



Holyhead

Teach What Matters

Harassment Policy

Review Date: Autumn 2020
Approved: Governors' HR Committee, Autumn 2020
Ratified: Full Governors' Committee, Autumn 2020
To Be Reviewed: Autumn 2021
Policy Lead: Y Idris

Harassment Policy

Content

1. Introduction	2
2. Definition of Harassment	2
3. The law	3
4. The Harassment Procedure	3
4.3 Formal Investigation of a Complaint	4
4.4 Outcome of the Investigation	5
5. Appeal	5
6. Practice Points	5
7. Confidentiality and Support	6



Harassment Policy

1. Introduction

- 1.1 The School wants to create and maintain a working environment where individuals are treated with dignity and respect. The School is opposed to all forms of unlawful and unfair discrimination and harassment of any kind. The School, its Principal, Governors and Leadership Team are firmly committed to the success of this policy and all steps taken towards its achievement.
- 1.2 This policy and procedure applies to all staff. Any member of staff who feels they have been harassed or who witnesses harassment at work may use the anti-harassment procedure.

2. Definition of Harassment

- 2.1 Harassment occurs if the purpose or effect is to create an intimidating, hostile, offensive or disturbing environment. Harassment includes any unwanted verbal or physical abuse and/or advances and/or behaviour, which an employee finds offensive and which causes them to feel threatened, humiliated, patronised, distressed or harassed. Such action may also be considered harassment if it impairs an individual's job performance, undermines their job security or creates a threatening or intimidating environment. Harassment may be deliberate or unconscious, an isolated incident or repeated action. It will not necessarily be a defence that such incidents or action consist of words or behaviour, which might be claimed to be 'commonplace'.
- 2.2 Harassment can take many forms, such as:
 - offensive or hostile treatment on the basis of race, nationality, ethnic origin or skin colour;
 - unwanted conduct of a sexual nature or other conduct based on gender that damages the dignity of women and men at work; and
 - bullying, ridiculing or demeaning behaviour, whether or not linked to any particular feature of the employee, such as their age, sexuality or that they have a disability.
- 2.3 The school will take all complaints of harassment seriously. Where an employee defines an incident as racist, this will be accepted as the starting point for an investigation. The Principal, Governors and Leadership team are responsible for implementing this policy, with advice from the school Human

Resources Advisors, bringing it to the attention of their staff and seeking to eliminate any harassment of which they become aware.

2.4 All staff must comply with this policy.

3. The law

3.1 Harassment can amount to unlawful discrimination. Claims of harassment under this legislation can be brought against the alleged harasser and against their employer. An employer is liable for the discriminatory acts of employees acting in the course of their employment, whether or not they are done with the employer's knowledge or approval unless they are able to show that they took all reasonable practical steps to prevent employees carrying out unlawful discrimination.

3.2 Employers are expected to have taken steps to prevent harassment. Additionally harassment can be a crime (the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997).

4. The Harassment Procedure

4.1 Informal action

4.1.1 It is preferable for all concerned to try to resolve matters informally if possible. This is likely to produce solutions which are speedy, effective and restore positive relations in the workforce. It will also help to minimise embarrassment and the risk of breaching confidentiality.

4.1.2 Where possible, the employee should tell the person who is causing the problem that the conduct in question is unwanted and/or offensive and must stop. This may be all that the victim of harassment wants.

4.1.3 Informal action is an option available for the person who feels that they have been the subject of harassment, or have witnessed it. The concern can be raised informally with their manager or the Principal so that an informal solution can be achieved. Such approaches may be particularly helpful where the complaint is about the employee's immediate manager.

4.1.4 If the school becomes aware of a serious complaint that warrants disciplinary action, and possible criminal proceedings, the Principal may need to take formal action even though the employee who has been the subject of the harassment may not prefer this approach. Wherever possible, however, the complainant's preference in this respect will be followed, and confidentiality maintained.

4.2 Formal Action

4.2.1 Employees should not be discouraged from taking formal action where an informal approach has failed or where they prefer that option. Formal

action is an option available for the person who feels that they have been the subject of harassment, or have witnessed it.

4.2.2 The employee should raise the issue with the Principal unless this is the person whom the employee feels is perpetrating the harassment, in which case the complaint should be referred to the Chair of Governors. The complaint should identify the alleged harasser and be put in writing if at all possible.

4.2.3 The Principal should then act immediately to:

- acknowledge the complaint in writing;
- inform the Human Resources Manager to provide support with the process
- consider whether to arrange work so that contact between the parties is minimised or eliminated (this should be done in a way which does not prejudge the allegations)

4.2.4 The Principal will then as soon as possible, and following discussions with the HR Support service provider:

- take steps to conciliate where, after discussion, both parties agree it is acceptable
- or
- decide to investigate the allegation

4.3 Formal Investigation of a Complaint

4.3.1 Where there is an investigation:

- the Principal can ask for the advice and/or participation in the investigation of other staff, or refer the matter to an independent person to carry out an investigation
- it must be objective and handled with due respect for the rights of both the complainant and the alleged harasser, who will both be entitled to be accompanied by a colleague or union representative at meetings to discuss the allegation with the Principal
- the alleged harasser must be given details of the complaint in writing
- it must be completed within 20 working days unless there are exceptional circumstances.

4.4 Outcome of the Investigation

4.4.1 The Principal will decide from the results either:

- standards for future conduct need to be set, which could involve training, or

- to use the disciplinary procedure in respect of the alleged perpetrator, or
- that the allegation does not amount to harassment

4.4.2 The Principal will notify all concerned promptly and in writing of the outcome of the investigation. This will be actioned within 15 working days of receiving the investigation report. The Principal will be prepared to discuss the decision with them.

5. Appeal

- 5.1 If the employee who has made the complaint is not satisfied with the Principal's action, he or she can submit a written appeal to the Chair of Governors, setting out the specific grounds for appeal. This will constitute a final appeal.
- 5.2 The written statement must be submitted within two weeks of receipt of a written reply from the Principal.

6. Practice Points

- 6.1 Sometimes an employee may wish to raise an allegation of harassment about the Principal during the course of a disciplinary case or similar. If this is the case, the allegation should be referred directly to the Chair of Governors. They will then personally or through a nominee decide whether in the circumstances it may be appropriate to suspend the disciplinary procedure for a short period until the allegation of harassment can be considered.
- 6.2 The employee is allowed to bring a colleague or representative to the meetings convened with them under this policy. The letters notifying them of the meeting dates must state this.
- 6.3 The Human Resources Advisors will be available to advise on all issues relating to this policy and procedure.
- 6.4 Employees who abuse the harassment policy and procedure by making unfounded complaints or operating the process vexatiously will be liable to disciplinary action.
- 6.5 Records must be kept detailing the nature of the allegation of harassment, the employer's response, any actions taken and the reasons for them.
- 6.6 These records will be kept confidential and retained in accordance with the Data Protection Act.

7. Confidentiality and Support

- 7.1 Confidentiality will be given the utmost importance at all stages of the process. Where an employee finds it difficult or embarrassing to raise the problem

directly with the person who they feel is perpetrating the harassment, they may find it helpful to talk over their experiences with the Principal.

8. Management of Policy

8.1 The Governors and Leadership Team have overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised.

To Be Reviewed: Autumn 2021
Policy Lead: Y Idris