Compassion – Courage – Hope – Integrity – Justice

Respect – Responsibility - Wisdom

Herne Bay Junior School

Bullying & Harassment Policy

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Part A - Policy

1. Policy Statement

The School believes that all Employees should work in an environment in which everyone is treated with dignity and respect.

The School expects all Employees to comply with its Code of Conduct and treat colleagues and stakeholders with dignity and respect.

The School acknowledges its duty of care towards Employees and is committed to providing a working environment in which Employees are free from acts of bullying and harassment.

The School recognises that Employees should be able to raise a complaint if they are treated in a manner which they believe constitutes harassment or bullying. This policy provides a framework in which such concerns can be raised.

The School will treat all complaints seriously and seek to address them promptly, fairly and consistently with the aim of ensuring that any conduct found to constitute bullying and harassment ceases and is not repeated.

It is recognised that while some issues may be resolved informally, there are instances when this may not be possible or appropriate and a more structured formal approach is required, including the right of appeal.

The School recognises the need to ensure complaints of this nature are addressed without undue delay. The School may undertake reasonable investigation to establish the facts and assist in the resolution of the concerns.

An Employee who has raised a complaint will not be treated less favourably or suffer any detriment in their employment as a result of raising a complaint under this procedure.

Due consideration will be given to the support required by both parties when addressing concerns.

The School does not condone unacceptable behaviour. An Employee who is found to have harassed or bullied a colleague will be subject to the School's Disciplinary Procedure.

A complaint of harassment and bullying will be treated as confidential by all parties.
This policy has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

This procedure explains:

- how Employees can raise issues with their Managers about unacceptable behaviour they are experiencing at work

- how the School will address those concerns in a fair and consistent manner
- what is expected from Managers and Employees with regard to the management of such issues

2.Scope

This Policy and Procedure applies to all current Employees of Herne Bay Junior School.

This Policy and Procedure applies to Employees who have been treated in a manner by a Manager or colleague which they believe to constitute bullying and harassment as defined in this document.

An Employee who has witnessed actions which they believe may constitute the bullying and harassment of a colleague may also raise a complaint.

This policy also applies to work events held outside of normal working hours, either on or off the School's premises, such as Christmas parties and leaving celebrations.

Employees are advised that any grievances raised must lie within the authority and control of the School to resolve in its role as an Employer

Employees may also raise a complaint if they believe they have been bullied or harassed by a third party (such as a customer client or parent) however it should be noted that in such instances the School may have limited authority to address the issue.

Employees should be advised that it may be more appropriate to raise certain complaints under the School's Grievance Policy and Procedure. This would include concerns relating to their own employment, working environment, terms and conditions or the actions of another Employee or Manager acting on the School's behalf.

On occasion the person considering the complaint may direct the Employee to raise their concern under the Grievance policy and Procedure should this be more appropriate.

3. Adoption Arrangements and Date

This procedure was adopted by the Governing Body of Herne Bay Junior School in September 2020 and supersedes any previous Bullying and Harassment procedure.

This policy will be reviewed by the Governing Body each year or earlier if there is a need. This will involve consultation with the recognised unions.

4. Responsibilities of the School

- To provide Employees with a clear framework to raise a complaint
- To provide assistance to Employees in order to informally resolve a complaint if possible
- To ensure formal complaints are investigated in a thorough and timely manner, providing parties with appropriate written or verbal feedback
- To ensure consistency and fairness of treatment

- To take appropriate action, including disciplinary action, where an instance of bullying and harassment is proven.

5. Responsibilities of the Employee

- To comply with the School's Code of Conduct and treat all colleagues and stakeholders with dignity and respect
- To raise concerns at the earliest opportunity and seek to resolve matters informally or by the use of mediation where appropriate
- To engage with Managers in seeking to resolve any complaint that has been raised – by attending meetings and/or participating in any investigation and providing relevant information
- To act in a respectful and professional manner towards all parties
- To maintain confidentiality
- To raise complaints only in relation to legitimate concerns and not of a malicious / vexatious nature

Part B - Procedure

6. Definition

Harassment may be defined as:

'unwanted conduct related to a relevant protected characteristic, which has the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual' (Acas)*

* Protected characteristics are defined as: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

It should be noted that an Employee may also be subject to harassment based on their association with an individual who has a protected characteristic or because it is perceived that they have a protected characteristic.

Harassment related to a protected characteristic is unlawful.

Bullying may be defined as:

'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient' (Acas)

Harassment and bullying may take the form of persistent or isolated incidents. It may arise from face to face actions, telephone, written and electronic communications and visual images.

If the behaviour or action is considered by the recipient to be offensive or could reasonably be considered offensive by others, it may constitute bullying or harassment whether intentional or otherwise.

Examples of actions that may constitute bullying or harassment include, but are not limited to:

- Exclusion or victimisation
- Insulting / offensive comments or language
- Inappropriate physical contact
- Inappropriate sexual advances
- Ridiculing or demeaning an individual
- Abuse of authority and use of threats to coerce others by fear
- Withholding information, removing areas of responsibility without discussion or impeding work performance
- Preventing progression by denying opportunities for promotion and training

7. Authority to Act

The table below indicates the appropriate person for an Employee to address a complaint of bullying and harassment to.

Nature of Complaint	Informal	Formal	Appeal
Employee against colleague	*Colleague who the complaint is about or Line Manager / Headteacher*	*Line Manager / Headteacher*	*Headteacher / Governor or Governor Panel*
Employee against Line Manager	*Line Manager or Headteacher*	*Headteacher*	*Governor or Governor Panel*
Employee against Headteacher	*Headteacher or Chair of Governors*	*Chair of Governors*	*Vice Chair*

In this document the person considering the complaint is referred to as the 'Complaint Officer'.

Informal Action

In the first instance an Employee is encouraged to raise concerns informally directly with the individual who they have the complaint against.

If the Employee feels uncomfortable doing this they should raise the issue with their Line Manager / Headteacher who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an Employee's Line Manager / Headteacher – complaints should be raised with the next level Manager - who may be able to facilitate a discussion between all parties regarding the concerns.

If the seriousness of the complaint warrants, an Employee may make a formal complaint without having first raised the matter informally.

Formal Action

If it is not possible to resolve the matter informally an Employee may raise a formal complaint with their Line Manager / Headteacher (or with the next level of management if the grievance issues involve the Line Manager). Complaints about an Employee's Line Manager should be raised with the Headteacher.

Complaints against the Headteacher should be raised with the Chair of Governors.

It should be noted that at the formal stage the Complaint Officer may be the same person who facilitated a discussion at the informal stage or may be another appropriate Manager.

Complaints raised by the Headteacher

Where the Headteacher has a complaint, the matter should be raised formally with the Chair of Governors or, in instances where the complaint is against the Chair of Governors, the matter should be raised with the Vice Chair.

Appeals

Appeals should be heard by a more senior Manager than the Manager who initially considered the formal complaint. In instances where there is not a higher level of management within the School's structure - Appeals may be heard by either an individual governor or a panel of no more than 3 members of the Governing Body

8. Timescales for Raising a Complaint

Unless there are exceptional circumstances, a complaint cannot be raised if the event, act or issue (or last of a series of acts, events or issues) complained of occurred more than 3 months prior to the raising of the complaint.

Should an Employee wish to raise a complaint outside of this period they will need to demonstrate that they have made reasonable attempts to resolve the matter informally outside of the process.

9. Right to Representation

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or Trade Union representative at any formal meetings or investigation held as part of this procedure.

Should the Employee feel the presence of a Trade Union representative or workplace colleague may be beneficial during the informal stage of the process – they should discuss this with the Complaint Officer.

There is no statutory right to representation during the informal stage however the presence of an Employee's representative will not be unreasonably refused. It should be noted that the presence of a representative does not make the meeting formal

10. Timescales

Complaints of harassment and bullying will be addressed promptly and without undue delay in achieving an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case:

Informal Stage	*Informal action*	*Meeting held and outcome reached as soon as is practicable*
	Formal Complaint raised	*Within 5 working days following the conclusion of the Informal stage*
Formal Stage	*Meeting to discuss complaint*	*Within 10 working days of receipt of formal complaint*
	Outcome Meeting	*Within 10 working days of the conclusion of any investigation where necessary*
	Written Outcome	*Within 5 working days of the outcome meeting*
Appeal	*Appeal*	*Appeal to be made within 5 working days of the receipt of the written outcome*
	Appeal Meeting	*Within 10 working days of receipt of written appeal*
	Written Appeal Outcome	*Within 5 working days of the appeal meeting*

For the purpose of this procedure working days will normally refer to the 195 days of the school year for teachers employed under the terms of the School Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the school term will mean all days excluding weekends and bank holiday days.

With agreement meetings may take place at other times outside of an Employee's normal working days.

Should an investigation be necessary the anticipated timescales for completing this will be communicated. Where additional time is required all parties will be advised.

All parties must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to promptly provide any information requested by the Complaint Officer or Investigating Officer.

If an Employee exceeds the time limits stated without good reason the complaint will be considered as being out of time and no further action will be taken.

11. Support and Conduct during the Process

The School acknowledges that it has a duty of care towards all Employees and consideration will be given to any support needed by either party during the process.

Employees are advised that their Trade Union representatives will also be able to advise and support if they are a member. Employees who are not members of a Trade Union may access support via their identified workplace colleague.

Due respect will be given to the rights of both parties during the process and the School will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their versions of events.

Employees will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against an Employee may be addressed as a misconduct issue under the School's Disciplinary Procedure.

12. The Role of Mediation

Depending on the nature of the complaint, mediation may assist in resolving concerns and is actively encouraged by the School. Mediation may be of particular benefit in cases where there is a genuine misunderstanding and / or lack of understanding / awareness of how the actions of one party towards another are perceived.

Mediation is a voluntary process facilitated by an impartial third party, which aims to assist parties in reaching resolution and agreement to a workplace dispute or conflict.

Mediation may be instigated at any stage in the procedure but is encouraged at an early stage as a means to improve professional relationships and communication between parties.

During mediation any bullying and harassment process would usually be suspended. If at any point any party wishes to withdraw from mediation they may do so and the bullying and harassment procedure may be resumed at the appropriate stage.

13. Informal Action

It may be that the individual whose conduct is causing offence is genuinely unaware that their actions and behaviour are unacceptable and / or unwarranted and a direct approach can resolve the situation without formal action.

An Employee is encouraged in the first instance to raise the issue directly and informally with the individual at the earliest opportunity and explain clearly what actions or behaviour is causing offence / distress and request that it stops.

Such an approach may be made verbally or in writing. The Employee is advised to be as specific as possible – demonstrating what has happened and the impact of this - to enable the individual to respond to the complaint.

It is recognised that due to the nature of such allegations, an Employee may be unable or unwilling to raise the issue with the individual. In such a situation an Employee may seek the support of the Line Manager / Headteacher to facilitate a discussion or make representations on their behalf.

The normal expectation is that both parties would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues with the aim of informally agreeing a solution or way forward that is mutually acceptable.

Both parties should seek to explore reasonable informal action which may resolve the issues including:

- Acknowledging the distress caused
- Providing an apology
- Seeking a commitment to changed behaviour
- Agreeing how future communication will take place
- Agreeing future standards of behaviour that are acceptable to all parties
- Exploring counselling or workplace mediation
- Agreeing further training, coaching or mentoring
- Agreeing alternative work patterns / practices for either or both parties subject to operational and business requirements

It should be noted that any resolution should take into account school policies, procedures and rules.

At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these.

At the conclusion of the informal process a written record may be made outlining the date of the meeting(s), concerns discussed and actions/outcomes agreed. A copy should be shared with all parties.

If the Employee feels unable to take this course of action, or if he/she has already approached the individual to no avail, or if the harassment is of a very serious nature, he/she may elect to raise a formal complaint.

14. Formal Action

Where the matter cannot be resolved informally, an Employee may wish to raise a formal complaint.

Where an informal resolution attempt has been unsuccessful, if the employee wishes to make a formal complaint they must do so in writing within 5 working days of the conclusion of the informal process.

All formal complaints should be raised in writing. The Bullying and Harassment Notification Form, attached at Appendix A, should be used for this purpose.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- The name of the Employee(s) whose behaviour he/she believes amounts to harassment or bullying
- The type of behaviour that is causing offence, together with specific examples
- dates and times when incidents of harassment or bullying occurred, and where they occurred
- The names of any Employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- Any action that the Employee has already taken to try to deal with the harassment
- The action or outcome sought by the Employee

An Employee should also submit any supporting documentation that is relevant to their complaint.

It should be noted that without the complaint being received in writing the Complaint Officer will be unable to progress the matter. Where it is unclear whether the Employee wishes a written complaint to be addressed under the formal bullying and harassment procedure the Complaint Officer will seek to clarify this without unreasonable delay.

In most instances where a Complaint Officer was identified at the informal stage – this individual can continue to consider the complaint at the formal stage. The Complaint Officer should provide the Employee with written confirmation of receipt of the complaint and confirmation of the action to be taken

15. Formal Meeting to Consider the Complaint

The Complaint Officer will arrange a meeting with the Employee usually within 10 working days of receipt of the formal complaint.

An Employee may be accompanied by a workplace colleague or Trade Union representative at this meeting

The purpose of this meeting is to:

- Provide the Employee with the opportunity to explain their concerns in full and consider / clarify the details of the complaint

- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the complaint
- Explore and consider the outcome(s) that the Employee is seeking
- Determine the outcome of the complaint/reach a resolution at the initial meeting if appropriate
- Determine what further action might be necessary before an outcome can be determined
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation

If appropriate, the meeting may be adjourned by the Complaint Officer to:

- Consider the information presented, allow for deliberations and make their decision
- Undertake a simple fact finding exercise themselves - this may include speaking to witnesses and reviewing necessary documents
- Commission a formal investigation and appoint an Investigating Officer
- Identify other resolutions as outlined at the informal stage
- Arrange a joint meeting between the parties
- Allow time for mediation between parties
- Consider whether any other further action might be appropriate

It may be that a combination of these actions is appropriate in certain circumstances.

Where is it not possible to provide an outcome to the complaint of bullying and harassment during an initial meeting, the Complaint Officer will confirm in writing the action that is proposed to progress the complaint and the anticipated timescale for completion.

16. Investigation

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding the complaint.

Where a formal investigation is necessary this will be undertaken in accordance with the School's Disciplinary Procedure. Any issues of misconduct identified by an investigation will also be addressed under this Procedure.

An independent Investigating Officer will be appointed to objectively establish the facts of the case and determine, on the balance of probabilities, whether there is a case to answer in relation to the complaint of bullying and harassment.

Consideration should be given to identifying an appropriate Investigating Officer given the nature of the complaint.

During the investigation a formal interview will take place with the Employee who has raised the complaint to explore the details of their concerns.

The Employee against who the complaint has been made will be notified in writing of the nature of the allegations and be advised that should the complaint be upheld, formal disciplinary action may be taken against them. The Employee will be invited to attend a formal interview and be given full and

fair opportunity to respond to the allegations, explain his/her conduct and any mitigating circumstances.

Both parties may be accompanied to an investigation meeting by a workplace colleague or Trade Union representative.

The investigating officer(s) may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that information provided may be used as evidence and/or they may be called as a witness at a subsequent hearing.

A written record will be made of all interviews conducted during the investigation.

A written report will be produced of the investigation findings and shared with the Complaint Officer.

The investigation findings will inform the basis of the Complaint Officer's response to the complaint.

It may not be appropriate or useful in resolving the complaint to share the full investigation report with the parties to the bullying and harassment complaint. In such circumstances a summary document or anonymised/redacted text may be made available as the Complaint Officer considers appropriate.

Should the matter subsequently be considered under the School's formal disciplinary procedure - the investigation report may be shared as evidence for this process.

17. Communicating the Outcome

Having considered the matters raised, the Complaint Officer may be able to determine the outcome or agree actions to address the complaint raised and resolve the complaint during the course of the formal meeting.

Where this is not possible the formal meeting will be reconvened at the earliest opportunity following the completion of any investigation or agreed actions.

The purpose of this meeting is to:

- Communicate the outcome of the bullying and harassment complaint and the reasons for this decision to the Employee – with reference to the findings of any investigation
- Communicate any recommendations or actions to the Employee
- Advise the Employee that they may appeal against this decision

The outcome meeting will be arranged without undue delay and where possible within 10 working days of the conclusion of any investigation or other follow-up action where this is necessary.

An Employee may be accompanied by a workplace colleague or Trade Union representative at this meeting.

The Complaint Officer may determine the following outcomes:

- The complaint is upheld in full, or

- The complaint is upheld in part, or
- The complaint is rejected

In addition to the above, the Complaint Officer may recommend that further action such as mediation or training be considered to resolve the situation. It should be noted that any resolution should take into account School policies, procedures and rules.

The Employee will be notified of the outcome verbally following any deliberation or further investigation as is necessary. In all instances the Employee will be notified of the outcome in writing usually within 5 working days of the date of the outcome meeting or the decision being reached. This notification will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Complaint Officer took into account in reaching their decision – including the findings of any investigation
- Any recommendations or agreed actions for the parties to take
- Advising the Employee that they may appeal

Where the complaint is upheld in part or full, consideration will be given as to whether there is either a matter to be considered under the School's Disciplinary procedure or whether further informal action is appropriate.

It should be noted that where a complaint is upheld, the Employee who raised the complaint does not have the right to know what formal / informal disciplinary or management action may be taken in relation to the individual against who the complaint was made.

Appropriate information will be made available about the investigation and grievance outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

This should be provided in a timely manner and may be in writing or at a meeting.

18. Appeal Meeting

Where an Employee feels that their complaint of bullying and harassment has not been satisfactorily resolved by the Complaint Officer they may appeal against the outcome.

Appeals should be made in writing to the Complaint Officer, within 5 working days of receipt of the written outcome. The letter of appeal should clearly state the specific grounds on which the Employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written Bullying and Harassment Notification form/letter and any supporting documentation should also be submitted.

An appeal meeting will be arranged without undue delay and where possible within10 working days of receipt of the written appeal.

The appeal meeting will be heard by a more senior Manager than the original Complaint Officer. Where there is not a more senior Manager the appeal may be heard by a member / panel of the Governing Body. Those considering the appeal will not have had involvement in the complaint at the earlier stages.

An Employee may be accompanied to an appeal meeting by a workplace colleague or Trade Union representative.

At an appeal meeting the Appeal Officer or Panel will review:

- The original complaint outcome decision
- The employee's reasons for raising an appeal
- Any further representations made or information presented by the employee

The Complaint Officer who considered the complaint at the earlier stage may be called as a witness to the appeal meeting.

Based on the information presented, the Appeal officer or Panel may determine the following outcomes:

- The original decision is upheld in full, or
- The original decision is overturned or
- The original decision is upheld in part

In addition to the above, the Appeal Officer or Panel may recommend that further action such as mediation or training be considered to resolve the situation.

Where possible the employee will be advised verbally of the outcome at the conclusion of the meeting or following any deliberations that may be necessary.

In all instances the Employee will be notified of the outcome in writing usually within 5 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where a complaint is against another individual the appeal decision will be shared with them. This may be in writing or at a meeting.

Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

The outcome of the appeal is final and there is no further right of appeal

19. Supporting Information

Any documents or relevant information that would assist in the exploration or resolution of the complaint should be shared by the Employee as soon as practical in advance of the formal meeting to consider the complaint. Any information which the employee wishes to submit as part of their appeal should be received no later than 3 working days prior to the hearing.

20. Involvement of other parties / witnesses

In certain instances, it may be appropriate to allow other parties/witnesses to attend the formal meeting to consider the complaint or appeal meeting where their contribution may assist in understanding the issues being raised.

However, in most cases this will not be necessary as information will be gathered during any fact finding or investigation process.

Should an Employee wish to request that another party attends the bullying and harassment or appeal meeting – they should advise the Complaint Officer who will consider each request on case by case basis.

21. Non attendance at formal meetings

Employees are expected to attend and participate in all meetings. Where an Employee or their representative is unavailable to attend a meeting, they should inform the Complaint Officer / Appeal Panel at the earliest opportunity.

If an Employee's representative is unavailable the meeting may be deferred by up to 5 working days from the date of the original hearing.

The Complaint Officer/Appeal Officer will give due consideration to any other request for postponement taking into account the individual circumstances and the reason for non-attendance.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the meeting may proceed in their absence and a decision made based on the available information.

Other than in exceptional circumstances only one postponement will be granted. Thereafter the meeting will proceed whether or not all parties attend.

22. Action Pending the Outcome of the Process

Pending the outcome of the formal stage, consideration will be given to any actions that may be appropriate to alleviate the circumstances which gave rise to the complaint.

This will include consideration of the ability of the two parties to continue to work together, which may necessitate a temporary change to working arrangements or line management responsibilities of either of the parties, subject to the operational requirements of the School. Any change would be temporary pending the outcome of the bullying and harassment process and would be mutually agreed between the individual and the School, taking into consideration operational requirements.

Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against.

23. Support after the procedure has concluded

The School expects all parties to work together in a professional and constructive manner following the conclusion of the process. However, it is recognised that ongoing support may be required to re-build damaged working relationships.

Where both parties are expected to continue working together they will be invited to attend separate meetings with the Headteacher/Line Manager to discuss the outcome of the investigation and appropriate ways forward. Following this consideration will be given to a joint meeting.

The purpose of these meetings is to:

- Discuss future working relationships
- Agree future standards of behaviour or expectations which are acceptable to both parties
- Agree alternative work patterns / practices for either or both parties
- Explore counselling or workplace mediation
- Agree appropriate support / guidance / training
- Consider strategies to prevent a repetition of such concerns

Consideration will be given to the appropriate timing of such meetings in a situation where further disciplinary action arising from the complaint may be pending.

Notes may be taken during such meetings and any agreed actions may be confirmed in writing.

The School will continue to monitor working relationships between the parties to ensure no repetition of behaviour / actions or subsequent victimisation of either party.

24. Anonymous Allegations

Employees are encouraged to put their name to any complaint of bullying and harassment.

Where an Employee is concerned about being identified the School may explore appropriate measures to reassure and safeguard the Employee during the process.

The School cannot guarantee that anonymous allegations will be considered or formally investigated. This is in accordance with the principles of natural justice where an individual has a right to know who has made a complaint about them in order to be able to respond fully.

Where an anonymous allegation cannot be taken forward – consideration will be given to reasonable appropriate action to reinforce the School's general expectations regarding staff conduct.

25. Absence during the process

In instances where the absence of either party arises following a complaint – the School will seek early advice from on Occupational Health Advisor on how to support the Employee in the management of the absence.

The Complaint Officer may, at their discretion, decide to proceed with the process in Employee's absence although consideration will be given as to the circumstances.

In cases of absence from work of one of the parties, consideration will be given as to how best to progress the complaint. The Complaint Officer may, at their discretion, decide to proceed with the process in an Employee's absence but in these circumstances alternative arrangements will be discussed with the employee including providing a written statement or for a Trade Union representative or workplace colleague to attend meetings on their behalf.

26. Concurrent Management Action

Employees should be advised that reasonable management action to address concerns relating to employment matters should not automatically be perceived in itself as a reason to raise a complaint of bullying and harassment.

In the event that an Employee raises a complaint of harassment or bullying in the course of a disciplinary or capability process, both processes may continue concurrently.

Additional measures may be considered to safeguard both parties until the ongoing disciplinary or capability process is concluded.

However, each case will be considered on its merits to ensure that the School is acting reasonably.

27. Malicious / Vexatious Allegations

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, the matter may be addressed in accordance with the School's disciplinary procedure.

28. Record Keeping

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process.

Records will be kept, detailing the nature of the incidents of harassment and / or bullying; the outcome of any investigation / actions taken including any informal or disciplinary action.

At the formal stages and during any investigation minutes will be taken of meetings and shared with the Employee as soon as practicable...

A copy of any outcome letters should be retained on the Employee's School personnel file.

All records will be treated as confidential and in accordance with the provisions of the Data Protection Act 1998, which provides individuals with the right to request and have access to certain data

29. Confidentiality

A complaint of Bullying and Harassment must be treated by all parties involved in the process as a confidential matter. Discussion with other parties is not acceptable. Confidentiality will ensure that the matter can be dealt with as close to the source as possible and will assist in ensuring that if any action is taken or recommendations made there is a stronger likelihood of a successful outcome.

Failure to respect the confidentiality of the process may be regarded as a disciplinary matter.

The School will respect the confidentiality of all information relating to an Employee's complaint.

The School recognises its obligations under the General Data Protection Regulation and associated legislation and the rights of Employees with regards to the personal data held on them.

All records relating to the management of bullying and harassment complaints will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act (2018).

Please refer to the School's Data Protection Policy for further details.

30. Monitoring Data

Regular whole School monitoring will take place of formal harassment complaints. Any data gathered will not identify individual Employees.

Appendix A: Bullying & Harassment Notification Form

Employee name:	**Employee Job title:**
School:	**Date Complaint Raised:**
Trade Union Representative / Workplace Colleague	**Name:** **Email:** **Contact Telephone No:**
If your complaint is against an individual - please provide their name and job title	**Name :** **Job Title:**

Summary of complaint: *Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.*

Individuals involved in the alleged incident/complaint: *Provide here the names and contact details of any people involved in your complaint, including witnesses*.

Informal action to resolve the issue: *Please provide details of any action that you have already take to has taken to resolve your complaint and why this did not work.*

Declaration: *I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.*	
Signature:	
Name:	Date:

For completion by Complaint Officer:

Date form received:	
Date of formal meeting:	
Date investigation commissioned:	
Date of formal outcome meeting:	
Date Employee notified of written outcome:	
Date appeal received:	
Date of appeal meeting:	