

<p>POLICY & PROCEDURE TO COMBAT BULLYING & HARASSMENT OF TEACHERS INCLUDING PRINCIPALS AND VICE PRINCIPALS IN GRANT AIDED SCHOOLS</p>
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[1] GENERAL PRINCIPLES

- 1.1 The Board of Governors recognises that its staff are its most valuable asset and have a right to be treated with dignity and respect. The Board of Governors is committed to the promotion of a harmonious and supportive working environment and will not tolerate Bullying and Harassment of or by staff.
- 1.2 The Board of Governors is committed to:
- the protection of the health, safety and wellbeing of all staff
 - ensuring that all staff are made fully aware of their rights and responsibilities
 - dealing with allegations of bullying and harassment seriously, sensitively and in confidence
 - undertaking the necessary training in managing the procedure
 - ensuring that a copy of this Policy and Procedure is made available for every teacher.
- 1.3 A teacher who brings a complaint of bullying and/or harassment or who is a witness to bullying and/or harassment and who as a result of this is subject to bullying and/or harassment themselves will be protected against victimisation or retaliation. A teacher who is found guilty of bullying and/or harassment or victimisation will be subject to appropriate action in accordance with the agreed disciplinary procedures.
- 1.4 This Policy and Procedure have been agreed with the recognised teacher unions and set out the procedures for a teacher to pursue a legitimate claim of bullying and/or harassment by another member of staff (teaching or support staff) within the context of their employment in the school. Matters involving pupils or members of the public should be dealt with under the appropriate procedures.
- 1.5 A teacher/principal who invokes this procedure and the person(s) against whom allegations are made have the right to be accompanied at all stages of the procedure by a recognised Trade Union Representative or a teaching colleague. It is important that the same individual does not accompany both parties. Legal representation is not permitted.
- 1.6 Where the principal is the subject of, or involved in, the Bullying and Harassment allegations, the Chair of Governors or his/her nominee shall substitute for and undertake the role of the principal in this policy/procedure.
- 1.7 The advice of the Employing Authority must be sought at each stage of the process.
- 1.8 Teacher governors shall not sit on any sub committee established to investigate allegations or hear appeals.
- 1.9 Time limits apply to each stage of the Procedure, unless altered by agreement, or where the complexity of the case requires it.
- 1.10 In circumstances where bullying or harassment is suspected, on the basis of an objective and reasonable belief, the appropriate procedures may be initiated by the management of the

school. The advice of the Employing Authority should be sought and the Procedure should, where appropriate, be invoked at the informal stage.

- 1.11 Documentation relevant to the matters will remain confidential. Such documentation will form part of discoverable documents should there be subsequent legal proceedings.
- 1.12 The Board of Governors will make an annual report to the relevant Employing Authority in respect of claims raised under the Policy and any remedial action taken as a result of such claims. The Employing Authority will monitor the application and operation of this Policy and provide an annual statistical report to the Teachers' Negotiating Committee.

[2] BACKGROUND INFORMATION

2.1 **WHAT CONSTITUTES BULLYING AND HARASSMENT**

2.1.1 The Board of Governors accepts that while harassment may be identified with specific attributes including the individual's religious belief or political opinion, gender, marital or civil partnership status, sexual orientation, race, disability or age, bullying may be non-specific, crossing any or none of the categories mentioned above. Annex I contains examples of the manner in which Bullying and Harassment may be manifested. The list is not exhaustive and provides examples only.

2.1.2 Work related acts of bullying and harassment may occur inside and outside of the workplace, for example, there may be external social events that will constitute an extension of the workplace.

2.2 **THE EFFECTS OF BULLYING AND HARASSMENT**

2.2.1 A distinguishing characteristic of bullying and harassment is that a teacher subjected to it may be reluctant to complain. He or she may fear reprisal or may not want attention focused on the situation and therefore allow unacceptable behaviours to continue.

2.2.2 Individuals who witness bullying and harassment of a colleague may also be reluctant to "whistleblow" or act as a witness for fear of reprisals. In these circumstances individuals may wish to refer to the Code of Practice on Reporting Malpractice (Whistleblowing Policy).

2.2.3 Making a complaint is likely to be a distressing experience both for the complainant and for the person against whom the allegation is made. It is vital that such cases are handled seriously, sensitively, with the highest degree of confidentiality and that a full and fair investigation is carried out.

[3] ROLES AND RESPONSIBILITIES

3.1 **BOARDS OF GOVERNORS**

The Board of Governors has the overall responsibility for overseeing the implementation and operation of this Policy.

3.2 **PRINCIPAL**

The Principal is responsible for:

- the operation of the Policy

- communicating the Policy to teachers and being proactive in raising awareness of the issues relating to the Policy
- promoting positive behaviours in professional and employment related matters
- ensuring that any complaint of bullying and harassment is dealt with quickly and treated seriously, sensitively, fairly and in confidence.

3.3 TEACHERS

All staff are responsible for promoting and maintaining effective and harmonious working relationships within the school.

Teachers are urged to resolve issues, as far as practicable, in a professional and courteous manner and as quickly as possible.

3.4 THE EMPLOYING AUTHORITY

Where appropriate, it is the responsibility of the Employing Authority to advise, assist and support Boards of Governors and Principals in dealing with the management of complaints of bullying and harassment and to advise on the provision of relevant training and awareness on the application of the Policy.

[4] PROCEDURE FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

The primary objective of these procedures is to resolve the issue/s and to restore effective working relations between the parties concerned as quickly as possible. Those involved are strongly recommended to make genuine efforts at informal resolution before having recourse to formal procedures. In so doing they may use the resources of the school, the Employing Authority and the Trade Unions.

4.1 INFORMAL PROCEDURE

- 4.1.1 A teacher who feels that he/she is subject to unacceptable behaviour may attempt to resolve the problem informally in the first instance. This stage is appropriate where the teacher simply wants the behaviour to stop, where the bullying and/or harassment is not serious and where it has not been repeated. Such meetings should be conducted in a private forum and have the sole purpose of informing a colleague that the behaviour in question is offensive, regardless of the intention and must stop.
- 4.1.2 The Principal/Board of Governors should encourage teachers to avail of informal resolution of complaints wherever possible. This could include suitable intervention and facilitation by appropriate officers of the Employing Authority.
- 4.1.3 In seeking to resolve issues in this way, a teacher may wish to obtain the confidential advice, assistance or support of a teaching colleague, a Trade Union Representative or an appropriate officer from the Employing Authority.
- 4.1.4 Where teachers prefer advice and support from a person of their own gender, religion, sexual orientation, age or race, this should be accommodated where practicable.
- 4.1.5 It is expected that most cases will be resolved satisfactorily through the informal process. However, if the bullying or harassment continues, if it is of a serious nature, or if the behaviours are repeated, the complainant has the right to seek mediation or to proceed to formal complaint.

4.2 MEDIATION

4.2.1 Mediation is an agreed process entered into voluntarily, in which an independent experienced intermediary assists participants who are in dispute. The mediation process shall be confidential to the parties involved, non-legalistic and shall seek to reach an early resolution of the issues through consensus.

4.2.2 Where a party chooses not to enter into the mediation process, or mediation has been unable to resolve the matter, the complainant shall be advised of the right to request a formal investigation of the complaint (see 4.3.3 below).

4.2.3 Further details of the mediation process are contained in the separate mediation document TNC 2008/6.

4.3 FORMAL PROCEDURE

4.3.1 It is recognised that there may be situations where it may be impractical or inappropriate to implement the informal stage and/or that the nature of the alleged bullying or harassment requires a more formal approach. In such circumstances it is appropriate for the complainant to request investigation on a formal basis directly.

4.3.2 A formal complaint should be made as soon as possible following behaviour deemed inappropriate, ideally within 10 working days of an incident or of the last or most recent incidence of unacceptable behaviour.

4.3.3 A formal complaint should be made in writing, outline the nature of the behaviour deemed unacceptable and identify the person/s against whom the allegation is made to:

- [a] The Principal or in the absence of the Principal their nominated deputy; or
- [b] The Chair of the Board of Governors where the Principal is making a complaint or is the subject of a complaint.

Alternatively the complaint may be made to the management of the school through:

- [c] A Trade Union representative or a teaching colleague from the school. In such circumstances the representative or teaching colleague will notify the Principal or Board of Governors in writing of their nomination to formally accompany the teacher and will be provided with correspondence relevant to the matters under investigation.

4.3.4 A decision to initiate a formal investigation will not militate against the complainant unless the claim/s is deemed to be frivolous, baseless or vexatious and the formal procedure was instigated in this context, (see paragraph 5).

4.4 ACTION TO BE TAKEN ON RECEIPT OF FORMAL COMPLAINT

4.4.1 On receipt of a formal complaint, the Chair will establish an investigatory panel to investigate the complaint, normally within 10 working days of receipt.

4.4.2 The complainant will be advised in writing that:

- he/she will be asked to attend a meeting of the investigatory panel;
- the person against whom the allegation is made will be informed that a complaint has been made;

- the allegation(s) and any statement(s) or evidence relating to the complaint will be made known to the person against whom the allegation is made, in the course of the investigations.

4.4.3 The subject of the complaint will be advised in writing, as soon as possible, that a complaint has been made and that he/she will be informed in writing of the details of the allegations, following the investigatory panel's meeting with the complainant. A copy of this Policy and Procedure will be provided.

4.4.4 In exceptional circumstances, at any stage in the process, consideration may be given to the need for precautionary paid suspension as a means of protecting the health, safety and welfare of the complainant and/or the subject of the complaint, or where there is a likelihood that the subject of the complaint may seek to obstruct or unduly influence the outcome of the investigation. Such a suspension shall only be imposed after careful consideration. Other alternative actions, such as redeployment, will also be considered, providing they serve the same purpose as the paid suspension.

The Employing Authority must be consulted before a suspension is imposed, or where this is not practicable, as soon as possible thereafter. Where the person against whom the allegation is made is a representative of a recognised union this suspension will not normally take place until the full time official has been informed.

The teacher or other member of staff shall be given written confirmation of the suspension, indicating that it is a precautionary measure and must not be seen as prejudicial to the outcome of the investigation.

4.5 MEMBERSHIP & ROLE OF THE INVESTIGATORY PANEL

4.5.1 The Chair of the Board of Governors will establish an investigatory panel, comprising of not less than two members, unconnected with the allegation/s, to investigate the case. The panel may consist of governors, the Principal, or an external third party/parties, or any combination. Where possible and appropriate the panel should be balanced in respect of age, gender, race or ethnic origin. The remaining Governors will take no further part in the investigation and determination of the case, but will remain available to participate in any subsequent disciplinary action and, if necessary, appeal process. It is important in this respect that provision is made for an Appeal Panel, to hear any subsequent appeal.

In normal circumstances, where the Principal is not a member of the investigatory panel, he/she may be in attendance and may be interviewed by the investigatory panel, but there may be reasons why it would be inappropriate for the Principal to be present. The investigatory panel may invite an officer from the Employing Authority to be in attendance and/or assist in or undertake part of the investigation on behalf of the Panel.

A written record of all proceedings will be taken.

4.5.2 The remit of the investigatory panel will be to:

- investigate the complaint in a thorough manner;
- elicit the facts;
- determine if there is substance to the complaint;
- attempt, with the prior approval of the parties, to resolve the issues between them in an agreed way;

- make recommendations;
- determine whether, on the evidence, the allegation(s) have been sustained.

4.5.3 The overall conduct and the management of the investigation shall be for the investigatory panel to determine. It will ensure that the process is confidential, prompt and discreet.

4.6 FORMAL INVESTIGATION

It is in the interest of all parties to have the investigation undertaken as expeditiously as possible and it would normally be expected that the investigation of a complaint would be completed within 60 working days (see Annex II for guidance), although the nature of each case will determine the length of the investigatory stage.

Initial meeting with the Complainant

4.6.1 The investigatory panel shall write to the complainant to invite him/her to a meeting, which will take place normally within 15 working days of receipt of the written complaint by the Board of Governors. The purpose of the meeting shall be to:

- clarify and record the nature of the formal complaint;
- establish the facts and issues relevant to the complaint;
- note any evidence brought by the complainant;
- take note of any witnesses being relied upon;
- ensure that the complainant is aware of all stages of the procedure;
- determine what the complainant would regard as a satisfactory resolution;
- make the complainant aware of the Employer's Staff Care Service provision.

The investigatory panel will summarise the issues and particularly the precise terms of complaint which is to be investigated, and will provide such to the complainant or representative at the earliest opportunity.

4.7 MEETING THE PERSON AGAINST WHOM THE ALLEGATION IS MADE

4.7.1 The investigatory panel shall write to the person against whom the allegation is made, following their meeting with the complainant, to detail the allegations made and to invite him/her to a meeting to:

- obtain his/her view of the alleged incident/s and any other related matter;
- establish all the facts and issues relevant to the complaint;
- take note of any witnesses to be relied upon;
- examine or take note of any evidence provided;
- ensure that the individual is aware of the next stage of the procedure;
- advise of the Employer's Staff Care Service provision.

4.8 INFORMATION FROM OTHERS WHO MAY ASSIST THE INVESTIGATION

4.8.1 The investigatory panel, as part of its investigation, may wish to meet with and/or consider relevant information from other persons, e.g. witnesses to the alleged incident/s.

4.8.2 All those giving information to the investigatory panel should do so privately and not in the presence of any other person involved in or present during the alleged incident/s.

Witnesses will be advised at the outset of the meeting of the extent of the information that is being sought and that their evidence will form part of the investigatory report.

They will also be advised that their anonymity cannot be guaranteed should the matter become the subject of a disciplinary hearing, further proceedings, appeal or statutory discovery.

A written record of all meetings will be retained. Evidence provided to assist with the investigation will be treated as confidential by all parties to the investigation.

4.9 FINDINGS

4.9.1 On completion of its investigation the panel will consider all of the evidence presented, determine if there is substance to the complaint and whether, on the evidence, the allegation has been substantiated. If it has not been possible to resolve the issues with the parties, the panel will make recommendations on appropriate action.

The outcomes may include the following:

- **The Allegation is Substantiated**

The panel may make recommendations on future action/behaviour, mutual agreement on resolution of the issues, disciplinary action, support mechanisms, including Welfare Service support, counselling etc.

- **The Allegation is Unsubstantiated**

The investigation may establish that the allegations are unsubstantiated. The complainant may access the appeal procedure at paragraph 6.

- **Matter Mutually Resolved or Other Agreed Management Action Required**

The investigation may have resolved the issues or may indicate other appropriate management action to meet the desired outcomes e.g.

- the provision of counselling;
- implementation of agreed mediation;
- training in areas of conflict and anger management;
- attendance at training on harassment or bullying;
- the drawing up of agreed action plans or personal codes of conduct.

4.9.2 The investigatory panel shall prepare a factual and detailed record of its findings and recommendations and submit these to the Chair of the Board of Governors. The Chair of the Board of Governors shall advise both parties, in writing, of the investigatory panel's findings and recommendations, including the reasons for this determination.

4.9.3 If the investigation finds that the allegation is substantiated it will be for the Disciplinary Authority to decide if there is a disciplinary case to answer. If so, the Disciplinary Procedure should be invoked at paragraph 4 and, where an investigation has been conducted under this Policy, it can be substituted for a Disciplinary Investigation as provided at paragraph 3 of the Disciplinary Procedure.

4.10 RECORDS

4.10.1 A record of all meetings, investigations, findings and decisions shall be made and retained by the Board of Governors for not less than 3 years. This may be subject to access requests under Part 2 of the Code of Practice on Data Protection by the subject of data held, specifically about the subject.

[5] **ABUSE OF THIS PROCEDURE**

5.1 It should be noted that, the use of this procedure to:

- make frivolous, baseless or vexatious allegations,
- to distract from other issues,
- to divert attention from or action in the application of other procedures,
- to defame or perpetrate malicious false-hoods,

are likely to constitute misconduct and render the complainant subject to investigation and disciplinary penalty.

[6] **APPEAL PROCESS**

6.1 The appeal process shall only be invoked following completion of the Formal Procedure (paragraphs 4.3 – 4.9 refer).

6.2 **INTERNAL APPEAL**

6.2.1 If the complainant is not satisfied with the findings of the investigatory panel he/she should write to the Chair of the Board of Governors within 10 days of receipt of the decision, indicating that he/she wishes to appeal, specifying the grounds of the appeal.

6.2.2 On receipt of the appeal request, the Chair shall arrange for a sub committee of the Board of Governors to hear the appeal, normally within 10 days of receipt of the appeal.

6.2.3 The sub committee shall write to the complainant to invite him/her to the appeal hearing and remind him/her of the right of accompaniment (refer to paragraph 1.5). The sub committee may request the attendance of a representative of the employing authority whose role shall be advisory in nature and he/she shall not be a party to the decision making process.

6.2.4 The sub committee, having considered the appeal, shall notify the complainant, in writing, of its decision, normally within 10 working days of the meeting.

6.2.5 If the complainant remains dissatisfied, he/she has the right to an independent appeal. Mediation is also available at this stage.

6.3 **INDEPENDENT APPEALS COMMITTEE**

6.3.1 Where the complainant has followed the procedure and is dissatisfied with the outcome, he/she shall have the right of an external appeal.

6.3.2 The complainant, or the union representative or teaching colleague, shall within 10 working days of the outcome of the internal appeal, lodge a formal notice of appeal to the Secretary of Arbitration, Labour Relations Agency, and shall simultaneously copy it to the Chair of Governors.

6.3.3 Within 10 working days of the notice of appeal, both parties shall be contacted to request submissions and to make arrangements for a hearing before an Appeal Committee.

6.3.4 The Appeal Committee shall consist of an independent Chair appointed by the Labour Relations Agency and 2 panel members, one nominated by the Management Side, the

other nominated by the Teachers' Side of the Teachers' Salaries and Conditions of Service Committee (Schools). Neither panel member should be an employee, representative or official of the Employing Authority or the Teachers' Union involved in the case.

- 6.3.5 The appeal shall normally be heard within 15 working days of receipt of the formal notice of appeal by the Secretary of Arbitration who shall be responsible for the setting up and administration of the Appeal Committee. The teacher may be accompanied by the full-time union official or a teaching colleague.

Written submission and supporting documentation shall be lodged with the Arbitration Secretary at least 5 working days before the date of the hearing.

- 6.3.6 Neither party in the independent appeal is entitled to have legal or industrial relations consultants representing them at an appeal hearing.

- 6.3.7 The work of the Appeal Committee shall not be invalidated by the absence of one or other of the parties.

- 6.3.8 The Appeal Committee has the right to make constructive proposals in the form of recommendations which the parties would be expected to undertake to encourage the improvement of working relations within the school.

- 6.3.9 The decision of the Appeal Committee shall be communicated in writing to both parties within 10 working days of the hearing. It shall be final and binding on both parties.

[7] ACTS OF VICTIMISATION OR RETALIATION

- 7.1 The Board of Governors considers that a teacher who makes a complaint in good faith should be protected from acts of victimisation or retaliation.
- 7.2 Victimisation or retaliation may be defined as the use of or the threat of abuse to any individual because they have made a bonafide complaint of bullying or harassment or have assisted an individual in pursuing such a claim, or have acted as a witness in any investigation relating to an allegation of bullying or harassment.
- 7.3 Any complaint of victimisation or retaliation will be dealt with and may result in investigation within the provisions of Disciplinary Procedure.

[8] LEGAL RIGHTS

- 8.1 Nothing in this Policy and procedure should be construed as seeking to remove any person's legal rights. Furthermore, a teacher has the right to seek advice from any appropriate statutory body. An Industrial Tribunal may, however, draw negative inferences from the fact that internal investigation or dispute resolution mechanisms were by-passed before making a complaint to the tribunal.

[9] FURTHER ACTION

- 9.1 The Chair of the Board of Governors or his/her nominee will meet the teacher and other member(s) of staff concerned and/or their trade union representative/s, within 3 months to

monitor and evaluate the situation and assess the effectiveness of any action taken. As a result of this meeting further actions or support may be agreed. In addition, a further review date will be agreed, if necessary. The Human Resources Branch/Section or the Teacher Welfare/Staff Care Service or other counselling services may be contacted for advice or assistance.

[10] **REVIEW**

- 10.1 This policy will be reviewed in 3 years following agreement at the Teachers' Negotiating Committee.

*Further information and advice is available from the
Employing Authority.*

FORMS OF BULLYING AND HARASSMENT

Bullying and harassment can take many forms. Some examples of the manner in which bullying and harassment may be manifested are listed below. The list is not exhaustive and will be subject to any review of the Policy:

- overt abuse of power, including setting unrealistic targets or excessive monitoring of a teacher;
- unfair work allocation or allocation of inappropriate work;
- inequitable allocation of resources;
- trivial fault finding;
- singling out and/or treating differently from other teachers;
- constant negative criticism which cannot be justified and is contrary to the assessment of the teacher's peers etc;
- repeated behaviour which has the effect of belittling, demeaning, ridiculing, patronising, degrading etc. another teacher;
- undermining a teacher either in private or in front of others;
- denying knowledge or information necessary to allow the teacher to undertake their work;
- lack of adequate management support;
- offensive language or inappropriate bad language;
- inappropriate use of formal procedures such as disciplinary or grievance procedures;
- unwelcome personal comments about dress or appearance, unrelated to the promotion of dress codes or standards within the school;
- isolation or non co-operation at work, exclusion from social activities;
- intrusion by pestering, spying, stalking;
- work overload/reduction;
- suppression of career development;
- use of third parties (e.g. pupils) to carry intimidating messages or carry out unwelcome actions on behalf of others;
- plagiarism, taking undeserved credit but never accepting responsibility when things go wrong.

Harassment may also be perpetrated in the workplace by a variety of acts including:

- verbal or written harassment including electronic communications, e.g. insensitive or embarrassing remarks, offensive language, gossip and slander, jokes, signals or gestures, racist comments, threats;
- coercion, requests for sexual favours;
- offensive visual material e.g. pin-ups, pornographic pictures or literature, graffiti, etc.;
- inappropriate physical contact ranging from unnecessary touching to physical assault or the threat of physical assault;
- Disability Related Harassment:
 - Non-verbal (gestures, staring and offensive notes/letters),
 - verbal (language, jokes, comments, ridicule, nicknames, etc) or
 - physical (jostling, mistreating or assaulting);
- Racial Related Harassment:
 - physical conduct ranging from touching to serious assault,
 - verbal and written harassment through jokes, racist remarks and the like,

- displays of racist graffiti or other offensive material based on race,
 - isolation or non-co-operation or exclusion from activities,
 - taunting regarding the colour of his/her skin,
 - taunting regarding type of dress associated with his/her culture.
- Sex Related Harassment:
 - engaging in unwanted conduct that is related to the teacher's sex or that of another person,
 - failure to protect a teacher from third party harassment related to sex, where such harassment has occurred on at least two other occasions.

In addition to claims of harassment, acts referred to above may lead to claims of discrimination.

Bullying and Harassment Procedure
Summary of Process and Time Scales

INFORMAL PROCEDURE (Paragraph 4.1) → MEDIATION (Paragraph 4.2)

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MEDIATION (Paragraph 4.2)

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FORMAL PROCEDURE (Paragraph 4.3) – Normally up to 70 working days

- teacher lodges formal complaint in writing.
- investigatory panel established normally within 10 working days of receipt of complaint.
- investigatory panel meets teacher normally within 15 working days of receipt of complaint.
- investigatory panel writes to the person against whom the allegation is made following their meeting with the complainant and arranges to meet with him/her.
- investigatory panel meets with others who may assist the investigation.
- investigatory panel considers the evidence and, on completion of its investigation, submits findings and recommendations to the Chair of Governors.
- Chair of Governors advises both parties in writing of the panel's findings and recommendations.

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INTERNAL APPEAL (Paragraph 6.2) – normally up to 30 working days

- teacher writes to Chair of Governors within 10 working days of receipt of the investigatory panel's decision.
- sub-committee of governors hears appeal, normally within 10 working days of receipt of appeal.
- sub-committee notifies teacher of its decision, normally within 10 working days of the meeting.
- mediation is available.

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INDEPENDENT APPEALS COMMITTEE (Paragraph 6.3) - normally up to 45 days

- lodge formal notice of appeal with LRA and copy to Chair of Governors – within 10 working days of outcome of internal appeal.
- LRA will contact both parties to request written submissions and to arrange hearing – within 10 working days of receipt of notice of appeal -- to be with LRA at least 5 working days before hearing.
- appeal heard normally within 15 working days of receipt of formal notice of appeal.
- decision of Appeal Committee will be sent to both parties, in writing, within 10 working days of the hearing. This is final and binding on both parties.

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FURTHER ACTION (Paragraph 9)

Chair of Governors or nominee will meet with the parties within 3 months to monitor and evaluate the situation. A further review date will be agreed, if necessary.

Annex to Bullying and Harassment Procedure

Bullying and/or Harassment by a Third Party Other Than an Employee

Preamble

The purpose of this Annex is to set out the process to be followed where the complaint is in relation to bullying and/or harassment by a third party who is not an employee of the school.

The general principals detailed in the main Policy and Procedure document will apply, as appropriate.

As in the Policy document (paragraph 4.2), mediation is available to the parties and may lead to resolution of the issues, through consensus.

Process

1. Where the complaint concerns an external third party e.g. member of the public, sub contractor etc.

- 1.1 Where a teacher considers that he/she is subject to unacceptable behaviour by an external third party he/she may choose to speak directly to the person to try to resolve the situation. The teacher should report the incident and outcome to the principal.
- 1.2 Alternatively, the teacher may prefer to report the incident/s to the principal who should discuss the situation with the teacher and agree a course of action. Where this resolves the matter a record of the event should be kept by the principal.
- 1.3 Where this is unsuccessful or where the teacher and/or principal prefer, the matter may be referred to the Board of Governors.
- 1.4 The teacher should outline the complaint in writing to the Chair of Governors who shall establish a sub-committee of governors to meet with the teacher and ascertain the nature of the allegations.
- 1.5 The sub-committee shall contact the person/s against whom the allegation is made and invite him/her to a meeting with the sub-committee to discuss the complaint. Where the person/s against whom the allegation is made refuses or fails to attend the meeting, the sub-committee may come to a view in their absence.
- 1.6 The sub-committee shall meet with any witnesses to the incident/s and obtain witness statements.
- 1.7 Having considered the matters, the sub-committee shall prepare a report of their findings and make recommendations on a way forward.

Annex III

- 1.8 The sub-committee shall meet with both parties to discuss the report and attempt to agree a way forward. Reaching a solution with a third party may be very difficult and it may be of assistance to use mediation or the support of an officer of the Employing Authority.
- 1.9 Where agreement is reached, the parties shall be provided with a written statement of the agreement which each shall be required to sign. Where there is failure to agree, this shall be recorded and communicated to the parties.
- 1.10 Where the sub-committee have found evidence of bullying and/or harassment by a third party and a resolution has not been found, the Board of Governors shall consider possible sanctions against the third party including, for example, exclusion from the school premises. In such cases the Chair of Governors must consult the Employing Authority and, if appropriate, take legal advice.
- 1.11 The Board of Governors should monitor the situation.

2. Where the complaint concerns a parent, guardian or carer of a pupil/s.

Informal Stage

- 2.1 Where a teacher considers that he/she is subject to unacceptable behaviour by a parent, guardian or carer he/she should, if possible, discuss the matter with the person. The teacher should report the incident to the Principal.
- 2.2 Alternatively, the teacher may prefer to report the incident/s to the Principal, who should discuss the situation with the teacher and agree a course of action. The Principal shall contact the parent, guardian or carer, to invite him/her to attend a meeting to discuss the matter. As in paragraph 1.8 above, it may be of assistance to use mediation or the support of an officer from the Employing Authority.
- 2.3 Where the matter is resolved, the parties shall be provided with a written statement of the outcome. Where the matter is not resolved, this shall be recorded and communicated to the parties.
- 2.4 If further action is deemed to be required the matter shall proceed to the formal stage.

Formal Stage

- 2.5 It is recognised that there may be situations where it may be impractical or inappropriate to implement the informal stage and/or that the nature of the alleged bullying or harassment requires a more formal approach. In such circumstances it is appropriate for the teacher to request investigation on a formal basis directly.

- 2.6 The teacher should outline the complaint in writing to the Chair of Governors who shall establish a sub-committee of governors to meet with the principal and/or teacher and ascertain the nature of the allegations.
- 2.7 The sub-committee shall contact the person/s against whom the allegation is made and invite him/her to a meeting with the sub-committee to discuss the complaint. Where the person/s against whom the allegation is made refuses or fails to attend the meeting, the sub-committee may come to a view in their absence.
- 2.8 The sub-committee shall meet with any witnesses to the incident/s and obtain witness statements.
- 2.9 Having considered the matters, the sub-committee shall prepare a report of their findings and make recommendations on a way forward.
- 2.10 The sub-committee shall meet with both parties to discuss the report and attempt to agree a way forward. Reaching a solution with a parent, guardian or carer may be very difficult and it may be advisable to use the services of the mediation team or an officer of the Employing Authority.
- 2.11 Where the matter is resolved, the parties shall be provided with a written statement of the outcome. Where the matter is not resolved, this shall be recorded and communicated to the parties.
- 2.12 Where the committee have found evidence of bullying and/or harassment by a parent, guardian or carer and a resolution has not been found the Board of Governors can withdraw licence for parents/guardians/carers entering school grounds or buildings subject to considering any representations from parents/guardians/carers prior to a final decision being made. It is recommended that principals and chairs contact the Employing Authority for advice in these circumstances.
- 2.13 If, on completion of the above procedure, the teacher is not satisfied with the decision of the sub-committee he/she may appeal, invoking the internal appeal process (paragraph 6.2 of the main Bullying and Harassment Procedure). There is no further right of appeal.
- 2.14 The Board of Governors should monitor the situation.

In addition to the above Procedure, there are a number of other Policies and Procedures which may be of use to the teacher in dealing with issues relating to parents, guardians or carers of pupils, e.g. Parental Complaints Policy, Promoting Effective Working Relations with Parents/Guardians, Tackling Violence and Abusive Behaviour against Teachers.

3. Where the complaint concerns a member(s) of the Governors, other than the Chair.

Informal Stage

- 3.1 Where a teacher considers that he/she is subject to unacceptable behaviour by a governor/s he/she may choose to discuss the matter with the person. The teacher should report the incident to the principal. Mediation may be of assistance at this stage.
- 3.2 Alternatively, the teacher may prefer to report the incident/s to the Principal who should discuss the situation with the teacher and consider a course of action. Where this resolves the matter a record of the event should be kept by the principal.
- 3.3 Where this is unsuccessful the teacher should refer the matter to the Chair of Governors.

Formal Stage

- 3.4 It is recognised that there may be situations where it may be impractical or inappropriate to implement the informal stage and/or that the nature of the alleged bullying or harassment requires a more formal approach. In such circumstances it is appropriate for the teacher to request investigation on a formal basis directly.
- 3.5 The teacher should outline the complaint in writing to the Chair of Governors who shall establish a sub-committee of governors, excluding any governors involved in the complaint, to meet with the teacher and ascertain the nature of the allegations.
- 3.6 The sub-committee shall contact the governor/s against whom the allegation is made and invite him/her to a meeting with the sub-committee to discuss the complaint. Where the governor/s against whom the allegation is made refuses or fails to attend the meeting, the sub-committee may come to a view in their absence.
- 3.7 The sub-committee shall meet with any witnesses to the incident/s and obtain witness statements.
- 3.8 Having considered the matters, the sub-committee shall prepare a report of their findings and make recommendations on a way forward.
- 3.9 The sub-committee shall meet with both parties to discuss the report and attempt to agree a way forward. Reaching a solution with a governor may be very

difficult and it may be of assistance to use mediation or the support of an officer of the Employing Authority.

- 3.10 Where the matter is resolved, the parties shall be provided with a written statement of the outcome. Where the matter is not resolved, this shall be recorded and communicated to the parties.
- 3.11 If the teacher is not satisfied with the findings of the sub-committee he/she may appeal, invoking the internal appeal process (paragraph 6.2 of the main Bullying and Harassment Procedure). There is no further right of appeal.
- 3.12 Where the investigatory sub-committee and/or the appeal sub-committee find evidence of bullying and/or harassment by a governor/s they shall submit their report to the Chair of Governors who shall convene a meeting with the remaining governors, including the investigatory sub-committee and excluding any governors involved in the complaint, to decide on appropriate action. The advice of the employing authority must be taken in advance of a decision.
- 3.13 Where the bullying and/or harassment was of a minor nature or genuinely unintentional it may be appropriate to record a note of censure and issue the governor/s responsible with a warning, stating clearly that the behaviour is unacceptable and must not be repeated.
- 3.14 Where the bullying and/or harassment is of a more serious nature it may be appropriate to record a vote of no confidence. In such circumstances it would be expected that the governor/s responsible for the bullying and/or harassment would step down from their governorship.
- 3.15 Where the governor/s refuses to step down from governorship, the matter will be referred to the Department of Education for action under Article 23 (4) of the Education and Libraries (NI) Order 2003.
- 3.16 Where the investigation has found evidence of Bullying and/or Harassment by the governor the body responsible for nominating him/her to the Board of Governors shall be advised, in writing, including any resulting recommendations or action taken.

4. Where the complaint concerns the Chair of Governors.

- 4.1 The procedure will be as outlined for complaints against governors except that:
 - at 3.3 and 3.5 read vice chair;
 - at 3.5 the vice chair should obtain the agreement of the governors to the Employing Authority appointing an independent person to conduct the investigation, the findings of which the governors must agree to accept.