

BULLYING AND HARASSMENT (STUDENTS) POLICY

Version	1.0
Effective date	February 2019
Date for review	February 2020
Policy owner	Managing Director
Reference Points	Equality Act 2010; Human Rights Act 1998; Criminal Justice Public Order Act 1994; EC Resolution 1990 on the protection of dignity of women and men at work: A Code of Practice on Measures to Combat Sexual Harassment.
Audience/Handling notes	Public
Implementation and dissemination plan	This Student Bullying and Harassment policy will be disseminated to all NHAM students through publication on the NHAM student area. Staff will receive training in how to apply this policy and procedures. They will also be directed to where it is published. The Education Administrator will be responsible for the dissemination of the policy and procedures to academic staff. This policy will be reviewed on an annual basis by the Managing Director and will be considered as part of the annual review of all NHAM policies.

Initial Equalities Impact Assessment (EIA) Questions for NHAM Policies:

Equality Impact Assessment (EIA) are a legal requirement of public bodies and form part of the specific duties on colleges to help them meet their general equality duties. For more information on EIA, please refer to the NHAM Equality and Diversity Policy.

An EIA involves gathering and using evidence to make a judgement about how a particular policy or practice affects, or is likely to affect protected equality groups of people when it is implemented. Protected groups are identified in the Equality Act 2010 as sharing a particular characteristic against which it is illegal to discriminate. The nine protected groups are defined in the NHAM Equality and Diversity Policy. They are: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. The assessment should identify whether the policy and its related procedures affect people from different equality strands in different ways and if they do, then it should establish whether the differential impact is positive, negative or neutral.

This form is intended to provide a quick assessment of whether a policy requires a full EIA. It is also intended to be used to EIA all new policies.

a) Is there any aspect of the policy, procedure or practice that is likely to have a differential impact (negative or positive) on any of the protected characteristics?

No

Yes

If yes, identify how the impact would affect the specific equality strand

b) Is there a possibility of unlawful discrimination, directly or indirectly, on any of the protected characteristics?

No

Yes

c) Could there be an effect on relations between certain groups?

No

Yes

d) Can the above differences be justified?

No

Yes

N/A

e) What mechanisms are in place to monitor the application of the policy, procedure or practice across people from all protected equality groups? Please explain:

Education Administration will record the number and type of complaints received in an academic year in order to identify trends, evaluate the effectiveness of and make enhancements to the Student Bullying Harassment Policy and Procedures.

1. Policy Statement

1.1. This policy describes how the Notting Hill Academy of Music (NHAM) looks upon the issues of bullying and harassment. NHAM buildings, on off-site visits and at other locations while undertaking work placement and is designed to ensure that students are treated in a fair and equitable manner. NHAM is not responsible for resolving bullying or harassment taking place at other locations, however support is available to students involved in bullying or harassment incidents.

1.3. The Education Administrator is responsible for managing and reviewing this policy and all staff are responsible for the effective operation of the Bullying and Harassment policy and procedures outlined below.

1.4. The content of this policy aligns with government legislation, the policies of NHAM's awarding organisation, RSL Awards, and other external stakeholders to whom NHAM must make reference.

1.5. The Bullying and Harassment policy has a direct link with the following policies and procedures:

- Academic Misconduct
- Equality and Diversity
- Safeguarding
- Student Complaints & Grievances
- Student Disciplinary Policy and Procedure

2. Objectives

2.1. To explain in an open, transparent and accessible way what is classed as bullying and harassment and how NHAM approaches allegations of bullying or harassment.

2.2. To describe the steps of the NHAM bullying and harassment resolution process, including what support is available at NHAM.

3. Bullying and Harassment

3.1. What is Bullying?

What one person considers bullying may not be considered bullying by another person. Bullying as defined by the Department of Education is:

“Behaviour by an individual or group usually repeated over time that intentionally hurts another individual or group either physically or emotionally.”

(Preventing Bullying: Advice for Head teachers, Staff and Governing Bodies (2014, p.6)

3.2 Is it bullying or banter?

It may be difficult to identify whether name calling is banter or bullying. A student may feel intimidated or under pressure not to raise a complaint or discuss the incident with a member of staff because others are saying it is just a joke. If it is a one-off incident then it may be that it is banter with no harm intended. However, verbal bullying differs from banter because:

- There is a deliberate intention to hurt or humiliate
- There is a power imbalance that makes it hard for the victim to defend themselves
- It is usually (but not always) persistent.

(Safe from Bullying in further education colleges, Department for Children, Schools and Families (DCSF), p.5)

So, if the activity makes the subject feel uncomfortable, if they have requested that it stops, but it persists or they do not feel able to ask for it to stop, this is not banter but bullying.

3.3. What is Harassment?

The legal definition as outlined in the Equality Act 2010 is:

‘Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.’

For further information on protected characteristics please see NHAM’s Equality and Diversity policy.

3.4. Harassment may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious.

3.5. The terms bullying and harassment are often used interchangeably, and many definitions include bullying as a form of harassment. Harassment tends to have a strong physical component and is usually linked to gender, race, disability or physical violence; bullying tends to be a large number of incidents (individually trivial) over a long period comprising constant unjustified and unsubstantiated criticism.

3.6. Hate Crime

Hate crime is any offence committed against a person or property which is motivated by the offender’s hatred of people because they are seen as being different. People do not have to be a member of a minority community to be a target of hate crime. Any incident where an individual or group of people are targeted because they are believed to be of a different race, religion/belief, sexual orientation, gender identity or have a disability can be reported as a hate crime.

3.7. Bullying and harassment can come in different forms, some of which are described in Appendix 1.

3.8. Bullying and harassment are not necessarily face to face; they may be written communications (such as notes, emails, SMS texts or posts on social networking sites); other visual communications (such as photos, pictures or videos); or verbal communication (including via the telephone).

4. General Principles for Dealing with Allegations of Bullying or Harassment

4.1. NHAM does not tolerate bullying, harassment or disrespectful behaviour by any student or member of staff against another/others for any reason. NHAM is committed to the elimination of discrimination under all of the nine protected characteristics as defined by the Equality Act 2010, which are: age; disability; gender reassignment; marital and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

4.2. NHAM recognises that all students have the right to be treated with dignity as described in the Human Rights Act 1998, regardless of their background or protected characteristic and encourages all students to behave in such a manner towards each other.

4.3. All members of staff have a responsibility to ensure that suspected bullying or harassment is dealt with promptly, fairly and consistently whether it is reported by the victim or not. Any student or parent/carer who reports a case of bullying/harassment needs to know that the allegation will be taken seriously and investigated promptly but no promises can be made on the outcome until the investigation has taken place.

4.4. Students who are being subjected to bullying, harassment or discrimination may be vulnerable and feel reluctant or afraid to complain. They may suffer in silence rather than have attention focused on them or risk some form of reprisal. These victims are most likely to simply want the unacceptable behaviour to stop. This means that all NHAM staff and students should be aware of the impact of their behaviour on others and be prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way.

Examples of signs of bullying can be found in Appendix 2.

4.5. Students should be clear on how they can report suspected cases of bullying/harassment. In the first instance, tutors should be able to deal with personality clashes and minor incidences of bullying through local mediation (see below for procedures). However if the allegation is serious, more formal disciplinary action will need to be taken. At this point all disciplinary procedures should be followed.

4.6. 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.

4.7. 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.

4.8. Malicious allegations will be subject to the NHAM Student Disciplinary Policy and Procedure.

4.9. Managers, staff and students may approach Registry for advice and support at any stage.

5. Making a complaint of bullying or harassment

5.1 In order to make a complaint against an alleged harasser/bully, a student/ parent/ carer can either speak or write to any member of NHAM staff who will follow the procedures (under Initial Recording of an Allegation) below.

5.2. The process for dealing with bullying/harassment has to be acceptable to the alleged victim if they have made a complaint. The alleged victim should be given a copy of this policy and procedure for information and should be asked to confirm if they find the procedure acceptable. At this stage, the student should also be asked to consider the question; "What would you like the outcome to be?"

5.3. A number of different alternatives can be discussed:

5.3.1. An informal approach which will involve a local mediation meeting between both parties. The intention is to achieve some reconciliation to allow for students to co-exist and be successful at NHAM.

5.3.2. A formal complaint will be investigated under the Student Disciplinary Policy and Procedure.

5.4. Where appropriate, reference should be made to protected characteristics (under 4.1 above) and potential discriminatory acts.

6. Allegations Against Staff (By Students

6.1 Any allegation against a member of staff should be reported to the Education Administrator or Managing Director Manager who will liaise as a matter of priority. Consideration will be given, in serious circumstances, as to whether suspension of the staff member, pending an investigation, is required.

6.2 In the event that the allegation is made by a young person (under 18) or adult at risk, the Education Administrator or Designated Safeguarding Officer must be involved in any initial discussions from a potential safeguarding perspective.

Procedures (Bullying and Harassment)

Initial Recording of an Allegation:

1. However informal the support at this stage, staff must:

- Understand bullying and harassment
- Be familiar with the NHAM 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

2. If a student or parent/carer reports a case of bullying to a member of NHAM staff, they should:

- a. Reassure the student/ parent/ carer that the matter will be dealt with as quickly and sensitively as possible. **No promises should be made about the outcome.**
- b. Talk to the student/ parent/ carer and find out what has happened. **Keep notes of this conversation.** Try to find out:

- When (dates/times)
- Where (places)
- Who (names of the alleged bully/bullies)

plus:

- Names of any witnesses;
- Any action taken e.g. reported to a member of staff;
- Original copies of any correspondence or written material connected with the issue.

Students/parents/carers are not always keen to give this information as they are concerned about the repercussions if the alleged bully/bullies find(s) out. Please reassure them as we cannot deal with specific cases of bullying if we do not have this information.

c. Statements should also be sought from others present at the alleged incident(s) to include the following:

- When (dates/times)
- Where (places)
- Who (names of the alleged bully/bullies)
- What actually happened

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

d. Sometimes counter allegations are made by the alleged perpetrator. The student/parent/carer initially reporting the bullying/harassment should be made aware of this possibility and sensitively asked whether they are aware of any claims that the parents/carers are not always keen to give this information as they are 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.

e. Email the information about the allegation to the Education Administrator, copying in the Managing Director.

f. If Safeguarding issues are involved, also copy in the Designated Safeguarding Officer.

3. The Managing Director 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. You should follow the Local Mediation procedures below.

4. The Managing Director may invite parents to discuss the problem and in extreme circumstances may involve the police.

5. Any allegations must be taken seriously and investigated as a priority and an initial assessment made within 24 hours.

Local Mediation:

1. In some instances, and with the agreement and understanding of the target, the issue may be resolved informally through a facilitated meeting or mediation meeting.
2. The informal process is facilitated by the Managing Director and where appropriate, the Designated Safeguarding Officer and a member of Education Administration to support the process. Education Administration will offer support, guidance and advice on the options available to students.
3. The alleged harasser/bully should be informed in writing (via email or letter) that a complaint has been made against them and be provided with a copy of this policy and procedure. The event should be noted on the students' records within the 'Cause for Concern' (CFC) section.
4. Once the alleged harasser/bully has been made aware of the complaint, the alleged offender must be given the right to respond. The alleged offender has the right to be accompanied by a parent, mentor, friend or member of the Student Union or where appropriate, Education Administration.
5. Mediation meeting:
Managing Director/mediator should follow this procedure to investigate the allegation:
 - The Managing Director/mediator should speak to each party alone. Both parties should define the problem as they see it;
 - The Managing Director mediator identifies the key issues for both parties - these are listed on paper;
 - At the end of the individual session with the Managing Director/mediator, the Managing Director/mediator ascertains whether or not the parties are willing to meet together, along with the Head of School/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 Head of School/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 Head of School sets up a plan of action which will satisfy each party and obtains agreement on this;

- If there is agreement between the parties involved that the behaviour was a breach of this policy, and a clear commitment not to repeat the behaviour established, then the matter is considered successfully resolved.

Monitoring

1. The bullied student is considered 'at risk' and monitored for a minimum of six weeks. Tutors will be responsible for monitoring the student's progress closely and ensuring that access to appropriate support is available.
2. A follow-up one-to-one meeting should be arranged with the bullied student for the end of the six-week period to confirm whether the situation has been permanently resolved.
3. If the mediation meeting does not resolve the issue then it will be taken to the formal stage. NHAM withholds the right to take a complaint directly to the formal stage if they feel the seriousness of the complaint warrants it.

Formal Stage

If the informal stage does not resolve the issue, or the issue is sufficiently serious, then the matter should be referred directly to the NHAM Student Disciplinary Policy and Procedures.

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.

Appendix 1: Bullying:

1. Bullying can come in different forms including but not limited to:

- Physical contact which is unwanted, or inappropriate sexual comments
- Unwelcome remarks about a person's age, dress, appearance, race or marital status or any other protected characteristic
- Jokes, offensive language, gossip, slander, sectarian songs and letters
- Spreading malicious rumours
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Isolation or non-cooperation and exclusion from social activities
- Pressure to participate in political/religious groups
- Intrusion by pestering or stalking
- Failure to safeguard confidential information
- Shouting at staff or students
- Setting impossible deadlines or tasks
- Persistent criticism
- Personal insults
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Power imbalance.

Harassment

1. The Equality Act prohibits three types of harassment. These are:

- harassment related to a 'relevant protected characteristic';
 - sexual harassment; and
 - less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.
2. Acts of harassment usually centre on unwanted, offensive and intrusive behaviour with a sexual, racial or physical component. Measures to identify acts of harassment relate to the Equality Act 2010. The Equality Act describes harassment as unwanted conduct related to a relevant protected characteristic, and the conduct has the purpose or effect of violating the dignity of the other, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
3. In deciding whether conduct has the effect of violating the dignity of the other, or creating an intimidating, hostile, degrading, humiliating or offensive environment each of the following must be taken into account:
- The perception of the person affected by the behaviour
 - The other circumstances of the case
 - Whether it is reasonable for the conduct to have that effect

It should be noted that the harassment may not necessarily be directed against the complainant but is conduct which nevertheless he or she finds offensive.