

Longdean School



Sex Discrimination and Harassment Policy

Reviewed: **UNDER REVIEW AUTUMN 2019**

Ratified:

Next Review

1. Introduction

The Governing Body is required to set out a Sex Discrimination and Harassment policy and procedure to create a working environment where every employee is treated with dignity and respect and where each person's individuality and sense of self-worth within the school is maintained.

This policy and the related procedure apply only to disputes between employees, although the duty of care to protect employees from harassment and bullying remains in all circumstances.

The aim of the policy and procedure is to ensure that any complaint of harassment or bullying is effectively and speedily dealt with and that appropriate action is taken to ensure as far as possible that it does not occur again.

This policy has been introduced in consultation with the trade unions and professional associations. This policy should be freely accessible to all staff and all staff should be made aware of this policy as part of their induction programme.

2. Purpose, Scope and Principles

All employees have the right to be treated with dignity and respect. Harassment and bullying are not acceptable forms of behaviour and will not be permitted or condoned. Such behaviour humiliates, offends, exploits and undermines employees, interfering with job performance and creating fear, stress and anxiety at work. It can lead to illness, increased absenteeism, poor performance, denial of opportunities and even resignation.

Where a formal complaint is substantiated it will be treated as a disciplinary matter and could lead to dismissal.

The procedure applies to:

- all employees of the school, including the Headteacher;
- staff who are centrally employed by the local authority (LA) **and** who work solely at the school;
- staff employed in units or bases that are attached to a school

The procedure does not apply to:

- peripatetic staff who are centrally employed by the LA;
- school meals staff employed by Hertfordshire Catering or by an external contractors
- employees of external contractors and providers of services.

(Such staff are covered by the relevant procedures of their employing body)

3. What is Harassment and Bullying?

- 3.1 Harassment or bullying related to a person's race, sex, age, marital status, sexual orientation, disabilities, religion, belief or trade union membership is unlawful and may lead to action in the courts. Other forms of harassment and bullying may be equally damaging to an employee. The Governing Body has a clear responsibility to ensure that action is taken when it occurs.

Throughout this policy, the term 'harassment' is used to refer also to bullying which occurs at a lower level of seriousness and is as insidious and damaging as more explicit, or overt, forms of harassment.

Conduct becomes harassment if it continues once it has been made clear that it is regarded by the recipient as offensive or unwanted, although a single incident may amount to harassment if sufficiently serious.

3.2 Forms of Harassment and Bullying

Forms of harassment and bullying may include:

- Physical contact ranging from touching to serious assault.
- Oral and written harassment/bullying through jokes, offensive language, gossip and slander.
- Visual display of posters, graffiti and obscene gestures.
- Isolation or non co-operation at work or exclusion from social activities.
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Constant humiliation, ridicule or unjustified criticism.
- Intrusion by pestering, spying and following.
- Generalisations, stereotyping or inappropriate forms of address.
- Unreasonable expectations.
- Refusal to listen to explanations.
- Abusive, unsolicited, inappropriate or threatening behaviour.
- Persistent, offensive, intimidating, malicious or insulting behaviour.

Although harassment and bullying often involves an overt abuse of power, coercion or violence, it can also appear in far more subtle guises. In some cases it can be unintentional on the part of the alleged harasser or bully.

4. The Rights of an Employee who makes a complaint

The Governing Body recognises the right of employees to complain about harassment/bullying. Every effort will be made to ensure that employees making complaints will not be victimised. Any threat or insinuation made that an employee's complaint of harassment/bullying could influence any employment decision affecting the complainant will be treated as a serious disciplinary offence. The complaint should be made to the line manager and if the complaint is about the line manager, then the complaint should be made to their line manager.

The procedure does not replace or prejudice the rights of employees to pursue a complaint through an employment tribunal.

5. Employee Support

At all stages of the harassment and bullying procedure, both formal and informal, the alleged harasser/bully and the complainant have the right to be accompanied. The accompanying person can be a work colleague, or his/her trade union or professional association representative and no-one else.

6. Confidentiality

It is important that those who have been harassed/bullied or have been witnesses to harassment/bullying feel confident to come forward with information without fear of recrimination. Conversations and records of an investigation must therefore be treated confidentially and sensitively by everyone involved. Any breach of confidentiality will be treated seriously and may lead to disciplinary action. This does not preclude individuals from discussing their own cases with their line manager, union representative or counsellor.

7. Victimisation

Victimisation is a legal term which only refers to situations where people are targeted with abuse, suffer detriment to their employment conditions or are dismissed as a result of bringing a claim for another form of unlawful discrimination.

It is important for Headteachers to check with the complainant that the harassment/ bullying has stopped and that there has been no victimisation. Alleged victimisation will be investigated under the disciplinary procedure and may warrant dismissal.

8. Summary

- Some forms of harassment/bullying amount to unlawful discrimination and are covered by the relevant statutes on discrimination.
- Other forms of harassment/bullying are not explicitly covered by the law but Governing Bodies have a legal duty to ensure that schools have a procedure to deal with such allegations.