

Berengarra School

Berengarra takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all Child Safety Standards as specified in Ministerial Order No. 1359 (2022)

Bullying and Harassment and Discrimination Policy-Community

Purpose

Berengarra School is committed to providing a safe and respectful environment for the school community where bullying will not be tolerated. The purpose of this policy is to ensure that all staff and visitors to the school in whatever capacity understand what constitutes bullying and harassment and discrimination and what they should do should they experience this behaviour.

Scope

This policy applies to all workers, parents, guardians and visitors at the school. A separate policy has been produced for bullying and Harassment involving students.

A **worker** for the purpose of this policy is an individual who performs work in any capacity for Berengarra School, including as an employee, a contractor, a sub-contractor, a trainee, a student gaining work experience or a volunteer.

Definition of Bullying

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious or hidden. Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records)

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying. However, it can arise out of conduct where any incident alone might appear to be insignificant, but put together the incidents create an environment that can cause harm

Bullying has three main features:

- It involves a misuse of power in a relationship
- It is ongoing and repeated, and
- It involves behaviours that can cause harm.

Bullying can take many forms, including:

- Physical bullying (causing physical harm, e.g., punching, kicking, fighting, damaging property, invading someone's personal space)
- Verbal bullying (e.g., name-calling, teasing, spreading rumours, demeaning someone, swearing, using offensive language)
- Exclusion or social bullying (e.g., leaving a person or group out of social or group activities)
- Cyber bullying, when technology (e.g. electronic devices like mobile phones, social networking sites and email) is used to harass, threaten, embarrass, or target another person
- Sexting, when sending sexually explicit messages or photographs via electronic devices may lead to public humiliation
- Victimization (e.g., standover tactics, extortion, picking on others and repeated exclusion)
- Racial bullying (e.g., bullying which targets a person's race or religion)
- Sexual bullying (e.g., touching or brushing up against another person in a sexual manner, using rude names, or commenting inappropriately about someone's sexuality or morals)

Other distressing and inappropriate behaviours

There are also many distressing and inappropriate behaviours may not constitute bullying even though they are unpleasant, and often require intervention. These can include:

Mutual conflict involves an argument or disagreement between people with no imbalance of power. In incidents of mutual conflict, generally, both parties are upset and usually both want a resolution to the issue. Unresolved mutual conflict can develop into bullying if one of the parties targets the other repeatedly in retaliation.

Social rejection or dislike is not bullying unless it involves deliberate and repeated attempts to cause distress, exclude or create dislike by others.

Single episode acts of nastiness or physical aggression are not the same as bullying.

- Random acts of aggression or intimidation

In relation to the school's workers, reasonable management action carried out in a reasonable manner is not bullying. This includes:

- Setting reasonable performance goals, standards and deadlines
- Performance management processes

- Informing a worker about unsatisfactory work performance or inappropriate behaviour.

Definition of Harassment and Discrimination

Harassment is any conduct or behaviour which is unwelcome or unreciprocated and which a reasonable person would find offensive, humiliating or intimidating. It can be verbal, physical, written or visual.

Harassment may be a single incident or a series of incidents and may also include behaviour which is discriminatory including:

- making offensive comments, or jokes, about a person's religion, physical appearance, dress or private life.
- asking intrusive questions of a racial, religious or physical nature or in relation to a disability.
- using technology to post inappropriate comments about a person's religion, physical appearance, dress or private life.

Sexual Harassment

Sexual harassment is prohibited by law in the workplace, by employees of educational institutions against students and other employees.

Sexual Harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours of another person or engages in any other unwelcome conduct of a sexual nature, and which a reasonable person would find offensive, humiliating or intimidating. Sexual Harassment can take many forms including:

- direct propositioning or subtle pressure for sexual favours.
- touching or unnecessary familiarity;
- making comments or gestures of a sexual nature.
- spreading rumours of a sexual nature about a person.

The sexual harassment of workers, parents and visitors of Berengarra is unlawful and is prohibited under Federal and State legislation. The Federal legislation also explicitly prohibits:

(a) the sexual harassment of a student or potential student by a worker

(b) the sexual harassment of an adult student (student who has obtained the age of 16 years)

Discrimination

Unlawful discrimination can occur when someone, or a group of people, is treated less favourably than another person or group because of a specified attribute such as their race, colour, national or ethnic origin; sex, pregnancy, breastfeeding; relationship status; carer status; age; trans-sexuality; disability; sexuality; union affiliation; religious or political conviction or any other characteristic specified in equal opportunity legislation.

What to do if you are Bullied or Harassed or Experience Discrimination

Bullying, harassment and discrimination are unacceptable and contrary to the values, aims and expectations of Berengarra and as such they will not be tolerated.

Any worker, parent/guardian or visitor to the school has the right to seek assistance if they are bullied, harassed or discriminated against. If you feel you have been discriminated against, harassed or bullied, you should not ignore it.

In the first instance, if you feel comfortable doing so, make it known that the comments, attention, contact or behaviour is unwelcome and offensive.

If the harassment, discrimination or bullying continues, or you feel uncomfortable making your concerns known to the person undertaking this behaviour, the Principal should be informed.

Should the matter involve the Principal or Business Manager the Chair of the School Board should be informed.

You should keep notes on all instances of discrimination, harassment or bullying – dates, times, places, witnesses (if any), together with what you said, did or felt.

The school will treat any complaint of bullying, discrimination or harassment confidentially, seriously and sympathetically. It will follow up any complaint impartially, promptly and confidentially in accordance with the Schools **Bullying, Harassment and Discrimination Complaints Procedure**.

If the complaint is of sexual nature and you chose not to use the Complaints Procedure you may contact the Victorian Equal Opportunity and Human Rights Commission or any other appropriate agency.

What should you do if you consider you have witnessed bullying harassment or discrimination?

You should report the matter to the Principal. Where the matter relates to the Principal or Business Manager the matter should be reported to the Chair of the School Board. It is important that those who witness bullying/harassment /discrimination report these behaviours.

Not reporting these behaviours may facilitate an ongoing breach of this policy.

Victimisation

Victimisation is treating someone unfairly because that person, or someone they associate with, has made, or intends to make, a complaint under this policy. It is unlawful to victimise or penalise a person for making a complaint in good faith. The school is committed to making sure that anyone who makes a complaint or assists in making a genuine complaint is supported and not penalised in any way.

Immediate disciplinary action will be taken against any employee who victimises or retaliates against a person who has made a complaint.

Further Information and Resources

- Statement of Values and School Philosophy
- VIT Code of Conduct
- Code of Conduct for the Community
- Bullying, Harassment and Discrimination

- Complaints and Grievances policy/ Procedure
- Staff Procedures and Guidelines - Equal Opportunity and Anti-Discrimination

Policy Review

This policy will be reviewed on a 2-year basis, or earlier as required, following analysis of school data on reported incidents of, and responses to, bullying to ensure that the policy remains up to date, practical, and effective.

Created date	March 2020
Last reviewed	January 2022
Endorsed by	Berengarra School Board
Endorsed on	January 2022
Next review date	February 2024