

Harassment Procedure

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Procedure for Dealing with Harassment

1 Introduction

This procedure has been designed to deal with complaints of harassment in a sensitive manner. The procedure therefore seeks to ensure minimal stress for the complainant, timely resolution of complaints, and a degree of flexibility appropriate to individual circumstances.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

This procedure is separate from the College's disciplinary and grievance procedures. The College's disciplinary procedure will be used if the results of this investigation establish a case for disciplinary action.

If at any stage in this procedure an individual does not receive a response to a formal complaint in accordance with the specified or agreed time limits, or where the response is inadequate or inappropriate the individual is entitled to raise the matter under the College's grievance procedure (where appropriate).

2 Keeping a Record

It is important that anyone who believes they have been subjected to 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:

- date
- time
- place
- name of person harassing them
- what actually happened
- how the victim actually felt at the time
- name(s) of any witness(es)
- action taken and whether reported to management
- any correspondence relating to the incidents and subsequent complaint.

3 Stage 1

3.1 Informal Resolution

Every effort should be made to resolve the issue informally in the first instance if this is possible and appropriate. As soon after the incident as possible the individual should discuss the incident with the alleged harasser either directly or through an intermediary pointing out that the incident is not welcome and should stop. If the complainant is too embarrassed to speak directly to the alleged harasser this could be done by writing to them. An example of the sort of letter to be used may be obtainable from your Union representative or the Personnel Team. The complainant should make a note of the action taken

and retain copies of any correspondence. The person against whom the allegation has been made is recommended to keep similar records.

If the action taken by the complainant does not resolve the problem then the individual may wish to contact a confidential friend.

Any discussion will be confidential and no further action will be taken without the consent of the individual concerned. In some cases the allegation may be so serious as to require immediate action, for example if it involves a criminal offence or serious misconduct. In such circumstances the College may be compelled to take action irrespective of the individual's wishes.

The courses of action open to an individual following an attempt to resolve a problem informally include:

- to take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the individual to seek further advice in the future if necessary;
- if the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- make a formal complaint as outlined in stage 2.

4 Stage 2

4.1 Formal Complaint

If the problem has not been resolved then the individual may contact their Team Leader or Personnel Team for advice. If the Team Leader is the person against whom the complaint is being made, the individual may refer the matter to the next manager above. Where the individual indicates that they would prefer to discuss the matter with a person of the same sex/race etc, this should be arranged whenever possible.

The formal procedure may be used where

- a) the complainant regards attempts at informal resolution as inappropriate,
- b) informal attempts of resolution have been unsuccessful.

Once an individual has instituted a formal complaint, he or she is entitled to expect managers to initiate the formal investigation.

4.2 Police involvement

In cases of an alleged assault or alleged behaviour that is considered to be a criminal offence, the College may advise police involvement.

4.3 Investigating a Complaint

The investigating panel is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

All teams are expected to cooperate in releasing staff from their normal duties/activities to participate in the investigation as required.

4.4 Time Limits

The investigation should normally be completed in accordance with the time limits contained in the College's disciplinary and grievance procedures. On occasions it will not be possible to keep within this timescale. In such cases the complainant and the alleged harasser must both be kept informed of any need for an extension and the likely timescale for completion.

5 How the Complaint will be investigated

5.1 Investigation Panel

The investigation will be carried out by a panel comprising the manager who received the complaint and another manager of similar status. Neither should be connected with the case in any way. The manager should ensure that those carrying out the investigation should reflect the nature of the complaint in terms of race/sex/disability as far as possible. This may require bringing in a third person to the panel or seeking a manager from a different department. The Assistant Principal Learner and Staff Services can provide advice on this matter. Where appropriate, a member of the Personnel team will be in attendance.

In the event of their being an allegation of harassment against the Principal, the complaint should be made to the Chairman of the Corporation who will convene a panel of governors to carry out the investigation.

The person against whom the complaint has been made should be informed of the nature of the complaint and sent a copy of the complainant's letter. They should also be given details of the procedure involved and advised to seek representation.

5.2 Possible suspension or redeployment during the investigation

In order to relieve the stress and pressure on one or both parties or to prevent the risk of further incidents, it may be necessary to:

- suspend the alleged harasser in accordance with disciplinary procedures
- or grant leave of absence to one or both parties (if they are employees)
- or ban the alleged harasser from the site (if a non-employee)
- temporarily redeploy one or both parties (where appropriate)

5.3 Right of representation

Both complainant and alleged harasser will have the right to be accompanied and/or represented by a friend/work colleague or trade union representative at all stages of the formal complaints procedure.

5.4 Meeting the parties involved

The panel will meet with the complainant and the alleged harasser separately and with their respective representatives. Detailed written statements will be taken, which should be signed by the relevant parties. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.

5.5 Meeting with witnesses

The panel will meet anyone else who was present or who has information which is relevant to the issue. Notes of this meeting will also be taken. Further interviews may need to take place to clarify or gain further information. The panel will also need to ensure that they have collected all relevant written materials.

5.6 Consideration of Information

The panel will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitude be taken as relevant information.

In some cases there will not be any witnesses and it will be one person's word against another's. In these cases the panel will consider whether on the balance of probabilities the incidents/actions occurred.

6 Further Action

The function of the panel is to determine objectively whether there is a case to answer and advise where appropriate.

6.1 Remedial Action

Could include:

- a transfer of the harasser, to another location. This must not be on any less favourable terms and conditions of employment, unless action is taken within the disciplinary procedure and there is an agreed term within the disciplinary procedure to demote an individual;
- requiring attendance on training courses;
- making arrangements for both parties to work as separately as possible with the same workplace (where appropriate);
- a period of compassionate leave.

7 Monitoring

The Equal Opportunities Steering Group is responsible for monitoring the Harassment Procedure in accordance with the Equal Opportunities Policy.

8 Keeping Management Records

After the complaint has been heard the following storage arrangements should be followed:

- Where the complaint is informal no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.
- Where the complaint is not substantiated then no record will be made on the alleged harasser's file.
- Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

9 Action When the Complainant is Dissatisfied

A complainant who believes that the procedures were not properly applied has the right to raise this matter under the College's grievance procedure.