

CITY AND COUNTY OF SWANSEA  
DINAS SIR ABERTAWE

**HARASSMENT POLICY FOR ALL SCHOOL BASED STAFF**

**1. INTRODUCTION**

The following procedure is provided for Governing Bodies and Headteachers as an example of good practice in dealing with incidents of employee harassment within the school. It is offered in good faith but with strong recommendations that advice is sought from senior management of the Education Department at the earliest possible moment and thence throughout the progression of a specific case.

**2. HARASSMENT – DEFINITION**

2.1 Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people.

2.2 Harassment can be defined as “unwanted behaviour, which a person finds intimidating, upsetting, embarrassing, humiliating or offensive”.

2.3 It is essential to remember that it is not the intention of the perpetrator that is important in deciding whether harassment has occurred, but whether the behaviour is unacceptable by normal standards. The main determining factor of harassment should be the perception held by the recipient of the conduct rather than the conduct in isolation.

2.4 It is difficult to provide a comprehensive list of conduct which manifests itself in harassment, but the essential characteristic of any harassment is that it must be unwanted. It can fall in the following areas:

- a) Sexual.
- b) Racial/Ethnic - against members of an ethnic or racial minority.
- c) Bullying and victimisation.
- d) Mental disability.
- e) Physical.
- f) Other forms - against persons who differ in any way such as nationality, accent, religion, age, social status, etc., management harassment, sexual orientation.

### 3. POLICY STATEMENT

- 3.1 The City and County of Swansea is opposed to any form of harassment in the workplace which undermines the dignity of employees.
- 3.2 The procedures of the City and County of Swansea aim to combat any such harassment, by:-
- a) Allowing allegations of harassment to be fully investigated **in an impartial and transparent manner.**
  - b) Seeking to maintain confidentiality and sensitivity at all states, for all parties.
  - c) emphasising that any perpetrator of harassment risks disciplinary action and potential dismissal if an allegation is proven and may share liability for any successful claims. In terms of the perpetrator's liability, each case will be dealt with on its merits.
- 3.3. Harassment can lead to the recipient to feel threatened, offended, persecuted or victimised. Job performance, security and satisfaction can be undermined.
- 3.4 There are also adverse consequences arising from harassment for employers. It has a direct impact on the efficiency of the enterprise where staff take sick leave or resign their posts because of harassment, or where employees' productivity is reduced by having to work in a climate in which individuals' integrity is not respected.
- 3.5 **Harassment at work is totally unacceptable and must not be permitted or condoned. Recipients of harassment should make it clear to the perpetrator that the behaviour is unwanted. If the harassment persists, the employee has the right to complain about it. Any complaints must be raised reasonably swiftly after the event so that evidence can be examined - it does not affect the individual's statutory right to complain to a tribunal.**
- 3.6 It is necessary to take action to ensure that:
- a) the working environment is free from harassment for employees;
  - b) all employees are treated with dignity;
  - c) a procedure is available to all employees for resolution of their complaints;
  - d) all employees are aware of the harassment at work policy and how it operates.
- 3.7 Allegations of harassment will be treated as potential cases of gross misconduct. The Authority also has the right to commence proceedings against an employee to recoup any damages awarded against the Authority due to an employee's actions of harassment.

3.8 Equally, an employee found to be making malicious allegations may be subject to disciplinary action.

## 4. PROCEDURE FOR USE IN LOCALLY MANAGED SCHOOLS

### 4.1 GENERAL

4.1.1 In view of the sensitive nature of complaints, any allegations should be taken seriously and dealt with fairly, in confidence and as quickly as possible.

4.1.2 Before proceeding with any action, complainants may wish to seek the confidential advice and guidance of the Education Personnel Manager or School Development Adviser. A confidential record will be made to register the complaint, which will be used only if the complainant wishes to proceed with formal action. Complainants may also wish to inform their trade union representative.

### 4.2 INFORMAL PROCEDURE

4.2.1 It is often sufficient to raise the issue informally with the person who is creating the problem. Employees are therefore advised, wherever possible, in the first instance, to notify the alleged harasser that the behaviour is unwelcome, offensive or interfering with work and request him/her to desist. It is, however, acknowledged that there may be circumstances where it is too difficult or embarrassing for the employee to approach the alleged harasser directly. Complainants should keep a record of incidents as they occur and of any action, they have taken to deal with the problem.

4.2.2 The employee may wish to make his/her Headteacher aware of the problem. If the Headteacher is the alleged harasser, the employee should notify the Chair of Governors.

### 4.3 FORMAL PROCEDURE

4.3.1 If the informal approach has proved ineffective, or if the complainant prefers to use the formal procedure, the complainant may request, in writing that the matter be dealt with formally. Any such request should be made to the Headteacher or **the Chair of Governors if the alleged harasser is the Headteacher.**

4.3.2 In the interests of fairness and to assist investigation, Complainants should, where practicable, act reasonably and promptly in registering a formal complaint, normally within 7 days. The outside limit is no more than 3 months from the incident occurring except for complaints of continuing Harassment.

- 4.3.3 The Headteacher of the School will arrange for the matter to be investigated. An investigating officer will be nominated and the complainant informed. Should there be any objections regarding the investigating officer, then a mutually agreed alternative will be nominated. If the Headteacher is the alleged harasser then the **Chair of Governors will appoint the Vice Chair of Governors to** investigate the complaint on behalf of the Governing Body.
- 4.3.4 The Headteacher/ **The Chair of Governors will consider** all pertinent evidence. A written response will be given by the Headteacher or **Chair of Governors** as soon as possible, indicating his/her intended action. If it is decided that there is a case to answer then the matter would be dealt with in accordance with the school discipline policy. If an alternative solution is proposed this will be outlined to the complainant. The letter will clearly state the right of the complainant to appeal to a Appeals Sub-Committee of the Governing Body, normally within 7 days of receipt of the letter.
- 4.3.5 If the unwelcome behaviour persists, the complainant may raise the complaint, in writing, with the Chair of Governors. This can be made only if the complainant has:-
- sought to resolve the complaint through earlier stages detailed in this procedure;
  - accepted a reasonable offer by the school to discuss the result of the investigation (in cases where the complainant is dissatisfied with the outcome);
  - taken part in any process of mediation offered within the school or Authority.
- 4.3.6 In order to hear an appeal the Governing Body will appoint a panel of three Governors to act as an Appeals Committee, the constitution of which must be in accordance with the provisions of the School Standards and Framework Act, 1998 and none of whom having had prior involvement in the investigation nor are members of the Disciplinary or Disciplinary Appeals Sub-Committee.
- 4.3.7 A hearing will be arranged as soon as possible and normally no later than 14 days after receipt of the complainant's request for appeal.
- 4.3.8 All relevant documentation from all relevant parties and the names of witnesses to attend, should be received by the Clerk at least 7 days before the meeting.
- 4.3.9 Both the complainant and the individual(s) about whom the complaint has been made may be accompanied by a Trade Union Official or colleague to the meeting.

- 4.3.10 The committee will consider the complaint on the basis of the evidence submitted both oral and written. In the event of any party not attending the meeting, the Committee will resolve whether to proceed or adjourn at any stage.
- 4.3.11 The decision of the Committee will be made known to all relevant parties within 7 days of the meeting. The decision of this Committee is final.
- 4.3.12 Possible outcomes of the investigation may be:-
- no further action required as the allegations have not been substantiated;
  - no further action required as all parties are satisfied the problem is resolved;
  - the situation to be monitored by line manager to ensure no further recurrence;
  - uphold complaint and take non-disciplinary action;
  - panel consider there is sufficient evidence to proceed to a disciplinary hearing in accordance with the disciplinary procedure. In the event of the investigation finding an incident of a malicious allegation, the Governing Body may consider disciplinary action against the person who had made the allegation.
- 4.3.13 Where disciplinary action is to be taken against the harasser, the complainant should be told this, but has no right to be told the detail of the action.
- 4.3.14. Timescales may be varied by mutual agreement or if there are special circumstances which justify a longer period.

## STATUTORY STANDARDS

- i) The Equal Opportunities Commission Code of Practice.
- ii) The Council for Racial Equality Code of Practice.
- iii) The IPD Statement on Harassment at Work.
- iv) The Equality Act 2010
- v) E.C. Code “Dignity of Men and Women at Work”
- vi) Harassment Act 1997.
- vii) Human Rights Act 1998.