

Bullying Prevention Policy

1. Purpose of Policy

The purpose of this policy is to make clear to every student and staff member that bullying and harassment, including sexual harassment, will not be tolerated in the school. This policy sets out The English Academy's commitment to creating and maintaining an environment where all students and staff members are free to work without fear of bullying from any source. The policy aims to prevent and deter bullying behaviour and where it occurs to have the effective procedures in place to address the matter. Bullying complaints will be dealt with sensitivity and informally where possible to ensure a healthy and safe place of work.

2. Scope of Policy

The protection under this Policy extends to:-

- Bullying by management, teachers, fellow employees, students and other business contacts.
- In the school, off site and in school-related social events.

3. Policy Guidelines

- Bullying creates an unpleasant and ineffective learning and working environment. It can destroy the self-esteem and health of students and staff. It is in everyone's interests to prevent and combat this behaviour. In addition to it being The English Academy's policy, all forms of bullying in the school are unlawful.
- The English Academy supports the resolution of complaints, as far as is possible and appropriate, through informal processes. It is expected that informal procedures will normally be pursued before resort to the formal procedure.
- Any formal complaint of bullying will be promptly and seriously processed. It is recognised that bullying is difficult to deal with for all concerned. The English Academy undertakes to pursue formal complaints as sensitively as possible, with

due regard to the rights of the Complainant and the person against whom the complaint is made.

- The company is committed to identifying and eliminating organisational deficiencies which may contribute to the occurrence of bullying, and undertakes to review and make improvements in the event that any investigation under this procedure identifies organisational factors as contributing to a case of bullying.
- It is considered a breach of policy and a disciplinary offence for any student, teacher or staff member to attempt to victimise or otherwise retaliate against an individual because that individual, whether as a witness, party of in any other role, participate in good faith in this procedure.
- Since complaints of bullying will be taken very seriously any attempt to misuse this policy and procedure through the filing of malicious complaints may result in disciplinary action pursuant to the company's disciplinary procedures, and may attract a disciplinary sanction up to and including dismissal.
- All student's, teachers and other employees have the right to be treated with dignity and respect at work.

The English Academy is committed to providing a learning environment that is free from bullying and harassment of any kind.

All students, teachers and employees will be expected to comply with this policy and the company will take appropriate measures to ensure that bullying and harassment does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

Scope

This policy applies to all employees, including those who job-share, work part-time and/or are on temporary and fixed term contracts. It applies to all students no matter how long their course is.

This policy applies to bullying and harassment not only by fellow students, teachers or other employees but also by a client, customer or other business contacts to which an student or staff member might reasonably expect to come into contact with in the course of their studies or employment.

The policy applies to employees both in the workplace and at work associated events such as meetings, conferences and work related social events, whether on the premises or off site.

Definition of Bullying

Bullying at work has been defined as "repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment that could reasonably be regarded as undermining the individual's right to dignity at work".

An isolated incident of the behaviour described in the definition may be an affront to dignity at work, but as a once off incident, is not considered to be bullying.

Examples of bullying behaviour may include:

- 1 Personal insults and name-calling;
- 2 Persistent unjustified criticism and sarcasm;
- 3 Visual displays such as posters, emblems or badges;
- 4 Shouting at staff in public and/or private;
- 5 Sneering;
- 6 Isolation or exclusion from social activities;
- 7 Unfair delegation of duties and responsibilities;

- 8 Setting impossible deadlines;
- 9 Unnecessary work interference;
- 10 Aggression;
- 11 Not giving credit for work contribution;
- 12 Continuously refusing reasonable requests without good reason;
- 13 Intimidation and threats in general.

Definition of Harassment

Harassment is any form of unwanted conduct, related to an individual's gender, marital or family status, sexual orientation, religion, age, disability, race or membership of the travelling community which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Definition of Sexual Harassment

Sexual harassment is any form of verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. The unwanted conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material.

Examples of sexual harassment include:

- 1 Sexual gestures;
- 2 Displaying sexually suggestive objectives, pictures, calendars;
- 3 Sending suggestive and pornographic correspondence, including e-mails or text messages;
- 4 Unwelcome sexual comments and jokes;
- 5 Unwelcome physical conduct, such as pinching, unnecessary touching, etc.
- 6 Non-verbal conduct of a sexual nature - looks, whistling, suggestive symbols, pictures.

- 7 Verbal conduct of a sexual nature - advances, propositions, suggestions, jokes, comments or innuendo;
- 8 Physical conduct of a sexual nature - groping, kissing, fondling, unnecessary touching, assault or rape;
- 9 Sex based conduct - conduct that denigrates, ridicules or is intimidatory or physically abusive of a person because of his or her sex such as derogatory or degrading abuse or insults which are gender-related.

The examples stated in this policy are not an exhaustive list and the company reserves the right to take action against these and other inappropriate behaviours.

Procedure

Should a student, teacher or other staff member experience unwanted conduct, he or she is encouraged to raise the issue so that it can be resolved speedily. Informal and formal procedures are in place to deal with the issue of bullying/harassment at work. Any investigation will be completed as quickly as possible and the company will take all reasonable measures to ensure that the complaining employee will not be victimised or suffer any other adverse treatment as a result of making a complaint.

Informal Procedure

It is often preferable for all concerned that complaints of bullying or harassment are dealt with informally whenever possible, as often the perpetrator may not be aware that their behaviour is causing such offence to others. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality. Thus, in the first instance, an employee who believes that they are the subject of bullying and/or harassment should ask the person responsible to stop the offensive behaviour.

- 1 Raise the issue informally with the person who is creating the problem, pointing out that their conduct is unwelcome, offensive or interfering with work.
- 2 If an employee finds it difficult to approach the alleged perpetrator directly, they

should seek help and advice on a confidential basis from their manager or anyone else that they feel comfortable talking to. Any disclosures will be treated in strictest confidence.

- 3 Having consulted with an appropriate person, the student, teacher or staff member may request the assistance of the academic director in raising the issue with the alleged perpetrator(s). In this situation, the approach of the manager should be by way of a confidential non-confrontational discussion with a view to resolving the issue in an informal low-key manner.
- 4 An appropriate course of action at this stage, for example, could be exploring a mediated solution.

A student, teacher or staff member may decide, for whatever reason, to bypass the informal procedure. It is recognised that it may not always be practical to use the informal procedure; particularly where the bullying or harassment is serious, or where the people involved are at different levels in the company. In such instances the employee should use the formal mechanism set out below.

Formal Procedure

If the informal procedure is not appropriate, or if the issue has not been successfully resolved, the following procedure should be followed:

- 1 A complaint must be made in writing outlining the nature of the complaint.
- 2 The complaint will be subject to an initial informal examination by a Designated Manager/Director, who can be considered impartial, with a view to determining an appropriate course of action. At this stage, an appropriate course of action could be exploring a mediated solution or otherwise resolving the complaint informally. Should these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint will take place to determine the facts and

- the credibility or otherwise of the allegation(s).
- 3 If a formal investigation is deemed appropriate, the student/teacher will be requested to outline the complaint in a written statement and provide it to the designated manager/director.
 - 4 The Designated Manager/director will appoint an impartial investigator to investigate the complaint.
 - 5 The investigation will include interviews with both the complainant and the alleged perpetrator. Another student/employee may accompany both sides during the interview process.
 - 6 In the interests of natural justice, the alleged bully or perpetrator will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation and will be given every opportunity to rebut the detailed allegations made. A copy of the complainants written statement may be given to them. A record in the form of a written statement of reply may be taken.
 - 7 Whilst it is desirable to maintain utmost confidentiality, once an investigation of an issue begins, it may be necessary to interview other employees/persons. If this occurs, the importance of confidentiality will be stressed to them. Any statements taken from witnesses will be circulated to the person making the complaint and the alleged bully/perpetrator.
 - 8 A record of all relevant discussions which take place during the course of the investigation will be maintained by the appointed investigator. Both parties will be given the opportunity to comment on these and the witness statements before any conclusion is reached in the investigation.
 - 9 The appointed investigator will outline their conclusions, and the reasons for

reaching their conclusions, in a written report. Both parties and management will be given copies of the written report.

10 Both parties will be given the opportunity to comment on the findings in the written report before any action is decided upon by management.

Conclusion of Investigation

The objective of an investigation will be to ascertain whether or not, on the balance of probabilities:

- The behaviour complained of occurred and, if so
- Whether or not that behaviour amounted to bullying and/or harassment, as defined

It will be open for the designated investigators to determine whether bullying or harassment occurred.

The investigation will be completed as quickly as practicable, preferably within the indicated time-frame. The investigatory officer will submit a report to the Director which will include the conclusions. The Director will then examine it for objectivity and reasonableness. The complainant and the person complained against will be given a copy of the report as soon as practicable by the General Manager and will be given an opportunity to comment, within a prescribed period of time, before the company's management decides on any further course of action.

The company's management will decide the action which is to be taken arising from the report, in light of the investigatory officer's report and any comments made by the parties. The company's management will then, in writing, inform the complainant and the person complained against of the next steps which are to occur.

Action where the Complaint is Upheld

If the complaint is upheld, the matter will be treated as a serious disciplinary issue and the company will follow the appropriate disciplinary procedures. If the perpetrator is not an employee, for example, if he or she is a client or student other appropriate measures will be taken.

The company may also take other appropriate action to support and protect the victim and/or to ensure that similar situations do not arise in the future.

Action where the Complaint is not Upheld

If the complaint is not upheld but the complainant is found to have acted in good faith, the company may take appropriate measures to support both the complainant and the person complained against. This will include taking appropriate measures to ensure that other parties to the investigation are made aware that the finding was not upheld.

Where a complaint is not upheld and is found not to have been made in good faith, the complainant will be the subject of disciplinary action. The same principle will apply for witnesses giving evidence in bad faith.

Preservation of Rights and Prevention of Victimisation

Making a complaint under this policy will not affect an employee's statutory rights. No-one will be victimised for making a complaint in good faith or for acting in good faith as a witness in an investigation.

Appeals

If either party is dissatisfied with the outcome of the formal complaints procedure, they may lodge an appeal within 7 working days of receipt of notification of the outcome of the process.

The reason for the appeal should be outlined in writing to a Director of the company. The appeal will be heard by another person(s), of at least the same level of seniority as the original investigatory officer/manager. **The Director hearing the appeal shall not have taken part in the Investigatory or Disciplinary Process.** The appeal will focus only on the aspect of the case cited by the appellant as being the subject of the appeal. If all Directors took part in the Investigatory or Disciplinary process then an appeal may be sent to the Company's Solicitors for review.

The grounds of the appeal and any outcome and methodology employed will be appended to the investigation file. The final report of the investigation itself will not be subject to amendment.

Resolution

Both parties will be given appropriate support and periodical reviews, insofar as is reasonable, after the formal process has been concluded.

External Investigation

In any situation where, by reason of the size of the company, seniority of a complainant or a person complained against, or for any other reason, it is not appropriate for a formal complaint, informal complaint or appeal to be investigated by an employee of the company, the company reserves the right to appoint an appropriate external person to carry out the investigation. Any such external person will carry out his or her functions in accordance with the provisions of this policy and the company will give appropriate effect to the findings of such an external person.

This policy may be amended from time to time at the discretion of the company's management.

Malicious Complaints

Sometimes complaints concerning bullying and harassment may themselves be false and/or maliciously motivated. If the company finds this to be the case, disciplinary action up to and including dismissal may be imposed.

Confidentiality

All individuals involved in the procedures referred to above will be required to maintain confidentiality at all times.

General

Both parties to a complaint of Bullying or Harassment have right to be represented at all stages of the investigation.