

**Anti-bullying and Harassment Policy**

A guide for all staff on how to raise a complaint of bullying or harassment and what to expect when you do

This policy will be reviewed on an ongoing basis, at least once a year. NAPA will amend this policy, following consultation, where appropriate.

Date of last review: 02/04/2021

Contents

[Purpose and scope](#purpose)
[Policy statement](#policystatement)
[Action to support and inform staff and students on harassment issues](#actiontosupport)
[Responsibilities](#responsibilities)
[What is bullying?](#whatsbullying)
[What is harassment?](#whatisharassment)
[What is the difference between bullying and harassment?](#whatisthedifference)
[Effects of bullying and harassment on health](#effectsonhealth)
[Raising complaints of bullying or harassment](#raisingcomplaints)
[Informal procedure](#informal)
[Formal procedure](#formal)
[Appeals](#appeals)
[Appendix A: Guidelines for investigation allegations of bullying and harassment](#appendixa)
Appendix B: Concerning our full-time Wilberforce College students

**Purpose and Scope**NAPA has a zero-tolerance approach to bullying and harassment. Our aim is to provide anenvironment where everyone is treated with dignity and respect and can work and enjoy being a part of our classes and performanceswithout fear of bullying or harassment. It aims to ensure that individuals we employ, and our students and visitors (individuals) feel confident to bring complaints, or to challenge behaviour, without fear ofridicule or reprisal.

This policy includes procedures and processes for staff, individuals, their families andour visitors to follow if they feel they are being subjected to any form of bullying or harassment, and actionto be taken by NAPA in response.

Bullying and harassment can cause lasting damage to those individually affected and to NAPA as a whole. We expect staff to behave with dignity and respect towards one another, and to address and eliminate any behaviour which is contrary to this. We ensure that we work with our students, their parents and our visitors to establish a code of behaviour within our NAPA where bullying as a behaviour is understood but not tolerated. We will treat seriously any allegation of harassment or bullying, particularly those relating to age, gender, pregnancy, marital status, religion or belief, sexual orientation, gender reassignment, disability or race as these are forms of discrimination and unlawful. All allegations of bullying or harassment will be viewed as grounds for potential disciplinary action for staff and persistent or gross harassment or bullying may lead to dismissal.

This Policy applies to employees, freelance staff, classroom assistants, volunteers, contractors, students, parents and visitors. It covers complaints of bullying or harassment committed by staff employed by NAPA and complaints about the conduct of third parties, i.e. people not employed by NAPA but working in some capacity alongside or with staff or otherwise at our base on Anlaby Road in Hull and wherever else NAPA may be rehearsing, holding classes or performing. It covers behaviours by individuals and the support available in raising a complaint and dealing with the situation.

**Policy Statement**NAPA will address bullying or harassment behaviour whether it occurs during the course ofemployment, on or off work premises, including at work social events (whether organised by the **o**rganisation or not) or at formal or informal events involving our staff, students or other work related contacts.

NAPA will not tolerate discrimination of any kind, including on the grounds of age, disability, gender reassignment, marital status, pregnancy & maternity, race, religion or belief, sex or sexual orientation.

It is an individual’s right to raise a complaint and have it heard without fear of reprisal. Any action that breaches this fundamental principle will be viewed as serious or gross misconduct since it may be viewed as unlawful under the Employment Rights Act as well as anti-discrimination legislation.

The Policy is available to all employees. Any questions about the Policy should be directed to the Chief Executive.

**Action to support and inform staff and students on harassment issues**

The organisation will:

* Treat sensitively any complaints of behaviour which is causing distress
* Respect the need for confidentiality as far as possible in order to ensure a fair investigation
* Liaise with external providers who could provide positive support outside our services i.e. schools, other voluntary/community organisations/advocates
* Provide awareness training on bullying and harassment issues
* Make staff aware of this policy and their responsibilities at induction and generally
* Monitor and record reported instances of harassment or bullying and identify trends so that corrective action can be taken
* Conduct Exit Interviews with departing employees, wherever practicable with the Chief Executive
* Raise awareness of bullying and harassment and the negative impact on individuals, supporting national or local campaigns

**Responsibilities**Every member of staff at NAPA has a duty to:

* Take responsibility for their own behaviour and change it if necessary, as harassment or bullying is not acceptable. This means not ignoring a complaint from anyone who claims they find your behaviour harassing or bullying, even if such behaviour would not have been offensive to you and you did not intend to offend anyone. Failure to take complaints seriously or to change behaviour may lead to disciplinary action
* Speak out if they witness or are aware of bullying, vindictiveness, verbal or physical aggression – and not assume that it is someone else’s responsibility
* Question their own fears, prejudices and assumptions
* Familiarise themselves with the responsibilities placed on them by this policy. Certain individuals have additional responsibilities under this policy, as set out below
* The Chief Executive is responsible for developing and reviewing this policy and has overall responsibility for overseeing operation of this policy

The Chief Executive is responsible, in line with their specific role, for recording complaints of harassment or bullying raised by staff/others, for reviewing outcomes and trends, and for keeping a watching brief on anybody who has been a victim of harassment or bullying or who may be vulnerable to it, so that they are not exposed to inappropriate treatment.

Heads of Department should ensure that they and their staff understand the policy and deal swiftly with any instances of perceived or reported harassment or bullying in line with the procedures below.

**What is bullying?**Bullying is persistent offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power,or unfair treatment that is meant to or does undermine, threaten and/or humiliate the recipient. Theeffect is usually to undermine the recipient, their self-confidence, reputation and ability to perform.

Bullying tends to be an accumulation of many small incidents over a period of time. Each incident of bullying tends to be trivial and, on its own and out of context, may not constitute an offence or grounds for disciplinary or grievance action.

Examples of bullying behaviour include but are not limited to:

* Belittling the recipient’s opinion, humiliating them publicly or privately
* Name calling, insults, unreciprocated or unwanted teasing
* Preventing access to opportunities such as training, withholding information, exclusion from meetings or activities
* Undue pressure to complete a task, impossible deadlines, unnecessary disruptions, or changing goals without reason
* Failure to give credit where it is due, allocating meaningless tasks, removing responsibility or taking work away completely or replacing it with menial tasks
* Singling out or treating an individual less favourably without justification
* Gossiping about another individual with intent to damage their reputation
* Frequent fault-finding of a trivial nature
* Persistently refusing to acknowledge an individual’s contributions and achievements
* Insulting someone on the ground of a protected characteristic, whether or not they have that characteristic, for example you’re so gay/autistic/Jewish
* Humiliating, shouting at or threatening an individual
* Increasing responsibility but removing authority
* Disciplining an individual for trivial or fabricated reasons, without proper investigation

Sometimes several individuals may gang up to undermine someone through rumour, innuendo, intimidation, humiliation, discrediting, and isolation. Fear of becoming a target may motivate some to side with the bully, to stay out of anything that occurs in the workplace or copy bullying behaviour because it is seen as a way of surviving or progressing.

**What is harassment?**Harassment is unwanted conduct that violates an individual’s dignity, or that creates an intimidating,hostile, degrading, humiliating or offensive environment for the recipient. It may be related to age, sex,disability, religion, sexual orientation, nationality or any personal characteristic of the individual, andmay be persistent or an isolated incident. The key issue is that the actions or comments are viewed asdemeaning and unacceptable by the recipient.

Examples of harassment include:

* Spreading malicious rumours, or insulting someone by word or behaviour
* Copying memos/emails that are critical about someone to others who do not need to know
* Ridiculing or demeaning someone, picking on them or setting them up to fail
* Exclusion or victimisation
* Unfair treatment
* Misuse of power or position
* Unwelcome sexual advances, touching, standing too close, display of offensive materials, asking for sexual favours
* Making threats or comments about personal circumstances that may cause anxiety without foundation
* Deliberately undermining an individual by overloading and constant criticism
* Intentionally blocking promotion or training opportunities

As with bullying, harassment is not necessarily face to face, it may occur through written communications, visual images, email, phone, and other.

**What is the difference between bullying and harassment?**Both bullying and harassment cover physical, verbal and non-verbal conduct. They may involveinappropriate physical contact, actions (or omissions), behaviour, comments or emails. The differenceis that harassment may involve a single incident or persistent behaviour that extends over a period oftime, whereas bullying is only the latter. Both can occur even if someone did not mean to causeoffence.

If the behaviour is based on the recipient’s age, gender, pregnancy, marital status, religion or belief, sexual orientation, gender reassignment, disability or race (the protected characteristics), it is likely to be considered harassment and therefore likely to be unlawful under the Equality Act.

**Effects of bullying and harassment on health**Bullying and harassment can cause some or all of the symptoms below:

* Shattered self-confidence or low self-esteem or depression
* Obsession, not being able to stop thinking about the experience in all its detail
* Hyper-vigilance (feels like, but is not, paranoia), being constantly on edge
* Uncharacteristic hypersensitivity, isolation, withdrawal, irritability or angry outbursts
* Tearfulness, sweating, shaking, palpitations, panic attacks
* Bad or intermittently functioning memory or general forgetfulness; poor concentration
* Worsening irritable bowel syndrome or skin problems such as eczema or psoriasis
* Constant fatigue, sleeplessness, waking early or more tired than when you went to bed
* Headaches and migraines
* Aches and pains in the joints and muscles with no obvious cause
* Frequent illness such as viral infections
* Exacerbated instances of challenging behaviour

**Raising complaints of bullying or harassment**Bullying and harassment are different to other forms of complaint and so NAPA’s Grievance Procedure isunsuitable for raising complaints about it. Incidents of bullying or harassment may be complex innature. The aim of this procedure is to stop the undesirable conduct and prevent a recurrence.

It is in the best interests of all the parties that a complaint of bullying or harassment is reported as promptly as possible so that the facts of the matter can be accurately established, normally within four weeks of the last alleged incident. However, the nature of bullying or harassment may mean that it can take a number of incidents before the individual affected is able to realise or identify what is happening.

Whether you choose to address any allegation of bullying formally or informally, you may wish to keep a record of all incidents, how they made you feel, how you changed as a result, any action you have taken to try and stop the bullying, and any witnesses.

**Informal Procedure**If you believe that you, or others, have been bullied and you wish to address the matter informally, youshould firstly speak to the Chief Executive, a member of staff you trust who can take the complaint forward onyour behalf, or the Chief Executive. They will discuss the situation with you. Without a formalinvestigation, no conclusion will be made as to whether or not the bullying has taken place, but theChief Executive or HR may be able to advise on other steps you could take, with or without their help, beforeyou get to the stage of a formal complaint.

Options at the informal stage include:

**Approach the person directly**

If you feel able to, speak to the person causing the problem directly and explain the behaviour that you find upsetting, and to ask them to stop. This meeting could be one you arrange and/or attend by yourself, or someone else could go with you, eg a trusted staff member.

**Approach the person indirectly**

If you feel unable to speak to them, you could: -

Explain in writing to the person(s) causing the problem, the behaviour you are concerned about and its effect on you; or

Ask a friend or colleague to speak to the person(s) on your behalf; or

Ask that an informal approach be made to the person(s) causing the offence by the Chief Executive.

**Formal procedure**

The formal procedure may be more appropriate in instances of serious complaint or where an attempt at informal resolution has not been successful.

**Raising the complaint**

If you believe that you have been subjected to bullying, you should put your complaint in writing to the Chief Executive. If the matter concerns the Chief Executive or you do not feel comfortable raising a complaint of this nature with them, you should put your complaint in writing to the Chair of Trustees. If you prefer, however, you may see the Chief Executive in person to explain the nature of the complaint and s/he will then make a brief record of the issues and ask you to sign it as a correct record of your formal complaint.

Your complaint should include all relevant details, including full details of the alleged bullying, the identity of the person(s) concerned, any documentary evidence, details of any witnesses and any action that has been taken to date.

Note: If, at any point, you decide to withdraw the complaint you must inform the Chief Executive in writing.

**Investigating your complaint**

The Chief Executive will take action to:

* Raise the matter formally and in person with the person whose behaviour is causing the problem. This will be done sensitively bearing in mind the need to protect both your rights as the complainant and those of the person about whom you are complaining – both parties are entitled to a full and fair opportunity to put their version of events.
* Ensure that the issue is investigated appropriately, confidentially and as soon as possible. (Appendix A gives guidelines on how investigations may normally be conducted).
* Ensure that where possible someone without prior involvement will investigate your complaint.
* Ensure that once an investigation is complete, a report on the findings and recommendations is prepared and that the Chief Executive has been consulted before any further meeting with you or the person whose behaviour is at issue.
* Ensure that you, and the person against whom the complaint has been made are told in writing:
	+ - Whether the complaint has been substantiated
		- Whether the complaint is to be investigated further
		- What action will be taken as a result of the complaint, by whom and in what timeframe (though as said above, if disciplinary action against the alleged bully or harasser is one of the actions to be taken this would be confidential and thus not disclosed to you)
		- That you may appeal.
		- Monitor the situation for appropriate period of time afterwards, to ensure that things have been resolved or that further problems are addressed.

**Appeals**Anybody who is dissatisfied with the outcome of the formal procedure may appeal in writing within 5 working days of being advised of the outcome.

Staff should notify the Chief Executive in writing within this timescale, setting out the grounds of your appeal.

Wherever possible a member of the board of trustees who was not previously involved in your complaint will arrange an appeal hearing. However, the small size and flat management structure of NAPA, as well as considerations of confidentiality, may mean that this is not always possible to arrange.

You are entitled to be accompanied by a trusted member of staff, friend, advocate, work colleague or trade union representative.

At the appeal hearing, you will have the opportunity to discuss the grounds of your appeal.

The person hearing your appeal may investigate the matter further, may overturn the conclusion and require it to be reinvestigated, may reach an alternative conclusion if appropriate, or may uphold the original outcome.

You will be notified of the outcome of the appeal within 5 working days of the appeal meeting or as soon as reasonably practicable. If the outcome changes, as far as possible, you will be told of any action that NAPA intends to take. However, if this involves disciplinary action against the alleged bully or harasser, you would not normally be involved in this process, as any disciplinary proceedings involving another member of staff are confidential to that member of staff.

This is the final stage of the formal procedure.

**Appendix A**

**Guidelines for investigating alleged bullying and harassment**

If an employee raises allegations of bullying or harassment, the Chief Executive will carry out an investigation. If the subject of the investigation is the Chief Executive, the Chair of the Board of Trustees will carry out any investigation required.

An investigation needs to be focused and comprehensive and need to take place as soon as possible. Its aim is to take a reasonably considered view as to the likely facts and whether there is a case to answer. Its aim is to find out as much as possible about what happened. Investigations should comply as far as possible with the rules of Natural Justice, which state as a minimum, that an individual should be told of the nature of their alleged misconduct, of their right to be accompanied at the investigation by a colleague or trade union representative and given a chance to state their case before any decision is made.

**Issues to be aware of when investigating alleged bullying and harassment**

Unlike other forms of grievance, bullying or harassment may not be easy to establish on a simple balance of probabilities. This is so particularly in relation to harassment, which is ‘any unwanted behaviour that a person finds intimidating, upsetting, embarrassing, humiliating or offensive’. It is the individual’s perception that is key in deciding what behaviour is acceptable to them and what is offensive or unwelcome. Individuals will have different perceptions about this. It is not, therefore, the intention of the perpetrator that is key in deciding whether harassment has occurred but whether the behaviour is unacceptable to the recipient.

If a culture of bullying or harassment has developed, not only the complainant but any potential witnesses may fear reprisals. The alleged bully or harasser may have many supportive witnesses, and so getting under the skin of the problem may not be straightforward unless there is sufficient trust in the investigator and the process.

Evidence against a particular individual(s) may be vague or distorted. It may be relevant to consider individual motivations both of the person bringing the complaint and those against whom the complaint is made, respective lengths of employment, history of employment including internal transfers, and whether there has been opportunity or reason for either to exert undue influence by reason of their position and/or length of service.

Identifying details both of allegations and any counter allegations, with specific dates and times, and any contemporaneous notes or records, may help clarify genuine complaints.

**Anyone conducting an investigation should be aware of the following:**

It is possible for a complaint to be faked, or for a complainant to be mistaken. It is also possible that they may be right. Take care not to presume anything and or to make decisions based on rumours.

The fact that a complaint has been made needs to be taken seriously and you should aim to get to the bottom of it as promptly as possible.

The complainant may be clear about what has happened but equally they may have just started to consider historic actions in another light, and so it may take time for all their concerns to surface.

Even raising the issues may have taken much courage and emotional toll for many reasons including fear of reprisals or of not being believed or taken seriously.

Careful questioning, sensitivity and patience are key for anyone conducting preliminary enquiries. The complainant may need reassurance that there will be no repercussions for raising a complaint, even if it is ultimately not upheld.

**Some common responses to allegations of bullying and harassment are:**

Some people will be horrified if told that they had unintentionally or unjustifiably upset another person and will do what they can to make sure it isn't repeated.

Others may:

* Deny any allegation made, avoid discussion of the matter, refuse to give a straight answer, deliberately miss the point or create distractions and diversions
* Trivialise the concern(s), insist on not dwelling on the past but on focusing on the future
* Retaliate by criticising the complainant or making counter-allegations
* Claim they are victims by being tearful, expressing indignation, devastation or offence at allegations, and trying to make others feel sorry for them

Such reactions can make it more difficult to get to the truth and may be designed to divert attention away from the allegations.

If it is not possible to conclude satisfactorily whether bullying has taken place, the fact that an individual or individuals has raised anything in the first place may indicate that that particular staff team need coaching, mentoring or other support.

The Chief Executive may face allegations of bullying or harassment in response to legitimate performance management actions.

Alternatively, a member or members of staff may be feared so much that no amount of investigation will get to the truth of the matter. In such circumstances, monitoring over an extended period of time may highlight higher than average sickness or turnover or other signs of bullying or harassment.

**Appendix B**Students on our full-time Performing and Production Arts course are classed as Wilberforce College students, and they will follow the college’s rules and policies as well as NAPA’s. Wilberforce College’s Anti-Bullying Policy can be found here: [Anti-Bullying-Policy-V7-Sep-21.pdf (wilberforce.ac.uk)](https://wilberforce.ac.uk/wp-content/uploads/2022/02/Anti-Bullying-Policy-V7-Sep-21.pdf?msclkid=f2ba14faa92411ecb8e4f4ffa45a7303)