



Student Anti-Harassment and Bullying Policy

A. Introduction

1. The Arts Educational Schools (ArtsEd) operate an enabling environment where all students/pupils and members of staff are supported to feel safe, respected and able to challenge inappropriate behaviours wherever they occur, ensuring dignity for all.
2. The Institution recognises that harassment, bullying, discrimination and victimisation cause considerable distress to those directly or indirectly involved and accepts that an individual's health, performance, personal and family life can be affected as a result.
3. ArtsEd is committed to eliminating and preventing harassment, bullying, discrimination and/or victimisation. The Institution will take steps to protect its community from harassment, bullying, discrimination and/or victimisation whether this arises from race, sex, sexual preference, age, appearance, religious views or on any other grounds or protected characteristics.
4. The Institution strives to build an environment in which harassment, bullying, discrimination and/or victimisation are known to be unacceptable and where individuals have the confidence to report perceived inappropriate behaviour, in the knowledge that their concerns will be dealt with appropriately and fairly.
5. ArtsEd maintains transparent and robust mechanisms by which any member of the Institution may raise concerns and report incidents of harassment, bullying, discrimination and/or victimisation.

B. Legal Framework and related ArtsEd Policies

6. The Institution will take all reasonable steps to ensure that it meets its statutory obligations in eliminating and preventing harassment, bullying, discrimination and/or victimisation. Nothing in this Policy prevents the complainant, the alleged perpetrator, or others involved in an allegation of harassment, bullying, discrimination and/or victimisation from exercising their legal rights. Harassment, bullying, discrimination and victimisation may be found to be unlawful under the following legislation:
 - [Health and Safety at Work Act \(1974\)](#)
 - [Criminal Justice and Public Disorder Act \(1995\)](#)
 - [Protection from Harassment Act \(1997\)](#)
 - [Crime and Disorder Act \(1998\)](#)
 - [Human Rights Act \(1998\)](#)
 - [The Equality Act \(2010\)](#)
7. ArtsEd will respond appropriately and effectively to any breaches of this Student Anti-Harassment and Bullying Policy, and its associated procedures. Where an allegation of harassment, bullying, discrimination and/or victimisation is made by or against a Higher

Education student¹ to ArtsEd, such a matter will be reviewed under this Policy and, if appropriate, alongside the following ArtsEd Policies:

- [Safeguarding Policy](#) (for reports relating to persons under the age of 18, or who may be considered to be 'Adults at Risk')
- [Student Discipline Policy](#)
- [Fitness to Study Policy](#)
- [Staff Disciplinary/ Grievance Procedure](#)
- [Student Charter for Higher Education Students](#)
- [Student Sexual Misconduct Policy](#)
- [Staff Sexual Misconduct Policy](#)
- [Student Complaint Policy](#)
- [Day School and Sixth Form Behaviour Policy](#)
- [Policy and procedure for the Management of Historic Allegations of Misconduct.](#)

C. Scope

8. This Student Anti-Harassment and Bullying Policy, where it involves a Higher Education student, may be used by pupils, students, staff members (including those undertaking activities on behalf of ArtsEd) and third parties (such as visitors) to ArtsEd.
9. **This Policy should only be used when Higher Education students are involved as an alleged victim or the alleged perpetrator of:**
 - i. alleged incidents of harassment, bullying and/or discrimination which have either taken place on ArtsEd premises (in learning environments, working environments, social activities) or when activities are linked to the ArtsEd community.
 - ii. alleged incidents which occur within an online or virtual space, such as a virtual learning environment used by ArtsEd or a social media group relating to ArtsEd activities.
 - iii. alleged incidents involving communication methods, such as text messages and emails, which may have an impact on a pupil, student, or member of staff (including staff members working on behalf of ArtsEd) or another member of the ArtsEd community.
10. Processes within this Policy will usually take precedence (when dealing with incidents as set out in paragraph 9 above) in the handling of a report of harassment and bullying involving a Higher Education student. Where another policy would take precedence or should be referred to, this will be clearly communicated within this Policy. Please see **paragraph 11 to paragraph 16** below.
11. Allegations of harassment, bullying, discrimination and/or victimisation which are not made by or against a Higher Education student are outside the scope of this Policy. For example, allegations of harassment, bullying, discrimination and/or victimisation brought by a staff member against another staff member should be dealt with under the procedures set out under the [Staff Anti-Harassment and Bullying Policy](#).
12. For the management of reports of Sexual Misconduct please refer, as appropriate, to the [Student Sexual Misconduct Policy](#) or [Staff Sexual Misconduct Policy](#).

¹ ArtsEd students studying a programme which will lead to a Higher Education award

13. In some instances, it may be necessary initially to manage allegations of a breach of the Student Anti-Harassment and Bullying Policy under the [Fitness to Study Policy](#). This may require the Student Anti-Harassment and Bullying Procedure to be paused for some time whilst a [Fitness to Study Process](#) is underway.
14. For learners who are under the age of 18, or who are considered to be 'Adults at Risk' (which includes vulnerable adults and adults who are experiencing abuse), any response to incidents of harassment, bullying, discrimination and/or victimisation will be considered under ArtsEd's [Safeguarding Policy](#).
15. A breach of this Student Anti-Harassment and Bullying Policy will constitute misconduct. Such matters most likely would breach a Higher Education student's Conditions of Registration as set out in the [Student Terms and Conditions](#) and may be considered under the [Student Discipline Policy](#).
16. ArtsEd reserves the right to utilise its [Student Discipline Policy](#) to investigate and deal with student behaviour which falls below the expected standard. The Procedure has a range of sanctions available to it, up to and including the permanent removal of a student from ArtsEd.
17. Students will be signposted to available support and will be able to access such support regardless of being subject to a disciplinary matter. Students found in breach of the [Student Discipline Policy](#) will be subject to disciplinary action(s) and may also be referred to the Police where a criminal activity is alleged to have taken place.
18. Reports not made in good faith will be rejected. Where reasonable belief exists that a report is false or malicious (i.e., submitted for no other reason than to cause harm or discredit other individuals), disciplinary action under the relevant student or staff policy may be taken against the complainant/reporting party. This may be a formal warning, suspension or expulsion from the Institution.
19. Students who wish to bring a complaint about how a matter managed under this Policy was dealt with by ArtsEd (or by staff undertaking activities for ArtsEd) should refer to and follow the process set out in the [Student Complaints Procedure](#). Staff who wish to make a complaint should use the relevant Human Resources procedure and/or contact Human Resources directly.
20. Where a complaint is made as outline in **paragraph 19** above, students and staff should avoid disclosing unnecessary personal information about themselves (for example, medical conditions) unless it is deemed to be relevant to the issues raised. Students and staff must also avoid disclosing other people's personal data when making their complaint unless they have been given written permission by the third party to do so.
21. ArtsEd may pause the use of this Policy where it deems it necessary to report an incident to the Police, such as where behaviour has been alleged which would amount to a serious criminal offence (for example, grievous bodily harm). For more information, please see **paragraph 61 to paragraph 65**.

D. Definitions and Terminologies

22. **Harassment:** Harassment relates to behaviour or conduct that is considered unwanted (and unacceptable) to the recipient (and by any reasonable person) and such action(s) violate their dignity or create an intimidating, hostile, degrading, humiliating and/or offensive environment for employment or academic life. Harassment may consist of one single event or an incident, or incidents, that frequently/occasionally occur. It can be targeted at a specific individual or groups of people. Harassment takes many forms and may include the following (which is not a definitive list):
- i. Verbal comments relating to gender, disability, marital status, colour, race, religious beliefs, age, sexual orientation and/or sexual preferences.
 - ii. Sexual innuendos which are offensive and unwarranted.
 - iii. Displaying or distributing offensive posters, photos, jokes or e-mails.
 - iv. Unwanted touching or violent behaviour.
 - v. Up-skirting, stalking (online and/or in person)
 - vi. Belittling and/or isolating a person.
23. **Bullying:** Bullying usually relates to the accumulation of many small malevolent incidents over a period of time, which could be inflicted by one or a number of individuals. Each incident may be viewed as being trivial but when these incidents become persistent and targeted at an individual, then bullying can have serious repercussions on that individual's well-being. Bullying may involve the following (which is not an exhaustive list):
- i. Persistent unwelcome behaviour.
 - ii. Unwarranted or invalid criticism, nit-picking, fault-finding.
 - iii. Exclusion, isolation.
 - iv. Being singled out or treated differently.
 - v. Being made a scapegoat.
 - vi. Being shouted at or humiliated.
24. **Discrimination:** Discrimination is the unfair or prejudicial treatment of different categories of people, especially on the grounds of a protected characteristic. It is against the law (Equality Act 2010) to discriminate against anyone because of:
- i. age
 - ii. gender reassignment
 - iii. being married or in a civil partnership
 - iv. being pregnant or on maternity leave
 - v. disability
 - vi. race including colour, nationality, ethnic or national origin
 - vii. religion or belief
 - viii. sex
 - ix. sexual orientation
25. **Victimisation:** No pupil, student, staff member and/or visitor should fear or experience victimisation or detriment for raising or making a genuinely perceived report about a breach of this Policy, or for assisting in an investigation into such an allegation. This refers to the complainant, alleged perpetrator and witnesses. Victimisation occurs when someone is treated less favourably because they have made or supported disclosures or made reports about harassment, bullying, discrimination, and/or any wrongdoing or because an individual thinks that they may do so.

26. The following is not intended to be an exhaustive list and other behaviours may also be considered as victimisation:
- i. Excluding someone from social situations because they have made or rumoured to have made a report of harassment, bullying and/or discrimination.
 - ii. Denying someone the opportunity to participate in an activity/opportunity because they are perceived to be a ‘troublemaker’ or ‘different’.
 - iii. Lowering a student’s assessment results because they have made or supported a complaint.
27. Allegations of victimisation will be considered as serious by ArtsEd and may lead to disciplinary action under the relevant ArtsEd policy and process. Reports of victimisation under this Policy should be made to studentcases@artsed.co.uk.
28. **Complainant:** A person who makes an allegation of harassment, bullying, discrimination and/or victimisation to ArtsEd that they or someone else has been subject to inappropriate behaviour by a member of the ArtsEd community. The burden of proof² is on the complainant to make available any evidence³ they have, so as to support any formal or informal resolution of the case.
29. **Perpetrator:** A person who is reported for carrying out an alleged incident of harassment, bullying, discrimination and/or victimisation. All cases will be managed with an open mind and fairness and without the presumption of guilt until a determination is reached following a formal investigation or informal resolution such as mediation.
30. **Witness:** A witness is a person who observes an incident of harassment, bullying, discrimination and/or victimisation take place. The person may report the incident directly to ArtsEd or may be contacted by the Institution to provide evidence or testimony about the incident the person observed. (Please see **paragraph 41 to paragraph 43**, ‘Witnessing an alleged incident of harassment and bullying’ for more information).
31. **Reporting Party (including ‘pupil’; ‘student’ or ‘member of staff’):** The Reporting Party is the person(s) who has experienced and/or witnessed the alleged incident of harassment, bullying, discrimination and/or victimisation and, in most cases, has made a report to ArtsEd.
32. **Responding Party (including, pupil, ‘student’ or ‘member of staff’):** The Responding Party is the person(s) whose behaviour has been alleged to have amounted to harassment, bullying, discrimination and/or victimisation and a breach of this Policy, and has been named as such in a report made to ArtsEd

² The burden of proof determines whose responsibility it is to prove an issue. In any case we would expect the burden of proof to be on the person bringing the case. The responding party should not have to disprove the allegation.

³ The standard of proof used by ArtsEd under this Policy is “the balance of probabilities”, meaning it is more likely than not that something happened. The standard used is higher than simply believing that something is likely to have happened and as such, it is necessary for decisions to still be supported by evidence.

***Please note that the reporting party will be asked to provide any relevant evidence or supporting statements to the Investigating Officer. The responding party will be notified of the report against them and be given the opportunity to provide their own statement and evidence in response.

33. **Investigating Officer:** An Investigating Officer is appointed to establish, analyse and report on the factual accuracy of the concerns raised and to gather additional information. Detailed, clear, concise collation of the facts is the primary focus of the Investigating Officer's task. The Investigating Officer will assume and maintain a neutral approach and remain impartial throughout the investigation. This impartial approach will also be reflected in the report submitted, presenting the facts as established whilst being neither advocate nor supporter for the reporting party or responding party.

34. An Investigating Officer will usually be an academic or professional staff member, a Safeguarding and Welfare Officer or other member of staff with responsibility for student welfare. ArtsEd will appoint an Investigating Officer, as appropriate for the resolution of the allegation.

E. Underlying Principles and Responsibilities

• Roles and Responsibilities

35. ArtsEd expects all pupils, students, staff members (including those undertaking activities on behalf of ArtsEd) and third parties to ArtsEd to take personal responsibility for familiarising themselves with the Institution's Anti-Harassment and Bullying Policies. Members of ArtsEd's community are accountable for their own actions; they have a responsibility for ensuring harassment and bullying does not occur.

36. The role of ArtsEd is to undertake an investigation into a breach of this Policy, and not to attempt to be a substitute for a Police investigation or criminal proceedings. In doing so, the Investigating Officer, on behalf of ArtsEd, will undertake an assessment of the evidence made available to determine whether, on the balance of probabilities, misconduct which would be considered a breach of this Policy occurred or not.

• Anonymous Reporting

37. ArtsEd recognises its equal responsibility to both the reporting party and the responding party. Any report of a breach of this Policy, where an allegation has been submitted to the Institution, would not usually (unless in exceptional circumstance) be considered anonymously.

• Fair Hearing

38. ArtsEd will ensure that it is mindful of the rights and welfare of both the reporting party and the responding party, throughout any investigation, and that both parties have a fair hearing. As such, both parties will have the right to put their case forward and to respond to the case against them, and to have an outcome determined through a fair and impartial process.

• Duty of Care

39. ArtsEd takes its duty of care seriously. Where a pupil, student or member of staff (including staff members working on behalf of ArtsEd) or another member of the ArtsEd community is at risk to themselves or others and where appropriate, ArtsEd may contact the emergency

services (including reporting an incident to the Police) as part of the Institution's response to managing and resolving an allegation/report under this Policy.

40. The Institution will, where appropriate, take reasonable steps to support its learners (pupils or students) or members of staff in a Police investigation against 'visitors'. However, ArtsEd does not have jurisdiction to take any action against 'visitors' with whom ArtsEd does not have a contract or agreement.

- **Witnessing an alleged incident of harassment and bullying**

41. Members of ArtsEd community have a right to study, work and interact in an environment free from harassment, bullying, discrimination and/or victimisation. If any member of the community (pupil, student, staff (including staff members working on behalf of ArtsEd) and visitors) witness behaviour which is offensive to them under this Policy, they may report the matter, even if they are not the victim of the behaviour.

42. Witnesses of incidents of harassment and bullying can use ArtsEd's online Report and Support Toolkit [SpeakUp](#) to make a report to ArtsEd.

43. Individuals who feel they may have witnessed harassment, bullying, discrimination and/or victimisation are encouraged to seek help and advice from Student Support (for students) and Human Resources (for Staff).

- **Timeframe for reporting an allegation**

44. Any report of harassment, bullying, discrimination and/or victimisation should be submitted promptly as a significant lapse of time might prejudice a proper and fair investigation, and the potential to resolve the complaint satisfactorily. If such a delay occurs, ArtsEd may not be able to fully, or at all, address the issues raised.

45. A report in relation to a breach of the Student Anti-Harassment and Bullying Policy should be made as soon as possible, or within 12 calendar months of the date on which the last alleged breach of this Policy has taken place, unless appropriate grounds for a report at a later point have been established, as determined by the Investigating Officer and/or in line with the provisions set out in ArtsEd's Policy and procedure for the [Management of Historic Allegations of Misconduct](#).

46. Grounds which may be considered as valid for considering a report outside of the 12 calendar months stated in **paragraph 45** above would normally be as follows:

- i. The reporting party had been fearful of the repercussions of reporting and may have put themselves or others at risk if they were to have made a report and they can evidence this claim;
- ii. The reporting party had interrupted their studies or been signed-off from work/study, and had not had consistent contact with ArtsEd for around 12 calendar months; or
- iii. Any other justifiable/reasonable or exceptional reason(s) considered to be valid by the Investigating Officer.

47. If the reporting party is an ArtsEd student, who has recently graduated, the reporting student will be able to make a report up to 12 calendar months from the date of the most recent incident, regardless of the date of their graduation within this twelve-month period, and subject to the requirements in **paragraph 45 and paragraph 46**.

- **Remedial Action**

48. Wherever possible, allegations/reports will be dealt with informally. However serious or unresolved (formal) reports will be dealt with under the procedure set out in **'Section F'** below.

49. Disciplinary action against perpetrators of harassment and bullying may result in a formal warning (verbal or written), a fine, suspension or expulsion from the Institution. Perpetrators may also be required to apologise for their actions. Remedial action may also include the recommendation that the perpetrator and/or victim receive counselling, mediation and/or training. A 'No Contact Agreement' may also be imposed on the parties involved.

i. 'No Contact Agreements'

50. Where appropriate and possible, this Policy allows for the introduction of a 'No Contact Agreement' to protect the welfare of both the reporting party and the responding party, and any witnesses or other involved parties. The 'No Contact Agreement' may be implemented as a non-punitive measure. It also protects the integrity of any investigation being undertaken by ArtsEd.

51. The principles of a 'No Contact Agreement' will be the following:

- i. Any individuals specified within the arrangement should not actually, or seek to, make contact with one another, either in-person or virtually.
- ii. Any individuals specified within the arrangement should not be seen to refer to one another, or to issues considered within the relevant report or investigation.

52. Any individuals understood to be in breach of the above terms can have disciplinary action brought against them under the relevant ArtsEd disciplinary procedure.

ii. Mediation

53. Mediation may be offered at any stage of this procedure by the Equality and Diversity Coordinator, the Head of Student Support and Engagement or their nominee. With the involved parties' agreement, the matter will be referred to one of the Institution's team of Mediators. Mediation is a non-punitive measure. The Service is confidential, and anything discussed at mediation cannot be used for any investigatory processes, in any complaint procedures or legal proceedings. Further information about mediation can be obtained from the Student Support Team by sending an email to studentsupport@artsed.co.uk.

- **Confidentiality and Data Protection**

54. ArtsEd acknowledges the importance of privacy in cases relating to harassment and bullying, and the impact which mishandling of a disclosure can have on the welfare and wellbeing of an alleged victim or perpetrator. Discretion and confidentiality will be maintained as far as is possible, except in circumstances where there is a significant risk of harm to one or more individuals if sensitive information were not appropriately shared.

55. All information obtained as part of this procedure will be securely held in accordance with General Data Protection Regulations (GDPR), Data Protection legislation and the **Student Privacy Notice**. ArtsEd will ensure that matters handled as part of this process are undertaken with the appropriate level of confidentiality. Information will only be made available to those

who need it for the purposes of managing and responding to allegations made under this Policy.

56. Confidentiality will be observed as far as practicable. Staff members responsible for implementing this Policy must be aware of their obligation to respect confidentiality. Respect of an individual's request for confidentiality will be maintained (as far as practicable) except in any or all of the following situations:

- i. Where the reported incident is so serious that it warrants further investigation.
- ii. Where there is a risk that the alleged perpetrator may repeat their actions, and this would put the alleged victim and/or others at risk of mental or physical harm.
- iii. Where there is a potential risk to the Institution.
- iv. Where failure to disclose information may be a breach of statute for example the Health and Safety at Work Act.

57. Where ArtsEd needs to liaise with and obtain information from a third party as part of managing an allegation under this policy, the Institution will only give the third party as much detail as is necessary to obtain the evidence and/or information required. Staff will ensure that discussions held under this policy are undertaken with the appropriate level of confidentiality, unless doing so could put others at risk.

58. Unless where it involves an individual who is under 18 or a 'vulnerable Adult' (or where individuals who are under 18, 'vulnerable Adults' or members of ArtsEd's community may be at risk), reports should not be made to external authorities (such as the Police) without the consent of the relevant parties, and/or compliance with ArtsEd's processes. If, however, confidentiality does need to be broken, this should always be on a need-to-know basis, and the reporting party should be notified of this action. Such instances should enable ArtsEd to act in accordance with its duty of care and its own policies and procedures.

59. ArtsEd may also be required to provide information relating to a report or investigation to the Police as part of a Police investigation or criminal proceedings, and any relevant parties may also be required to provide evidence as a witness in these proceedings. To enable this, the Investigating Officer should keep accurate and appropriate records in relation to investigations under this Policy and should ensure the security of any records kept.

60. In situations where there is a potential risk that an alleged perpetrator may repeat their actions, posing a real physical/mental threat to the well-being of others, the relevant staff involved with the management of the case under this policy must contact the Deputy Principal for guidance. In these instances, there will be full disclosure.

• **Reporting an allegation to the Police**

61. Where behaviour has been alleged which would amount to a serious criminal offence (for example, grievous bodily harm) an assessment of risk will be undertaken by ArtsEd as to whether this should be reported to the Police.

62. ArtsEd would usually only report a matter to the Police with the consent of the person who has been subject to the criminal offence. In exceptional circumstances, ArtsEd may take the

decision to report an incident to the Police where ArtsEd understands there to be a considerable concern about the safety of its learners (pupils and students), staff or others.

63. Where a report is made to the Police, any resulting Police investigation or criminal proceedings would normally be expected to have been completed before ArtsEd will take any action formally under this Policy. However, emergency action via the Student Discipline Regulation or Staff Disciplinary Procedures may be considered appropriate by us, if necessary. This is to protect the welfare, safety and dignity of our pupils, students, staff members and others.

64. Where a Police investigation or criminal proceedings begin once an investigation has been initiated by us, ArtsEd will normally suspend its investigation and defer to the Police investigation or criminal proceedings. This decision will be considered on a case-by-case basis. ArtsEd will consider the introduction of measures to safeguard the reporting and responding individuals, and any other students and staff as relevant, such as a 'No Contact Arrangement', or emergency actions under the Student Discipline Regulation or Staff Disciplinary Procedures without hindering or interfering with the Police investigation.

65. ArtsEd acknowledges the rights of our pupils/students and staff to report an issue directly to the Police. Where a report relating to harassment and/or discrimination has been made to the Police, this should be made known to ArtsEd as there may be support that we can provide.

- **Annual Monitoring**

66. An annual summary report of the number of student cases and overall actions taken to resolve them will be received by the Course Board, the Higher Education Committee and the Board of Trustees. There will be no reference to individual cases. The reports will show trends and make recommendations for improvements where necessary. A confidential record will be kept separately of individual cases.

F. Process for Managing Allegations of Harassment and Bullying

67. Steps to be used when managing allegations of harassment and bullying are set out below

- **Step 1: Initial Informal Resolution Stage**
- **Step 2: Informal Resolution Stage**
- **Step 3: Formal Resolution Stage**
- **Step 4: Review Stage**

68. The procedure set out below is intended to deal with any alleged breach with sensitivity and impartiality for all parties involved. It may be used by:

- i. A Higher Education student against another Higher Education student;
- ii. A Higher Education student to bring a case against other members of the ArtsEd community (pupils, staff (including staff members working on behalf of ArtsEd) and visitors); or,
- iii. A member of ArtsEd (pupils, (including staff members working on behalf of ArtsEd) and visitors) against a Higher Education student.

69. Allegations of harassment, bullying, discrimination and/or victimisation should be reported confidentially to ArtsEd by sending an email to Studentcases@artsed.co.uk. Alternatively, reports can be made using the online Report and Support Toolkit, **SpeakUp**. In most cases,

once the report is received the Student Equality and Diversity Coordinator will provide support to the reporting party and recommend options.

- **Step 1: Initial Informal Resolution Stage**

70. It is typically advisable to attempt to resolve concerns and issues in an informal manner wherever possible before using the formal process. The following staff can provide additional guidance and initial support to the reporting party with the aim of aiding an effective informal resolution to the matter(s):
 - i. Personal Tutor
 - ii. Head of Year
 - iii. Director of the School
 - iv. Head of Student Support and Engagement
 - v. A Safeguarding and Welfare Officer
 - vi. Equality and Diversity Coordinator
 - vii. Head of Human Resources (where the matter involves a staff member, including staff members working on behalf of ArtsEd).

71. When using this approach, it is important for the reporting party to set out the behaviour that caused offence and make it clear to the person causing offence that such behaviour is unacceptable.

72. The responding party may not be aware of the impact of their behaviour. The reporting party might take one of the following steps to address the impact of the alleged unacceptable behaviour:
 - i. Speaking to the responding party in a logical and non-abusive manner about the alleged behaviour and its impact on the reporting party, asking them not to repeat this behaviour in future.
 - ii. Writing a logical and non-abusive letter to the responding party explaining how their alleged behaviour has impacted on the reporting party, asking them not to repeat this behaviour in future.

- **Step 2: Informal Resolution Stage**
73. The Informal Resolution Stage may be appropriate in the following circumstances:
 - i. The reporting party has attempted Initial Informal Resolution but has not found this to be effective or is not satisfied that the outcome is proportionate or addresses the concern raised.
 - ii. The reporting party, or any staff providing support as part of this approach, feel that the concern is too serious to be dealt with using the Initial Informal Resolution step.
 - iii. The reporting party does not feel able to discuss the matter with the responding party directly.

74. To initiate the Informal Resolution Stage, the reporting party should send an email to studentcases@arted.co.uk or use the online Reporting Toolkit, **SpeakUp** to report the alleged incident.

75. Actions taken as a result of Informal Resolution might include some of the following:
 - i. An apology from one impacted party to another.
 - ii. An agreement not to communicate between the impacted parties ('No Contact Agreement').
 - iii. Attendance at relevant training for one or both parties.
 - iv. An attempt at mediation between the impacted parties.

76. Where the complainant/reporting party deems the incident is too serious to be considered at the Informal Resolution Stage, they can proceed to **Step 3: Formal Resolution Stage**.
- **Step 3: Formal Resolution Stage**
77. Where allegations cannot be resolved informally, then a formal allegation should be made by completing this [Form](#) and submitting it as soon as practicable (Please see **paragraph 45** for more information on the timeframe for making a report). The report should address the following issues:
- i. The nature of the allegation and how it has affected the reporting party
 - ii. Any action the reporting party has taken to try to resolve the matter
78. The reporting party will be asked to provide any relevant evidence or supporting statements with their submission. The responding party will be notified of the report against them and be given the opportunity to provide their own statement and evidence in response.
79. This stage relies upon the gathering of accurate evidence, and so it is important to keep a note of the details and dates of any incidents of unacceptable behaviour which amount to harassment, bullying, discrimination and/or victimisation. Where possible, the following should be included:
- i. Dates of incidents
 - ii. Location
 - iii. Time
 - iv. Nature of incidents
 - v. Any response made or action taken by the reporting party
 - vi. The reporting party's feelings at the time
 - vii. Names of any witnesses
80. An Investigating Officer will be appointed by the Head of Student Support and Engagement or nominee to look into the allegations to decide whether or not any formal action should be taken. The Investigating Officer may, if appropriate, arrange a meeting to discuss the matter or request additional statements/evidence from the reporting party. The Investigating Officer will consider the allegation and investigate options for a mutually acceptable resolution within **28 calendar days**.
81. ArtsEd will normally acknowledge receipt of a submitted [Form](#) within seven calendar days of receipt and deal with your complaint promptly. Our aim is to take no more than **28 calendar days** to conclude a **Formal Resolution Stage**, but complex cases may take longer. Where the Investigating Officer requires more time, the parties will be notified of the new timeframe.
82. If the allegation is against a Higher Education student, the Investigating Officer may discuss the matter with the responding party/parties alleged to be in breach of this Policy and give them the opportunity to respond. The Investigating Officer may, if appropriate, arrange a meeting to discuss the matter or request additional statements/evidence from the responding party. If the Investigating Officer decides that there is a case to answer, they may refer the matter to the Student Discipline Procedure.
83. The reporting party and the responding party may bring a friend or supporter (not normally a legal advisor) or any potential witnesses to the alleged incident to any internal meeting with

the Investigating Officer. The Investigating Officer should be notified in advance of the meeting of the name and status of the friend or supporter.

84. Where the allegation involves a Day School and Sixth Form pupil or student, the Investigating Officer will discuss the matter with the Equality and Diversity Coordinator and Deputy Head of the Day School and Sixth Form in the first instance. If the Investigating Officer, Equality and Diversity Coordinator and the Deputy Head of the Day School and Sixth Form decides that there is a case to answer, they will refer the matter to the relevant Day School and Sixth Form's procedure. If there is subsequently considered to be a case to answer, disciplinary action may be taken against the Day School and Sixth Form pupil and/or student under the relevant Day School and Sixth Form Policy.
 85. Where the allegation is against a member of staff the Investigating Officer will discuss the matter with the Equality and Diversity Coordinator and Head of Student Support and Engagement in the first instance. If the Equality and Diversity Coordinator and the Head of Student Support and Engagement decides that there is a case to answer, they will refer the matter to an appropriate person for investigation under the relevant Human Resources Policy and in consultation with the Head of Human Resources. If there is subsequently considered to be a case to answer, disciplinary action may be taken against the member of staff under the relevant Human Resources Procedure.
 86. At the conclusion of an investigation, the reporting party who submitted a report will be told whether or not the matter has been upheld, and whether remedial actions are being taken in line with the relevant ArtsEd procedure(s). In this case, they will be asked to respect confidentiality with regards to the outcome.
- **Outcome**
87. The responding party will be provided with a written outcome of the investigation and required next steps within **28 calendar days** of ArtsEd's notification of the report made against them.
 88. The reporting party would only be notified that this process has been concluded, and of any action required of them/ relating to any sanctions which may be imposed. ArtsEd will not share the full details of the outcome of an investigation with the reporting party. The reporting party will be notified in writing by the Investigating Officer.
 89. Following the outcome of the investigation, the Investigating Officer will determine the next steps to be taken in accordance with the appropriate procedure, which would usually be one of the following:
 - i. The investigation finds insufficient evidence to substantiate the allegations, or the evidence is not substantive enough for further consideration under any procedure.
 - ii. The investigation finds evidence to substantiate the allegations and local measures can be put into place in order to protect the welfare of all or necessary parties.
 - iii. The Investigating Officer may determine that the matter should be considered under either the Student Discipline Regulation or Staff Disciplinary Procedures.

90. Guidance will be provided throughout the process by the Student Support Team. Guidance will also be provided throughout the process by Human Resources where any of the parties are ArtsEd members of staff (including staff members working on behalf of ArtsEd).
91. Regardless of the outcome of the investigation, ArtsEd should be seeking to provide the parties with support, and to consider any steps which may be required in order to enable them to continue their studies/employment, where possible.

- **Step 4: Review Stage**

92. Where the matter is not referred to a separate ArtsEd procedure such as the Student Discipline or Staff Disciplinary Policy and a party is dissatisfied with the outcome of the **Formal Resolution Stage**, the Deputy Principal should be informed in writing within **14 calendar days** of hearing from the Investigating Officer following the completion of the Formal Review Stage. The Deputy Principal or their nominee will review the case within **21 calendar days** and provide advice on any further action that may be taken.
93. If the Deputy Principal or their nominee finds that no further action should be taken by ArtsEd, a Completion of Procedures letter will be sent in accordance with the Office of the Independent Adjudicator's procedures to indicate to the relevant student that the Institution's internal procedure has been exhausted.
94. Where the Deputy Principal or their nominee requires more time than **21 calendar days** to review the matter, the relevant parties will be notified of the new timeframe.

G. Office of the Independent Adjudicator

95. The Office of the Independent Adjudicator (OIA) operates an independent student complaints scheme. If, following the Internal Review Stage, any of the parties (who are Higher Education students) remain dissatisfied with the outcome of their case, they have the right of appeal to the OIA.
96. In most circumstances a 'completion of procedures' letter will be required before approaching the OIA as evidence will be needed that the Institution's internal procedure has been exhausted. However, in exceptional circumstances, where it is reasonable to believe that the Internal Institution procedures have been completed, or where the Institution is unreasonably withholding the letter, the OIA may consider a case without the completion of procedures letter.
97. The OIA will not consider a complaint unless it is received within 12 months of the date upon which the internal complaints procedure was exhausted except where the OIA reviewer extends the time because they are satisfied that there is good reason to do so. Full guidance on time limits is given on the OIA website. More details about the OIA including full information as how to apply can be found at [Office of the Independent Adjudicator for Higher Education – OIAHE](#)

H. Getting Support

98. ArtsEd students and members of staff, have access to a range of support in relation to harassment, bullying, discrimination and/or victimisation, regardless of whether they are the

reporting party or responding party or another party affected by conduct of this nature (for example, a witness to an alleged incident).

100 ArtsEd encourages anyone who believes they have been affected by harassment, bullying and unacceptable behaviour to act promptly and not to feel that they have to wait until the situation is repeated or exacerbated.

101 **Where it is considered that there is a real and immediate threat to the personal safety of any person, please call 999.**

102 **Higher Education Students can access support through one or more of the following support services:**

- i. Contact the Student Support Team either face-to-face or by email to studentsupport@artsed.co.uk.
- ii. Seek advice or discuss the matter with the Equality and Diversity Coordinators, your personal tutor or a lecturer in your School and / or anyone else with whom you feel comfortable.
- iii. Contact the Designated Safeguarding and Welfare Officer by sending an email to safeguarding@artsed.co.uk.
- iv. Report the incident via the **'SpeakUp'** online reporting Tool.
- v. Call the police on 999 in the case of emergency (or if not urgent call 101).

103 **Staff can access support through one or more of the following support services:**

- i. Contact Human Resources by sending an email to hr@artsed.co.uk.
- ii. Seek advice or discuss the matter with your line manager or a colleague, or anyone else with whom you feel comfortable.
- iii. Contact the Designated Safeguarding and Welfare Officer for Staff by sending an email to staffwelfare@artsed.co.uk.
- iv. Report the incident via the **'SpeakUp'** Online reporting Tool.
- v. Call the police on 999 in the case of emergency (or if not urgent call 101).

104 If you witness an incident of harassment and bullying, you are encouraged to report it using the same channels listed above.

105 Staff members and students who have any questions about this **Student Anti-Harassment and Bullying Policy** should contact the Student Support Team via email at studentsupport@artsed.co.uk.

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