

HARASSMENT POLICY

Last Review:	September 2018
Approved by Governors:	October 2018
Next Review:	September 2020

Vision

Loreto College is centred in God, rooted in Christ and animated by the spirit of Mary Ward, the founder of the Institute of the Blessed Virgin Mary. Our vision is that it will be an educational community where each person has the experience of being loved and valued as a sacred individual created by a loving God; a community where students enjoy an enriching and liberating education that helps them grow into the fullness of life and empowers them to be men and women of courage who are alive to the needs of humanity and committed to making a better world. We are committed to building a healthy and vibrant college that treats people with respect and creates the opportunity for students to fulfil their potential. Bringing together students with different backgrounds, experiences and perspectives allows us to become more innovative and successful.

Introduction

The College aims to be an educational community which gives expression to the core values of Mary Ward - freedom, justice, sincerity, truth, joy, excellence and internationality.

Loreto College has the highest expectations of personal, academic and professional excellence. This document sets out the College's policy and guidance on the procedures it will follow in the event that an issue of harassment arises. In doing so, the college will be mindful of its core values and of its duty of care to all its staff and students and will endeavour to act at all times with justice, compassion and respect for the dignity and worth of all those involved in the process.

Preamble

This procedure is intended to give clear guidance to all concerned where issues of professional harassment arise. Loreto College is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the College and those who have dealings with the College have a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by Human Rights legislation and the Equality Act of 2010, everyone has the right to be treated with consideration, fairness, dignity and respect. This

contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.

1. AIMS AND OBJECTIVES

- 1.1 Loreto College has two working Equal Opportunities Policies for staff and students respectively and an active anti-bullying policy. It opposes all forms of unlawful and unfair discrimination and harassment.
- 1.2 The aims of this policy are to prevent any forms of harassment or victimisation at Loreto College. Where it does occur, the policy aims to take appropriate and effective action to prevent its re-occurrence.
- 1.3 This policy aims to address all forms of harassment within the college. This covers all college users and employees, i.e.: students, parents, teachers, all other staff and Governors.
- 1.4 The specific objectives of the policy are:
 - (a) To ensure that all members of the College community are aware of the types of behaviour which constitute harassment.
 - (b) To ensure all members of the college community understand that harassment is unacceptable, will not be tolerated and that appropriate measures may be taken.
 - (c) Promote a climate within college where a member of the community feels confident in bringing forward complaints of harassment without fear of victimisation or recrimination.
 - (d) Ensure that allegations are responded to quickly, positively and in confidence.

2. DEFINITION OF HARASSMENT

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Peer on Peer Abuse – Sexual Harassment

Sexual harassment can occur between young people (peer-on-peer abuse) and is defined as 'unwanted conduct of a sexual nature' that can occur online and offline.

Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and

Online sexual harassment:

This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence. It may include:

- non-consensual sharing of sexual images and videos. (UKCCIS sexting advice provides detailed advice for schools and colleges);
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media; and
- sexual exploitation; coercion and threats.

Any incident or allegation relating sexual harassment between young people should be dealt with in line with Loreto College Safeguarding Children and Adults Policy.

3. EXAMPLES OF HARASSMENT

3.1 These include, but are not limited to, the following and can take place inside of or outside of the college (including on social media):

- Spreading malicious rumours or insulting someone by word or behaviour
- Copying information which is critical about someone to others who do not need to know
- Ridicule or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Inappropriate derogatory remarks about someone’s performance
- Physical or psychological threats
- Misuse of power or position or overbearing or intimidating supervision
- Unwelcome sexual advances, touching, standing too close, unwanted physical contact, the display of offensive materials, demands for sexual favours, making suggestive comments about dress/appearance
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading with work and/or constant criticism
- Physical, verbal or E-harassment

- 3.2 Discussion of a legitimate educational nature, for example on religion, may make a person feel threatened or uneasy but need not constitute harassment. The same may apply to other areas and professional judgement is required on the legitimacy of such a debate.
- 3.3 The characteristics of harassment shown above are that behaviour is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive.
- 3.4 Harassment is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient.
- 3.5 It is important to note that legitimate, reasonable and constructive criticism of an employee's performance or behaviour or reasonable instructions given to employees in the course of their employment will not amount to harassment.

4. EFFECTS OF HARASSMENT

Harassment may not only be illegal in some instances and unacceptable on moral grounds but may create serious problems, including:

- The recipient (and possibly other members of staff) feeling upset, threatened, humiliated or vulnerable, possibly leading to stress and/or ill health
- Poor morale and/or employee relations
- Loss of respect for colleagues
- Poor performance
- Absence
- Resignations
- Damage to the college's reputation
- Liability on the part of the College and members of staff to pay compensation to the employee who has been harassed.

5. PROCEDURES IN CASES OF ALLEGED HARASSMENT

- 5.1 College members are strongly advised to take the suggested action as early as possible so that complaints can be dealt with swiftly and fairly.
- 5.2 Complaints can be dealt with in one of two ways:
 - (a) Informally
 - (b) Formally
- 5.3 **Informal Complaints**

Members should act promptly and not wait until the situation reaches an intolerable level or where their personal well-being is placed in jeopardy. Even when the

behaviour is intentional, a swift and clear indication that the behaviour is objectionable may well prove sufficient.

If a college member does not want to deal with the person face to face they can:

- (a) Ask a member of the college community to go with them to speak to the person;
- (b) A letter could be sent to the person and a copy retained;
- (c) The matter could be taken up with a member of staff in whom the individual has confidence.

Details of subsequent incidents should be recorded and copies should be retained of any written communications.

5.4 **Formal Complaints**

For Students:

The formal complaint must be dealt with by the Head of Student Services and respective Heads of Hall.

In order for the matter to be dealt with formally, the case must be stated in writing, either by the complainant or a fellow student or staff member. As far as is possible, it should include the following information:-

- clear, specific allegations against the named person or people;
- where possible, dates, times and witnesses to any incidents with direct quotes;
- a factual description of events rather than opinions or assumptions;
- an indication of how each incident made the complainant feel;
- any documentary evidence;
- details of any action that the complainant, or others, have taken.

A letter of response will be issued by the Head of Student Services within 5 working days outlining future actions.

If the student is not satisfied with this response, the matter will be taken to the Principal and finally, if there is still no satisfaction, the College Governors.

A record of the formal actions will be held in accordance with the college's disciplinary procedures.

At all stages matters will be dealt with in strictest confidence.

For Staff:

1. If an employee has a case of possible harassment relating to her/his employment she/he should discuss the matter initially with her/his line manager.
2. The line manager should reply orally to the case as soon as possible, and always within 5 working days. The employee may, if he/she wishes, be accompanied by a

work colleague or a representative of a recognised Trade Union when the matter is raised with the line manager and/or when the line manager replies.

3. If the complaint is not satisfactorily resolved at this stage the employee may raise the matter in writing with the Principal or, should she/he prefer, and if she/he is a member of a trade union or staff association, she/he may report the issue to her/his trade union representative or other representative, who may then raise the matter in writing with the Principal on her/his behalf.
4. Where the case of possible harassment concerns another person a copy of the complaint should be given to the other person concerned by the Principal. Within 10 working days the person concerned should have the opportunity of submitting written observations. Unless she/he is the other person the line manager should submit a written report to the Principal together with any relevant documents. Where the line manager is the other person concerned in the complaint, a written report should be submitted to the Principal, together with any relevant documents, by another appropriate member of staff.
5. The Principal should convene a meeting to consider the matter not less than 5 and not more than 10 working days after the submission of the supervisor's report. The employee and the person accused of possible harassment may be represented by a work colleague or a representative of a recognised Trade Union if they wish. Refusal of either party to attend should not invalidate the proceedings.
6. The Principal should reply in writing as soon as possible and in any case within one calendar month of receiving written notification of the complaint. The decision of the Principal is final.
7. a) Where a case of harassment concerns the Principal, the issue should be heard in the first instance by another appropriate senior member of staff. If this senior member decides that it is necessary the, grievance should be referred for final decision to the Board of Governors.

Or alternatively

b) Where a case of possible harassment concerns the Principal, the employee concerned may raise the matter in writing with the Chair of Governors or, should she/he prefer and if she/he is a member of a trade union or staff association, she/he may report the grievance to her/his trade union representative or other representative, who may then raise the matter in writing with the Chair of Governors. The Chair of Governors will then arrange for the matter to be referred for consideration to the Governing Body. Any appeal would then be considered by the Board of Governors.

Appeal

8. The ACAS Code of Practice on Disciplinary Procedures provides for an appeal against any formal disciplinary action which must be to a higher authority. If action has been taken by the Principal then the appeal must be to the Board of Governors (or a subcommittee of the Board of Governors or the Chairman of the Board of Governors

if so delegated under the Articles). If, however, in the absence of the Principal, another member of staff, e.g. an Assistant Principal takes disciplinary action, then an appeal could be considered by the Principal.

9. The appeal should be lodged in writing with the Clerk to the Governors within ten working days of receipt of the letter informing the employee of the decision. The employee may be accompanied by a work colleague or representative of a recognised Trade Union at the appeal hearing for which at least five working days' notice shall be given. The decision at appeal to the Board of Governors is final.

5. RESPONSIBILITIES FOR IMPLEMENTATION

- 5.1 Governors have a specific responsibility to implement and update this policy.
- 5.2 Students and staff have a role to play in creating a climate in which harassment is unacceptable. They should accomplish this by challenging unacceptable behaviour as well as ensuring that their own behaviour does not cause offence or distress to others.
- 5.3 All behaviour within college should be strictly in line with that detailed in the colleges Code of Respect.

6. FINAL CONSIDERATIONS

- 6.1 Harassment can be a criminal offence.
- 6.2 Loreto College recognises that any person who has suffered harassment at college may be able to seek remedies through the criminal or civil law.
- 6.3 This policy is designed to offer students and staff additional support and assistance.
- 6.4 This policy should be read in conjunction with the College's Safeguarding Policy.