	Human Resources Policy Document	
		Effective Date:
	Harassment Policy	18 March, 2009


Title : **Harassment Policy**

Status : ***Revision of original Harassment Policy dated 1 September 2005***

Approval Date : ***17 March 2009***

Date for Next Review : ***March 2010***

Originator : **Keith Tucker, Director, Human Resources**

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Originator: *Human Resources, ESF Centre*

Originator: Keith Tucker Director, Human Resources Date:	Reviewed by: SMT Date:	Approved by : Functional Director/ Chief Executive Date:
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REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
			By	Date	By	Date
A	1 Sep 2005	For review by SMT	Keith Tucker	17 Mar 2009	SMT	17 Mar 2009

POLICY DOCUMENT ANNUAL REVIEW

This Policy document is subject to an Annual Review by ESF that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. ESF reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

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1. PURPOSE

The English Schools Foundation (ESF) is committed to providing a working and learning environment in which the dignity of all individuals is respected with special regard to the values of mutual respect outlined in the ESF Professional Code. To this end, any kind of harassment is unacceptable. Stakeholders have the right to complain about harassment by Staff Members. Any complaints of harassment will be taken seriously and can be grounds for disciplinary action which may include dismissal, where harassment is found to have taken place.

This Policy outlines the procedure to be followed in alleged harassment situations in schools and offices within ESF.

2. SCOPE


This Policy applies to all issues of potential harassment raised against a Staff Member by any member of ESF, namely by:

- a Staff Member;
- a student or parent of a student; or
- another non-Staff Member stakeholder.

Out of scope: This Policy does not provide for the resolution of alleged harassment brought against a non-Staff Member by a Staff Member eg. students or members of a School Council. Such issues should be dealt with through the Grievance Policy or the Student Behaviour Policy, as appropriate.

3. DEFINITIONS / ABBREVIATIONS

ESF	-	English Schools Foundation
ESL	-	ESF Educational Services Limited
Senior Managers	-	Senior Management Team at ESF and the management team at ESL
Principal	-	Principal of the relevant ESF School
School Council	-	School Council of the relevant ESF School
Head of Department	-	Head of the relevant department within the school or ESF office
Chief Executive	-	Chief Executive Officer of ESF
Director HR	-	Director Human Resources of ESF
APTESFS	-	Association of Professional Teachers in ESF Schools
Staff Association	-	The Staff Association of Support Staff in ESF
Board	-	Board of Governors of ESF
Complainant	-	Person raising the harassment issue
Harasser	-	Staff Member accused of harassing the Complainant

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4. RESPONSIBILITIES

4.1 Principals and Senior Managers.

All Staff Members with management responsibility should implement this policy and ensure that any allegation of harassment is promptly investigated. They should ensure that all complaints will be handled with sensitivity and discretion.

They are also responsible for ensuring that a Complainant is not victimised in any way for having raised a harassment allegation.

4.2 Staff Members

All Staff Members are responsible for upholding the policy in both letter and spirit so that Staff Members and other stakeholders do not suffer any form of harassment and that if they do, they are encouraged and supported in their complaint, with due regard to the rights of all the other parties involved.

Staff Members who make harassment complaints for malicious or frivolous reasons may, however, be subject to disciplinary action.

4.3 Director HR

The Director HR is responsible for providing advice to the Staff Members, Principals, Senior Managers and line managers on harassment matters and may be present in meetings. He is also responsible for ensuring that the procedures set out in this Policy are adhered to.

5. CONTEXT


5.1 What Constitutes Harassment?

Harassment can take many forms and may be directed against anyone for any reason. Reference can be made to the Equal Employment Opportunities Policy which outlines a number of common factors which may form the basis of harassment. ESF will not tolerate harassment on the basis of any of these factors.

5.2 How might Harassment manifest itself?

Harassment may involve action, behaviour, exclusion, comment or physical contact which is found objectionable or which causes offence and can result in the recipient feeling threatened, humiliated, intimidated, patronised, demoralised or less confident in him/herself.

Staff Members become less effective in an environment they find unpleasant or hostile. It can affect their whole life at work and at home as well as affecting their well being and health. It is for the recipient to decide whether she/he finds the behaviour unacceptable.

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5.3 The Nature of Harassment

To assist in determining the nature of harassment, examples are outlined in Appendix I. As a brief guide, some examples of unacceptable conduct include:

- verbal abuse or insulting behaviour;
- the use of humour to put another person or group of people down, for example telling jokes that are sexist, racist or are about a person's sexual orientation;
- unwanted physical contact ranging from touching to serious assault;
- display or circulation of sexually suggestive or racially abusive material;
- bullying, coercive or menacing behaviour;
- unwanted sexual advances, propositions, attention or innuendo;
- ridicule or exclusion of a person for cultural, religious or personal differences.

6. PROCEDURE

6.1 How to Raise a Complaint of Harassment

Depending on the nature of the harassment and the wishes of the Complainant, complaints may either be taken through informal or formal procedures. Complainants are encouraged to pursue their complaints as early as possible. Issues are more difficult to resolve where time has elapsed and relationships have deteriorated. Often, the Harasser may not be conscious that their behaviour is considered offensive and inappropriate.

Some complaints may be of a sensitive or personal nature where the Complainant's privacy must be respected.

6.2 Informal Procedure


The recommended approach is that both the Harasser and Complainant meet. If the Complainant feels able to do so, they should first seek to raise the matter by direct approach to the Staff Member concerned, involving a full and frank discussion of the alleged harassment, the purpose being for the Complainant to explain their discomfort with the behaviour and for the alleged Harasser to agree to cease the behaviour. If the Complainant feels more comfortable, they may consider asking a personal friend or colleague to accompany them.

6.3 Formal Procedure

If an informal approach fails or if the Complainant feels unable to raise the issue directly with the alleged Harasser, then the issue should be discussed with an appropriate senior member of the school or department staff or a representative from the Human Resources Department (HR Help Desk 3762 2433). A guide to raising an allegation of harassment is outlined in Appendix II.

6.4 Further Action

The issue will be investigated and resolved either; privately and confidentially through the involvement of appropriate management staff; or, through the

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processes outlined in the Grievance Policy or Complaints Policy depending on the wishes of the Complainant and the nature of the complaint.

Depending on the result of the investigation, the Principal or Director HR would proceed in one of the following ways:

- (i) If the allegation is admitted or a prima facie case established, action may be taken against the Harasser under the Disciplinary Policy as it applies to misconduct.
- (ii) If no prima facie case is established, or the allegation is unproven, a confidential record of the complaint and the response will be made by the investigator and a copy circulated to the alleged Harasser and the Complainant. This would not be made accessible to any other person. The Principal or Director HR should recommend remedial action to help maintain and rebuild relationships.

Failure to deal with allegations of harassment may expose ESF to legal consequences.

6.5 Support for a Staff Member as Complainant or Harasser

Either party, if a Staff Member, may need advice and support, and should consider approaching any of the following:


- APTESFS or Staff Association, as appropriate;
- HR Helpdesk (3762 2433);
- Direct line manager;
- A personal friend of colleague.

7. ASSAULT

If a Staff Member has been assaulted or attacked, they should seek help immediately. The Staff Member is strongly advised to report any attacks to the police. Any of the sources of support and advice listed in this policy can help Staff Members to report a physical attack. Each School also has a police liaison officer who can offer support and advice. For Staff Members' own protection, and for that of others, it is important that any offender is dealt with. If Staff Members decide to go to the police, they will not have to go alone unless they so wish.

8. COMPLIANCE

Any matters concerning the implementation of this Policy in a particular school/organisation should be raised with the Principal or Senior Managers with a view to reaching a mutually workable solution. Any matters of non compliance should be raised with the Director, Human Resources, ESF Centre.

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Appendix I

EXAMPLES OF HARASSMENT

The following are examples of harassment. The list is by no means exhaustive or comprehensive.

Ageism

Remarks about a person's ability to learn, exclusion from social activities and derogatory comments on the grounds of the person's age.

Bullying

Intimidating, threatening, demeaning or insulting behaviour that is normally, though not exclusively, based on power, position or knowledge. It can manifest itself as shouting, sarcasm, constant criticism and belittling or derogatory remarks, ignoring or patronising attitudes. It can also be the setting of impossible deadlines and workloads so the person fails, punishment by refusal to delegate, assigning of trivial tasks or removal of responsibilities without reason.

Disability

Comments made about a person's disability, whether seen or unseen, have the impact of undermining their confidence and self-esteem. It includes unwelcome discussion about the impact a disability has on a person's home life, offensive jokes, unnecessary assistance with duties or a prejudging of capabilities. At its extreme it can manifest as refusal to work alongside someone with a disability for no reason other than the disability.

Racism

Offensive remarks on the basis of a person's colour, race, ethnicity or nationality. This includes incitements to commit hostile or offensive acts by one party to another. Manifestations include racist jokes, graffiti, images and insignia as well as taunts and references to a person's culture or customs. Intrusive questioning about racial issues and origins is also unacceptable.

Religious


Examples include ridicule and religious jokes, embarrassing remarks or the persistent drawing attention to a person's religious belief.

Sexual

This can be physical, verbal or non-verbal conduct of a sexual nature. It is for the recipient to determine what behaviour is acceptable and what they regard as offensive. It is the unwanted nature of the conduct which distinguishes sexual harassment from friendly behaviour which is welcome and mutual. It can be experienced by either gender and can occur between members of the same sex. Examples include unwanted contact, sexual innuendo and expletives, lewd references to a person's dress, physical features or figure and display or electronic transmission of indecent material. It can also occur when threats of failure are made if sexual favours are not granted, or in stalking.

Sexuality

Many lesbians, gays and bisexuals find it hard to complain about such behaviour, as they do not wish to disclose their sexuality. Nevertheless, it does occur and is demeaning, intimidating and offensive. Examples include innuendo or gossip, failure to accept same sex partners where appropriate, threats to disclose a person's sexuality or exclusion.

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Appendix II

RAISING AN ALLEGATION OF HARASSMENT

A Complainant raising a harassment allegation should refer to the table below to determine the appropriate route.

Complainant	Harasser (alleged)	Manner of Resolving the Issue		Potential Escalation
Non-Staff Member stakeholder (eg. parent of student)	Staff Member	Privately & Confidentially as a complaint through Harasser's line manager	Under the Complaints Policy	Disciplinary Action
Staff Member	Staff Member	Privately & Confidentially as a grievance through Complainant's line manager	Under the Grievance Policy	Disciplinary Action
Staff Member	Non-Staff Member stakeholder	Privately & Confidentially as a grievance through appropriate Senior Manager	Under the Grievance Policy	Dependant upon nature of issue, may include report to Police
Non-Staff Member stakeholder	Non-Staff Member stakeholder	Outside ESF jurisdiction	Outside ESF jurisdiction	Dependant upon nature of issue, may include report to Police