

Sacred Heart Catholic Primary School



Protection of the Dignity at Work Policy

Agreed by the Governing Body on Wednesday 6 March 2013

Approved by the Governing Body on Monday 7 April 2014

All school policies take account of the school's ethos, which is enshrined in our Mission Statement and whole school community Code of Conduct.

MISSION STATEMENT

This is our school

Together we worship
Together we learn
Together we belong

With the love of God,
our dreams and ambitions come true.

CODE of CONDUCT

Whilst at Sacred Heart Catholic Primary School our dreams and ambitions will come true by...

- ✓ Following in Jesus' footsteps
- ✓ Protecting each other and the environment in which we work and play
- ✓ Listening to each other and talking through our problems
- ✓ Trying to take responsibility for our own actions
- ✓ Treating each other how we would like to be treated
- ✓ Understanding that it takes a full team to score many goals

The Governors of Sacred Heart Catholic Primary School are committed to a policy of equality of opportunity and aim to provide a working and learning environment which is free from unfair discrimination and will enable staff and other workers to fulfil their personal potential. All individuals should be treated with dignity and respect. Staff and other workers have an important role to play in creating an environment where harassment is unacceptable.

1 AIMS AND OBJECTIVES

1.1 The primary aim of this policy is to assist in developing and encourage a culture in which harassment is known to be unacceptable and where individuals have the confidence to deal with harassment without fear of ridicule or reprisals. This policy aims to ensure that if harassment does occur adequate procedures are readily available to deal with the problem and prevent it recurring. Harassment can have a detrimental effect upon the health, confidence, morale, learning and performance of those affected by it.

1.2 The Governors undertake to:

- a) Ensure that all staff are aware of the types of behaviour which may constitute harassment and of their responsibilities for preventing such behaviour;
- b) Ensure that all staff understand that behaviour that may constitute harassment is unacceptable and that appropriate measures, including disciplinary action, may be taken;
- c) Promote a climate in which staff feel confident in bringing forward complaints of harassment without fear of victimisation;
- d) Ensure that all allegations of harassment are responded to quickly, positively and in confidence;
- e) Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved.
- f) Monitor the number of cases arising and the effectiveness of the Policy.

1.3 Wherever possible the School will encourage the use of an informal approach to resolving complaints, however, in some instances there may be grounds for disciplinary action.

2 Definition of Harassment

- 2.1 There is no single, simple definition. However, harassment may be summarised as conduct which is unwanted, unreasonable and offensive, demeaning or upsetting to the recipient. This could be persistent behaviour over a period of time or a single serious incident. It is the deed itself and the impact on the recipient, which determines what constitutes harassment rather than the intention of the perpetrator.
- 2.2 However, it is important to recognise that, in any work context, it is the legitimate role and duty of a manager to direct and instruct employees, and to monitor and provide feedback on their performance of the duties required of them in their job, having regard to their rights and in accordance with agreed procedures.
- 2.3 It can be directed at, and carried out by, an individual or group of individuals. It can involve someone in a position of authority bullying someone in a junior position, but bullying of people in a more senior position and senior management by people in a junior position and between people in an equal position does occur.
- 2.4 Harassment can range from extreme forms such as violence and bullying to less obvious actions such as ignoring someone at work
- 2.5 All are equally unacceptable.
- 2.6 This definition includes sexual and racial harassment, and bullying as well as any other form of personal harassment arising from disability, sexual orientation, socio-economic status, age, religion etc. Differences in attitude, background or culture can mean that what is perceived as harassment by one person may not seem so to another.
- 2.7 There may be occasions when staff are working alongside employees of other agencies where an issue of harassment may arise. In such circumstances, the complaint should be handled jointly by the school and other agency, taking account of their respective policy arrangements.

3 Examples of Harassment

- 3.1 Some examples of unacceptable conduct, which could constitute harassment, are given below, although this is not intended to be an exhaustive list.
- a) Sexual harassment: unnecessary physical contact ranging from touching to serious assault, jokes of a sexual nature, displaying sexually explicit material, verbal abuse such as offensive gestures and body language, intimidating behaviour such as indecent demands or requests for sexual contact or actual sexual assault.

- b) Racial harassment: conduct based on race, colour, nationality or ethnicity which is offensive to the recipient such as intrusive or inappropriate questioning about racial or ethnic origin, derogatory name-calling or jokes, sectarian songs or letters
- c) Personal harassment: making fun of personal circumstances or appearance. Verbal or written abuse through jokes, offensive language, innuendo, gossip and slander, displays of posters, graffiti or emblems, isolation or non-cooperation at work and exclusion of social activities.
- d) Bullying: (can be psychological and/or physical) unmerited criticism, isolation, gossip or behaviour that is intimidating or demeaning, abusive procedures to threaten, humiliate or coerce, threats or promises affecting work performance or linked to employment prospects.
- e) Harassment on grounds of sexual orientation: homophobic remarks or jokes, threats to disclose sexuality and asking intimate questions about sexual activity.
- f) Harassment on grounds of religion or belief: offensive remarks or jokes or refusal to work with a person because of their religion or belief.
- g) Harassment of disabled people: discussion of the effects of a disability on an individual's personal life, uninvited physical contact or staring, or inappropriate questioning about the impact of someone's disability.
- h) Age harassment: derogatory age-related remarks or unjustifiable dismissal of suggestions on the grounds of the age of the person.
- i) Stalking: leaving repeated or alarming messages on voice mail or e-mail, following people home, or approaching co-workers to ask for personal information, intrusion by pestering and spying or excessive or inappropriate physical contact

4 Responsibilities

- 4.1 All staff of Sacred Heart Catholic Primary School are personally responsible for their behaviour towards others and are expected to demonstrate active commitment to this policy and its aims.

- 4.2 Everyone has a responsibility to acknowledge that views, opinions held by others and decisions made by managers and supervisors may not always coincide with their own; such differences in themselves do not constitute harassment.
- 4.3 It must be recognised that those in positions of authority have both a right and responsibility to discharge managerial duties. In so doing they may need to adopt a firm or assertive style, but they should take care not to demean, devalue or intimidate staff or other workers
- 4.4 Vigorous speech, comment and academic debate between colleagues and legitimate management of the performance of staff or other workers can be distinguished from bullying behaviour. However, care should be taken to ensure that neither staff nor other workers are made to feel intimidated.
- 4.5 The Headteacher and other school managers are responsible for ensuring that all staff have both an awareness of the policy and comply with it, by:
- a) Positively promoting the policy
 - b) Responding to and supporting anyone complaining of harassment
 - c) Providing full and clear advice on the procedure to be followed
 - d) All parties involved in these proceedings should maintain confidentiality throughout the process
 - e) Monitoring the situation to ensure that no repetition or victimisation occurs after the complaint has been resolved
- 4.6 All in managerial or supervisory roles have a responsibility to promote a culture free from unacceptable behaviour. This includes identifying unacceptable behaviour when it occurs, and taking reasonable corrective or preventative action. It is not acceptable for any manager to ignore unacceptable behaviour.
- 5 Dealing with Harassment**
- 5.1 Details of procedures for dealing with complaints of harassment are set out separately at the end of this policy
- 5.2 When a complaint has been investigated, management within the school will endeavour to ensure that as far as is both reasonable and possible:
- a) Harassment has ceased
 - b) No victimisation occurs as a result
 - c) Any changes to procedures are made

6 Vexatious Complaints

- 6.1 Complaints of harassment are treated seriously by the Governors. It should therefore be noted that anyone found to be making mischievous or malicious complaints will be subject to the appropriate disciplinary procedures, after the investigation has been completed.
- 6.2 Malicious complaints of harassment or bullying will not be condoned and will be treated as a disciplinary offence. They will be dealt with in accordance with the school's Disciplinary Procedures

7 Legislation

- 7.1 Employers/Governing Bodies have a duty of care under the Health and Safety at Work Act 1974, plus other relevant legislation, for the well being of their staff. It is an implied term of contract that an employee should be able to carry out his/her duties free from bullying and harassment.
- 7.2 As well as being a disciplinary offence for either staff or other workers, certain incidents of harassment may also render individuals liable to prosecution in courts of law, under either civil or criminal legislation.

Discrimination, bullying and all forms of harassment are prohibited by a wide range of Acts and Regulations. Principle amongst these are:

- Race Relations Act 1976 as amended by Race Relations (Amendment) Act 2000
- Sex discrimination Act 1975
- Disability Discrimination Act 1995
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Protection from Harassment Act 1997.
- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997

PROCEDURES

For full information on raising concerns regarding any forms of harassment please refer to the School's Grievance Procedure which is in the Staff Handbook and Induction information

1 Procedures and Action

1.1 Informal action:

- If at all possible those who feel they are the subject of bullying or harassment should tell the person(s) concerned that their behaviour is causing offence and ask them to stop. This may be done through either a third person or intermediary. It may be helpful to have a note of incidents including times and dates in order to be able to give examples of the behaviour that may have caused offence.
- Informal action with assistance from either the Line Manager or a Manager. If an individual has attempted to address the issues or alternatively does not feel able to do so without support and assistance they should seek advice from either their Line Manager or a Manager.

1.2 Formal action:

- If, despite the intervention of the Line Manager or a Manager, the harassment persists, or an incident is sufficiently serious, the individual should put a complaint in writing. This should include details of what has happened and how it is affecting them. There will be an initial response to a formal complaint within five working days. Staff should address a written complaint to the Headteacher
- In the event that a complaint is against the Headteacher, written complaints should be addressed to the Chair of Governors.

1.3 A preliminary investigation will be undertaken by either the addressee or senior managers, in line with the School's Grievance Procedure. Both parties may be accompanied at all times by a work colleague or trade union/professional association representative. Such investigations will seek to establish the facts and will be conducted in a sensitive and non-threatening manner. The outcomes from such an investigation may include:

- a) Further discussion with the parties concerned
- b) Application of the Staff Grievance Procedure
- c) Application of the Staff Disciplinary Procedure

1.4 Any victimisation of the complainant and/or witnesses by the alleged harasser either during or after the proceedings would be a further serious disciplinary offence. It is essential that the alleged harasser is given every opportunity for a fair hearing, but that confrontation between the parties be minimised.

- 1.5 At any time the Head Teacher may determine that there is sufficient evidence for the issue to be considered under the appropriate staff disciplinary or grievance procedure, in which case a formal complaint may not be necessary.