

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 principles 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.

- 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.