



ANTI-HARRASSMENT POLICY

1. HARASSMENT IN THE WORKPLACE

POLICY STATEMENT

- 1.1 The School takes seriously its policy on Valuing Diversity and will strive to ensure that its workforce reflects local communities.
- 1.2 Harassment and Discrimination (whether direct or indirect by nature), act as barriers to achieving this goal and will not be tolerated.
- 1.3 Harassment can take many forms, may be directed at an individual or groups of individuals, it is insulting and demeaning to the recipient(s), and as such is unacceptable behaviour at work and a matter of misconduct.
- 1.4 Harassment can occur on a variety of grounds. It can be unlawful behaviour contrary to the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995 and the Protection from Harassment Act 1997 or the Human Rights Act 1998, and the Public Interest Disclosure Act. Harassment is a serious issue which lowers morale, affects personal dignity and interferes with employees' job performance. Harassment undermines any attempt to achieve fairness for all employees within the workforce.
- 1.5 This policy will apply to all employees and is designed to protect the dignity and respect that all employees have a right to expect within the workplace.
- 1.6 All complaints will be dealt with in a confidential, positive and sensitive manner and employees are assured that they will be protected against victimisation when bringing a complaint under this procedure.
- 1.7 The procedure includes the exploration of mediation where this option provides the best means of resolving the complaint and restoring harmonious working relationships and working environment.
- 1.8 Support and guidance will be made available to both parties to a complaint via access to trained personnel who have specific responsibilities for implementing this policy.
- 1.9 Remember, you have a key role to play and this policy cannot be achieved without your full commitment and co-operation.
- 1.10 If children/young adults or parents complain about harassment by School employees, the Schools Child Protection Procedure or the School's Complaints Procedure will be used as appropriate.

Please Note:

Any deliberate abuse in the operation of this Policy will be viewed as serious misconduct and will be considered under the School's Disciplinary Procedure.

2. DEFINITION

- 2.1 Harassment can be defined as any conduct which is unwanted by the recipient(s) and which adversely affects their dignity and wellbeing or their ability to carry out their duties.
- 2.2 Harassment can be on the grounds of any personal characteristic eg: age or sexual orientation, and may amount to unlawful discrimination when it is on grounds of race, gender, disability, religion or appearance. Bullying is a form of harassment.
- 2.3 The definitions make it clear that the essential characteristic of harassment is that it is **unwanted** by the **recipient**. It is the **impact** of the conduct and not the **intent** of the alleged harasser that determines whether harassment has occurred.
- 2.4 Examples of harassment can be found in Appendix 1.

What can you do if you feel that you have been or are being harassed and you want the harassment to stop?

There are two stages to the policy: ***Informal**
 ***Formal**
 (See Appendix 4)

3. INFORMAL STAGE

- 3.1 You are advised to make notes of the incident(s).

These notes should include, where possible:

- ◆ date of incident(s);
- ◆ time of incident(s);
- ◆ place of incident(s);
- ◆ if known, the name of the alleged harasser(s)
- ◆ what actually happened
- ◆ how you felt at the time
- ◆ the name of anyone else present at the time
- ◆ action taken, if any.

- 3.2 If you feel able to, speak to the alleged harasser and ask them to stop.

If you feel unable to speak to the alleged harasser there are a number of people you can approach, in confidence, for example:

- ➔ your line manager, Head or Deputy,
- ➔ your trade union representative,
- ➔ your School HR Contact
- ➔ the school's named Harassment Support Worker (where applicable).

All of these have defined responsibilities and will have received appropriate training, under the scope of this policy as set out in Appendix 2, and they will support you in making a written record of what has happened and a mediation approach will be recommended in most cases. The written record will include an agreement to monitor the situation and an agreed date to review progress.

It is important to note that any line manager/member of the senior management team who has been approached has a responsibility to ensure a work environment which is free from harassment.

- 3.3 If you feel you are experiencing harassment which is not personally directed at you individually, (eg: generalised sexist/racist language), you can raise the matter with the Head, a Governor, or your trade union representative.
- 3.4 If the harassment does not cease then you can request action under this policy by completing a Harassment Complaint Form (see Appendix 3).

Forms are available from:

- ◆ your School
- ◆ Harassment Support Workers;
- ◆ Your Trade Union Office.

4. FORMAL STAGE

- 4.1 Submit Harassment Complaint Form to the Head or Governor (see Appendix 3) dependent on the circumstances, eg if the complaint is related to the Head Teacher

On receipt of the formal harassment complaint form the Head Teacher/Governor will:

- ◆ acknowledge the complaint, (in confidence), at the earliest opportunity and within 2 working days;
- ◆ inform the alleged harasser, both orally and in writing, of the alleged complaint. The written correspondence will include clear details of the complaint made.

Conciliation and Mediation

- ◆ wherever possible, or appropriate, make attempts to resolve the matter by means of conciliation and mediation. This will involve seeking a mutually acceptable outcome eg: where relevant an undertaking that the offending behaviour will cease and not be repeated and/or an acknowledgement by the harasser that the behaviour is unacceptable. This approach can only succeed if agreed by both parties. Experience has shown that conciliation and mediation can be highly effective as it brings the parties together, ensures recognition of the issue(s) and seeks to avoid polarisation of views as well as identify an agreed way forward. If, however, both parties do not agree to this approach and the issue(s) is not resolved then the matter would need to be addressed in accordance with the Disciplinary Procedure.

Disciplinary Procedure

- ◆ It is recognised there may be incident(s) which are of such a serious nature that it will be necessary for the School's Disciplinary Procedure to be invoked immediately without any recourse or reference to mediation.
- ◆ Arrange for an investigation to be conducted in accordance with the School's Disciplinary Procedure. The Investigatory Panel will, wherever reasonably practicable, consider the complaint within 10 working days of receiving it. Every effort will need to be made to ensure any investigation is undertaken. The Investigatory Panel will include person(s) with the relevant skills and experience in relation to the complaint received. The investigation will be based on the information contained in the harassment complaint form and its purpose will be to gather evidence concerning the alleged incident(s). At an investigatory interview the complainant, alleged harasser, or any witnesses can be supported by one of the following:
 - ➔ a Harassment Support Worker;
 - ➔ a fellow employee;
 - ➔ a trade union representative.

all of whom will have received training appropriate to their roles and responsibilities.

Please note:

At any stage where contact between the complainant and the alleged harasser is a barrier to addressing the issue, alternative work/relocation will be discussed and, if reasonably practicable, will be arranged in the interim pending the outcome of the complaint. Any alternative work/relocation, for either or both parties, will be discussed with those concerned and their chosen source of advice and support (if appropriate).

4.2 Reporting the findings of the investigation

Having obtained all the necessary and available information and evidence, the Investigatory Panel will summarise their findings (including the names and key evidence of witnesses) and make recommendations to the Head Teacher/Governor as to whether a formal disciplinary hearing is appropriate. If a formal disciplinary hearing is appropriate then the hearing will be conducted in accordance with the School's Disciplinary procedure. The findings of the disciplinary hearing will be conveyed to both the complainant and alleged harasser. The alleged harasser will, if appropriate, have the right of appeal in accordance with the School's disciplinary appeals panel.

None of this takes away your right to appeal to an Employment Tribunal.

EXAMPLES OF HARASSMENT

(Please note this is not an exhaustive list)

A. Sexual Harassment

Can be defined as ‘unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work’.* It typically affects a person’s ability to do their work.

Examples of this could be:

- ◆ unnecessary touching, patting, pinching or brushing against a person’s body;
- ◆ physical assault;
- ◆ demands for sexual favours, propositions or pressure for sexual activity;
- ◆ continued unwelcome invitations to social activity outside the workplace;
- ◆ leering, rude gestures, whistling, catcalls;
- ◆ pornographic pin-ups or other offensive visual material;
- ◆ unwanted personal comments about appearance, bodysize, clothes etc;
- ◆ suggestive remarks and innuendoes;
- ◆ other verbal abuse.

** Extracted from the European Commission’s ‘Code of Practice on Measures to combat Sexual Harassment’.*

B. Sexuality Harassment

Can be defined as unwanted conduct or actions towards a person because of that person’s sexuality, including Lesbians, Gay Men and Bisexuals. Such conduct or actions not only cause offence and distress but can also affect a person’s ability to do their work.

Examples of this could be:

- ◆ verbal abuse and innuendo;
- ◆ use of inappropriate language and gestures;
- ◆ homophobic comments etc which may imply that lesbians, gay men and bisexuals “can be cured” or “haven’t met the right partner of the opposite sex yet”;
- ◆ suggestions, comments, etc which may imply that lesbians, gay men and bisexuals are somehow “second class” ie that gay men aren’t real or proper men;
- ◆ making judgements about someones character or lifestyle based on inappropriate stereotypes of lesbians, gay men and bisexuals;
- ◆ threatening to make public (outing) the fact that a colleague is lesbian, gay or bisexual;
- ◆ excluding lesbian, gay or bisexual colleagues from workplace, socialisation eg office talk, social events;
- ◆ preventing lesbian, gay or bisexual employees access to peer support and networking.

C. Racial Harassment

Can be defined as ‘racially motivated actions and behaviour which are directed at people because of their race, colour, ethnic or national origins and which are unwanted and/or cause offence and distress’.

Examples of this could include:

- ◆ racist ‘jokes’;
- ◆ racial abuse and stereotyping;
- ◆ racist graffiti or other visual materials;
- ◆ excluding black and/or ethnic minority colleagues from workplace talk and activities;
- ◆ an offensive manner in communication, which is not used with other white employees;
- ◆ physical assault.

D. Harassment of People with Disabilities

Can be defined as ‘less favourable treatment of a person because of their substantial and long term physical or mental impairment which affects their ability to carry out normal day to day activities’.

Examples of this could include:

- ◆ ‘jokes’ about disabled people;
- ◆ unwanted or patronising comments which repeatedly draw attention to the employee’s impairment, or any employment aids or equipment they may use;
- ◆ stereotyping and/or commenting about disabled people’s abilities;
- ◆ persistently patronising behaviour;
- ◆ excluding a disabled colleague from workplace talk and activities.

E. Age Harassment

Can include:

- ◆ displaying misconceptions and prejudices about age rather than judging solely on talent and skills;
- ◆ placing unjustifiable age related criteria on employment practices;
- ◆ providing training on the basis of age rather than need;
- ◆ stereotyping youth as inexperienced for promotion;
- ◆ side-stepping people or excluding people based on the assumption that they are too old to take part or be promoted.

F. Religious Harassment

Can include:

- ◆ behaviour which fails to tolerate or acknowledge the rights or needs of people with different beliefs and practices;
- ◆ purposely mocking people who respect/practice their religion;
- ◆ making fun of people because of their religious beliefs;
- ◆ misusing or defacing a person’s religious artefacts.

G. Bullying

Can be defined as offensive, intimidating, malicious, insulting or humiliating behaviour, and/or abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress.

Bullying can be the outcome or form of harassment detailed above.

Examples of this could include:

- ◆ demonstrating excluding behaviour;
- ◆ constantly using foul language and/or aggressive language;
- ◆ persistently picking on or ridiculing a person or person in public or private;
- ◆ purposely giving a variety of mixed messages to disrupt a team's functioning;
- ◆ singling out person(s), treating them less favourably than the rest of the group

H. Environmental Harassment

An individual can feel oppressed, victimised or harassed by actions or situations that while not directed specifically at them, can still cause offence or distress.

Examples of this could include:

- ◆ sexist or racist graffiti;
- ◆ conversations in the workplace which exclude members of particular groups.

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