

# St Padarn's Institute Harassment Policy



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ST PADARN'S INSTITUTE

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# **St Padarn's Institute Harassment Policy**

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## **2. Introduction**

St Padarn's does not tolerate any form of harassment, bullying or victimisation and expects all members of the St Padarn's community (including learners, staff volunteers and any other person who contributes to St Padarn's activities), its visitors and contractors to treat each other with respect, courtesy and consideration.

St Padarn's is committed to fostering an inclusive, caring, Christian culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all are respected.

Staff also come under the Representative Body of the Church in Wales Bullying and Harassment Policy.

## **3. Aims**

- Promote a positive environment in which people are treated fairly and with respect.
- Make it clear that harassment and victimisation is unacceptable and that all involved in St Padarn's have a role to play in creating an environment free from harassment.
- Provide a framework of support for those who feel they have been subject to harassment or victimisation.

- Provide a mechanism by which complaints can wherever possible be addressed in a timely way. (Complaints relating to staff will be dealt with under the Representative Body of the Church in Wales Bullying and Harassment Policy).

#### **4. Commitment**

St Padarn's is committed to:

- Creating a positive environment in which all learners and staff are respected, provided with development and progression opportunities and can make the most of their abilities. Fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all involved in St Padarn's are respected and where individual differences and the contributions of all staff, learners and contributors are recognised and valued. St Padarn's celebrates and encourages diversity in all areas of its community.
- Identifying and eliminating unfair or unlawful discrimination of all those with whom we interact. No member of, or applicant to, St Padarn's will receive unfair or unlawful treatment due to the Equality Act 2010 protected characteristics of disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race (including colour, ethnic/national origin or nationality), religion or belief, sex (gender) and sexual orientation, nor face unwarranted discrimination on the grounds of age.
- Creating a working and learning environment free of harassment, bullying, victimisation and unlawful discrimination and expecting all involved with St Padarn's to treat each other with respect, courtesy and consideration at all times.
- Taking seriously complaints of harassment, bullying, victimisation and unlawful discrimination by all involved in St Padarn's.
- Opposing all forms of unlawful discrimination among our staff, including in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

#### **5. Implementation**

St Padarn's will therefore:

- Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential.
- Make decisions concerning learner and staff recruitment and/or employment based on merit.
- Ensure that the Representative Body of the Church in Wales policies with regard to employment practices and procedures are followed.

- Annually monitor how the St Padarn's Equal Opportunities Policy is working in practice and take any appropriate action to address any issues.
- Inform all members of senior management, line managers and all other employees and students about their rights and responsibilities under this policy.
- Inform all staff, learners and volunteers that they as well as their employer, can be held liable for acts of harassment, bullying, victimisation and unlawful discrimination, in the course of their employment, against all members of the St Padarn's community, its visitors and the general public.
- Respond to all complaints of harassment, bullying, victimisation and unlawful discrimination by fellow employees, students, visitors the public and any others in the course of St Padarn's activities.

St Padarn's monitors the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy.

## 6. Definition

Harassment is where one person engages in unwanted and uncalled-for behaviour which has the purpose or effect of violating another person's dignity, (every person has the right to be valued, respected and to be treated in a morally correct way) or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A person does not need to have clearly stated at the time that the behaviour was unwanted for it to be harassment.

There are various types of harassment, which could include:

- Bullying is a form of harassment which may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- Sexual harassment is harassment which is either of a sexual nature, or which is based on a person's sex, and which is regarded as unwelcome or offensive to the person to whom it is directed.
- Stalking is a type of harassment which takes the form of unwanted or obsessive attention and may include following the victim in person or monitoring them (see behaviours below).
- Victimisation occurs where an individual is treated less favourably than others because they have taken action to assert their legal rights or assisted another in their legal rights to make, what they believe to be a genuine complaint of mistreatment.

## 7. Behaviours

St Padarn's believes that harassment, bullying, unlawful discrimination and victimisation are behaviours which undermine the well-being of the person concerned and may also adversely affect their performance. No such conduct is a part of a culture in which learners, staff and others involved are treated with dignity and respect. They are also incompatible with the Christian values on which St Padarn's is built. Activity which constitutes harassment can be committed:

- Through individual behaviour face to face
- Either verbally or physically
- Towards one or more individuals
- Through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of St Padarn's IT Policy.
- Directly to the person concerned, or to a third party through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying.

Harassment is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- Unwanted physical contact, ranging from an invasion of space to an assault, (this includes sexual harassment).
- Open hostility, verbal or physical threats.
- Offensive comments or body language, insults, jokes and banter based on race, religion, gender or other 'protected characteristics'.
- Malicious rumours, insulting, abusive, embarrassing or patronising behaviour or comments.
- Persistently shouting at, insulting, threatening, disparaging or intimidating an individual.
- Behaviour which causes the victim to feel intimidated, humiliated, patronised or harassed, such as persistent teasing, and/or demeaning criticism.
- Constantly criticising an individual without providing constructive support to address any performance concerns.
- Persistently overloading an individual with work that s/he cannot reasonably be expected to complete.
- Posting offensive comments on electronic media, including using mobile communication devices.
- Threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission.
- Isolation from normal work or study place, conversations, or social events.
- Publishing, circulating or displaying pornographic, racist, or otherwise offensive pictures or other materials. Constant unfounded criticism of the performance of work tasks, unfair allocation of work and responsibilities or exclusion from normal work place conversation or social events.

The intentions of the alleged harasser are not always determined by whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant. The recipient does not need to have explicitly stated that the behaviour was unwanted.

Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

Bullying is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- Persistent teasing
- Regular unfounded criticism of performance of work tasks
- Unfair allocation of work and responsibilities
- Exclusion from normal conversation or social events

Sexual Harassment is characterised by, but not limited to, such behaviour as any of the following unwanted behaviours:

- Inappropriate body language, for example staring or gestures
- Suggestive remarks, propositions or gestures, pin-ups, graffiti
- Unwanted sexual advances, propositions, suggestions or pressure for sexual activity, where it has been made clear that this is not welcome.
- Unwanted touching or any other physical contact of a sexual nature
- Sexually explicit jokes, remarks or innuendos
- Suggestions that sexual favours may further a student/member of staff's academic or employment career/grade, or that refusal may hinder it.
- Derogatory or demeaning remarks based on gender, or the display of sexually explicit material anywhere on St Padarn's premises or electronic platforms.

St Padarn's regards sexual harassment (regardless of the motivation) as a form of denial of equal opportunity which has the effect of insulting and demeaning the person against whom it is perpetrated. Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations.

Harassment which is not limited to circumstances where harassment relates to a protected characteristic is a criminal offence under the Protection from Harassment Act 1997.

Stalking is characterised by, but not limited to, such behaviour as any of the following repeated and unwanted behaviours:

- Following a person
- Contacting, or attempting to contact, a person by any means
- Publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person.

- Monitoring the use by a person of the internet, email or any other form of electronic communication, other than by authorised staff, as described in the St Padarn's IT Policy and The Representative Body of the Church in Wales Computer Security and Misuse Policy.
- Interfering with any property in the possession of a person
- Watching or spying on a person including through the use of CCTV or electronic surveillance, other than legitimate security surveillance authorised by the Church in Wales.

St Padarn's will regard as victimisation any instance where a person is subjected to detrimental treatment because they have, in good faith:

- Made an allegation of harassment or indicated an intention to make such an allegation.
- Assisted or supported another person in bringing forward such an allegation.
- Participated in an investigation of a complaint
- Participated in any disciplinary hearing arising from an investigation
- Taken any other steps in connection with this Policy and Procedure or is suspected of having done so.

St Padarn's seeks to protect any member of its community from victimisation, which is a form of misconduct which may itself result in a disciplinary process.

## **8. Policy Application**

Any member of St Padarn's staff who feels they have been subject to any form of harassment should refer to the Representative Body of the Church in Wales Bullying and Harassment Policy. Anyone else who feels they have been subject to any form of harassment in their interaction with St Padarn's should refer the matter to the Principal, or a member of the senior leadership, as per the St Padarn's Complaints Policy. The matter will be handled with sensitivity and fairness.

St Padarn's strongly urges anyone who is confronted with an individual who comes to them with an accusation of sexual assault or sexual violence being committed against them should immediately refer the matter to the Principal or Safeguarding Lead, who will also refer the matter to the Church in Wales Safeguarding team. Allegations of harassment in whatever form it takes will be taken very seriously. Serious complaints which are upheld amount to gross misconduct and would be dealt with under either the St Padarn's Disciplinary Policy (non-staff) or the Representative Body of the Church in Wales Disciplinary Policy (staff).

All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation) should maintain the confidentiality of the process. Failure on the part of any member of St Padarn's staff to do so will be regarded as a failure to fulfil the responsibilities of their position. All steps will be taken to maintain confidentiality as far as is consistent with progressing the complaint. Those involved in advising complainants should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that, in

exceptional circumstances, it may be necessary to disclose the information, taking account of the duty of care which may be owed to the individual and/or others.

When a criminal offence may have been committed, the relevant harassment procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault.

If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. This would be dealt with by the relevant Disciplinary Policy. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith