are a number of options to consider. Every situation is different and the action the person takes depends on his/her particular circumstances. They can decide to seek advice or discuss the matter; students could talk to their Head of Year or another trusted member of staff, or the Students' Union. Staff could talk to their Line Manager, the HR Manager or the Designated Safeguarding Lead.

#### **5. Confidentiality**

ArtsEd will respect the particular sensitivity of allegations of harassment and their consequences and the need for confidentiality. However, confidentiality cannot be guaranteed and this will be made clear to the person making the allegation. For example, if a student tells a member of staff in confidence something that constitutes an unacceptable risk to the student, another person or the college, the member of staff will have to take action. The decision on whether a complaint should be progressed normally rests with the person making the allegation, but action may have to be taken against their wishes to address an unacceptable risk.

If harassment is proven, it will not be concealed as a reason for dismissal.

#### **5. Complaints of Harassment are treated seriously**

Therefore any person who makes a false, frivolous, malicious, mischievous or vexatious complaint provides grounds for disciplinary action, and may give rise to the person being suspended or dismissed.

#### **6. Time Limits**

Under this procedure complaints will not normally be investigated unless they are brought within one month of the alleged incident. However, a complaint which is out of time may be investigated if it is considered it is just and equitable to do so, or it is believed to be in the interests of the individual and/or the college.

## 7. Procedure

The procedure for reporting is outlined below and all cases will be taken seriously and treated sensitively. Each stage of the procedure should be agreed in writing with the complainant. We recognise that experiencing harassment can be complex and that thoughts and feelings around a particular incident may change during this process.

Complaints against students will be investigated in accordance with the ArtsEd's **Student Regulations**. A complaint by a student against a member of staff will be investigated in accordance with the **Student Complaints Procedure**. A complaint by one member of staff or ArtsEd employee against another will be investigated in accordance with the **Staff Handbook**.

### STAGE ONE - REPORTING

Anyone who believes they are being harassed is advised to act promptly and should not feel the unwanted behaviour is their fault, or that they have to wait until the situation is intolerable. As set out in 'Sources of Advice' above, incidents can be reported to any trusted member of staff, but for clarity, the following reporting structure is suggested:

- Complaints about the Principal or Deputy Principal to Ann Cottis (Trustee)
- Complaints about staff to report to the Principal or Deputy Principal
- Complaints about students to the Director of the relevant School
- Pupil complaints about staff to the Deputy Head (Safeguarding Lead, Day School/Sixth Form)
- Staff complaints about pupils to Designated Safeguarding Lead (Deputy Head, Day School/Sixth Form)
- Complaints about Designated Safeguarding Lead to Headteacher (Day School/Sixth Form)

The role of these individuals is to listen to the concerns and provide them with support and guidance on how they can proceed with a complaint by:

- i. Assisting them in deciding on an appropriate course of action
- ii. Giving information about the procedure and the options for taking a complaint forward
- iii. Providing information about sources of support, including counselling or other professional support
- iv. Recording brief details of the complaint and any subsequent meetings and follow up action on a Bullying/Harassment Incident Report Form.

### STAGE TWO - INVESTIGATION

1. The Principal, member of staff or Trustee to whom the incident was reported will share this evidence with one or more members of the Senior Strategy Team and

this group will decide what action should be taken. At this stage the Designated Safeguarding Lead should be informed.

2. The member of staff to whom the complainant reported, together with the Principal or Deputy Principal, will meet with the complainant, who may bring a colleague or friend with them to the meeting. The purpose of this stage of the procedure is to provide a safe space in which to discuss the incidents being reported in more detail, to indicate to the complainant how importantly the leadership takes their complaint, and to talk about how the person feels. The meeting should be conducted sensitively and confidentially.
3. The same members of staff will meet with the person against whom the complaints or reports are brought. This meeting is in a safe, confidential environment and an appropriate amount of time must be given for the meeting.

### **STAGE THREE - CONSIDERATION**

1. The Principal and Deputy Principal will discuss the outcomes of these meetings, and include the line manager or Head of Year of both parties, as appropriate. The Principal is able to form a wider confidential group of senior staff or Trustees as an Ethics Committee to discuss nuanced cases which may have serious repercussions for either party.
2. While the complaint is under investigation, an alternative timetable or working pattern for the work of the person who made the complaint will be considered where requested (although there can be no guarantees that an alternative timetable or working pattern can be arranged). Where it is necessary to facilitate ongoing professional or working relationships between the complainant and the person who has been alleged of harassment, no meeting should take place between the two individuals without a third party being present. This arrangement should be facilitated by the Principal or his or her nominee.

### **STAGE FOUR - OUTCOME**

Actions are agreed and communicated to both parties. The Principal may report incidents and outcomes to the Board. In some cases the Board may be required to approve or take further action.

### **STAGE FIVE – FOLLOW UP**

Once an investigation of a formal complaint as described above has been carried out, the Principal, or his or her nominee, should review the situation after an appropriate period of time, to ensure that no victimisation or further harassment has occurred. Where specific time bound commitments were identified as part of the final report, it should be ensured that these have been suitably met.

Following a finding of harassment, any repeat behaviour of this nature will result in further disciplinary action.

## **NOTE: GRIEVANCES**

Where any stage of this process tracks a standard grievance process, or case of gross misconduct, that procedure will apply and overtake this protocol.

### **8. Monitoring and Review**

This policy was developed in October 2015 and has been monitored and reviewed annually. In November 2017 the policy was updated to reflect the need for incidents of unwanted sexual attention to be addressed as part of the wider harassment policy.

Details of all complaints of bullying or harassment should be forwarded to the Principal and incident forms reviewed annually to check for any patterns or repeated incidents.

Date of most recent review of this policy: January 2018