



## PREVENTION OF HARASSMENT AND DISCRIMINATION PROCEDURE

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### Introduction

Beaumont is an inclusive school. Equality is embedded in the School Aims of promoting equal opportunity for all members of our community, regardless of their ability, background or culture along with developing an awareness of our world, celebrating diversity and promoting a concern for the environment.

Our school is committed to meeting its public sector statutory duties as detailed in the school's Single Equality Scheme and summarised below.

#### General Duty under the Equality Act 2010:

- **eliminate discrimination**, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- **advance equality of opportunity** between persons who share a relevant Protected Characteristic and persons who do not share it
- **foster good relations** between persons who share a relevant Protected Characteristic and persons who do not share it.

#### Protected Characteristics

The Equality Act 2010 protects members of our school community from discrimination and harassment based on protected characteristics. The protected characteristics for school provisions are:

- age (for staff only)
- disability
- ethnicity and race
- gender (sex)
- gender identity and reassignment
- pregnancy, maternity and breast feeding
- religion and belief



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- sexual orientation

The purpose of this procedure is to set out how Beaumont School will undertake to meet its obligation to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act.

### Definition

Beaumont defines an incident of harassment or 'prohibited behaviour' using the definition proposed by the Macpherson Report (1999) and stated in the Home Office Code of Practice on Recording and Reporting Racial Incidents (April 2000): *A racist incident is any incident which is perceived to be racist by the victim or any other person.* Broadening this definition to include prejudicial behaviour based on any of the above protected characteristics, this means that any incident which is perceived as harassment will be investigated and recorded according to the procedures associated with this policy. In seeking to establish whether harassment has taken place, the member of staff investigating the incident will seek to establish whether any act or expression has occurred which causes harm or offence based on an individual's possession of a protected characteristic.

Harassment is not based on intentionality. Whether or not the perpetrator intended to harass, or understands the prejudicial content of what s/he has done, the effects of the harassment must be dealt with. The perspective of the child/adult who has been harassed should be given particular attention.

It is important to remember that prohibited behaviours may take many forms. Incidents may include:

- Threatened or actual physical assault
- Verbal abuse and name-calling
- Expressions of prejudice calculated to offend others or influence the behaviour of others
- Graffiti or posts on social media websites including *Facebook* and *Twitter*
- Distributing prejudiced literature
- Wearing of badges or symbols belonging to known prejudiced organisations
- Teasing in relation to a protected characteristic
- Inappropriate humour

It is important to recognise that:

- Harassment may be one aspect of an incident which also has other dimensions
- Staff may need to deal with comments from parents or other adults as well as by children
- Incidents may involve group as well as individual behaviour. Such incidents are often part of more complex interactions which may take place in both in school and out of school, including the use of social media



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- Prohibited behaviour can occur without a target or victim being present - e.g. telling racist or homophobic jokes
- Acts or expressions may include negative body language - for example, the refusal of a pupil to sit or work with a pupil possessing a protected characteristic.

### **Principles**

The following principles underpin the school's approach in dealing with incidents of prohibited behaviour and harassment:

All members of the school community, including staff, students and parents have a right not to experience prejudice or harassment at school whether or not this is directed at them.

All incidents should be responded to in a timely and proportionate manner. Some aspects of the response may need to be dealt with at a later stage, for example, contact with parents. School staff should understand that their reaction to such incidents will influence the attitude of pupils. For example, a failure to respond may be seen as condoning prohibited behaviour.

All incidents of prohibited behaviour will be treated as significant disciplinary matters. As with all disciplinary matters, the way it is dealt with should be appropriate to the incident itself. For example, a deliberate racist or homophobic attack (verbal or physical) should be treated as any other serious attack involving discipline of the offender and support for both parties. Where the incident is judged to be unintentional then the emphasis would be on support and education rather than on sanction.

Some instances of harassment will constitute crimes and must be reported to the police in accordance with the 'Protection from Harassment Act' (1997) and the 'Crime and Disorder Act' (1998). It may be the victim's expressed preference that incidents should not be investigated. In such cases the consequences should be explained fully, but the victim's preference should be upheld, except where a crime has, or may have been committed or where there may be duress or where not to respond would be detrimental to school ethos and the community.

### **Prevention**

We believe that responding to incidents of prejudice and harassment in a way which supports the victim and ensures that perpetrators are effectively dealt with will have a powerful influence on preventing such incidents. In addition we are committed to preventing prohibited behaviours by promoting a climate in which pupils are encouraged to report behaviour which is of concern, including bullying and harassment. This will be done through the curriculum, individual and group tutorials, school meetings and individual counselling sessions. In addition, recording and



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monitoring procedures will allow information to be gathered which will help appropriate preventative measures to be put into place.

### **Implementation and Monitoring of the Procedure**

Beaumont will:

1. Appoint a designated staff member to oversee incidents relating to prohibited behaviours;
2. Record and monitor all incidents and responses in order to help review the effectiveness in dealing with prohibited behaviour. The record will include date, numbers of the perpetrators and victims, nature of the incident and action taken in response;
3. Monitor the number and type of incidents and report to the Governing Body for discussion and action where appropriate.

### **Guidance for Staff**

#### ***Procedures***

Staff encountering, or being made aware of an incident of prohibited behaviour, will fill in an incident report, clearly indicating that harassment is involved, using the Local Authority *Integrated bullying and racist incident record* and, if appropriate, the *Herts County Council Violent Incident Report (VIR) Form*. The member of staff who is initially involved will deal with the incident according to the procedures, unless it is more appropriate for them to refer it to a member of Pastoral Leadership who will continue with the procedures. The designated staff member may be involved at all stages as appropriate.

The member of staff dealing with the incident will:

- Listen to the victim's account, allowing the pupil to express their feelings of the incident,
- Advise the victim what action has been or will be taken,
- Decide if the victim is able to return to class while the incident is investigated,
- Gather evidence from the people involved or witnesses to the incident,
- Inform the parents/carers of the victim, and of any pupils who have been involved in the harassment, as soon as possible. Inform parents/carers that you will feed back what action has been taken as a result of the incident,
- Draw up a list of actions to be taken to deal with the perpetrators,
- Inform the victim and parents/carers how the incident is being dealt with,
- Talk to the victim about how they feel and ask whether they require further support.



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The designated staff member will then consider and implement the agreed action points. The order in which the above procedure is followed should be flexible and will be guided by the principle that support to the victim is paramount.

### **Determining Responses**

The following questions may assist understanding a situation and help in responding:

- Is it an isolated incident or is it part of a wider problem?
- What circumstances gave rise to the incident?
- Was group reinforcement involved or can the incident be attributed solely to individual behaviour?
- Has the perpetrator behaved like this before?
- Does the perpetrator understand the degree of seriousness of the incident?
- Was there provocation? (This does not make an incident of prohibited behaviour any more acceptable).
- Exactly what was said and done (as distinct from effects, reasons or intentions)?
- What were the effects, reasons or intentions of what was said and done?

***Dealing with Perpetrators*** ( *this section should be read in consultation with the school's Behaviour Policy* )

When discussing an incident with a perpetrator staff should:

- Define the behaviour which was offensive and explain why it was unacceptable.
- State clearly what change of behaviour you expect
- Check the perpetrator's understanding.
- Tell the perpetrators that parents/carers will be informed.

Possible responses/sanctions may include:

- Isolating the perpetrator from other students, including at break and lunch times.
- Requiring the perpetrator to make a verbal or written apology to enable a 'restorative justice' process to take place
- Arranging a meeting with parents/carers to discuss the incident.
- Fixed term or permanent exclusion from school.

Other sanctions may be applied, depending upon the severity of the incident and whether it is an isolated incident or forms part of a repeated pattern of offences by the perpetrator.

*This policy has undergone an equality impact assessment in accordance with the school's Public Sector Equality Duty under the Equality Act 2010.*