

LESCHENAULT CATHOLIC PRIMARY SCHOOL HARASSMENT POLICY



First implemented 2000
Updated 2003
Updated 2008
Review 2011
Reviewed 2012

PART A: PRINCIPLES

The contact officer for Leschenault Catholic Primary School is Sue Newman. At commencement of each school year, the Harassment officer should be introduced and the procedure for grievances outlined by the officer.

- 1.
2. Leschenault Catholic Primary School is committed to ensuring that the working environment is free from harassment, that it will not be tolerated under any circumstances and that disciplinary action will be taken against any employee (or agent) who breaches the policy.
3. Leschenault Catholic Primary School aims to:
 - create a working environment which is free from harassment and where all members of staff are treated with dignity, courtesy and respect;
 - **Ongoing** training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
 - provide an effective procedure for complaints based on the principles of natural justice;
 - treat all complaints in a sensitive, fair, timely and confidential manner;
 - ensure protection from any victimization or reprisals;
 - encourage the reporting of behaviour which breaches the harassment policy;
 - promote appropriate standards of conduct at all times.
4. Leschenault Catholic Primary School is committed to the rationale and principles as outlined in the CECWA policy on Harassment in Schools.
5. Immediate disciplinary action will be taken against anyone who victimizes or retaliates against a person who has complained of harassment.
6. All staff have a responsibility to:
 - comply with the school's harassment policy;
 - offer support to anyone who is being harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves);
 - maintain complete confidentiality if they provide information during the investigation of a complaint. The spreading of gossip or rumours may expose them to a defamation action.

7. Leschenault Catholic Primary School is committed to providing an environment which is safe for its employees and free of harassment. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

PART B COMPLAINTS PROCEDURES

8. Any employee who believes he or she is experiencing harassment of any nature should follow one of the following options:

INFORMAL COMPLAINT PROCEDURES

Informal procedures emphasise an expedient resolution and can be utilized at the discretion of the complainant.

Informal ways of dealing with harassment can include the following action.

- The individual who has alleged harassment may want to deal with the situation themselves but may seek advice on possible strategies from a leadership team member or the contact officer.
- The individual who has alleged harassment may ask the contact officer to speak to the alleged harasser on their behalf. The contact officer privately conveys the individual's concerns and reiterates the school's harassment policy to the alleged harasser without assessing the merits of the case;
- A complaint is made, the alleged harasser admits the behaviour, investigation is not required and the complaint is resolved through conciliation or counseling of the harasser;
- The contact officer or a member of the leadership team observes unacceptable conduct occurring and takes appropriate action even though no complaint has been made.

Informal procedures are usually appropriate where:

- The allegations are of a less serious nature and
- The parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained.

A staff member should not be required to exhaust informal attempts at resolution before formal action commences. A member of staff at any point in time has the right to formalize their complaint or approach an external agency, such as the Human Rights and Equal Opportunity Commission (HREOC). Once an external agency such as HREOC has commenced proceedings the informal school based investigations will cease.

FORMAL COMPLAINT PROCEDURES

- a. Formal procedures focus on proving whether a complaint is substantiated.
- b. Formal procedures usually involve:
 - An investigation of the allegation
 - Application of the principles of natural justice
 - Making a finding as to whether the alleged harassment occurred

- Submitting a report with a recommended course of action to the Principal
 - Implementation of an appropriate outcome.
- c. Formal procedures are usually appropriate where
- Informal attempts at resolution have failed
 - The person alleging harassment has been victimized
 - The complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties
 - The complaint is against a more senior member of staff. Formal procedures may help to ensure that the complainant is not victimized or disadvantaged
 - The allegations are denied, the person who claims to have been harassed wishes to proceed and an investigation is required to substantiate the complaint or
 - The person alleging sexual harassment wishes to make a formal complaint from the outset.
- d. To ensure consistency and fairness, the school must document the steps involved in a formal complaint. The usual sequence of events is as follows:
- The complainant is interviewed and the allegations are particularized in writing
 - The allegations are conveyed in writing to the alleged harasser. This would include the process to be followed to resolve the issue
 - The alleged harasser is given the opportunity to respond in writing and defend themselves against the allegations
 - The alleged harasser has the right to have representation i.e, a colleague, union representative
 - If there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered
 - A finding is made as to whether the complaint has substance
 - A report documenting the investigation process, the evidence, the finding and a recommended outcome/s is submitted to the Principal/decision-maker
 - The Principal/decision-maker implements the recommended outcome/s or decides on an alternative course of action.
- e. A formal complaint should not be dismissed on the ground that no one saw or heard the incident/s occur. Given the nature of the offence, there are often no direct witnesses to alleged acts of harassment. Those responsible for investigating complaints should consider all available evidence including any surrounding evidence, and make their finding on the balance of probabilities. The Industrial and Community Relations Team can be contacted on a confidential basis to discuss and provide advice at any time.
- f. The following type of evidence may be relevant:
- Supporting evidence provided by a medical practitioner, counselor, family member, friend or co-worker
 - Supervisor's reports and personnel records (e.g. sudden increase in sick leave)

- Factual complaints or information provided by other employees about the behaviour of the alleged harasser
 - Records kept by the person claiming to have been harassed
 - Whether the evidence was presented by the parties in a credible and consistent manner.
- g. Outcomes may include any combination of the following but are not limited to the outcomes below
- Counseling
 - Formal apologies
 - Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution
 - Official warnings that are noted on the harasser's personnel file
 - Disciplinary action against the harasser (e.g. demotion, dismissal, removal of some duties,etc)
 - Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious
 - Reimbursing any costs associated with the harassment
 - Re-crediting any leave taken as a result of the harassment
- h. Outcomes will depend on factors such as
- Severity and frequency of the alleged harassment
 - The weight of the evidence
 - The wishes of the person who was allegedly harassed
 - Whether the alleged harasser could have been expected to know that such behaviour was a breach of policy
 - The level of contrition
 - Whether there have been any prior incidents or warnings.
- i. If there is insufficient proof to decide whether or not the harassment occurred, employers should nevertheless
- Remind those involved of expected standards of conduct
 - Conduct further training and awareness raising sessions for staff
 - Monitor the situation carefully
- j. Leschenault Catholic Primary School will ensure that the outcome of the substantiated complaint does not disadvantage the person who was allegedly harassed in any way.
- k. The only case where no action is warranted is where it is deemed that the action did not take place. Even where it is determined that the behaviour did take place but that it did not constitute harassment, some action should be taken to reconcile the parties involved.

9. If the school based proposed resolution does not resolve the situation, or the person making the allegation does not feel able to follow through with the complaint procedures, they should contact the Industrial and Community Relations team at the CEO.
10. Throughout the process of investigating the complaint, the rights of all individuals will be respected and confidentiality maintained wherever possible.
11. Notes will be kept of all incidents – date, time, place, witnesses, what is said or done.
12. A written explanation of the findings and action taken should be provided to
 - The person/s making the allegation
 - The person/s against whom the allegation is made.

PART C: ROLE OF THE CONTACT OFFICER

Upon receipt of a complaint, the contact officer will discuss and determine with the complainant whether an informal or formal process is to be adopted. The contact officer will then record in writing the allegations and include the following details

- Name of person registering the complaint
 - Name of person (or persons) alleged to have harassed the complainant
 - Details of the specific incident and any related incidents, including the date and place incidents are alleged to have taken place
 - The names of any staff members who witnessed the event or related events and
 - Suggestions of possible resolutions of outcomes from the complainant should be requested.
13. A copy of this record will be provided to the Principal and a plan of action agreed. This will include a discussion with the person (or persons) alleged to have harassed the complainant.