

Policy Title:	Bullying & Harrassment Policy	
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Date of Review:	Summer Term 2023	
Author & Role	County Model Policy Adopted	
Ratified by:	Governors Policy Committee	
Responsible signatory:	Chair: A Blundell	Vice Chair: W Blundell
Date:	April 2022	
Amendments Comments	/ County Model Policy Adopted	
Outcome:	This Policy: Shows that the school is committed to ensuring that all staff are treated with dignity and respect while at work in an environment of positive working relationships.	
Cross Reference:	Staff Code of Conduct Policy Confidentiality Policy Health & Safety Policy	

EQUALITY AND DIVERSITY STATEMENT

Astley Park School is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

POLICY REVIEW

To ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, please contact the author of the policy

Astley Park School

WORKPLACE AND WORK-RELATED BULLYING AND HARASSMENT

A MODEL POLICY FOR ALL STAFF IN SCHOOLS WITH DELEGATED BUDGETS (AND TEACHERS IN CENTRALLY MANAGED SERVICES) (REVISED APRIL 2022)

1. STATEMENT OF INTENT

- 1.1 This policy is concerned with the prevention of harassment and bullying in the workplace. It should be considered in conjunction with the model Bullying and Harassment Procedure. It is not intended to inhibit reasonable and effective management of employees or prejudice the rights of individuals to take legal action.
- 1.2 This policy has been adopted and is published as part of the staffing policies of the Governing Body of Astley Park School.
- 1.3 The Governing Body:
- is committed to ensuring that all staff are treated with dignity and respect while at work.
 - is committed to creating an environment of positive working relationships. To establish and protect such an environment, policies and procedures have been established which enable staff to raise concerns and for these to be addressed.
 - will not permit or condone harassment and bullying in the workplace. Such behaviour will be dealt with in accordance with the school's disciplinary procedure.
 - will not tolerate intimidation, victimisation, retaliation or discrimination against an individual for bringing a complaint of harassment or bullying or assisting in any investigation whether or not the complaint is upheld. Where such action is alleged, the matter will be dealt with in the same way as an allegation of harassment or bullying.
- 1.4 Malicious complaints of harassment or bullying will not be condoned and will be regarded as a disciplinary offence and dealt with in accordance with the school's disciplinary procedure.
- 1.5 Genuine complaints of harassment and bullying will be dealt with sympathetically with a view to a constructive outcome.

2. DEFINITIONS OF HARASSMENT AND BULLYING

- 2.1 There is no simple definition of bullying as it can take many forms. ACAS defines workplace bullying as unwanted behaviour that is *"offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the person being bullied"*.
- 2.2 Bullying is closely related to harassment; the two often go together and the terms are often used interchangeably. However, there is an important difference in that, unlike bullying, harassment is a legal concept and is defined as *"unwanted conduct **related to a relevant characteristic** that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for*

that individual." [Relevant protected characteristics are; age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex or sexual orientation].

2.3 What is key with both definitions is that the actions or comments are viewed as unwanted and cause offence to the recipient rather than the intention of the alleged harasser. However it's also important to take into account the perception of the other person, all the circumstances of the case and whether or not it is reasonable for the conduct to have that effect in determining whether the actions could reasonably be considered bullying or harassment.

2.4 **Bullying**

2.4.1 Bullying can:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails, written communication or phone calls
- not always be obvious or noticed by others

2.4.2 Examples of bullying behaviour include (this list is not exhaustive):

- Spreading false/malicious rumours;
- Being put down in meetings;
- Not being allowed to go on training courses that everyone else has been on;
- Being given a heavier workload than everyone else;
- Not being included in work social events.

2.5 **Harassment**

2.5.1 By law, harassment is when bullying or unwanted behaviour is related to protected characteristics under the Equality Act 2010 (see 2.2). Harassment can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

2.5.2 Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of harassment if they experience:

- harassment because they are related to or associates with someone who possesses a relevant protected characteristic; or
- harassment by a colleague who has the mistaken perception that they possess a relevant protected characteristic; or
- witnessing harassment because of a protected characteristic and are upset by it.

2.5.3 Employees also have the right to raise concerns if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. Schools should take reasonable steps to protect employees from third party harassment. However, on 1 October 2013, the third-party harassment provisions of the Equality Act 2010 were repealed in relation to events occurring on or after that date.

3. Effects of Bullying & Harassment

3.1 Harassment and bullying can undermine job security, interfere with job performance and/or create a threatening or intimidating environment. They affect working conditions, health and safety and undermine equality at work.

3.2 Harassment and bullying undermine attempts to improve education provision for all pupils because they:-

- present an unacceptable model for pupils' own behaviour;
- cause increased incidence of stress-related illness amongst staff;
- lead to high levels of staff turnover in individual schools;
- demoralise all staff working in schools where their colleagues are bullied, leading to poor employee relations;
- affect the ability of individuals to carry out their duties;
- affect the reputation of the establishment.
- take the time and effort of managers to investigate

3.3 Many individuals are unwilling to make a complaint regarding harassment or bullying. This can be for a variety of reasons including:-

- fear of adversely affecting promotion prospects;
- fear that others will consider the behaviour trivial;
- fear of retaliation or public humiliation;
- fear that the allegations will not be taken seriously;
- concern that no action will be taken against the harasser/bully;
- unfamiliarity with the appropriate procedure to follow.

4. HARASSMENT, BULLYING AND THE LAW

4.1 Anyone who harasses, victimises or discriminates against someone at work is responsible for their own actions. However, by law, employers must do everything they reasonably can to protect staff from harassment. Key points to note include:

4.2 Employees may bring a harassment claim to an employment tribunal under the **Equality Act 2010** if they can show that the harassment is linked to a relevant protected characteristic: age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

4.3 There is a right to mutual trust and confidence between employer and employee; if bullying or harassing behaviour are allowed to go unchecked, that could mean that such trust and confidence is lost which may lead to a claim of **constructive dismissal**.

4.4 Where an employee is bullied, the employer might be in breach of the **Health and Safety at Work etc Act 1974**, which contains the duty owed by an employer to its employees to ensure, as far as is reasonably practicable, their health, safety and welfare.

4.5 An employee who suffers significant psychological harm as a result of bullying may make a **personal injury** claim in the civil courts.

4.6 There are rare occasions where bullying could be a **criminal offence**, eg bullying that involves violence or assault and should be reported to the police.

5. ROLES AND RESPONSIBILITIES IN DEALING WITH HARASSMENT AND BULLYING

5.1 A good working environment in school is one where it is clear to all staff, pupils, parents and governors that behaviour which may potentially cause offence is not acceptable.

5.2 The **Governing Body** requires all governors and staff to maintain a high standard of conduct in relationships with colleagues and those who are under their direct authority.

5.3 All **employees** have a responsibility to help ensure a working environment in which the dignity of all employees is respected. It is the duty of all employees:

- to comply with this policy and to treat colleagues with respect and dignity;
- to be aware of problems which harassment or bullying can cause and by ensuring that their own conduct does not contribute to incidents of harassment or bullying;
- to challenge by making others aware that certain conduct or behaviour is causing concern or offence to either themselves or a colleague;
- to provide support to a colleague who is being harassed or bullied;
- to ensure that complaints are dealt with in confidence, treated sensitively, seriously and where appropriate as a disciplinary matter.

5.4 The **Governing Body** and **Management of the School** will further assist by:

- ensuring that the ethos and staff welfare arrangements in the school are such that an individual who is complaining of harassment or bullying feels able to turn to colleagues for support;
- ensuring that complaints are dealt with in confidence, treated sensitively, seriously and where appropriate as a disciplinary matter.
- ensuring that everyone is aware of the formal procedures for dealing with harassment and bullying;
- ensuring that the school has a procedure for dealing with incidents of harassment by pupils;

- ensuring that suitable training is given on all aspects of the policy that can ensure its effective implementation;
- ensuring that investigations are carried out in a fair and consistent manner (including ensuring staff are trained before being asked to investigate a complaint).

5.5 This policy requires all governors and staff to act positively to eliminate any harassment or bullying in the workplace of which they are aware. Harassment or bullying of any kind should not be dismissed by either governors or staff as trivial or insignificant, as a matter of interest only to a minority, or as action that can be excused as fun or a joke.

5.6 **Role of investigating officer**

The role of the investigating officer is to:

- ensure that complaints of bullying and harassment are investigated thoroughly, in an open and transparent way, in accordance with the contents of the Complaint Form;
- prepare a report following the investigation into the complaint for consideration by the Headteacher or Chair of Governors (where the complaint relates to the actions of the Headteacher);
- attend subsequent hearings as a witness in relation to the investigation process and conclusions e.g. disciplinary hearing.

5.7 **Role of the recognised trade union representative**

The role of the recognised trade union representative is to:

- provide advice, guidance and assistance to their member in relation to the presentation of a complaint or defence of one, including attending meetings held under this procedure if required.

5.8 **The role of the Local Authority**

The Local Authority is responsible for:

- the production and review of this policy and its commendation to delegated schools;
- ensuring that the contents of the policy have been consulted on with the relevant professional associations.
- ensuring that the policy is made available to all schools/governing bodies
- providing training and offering further advice and guidance on the contents of the policy as required.

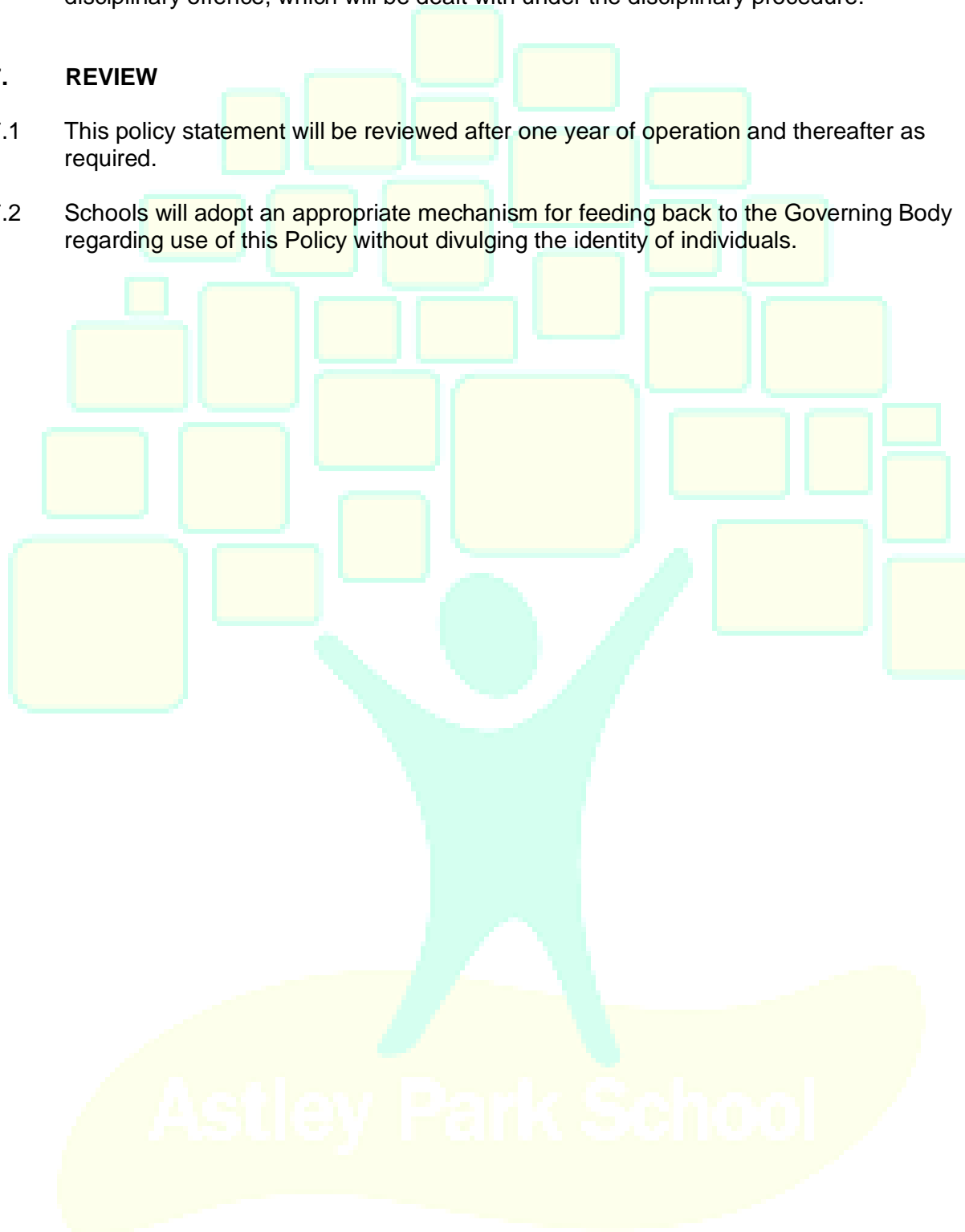
6. CONFIDENTIALITY

6.1 All documentation and discussions at meetings within this procedure are confidential. The School processes personal data collected during informal complaints and the formal procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the procedure is held securely and accessed by, and

disclosed to, individuals only for the purposes of responding to the complaints, seeking professional advice or conducting the bullying and harassment procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

7. REVIEW

- 7.1 This policy statement will be reviewed after one year of operation and thereafter as required.
- 7.2 Schools will adopt an appropriate mechanism for feeding back to the Governing Body regarding use of this Policy without divulging the identity of individuals.



ANNEX 1: BULLYING & HARASSMENT INVESTIGATION GUIDE (REVISED APRIL 2022)

Introduction

This Investigation Guide is intended to be used in conjunction with the *Workplace and work-related bullying and harassment model policy and procedure*.

The advice contained in this document is designed to give Investigating Officers assistance in the different stages they may be involved in when investigating a formal complaint of harassment or bullying at work. Advice in relation to conducting bullying and harassment investigations can be obtained from representatives of the Schools' HR Team.

An investigation commences at Section 7 of the Procedure when the following conditions are satisfied:

- I. the complainant requires that formal action be taken
- II. a copy of the complaint has been sent to the Headteacher/Chair of Governors of the School. The school may wish to keep a record of any such complaints that are received.

Within this guide, any reference to the Headteacher/Chair of Governors means the person who the complaint is initially forwarded to. In most cases this will be the Headteacher. However, if the complaint is against the Headteacher, it will be forwarded to the Chair of Governors, however a copy must also be shared with the Headteacher.

The role of the Investigating Officer

The investigating officer's role is to:

- be fair and objective in establishing the facts by investigating the complaint on behalf of the Headteacher/Chair of Governors.
- get as much information on the case as is reasonable.
- not try to prove guilt but get balanced evidence from both sides.
- keep the case confidential.
- produce a report establishing whether or not there is substance to the allegation/s made for the Headteacher/Chair of Governors.

Who should investigate?

Investigating Officers should follow the Bullying & Harassment Policy and should:

- be impartial.
- be of an appropriate level of seniority.
- be available to commence and complete the investigation within the specified time limits.
- be adequately trained or experienced in conducting investigations*
- not be the immediate line manager of either the complainant or the respondent.

**Conducting Investigations* training is available via the Schools' HR Team.

Where there isn't anyone within school who fulfils this the school may decide to appoint an external investigator. The Schools' HR Team can support with this.

Right to representation and support

Throughout the procedure the complainant, the respondent and any witnesses have the right to be represented at any stage and must be informed of this right. The representative could be their trade union representative or work colleague, providing that the representative is not involved in the investigation in any other way (i.e. complainant, respondent, witness etc).

It is important that all parties are fully aware of the range of support mechanisms potentially available to them including; completing a Stress Risk Assessment, making an Occupational Health referral, having the contact details for the Education Support Partnership. The Investigating Officer should satisfy themselves that arrangements have been made, however it is not their role to directly provide such support.

Procedural time limits

Wherever possible, the investigation process should last *no longer than 30 working days from the receipt of the complaint form*. While an investigation should be completed as quickly as possible, it always needs to be thorough and fair. Some investigations might take longer depending on the case and how many people need to give information. For example, a simple case might only take a day to gather enough information, whereas a more complicated case could take several weeks. Any delays should be explained to anyone involved and written in the investigation report.

The investigation process

Preparation and planning

Following receipt of the complaint form, and discussion with the Headteacher/Chair of Governors, the Investigating officer should begin to draw up a proposed investigation plan which may include:

- scope of the investigation (incl what needs to be investigated)
- anyone who needs to be spoken to and in what order (generally this is complainant(s), respondent and then witnesses in that order)
- any sources of evidence, for example work records, emails or CCTV recordings
- any time limits eg CCTV footage being deleted or school closure period
- time frames
- relevant policies or workplace guidelines
- whether recommendations are expected at the end of the investigation
- setting out the importance of confidentiality
- any other relevant points of information

More details on making an investigation plan can be found in the [Acas guide to conducting workplace investigations](#)

Interviews

Interviews need to be handled in a professional and sensitive way. Any investigation meetings or interviews should take place in a suitable (often neutral) venue, where confidentiality can be ensured and where a breakout room is available. The situation may be highly charged and it is important that investigators are seen to be objective and fair. Observing the following will assist in this process:

- Plan how the meeting will be recorded (often this will be by having someone present as a note taker). Notes taken will usually become an interviewee's witness statement which they will subsequently be asked to sign and should record:

- The date, times and place of the interview
- The names of all people present
- An accurate record of the interview
- Any refusal to answer a question
- Details of any adjournments
- Plan the initial questions (see Annex 1a)
- Write to the employee inviting them to the meeting and ensure they have copies of the complaint and the policy. (see Annex 1b)
- Open the meeting by explaining:
 - who is present and why
 - the role of the investigator
 - the purpose of the meeting
 - the need for confidentiality during the investigation
 - that the interviewee's witness statement may be used in an investigation report
 - who will see the interviewee's witness statement
- During the meeting an investigator should:
 - ask specific questions to gather the facts of the matter
 - probe the interviewee without it being in an adversarial manner
 - gather facts, dates, times and explore any differing versions of events
 - check if there are any witnesses that they think should be interviewed
 - record responses and any refusal to respond
 - seek evidence that may corroborate the information provided
 - ensure they fully understand what outcome the complainant wants.
- At the end of the meeting an investigator should:
 - check if there is anything else the interviewee thinks is important before ending the interview
 - explain that they may need to be interviewed again
 - explain that the interviewee will be provided shortly with a copy of their witness statement for them to check and confirm that it is accurate
- After the meeting an investigator should:
 - provide the interviewee with a copy of their statement and seek agreement that it is accurate
 - consider what the important facts from the meeting were and whether evidence already collected supports or contradicts these
 - consider whether the meeting suggested any further evidence needs to be collected or interviews arranged

Potential Issues

Recording the meeting - Usually a notetaker is sufficient for this and using an audio device is not usually recommended. In exceptional circumstances, where a request is made to record the meeting this should be considered by the Investigating Officer and a decision made depending on the reason for the request, although it is important to be consistent across the investigation. Covert recordings are not allowed and are likely to be considered as misconduct.

Reluctant witnesses – The Investigating Officer should seek to explore and resolve their concerns and try to provide reassurance. They should try to avoid anonymising witness statements whenever possible. This is because they will have more limited weighting as the evidence cannot be challenged or corroborated. Only in exceptional circumstances where a witness is crucial to establishing the facts and has a genuine fear of reprisals should an investigator agree that a witness statement is anonymised. However, if the matter becomes subject to legal proceedings, and it is necessary in the interests of fairness, an employer may be required to disclose the names of any anonymous witnesses.

Disputes regarding the Witness Statements – Minor amendments can be made and then forwarded for signature. Where substantial requests are made which the Investigating Officer is not in agreement with the interviewee should be invited to submit their own signed statement, to sit alongside that produced by the Investigating Officer.

Refusal to attend a meeting - The Investigating Officer should find out why and try to resolve any issues. If it's availability, then attempts should be made to arrange an alternative date. If it's another reason (such as illness) then the employee may be asked to produce a written statement. If the interviewee is crucial to the investigation and does not have a legitimate reason for not attending, they could be advised that refusing to attend may be viewed as refusing a reasonable workplace request which may result in disciplinary action.

Fitness to attend meetings – Where either the employee themselves raises any concerns regarding their fitness to attend the meeting or where the Investigating Officer has concerns then an Occupational Health referral may be completed to seek advice on their fitness to attend and any adjustments that may be necessary.

Physical evidence (eg CCTV or computer/phone records) – If physical evidence is collected then the Investigating Officer is advised to consider whether there are any less intrusive ways of gathering the evidence but where there are not they should record what it is, how it was collected and what it reveals. It is legitimate to use CCTV for investigatory purposes, unless the school has a CCTV Policy which expressly excludes this.

Significant numbers of witnesses - where the Investigating Officer is asked to speak to a large number of witnesses a judgement needs to be made in relation to the reasonableness of such a request. The investigation needs to be reasonable in all the circumstances, but it does also need to be completed in a timely manner. If many people witnessed the same incident, the person investigating should talk to some of the witnesses and check whether they're broadly saying the same thing. The person investigating does not have to talk to all witnesses, unless they feel they're not getting enough information or there are significant differences in what the witnesses say.

Writing the report

An investigation report should cover all the facts that were established, and whether there were any mitigating circumstances that also require consideration.

There are usually two issues that the investigating officer is likely to face when concluding any investigation and writing the report:

- Recognising when you have sufficient evidence/information; and
- Drawing conclusions in relation to the *balance of probabilities* ie deciding whether on balance, one version of events could be justifiably preferred than the other and why. An investigator only needs to decide that on the balance of probabilities an incident is more likely to have occurred than not.

The investigating officer needs to be clear that they have carried out a reasonable investigation, but at the same time they must ensure that a lengthy and continued investigation is not a mechanism to avoid forming a conclusion.

In investigation and concluding complaints of bullying particular note should be taken of the definitions and examples given within section 2 of the Bullying & Harassment Policy. What is key with both definitions is that the actions or comments are viewed as unwanted and cause offence to the recipient rather than the intention of the alleged harasser (ie it's the impact rather than the intention that's important). As part of the evidence evaluation the Investigating Officer

should take into account the perception of the respondent(s), all the circumstances of the case and whether or not it is reasonable for the conduct to have that effect/impact in determining whether the actions could reasonable be considered bullying or harassment.

It is important to carefully consider the dividing line between what constitutes 'bullying' and the exercise of proper 'management'. To assist in considering where this divide lies, the following may assist.

It may not be bullying if it is solely a:

- strong management style
- proper correction of an individual's mistakes
- critical management intervention

It becomes bullying if:

- it is destructive rather than corrective
- it is criticism of the person rather than their mistakes
- it publicly humiliates rather than privately corrects

Obviously, evidence from witnesses to the actual incident(s) and or admissions will be of most assistance in reaching a decision. However, in their absence any other corroborative evidence should be considered. **Corroborative evidence may include:**

- Statements regarding the demeanour of the complainant, e.g. "I remember they did seem particularly upset that morning".
- Recorded changes in terms of increased lateness/sickness.
- Requests from the complainant to change work/jobs.
- Information obtained from a visit to the scene of the alleged incident.

It should **not** include:

- Derogatory or judgmental remarks about either the complainant or the respondent, e.g. "It doesn't surprise me, I never trusted x anyway".
- The fact that individuals have received counselling or been offered other support services.

Sometimes, the only additional information you may be aware of is the fact that the respondent may have been previously the subject of a similar allegation. Past records should be examined and if a previous similar complaint was made **and substantiated** it should be taken into consideration. If however a previous complaint was made but not substantiated it should be ignored.

Determining a conclusion

Once the Investigating Officer has determined their view, they need to decide what the recommendations to the Headteacher/Chair of Governors will be. Their first responsibility is to decide if the complaint is upheld, in full or in part or not at all and if the complaint is upheld, is it so serious as to warrant formal disciplinary action? In recommending any outcome, the following should be taken into account:-

- the views/wishes of the complainant.
- the employer's responsibility to protect the interests of all its employees, i.e. to provide a safe and healthy working environment.
- the seriousness of the incident(s) e.g. the complainant may simply wish to ensure there is no repeat of the incident(s), whereas the matter may be too serious to leave with that outcome.

Format of report

The format of the report to management should be simple and factual. A suggested format is outlined below:

Background - Brief paragraph(s) to set the scene in terms of individuals involved, working arrangements and the date of receipt of complaint, etc.

Nature of Complaint - Outline details of complaint(s) with reference to dates, times and specific incidents where possible.

Investigation process - Describe the actions taken and process used to investigate the complaint.

Respondent's Response - Give details of the respondent's response/explanation for each of the incident(s) and allegations.

Supplementary Evidence - Brief details of any witness statements or corroborative evidence (if available).

Findings and Evaluation - Details of whether the complaint can be supported or not – with reasons, e.g. "Whilst there is no independent witness to support the claim, on the balance of the information available, I feel sexual/racial harassment/bullying has/has not occurred".

Final Recommendations - The recommendation(s) should be clearly stated so that the Headteacher/Chair of Governors can take a view as to the appropriate action s/he needs to consider, given the nature of the complaint, the explanation of the respondent(s) and the views of the complainant(s).

Appendices – the Investigating Officer may append additional documentation to the report for consideration by the Headteacher/Chair of Governors e.g. notes of interviews, witness statements, other documentation that relates to the complaint.

Reporting to the Headteacher/Chair of Governors and follow-up actions

The final report should be passed to the Headteacher/Chair of Governors. The Investigating Officer may be required or wish to brief the Headteacher/Chair of Governors personally or be prepared to add to the investigation any further points which may be necessary. At a later stage in the process of dealing with the outcome of the complaint, the Investigating Officer may also be required to give evidence at a Disciplinary and/or Appeal Panel.

If it is decided that it is likely that, on the balance of probabilities, bullying or harassment has taken place the matter should be dealt with in accordance with the School's Disciplinary Procedure. This may involve a meeting of the Disciplinary and Dismissal Committee. In these cases, all further action taken will be under the Disciplinary Procedure, and action under this procedure will cease. In these circumstances it is likely that the complainant will be called as a witness for the Disciplinary hearing.

Where the allegation(s) of bullying and harassment is/are proven following the Bullying and Harassment Investigation, the complainant (s) will not have a right of Appeal under the Bullying and Harassment Procedure.

The appropriate line manager, at a stage when the outcome of the complaint and any subsequent actions are settled should consider the effects of the complaint on the work team and be prepared to take appropriate action designed to assist them to overcome the stresses and tensions that may well have developed.

APPENDIX 1a – SUGGESTED INTERVIEW QUESTIONS

These questions are given as illustrative examples and have been adapted from ACAS guidance. They are not expected to be used in a prescribed manner – only as a guide.

Open questions - Encourage an interviewee to open up. They can provide a rich source of information that an investigator can then go on to explore in more detail. For example:

- Explain to me exactly what you saw...
- Describe exactly what happened...
- Talk me through what you heard.
- How did you react?
- Has this or a similar incident(s) occurred previously?
- What outcomes are you seeking in this matter?
- What do you think it will take to achieve this?

Closed / specific questions - Usually give a Yes, No or definite answer. They can be helpful to gather specific facts and can help focus an overly talkative interviewee. For example:

- What time did you leave your workplace?
- When and where did the incident take place?
- What were the exact words used?
- How many times did that happen?
- Did you speak to your manager or anyone else about that?
- Who else was there?
- Is there any physical evidence or documentation of the incident(s)?
- Do you require any support whilst this matter is being dealt with?

Probing questions - Can test the strength of an interviewee's account and challenge any inconsistencies. However, it is important to phrase these questions so they are inquisitive rather than interrogative. For example:

- When you say they are aggressive what exactly do you mean by aggressive?
- You mentioned earlier that X... tell me more about that.

Feelings questions - Can help to focus an interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the meeting is mainly to establish the actual facts of a matter. For example:

- What was important to you about that?
- What is your main concern about what happened?

Asking "What else?" - Helps an investigator to probe deeper beyond the initial information provided. However, care needs to be taken to ask this sensitively. For example:

- What else can you tell me about what happened?
- What else do I need to know about the matter?

Summaries - Provide an opportunity to check that the correct information is recorded. They also allow the interviewee to reflect on what they have said, to correct any inaccuracies and to give further details where there are gaps. For example:

- So can I clarify that what you are telling me is that you left your workplace at 10am because there was a problem at home and you did not return to work. Have I got that right?

Questioning approaches to avoid

Interrogative questions - The aim of the investigation is to establish the facts rather than interrogate someone. Although sometimes necessary, “Why” questions can make people defensive and close up. For example:

- Instead of “Why did you do that?”, use “What made you decide to do that?”

Leading questions - These can lead the interviewee to provide the answer the investigator hopes or expects to hear. For example:

- Instead of “Do you think he was perhaps over reacting?”, use “What did you think of his reaction?”

Multiple questions - Lead to confusion and the interviewee will answer what they heard first, last or the part they are most comfortable answering. For example:

- Instead of “What is your role, do you like it and why?”, ask each question individually

Questions to avoid:

- What were you wearing at the time?
- Did you do anything to lead them on?
- Surely they were only joking?
- Are you sure there is not some misunderstanding?
- Do you really want me to take this complaint further?
- Have you considered the effect of this complaint on your career, work, relationships, family?
- Are you not being oversensitive?
- Wasn't this just proper criticism of your mistakes?
- Isn't ("example") now an acceptable term to describe your race/nationality?



Astley Park School

APPENDIX 1b

Template Letter to complainant

Dear NAME,

Further to your recent complaint alleging bullying and harassment against NAME I would be grateful if you could attend an investigatory meeting on DATE at TIME at LOCATION.

Please note that this investigatory meeting is a fact-finding exercise. We need your assistance to establish as best we can all the facts surrounding the concerns raised. Any information that you give us will be treated as confidential, insofar as this is possible, and may be used to help the organisation to determine the appropriate way forward.

The investigatory meeting will be led by myself and there may also be a note taker present. If you wish, you may be accompanied at this meeting by a workplace colleague or a trade union representative. Please could you bring with you any information or documentation (including emails) that you think might be of assistance to the investigation and directly relates to the incidents listed in the log of incidents? I understand that you already have copies of the Bullying & Harassment Policy and Procedure as well as a copy of the complaint, however if this is not the case please let me know as soon as possible and I will ensure that copies are sent to you.

Following the meeting, a statement will be prepared setting out the information that you provide. In this case, you will have the opportunity to ensure that the statement accurately reflects your version of events and you will be requested to sign and date it.

If you have any questions or concerns about the investigation, please do not hesitate to contact NAME on NUMBER or via email; EMAIL ADDRESS. Alternatively, any concerns that you may have about the process can be raised at the meeting.

I would be grateful if you could let me know by the DATE whether or not you can attend on the date and time suggested and whether or not you will be accompanied (and if so by whom).

As this matter is currently under investigation, it is very important that confidentiality is maintained.

Thank you for your assistance, and I look forward to hearing from you.

Yours sincerely,



Astley Park School

Template Letter to Respondent

Dear NAME,

Further to my recent correspondence I would be grateful if you could attend an investigatory meeting on DATE at TIME at LOCATION. This meeting has been arranged because we are investigating a complaint of bullying and harassment raised by NAME.

Please note that this investigatory meeting is a fact-finding exercise. We need your assistance to establish as best we can all the facts surrounding the concerns raised. Any information that you give us will be treated as confidential, insofar as this is possible, and may be used to help the organisation to determine the appropriate way forward.

The investigatory meeting will be led by myself and a notetaker may also be present to take notes of the relevant points of the discussion. If you wish, you may be accompanied at this meeting by a workplace colleague or a trade union representative of your choice. Please could you bring with you any information or documentation (including emails) that you think might be of assistance to the investigation and directly relates to the incidents listed in the log of incidents? I understand that you already have copies of the Bullying & Harassment Policy and Procedure as well as a copy of the collective complaint, however if this is not the case please let me know as soon as possible and I will ensure that copies are sent to you.

Following the meeting, a statement will be prepared setting out the information that you provide. In this case, you will have the opportunity to ensure that the statement accurately reflects your version of events and you will be requested to sign and date it.

If you have any questions or concerns about the investigation, please do not hesitate to contact me on NUMBER or via email; EMAIL ADDRESS. Alternatively, any concerns that you may have about the process can be raised at the meeting.

I would be grateful if you could let me know by the DATE whether or not you can attend on the date and time suggested and whether or not you will be accompanied (and if so by whom).

As this matter is currently under investigation, it is very important that confidentiality is maintained.

Thank you for your assistance, and I look forward to hearing from you.

Yours sincerely



Astley Park School

ANNEX 2 – BULLYING & HARASSMENT FORMAL INDIVIDUAL COMPLAINT FORM

Where possible, a complaint of bullying and harassment should be resolved using either the initial stages at Section 5 of the procedure, or the informal stage at Section 6 of the procedure. Where these approaches fail, or if the matter is deemed to be too serious to be dealt with informally, the formal stage should be invoked (section 7 of the procedure).

This form must be submitted in all cases of a formal complaint of bullying and harassment being lodged and must be completed in full or the complaint will not be investigated. **However, it should be noted that where a bullying and harassment complaint is raised during the formal stages of a different procedure, and the complaint relates to matters already under consideration as part of that procedure, the complaint will be dealt with as part of that procedure.** Only where the bullying and harassment complaint is deemed not to be related to the matters being considered under a different procedure, will the provisions of this procedure apply.

For help in completing the form, advice may be sought from a representative of your trade union.

The form should be completed and returned to either the Headteacher or, if the complaint relates to the Headteacher, the Clerk to Governors who will forward it to the Chair of Governors. A completed copy of the form must always be forwarded to the Head of Schools HR by the Headteacher or the Clerk to Governors.

A copy of Section B of the form, together with any additional sheets submitted under Section B, will be sent to the person against whom the complaint is being made (i.e. the respondent). **A separate Section B therefore needs to be completed for each respondent.**

SECTION A – PERSONAL DETAILS

(Other than name, this information is confidential and **not to be shared with the respondent.** Therefore, the form should not be copied/printed double-sided)

1.	Surname _____ Forename _____ Home or work address (for communication purposes) _____ E-mail address _____ Home telephone No (_____) _____ Work telephone No (_____) _____ Job Title _____
2.	Are you being represented by a trade union in this matter? YES/NO If so, please give details _____
3.	Please provide your signature and the date you submitted this form, in order that the time limits outlined within the procedure can be followed wherever possible. Signed _____ Date _____

SECTION B – COMPLAINT DETAILS

(a copy of this will be provided to the respondent – please provide a separate Section B for each respondent)

4.	<p>Please give the name of the employee against whom the complaint is being made and, exactly as possible, the place, time and date of the incident (s) that you are complaining about.</p> <p>My complaint is against _____ (name)</p>		
5.	<p>Please attempt to indicate the heading(s) under which your complaint falls.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Disability *Harassment/Discrimination <input type="checkbox"/> Racial *Harassment/Discrimination <input type="checkbox"/> Sexual *Harassment/Discrimination </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> Sexual orientation *Harassment/Discrimination <input type="checkbox"/> Age *Harassment/Discrimination <input type="checkbox"/> Religion or belief <input type="checkbox"/> Trade union activity <input type="checkbox"/> Other (please state) _____ </td> </tr> </table> <p>*please delete as necessary</p>	<input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Disability *Harassment/Discrimination <input type="checkbox"/> Racial *Harassment/Discrimination <input type="checkbox"/> Sexual *Harassment/Discrimination	<input type="checkbox"/> Sexual orientation *Harassment/Discrimination <input type="checkbox"/> Age *Harassment/Discrimination <input type="checkbox"/> Religion or belief <input type="checkbox"/> Trade union activity <input type="checkbox"/> Other (please state) _____
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6.	<p>Please provide the names, addresses, telephone numbers and e-mail addresses of any witnesses to any of the incidents, that have agreed to provide information if required.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO </td> </tr> </table> <p><i>(Please continue on a separate sheet if necessary)</i></p>	Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO	Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO
Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO	Name _____ Address _____ _____ Telephone No (_____) _____ E-mail address _____ Have you obtained this person’s consent to include their details on this form? YES/NO		



7. Bullying & Harassment complaint - Log of incidents

Please describe the circumstances that make you believe that you have been harassed or bullied.

In order that your complaint can be fully investigated, it is important for you to be specific about the detail of your complaint. Therefore you are required to complete the table below, describing as fully as you can what took place, giving relevant and important dates, times and the names of any witnesses. Please also list any additional documentation that you have submitted which relates specifically to each allegation. Finally, please indicate whether you require a specific finding in relation to the incident, or whether the incident is provided for background purposes.

Please note that as part of the investigation, you will be interviewed to obtain further information and detail about the incidents outlined on this form. Therefore, you must clearly outline the matters that you wish to be considered as part of the investigation process. Matters not included on this form will not be investigated.

No	Date/time of incident	Details of incident	Witnesses to the incident	Supporting documentation provided (if yes, please list the relevant documentation)?	Is this background information or is a finding required? (insert "background" or "finding")
1					
2					
3					
4					
5					
6					

Astley Park School

	<p>8. It is expected that the majority of bullying and harassment complaints will be resolved without recourse to the formal stages of the procedure. Therefore complainants are strongly encouraged to have their complaint considered at the informal stage, as this can often result in a quicker and more constructive outcome than the formal stage.</p> <p>Please outline details of any action that has taken place to try and stop the unwanted behaviour either outside of this procedure, or at the informal stages. Please including details of any meetings that have been held, or any other parties involved in this informal approach.</p> <hr/> <hr/> <hr/> <hr/> <p>If you have felt unable to take action under the initial or informal stages of the procedure, can anything be done to assist you in dealing with the complaint at the informal stage?</p> <hr/> <hr/> <hr/>
	<p>9. What would be your preferred outcome from this complaint? <i>(Please bear in mind that this may not necessarily be achievable)</i></p> <hr/> <hr/>

This form will be acknowledged, in writing, within 5 working days of receipt of the form by the Headteacher or Clerk to Governors. Following this, you will be contacted by the investigating officer to arrange a convenient time to be interviewed about this complaint.

Date of receipt of complaint:

Details of the person receiving the complaint:

.....
NAME

.....
SIGNED

ANNEX 3: GUIDE TO THE FORMAL MEDIATION PROCESS

What Is Mediation?

An informal, structured process in which a neutral third party, called a mediator, who is professionally trained, helps disputing parties work through and resolve problems. The mediator does not give legal advice, indicate how the dispute should be resolved, or report back to the organisation. Instead the mediator guides the parties through a process where:

- the issues are discussed
- options for resolving the problems are generated
- mutually acceptable solutions are considered and agreed

Mediation can offer you the opportunity to:

- be heard
- develop new ways of dealing with a problem
- create your own solutions
- save time, expense and emotional distress of living with unresolved conflict in the workplace
- avoid the stress of formal procedures

What happens in mediation?

The mediation process begins with an introduction where the mediator will ask the parties to agree some basic ground rules (e.g. only one person speaks at a time, both parties act in good faith, no name calling or shouting).

Each party is then given a full opportunity to be heard and to share his/her perspective on the situation. The mediator summarises this and assists:

- the parties in defining the issues
- in generating options to resolve the dispute
- the drafting of a mutual agreement

Success lies partly with the mediator's skills, but more importantly with the willingness of the parties. If someone is intent on keeping the conflict going even the most obvious solutions will not work. If everyone wants the conflict to end, mediation can be an effective way of doing so.

Who might benefit?

Anyone who:

- feels they have a dispute with a work colleague
- wants to find a resolution without going through formal procedures
- is willing to speak honestly
- is willing to listen to the other party
- is willing to take responsibility for any joint resolution

Where will you meet?

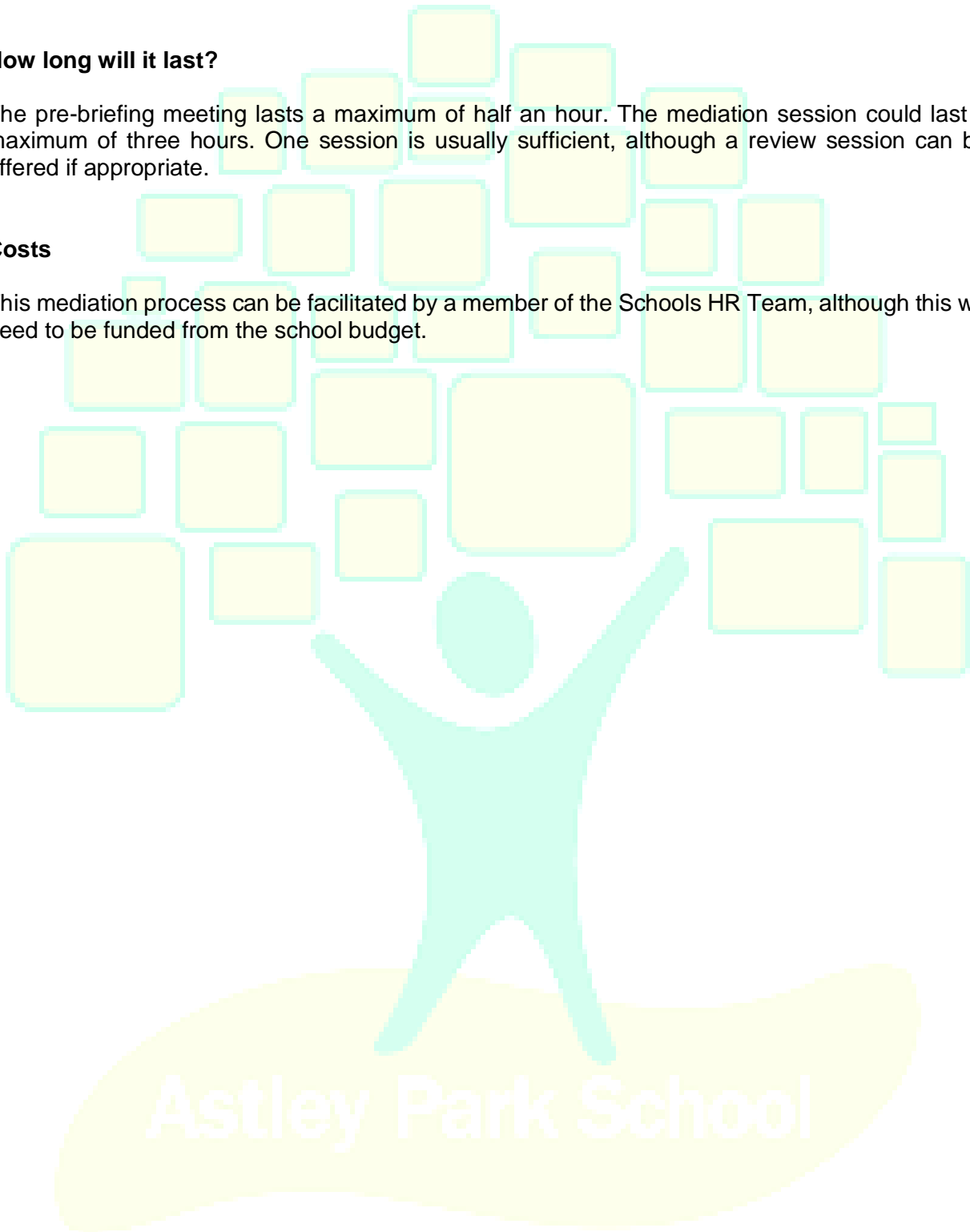
The initial pre-briefing meeting will take place at a location of your choice. The actual mediation session will take place at a mutually agreed, neutral location.

How long will it last?

The pre-briefing meeting lasts a maximum of half an hour. The mediation session could last a maximum of three hours. One session is usually sufficient, although a review session can be offered if appropriate.

Costs

This mediation process can be facilitated by a member of the Schools HR Team, although this will need to be funded from the school budget.



ANNEX 4 – BULLYING & HARASSMENT - COLLECTIVE COMPLAINT FORM

Good practice is to raise concerns as early as possible which, generally, is done individually. In exceptional circumstances, when it is alleged that the bullying is widespread, employees may wish to consider a collective complaint. Whereas a collective complaint inevitably has an element of collaboration in order to raise the concerns collectively this must not be done in a malicious or collusive way. Collusion will not be tolerated; not only could it undermine the investigation process and but, may also result in disciplinary action.

Where possible, a complaint of bullying and harassment should be resolved using either the initial stages at Section 5 of the procedure, or the informal stage at Section 6 of the procedure. Where these approaches fail, or if the matter is deemed to be too serious to be dealt with informally, the formal stage should be invoked (section 7 of the procedure).

This form must be submitted in all cases of a **collective** formal complaint of bullying and harassment being lodged and must be completed in full or the complaint will not be investigated. **However, it should be noted that where a collective bullying and harassment complaint is raised during the formal stages of different procedure(s), and the complaint relates to matters already under consideration as part of those procedures, the complaint will be dealt with as part of those procedures.** Only where the bullying and harassment complaint is deemed not to be related to the matters being considered under different procedures, will the provisions of this procedure apply.

The form should be completed and returned to either the Headteacher or, if the complaint relates to the Headteacher, the Clerk to Governors who will forward it to the Chair of Governors. A completed copy of the form must always be forwarded to the Head of Schools HR by the Headteacher or the Clerk to Governors. A copy of Section B of the form, together with any additional sheets submitted under Section B, will be sent to the person against whom the complaint is being made (i.e. the respondent).

A separate Section B therefore needs to be completed for each respondent.

Each person that wishes to make a formal complaint should complete and sign Section A. Then one person (e.g. one of the complainants or a trade union representative) should complete **a Section B for all respondents** on behalf of all parties making the complaint. Only this person will receive a copy of the outcome letter/full report. For help in completing the form, advice may be sought from a representative of your trade union.

SECTION A – PERSONAL DETAILS – to be completed by all individuals making the complaint. (Other than name, this information is confidential and **not to be shared with the respondent.** **Therefore, the form should not be copied/printed double-sided**)

1.	Surname _____ Forename _____
	Home or work address (for communication purposes) _____ _____
	Home telephone No (_____) _____ Work telephone No (_____) _____
	E-mail address _____ Job title _____
2.	Are you being represented by a trade union in this matter? YES/NO If so, please give details _____
3.	Please provide your signature and the date you submitted this form, in order that the time limits outlined within the procedure can be followed wherever possible. Signed _____ Date _____

Once completed, you should forward this page to the person responsible for completing the remainder of the form on behalf of all complainants

SECTION B – COMPLAINT DETAILS – to be completed by one person on behalf of all complainants
 (a copy of this will be provided to the respondent - please provide a separate Section B for each respondent.)

4.	Please give the name of the employee against whom the complaint is being made and, exactly as possible, the place, time and date of the incident (s) that are being complained about. The complaint is against _____ (name)												
5.	Please attempt to indicate the heading(s) under which the complaint falls. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Disability *Harassment/Discrimination <input type="checkbox"/> Racial *Harassment/Discrimination <input type="checkbox"/> Sexual *Harassment/Discrimination </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <input type="checkbox"/> Sexual orientation *Harassment/Discrimination <input type="checkbox"/> Age *Harassment/Discrimination <input type="checkbox"/> Religion or belief <input type="checkbox"/> Trade union activity <input type="checkbox"/> Other (please state) _____ </td> </tr> </table> *please delete as necessary	<input type="checkbox"/> Bullying <input type="checkbox"/> Victimisation <input type="checkbox"/> Disability *Harassment/Discrimination <input type="checkbox"/> Racial *Harassment/Discrimination <input type="checkbox"/> Sexual *Harassment/Discrimination	<input type="checkbox"/> Sexual orientation *Harassment/Discrimination <input type="checkbox"/> Age *Harassment/Discrimination <input type="checkbox"/> Religion or belief <input type="checkbox"/> Trade union activity <input type="checkbox"/> Other (please state) _____										
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Name _____	Name _____												
Address _____	Address _____												
Telephone No (____) _____	Telephone No (____) _____												
E-mail address _____	E-mail address _____												
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Have you obtained this person's consent to include their details on this form? YES/NO	Have you obtained this person's consent to include their details on this form? YES/NO												

7. Bullying & Harassment complaint - Log of incidents

Please describe the circumstances that make you believe that you have been harassed or bullied.

In order that your complaint can be fully investigated, it is important for you to be specific about the detail of your complaint. Therefore you are required to complete the table below, describing as fully as you can what took place, giving relevant and important dates, times and the names of any witnesses. Please also list any additional documentation that you have submitted which relates specifically to each allegation. Finally, please indicate whether you require a specific finding in relation to the incident, or whether the incident is provided for background purposes.

Please note that as part of the investigation, you will be interviewed to obtain further information and detail about the incidents outlined on this form. Therefore you must clearly outline the matters that you wish to be considered as part of the investigation process. Matters not included on this form will not be investigated.

No	Date/time of incident	Details of incident Please provide clarity on which complainant(s) this incident relates to	Witnesses to the incident	Supporting documentation provided (if yes, please list the relevant documentation)?	Is this background information or is a finding required? (insert "background" or "finding")
1					
2					
3					
4					
5					
6					

Astley Park School

8.	<p>It is expected that the majority of bullying and harassment complaints will be resolved without recourse to the formal stages of the procedure. Therefore complainants are strongly encouraged to have their complaint considered at the informal stage, as this can often result in a quicker and more constructive outcome than the formal stage.</p> <p>Please outline details of any action that has taken place to try and stop the unwanted behaviour either outside of this procedure, or at the informal stages. Please including details of any meetings that have been held, or any other parties involved in this informal approach.</p> <hr/> <hr/> <hr/> <hr/> <p>If the complainants have felt unable to take action under the initial or informal stages of the procedure, can anything be done to assist them in dealing with the complaint at the informal stage?</p> <hr/> <hr/> <hr/>
9.	<p>What would be the preferred outcome from this complaint? <i>(Please bear in mind that this may not necessarily be achievable)</i></p> <hr/> <hr/>

This form will be acknowledged, in writing, within 5 working days of receipt of the form by the Headteacher or Clerk to Governors. Following this, each party will be contacted by the investigating officer to arrange a convenient time to be interviewed about this complaint.

Date of receipt of complaint:

Details of the person receiving the complaint:

.....
 NAME SIGNED