

## ANTI-BULLYING POLICY

RESPONSIBLE PERSON: DIRECTOR AND GENERAL MANAGER

FIRST APPROVED BY BOARD ON: 16 JUNE 2017

THIS VERSION APPROVED BY BOARD ON: 23 MAY 2018

NEXT SCHEDULED REVIEW DATE: 16 JUNE 2019

### INTRODUCTION

The Australian Ballet School (**ABS**) believes that all,

- students should learn,
- students should board, and
- people should work,

in an environment free from bullying.

The Australian Ballet School understands that bullying in a learning or boarding environment or the workplace is a threat to the health and wellbeing of its students, staff and volunteers.

Accordingly, The Australian Ballet School is committed to eliminating, so far as is reasonably practicable, all forms of bullying at the ABS (whether in a learning, boarding or working environment) by maintaining a culture of openness, support, and accountability.

### PURPOSE

The purpose of this document is to communicate that The Australian Ballet School does not tolerate any form of bullying at the ABS (whether in a learning, boarding or working environment) and to set out the process which will be followed should any instances of alleged bullying at the ABS (whether in a learning, boarding or working environment) be reported.

### SCOPE

This policy and the accompanying procedure apply to the Executive, staff, contractors (temporary or otherwise), students and volunteers of the ABS.

This policy and the accompanying procedure are not limited to the workplace/learning/boarding environments or working/school/boarding hours, and will include all work and school/learning/boarding related events which includes, but is not limited to: performances, lunches, work/school functions, meetings and conferences as well as informal gatherings connected with work, learning or boarding.

### DEFINITIONS

**“Bullying”** is repeated and unreasonable behaviour directed by one or more persons towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

**“Complainant/s”** means the person/s who make/s a complaint about bullying.

**“Conciliation”** means an alternate dispute resolution method where a neutral and impartial third party, the conciliator, assists the parties by driving their negotiations and directing them towards a satisfactory agreement. A conciliator plays a more active role than a mediator.

**“Mediation”** means an alternate dispute resolution method where a neutral and impartial third party, the mediator, facilitates dialogue in a structured multi-stage process to help parties reach a conclusive and mutually satisfactory agreement. A mediator assists the parties in identifying and articulating their own interests, priorities, needs and wishes to each other.

“**Perpetrator/s**” can be an employee, a student or a volunteer. So for example, bullying can occur,

- student/s to student/s, or
- teacher/s to student/s, student/s to teacher/s, or
- employee/s to employee/s, manager/s to employee/s, employee/s to manager/s.

“**Repeated behaviour**” refers to the persistent nature of the behaviour and can involve a range of behaviours that occur more than once over time.

“**Respondent/s**” means the person or persons against whom an allegation of bullying has been made.

“**Unreasonable behaviour**” is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be bullying at the ABS (whether in a learning, boarding or working environment) if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to the following:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from learning/boarding/workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person’s skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave in order to deliberately inconvenience a particular worker or workers.

## EXAMPLES OF BULLYING

Bullying can take many forms, including:

- **Verbal:** includes being sworn at, taunted, or threatened, teasing, name calling, offensive language, picking on people because of a particular characteristic, for example, their race, gender, sexuality, religious beliefs, age, physical characteristics or family background.
- **Physical:** includes being hit, kicked, punched, pushed, hair pulled or spat on, and other unwanted action such as poking with pencils, rubbers, etc.

Bullying that directly inflicts physical pain, harm, or humiliation that amounts to assault will be dealt with as a police matter (see below “*Procedures for Dealing with Criminal Conduct*”).

- **Social:** includes being deliberately excluded from group games or other group social activities, unreasonably being left out, ganging up on an individual.
- **Psychological:** includes acts which make the complainant feel uncomfortable through, for example, the spreading of rumours, giving of dirty looks, taking or hiding of their belongings, and/or stand-over tactics used.
- **Sexual:** includes touching or brushing against one in a sexual manner, sexually oriented jokes or discussions, displaying sexually explicit drawings, writing, images or videos, making inappropriate sexual comments about someone’s body, sexual gestures, sex based taunts, teasing or name calling, commenting about someone’s morals or asking personal questions about a person’s personal relationships or private life, and/or unwanted sexual invitations or behaviour of a sexual nature.
- **Harassment:** offensive, intimidating or threatening behaviour directed at an individual or a group in circumstances where a reasonable person would have anticipated that the other person would

be offended, humiliated or intimidated. Harassment can often be focused on the gender, sexuality, age, cultural or racial background or disability of the individual or group. Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated. If it occurs it can make the ABS (whether in a learning, boarding or work environment) or association with learning/boarding/work unpleasant, humiliating or intimidating for the individual or group targeted by this behaviour. It can make it difficult for effective learning/boarding/work to be done.

- **Written:** includes notes, letters and electronic communication (e.g., e-mail, text messages, online social sites) of an intimidating, defamatory, offensive or frightening nature.
- **Cyber-bullying:** includes being tormented, threatened, harassed, humiliated, embarrassed, or otherwise targeted by another using the Internet, interactive and digital technologies or mobile phones.

## **WHAT IS NOT BULLYING**

Reasonable management action towards staff is not considered to be bullying at the ABS if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines,
- deciding not to select a worker for promotion where a reasonable process is followed,
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way,
- taking disciplinary action, including suspension or terminating employment.

Teaching and instruction consistent with the training standards and assessment procedures (**Appropriate Teaching and Instruction**) is not considered bullying at the ABS. Examples of Appropriate Teaching and Instruction include, but are not limited to:

- setting reasonable performance goals, standards and deadlines,
- deciding not to select a student for a role, production or performance opportunity (decisions about repertoire and casting are entirely at the discretion of the Director, staff and the choreographer),
- informing a student about unsatisfactory work performance in an honest, fair and constructive way,
- appropriate and limited physical correction necessary for the teaching of dance movement,
- taking disciplinary action, including suspension or expulsion after due process.

Differences of opinion and disagreements are generally not considered to be bullying.

Staff, students and parents need to be aware that there are some distressing behaviours that are NOT examples of bullying even though help may be required to resolve the issue before it escalates further and risk becoming bullying. For example, 3 negative social situations that are often confused with bullying are:

- mutual conflict - which involves a disagreement, but not an imbalance of power. Unresolved mutual conflict can develop into bullying if one of the parties targets the other repeatedly in retaliation.
- *single-episodes* of acts of nastiness or physical aggression, or *single-episodes* of aggression directed towards many different people, is not bullying
- social rejection or dislike is not bullying *unless* it involves deliberate and repeated attempts to cause distress, exclude or create dislike by others.

Different strategies are often required to address these issues. For example, informal resolution options below may be useful to address these issues at the earliest stages because if left unresolved, there is a risk that behaviours may be repeated, be unreasonable and create a risk to health and safety and thereby meet the definition of bullying.

## **POLICY**

The Australian Ballet School has a duty of care to provide a safe learning, boarding environment and workplace, and to ensure, so far as is reasonably practicable, that students, workers and other people are not exposed to health and safety risks.

The Australian Ballet School accepts and acts on its duty of care. Any reported allegations of bullying at the ABS (whether in a learning, boarding or working environment) that require investigation will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

## **BREACH OF POLICY**

All individuals covered by this policy must not engage in bullying behaviours. Any member of ABS community who is found to have breached this policy will be disciplined accordingly. Disciplinary action may include:

- expulsion from the ABS,
- termination of employment,
- termination of the contract of a contractor,
- cessation of the opportunity to volunteer at the ABS.

## **AUTHORISATION**

Board of Directors  
The Australian Ballet School

# ANTI-BULLYING PROCEDURE

RESPONSIBLE PERSON: DIRECTOR AND GENERAL MANAGER

APPROVED BY BOARD ON: 16 JUNE 2017

SCHEDULED REVIEW DATE: 16 JUNE 2018

## RESPONSIBILITIES

It is the obligation and responsibility of every member of the ABS community to ensure that the ABS (whether in a learning, boarding or working environment) is free from bullying. The responsibility lies with every manager, supervisor, employee, student and volunteer to ensure that bullying does not occur at the ABS (whether in a learning, boarding or working environment).

The Director and General Manager have overall joint responsibility for ensuring compliance with the ABS's Anti-bullying Policy and Procedures.

All students/boarders/workers have:

- an entitlement to learn/board/work in a safe and healthy school/residence/workplace and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all staff to ensure that:

- they understand, and are committed to, the right of all students, employees and volunteers to attend the school/work and perform their studies/duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all students, employees and volunteers are regularly educated and made aware of their obligations and responsibilities in relation to providing a learning and boarding environment, and workplace, free from bullying
- they provide a learning, boarding and work environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are, as far as practicable, aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
  - sudden increases in absenteeism
  - unexplained requests for transfers
  - behavioural changes such as depression
  - sudden deterioration in class or work performance
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of bullying at the ABS that require investigation (whether in a learning, boarding or working environment) are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to the students, management, employees and

Director: Lisa Pavane

- volunteers in relation to the prevention of bullying
- this policy is displayed in the workplace and easily accessible to all students, workers and volunteers.

## **PROCEDURES**

### **Complaints Procedures**

If a student, an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The student, employee or volunteer should identify the relevant behaviour/s, explain that the behaviour/s is unwelcome and not reasonable, and ask that the behaviour stops.

If the behaviour continues, or if the student, employee or volunteer feels unable to speak to the person(s) directly, they should contact:

- if they are a student, the ABS Counsellor,
- if they are the parent of a student, the ABS Counsellor,
- if they are an employee or volunteer, their supervisor or manager, the Director, the General Manager, or any other manager with whom they feel comfortable.

(“**Complaint Receiver**”)

The Complaint Receiver must provide support and ascertain the nature of the complaint. The Complaint Receiver must not give the person making complaint an undertaking that the matter and their identity will always remain confidential (see Confidentiality section below).

### **Informal Intervention**

An informal process may be best if:

- it is a single incident,
- it appears the alleged behaviour is unintentional,
- it appears that it can be resolved within the work/school/boarding area,
- the student, employee or volunteer who raised the issue agrees to an informal process,
- the student, employee or volunteer feels confident in raising the issue with the person demonstrating the alleged behaviour which is considered inappropriate.

The Complaint Receiver will explain the rights and responsibilities of the student, employee or volunteer under the relevant policy and procedures. The Complaint Receiver must bring to the attention of the Complainant the ABS Anti-bullying Policy, this procedure and the ABS *Grievance and Complaints Procedure*.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention, although no findings of fact about the allegations can be made, the Respondent will usually be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the parties reach agreement as to how they will behave towards each other, for example, the respondent agrees to respect the individual’s request to cease unwanted and unwelcome behaviour, or the Complainant accepts that the behaviour is not properly described as bullying. If the parties cannot reach agreement and that matter cannot be resolved using informal methods, the ABS’s formal procedure must be followed.

### **Formal Complaints Procedure**

A formal process may be best if:

- informal processes have failed,
- it is unlikely that an informal process will resolve the issue,
- the alleged behaviour is serious or longstanding and may risk the health and safety of those

- concerned,
- there is significant disagreement about what has occurred and what should happen.

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations can only be initiated by the Director or the General Manager (depending on who has line management responsibility for the alleged perpetrator). If the alleged perpetrator is a student only the Director can initiate an investigation.

If the Director or the General Manager is the alleged perpetrator the formal investigation can be initiated by the Board of the ABS.

If a formal investigation is commenced the Director/General Manager must notify the Chairman of the Board of the ABS about the fact of the investigation.

The formal complaint procedure may be conducted internally (by the Director, the General Manager, a senior member of staff or a Member of the Board) or by an external investigator (**Investigator**).

Any investigation undertaken will adhere to the principles of procedural fairness (natural justice). This means that the parties should feel that the process is fair and impartial, that all parties are given a fair hearing and that the people running the process are not biased by their relationship with either of the parties.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Decisions will be made having regard to the evidence and on the balance of probabilities having regard to the seriousness of the allegations made.

The Investigator may need to interview the parties involved (which may include the Complainant, the Respondent, and any witnesses) to obtain information regarding the complaint. The Investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against. All people involved in the investigation must be directed to maintain confidentiality.

If the Director or General Manager considers it appropriate for the safe and efficient conduct of an investigation, and no other safe options are available,

- student/s may be suspended,
- workplace participant/s may be stood down from work or provided with alternative duties, during an investigation.

If the student/s is suspended efforts will be made to provide them with an alternative learning environment (although this may not be possible). If a worker/s is/are stood down they will be paid their normal pay during any such period.

The Investigator will document the process, the evidence collected and the findings of fact made in a confidential investigation report for the ABS. Once a finding is made, the Investigator may make recommendations to the Director and General Manager about options they may consider for resolving the complaint. The ultimate decision about what disciplinary or other remedial action, if any, is to be implemented is the responsibility of the Director and the General Manager (depending on who has line management responsibility for the alleged perpetrator). If the alleged perpetrator is a student the Director is the decision maker.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling, education, a restorative discussion

- Official warning, creating a behaviour contract
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.
- Disciplinary action which may include:
  - expulsion from the ABS,
  - termination of employment,
  - termination of the contract of a contractor,
  - cessation of the opportunity to volunteer at the ABS.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation, subject to any requirements to maintain confidentiality about disciplinary action that is to be taken against the respondent. Where allegations are found proved the respondent will be provided with particulars of the findings. However, parties will not ordinarily be provided with a copy of the investigation report.

Following an investigation concerning a bullying complaint (irrespective of the findings):

- the Complaint Receiver concerned will consult with the parties involved to monitor the situation and their wellbeing; and
- the ABS will further educate and remind all students, employees and volunteers of their obligations and responsibilities in relation to providing a learning and boarding environment, and workplace free from bullying.

## **Confidentiality**

To the degree possible, informal complaints will remain confidential. Sometimes matters can be resolved through a discussion with the alleged perpetrator without it being disclosed to them that a specific allegation of bullying has been made against them (if this is the wish of the person making the complaint). However, if mediation or conciliation is to be attempted it will necessarily involve the alleged perpetrator knowing who has made the complaint and what they are alleged to have done.

If the matter proceeds to a formal complaint, people will be told about the complaint on a “needs to know” basis. For example, it will be necessary,

- that the Director or General Manager be told about the matter (depending on who has line management responsibility for the alleged perpetrator),
- that the Investigator be informed,
- that, as a matter of procedural fairness, the alleged perpetrator be told who has made the allegation against them and what the details of the allegation are so that they can have a fair opportunity to respond,
- that witnesses be informed that a complaint has been made and that they are a relevant witness who may be able to assist the investigator to make findings of fact. Witnesses need only be asked about the allegation they have witnessed

People to whom it is necessary to disclose the complaint will be directed to keep the information in the strictest of confidence. All parties will be cautioned against attempting to garner support from other people within the ABS.

## **Procedures for Dealing with Criminal Conduct**

Some forms of severe bullying (for example, physical attack, for example, or obscene phone calls) may constitute criminal conduct. While The Australian Ballet School is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution alone. Such complaints may also need to be dealt with by the criminal justice system, in tandem



with (the commencement at least of) the internal resolution options above. Students, employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the ABS to report such matters to the police on behalf of the complainant (unless the conduct falls within the requirements of legal mandatory reporting).

## **AUTHORISATION**

Board of Directors  
The Australian Ballet School

## APPENDIX: ANTI-BULLYING AND HARASSMENT STRATEGIES

### 1. STRATEGIES FOR STUDENTS WHO FEEL UNSAFE OR THREATENED INCLUDE:

- Be aware of your right to a safe and caring environment at the ABS
- Stay in sight of peers and adults
- Stay calm – be firm and clear – look bullies in the eye and tell them to stop
- If the situation continues – walk quietly, quickly and confidently away – dramatic reactions only encourage and entertain the bully
- Tell bullies that their behaviour is unwelcome and why – the person may not realise that their behaviour is unwelcome, and that it is causing distress
- Tell someone about it (sometimes your fellow students may be able to help or you may wish to talk to a staff member)
- Talk to an adult with whom you feel comfortable, such as a parent, teacher the School Counsellor
- If you can't talk to someone face-to-face go online at Kids Helpline <http://www.kidshelp.com.au/> or call a Kids Helpline counsellor on 1800 55 1800.

### 2. IF YOU WITNESS BULLYING:

- Don't join in - being part of a group which is bullying someone is just as bad as being a bully
- Where and or when it is safe to do so, tell those who are bullying to stop
- Provide comfort and support and protection to the person who has been bullied
- Encourage the person who is being bullied or harassed to seek adult assistance. Accompany them if necessary
- Report bullying so that both the person being bullied and the bully can receive help

### 3. SUGGESTIONS FOR PARENTS/GUARDIANS:

- Actively promote a positive and caring environment by helping your child develop an empathetic and tolerant attitude towards others by modelling appropriate behaviour at home and in all interactions with the ABS
- Be aware of changes in mood and behaviour that may be indicative that your child is experiencing bullying or harassment
- Always be willing to listen and support your child if they want to talk about bullying or harassment
- If you have any concerns regarding your child's welfare or behaviour at the School, make contact as soon as possible with administration staff, a teacher or the School Counsellor
- The School will listen to your concerns and discuss with you the most appropriate steps in order to resolve the issue
- Communicate to your child that they need to work with the School to support them

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Version Control:

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|--------------------------------|--|--|--|
| 16/06/2017 – renewed policy v1 |  |  |  |
| 25/05/2018 – updated v2        |  |  |  |
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