



Lingfield Education Trust

Anti-Bullying & Harassment Policy & Management Guidance

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Policy type	Academy Trust
Policy prepared by (name and designation)	Nick Blackburn CEO
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1. INTRODUCTION

- 1.1 This document provides advice to Governors / Trustees / CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School and Senior Management team on the practical application of the Trust's Anti Bullying and Harassment and Policy.
- 1.2 The Board of Trustees is firmly committed to equal opportunities and believes that every employee has the right to work in a safe environment without the fear of discrimination, harassment or abuse. As such, the Trust will not tolerate or condone harassment or bullying in any form.
- 1.3 The Policy aims to prohibit harassment and bullying within the Trust and covers both employees, Governors and Trustees. It aims to promote an organisational culture which is free from hostility and intimidating behaviour; where everyone feels a personal responsibility to ensure that the dignity and feelings of individuals are not abused and where individuals feel confident enough to bring complaints without fear of ridicule or reprisal.
- 1.4 The Trust accepts that, by creating the right climate, the Policy can either help to prevent problems before they start, or before they develop further to the detriment of our employees.

2 COVERAGE OF POLICY

- 2.1 The Policy applies to all employees and to all Governors and Trustees.

3 POLICY STATEMENT

- 3.1 Trust employees should not have to tolerate conduct in the workplace that they would not tolerate outside the work environment. As such, the Trust will not tolerate or condone harassment or bullying in any form.
- 3.2 Complaints of harassment and / or bullying will be taken very seriously and dealt with promptly and sensitively following the procedures outlined in this guidance. Strict confidentiality will be maintained throughout the process to ensure that information relating to complaints is only shared with relevant parties.
- 3.3 Appropriate disciplinary action will normally be taken against any employee where a claim of harassment or bullying has been substantiated. This could result in a range of sanctions / warnings being issued, up to dismissal for gross misconduct. Similarly, any unwarranted allegations made in bad faith or with malicious intent will also be regarded as misconduct and take appropriate disciplinary action.

4 WHY THE TRUST NEEDS TO TAKE ACTION

4.1 The Trust acknowledges that harassment / bullying is not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the Trust including:

- Poor morale and employee relations;
- Loss of respect for CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School / Senior Managers;
- Poor performance and productivity, impacting on the overall quality of teaching and learning for pupils;
- Absence;
- Resignations;
- Damage to the Trust's reputation.

4.2 The Trust is responsible for the actions of its employees, as well as the employee being individually responsible. If harassment / bullying takes place in the Trust, the relevant body may be liable and may be ordered to pay compensation, unless it can be shown that it took reasonable steps to prevent harassment / bullying. Employees who harass or bully may also be ordered to pay compensation.

4.3 Harassment / bullying also has a harmful effect on employees. It can be one of the most upsetting and humiliating experiences a person can suffer. When it occurs at work, it can seriously affect the employee's work performance and morale. Employees can be subject to fear, stress and anxiety, which may also place great strain on personal and family life.

4.4 Harassment / bullying tends to get worse if it is not dealt with. By doing nothing, the Trust is in effect supporting employees who harass and bully

5 LEGISLATIVE BACKGROUND

5.1 Harassment is unlawful under the Equality Act 2010.

5.2 The Health and Safety at Work Act 1974 states that employers are responsible for the health, safety and welfare at work of all employees and are liable for the actions of their employees at work.

5.3 Equality

In applying this Policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act 2010 and specified below:

- a) Age
- b) Disability
- c) Gender Reassignment
- d) Marriage and civil partnership
- e) Pregnancy and maternity
- f) Race, colour, nationality, ethnic or national origin
- g) Religion or belief
- h) Sex

5.4 Disability under the act covers physical and mental impairments that have a substantial and long term adverse effect on an individual's ability to carry out normal day-to-day activities. If an employee is affected by a disability or any medical condition, which affects their ability to undertake their work, they should discuss this with their line manager.

5.5 The Trust will operate this policy consistently and in a non-discriminatory way by taking account of any relevant individual circumstances that may impact on the situation.

Data Protection

5.6 Any information held by the Trust relating to bullying and harassment claims will be used and stored in accordance with the General Data Protection Regulation (GDPR) and other legislative provisions.

6 HOW CAN YOU RECOGNISE BULLYING AND HARASSMENT?

6.1 The terms 'harassment and bullying' are often used interchangeably and many definitions include bullying as a form of harassment.

6.2 **Harassment** can take many forms and occur in a variety of situations. It may be directed at an individual, or a group of individuals. However, in general terms, harassment is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to:

- age;
- gender;
- sexual orientation;
- race;
- ethnic or national origin;
- skin colour;
- disability;
- sensory impairment or learning difficulty;
- religion or belief;

- political conviction;
- membership or non-membership of a trade union;
- status as an ex-offender;
- willingness to challenge harassment leading to victimisation, or
- any personal characteristic of the individual.

6.3 The Equality Act defines harassment as occurring when unwanted conduct relating to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive for that individual.

6.4 In general, **bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, spoil the reputation of or injure the recipient, publicly or privately. Cases almost always involve one person in a position of authority bullying an individual or group in a subordinate role. However, an individual may also bully a peer, and groups of people may pick on an individual.

6.5 It is also worth noting that behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause the most problems.

6.6 Examples of what will be considered as unacceptable behaviour include:

- physical contact ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, computer messages, gossip, slander or letters;
- visual display of inappropriate materials, posters, graffiti, obscene gestures, etc;
- isolation of individuals, e.g. exclusion from a group or departmental activities;
- coercion ranging from pressure for sexual favours through to pressure to participate in political or religious groups etc;
- intrusion by pestering, spying or stalking;
- intimidating behaviour or abuse of power i.e. bullying.

This list is not exhaustive. Behaviour may not be intended to harass or bully, but it may be perceived or felt to do so by the recipient. In short, it is the recipient who decides what constitutes harassment / bullying in terms of what is unacceptable / offensive to them personally.

6.7 Harassment / bullying is not necessarily face-to-face and can often be hard to recognise as it may be subtle and not be obvious to others. Yet the difficulty in defining and categorising harassment and / or bullying is what often deters

people from reporting it or complaining of behaviour that is causing them distress.

- 6.8 People who are being harassed or bullied may be anxious that others may consider them weak or not up to the job if they find the actions of others intimidating. They may worry that they won't be believed if they report incidents, or fear retribution if they do make a complaint. Sometimes, they may appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. It is particularly difficult to handle where the harasser/bully may be the supervisor or line manager of the victim.
- 6.9 Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences themselves. They may also be so relieved not to be the subject of the harasser / bully themselves that they collude with the harasser / bully as a way of avoiding attention.
- 6.10 It does not follow that, as CEO / Deputy CEO / Executive Head Teacher/ Head Teacher /Head of School/ line manager, you should dismiss a complaint if you have a different interpretation of what constitutes acceptable behaviour to the employee who has made allegations of harassment / bullying. You must never assume that people making allegations are being over-sensitive.
- 6.11 The concept of 'reasonableness' also has to be considered in that, when assessing whether harassment has taken place, an Employment Tribunal would consider whether, taking into account all the circumstances, the alleged harasser or bully 'could reasonably be considered' as having violated the complainant's dignity, or created an offensive environment for them. As such, an over-sensitive complainant who takes offence unreasonably at a perfectly innocent comment would probably not be considered as having being harassed if the case were to go to an Employment Tribunal.
- 6.12 Behaviour of people in the workplace can also vary from day-to-day. Someone who is normally perfectly civil to those around them can occasionally appear impatient, pre-occupied or fail to show the courtesy and respect expected of them by the Trust. This may be for a variety of reasons, including pressure of work, domestic difficulties or ill health. These day-to-day variations are a normal part of workplace behaviour and would not necessarily constitute harassment / bullying.

7 RESPONSIBILITY

- 7.1 The Board of Trustees is responsible for implementing, promoting and monitoring this Policy, to ensure that complaints are effectively resolved and that no victimisation occurs. The Board of Trustees should ensure that records of

cases kept for the purposes of monitoring the number, nature and outcomes of incidents of alleged harassment and bullying in the Trust and will assist in ensuring that that appropriate training and support is made available to all those involved in the process.

- 7.2 CEO / Deputy CEO / Executive Head Teacher/ Head Teacher /Head of School is responsible for ensuring that the Policy is adhered to within the Trust and that complainants are reassured that all records will be kept confidentially.

8 CEO / DEPUTY CEO / EXECUTIVE HEAD TEACHER / HEAD TEACHER / HEAD OF SCHOOL / SENIOR MANAGEMENT TEAM'S RESPONSIBILITY

- 8.1 The CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School / Senior Management Team must ensure that all staff are aware of their responsibilities under the Policy whilst at the workplace or attending work functions or parties. You must also set a good example in this area, as your behaviour is as important as any Policy. Management style is important. Whilst employees should not confuse a firm management style with harassment / bullying, a culture where employees are consulted and problems are discussed is less likely to provoke claims of harassment and bullying than one where there is an authoritarian management style.
- 8.2 You must take appropriate pre-emptive action if you become aware that an employee has behaved unacceptably in terms of harassment / bullying, irrespective of whether a complaint has been received or there is an unwillingness by the recipient to pursue a complaint under the Policy.
- 8.3 You must address any allegations of harassment / bullying made to you in line with the procedures set out in this document. After dealing with any allegations of harassment and bullying, you must complete the form attached at **Appendix 1**.

9 EMPLOYEE RESPONSIBILITY

- 9.1 Employees are expected to behave in a proper manner towards their colleagues both in the workplace and whilst attending any work functions or parties. They have an obligation to help prevent harassment and / or bullying in the workplace by:
- being aware of the issue;
 - making sure that their own conduct does not cause offence or misunderstanding;
 - taking a positive stance against harassment and bullying at work;
 - supporting colleagues who are being harassed / bullied;

- talking to their supervisor / manager / Trust HR representative / union representative if they feel they are being harassed / bullied.

10 THE PROCEDURE

- 10.1 If an employee makes an allegation of harassment and/or bullying to you, you must take the allegation seriously and deal with the matter promptly and sensitively. You must ensure that support is given to both to the employee who has made the allegation ('the complainant') and the employee(s) whom the allegation has been made against ('the alleged harasser / bully').
- 10.2 You must ensure that strict confidentiality is maintained throughout the process and that information concerning the complaint is only shared with relevant parties. All participants, including witnesses where relevant, will be made aware of their responsibilities in terms of confidentiality.
- 10.3 Where the complaint of bullying and harassment is in relation to the CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School the complaint should be made to the Chair of Trustees.
- 10.4 Where the complaint is against a member of the Board of Trustees the complaint should either be taken to the Chair of Trustees in the first instance or where the Chair of Trustees is the subject of the complaint advice should be sought from the Trust's Governance Support provider.

Informal Procedure

- 10.5 In some cases, it may be possible and preferable to try to resolve the issue by using the informal procedure. This aligns with the informal stage of the Trust's Grievance Procedure, which stipulates that matters of concern should be discussed in the first instance with a line manager / supervisor in an effort to find a resolution.
- 10.6 It is particularly relevant to try and resolve issues via the informal procedure in cases where the person against whom the allegation(s) have been made is unaware that their words / actions have been perceived by the recipient as harassment / bullying and is genuinely keen to correct his / her behaviour. In such cases, the CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School / Senior Management Team should encourage use of the informal procedure in the first instance before moving to the formal procedure, unless the allegations are so serious as to make this inappropriate.
- 10.7 As the line / relevant manager, you should:

- seek advice from your CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School before taking any action;
- provide the employee with confidential support in terms of being a sympathetic listener;
- ensure that the employee making the complaint fully understands the procedures involved in making / progressing a claim of harassment / bullying, and
- provide information on the various routes for proceeding with the complaint;
- advise the employee making the allegations to keep a record of all details of the incident(s) of harassment or bullying, i.e. the date, times, nature of incident(s) and the name(s) of any witnesses so that these can be recalled accurately should there be a disciplinary hearing and/or employment tribunal;
- encourage the employee to raise the problem with the alleged harasser / bully if they feel able to do so, to make clear that the behaviour in question is offensive / unwelcome and asking for it to stop. Sometimes, people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. In particular, it gives the alleged harasser / bully the opportunity to correct their behaviour;
- if the employee feels unable to approach the person personally, they should consider writing a letter to them to make clear what it is they object to in the other person's behaviour. The employee should keep a copy of this and any reply;
- if the employee does not feel comfortable approaching the alleged harasser / bully, suggest that a third party (e.g. yourself, a colleague or trade union representative) intervene on the employee's behalf;

10.8 Another option for you as line manager would be to facilitate a meeting between the complainant and the alleged harasser / bully in order to conciliate and bring the matter to an end to the satisfaction of all those concerned. You should request support from the Trust's HR provider if you feel appropriate.

10.9 You need to keep confidential records on all harassment and bullying cases, using the form attached at **Appendix 1**. Where a resolution is reached through the informal procedure, you must complete this form. If the case has progressed to the stage where management intervention between the complainant and the alleged harasser / bully has been necessary, you will also need to write to both the complainant and the alleged harasser / bully setting out what has been agreed. Copies of both letters should be kept on the relevant employees' personal files.

Formal Procedure

10.10 If an employee feels unable to take initial action under the informal procedure or feels the need to progress the complaint straight to the formal stage (subject to

consideration of paragraph 11.6), or the situation is so serious as to warrant the informal procedure inappropriate, the formal procedure should be followed using the same basic principles as in the Trust's Grievance Policy. This is because a complaint of harassment / bullying is a form of grievance. Any slight modifications required to the Grievance Procedure are given in this guidance. The formal procedure should also be followed when initial action through the informal procedure has proved to be ineffective.

- 10.11 The general principle is that the decision to progress a formal complaint rests with the individual (although where the manager has concerns about the complainant's health in relation to progressing an allegation under the formal procedure, advice must be sought from Occupational Health.) However, this principle needs to be balanced against the Trust's statutory duty of care to prove that it has taken such steps as were reasonably practicable to prevent acts of harassment and bullying in the workplace that may affect *any* employee. As such, there may be occasions where you have to progress a complaint where the individual does not necessarily wish to do so (e.g. when the situation is so serious as to warrant the informal procedure inappropriate.)
- 10.12 You must endeavour to protect employees from intimidation, victimisation or discrimination for filing a complaint, or assisting in an investigation. Retaliation against an employee for complaining about harassment / bullying must be regarded as a serious disciplinary offence.
- 10.13 The first stage of the Grievance Procedure involves the employee bringing the matter to the attention of a supervisor / line manager, either verbally or in writing. Where this is inappropriate because the grievance is against the employee's immediate supervisor / manager, the employee may go directly to Stage 2 or 3 of the procedure on the advice of the Trust's HR provider.
- 10.14 If you are the manager concerned, you should:

Acknowledge receipt of the complaint to the complainant in writing, ensuring that the letter also includes:

- a copy of the Anti Bullying and Harassment Policy;
- a copy of the Trust's Grievance Policy;
- details of the right to representation;
- the fact that strict confidentiality will be maintained throughout the process and that information concerning the complaint will only be shared with relevant parties;
- reassurance that, wherever possible, you will protect the complainant from intimidation, victimisation or discrimination for filing a complaint.

Write out to the alleged harasser / bully, adding details of the allegations to the letter and ensuring that the letter also includes:

- a copy of the Anti Bullying and Harassment Policy;
- a copy of the Trust's Grievance Policy
- details of the right to representation;
- the fact that strict confidentiality will be maintained throughout the process and that information concerning the complaint will only be shared with relevant parties;
- the fact that retaliation against an employee for complaining about harassment / bullying will be regarded as a serious disciplinary offence.

Investigation

- 10.15 You must carry out the investigation quickly, sensitively, fairly and consistently using the Grievance Policy, with the slight modifications outlined in this section. Any delay at this stage is extremely serious as it is unacceptable for the person to have to continue working with the harasser unless they know that their complaint is being taken seriously and action will be taken.
- 10.16 In all cases, you should aim to complete your enquiries within the timescales detailed in the Trust's Grievance Policy. Where a delay is envisaged, all parties should be informed of the proposed timescale of the investigation. The overall purpose of the investigation is to establish what happened and why; how the respective parties view the incident; to gather the facts but not to extend the accusations.
- 10.17 The first part of the investigation involves interviewing the complainant. During the interview, you should:
- inform the complainant of the formal procedure;
 - explain all options and possible outcomes, including the implications of disciplinary action being taken against the alleged harasser/bully;
 - explain that disciplinary action can be taken against the complainant if the investigation shows that the allegations are false or malicious;
 - inform the complainant of their right of representation;
 - inform the complainant that strict confidentiality will be maintained throughout the process and that information concerning the complaint will only be shared with relevant parties;
 - advise them that they should not discuss the matter with other employees (apart from the representative);
 - inform them that, wherever possible, you will protect them from intimidation, victimisation or discrimination for filing a complaint.

10.18 You should then focus on gathering factual evidence from the complainant, as follows:

- full details of the incident(s) of harassment with times, dates, nature of incident(s);
- names of witnesses;
- the duration of the behaviour;
- how the incident has affected the complainant;
- establish the nature, role and status of the alleged harasser;
- establish the extent of the bullying / harassment (i.e. does the person treat everyone in the same manner);
- ask them what they feel would be an acceptable outcome to their complaint.

10.19 If the complainant believes that a certain act was designed to harass them owing to their race, religion or belief, sex, sexual orientation or disability, then that belief must form the basis of your investigation. The investigation must establish whether the act under question was racially or sexually motivated etc. and whether someone in a similar situation but of a different race, religion or belief, sex, sexual orientation, or physical or mental ability would have been treated similarly.

10.20 Some conduct may be inherently unwelcome but, conversely, a person may be considered overly sensitive to something that might otherwise be seen as unexceptional behaviour. In such situations, you must ask whether the complainant made it clear, by word or conduct, that such behaviour was unwelcome. It is not necessary for the recipient to have made a public stance - simply walking out of a room might be a sufficient response.

10.21 The next stage of the investigation is to interview the alleged harasser / bully to give the employee full opportunity to respond to the specific complaint(s). During the interview, you should:

- inform the alleged harasser / bully of the details of the complaint made against them;
- inform them that a formal investigation is taking place under the Trust's Grievance Policy, as supplemented by the Anti-Bullying and Harassment Policy;
- explain all options and possible outcomes, including the possibility of disciplinary action being taken against them if the allegation is substantiated;
- inform them of their rights of representation;
- inform them that strict confidentiality will be maintained throughout the process and that information concerning the complaint will only be shared with relevant parties;
- advise them that they should not discuss the matter with other employees (apart from the representative);

- explain that retaliation against an employee for complaining about harassment / bullying will be regarded as a serious disciplinary offence

10.22 You should then give the alleged harasser / bully a full opportunity to respond to the specific complaint(s) by:

- asking what happened;
- establishing the alleged harasser / bully's own behaviour;
- establishing the alleged harasser / bully's perception of the complainant's behaviour;
- attempting to establish the emotional / physical state of the alleged harasser / bully.

10.23 You should then arrange interviews with any witnesses or other people who need to be seen in relation to the investigation. During the interview, you should:

- Advise the witness of the allegations;
- Advise them of their right to representation;
- Advise that the matter is being discussed in strict confidence and should not be discussed with anyone outside the interview;
- Reassure them that, wherever possible, you will protect the complainant from intimidation, victimisation or discrimination for filing a complaint.

10.24 When interviewing witnesses, you should:

- establish their relationship with the complainant;
- establish their relationship with the alleged harasser / bully;
- establish any concerns over repercussions and retribution from either party.

10.25 Written statements must be taken during all interviews. A brief report must also be produced on the investigation. Both the report and the statements can be shown to either party on request.

Possible Resolutions

10.26 The following resolutions may be made by the manager investigating the allegations at Stage 1 of the procedure (or Stage 2/3 where the employee has passed directly to these stages on the advice of the Trust HR provider). Please remember to complete the form at **Appendix 1** when the case has closed.

Complaint Unproven

10.27 If it is decided that there is no case to answer, the complainant and the individual(s) against whom the allegations have been made will be informed of this decision in writing. Support will be provided to both parties. Both parties will

also be assured of their rights in terms of protections against victimisation and that procedures for monitoring the situation are put in place. Attempts must be made to restore good working relationships between both parties by the CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School.

Sufficient Evidence of Unacceptable Conduct

- 10.28 Where an investigation under any stage of the Grievance procedure identifies that there is sufficient evidence of unacceptable conduct, the Trust should normally investigate the matter under the Disciplinary Policy.
- 10.29 Equally, where an investigation under any stage of the formal procedure indicates that the alleged complaint of harassment or bullying was false or malicious, the complainant will face disciplinary action with the likelihood of dismissal for gross misconduct.

11 LINKS TO THE DISCIPLINARY PROCEDURE

- 11.1 If there is evidence when you receive the grievance, or evidence emerges whilst you are investigating the allegations under the Grievance Procedure which indicates that there has been serious bullying or harassment on whatever grounds (including racial or sexual) that could constitute gross misconduct, you must suspend the grievance procedure and make arrangements with your Chair of Trustees to ensure that the matter is investigated under the Trust's Disciplinary Policy by a different investigating officer. In such cases, you must seek the advice of the Trust's HR provider.
- 11.2 The CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School / Chair of Trustees in consultation with the Trust's HR provider, will consider whether suspension or temporary re-arrangement of duties of the alleged harasser / bully is necessary. The Investigating Officer must keep both the complainant and alleged harasser informed in relation to the progress of the investigation, in terms of proposed timescales etc. During the course of the investigation, the complainant must be asked what action they feel should be taken to resolve the matter, so that this can be taken into account by the Board of Trustees. The Board of Trustees will naturally take this view into account, but would have to consider the reasonableness of this view in relation to each particular case.
- 11.3 In cases where the disciplinary investigation results in a disciplinary hearing, the complainant must always be invited to attend the hearing to give their version of events and explain how the allegations have affected them. If the complainant attends, they would do so in the same capacity as a witness, e.g. answer any questions and leave the hearing after doing so. However, no pressure should be made on them to attend if they do not wish to do so.

- 11.4 Also, in cases which result in a disciplinary hearing, the employee against whom the allegations have been made will be issued with a copy of the Trust's statement of case, as is usual in disciplinary cases.
- 11.5 Where an investigation under any stage of the Trust's Grievance Procedure indicates that the alleged complaint of harassment or bullying was false or malicious, the complainant will face disciplinary action with the likelihood of dismissal for gross misconduct.
- 11.6 If the disciplinary sanction imposed is less than dismissal, action should be taken to redress the injury and discrimination suffered by the victim, for example changing reporting or working relationships.

12 APPEALS

- 12.1 Under the Grievance Procedure, the employee who has made the allegations has the right to proceed to Stage 2 or 3 of the procedure if s/he is not satisfied with the outcome. However, this needs to be modified in harassment / bullying cases as it could potentially find the alleged harasser being 'tried' for the same offence three times. As such, the following applies:
- The grievance should only progress to Stage 2 or 3 of the procedure where the employee has passed directly to these stages on the advice of CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School in consultation with the Trust's HR provider.
 - In all other cases, the complainant may only proceed to stage 2 or 3 of the procedure when the complaint is unproven and when the complainant can also demonstrate that the manager investigating the grievance has incorrectly applied the procedure. The complainant cannot appeal against the actual decision taken.
- 12.2 Under the Disciplinary Procedure, the employee against whom the allegations have been made has a right of appeal against any disciplinary sanction imposed. Similarly, where an employee's false or malicious allegations have resulted in a disciplinary sanction being issued, they too have the right of appeal under the Disciplinary Policy.

13 INFORMANTS

- 13.1 Where allegations concerning an employee's conduct are made to you by an employee who is acting as an informant, you must be careful to achieve a balance between the desire to protect informants who may genuinely be concerned about the consequences, and providing a fair hearing of issues for the alleged bully / harasser. In such situations, you should:

- 13.2 Ask the informant to put the allegation in writing, stating:
- the date, time and place of each incident or observation;
 - how accurately/clearly they were able to observe what happened;
 - why the informant was there at the time;
 - why certain small details are memorable;
 - whether the informant has suffered at the hands of the alleged harasser / bully or has any other reason to fabricate information.
- 13.3 Initially, this statement should be taken disregarding the fact that it may subsequently be necessary to omit certain parts of the statement before submission to others in order to preserve anonymity.
- 13.4 Further investigation of the grievance can then take place to either confirm or rule out the information provided using the formal procedure as appropriate. If the informant is not willing to progress this through the formal route due to fear and you are satisfied that the fear is genuine, you should take a decision whether to move to the disciplinary process, in consultation with the Trust's HR provider. If the decision is taken to continue, the written statement of the informant, (with omissions if necessary to avoid identification) will be made available to the alleged harasser as part of the management statement of case.

14 CEO / DEPUTY CEO / EXECUTIVE HEAD TEACHER / HEAD TEACHER / HEAD OF SCHOOL AND GOVERNORS/TRUSTEES

- 14.1 Where the complaint of bullying and harassment is in relation to the CEO/ Deputy CEO / Executive Head Teacher / Head Teacher / Head of School the complaint should be made to the Chair of Trustees.
- 14.2 Where the complaint is against a member of the Board of Trustees the complaint should either be taken to the Chair of Trustees in the first instance or where the Chair of Trustees is the subject of the complaint advice should be sought from the Trust's Governance Support provider.

15 REPRESENTATION

- 15.1 Both the aggrieved person and all other parties to a grievance have the right to representation.

16 CONFIDENTIALITY / INFORMATION SHARING

- 16.1 As a supervisor / manager, you must maintain strict confidentiality throughout the process and ensure that information relating to complaints is only shared with relevant parties. Sharing of information should be on a 'need to know'

basis. Both the complainant and alleged harasser should be advised of the outcome of the informal procedure by letter and of the findings of the investigation at the relevant stages of the grievance procedure. They should also be kept up-to-date in terms of timescales for action.

- 16.2 The complainant should be advised of the outcome of any disciplinary hearing in terms of whether a disciplinary sanction has been issued (although the complainant should not be advised of the level of sanction issued for confidentiality reasons) or whether the alleged harasser has been dismissed. The complainant should also be kept up-to-date in terms of timescales for action.

17 RELATED POLICIES

- 17.1 In cases where the allegation of harassment / bullying is racially motivated and concerns solely employees / Governors / Trustees, the incident must be reported using the 'Guidelines for Reporting and Dealing with Suspected Racial Incidents' but investigated under the Anti Bullying and Harassment Policy.
- 17.2 This Policy should also be read in conjunction with the Trust's Grievance Policy and Disciplinary Policy.

18 FURTHER GUIDANCE

- 18.1 For further information on this policy or related policies, please contact the CEO / Deputy CEO / Executive Head Teacher / Head Teacher / Head of School.

Review date: Autumn 2021

ANTI BULLYING AND HARASSMENT POLICY
MONITORING FORM
STRICTLY PRIVATE & CONFIDENTIAL

Name of Complainant

Academy

Names of Manager

Date of initial contact

Brief outline of issue(s)

Resolution / Action taken

