

1 Introduction

The New Charter Academy is committed to providing a fair and supportive working environment for all its employees.

It is important that when an allegation of harassment is made employees have access to a process by which the problem or issue can be addressed and resolved as quickly as possible.

This Policy outlines the Academy's process for dealing with harassment claims made by an employee.

2 Definition of Harassment

Harassment is any conduct which is unwanted by the recipient, or which affects the dignity of any individual or group of individuals at work. What is acceptable behaviour is up to the recipient to determine and it is the impact of the behaviour that is important in considering whether there has been harassment, not the intention of the harasser. However, in considering any allegation of harassment all the circumstances need to be taken into account including, where appropriate, external evidence. Harassment may be repetitive although in extreme or serious cases, an isolated occurrence against one or more individuals may be enough. It can take a number of forms from, for example, bullying and overt physical contact through to subtler forms creating an unpleasant and intimidating environment at work.

Harassment may be based on age, disability, gender, sexual orientation, marital status, race, colour, religion, nationality and ethnic or national origin and may include the following:

- a) Physical: contact (touching, patting, assault), gestures, intimidation, aggressive behaviour
- b) Verbal: unwelcome remarks, suggestions and propositions, malicious gossip, insults, personal jokes and banter
- c) Nonverbal: offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities.

3 Responsibilities

It is the responsibility of all employees to recognise harassment when it happens and to take steps to eliminate it. Appropriate disciplinary action may be taken against any person who is found guilty of harassing an employee and such disciplinary action may lead to dismissal. The course of action taken will depend upon the nature of the harassment and any mitigating circumstances.

Managers are responsible for ensuring the policy is communicated to all staff and effectively applied.

Author:	Version:	Date Approved:	Page 1 of 5
	2	13/08/08	

Training will be provided to all managers to ensure that they gain the knowledge, skills and awareness necessary to operate the Academy's policy efficiently and effectively. The Harassment Policy will be incorporated into training for all staff as appropriate; for example, induction and management development programmes.

4 Dealing with Harassment Claims

The Academy recognises that making a complaint of harassment is likely to be a difficult and distressing experience and will aim to resolve the situation in a sensitive manner, as quickly and fairly as possible.

The procedure seeks to ensure minimal stress for the complainant, timely resolution of complaints, and a degree of flexibility appropriate to the individual circumstances.

4.1 Recording Incidents of Harassment

It is important that anyone who believes they have suffered or are suffering from harassment should keep notes of the details outlined below for each incident and that the notes are made as soon after the event as possible.

Detailed notes should include the following:

- a) date
- b) time
- c) place
- d) name of person allegedly harassing them
- e) what actually happened
- f) how the victim felt at the time
- g) name(s) of any witness(es)
- h) action taken and whether reported to management

Any correspondence relating to the incidents and subsequent complaints should also be retained.

4.2 Informal Resolution

The aim should always be to address and resolve any allegations of harassment speedily and informally.

Employees may, in the first instance, attempt to resolve the matter informally by asking the perpetrator to stop or make it clear that their behaviour is unwelcome; this can be done verbally or in writing. The employee is advised to keep a record of any such discussions.

In some cases, victims of harassment and/or bullying may not feel sufficiently confident to approach the alleged harasser themselves in order to explain that the behaviour complained of is unacceptable. Therefore, it should be made clear that employees are not required to approach the harasser in an attempt to resolve the situation, and are entitled, if they so wish, to report the matter to a manager or other appropriate person in the first instance.

Author:	Version:	Date Approved:	Page 2 of 5
	2	13/08/08	

On receipt of such a complaint, the manager should, in the first instance:

- Clarify the basis of the complaint(s)
- Identify specific instances and whether the complainant has already taken any action to deal with the matter and the outcome of this.
- Give support and information to the complainant identifying external resources to the department if necessary
- Discuss options available giving consideration to the complainant's preferred method for resolution.
- Agree action (addressing the matter with the perpetrator) and how the complainant will be kept informed/involved
- Keep detailed records

The way in which the matter will be handled will be determined by the particular circumstances of the case. The choice of informal or formal options available to the manager will be determined by the level of seriousness of the complaint.

In the case of a serious allegation it may be necessary to initiate an investigation as part of the Academy's Disciplinary Procedure.

If the matter is resolved informally with an acceptance that harassment has taken place the Manager will also need to consider whether any form of disciplinary action is appropriate.

If the matter persists or it is not possible to reach a satisfactory resolution informally, then the complainant should progress to the formal stage of the harassment process.

A record of any informal harassment complaint raised and the resolution agreed should be kept on the concerned employees' personnel files.

4.3 **Formal Investigation**

This may be used where:

- a) the complainant regards an attempt at informal resolution as inappropriate; or
- b) the informal attempts at resolution have been unsuccessful.

An individual wishing to make a formal complaint of harassment should put the complaint in writing to the Executive Director. The letter should specify that it is a formal harassment complaint giving appropriate details of the incident(s).

On receipt of a formal harassment complaint, the Executive Director should appoint a senior member of staff to conduct a formal investigation. That person should not be connected with the complaint in any way. Depending on the circumstances, it may be necessary for the Executive Director to appoint a second person to assist in the investigation.

The person against whom the complaint has been made should be informed of the nature of the complaint and advised of their rights under this Policy.

Author:	Version:	Date Approved:	Page 3 of 5
	2	13/08/08	

Both parties are entitled to a full and fair opportunity to submit their version of events and may be accompanied and represented by a work colleague or trade union representative throughout the formal consideration of a harassment complaint.

Line managers are expected to cooperate in releasing staff from their normal duties to participate in the investigation, as required.

The investigation should, in most cases, be completed within ten working days of the complaint being received.

As part of the investigation, the complainant, the alleged perpetrator and any witnesses should be interviewed independently. Detailed minutes should be taken of all interviews and typed copies passed to the interviewee for their signed confirmation. Any statements provided by a witness should be signed by the witness.

4.4 Possible Suspension or Redeployment during an Investigation

In order to relieve the stress and pressure on one or both parties and to prevent the risk of further incidents occurring, it may be necessary to suspend the alleged perpetrator, on full pay, until the outcome of the investigation has been determined. Suspension would not indicate guilt on the part of the alleged perpetrator.

It may be felt more appropriate to temporarily redeploy or segregate one or both parties.

4.5 Findings

When the investigations have been completed the investigating officer shall hold separate meetings with the interested parties and their representatives to discuss the way forward.

There are 3 possible outcomes to an investigation:

- (1) The harassment claim is upheld;
- (2) The harassment claim is partly upheld;
- (3) The harassment claim is unfounded.

If the harassment claim is upheld or partly upheld then action may be taken in accordance with the Academy's Disciplinary Policy.

In cases where the complaint is unfounded or partly upheld then it may be appropriate to invoke a structured intervention to bring resolution to the issues identified this may include training or coaching for the employees concerned.

In all cases the situation should be monitored by an appropriate manager.

If the complainant is dissatisfied with the resolution at the informal stage, they should be advised of the right to pursue the matter through the Academy's Grievance Procedure.

Author:	Version:	Date Approved:	Page 4 of 5
	2	13/08/08	

5 Record Keeping and Confidentiality

It is important that accurate records are kept throughout the harassment process, including the informal process.

Records should be held in a secure and confidential manner. Often the issues raised are particularly sensitive, it is therefore essential that the circulation of information is minimised to that which is necessary to ensure a fair investigation and hearing.

6 Monitoring, Evaluation and Review

The Governing Body will monitor the number of incidents throughout the year via regular key performance indicators.

The Governing Body will be responsible for reviewing the effectiveness of the Harassment Policy annually.

Author:	Version:	Date Approved:	Page 5 of 5
	2	13/08/08	