



The White Hills Park Trust
Better Together

Anti-Harassment & Bullying Policy

Version control

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1. Introduction

This policy applies to all employees of the White Hills Park Trust, whether permanent, temporary or supply.

The Trust will not tolerate and is committed to providing a working environment free from all types of harassment, victimisation and bullying. Our aim is to ensure that all staff are treated with dignity and respect. We promote equality, diversity and inclusion in both employment and education provision. We aim to ensure all employees, within the Trust community are treated fairly, and with dignity and respect regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

The power to consider employees' harassment or bullying concerns has been delegated to the Head Teacher in collaboration with the Chief Executive Officer.

The Head Teacher will be responsible for managing the procedures and will appoint an appropriate manager to investigate the concerns raised under this policy.

This policy has been developed taking into account the requirements of both education and employment law and recognises the guidance set out by ACAS. The policy provides a fair method of dealing with alleged failures to observe standards of conduct within the Trust.

Employees must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable. We take allegations of harassment or bullying seriously and address them promptly.

Harassment or bullying by an employee will be treated as misconduct under the disciplinary policy and in some cases it may amount to gross misconduct leading to summary dismissal.

All employees should take the time to ensure they understand what types of behaviour are unacceptable under this policy. This policy covers harassment or bullying which occurs both in and out of the workplace, such as on trips or at events or work-related social functions. It covers bullying and harassment by employees and also by third parties such as customers, suppliers or visitors to our premises. 'Third party' harassment occurs where a third party harasses an employee in the course of their employment and the employer has failed to take all reasonable steps to prevent them from doing so.

Employers have a duty by law to take steps to prohibit discriminatory or harassing behaviour which is detrimental to the wellbeing of their staff and which destroys the trust and confidence between employer and employee. In cases of harassment the employer may be held liable unless reasonable steps have been taken to prevent or discourage such action if it occurs. If reasonable steps are not taken there could be a contravention of the Equality Act.

2. The Law

Sexual harassment, harassment and victimisation are unlawful. The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

The Worker Protection (Amendment of Equality Act 2010) 2023 comes into force on 26th October 2024 and it amends the Equality Act 2010.

The law requires employers to take “reasonable steps” to protect employees from sexual harassment, in the course of their employment.

This comes into force in October 2024 and is to protect workers against unwanted conduct of a sexual nature and applies to all genders.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.

Under the Health and Safety at Work Act 1974 employees are entitled to a safe place and system of work. Employers may in some cases be legally liable for harassment of colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

3. What is Harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

A single incident can amount to harassment. A person may be harassed even if they were not the intended “target”. Harassment also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of these categories.

What does Harassment look like?

Harassment may include, for example:

Harassment

- mocking, mimicking or belittling a person’s disability;
- racist, sexist, homophobic or ageist jokes or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

Sexual Harassment

- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless) and suggestions that sexual favours may further a career or that a refusal may hinder it;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;

- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;

It is important to note that harassment occurs even if the harasser perceives his/her behaviour as being harmless and without malice, or 'just a bit of fun'. What matters is how the behaviour makes the recipient feel, and not what the perpetrator's intentions were. Also, a person may be harassed even if they were not the intended 'target' of the behaviour. For example, a man may be harassed by sexist jokes about women if the jokes create an environment that is offensive to him.

Conduct at work related events, trips, conferences and training and at Christmas parties or other celebrations

Employees are expected to maintain the same high standards of conduct at all work-related events, including trips, conferences, training sessions, and out of hours social gatherings such as Christmas parties, as they do during regular working hours on-site. The Trust is committed to maintaining a safe and respectful environment for all employees at any events connected with work. Disciplinary action may be taken against an employee found to be in breach of this policy, whether the breach takes place at the workplace or, in connection with work, even if outside of normal working hours.

Third Party Harassment

The law requires employers to take reasonable steps to prevent sexual harassment by third parties.

Sexual harassment (and any other harassment) by third parties will not be tolerated and employees of White Hills Park Trust are encouraged to report any incidents, in the same way as if the harasser was a member of staff. Third parties include, contractors, visitors, parents.

Third parties will be asked to read and understand our standards of conduct in relation to sexual and other harassment. Any third party who behaves in a way that contravenes these standards will have action taken against them, including warning them about their behaviour, banning from site, sharing information with their employer and reporting any criminal acts to the police.

4. What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct.

What does bullying look like?

Bullying may include, for example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; or

- deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying on their own. Employees should disclose any instances of harassment or bullying of which they become aware to their Head Teacher.

5. Reporting Incidents

All incidents of sexual or other harassment, or incidents of bullying, should be reported.

They can be reported to the line manager, head teacher or directly to the Human Resources Department. Advice should be taken from the HR Department regarding next steps, on receipt of any reports. A report can be made by an employee to the HR Department confidentially via email or by telephone.

If the alleged harassment amounts to a criminal offence, the complainant may wish to make a report to the police and if this is the case, then they will be supported to do so. A considerable amount of weight will be given to the wishes of the employee in these circumstances. However, there may be some instances when WHPT takes the decision to make a report themselves, this will depend on the circumstances. We would need to weigh up the risk of reporting the matter to the police contrary to the complainant's wishes, against any risk to the safety of the complainant, the complainant's colleagues and third parties, including pupils, if the matter is not reported to the police.

THE PROCEDURE

6. Informal Stage

If an employee believes they are being bullied or harassed, they may wish to initially consider raising the problem informally with the person responsible. If they feel able to do this themselves, they should explain clearly that their behaviour is not welcome or makes them feel uncomfortable and ask the person to stop this behaviour. If this is too difficult to do on their own, they should speak to their line manager or other appropriate manager and discuss the issue/seek advice.

The line manager will seek advice from the HR team who will discuss how to proceed and provide guidance.

Initial Meeting with the complainant

The aim is to prevent any further incidents of behaviour which may be interpreted as harassment or bullying by an employee. This means that, unless the allegations are serious and/or of a potentially criminal nature, the informal stage of the procedure will aim to address the resolve the issue informally and should aim to facilitate an appropriate means of raising the issues directly with the alleged offender.

Sometimes people are not aware that their behaviour is unwelcome or upsetting and an informal discussion with them will resolve the matter. Such an informal approach may lead to a better understanding of the complainant's position so that an agreement can be reached that the behaviour will cease.

The initial discussions should, therefore, enable the manager to understand the nature of the incidents and their effect on the complainant and to ascertain whether the matter has already been brought to the attention of the alleged offender. The complainant should be made aware that a meeting will also

be held with the alleged offender to give them a summary of the complaint, to ensure they have a fair opportunity to respond at the informal stage.

However, in more serious cases, it will be necessary to consider whether the matter should be immediately formally investigated under the Formal Stage of the Anti-Harassment procedure.

In any event, the initial meeting with the complainant should be arranged in a confidential and comfortable environment that is acceptable to the complainant. The complainant may be accompanied by a trade union representative or work colleague.

The meeting with the complainant should be conducted as follows:

- Allow the complainant to give a full account of the situation.
- Reassure the complainant that they remain in control of the situation during the informal stages of the procedure. However, they must also be advised that the school/Trust may have to take action regardless of the complainant's wishes in certain circumstances e.g. where there is evidence of a criminal offence, breaches of school policy and procedures, or is sufficiently serious to warrant formal disciplinary action.
- Ensure the complainant has access to and understands the implications of the school's Anti-Harassment Procedure.
- Strongly advise the complainant to seek support from their trade union if they have not already done so.
- Advise the complainant that, if they wish to pursue their complaint through the formal procedures, it will be necessary to involve others, for example, as part of any investigation or as members of a disciplinary panel. They should be prepared for the fact that they may be expected to discuss the issues openly in front of the alleged offender if the matter is addressed at a governors' disciplinary hearing.
- The complainant must then be kept informed about the progress of any agreed action taken. If there are fears of retaliation or victimisation, these should be acknowledged and appropriately addressed.
- The manager should ascertain whether the matter has already been brought to the attention of the alleged offender, and if it has not, they will invite the alleged offender to a similar informal meeting.
- The alleged offender is entitled to hear an account of the complaint from the manager dealing with the issue but is not entitled to see written documentation from the complainant at this stage.

Outcomes at the Informal Stage

The outcomes of the informal stage could be:

- an apology
- greater awareness by the offender that the behaviour is unwelcome or upsetting
- a better understanding by management and the offender of the complainant's position

- an agreement is reached that the behaviour will cease
- an understanding that, if any further incidents occur, disciplinary action may be taken
- a conclusion that the complaint or allegation is unfounded
- advice, guidance, training, or counselling for either party
- no further action
- a decision to proceed with a Formal Investigation

Any decision to move to the formal stages of the procedures should take account of the following factors:

- Have all the informal options for resolving the complaint been exhausted?
- Is the complaint sufficiently serious or complex to warrant an investigation?
- Is there already evidence that the matter may warrant formal disciplinary procedures?
- Are the complainant's expectations realistic and appropriate in the circumstances?

[Supplementary Guidance - Anti Harassment & Bullying complaints](#) If informal steps have not been successful or are not possible or appropriate, the formal procedure set out below should be followed.

Mediation

In some cases and where appropriate, mediation will be considered, as a means of resolving a complaint of harassment or bullying, informally.

Mediation is a confidential process, which both parties must agree with, as an alternative to a formal process.

It involves both parties meeting separately with a trained mediator, and working towards a joint meeting where the issues can be discussed openly and a way forward agreed by the parties.

The Trust are able to offer a confidential mediation process, via the HR Director. In the event that an external mediator is required, this can be sourced via the HR Team.

Where the informal stage has been exhausted and the issue remains unresolved, there is recourse to the formal procedure, below.

7. Formal Stage

Formal complaints about bullying or harassment should be submitted in writing to the Head Teacher. The Head Teacher or their appointed representative will, wherever possible, try to achieve a solution keeping the process confidential. The Head Teacher should seek advice from the HR Director before progressing to the formal stage.

The written complaint should set out full details of the conduct in question, including the name of the alleged harasser or bully, the nature of the alleged harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses, any evidence such as text or email messages and any action that has been taken so far to attempt to stop it from occurring. **Appendix 1** can be used to record a written complaint.

As a general principle, the decision whether to progress to a formal a complaint is up to the employee. However, we have a duty to protect all employees and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

Consideration of Suspension

Where the complaint is about an employee, the Head Teacher may wish to consider suspending them on full pay or making other temporary changes to working arrangements, pending the outcome of the investigation. This depends on the nature of the allegations and what the initial evidence suggests. Suspension should be used as a last resort, and in all cases alternatives to suspension will be considered, whilst bearing in mind the management of the ongoing working relationship between parties. HR advice must be sought when considering suspension.

8. Investigation

Complaints will be investigated in a timely and confidential manner.

An investigating officer will be appointed by the Head Teacher. The investigation will usually be conducted by a member of SLT, and should be someone who has had no prior involvement in the complaint. Full support will be provided by the HR Director to any member of SLT undertaking an investigation. Training and guidance is available.

The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

A provisional timetable for the investigation will be established and communicated with the employee. Where the investigation is complex or likely to involve a number of witnesses the timeframe for the investigation will be set out at the start of the investigation and communicated to all parties. Periods of school closure will need to be accounted for in the investigation and employee should be aware this may delay the investigation process.

The Investigating officer will arrange a meeting with the person raising the matter, usually within one week of receiving the complaint, so that a full account of events can be given and fully understood by the Investigating officer. Employees have the right to be accompanied at the meeting by a companion who may be a colleague or trade union representative, who must also respect the confidentiality of the investigation.

The investigating officer will arrange further meetings as appropriate throughout the investigation. Any appropriate witnesses (identified by either party) will also be considered by the Investigating Officer.

The investigating officer will also meet with the person whom the complaint is regarding, who similarly has the right to be accompanied by a work colleague or trade union representative, to hear their version of events.

They have a right to be told the details of the allegations against them, so that they can respond.

Notes of all meetings held as part of the formal investigation will be taken and a copy sent to the interviewee.

Complaints regarding non-employees/third parties

Where the complaint is about someone other than an employee, such as pupil, parent, supplier, or visitor, the school will consider what action may be appropriate to protect their employee(s) and

anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the school and the rights of that person.

Where appropriate, the school will attempt to discuss the matter with the third party. Any request that the employee makes for changes to their own working arrangements during the investigation will be considered by the school. For example, changes to duties or working hours may be considered so as to avoid or minimise contact with the alleged harasser or bully.

It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasised to them.

Concluding an investigation

At the end of the investigation, the investigating officer will submit a report to the Head Teacher (or governor/CEO, in case of complaints against the HT), to consider the complaint.

There are several possible outcomes to such an investigation. For example:

- If the alleged offender **admits the allegation**, there may be no need for the investigation to continue unless the investigating officer feels that further confirmation of the facts is needed. Consideration will need to be given as to whether any disciplinary action should be implemented against the offender.
- The investigating officer may conclude on “the balance of probabilities” that **all or some of the alleged behaviour did occur** and will need to consider recommending that a disciplinary hearing should be convened.
- the investigating officer may conclude on “the balance of probabilities” that **none of the alleged behaviour occurred**. Consideration may then need to be given as to whether there are any issues relating to the complainant’s behaviour or perception of the situation which need to be addressed.
- the investigating officer may conclude that **both parties contributed to the situation** and appropriate action will need to be taken, including mediation, to resolve the issues.

The person receiving the report will arrange a meeting with the employees, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken.

The employee has the right to bring a companion who may be a colleague or a trade union representative to the meeting. The employee and the alleged harasser or bully will be informed of the outcome, in separate meetings, and will be informed of the appropriate outcomes and actions in writing following the meeting.

Notes of any meetings will be taken and a copy sent to the employee.

If the person receiving the report considers that harassment or bullying has occurred, prompt action will be taken to address it.

Where the alleged harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under the Trust Disciplinary Policy.

Communicating the outcome

The complainant, alleged offender and any recognised representatives should be told separately of the recommendations and be given the opportunity to comment on the investigation (process and

recommendations) prior to the head teacher/ investigating officer confirming the decision and any recommendations in writing.

If the decision does not result in disciplinary action and if either the complainant or alleged offender is not satisfied with this outcome, they **do not** have the right of appeal. However, they will have recourse to the school's Grievance & Resolution Procedure. In such cases the specific grounds for raising the grievance must be stated in writing to the Head Teacher or Chair of Governors as appropriate.

If the outcome of the investigation is to convene a disciplinary hearing, this must be held in line with the School's Disciplinary Procedure. Any concerns raised by the alleged offender will be considered as part of that process. However, regardless of whether the complaint is upheld or not, it will be necessary to consider what steps need to be taken to restore good working relationships between the respective parties and to manage the aftermath of the situation.

Whether or not the complaint is upheld, it will be considered how best to manage the ongoing working relationship between the employee and the alleged harasser or bully.

The school remains responsible for maintaining a harassment-free workplace. Managers should consider what support can be provided to both parties.

Management must ensure that there is no victimisation - whether intentional or not – of any of the parties involved. It will be important, therefore, to reassure the complainant and consider how they may be affected.

Whether the complaint is resolved through the initial stage or through the formal stage, the manager must ensure that any action decided upon is properly and fully followed through.

It is important to recognise the potential damage to relationships that may occur and that such feelings may be long term. The manager may wish to meet with both parties to consider how they can continue to work together. If the complaint has been upheld, and a change in working practices is required, then this should be considered sensitively.

It may be appropriate to arrange some form of training, mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties. Any malicious or vexatious complaints, or any employee who deliberately provides false information as part of an investigation, may be subject to action under the Trust Disciplinary Policy.

Where the alleged harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

9. Appeal

There is no recourse to appeal against the outcome of an investigation. Where an employee does not agree with the outcome of an investigation, they may raise a grievance. Where the investigation has led to a subsequent formal process (ie a disciplinary hearing), the employee subject to disciplinary action may make an appeal against the outcome under the disciplinary procedure in the usual way. It must be within five working days of the date of the written confirmation of the outcome stating the grounds of their appeal in full.

Appeals may be heard by the Trust Chief Executive Officer or their appointed representative.

Appeals heard will be arranged without unreasonable delay and, where possible, at an agreed time and place. Please see the disciplinary procedure for full details.

There is no further right of appeal under this or any other Trust policy.

10. Support

Employees who make complaints or who participate in good faith in any investigation, conducted under this policy, must not suffer any form of retaliation or victimisation as a result. For example, the abuse of power over a more junior colleague, will not be tolerated. If they believe they have suffered any such treatment they should inform their line manager, their Head Teacher or HR.

Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this policy may be subject to disciplinary action under the Disciplinary Policy.

Confidential counselling is available via SAS, for anyone affected by, or accused of, bullying or harassment.

Wherever appropriate, mediation will be considered as a means to supporting the employees and addressing the concerns raised.

11. Grievances Raised During this Procedure

Where a grievance is raised during the procedure set out in this policy, and that grievance has relevance to the procedure, the process may be temporarily suspended, if appropriate, until the grievance has been resolved or answered.

In the situation where there is more than one grievance from the same person these will be heard together.

If a grievance restates a complaint they have already raised and had heard or dealt with in the past, they will be asked to explain how the new grievance differs, what new incident has occurred and/or what new evidence has come to light. Where it is clear to the investigating officer that there is nothing new being raised the grievance can be rejected by the investigating officer without a formal grievance meeting.

12. Sickness Absence During this Procedure

If long term sickness absence appears to have been triggered by the commencement of the procedure, the case may be dealt with in accordance with the Attendance Management Policy and may be referred, if appropriate, to the Occupational Health service to assess the employee's health and fitness and their ability to participate in formal procedures

Appendix 1

FORMAL NOTIFICATION – BULLYING & HARASSMENT

Name: Job Title:	School:
Summary of complaint:	
Please state what (if any) attempts have been made to resolve informally:	
Names of any witnesses (if applicable)	
Please state your desired resolution/outcome:	
Signed:	Date:

Appendix 2 (letter to complainant to acknowledge formal complaint and arrange initial meeting)

PRIVATE & CONFIDENTIAL

Address

Date

Dear

Re: (Name of school) – Anti Harassment & Bullying Procedure

I write to acknowledge receipt of your formal complaint received (detail date, how complaint received).

I would like to arrange to meet with you to discuss the details of your complaint and to look at next steps.

Please could we meet on (date) at (time) (location) to discuss the details of your complaint.

You are entitled to be supported by either a Trade Union representative or work colleague. If you wish to have this support, please let me know the name of the person accompanying you.

I need to inform you that following our meeting, I will be arranging to meet with (name of person complaint is regarding). I will need to share the details of your complaint with them as they have the right to respond. We can discuss this further at our meeting.

I understand that this is a difficult process and I want to remind you that you may access free confidential wellbeing resources, including counselling, via SAS.

Please confirm your availability to meet on the above date by (date). If this date is not suitable, please contact me immediately to arrange a more convenient time.

I attach a copy of the Anti-Bullying & Harassment policy, for your information.

If you wish to discuss this matter further or clarify any points before the meeting, please do not hesitate to contact me on (telephone number).

Yours sincerely

Name

Title

c.c. HR Director
 Trade union rep

Appendix 3 (Letter to subject notifying them of complaint and arranging meeting)

PRIVATE & CONFIDENTIAL

Address

Date

Dear

Re: (Name of school) Anti-Harassment & Bullying Procedure

Further to our initial discussion I confirm that (complainant's name) has made a complaint against you under the Schools Anti-Harassment & Bullying Procedure.

The nature of the concerns are as follows:

(Outline the concerns)

I would like to meet with you at (location) on (date) at (time) to discuss the complaint. The contents of the meeting will be confidential to the process, notes will be taken and you will be sent a copy of them.

I have attached a copy of the Anti-Harassment & Bullying Procedure for your information.

You are entitled to be supported by either a Trade Union representative or work colleague. If you wish to have this support, please confirm the name of the person accompanying you.

I understand that this is a difficult process and I want to remind you that you may access free confidential wellbeing resources, including counselling, via SAS.

If you wish to discuss this matter further or clarify any points to the meeting, please do not hesitate to contact me on (telephone number).

Yours sincerely

Name

Title

c.c. HR Director
 Trade Union rep

Appendix 4 – Outcome – Letter to complainant

PRIVATE & CONFIDENTIAL

Address

Date

Dear

Re: (Name of School) – Anti-Harassment & Bullying Procedure

I write further to our meeting on (date) regarding the complaint you raised against (person's name). Your complaint was that (complaint details).

I have met with you both separately under the informal stage of the Anti-Harassment & Bullying Procedure. After careful consideration of the discussions held, I conclude that:

(Outline details of outcome):

- *The allegation[s] is[are] unfounded*
- *The matter can be resolved through an apology or other means*
- *The complaint is founded but is sufficiently minor that it can be adequately resolved through advice, guidance, training and monitoring through the normal supervisory processes*
- *Is founded and/or is sufficiently serious that it will be investigated further under the formal stage of the Anti-Harassment & Bullying Procedure (any investigation will follow Disciplinary Procedure process for investigations)*
- *insert what will happen next and who will deal with the complaint under the formal stage and advise complainant seeks the advice of their representative).*

If you have any questions or queries about the content of this letter, please do not hesitate to contact me on (telephone number).

Yours sincerely

Name

Title

c.c. HR Director
 Trade Union rep

Appendix 5 - Outcome – letter to subject of complaint

PRIVATE & CONFIDENTIAL

Address

Date

Dear

Re: (Name of School) - Harassment Procedure – Initial Stage

I write further to our meeting on (date) regarding the complaint made against you.

The complaint was that (insert complaint details).

I have met with both you and the complainant separately under the informal stage of the Anti-Harassment & Bullying Procedure. After careful consideration of the discussions held, I conclude that:

(Outline details of outcome):

- *The allegation/s is (are) unfounded*
- *The concerns can be resolved through an apology or other means*
- *The allegation is founded but is sufficiently minor that it can best be resolved through advice, guidance, training and monitoring through the normal supervisory processes. (provide details)*
- *Is founded and/or is sufficiently serious that it will be investigated further under the formal stage of the Anti- Harassment & Bullying Procedure (any investigation will follow the Disciplinary Procedure process for investigations).*

(Insert what will happen next and who will deal with the complaint under the formal stage). I would advise you to seek the advice of your trade union representative.

(If there is a need to suspend the subject please seek HR advice – this letter will need to be amended accordingly).

If you have any questions or queries about the content of this letter, please do not hesitate to contact me on (telephone number).

Yours sincerely

Name

Title

c.c. HR Director
Trade Union rep (if known)

Appendix 6 – Template Investigation Report

**INVESTIGATION REPORT
FOLLOWING AN INVESTIGATION UNDER
THE WHITE HILLS PARK TRUST DISCIPLINARY PROCEDURE**

Name of Employee:	
Job Title of Employee:	
Name of School:	
Investigating Officer:	
Date of Report:	

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1. Introduction and background to investigation

- 1.1 [This report has been compiled following a request by [Head Teacher] to investigate allegations that [xxx]].
- 1.2 [The purpose of this investigation is to determine whether there is a case to answer in respect of the allegations that (*name of employee*) has.....]
- 1.3 [name] is a (job title) employed at (name of school). Include any relevant structural/line management/complaint/witness details
- 1.4 Explain
- How potential irregularity came to light, and when; describe each incident in detail
 - Accurate dates and times
 - Action taken by the school as a result (i.e. suspension, investigation, refer to LADO)
 - Format of investigation (who you spoke to, what evidence you considered etc.)
 - The relevance of any previous concerns and warning relating to conduct

2. Allegations

This report considers the investigation into the following allegations: (*carefully word allegations which should clearly set out the misconduct and where applicable which school or statutory procedures have been breached*)

3. Process of Investigation

- 1.1 Who was interviewed and when
- 1.2 Other documentary evidence considered
- 1.3 Involvement of other agencies including the Police or LADO
- 1.4 Process of suspension (if applicable)

4. Analysis of Evidence

This section should draw all the evidence together for each allegation and analyse it in order to demonstrate how you have reached conclusions. Please refer to documents as appendices and include in the appendix list at the foot of the report.

Include reference to physical evidence such as documentary evidence, policies, CCTV. How does this evidence support / not support the allegations and why? Refer to the policies by name and include statutory things like Teachers Standards – does the evidence support allegations or not? Were there any breaches in standards/expectations?

Include reference to witness evidence – refer to witness statements, summarise and quote from them where relevant. How does the witness statement support/not support the allegations and why? Do the witness statements corroborate each other or not?

Include reference to the subject's statement. Any admissions or denials re the allegations? Is there any mitigation? Include things like length of service, previous good conduct and past disciplinary record (if relevant)

What facts have been established through the investigation?

What facts could not be established via the investigation?

What are the mitigating factors?

Any other relevant information?

Your analysis should be balanced and factual, based on the evidence obtained and should highlight where evidence is/ is not corroborated.

Highlight the impact on the school, including reputational impact if applicable, impact on children/parents/staff

5. Conclusion

- This section should conclude whether there is enough evidence on the balance of probabilities to support or deny whether each separate allegation is proven, making reference to the original allegations and policies/ procedures or expectations breached.
- Has the employee offered any mitigation/ or are there other factors to be taken into account in determining the recommendation?
- Are there any other conclusions you have drawn from the evidence?

6. Recommendations

The report should be specific in this section about what is recommended – in terms of whether there is evidence to support a case to answer at a disciplinary hearing, but it should not usually specifically recommend a particular sanction (which should only be considered at a formal disciplinary hearing).

If the conduct is serious enough to warrant consideration of dismissal on the grounds of gross misconduct/or with notice, this should be stated so that the employee is warned. In these circumstances, you might state that governors should consider all formal sanctions, up to and including dismissal.

Possible outcomes will include a recommendation for:

No action

Informal action

Formal action such as:

- (a) That the report should be considered by a panel of the governing body to determine whether the alleged misconduct warrants formal disciplinary action (i.e. a formal sanction)*
- (b) anything else which has been uncovered (e.g. better communication of procedures, or changing system, or changing policy, or training needs, etc.).*

APPENDICES

Appendix 1 -

Appendix 2 -