



Anti-Bullying and Harassment Policy

Old Rayne playgroup is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race colour, nationality, religious belief, ethnic or national origins, age and disability. We recognise the problems associated with bullying and harassment of both children and adults and are committed to providing an environment in which all individuals can operate effectively, confidently and competently.

Harassment and/or bullying is not acceptable under any circumstances, either to adults or children who use the service, or to members of staff. The focus of this policy is to promote good relationships and positive behaviours that engender mutual respect and esteem between and among staff, children and parents.

To fulfil our commitment to provide an environment in which all individuals, including children, can operate effectively, confidently and competently, the organisation will:

- Promote a safe, healthy and fair environment in which all adults and children feel secure, valued and respected
- Listen to children and adults who are being bullied and reassure them that they are safe and have done the right thing by telling someone
- Take all reports of bullying and or harassment incidents seriously and investigate promptly. Staff, children and parents will be fully supported if bullying is reported or observed
- Ensure all members of staff, children and parents have an understanding of what bullying/harassment is and know what the group procedures are when it is reported or observed
- Ensure all children and parents are made aware of the group's behaviour management policy and the requirement to accept it
- Help children to communicate more effectively in conflict situations
- Review the settings environment and routine to identify any factors which might allow or foster incidents of bullying or harassment
- Encourage individuals to record incidents which they feel are indicative of bullying and/or harassing behaviour
- Adhere to the SSSC Code of Practice for Employers to implement policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice
- Ensure staff know and understand the SSSC Code of Practice for Social Care Service Workers to respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or others.

In circumstances where a staff member is identified as the bully, then the complaint will be made to the manager. If it is the manager who is named, then the owner or chairperson will be contacted to deal with the situation.

If any disciplinary action is taken in a group registered with the Care Inspectorate against a member of staff for incidents relating to bullying or harassment, the organisation will report the outcome to the Care Inspectorate.

It is the responsibility of every member of the group and of those who are visiting the organisation's premises, to take responsibility for their behaviour and modify it if necessary.

The manager will be responsible for embedding anti-bullying awareness in the policies and practices of the group.

This policy will be monitored and reviewed regularly to ensure that it is achieving its objectives and is effective.

Background Information and Procedures

The following information and procedural steps provide a look at anti-bullying and harassment from two perspectives. Firstly, from an employer's perspective and secondly from the perspective of anti-social behaviour in a childcare setting.

Definitions of Bullying and Harassment

Bullying is the use of aggression with the intention of hurting another person which causes pain and distress for the victim. Bullying is an unacceptable form of behaviour through which an individual or group of individuals feel threatened, abused or undermined by another individual or group of individuals.

Harassment is defined as any conduct which is unwanted by the recipient, or any such conduct based on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed or religious belief, ethnic or national origins, age and disability that affects the dignity of any individual, or group of individuals at work.

Harassment may be repetitive, or an isolated occurrence against one or more individuals.

Forms of Bullying

There are several main forms of bullying:

Emotional	Being unfriendly, excluding, tormenting, ridiculing, humiliation
Physical	Pushing, kicking, hitting, punching, pinching, violence, threats
Verbal	Name-calling, sarcasm, spreading rumours, teasing
Racist	Racial taunts, graffiti, gestures
Sexual	Unwanted physical contact, sexually abusive comments

Homophobic Because of, or focusing on the issue of sexuality

Mobile/Internet (Cyberbullying) Abusive e-mails, telephone calls, text messages.

Forms of Harassment

Physical Contact, assault or gestures, intimidation, aggressive behaviour

Verbal Unwelcome remarks, suggestions, and propositions, malicious gossip, jokes and banter based on any of the above characteristics

Non-verbal Offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion from social activities

Bullying Persistent, offensive, abusive, intimidating or insulting behaviour. Abuse of power or unfair sanctions that:

- make the recipient feel upset, threatened, humiliated or vulnerable
- undermine an individual's self confidence
- may cause an individual to suffer stress

The Employer's Perspective

Why do employers need to take action on bullying and harassment?

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:

- poor morale and employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations
- damage to the organisation's reputation
- tribunal and other court cases and payment of compensation.

It is in every employer's interests to promote a safe, healthy and fair environment in which people can work.

Scottish Social Services Council (SSSC) Codes of Practice

The codes of practice describe the standards of conduct and practice within which both social services employers and workers should operate. The two codes for employers and workers are complementary and mirror the joint responsibilities of employers and workers in ensuring high standards.

The SSSC Codes of Practice Standard 4 stipulates that:

- A social service **employer**, must put into place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice.
- A social service **worker**, must respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people.

Keeping a record

It is important that anyone who believes that they have suffered from bullying or harassment should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

The notes should cover:

- Date
- Time
- Place
- Name of person harassing them
- What actually happened
- How the person actually felt at the time
- Name of any witnesses
- Action taken and whether reported to management
- Any correspondence relating to the incidents and subsequent complaints.

How should employers respond to a complaint of bullying / harassment?

Employees do not normally make serious allegations unless they feel seriously aggrieved. All complaints should be taken seriously and investigated thoroughly and objectively. Following the investigation decisions can then be made as to what action, if any, needs to be taken.

Informal approaches

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from their line-manager or a colleague. Guidance on acceptable behaviour should be discussed and a written record should be kept of this discussion.

In other cases it will be necessary to carry out a more formal process.

Disciplinary procedures

Where an informal resolution is not possible, the employer may decide that the matter is a disciplinary matter which needs to be dealt with formally by following the organisation's disciplinary procedure. In cases that appear to involve serious misconduct, and where there is a reason to separate the parties, a short suspension of the alleged bully/harasser may need to be

considered while the case is being investigated. The ACAS website has information on disciplinary procedures www.acas.org.uk

What should be considered before imposing disciplinary action?

The action to be taken must be reasonable in light of the facts. In some cases it may be concluded that discipline is unnecessary or that training or counselling are preferable as the individual may now be more able to see the need to change their behaviour. Where a penalty is to be imposed all the circumstances should be considered including the employee's disciplinary and general record, action taken in previous cases, any explanations and circumstances to be considered.

If any disciplinary action is taken against a member of staff, it must be reported with the outcome to the Care Inspectorate.

Counselling

Counselling can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action. Some organisations are able to train their own staff while others may contract with a specialist counselling service.

Counselling can be particularly useful where investigation shows no cause for disciplinary action or where doubt is cast on the validity of the complaint.

Counselling may resolve the issue or help support the person accused as well as the complainant.

The legal position

It is not possible to make a direct complaint to an employment tribunal about bullying. However, employees are able to bring complaints under laws covering discrimination and harassment. For example:

Sex:

The Sex Discrimination Act gives protection against discrimination and victimisation on the grounds of marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment

Race:

The Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality. The regulations that amended the Act (Race Regulations 2003) also give a stand-alone to protection from harassment on the grounds of race and ethnic or national origin

Disability:

The Disability Discrimination Act 1995 gives protection against discrimination and victimisation

Sexual orientation:

The Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation described as 'same sex' – lesbian/gay – 'opposite sex' – heterosexual – and 'both sexes' – bisexual)

Religion or belief:

The Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief.

Age:

Age discrimination laws protect employees from harassment or victimisation because of age. Age discrimination at work is unlawful in almost all types of employment. All aspects of employment (or prospective employment) are protected from age discrimination, including recruitment, employment terms and conditions, promotions, transfers, dismissals and training.

The Employment Rights Act 1996 also allows employees (with qualifying service) to claim unfair dismissal if they are forced to leave their job because of actions by their employer and failure to deal with any complaint. Such actions can include failure by the employer to protect their employees from bullying and harassing behaviour or failure to deal with any complaints of bullying and harassment.

The Childcare Setting

Anti-social behaviour within a childcare setting

Recognition of bullying

The following list highlights some of the indicators of bullying that a child might display if they were a victim although it is important to note that although a child could be displaying some of these signs or behaviours it does not necessarily mean that the child is being bullied. These signs could indicate that the child has other problems, but bullying should be considered a possibility.

Indicators of bullying

- Unwillingness to attend group
- Withdrawn, isolated behaviour
- Refuses to talk about the problem
- Easily distressed
- Lacking confidence, low self-esteem, anxious
- Becomes aggressive, disruptive and unreasonable
- Begins to bully other children
- Changes in eating and sleeping patterns, stomach upset
- Starts stammering
- Has unexplained cuts and bruises.

Within pre-school groups the most common forms of bullying are biting, hitting, pushing, kicking, and ridiculing by adults. Biting is often a cry for attention by a child who is feeling abandoned, frustrated or afraid. Children whose language is not yet fluent or finding themselves in a situation where they cannot do things very effectively, may well bite or hit out as they are full of feelings that threaten to overwhelm them.

Resolving the bullying

It is the responsibility of all staff, management group/owners and parents to do everything possible to protect children from all forms of bullying. If bullying does occur, children should be enabled to talk about it and be confident that incidents will be dealt with promptly and effectively.

The following procedures aim to ensure that all children in our care have fun in a safe caring and respectful environment.

Dealing with the child being bullied

When bullying is reported, or a member of staff observes that it is taking place, they will take the child aside and try to encourage him/her to talk about what's happened.

The playworker will sit with the child and allow the child to recount the story freely. Open and non-leading questions will be asked to try to get as much detail from the child as possible. A record of what the child has said will be kept.

The child will be given reassurance that the bullying is not their fault and plans will be put in place to re-enforce the child's confidence and self esteem.

The child's parents will be informed that their child is being bullied and given reassurance that actions are being taken to address the situation.

Even if the bullying is not happening in the group, the playworker will still try and help the child to resolve the situation. The playworker will inform the child's parents and suggest that they inform the relevant authorities.

Dealing with the bully

If an allegation of bullying and/or harassment is found to be true, then the playworker will try to establish why the child has been bullying and explain the hurt that it causes their victim.

The playworker will explain in words that children can understand that bullying/challenging behaviour will not be tolerated in the setting and what the consequences are if their behaviour continues.

Children will not be humiliated as part of the process of managing behavioural situations. The best time to talk to a child about his challenging behaviour is when they are settled and relaxed and not when they are in the middle of a tantrum. The playworker will take the child to one side to talk to them and not tell them off in front of the other children.

The playworker will tell the child that when he bites/hits someone that it is not acceptable or likeable behaviour and that the other children and adults find it hurtful and upsetting. They will try to help the child understand the effect their behaviour has had on the other people, including the child being bullied. Clear, consistent and direct messages will be given about what is acceptable behaviour and repeated as often as necessary.

The playworker will ask the child accused of bullying to make a genuine apology to their victim.

If possible, the playworker will try to reconcile both parties.

Informing parents

When the parents of those involved come to collect the children, the playworker will ask to speak to them privately and explain what has been happening and what has been done to try to resolve the situation.

Parents will be reminded of the group's behaviour management policy and asked that they help the group to enforce this.

Reassure parents that staff will monitor the situation to ensure that repeated bullying does not take place.

In serious cases and when bullying persists, the manager and/or chairperson or owner, will, with the child's parents, try to resolve the situation. This may entail putting sanctions in place, for example, telling the child that he/she will not be allowed to play with a favourite toy or participate in a favourite activity for a period of time after the episode. The child has to understand that these sanctions will be carried out if the need arises. There is no point in making empty threats or he/she will quickly learn that you do not mean what you say. Discussing the situation with the parents to gain their support is crucial to this process. The sanctions could also be re-enforced by the child's parents if the behaviour continues at home.

Even if the bullying is not happening in the group, the playworker will still try and help the child to resolve the situation. The playworker will inform the child's parents and suggest that they inform the relevant authorities.

Find out possible causes by working with the family. For example, the arrival of a new sibling or changes to early years staff may result in challenging behaviour being demonstrated.

If challenging behaviours persists, consider the necessity to refer the child, in consultation with the parents, to a specialist for example a health visitor, doctor or child psychologist.

Exclusion of the child who is persistently using bullying behaviour from the group will only be used as a last resort.

Investigating, dealing with, recording and monitoring incidents:

It is recognised that incidents of bullying occur in all groups. All such incidents will be taken seriously and dealt with in an appropriate manner. Practice will be monitored to ensure an environment is created where incidents of bullying cannot flourish. The effectiveness of the monitoring process will be gauged through asking:

- Is there an explicit whole group policy or set of principles?
- Is there joint staff, child and parent involvement in reviewing the policy?
- Is what constitutes bullying made explicit?
- Are the roles and responsibilities of staff and management committee members clear in terms of dealing with recording and monitoring incidents?
- How is this supported through staff induction and training?
- What curriculum activities support this policy? Can they be developed further?
- Do children know what to expect if they are bullied or caught bullying?
- Is there a 'no hitting back' rule, and are parents and children aware of it?
- Does the policy include methods of monitoring and evaluating its effectiveness?
- Is bullying mentioned in the group's handbook?
- Is there a systematic approach to checking and analysing the level of bullying incidents?
- Are parents aware of and satisfied with procedures?

The Protecting Vulnerable Groups Scheme (PVG Scheme)

The Protection of Children (Scotland) Act 2003 (PoCSA) has been repealed and replaced by the Protection of Vulnerable Groups (Scotland) Act, 2007 which establishes the Protecting Vulnerable Groups (PVG) Scheme.

The PVG Scheme ends the use of disclosure checks under Part 5 of the Police Act 1997 (“the 1997 Act”) for regulated work with children and adults at risk. They are replaced by new types of disclosure records which ensure that those who either have regular contact with vulnerable groups through the workplace, or who are otherwise in regulated work, do not have a history of inappropriate behaviour. It excludes people who are known to be unsuitable, on the basis of past behaviour, from working with children and/or protected adults and detects those who become unsuitable while in the workplace.

The PVG Scheme is managed and delivered by Disclosure Scotland which, as an agency of Scottish Government, will take on additional responsibilities. This will include taking decisions, on behalf of Scottish Ministers, about who should be barred from working with vulnerable groups. The voluntary sector can access the Scheme via the Central Registered Body in Scotland (CRBS).

Organisations must not offer regulated work to a barred person and should use the PVG Scheme to prevent this. They should ask individuals to whom they are offering regulated work with children for the first time, to become PVG Scheme members. Organisations can ask existing staff to join the PVG Scheme as part of a *continuation of existing practice of re-checking employees or volunteers from time to time*.

Useful contacts

The ACAS www.acas.org.uk and Department of Business, Enterprise and Regulatory Reform Website: www.berr.gov.uk cover the procedures for resolving disputes.

Scottish Social Services Council Codes of Practice for Social Services Workers and Employers is available from SSSC, Compass House, 11 Riverside Drive, Dundee DD1 4NY
Tel.: 03456 030 891 Website: www.sssc.uk.com

Scottish Executive *Protecting Children & Young People Framework for Standards* document is available through their website: www.scotland.gsi.gov.uk

Respectme, Scotland’s Anti-Bullying Service provides information and training on bullying issues
Website: www.respectme.org.uk