



Bullying & Harassment Policies and Procedures

Policy

Dunscore Pre-school Centre 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. Dunscore Pre-school recognises 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 (as described in appendix one) is not acceptable under any circumstance, either to adults or children who use the service, or to members of staff. The centre will promote good relationships and positive behaviours that engender mutual respect and esteem among staff, children and parents.

Dunscore Pre-school Centre aims to allow all the children in our care to have fun in a safe, caring and respectful environment. It is the responsibility of all at the pre-school, staff, committee and parents, to do everything possible to protect children from all forms of bullying. However, we recognise that this can happen, both within and outside the pre-school setting, and are committed to enabling the children in our care to be able to talk about it and to be confident that they will be listened to and can see prompt and effective action being taken.

Procedures for dealing with bullying or harassment of members of staff or other adults involved with the centre

Bullying and harassment are unacceptable on moral grounds and can create serious problems within organisations. It is therefore in the interests of the centre to promote a safe, healthy and fair environment in which people can work.

It is the responsibility of every member of the group and those who are visiting or volunteering with the group to take responsibility for their behaviour and modify it if necessary.

Any complaints can be made to the manager, chair or administrator, assuming they are not involved. They will discuss this with you and deal with it according to the following procedures and appropriate action will be taken.

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 these notes are made as soon after the event as possible. These notes should cover:

- Date
- Time
- Place
- Name of person who is harassing them
- What actually happened

- How the person actually felt at the time
- Name of any witness
- Action taken and whether reported to management
- Any correspondence relating to the incidents and subsequent complaints

Serious allegations are not normally made unless individuals feel seriously aggrieved. Dunscore Pre-school Centre will take all complaints seriously and investigate promptly, thoroughly and objectively.

Following the investigations decisions will be made as to what action, if any, needs to be taken.

1. 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 chose to do this themselves, or they may need support from the manager, chair, administrator or another member of staff. 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.

2. Considering a formal process

Any action to be taken must be reasonable in the 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.

3. 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. Where necessary Dunscore Pre-school will look to either train their own staff or may contract with a specialist counselling service. Advice on this would be sought from SPPA or Early Years Team.

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

Counselling may be used to either resolve the issue or to help support the person accused as well as the complainant.

3. Disciplinary Procedures

Any disciplinary procedures taken against a member of staff must be reported along with the outcome to the Care Inspectorate.

Where an informal resolution is not possible Dunscore Pre-school may decide that the issue is a disciplinary matter which needs to be dealt with formally as in the 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 whilst the case is investigated.(For information on where to obtain further details see appendix 4).

Procedures for dealing with bullying or harassment of children at the centre

Procedure for dealing with a child being bullied

When bullying is reported to a member of staff they will take the child aside and try to encourage him/her to talk about what has happened.

They will listen to the child who is being bullied and reassure them that they are safe and have done the right thing by telling someone.

If the bullying is not reported, but a member of the play team observes that it is taking place, they will take the child aside and try to encourage them to talk about what's happened to them.

In both situations the playleader 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 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.

In circumstances where a staff member is named as the bully, then the manager, administrator and chair will be contacted immediately to conduct an investigation.

Even if the bullying is occurring out with the group it is still the centre's responsibility, and the playleader will still try to help the child resolve the situation. The manager will inform the child's parents, and suggest that they inform the relevant authorities.

The group's routine and setting will be reviewed to identify any factors which might allow or encourage bullying. Children should be helped to communicate more effectively in conflict situations.

Procedures for resolving the situation

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

The playleader will explain in words that the children can understand that bullying/challenging behaviour will not be tolerated at pre-school. The consequences if their behaviour continues will also be explained.

Children will not be humiliated as part of the process of managing behavioural situations.

The best time to talk to a child about their challenging behaviour is when they are settled and relaxed and not when they are in the middle of a tantrum. The playleader will take the child to one side to talk to them and not tell them off in front of the other children.

The playleader will tell the child that when they bite or hit 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 to understand the effect their behaviour has had on the other children, as well as the child being bullied. The message given to the child will be clear, consistent and direct. Be prepared to repeat this message again over the next few months.

The playleader will ask the child accused of bullying to make a genuine apology to their victim. If possible, the playleader will try to reconcile both parties.

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

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

Parents will be reassured by the manager or senior playleader that all staff will be monitoring the situation to ensure that repeated bullying does not take place.

In serious cases or when bullying persists, the manager will inform the chair, and either the manager or chair should try to resolve the situation with the child's parents. Parents need to be informed at an early stage. This may entail putting sanctions in place for example, telling the child that they will not be allowed to play with a favourite toy or participate in a favourite activity for a period 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 as they will quickly learn that you do not mean what you say. This could also be enforced by the child's parents if the behaviour continues at home. Discussion with the parents to gain their support is crucial to this process.

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

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

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

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

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

All incidents will be recorded by the members of staff dealing with the children. Regular monitoring and review of records will be used to ensure that an environment is created where bullying can not flourish.

Appendix One

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 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 their self confidence
- may cause them to suffer stress.

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**

Abusive e-mails, telephone calls, text messages.

Appendix Two

Relevant Legislation

Scottish Social Services Council (SSSC) Codes of Practice

The SSSC document contains agreed codes of practice which 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 complimentary 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**, you must put into place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice.

A social services **worker**, must respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or others.

Protection of Children (Scotland) Act 2003 The Protection of Children (Scotland) Act 2003

(PoCSA) aims to further improve safeguards for children by preventing unsuitable people from working with them. The Act provides for Scottish ministers to maintain a list of persons who are unsuitable to work in a childcare position as either paid employees or unpaid volunteers. The list is known as the Disqualified from Working with Children List.

The Act places a duty on employers to refer people to the List if they have harmed children or put children at risk of harm **and** have been dismissed or moved away from contact with children as a consequence. It is an offence to knowingly employ anyone on the List to work with children.

Those on the List (other than provisionally) will commit a criminal offence if they apply to work with children. The fact that someone is on the List will be released as part of a disclosure check available through Disclosure Scotland.

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.

Appendix Three

Recognition of Bullying in Children

The following list highlights some of the indicators of bullying. 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. Toddlers whose language is not yet fluent or finding themselves in a situation where they can not do things very effectively, may well bite as they are full of feelings that threaten to overwhelm them.

Appendix Four

Useful Contacts

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

Scottish Social Services Council Code of Practice for Social Services Workers and Employers. (Standard 4) is available from: SSSC, Compass House, 11 Riverside Drive, Dundee, DD1 4NY. 01382 207215 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 at www.respectme.org.uk

Appendix Five

Monitoring

Investigating, dealing with, recording and monitoring incidents

It is recognised that incidents of bullying can occur in any group. All such incidents will be taken seriously and dealt with in an appropriate manner.

The suitability of the procedures will be monitored regularly, gauging the effectiveness of processes though 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?
- Do staff know and understand SSSC Code of Practice for Social Care Workers to respect the rights of service users whilst seeking to ensure that their behaviour does not harm themselves or others

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Reviewed on

by