Mission Statement

St. Patrick’s Catholic Primary School offers distinctive education within a caring Christian community where everyone can feel valued, confident and secure.

We believe that each person is gifted, unique and loved by God.

By working in partnership we create a challenging, stimulating and effective learning environment where Christ is our inspiration.

Harassment Policy

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<td>Full Governing Body</td>
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Foreword

The School's Harassment complaints procedure which has been adopted by the Education Committee has been formulated with the full co-operation of the recognised Trade Unions who represent both teaching and non-teaching staff.

Technically such a policy is a type of grievance procedure. The 1988 Education Act requires that Governing Bodies must establish procedures for giving members of staff opportunities for seeking redress of grievances in relation to their employment and for such procedures to be made known to staff.

Harassment is a particularly sensitive and complicated area of industrial relations and Employment Law. Governors acting on behalf of the LEA as employer or in the case of voluntary aided schools as the contracted employer must take steps to prohibit discriminatory behaviour. Governing Bodies may be held vicariously liable for the action of the employees in school.

This is the Education Committees recommended code of practice for dealing with Harassment Complaints. Governing Bodies are strongly advised to adopt the attached procedure which is designed for inclusion in the Manual of Personnel Guidance.

Further advice and support, including training on all aspects of the harassment procedures is available from the Education Personnel Group.

Code of practice: harassment complaints procedure

1. Introduction

1.1 The Governing Body of this school and the Education Committee are committed to promoting equality of opportunity for all staff within the school. In doing so, neither the Governing Body nor the Committee will tolerate any form of harassment, intimidation, adult bullying, unfair discrimination or victimisation by and against any staff in school. Both sexual and racial harassment are unlawful and the Governing Body in the exercise of its powers and responsibilities is determined to eliminate such harassment and other forms of unacceptable behaviour in order for all staff to work in a climate and culture which are supportive and non-threatening.

1.2 The aim of this procedure is to ensure that mechanisms exist within school supported by the Education Department which:

i) enable staff to raise complaints in the knowledge that the Governing Body and senior management will take such complaints seriously, listen to the concerns and respond appropriately.

ii) deal with the problem of harassment in a manner which respects the rights of the complainant to confidentiality and support in pursuing their complaint.

iii) ensure there is no repetition of harassment and that appropriate action can be taken within the framework of the school disciplinary procedure if harassment has occurred.
1.3 The Governing Body recognises that in some circumstances thorough investigation of some complaints may be very time consuming. However, in most circumstances it is anticipated that from the receipt of the complaint to the notification to the complainant of the action to be taken, the procedure should normally not exceed a period of 28 days.

2. **Scope and definition**

2.1 There is no simple definition of harassment. It can take many forms and may be directed at an individual or at groups of people. As an employer the County Council regards harassment as a form of misconduct which covers all unwanted action or conduct which affects the dignity of men and women at work.

2.2 Harassment is behaviour which has the effect of diminishing a person's position, status or esteem. It can be imposed on an individual by another on the basis of perceived differences, particularly in respect of sex, race, sexual orientation, disability or medical condition, religion, cultural or language differences, age, physical attributes or trade union or political affiliation.

2.3 Such behaviour may range from physical contact such as unnecessary touching through to physical abuse or assault, or it can be verbal ranging from suggestive remarks, inappropriate ‘jokes’, verbal abuse, name calling or persistent denigration. It can be non verbal such as gestures and body language or the display of offensive material.

2.4 Within the work situation, harassment may take the form of adult bullying - the unjust exercise of power of one individual over another by use of means intended to humiliate, frighten, denigrate or injure. Such means could include berating or reprimanding in the presence of others, the setting of unreasonable work allocations or unjustified changes in such allocations, the inappropriate use of discipline and competence procedures, continual and unnecessary criticism, both verbal and/or written, and malicious isolation. For the purposes of this document, the definition of the term harassment includes adult bullying.

2.5 A common feature of harassment is that it is unwanted. Whether or not the behaviour was meant to be offensive, it is the complainant's perception of the behaviour which is important and must be taken seriously. Unwelcome behaviour becomes harassment if it is repeated once it has been made clear by the recipient that it is offensive or unwanted. One incident may constitute harassment if sufficiently serious. Experience shows that for those who are harassed, the consequences can be that the individual may suffer stress, anxiety, feelings of guilt or depressive illness and therefore it can affect work performance and attendance.

2.6 Another common feature of harassment is that mostly it takes place in situations where there are no witnesses. The absence of direct corroboration should not determine whether the matter should be formally investigated nor whether the issue should be placed before members of the Governing Body. The Governors may then determine that action should be taken on the balance of probability based on the evidence heard.
2.7 Although this procedure concentrates, as it must, on procedures for dealing with the conduct of employees, it must be remembered that school staff are part of a wider community which comprises pupils, parents and governors together with employees of the County Council or contractors working on site. Every individual within that community has the right to be treated fairly, equally and with respect. Each individual also has a responsibility to treat other members of the community in such a manner. Such wider considerations should be incorporated within the school's equal opportunity policy which should be a matter for consultation within the community and with representatives of the Trade Union at local level.

3. **Legal requirements - governors and staff responsibility**

3.1 Harassment may under certain circumstances constitute a criminal offence or may contravene other obligations imposed by the law, such as Health and Safety at Work etc, Act 1974 (which states that the employer ensures the provision of a healthy and safe place of work) or a duty, contractual or otherwise to be a good employer. Where a criminal offence is suspected, the member of staff should be advised to contact the Police. In such cases, the perpetrator may subsequently face court action as well as disciplinary proceedings.

3.2 Governors acting on behalf of the employer have an implied duty to take steps to prohibit discriminatory behaviour which is detrimental to the well being of the employees affected and which destroys the trust and confidence within the workplace. While the harasser is always liable, the employer can also be held liable unless reasonable steps have been taken to prevent or discourage such action if it occurs. This could place the Governing Body in contravention of the Sex Discrimination Act 1975 and/or the Race Relations Act 1976 if an employee can prove to an Industrial Tribunal that they have been subjected to a detriment.

3.3 Briefly, in relation to discrimination law, employers can be made directly liable for unlawful discrimination by their employees. Anything which a person does in the course of their employment is treated as having been done by their employer as well as by the employee. It is now increasingly common for complainants to cite both the employer and the individual harasser as respondents in applications to Industrial Tribunals.

3.4 Liability applies whether or not the employer previously knew about the employee’s actions, and also regardless of whether or not the employer subsequently condemned them.

3.5 Conversely, all staff have a duty and a responsibility to assist in the creation of a safe work environment where unacceptable behaviour is not tolerated. Therefore they must ensure that the standard of conduct for themselves and for colleagues respects the dignity of others and does not cause offence.

3.6 Every member of staff has a duty to contribute to preventing and stopping harassment in the workplace by:-

i) challenging and helping to stop unacceptable behaviour in the workplace.
ii) informing the appropriate manager of any incidents of harassment.

iii) providing support to any colleague subjected to harassment.

iv) ensuring that their conduct does not in any way contribute to incidents of harassment.

v) not colluding with any inappropriate behaviour.

vi) co-operating fully in any investigation undertaken by the Governing Body, management of the school or officer of the Education Committee.

3.7 Victimisation of those making or supporting a harassment complaint is unlawful under the Sex Discrimination Act 1975 and the Race Relations Act 1976. Victimisation may arise when:-

i) after having made a complaint the recipient of the harassment is treated unfavourably or detrimentally by their manager or colleagues, or

ii) a member of staff who has supported a colleague or colleagues in challenging unacceptable behaviour finds that they are treated in an unfavourable or detrimental manner by their manager or colleagues.

3.8 It is therefore the responsibility of the employer to ensure that this does not arise by monitoring the situation and taking the appropriate steps to prohibit it. Where victimisation or retaliation does occur, the employer must take immediate action to stop it or be held liable. In dealing with such issues the Trade Unions will also monitor the situation on behalf of their members.

4. Management responsibility

4.1 Apart from the legal requirements placed upon them, Head Teachers and senior managers in schools also have a responsibility to create a climate amongst staff in which mutual respect and a supportive environment are indicators of an effective management culture and where harassment of staff is regarded as an extremely serious issue. Such cultures are created not just through discussions with staff, policy statements and effective management procedures, but also through individual management style.

4.2 Clearly, in this context, staff in a managerial position should not use that position to harass, bully or threaten staff. Where such conduct occurs, managers must expect that the abuse of their powers will be an additional element which the Governing Body may take into account when considering any resultant disciplinary action.

4.3 Training is available for managers and school staff in dealing with complaints of harassment. Publicity is also available for display in schools which provides information on what to do if any individual feels they are being harassed. Head Teachers will arrange for staff themselves to determine a person from within the whole school staff who can be responsible for supporting a complainant through the process. However, this would not preclude the complainant choosing an alternative person to support them through the
process if they so wished. The role of this person would largely be a supportive listening one and does not replace the more specialist support provided by Trade Unions and the Education Committee's Personnel officers. This "colleague" should be allowed to accompany the complainant through each stage of the procedure as a moral support rather than as a representative of the complainant. Where a complaint is made against a Head Teacher, the complainant may request that one of the Committee's personnel officers fulfil this role.

4.4 All incidents of harassment which are brought to the attention of managers should be recorded and confidential notes maintained. These should be kept in a secure environment separately from personal files. Advice on entering particular incidents in the School Log Book is available from the Education Committee's Personnel Group. Some complaints of harassment may be sufficiently serious for a manager to consider that a criminal offence may have been committed. As stated earlier, the managers should advise the complainant that he/she should contact the police and formally report the matter. The complainant should always be advised to contact their Trade Union. Advice will also be available to the manager and/or complainant, in confidence, from one of the Committee's officers in its Personnel Group.

4.5 Staff have a right to expect that management will act on their complaint quickly, efficiently and effectively. Where a member of staff feels that the matter is not being handled in a proper manner, he/she has the right to raise this through the mechanism of the School's Grievance Procedure.

4.6 In dealing with cases of harassment, managers will be supported as necessary by trained staff from the Education Committee's Personnel Group. Managers should strongly advise staff who complain of harassment to contact their Trade Union for personal support. In addition the resources of the Education Committee's Personnel Group will be available to the member of staff involved and to his/her Trade Union in respect of advice, support or direct involvement in the matter.

5. The procedure

Informal Stage

5.1 Naturally, a member of staff may feel reluctant to pursue a complaint because of their vulnerability or embarrassment. It is acceptable to discuss the matter, in complete confidence, with a suitably trained officer in the Education Personnel Group or with a representative of a Trade Union. At this stage the officer or representative will be no more than "a listening friend" to advise and support. No action will be taken without the express approval of the member of staff concerned.

5.2 The first step in proceeding is for the complainant to make clear to the harasser that the behaviour is unacceptable. This may be difficult and the complainant may feel he/she would wish to be accompanied by a Trade Union representative or a colleague/friend. Alternatively the complainant may approach his or her Trade Union who may write to the individual concerned. The approach should be clear and specific about the behaviour which is offensive and ask for it to be stopped. The objective at this stage is to secure the understanding of the individual that the complainant finds the behaviour
unacceptable. It may be in securing that understanding from someone who is unaware of the effect of his/her actions, the matter is resolve.

5.3 Alternatively, the complainant may raise the issue with his/her Head Teacher, either orally or in writing, requesting that the Head Teacher speak to the individual involved. The complainant may be accompanied by a Trade Union representative or a colleague/friend in raising this issue quickly and provide feedback on the action taken. If the complainant decides not to proceed and the matter has been submitted to the Head Teacher in writing, the complainant may decide whether the letter should be retained or returned. The Head Teacher, however, should keep a note of the action he/she has taken, but should not take copies of the original letter.

5.4 If the complainant is not satisfied of the outcome of the informal stage or if the harassment continues, the complainant is entitled to treat the harassment as intentional. The complainant is entitled to take the matter further to the next stage set out below. However, some complaints may be sufficiently serious to invoke the formal stage or immediately and advice on this is available from the Education Personnel Group the recognised Trade Union.

**Formal Stage**

5.5 The first formal step to take is for the complainant to notify their Head Teacher of their wish to proceed either at a meeting or, preferably in writing. The information given should include:

- Clear, specific, allegations against named people.
- Dates, times and witnesses provided where these are known.
- Factual descriptions of events rather than opinions or assumptions.
- Direct quotes if these can be remembered.
- A brief description of the context of each incident.
- An indication of how each incident made the complainant feel and the effect it had.
- Any documentary evidence.
- Details of any action that has already been taken.

5.6 At this point the issue becomes a management responsibility and the school's disciplinary procedure invoked. This will involve consideration of suspension (in serious cases or where the continued presence of the individual would hamper matters this will be the norm) a full investigation and subsequent decision on placing the matter before Governors in accordance with the Disciplinary procedure (see Section 7 of the Manual of Personnel Guidance).

5.7 The complainant should be kept fully informed of progress as the matter progresses. If the complainant needs to appear as a witness, then arrangements should be made to ensure that he/she does not feel intimidated or vulnerable during the process. Advice on this is available from the Education Personnel Group.

5.8 At the conclusion of the process, Head Teachers have a responsibility to ensure proper integration of the complainant back into the workplace. This may involve discussion with staff, changed working arrangements or initial support. The prime consideration must be for the welfare of the complainant.
and any reasonable request for assistance should be acceded to. In some cases the same may apply to the alleged harasser and similar arrangements may need to be initiated to secure appropriate working relationships within school.

5.9 Where the alleged harasser is the Head Teacher, then, by arrangement with the Chair of the Governing Body the investigation and presentation of evidence to any Discipline Panel will be undertaken by a senior officer from the Education Personnel Group.