

# Anti-bullying, Cyber-bullying and Harassment Policy



Emil Dale School of Performing Arts (EDSA) & Emil Dale Academy (EDA)\*\*\* recognises that all students have the right to be treated with dignity and respect, regardless of their background or protected characteristic which are; age, disability, gender re-assignment, marital and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and encourages all students to behave in such a manner towards each other. Bullying or harassment will not be condoned or tolerated at EDA.

*\*\*\*In this policy, the abbreviation of EDA will be used to cover all business streams*

## **1. Aims**

To ensure that EDA effectively manages any suspicions of potential harm that may come to students, members or staff in forms of harassment, bullying or cyber-bullying, ensuring EDA will:

- Follow the correct procedures put in place to ensure the safety and wellbeing of all students/members\*\* under the care of EDA.
- Be fully trained and briefed on how to handle any incident or potential situation involving a student's welfare.
- Establish and maintain an environment where students are secure, encouraged to talk and are listened to when there are any worries or concerns.
- Ensure students know there are adults at EDA whom they can approach.
- Ensure that child protection and safeguarding laws are followed.
- EDA management will also support and protect staff who have faced bullying, cyber-bullying or harassment

\*\*For the purpose of this policy, the term "student(s)" will be used to cover both students on the full-time courses at EDA or members of the weekend schools.

## **2. Statutory & Legal Framework**

- The Children Act 1989
- The Children Act 2004
- HM Government 'Working Together to Safeguard Children' (2018)
- Race Relations Act 1976 (as amended in 2000)
- Disability Discrimination Act 1995 (as amended in 2005)
- Children Act 2004
- Education and Inspections Act 2006
- Duty to Promote Community Cohesion, Education and Inspections Act 2006
- Equality Act 2010

## **3. Scope**

This policy is applicable to all students of Emil Dale Academy's vocational training courses including the Sixth Form and Higher Education Courses, and it's weekend school training.

This policy applies to all conduct at EDA and also to conduct outside of EDA that is related to EDA (e.g. at social events arranged by EDA) or which may impact on EDA's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to EDA).

EDA cannot regulate or be held accountable for views shared on social media or communicated by students or staff when they are done so on personal accounts not related to EDA other than the fact that they are a student or staff member of EDA. This includes any messages, statements or communications in groups not specifically set up and monitored by EDA.

EDA cannot reasonably regulate or discipline students where incidences of bullying/harassment occur outside of college hours or during school holidays where the only link to EDA is the fact that the people involved are EDA students/ stakeholders.

This policy must be read in conjunction with the Child Protection and Safeguarding Policy, the Disciplinary & Behavior Policy and the Complaints Procedure.

## 4. Definitions

### Harassment/ Bullying

For the purpose of this policy, harassment is defined as unwelcome comments (written or spoken) or conduct which:

- Violates an individual's dignity, and/or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment.

This reflects the statutory definition of harassment as outlined in the recent Race and Employment Directive. It should be noted that racial harassment and harassment relating to disability are now considered to be examples of direct discrimination.

The examples given below, which include unacceptable physical and verbal conduct, are not exhaustive. Harassment on grounds of race, sex and disability now constitute forms of discrimination under the law.

- *Sex-related harassment*  
Examples include displaying power over a man or a woman because of gender through disparaging gender-related remarks and threatening behaviour.
- *Sexual harassment*  
Examples include unnecessary touching, unwelcome jokes of a sexual nature, inappropriate use of suggestive visual display unit material, intimidating behavior such as asking for, or offering, sexual favours in return for positive academic assessment or promotion.
- *Harassment on grounds of sexual orientation*  
Examples include homophobic remarks or unwelcome jokes, threats to disclose sexuality and intimate questions about sexual activity.
- *Racial harassment*  
Examples include inappropriate questioning and/or jokes about racial or ethnic origin, offensive graffiti and intimidating behaviour, including threatening gestures.
- *Personal harassment*  
Examples include making fun of personal circumstances or appearance.
- *Harassment of disabled people*  
Examples include discussion of the effects of a disability on an individual's personal life, uninvited touching or staring, and inappropriate questioning about the impact of someone's disability.
- *Age harassment*  
Examples include derogatory age-related remarks and unjustifiable dismissal of suggestions on the grounds of the age of the person.
- *Stalking*  
This can be physical or psychological. Examples include leaving repeated or alarming messages on voice mail or e-mail, following people home, or approaching others to ask for personal information.

Students are harassed for a variety of reasons including:

- Ethnic background, religion or culture
- Disability, special educational needs or being particularly able, gifted and talented
- Sexual orientation
- Gender (including sexualised bullying)
- Size, appearance or health conditions
- Social or economic status (poverty, class)
- Age/maturity

· Home circumstances – certain groups such as students in public care, or young carers, or those with same sex parents/carers or whose parents/carers have mental health difficulties may be particularly vulnerable.

### **Bullying**

Bullying has various definitions, but is generalised to include:

- The behaviour is intended to cause distress
- The behaviour is repeated
- There is an imbalance of power between the perpetrator/s of bullying and the target/s

‘Behaviour by an individual or group, usually repeated over time, that intentionally hurts another individual or group either physically or emotionally.’ (Safe to Learn, DCSF 2007)

Bullying can take place between students, between students and staff or between staff, and can include:

- Name-calling, taunting, mocking and making offensive comments
- Offensive graffiti
- Excluding people from groups
- Gossiping and spreading hurtful or untruthful rumours
- Kicking, hitting, pushing
- Taking belongings

It is very difficult to distinguish between harassment and bullying and there is much overlap between the two. The following lists some of the differences between the two:

<b>Harassment</b>	<b>Bullying</b>
A strong physical component e.g. contact and touch in all its forms, intrusion into personal space and possessions, damage to possessions including a person’s work etc	Primarily psychological (e.g. criticism) but may become physical later, especially with males who bully
Tends to focus on the individual because of what he or she is (e.g. female, black, disabled etc)	Anyone will do as long as they are competent, popular and vulnerable
Is usually linked to sex, race, prejudice, discrimination etc	Sex, race and gender play little or no part; it’s usually discrimination on the basis of competence
May consist of a single incident, a few incidents or many incidents	Rarely restricted to a single incident and tends to be an accumulation of many small incidents
The person who is being harassed knows almost straight away that he/she is being harassed	The person being bullied may not realise for weeks or months that he or she is being bullied – until there is a moment of enlightenment

There is often an element of possession, e.g. as in stalking	The person being bullied is seen as a threat that must be controlled. If this doesn't work, the person bullying may try to get the person they are bullying removed from the social circle or group
Often the harassment is for peer approval, bravado, macho image etc	Tends to be secret, behind closed doors, with no witnesses
The harasser often perceives the victim as easy, albeit sometimes a challenge	The person bullying is driven by envy and jealousy
The harasser often has specific inadequacies (e.g.- sexual)	The person bullying is inadequate in the area of interpersonal skills

### **Cyber bullying**

Cyber-bullying is an aggressive, intentional act carried out by a group or individual using electronic forms of contact repeatedly over time against a victim who cannot easily defend himself/herself.

Cyber-bullying includes sending inappropriate, offensive or degrading text messages, emails or instant messages via the internet, setting up websites designed to embarrass or upset individuals or excluding them from social networking sites.

By cyber-bullying, we mean bullying by electronic media:

- Bullying by texts or messages or calls on mobile phones
- The use of mobile phone cameras to cause distress, fear or humiliation
- Posting threatening, abusive, defamatory or humiliating material on websites, to include blogs, personal websites, social networking sites
- Using e-mail to message others
- Hijacking/cloning e-mail accounts
- Making threatening, abusive, defamatory or humiliating remarks in chat rooms, to include Facebook, Youtube and Ratemyteacher

## 5. Policy

EDA operates a no tolerance policy to harassment and bullying.

To ensure all members/ students safety and welfare are protected, and any incidents (potential or actual) are managed to ensure prevention of any future issues.

In order to encourage effective prevention of any incidents of harm coming to any student, EDA will::

- Have positive links with parents, carers and professionals within our industry
- Communicate readily with parents and carers
- Offer opportunities to discuss emotions, relationships, good and bad secrets, bullying and general wellbeing with all students
- Support all students, regardless of race, gender, colour or creed

EDA is also committed to the welfare and support of it's staff, ensuring they are in a safe environment where bullying/harassment towards staff is unacceptable.

Specifically in regard to cyber-bullying, EDA educates its students both in the proper use of telecommunications and about the serious consequences of cyber-bullying and will continue to inform and educate its students in these fast changing areas.

EDA trains its staff to respond effectively to reports of cyber-bullying or harassment and has systems in place to respond to it.

EDA offers some devices (laptops and desktops) for students; these are managed by EDA's IT company and will be regularly checked by staff.

The policy and procedures were developed with the following principles in mind:

- **All** members of College staff have a responsibility to ensure that suspected bullying or harassment is dealt with quickly and fairly – whether it is reported by the victim or not
- **All** students may report suspected bullying or harassment concerns through a tutor, Welfare Officer or the Deputy Head and Principal.
- The welfare of the student is paramount and alleged bullying or harassment must be investigated and prioritised
- A mediation approach is favoured. However, at a stage when formal disciplinary action is to be taken, then the appropriate disciplinary policy and procedures must be followed
- Any person alleging harassment or bullying will be provided with help and support throughout the process and will be protected from victimisation
- Witnesses have a role to play and have the power to drastically reduce bullying by letting a staff member know in confidence what is happening, by distracting the bully, by showing support to the target of the bullying. A witness should not physically intervene
- A student who brings a complaint in good faith, or assists in an investigation, shall be protected from any form of victimisation regardless of the outcome
- Malicious allegations will be subject to EDA's Disciplinary Policy and Procedure
- All staff and students will be made aware of this policy through training and the publication and display of supporting statements in staff and student handbooks.
- Where a student requests or needs it (e.g. because they have learning difficulties, or their first language is not English), the member of staff receiving the complaint must ensure that they are fully supported through the process

- Any allegation of bullying or harassment will be dealt with sensitively and with regard to the College policy on confidentiality

Complaints may be made in line with the published Complaints Policy.

**Allegations of a sufficiently serious nature may be referred directly to the police by the Principal or Deputies.**

### ***Signs and Symptoms of bullying and harassment***

A student may indicate by signs or behaviour that he/ she/ they is/are being bullied or harassed. Staff should be aware of these possible signs and that they should investigate if a student:

- Is frightened of walking to or from College
- Doesn't want to go on the College/public bus
- Begs to be driven to College
- Changes their usual routine
- There is an increase in unauthorised absence
- Becomes withdrawn, anxious or lacking in confidence
- Attempts or threatens suicide or runs away
- Begins to do poorly in College work
- Becomes aggressive, disruptive or unreasonable
- Is bullying other students
- Stops eating
- Is frightened to say what's wrong
- Gives improbable excuses for any of the above
- Is afraid to use the internet or mobile phone
- Is nervous and jumpy when a text or cyber message is received

### ***Cyber-bullying Specifics***

Whilst education and guidance remain at the heart of what we do, EDA reserves the right to take action against those who take part in cyber-bullying.

- All bullying is damaging but cyber-bullying and harassment can be invasive of privacy at all times. These acts may also be criminal acts.
- EDA supports victims and, when necessary, will work with the Police to detect those involved in criminal acts.
- EDA will use, as appropriate, the full range of sanctions to correct, punish or remove students who bully fellow students or harass staff in this way, both in or out of school.
- EDA will use its power of confiscation where necessary to prevent students from committing crimes or misusing equipment.
- All members of the School community are aware they have a duty to bring to the attention of the Principal any example of cyber-bullying or harassment that they know about or suspect.

### ***Legal issues***

Cyber-bullying is generally criminal in character. The law applies to cyberspace.

It is unlawful to disseminate defamatory information in any media including Internet sites.

Section 127 of the Communications Act 2003 makes it an offence to send, by public means of a public electronic communications network, a message or other matter that is grossly offensive or one of an indecent, obscene or menacing character.

The Protection from Harassment Act 1997 makes it an offence to knowingly pursue any course of conduct amounting to harassment.

## **6. Available information for Staff & training**

All staff will be provided with the Child Protection & Safeguarding Policy & Procedures and the Anti-Bullying, Harassment & Cyber-Bullying Policy. (See Appendix 1 - Guidelines for Staff)

All staff will be informed who to contact if they are disclosed to or have observed any incidents.

Training on Child Protection issues will be given to all full-time members of the EDA staff.

All guest teachers will receive a briefing and will be given the policy and procedures to follow; however they will be advised to refer all issues to a permanent member of staff

## **7. Response to bullying/harassment**

All reports of bullying will be taken seriously and investigated. EDA will ensure that incidents have been addressed according to guidelines and procedures, and students who have experienced bullying, and their parents/carers will be kept informed of the process. EDA will make every effort to adjust normal arrangements to ensure the safety of individuals.

All incidences of bullying/harassment will be recorded and the Deputy Head will be made aware of the situation. Once they have reported an incident, they should be reassured that they have done the right thing, that the school will investigate further, take action to prevent bullying, and that they will be kept informed of what is being done as far as is appropriate.

Students who have been bullied will be supported by:

- Offering an immediate opportunity to discuss the experience with a form tutor/class teacher or member of staff of their choice
- Reassuring the student that they have done the right thing by making a report and that the school will be responding
- Offering continuous support
- Ensuring safety
- Working to restore self-esteem and confidence.

Students who have bullied will be helped by:

- Discussing what happened
- Discovering why they became involved
- Exploring different perspectives as appropriate
- Establishing all hurtful behaviour and the need to change
- Informing parents or guardians to support change in the student
- Reprimanded as necessary to ensure they understand the consequences of their behavior

Repeated acts of bullying may result in temporary or permanent exclusion.

Bullying will not be tolerated on the way to or from EDA either and students/parents will be encouraged to report any such instances. They may also consult EDA Management where bullying occurs out of hours and where this is likely to affect and child's attitude towards EDA.

## **8. Managing Allegations**

The member of staff who becomes aware of, or suspects possible bullying or harassment, should report this to the Deputy Heads (or Principal) who will initiate an investigation. This will follow the Student complaints Policy & procedure.

The target of, and/or witnesses to, any bullying or harassment should be encouraged to make a statement to include the following:

- Date(s), times(s) and place(s) of incident(s) Name of any witnesses
- What actually happened
- How it made them feel
- Any action taken, e.g. reported to a member of staff
- Original copies of any correspondence or written material connected with the issue

This information will be used as evidence in any subsequent disciplinary proceedings or inform any mediation process.

**All members of staff have a responsibility to ensure that suspected bullying is dealt with promptly, fairly and consistently.**

However informal the support at this stage, staff must:

- Understand bullying and harassment
- Be familiar with the College policy
- Be able to give information
- Be able to explain options
- Be able to help students to understand that they can do something if they want to but are not under any pressure to do so

## **9. Allegations Against Staff (By Students)**

Any allegation against a member of staff should be reported to the Deputy Heads who will liaise with other Senior Management as a matter of priority. Consideration will be given, in serious circumstances, as to whether suspension of the staff member, pending an investigation, should be requested from the Principal. (See Staff Disciplinary Policy.)

In the event that the allegation is made by a young person (under 18) or vulnerable adult, the Deputy Head or Principal will be involved in any initial discussions from a potential safeguarding perspective.

## **10. Allegations Against Students (By Staff or Students)**

This will follow the Student complaints Policy & procedure.

Depending on the nature of the incident(s) the Deputy Head may be asked to authorise a suspension of the alleged student harasser/bully whilst an investigation is carried out.

### **Summary of the Complaints Policy & Procedure:**

#### ***Informal Process***

In some instances, and with the agreement and understanding of the target, the issue may be resolved informally through a facilitated meeting or mediation (see Appendix 3 for Guidelines on Mediation). This

may be facilitated sensitively by the Deputy Head. Where appropriate, the Welfare Officer may be asked to attend to support the process.

Once the alleged harasser/bully has been made aware of the complaint, he/she/they must be given the right to respond. He/she/they has the right to be accompanied to any meeting by a parent, friend or the Welfare Officer. This informal stage may solve the problem. If it does not, the complainant may take the complaint to the formal stage of the procedure.

### ***Formal Process***

If the informal stage does not resolve the issue, or the issue is sufficiently serious, then the matter should be referred directly to the disciplinary process. It is important that the severity of the allegation is recognised and referral is directly to an appropriate level. Bullying or harassment, if proven, and by its very nature, should be treated as at least serious misconduct.

#### **11. Consequences of non-compliance:**

A mediation approach is favoured. However, at a stage when formal disciplinary action is to be taken, then the appropriate disciplinary policy and procedures must be followed; Disciplinary action will be taken against the bully or harasser as appropriate (see Disciplinary Policy & Procedure)

#### **12. Follow-up**

Students who have been the target of bullying or harassment should be considered 'at risk' for a period of time after the event. Tutors will be responsible for monitoring the student's progress closely and ensuring that access to appropriate support is available.

#### **13. Monitoring and Reporting**

Information about alleged incidents of harassment or bullying, whether dealt with informally or formally, will be collated and reported to the Principal on an anonymous basis by the Deputy Head.

## **Review**

This policy will be reviewed and updated on an annual basis.

## **Document History**

<b>Version Number</b>	<b>Date of Issue</b>	<b>Review Date</b>	<b>Author</b>	<b>Changes Made/ detail</b>
1	15 <sup>th</sup> July 2015	February 2016	Sarah Moore	Initial Draft
2	11 <sup>th</sup> August 2016	July 2017	Sarah Moore	Changed DSP to Sarah Moore and added Rachel Saunders as deputy also
3	11 <sup>th</sup> July 2017	July 2018	Sarah Moore	New Logo added
4	20 <sup>th</sup> July 2018	July 2019	Sarah Moore	Updates DSP and Deputy
5	21 <sup>st</sup> August 2019	July 2020	Sarah Moore	Updates to approach
6	5 <sup>th</sup> September 2020	July 2021	Sarah Moore	Change name from "Harassment, Bullying & Cyber-bullying Policy" to "Anti-bullying, Cyber-bullying and Harassment Policy" New layout/ format

## **Appendix 1 - Guidance for staff, Students & Parents**

### ***Guidance for Staff***

If you suspect or are told about a bullying, cyber bullying or harassment incident, follow the protocol outlined below:

#### **Mobile Phones**

1. Ask the student to show you the mobile phone
2. Note clearly everything on the screen relating to an inappropriate text message or image, to include the date, time and names
3. Make a transcript of a spoken message, again record date, times and names
4. Tell the student to save the message/image
5. Go with the student and see the Principal, or in their absence, a member of Management

#### **Computers**

1. Ask the student to get up on-screen the material in question
2. Ask the student to save the material
3. Print off the offending material straight away
4. Make sure you have got all pages in the right order and that there are no omissions
5. Accompany the student, taking the offending material, to see the Principal, or in their absence, a member of Management
6. Normal procedures to interview students and to take statements will then be followed particularly if a child protection issue is presented.

#### **Physical contact**

Wherever possible and safe to do so, EDA asks you to intervene if you witness or encounter any physical contact or abuse.

If it is unsafe to intervene, we ask staff to seek immediate help from other members of staff to intervene in any physical aggression.

If you staff members are unable to intervene at all due to safety concerns, the police must be called on 999 for immediate response.

We ask you to:

1. As soon as possible, write down what occurred, your perspective, what you heard and how the situation was dealt with.
2. Accompany the student(s), to see the Principal, or in their absence, a member of Management
3. Normal procedures to interview students and to take statements will then be followed particularly if a child protection issue is presented.

### ***Guidance for students***

If you believe you or someone else is the victim of bullying, cyber-bullying or harassment you must speak to an adult as soon as possible. This person could be a parent/guardian, a member of the teaching/management staff, the Principal, or in their absence, a member of Management

- Do not answer abusive messages but log and report them
- Do not delete anything until it has been shown to a teacher, member of staff, parents/guardian or the Principal (even if it is upsetting, the material is important evidence which may need to be used later as proof of cyber-bullying)
- Do not give out personal IT details

- Never reply to abusive e-mails
- Never reply to someone you do not know
- Stay in public areas in chat rooms
- Seek a member of staff to help if there is a physical incident to be dealt with immediately

### ***Guidance for parents***

It is vital that parents and the school work together to ensure that all students are aware of the serious consequences of getting involved in anything that might be seen to be bullying, cyber-bullying or harassment.

- EDA informs parents of the anti-bullying policy and the procedures in place to deal with cyber-bullying.
- Parents can help by making sure their child understands the school's policy and, above all, how seriously EDA takes incidents of bullying
- Parents should also explain to their wards the legal issues relating to bullying
- If parents believe their child is the victim of bullying, they should save the offending material (if need be by saving an offensive text on their or their child's mobile phone) and make sure they have all relevant information before deleting anything
- Parents should contact the College as soon as possible. A meeting can then be arranged with the Deputy Head, which may involve other relevant members of staff
- If the incident falls in the holidays EDA reserves the right to take action against bullying perpetrated outside the school, which spills over into the school.

### ***E-Safety at home***

Several sites offer helpful advice to parents, particularly with respect to how they can best monitor their child's use of the computer at home. Important and useful information can be found on the following site:

[www.nextgenerationlearning.org](http://www.nextgenerationlearning.org)

## **Appendix 3 - Procedure**

Any student or parent/carer who reports a case of bullying needs to know that the allegation will be taken seriously and investigated promptly. No promises should be made about the outcome.

Sometimes counter allegations are made by the alleged perpetrator. These will also be investigated so that a full picture is obtained. The student or parent initially reporting the bullying should be made aware of this possibility and sensitively asked whether they are aware of any claims that the alleged perpetrator might make. They should be re-assured that this would not condone the behaviour they are reporting and that an investigation will still go ahead.

### ***Reporting and Investigation***

If a student or parent/carer reports a case of bullying to you, you should:

- Reassure the student/parent that the matter will be dealt with as quickly and sensitively as possible
- Talk to the student/parent and find out what has happened. Keep notes of this conversation. Try to find out when (dates/times), where (places) and who (names of the bully/bullies).  
Students/parents/carers are not always keen to give this information as they are concerned about the repercussions if the bully/bullies find(s) out. Please reassure them as we cannot deal with specific cases of bullying if we do not have this information.
- Refer the case to the Head of Course of the target of the bullying allegation and send a copy of the Bullying Allegation Record form to the Head of Course.
- Your Head of Course may suggest you deal with the situation if it is straightforward and you feel that you are able e.g. name-calling in a classroom situation.
- The Head of Course may invite parents to discuss the problem and in extreme circumstances may involve the police.

#### **Outcomes from Investigation**

Part of the discussion with the student being bullied should involve asking him/her "What would you like the outcome to be?" A number of different alternatives can be discussed:

- An informal approach which will involve a facilitated meeting between both parties. The intention is to achieve some reconciliation to allow for students to co-exist and be successful in College.

A formal complaint will be referred to the Head of Course for investigation under the student disciplinary procedure

### **Appendix 3 - Guidelines for Mediation**

The mediator will normally be a member of the relevant Faculty management team. The mediator can help participants to resolve their dispute and to co-exist at the College, through using the following procedure:

Both parties define the problem as they see it, alone with the mediator

The impartial mediator identifies the key issues for both parties - these are

listed on paper

At the end of the individual session with the mediator, the mediator ascertains whether or not the parties are willing to meet together, along with the mediator. This is the point when real mediation can take place, if both parties are willing to try, to move towards reconciliation

At the joint meeting, led by the mediator, both parties should be encouraged to speak and express their opinion with only one person allowed to speak at a time. The mediator needs to firmly control the meeting to ensure it does not turn into a battle

The mediator sets up a plan of action which will satisfy each party and obtains agreement on these

A follow up meeting is agreed and the situation monitored at agreed intervals

Outcomes are likely to involve apologies, changed behaviour and perhaps some support to achieve changed behaviour e.g. anger management or other skill improvements.

The mediation approach cannot always replace a disciplinary approach and student perpetrators may be placed on behaviour contracts or in more extreme or repeated cases be excluded using the College Disciplinary Procedures.

The outcomes of all investigations should be recorded on the perpetrators student record.

## **Appendix 4 - Strategies for Prevention**

Students will be encouraged to raise their concerns to any member of the management team, and how to help each other to respond assertively to bullying.

As part of our commitment to the safety and wellbeing of our students EDA has developed the following strategies:

- Curriculum opportunities will be used to encourage support for peers and acceptance of differences between students.
- Cyber –safety e-induction
- Equality & Diversity e-induction which addresses bullying behaviours
- Counselling for student affected by bullying whether in college, outside college or historical
- Safeguarding training for all staff
- Anti-bullying leaflets and posters