

Bullying and Harassment Policy

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Related Policies and Documents

- Health and Wellbeing Policy
- Grievance Policy
- Equality and Diversity Policy
- Disciplinary Policy
- Capability Policy
- Sickness Absence Policy
- Whistleblowing Policy
- [Equality Act 2010](#)
- [Teacher Standards](#)
- Appraisal Policy
- Whole Staff Pay Policy
- Reorganisation Policy
- Dealing with Allegations Against a Member of Staff

Definitions

- Where the word 'Trust' or "TEFAT" is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the term 'CEO' is used it refers to the Chief Executive Officer.
- Where the words 'Senior leadership Team (SLT)' are used they refer to the Executive Team (Operations Group), Executive Principals, Principals and Heads of School
- Where the word 'Principal' is used it refers to both Principals and Heads of School where applicable.
- Where the words 'Governance Body' are used they refer to the relevant Governance Body of an individual academy within the Trust.
- Where appropriate, local procedures and practices to implement Trust policies will be published by TEFAT head office or the individual academies.

The Elliot Foundation Academies Trust Values

- **Put children first**
 - We trust and value your professionalism
 - We share the responsibility for the learning and welfare of all of our children
 - Our purpose is to improve the lives of children
- **Be safe**
 - Don't assume that someone else will do it
 - Look after yourself, your colleagues and all children
 - We are all responsible for each other's safety and well being
 - Discuss any concerns with an appropriate member of staff
- **Be kind & respect all**
 - People are allowed to be different as are you
 - Kindness creates the positive environment we all need to flourish
 - This kindness should extend to ourselves as well as to others
- **Be open**
 - If you can see a better way, suggest it
 - If someone else suggests a better way to you, consider it
 - We exist to nurture innovators and support those who take informed risks in the interests of children
- **Forgive**
 - We all make mistakes
 - Admit them, learn from them and move on
- **Make a difference**
 - Making the world a better place starts with you
 - Model the behaviour that you would like to see from others

1. Policy Statement and Objectives

- 1.1. The Elliot Foundation Academies Trust (“TEFAT”) is committed to creating a supportive work environment in which all employees are treated with dignity and respect. Working for the Trust should be an enjoyable and safe experience.
- 1.2. The Trust recognises that there are many positive benefits associated with preventing bullying and harassment taking place. These include contributing to positive staff morale and the creation of a welcoming and inclusive environment in which employees feel valued and able to work effectively and collaboratively together.
- 1.3. Any form of bullying or harassment is unacceptable and will not be tolerated by the Trust. Employees found to have engaged in this type of behaviour could face formal disciplinary action.
- 1.4. The Bullying and Harassment policy will provide a framework for individuals to follow in order to raise complaints about bullying and/or harassment and ensure concerns raised are treated fairly and consistently with the overall intention of resolving such matters as quickly as possible.

2. Scope and Principles

- 2.1. This policy applies to all staff who are employed by the Trust and the core principles should be reflected in the Trust’s interactions with other workers engaged by the organisation and members of the school community when considering their behaviours.
- 2.2. This policy covers any bullying or harassment perpetrated in the workplace and other work related settings, including social events. It also applies to bullying and harassment via electronic and social media platforms.
- 2.3. A concern of a bullying and harassment nature arising from decisions made in a process being managed under another policy such as probation, pay, disciplinary or capability is usually to be resolved through the mechanisms available within the original process, including any right of appeal where applicable. The bullying and harassment procedure is not usually available in substitution for the original process.

- 2.4. The Trust encourages employees to raise concerns of bullying and harassment as early as possible in the interests of all parties concerned. Addressing these types of issues early can make it easier to successfully resolve a dispute, ensure appropriate support for the parties and help to avoid the situation escalating. Therefore, employees should normally raise concerns within 3 months of the relevant issues taking place, save for exceptional circumstances.
- 2.5. Where more than one member of staff has lodged a complaint relating to the same bullying or harassment issue, the Trust may deal with the complaints together in the interests of fair and consistent decision-making. Trade unions may initiate a collective complaint on behalf of more than one named employee where the issues are the same.
- 2.6. Employees who are members of a trade union are encouraged to discuss matters relating to their concerns and complaints with their trade union prior to invoking the formal bullying and harassment procedure.
- 2.7. Those responsible for dealing with employees' concerns under this policy will treat them seriously and attempt to resolve them as quickly as possible and normally within 2 working months, albeit many complaints will be able to be addressed in a much quicker timeframe. Whilst all employees are encouraged to resolve concerns informally where they are able to, there should not be any attempt to block an employee's wish to raise the complaint at a higher level.
- 2.8. Confidentiality is an important part of the procedures applied under this policy. Everyone that is involved in the operation of the policy, whether raising a concern or involved in any investigation, is responsible for observing a high level of confidentiality.
- 2.9. Some allegations of bullying and harassment can be sufficiently serious as to warrant being treated as an allegation managed under the Disciplinary Policy instead of being dealt with under this policy. Those raising such serious allegations may also consider referring their cases to the police or any other relevant external agency.
- 2.10. This policy does not form part of any employees contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

3. Definitions

- 3.1. **Bullying** is repeated 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.
- 3.2. **Intimidation** includes deliberate exclusion of a person(s) from conversations, rejection or isolation of an employee by refusing to talk or work with them, unfair allocation of work, unjustified supervision of an employee, making threats against a person or group of people, attempts to stir up ill-feeling against an individual or group of employees.
- 3.3. Bullying can be perpetrated against one person or a group of people. It can take the form of physical, verbal and non-verbal conduct. It can also occur virtually in the form of cyberbullying, where victims are subjected to abusive behaviour on social media, via email or text. Bullying may include but is not limited to:
- physical or psychological threats;
 - overbearing and intimidating levels of supervision;
 - Making false or malicious rumours against a fellow members of staff
 - sending rude or hostile messages or images
 - excluding a member of staff from participating in team meetings or social events
 - inappropriate derogatory remarks about someone's performance
- 3.4. Any legitimate, reasonable and constructive feedback in relation to a worker's performance or behaviour under the appraisal process or disciplinary policy as appropriate, or reasonable instructions given to employees in the course of their employment will not amount to bullying.
- 3.5. **Harassment** is any unwanted conduct related to one of the relevant protected characteristics under the Equality Act 2010 (see paragraph 3.6 below) that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 3.6. The protected characteristics under the Equality Act relevant to the definition of harassment are:
- **age** - a person of a particular age or belonging to a particular age group;
 - **race** - a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins;
 - **disability** - a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities;
 - **sex** - a man or a woman;

- **sexual orientation** - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes;
- **gender reassignment** – a person who has undergone the process of transitioning from one gender to another;
- **pregnancy and maternity** - being pregnant or expecting a baby and the period up to 26 weeks after giving birth, including breastfeeding;*
- **religion and belief** - religious and philosophical beliefs, including lack of belief, which affect life choices or the way a person chooses to live.

** unfair treatment on the basis of pregnancy and maternity may constitute direct discrimination rather than harassment*

- 3.7. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. It is important to note that it is not necessary for someone to object to behaviour they deem to constitute harassment in order for it to be unwanted.
- 3.8. Harassment may take the form of physical, verbal or non-verbal conduct and a single incident can amount to harassment. Examples include, but are not limited to for example:
- unwanted physical conduct including touching, pinching, pushing and grabbing;
 - unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
 - sending offensive emails, text messages or social media content;
 - mocking or belittling a person's disability
 - asking inappropriate questions or making disrespectful comments about an employee's sexuality
 - racist, sexist, or homophobic remarks
 - treating someone differently because they associate with other people with protected characteristics
- 3.9. A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment. This can also be the case in some situations with 'office banter'. Employees are therefore reminded to be mindful about what they are saying and how this may be interpreted by others who may be able to hear what is being said.
- 3.10. In addition, harassment also relates to situations where the victim is wrongly perceived to have a protected characteristic and is subsequently subjected to unfair treatment.
- 3.11. **Victimisation** occurs when a person is treated less favourably because they have asserted their legal rights in line with the Equality Act 2010 or supported another individual to do so, or are believed to have done either of these things.

4. Responsibilities

4.1. Employee Responsibilities

All employees at the Trust have a collective responsibility to maintain a culture that is free of bullying and harassment and supports the Trust Values. Employees should hold each other accountable for actions that fall short of the type of conduct that is required to maintain a safe environment for members of staff to respectfully work and engage with one another.

Employee Responsibilities
Have an understanding of the Bullying and Harassment policy.
Treat colleagues with dignity and respect at all times.
Be aware of and adhere to the Trust Values at all times.
Recognise that all employees contribute to the work environment and be mindful of the appropriateness of conversations and behaviours.
Consider how their own conduct may impact others and make necessary adjustments. If necessary, request further support/training to enable this to happen. For example, in some situations 'I was only joking' still may have the potential to cause upset to others.
Try where possible to resolve their concerns informally with the individual/s concerned in the first instance before using the formal procedure. This may include seeking advice from their line manager or trade union representative regarding how to approach and deal with their concerns appropriately.
All employees should take proactive action when they witness behaviour which may constitute bullying or harassment. In these situations, employees are encouraged to raise the matter informally with the parties informally or, if necessary, report their concerns to their manager or another relevant member of staff to ensure that the matter is dealt with appropriately.
Approach work related issues promptly and in a reasonable manner and with professional maturity, seeking to address them alongside colleagues constructively where possible.
Respectfully listen to concerns raised about their own conduct by another employee, and take onboard feedback to amend any behaviours that are causing upset or offence.
Consider support mechanisms that are already in place in the Trust and make use of them where appropriate, such as EAP and Occupational Health.

4.2. **Senior Leaders (Executive Team and School Senior Leadership Teams) and Line Managers**

As custodians of the Trust's Values, managers play a crucial role in instilling the values of fairness and respect in the work environment, and also help to promote a culture that minimises the risk of bullying and harassment taking place.

Senior Leader and Line Manager Responsibilities
Have an understanding of the Bullying and Harassment Policy and the role that they play.
Develop, promote and maintain a supportive and positive work environment that is free from unacceptable behaviour. Encourage all staff to be considerate and treat one another with respect and dignity in accordance with the Trust's Values.
Ensure that staff know what standards of behaviour are expected of them, setting an example to others by displaying those standards of conduct at all times.
Ensure that the working environment is one that is supportive and encourages staff to raise concerns sooner rather than later so that appropriate support can be offered.
Take appropriate action promptly in accordance with the procedure and without delay when made aware of issues, seeking advice as necessary.
Always keep an open mind when a direct report raises concerns with them about bullying and harassment and how it is impacting them, treating their concerns seriously and with respect.
Seek relevant and appropriate support from the Trust's Central HR team to ensure that matters are dealt with quickly, fairly and consistently.
Ensure that accurate written records are maintained throughout in relation to the complaint.
Maintain appropriate confidentiality when dealing with employee concerns of a bullying and harassment nature.

5. Bullying and Harassment Procedure - Stage 1 (Informal)

- 5.1. Where appropriate, some matters may be rectified informally. In cases where individuals are not aware that their behaviours are unwelcome or causing a colleague upset, an informal discussion can lead to greater understanding and awareness and resolution without the need for further action. An agreement by all parties involved should be reached as to acceptable future behaviours.
- 5.2. Ideally employees should seek to resolve their concern/s with the individual causing the unwanted and unwelcome behaviour through open collaborative discussion, if they feel comfortable doing so. The employee should choose an appropriate time and place to hold the discussion and outline the particular action/s or behaviours which are causing concern. They should also explain what actions or outcomes would address their specific concerns. It is important to allow the other party to have the opportunity to respond from their point of view and parties must agree to listen.
- 5.3. If the employee feels that they are unable to hold an informal discussion directly with the colleague causing the concern, they should seek the support of their line manager to do so. If the concerns relate to their line manager, then the member of staff should contact their line manager's manager. Managers may be able to offer guidance and/or assist with the informal discussions to enable a resolution to take place. Subject to the circumstances, managers may also consider it appropriate to make notes of the key points that were agreed as part of the informal discussion, including the date and time of the meeting.
- 5.4. An independent third party or mediator can sometimes help resolve issues through either:
 - **Facilitated discussion** which can be carried out by another manager (not already involved in the process) or a member of the HR Team. This is not mediation, however having someone else involved in the discussion, may aid communication.
 - **Mediation** which involves the appointment of a qualified mediator who seeks to help individuals reach agreement. It is a voluntary process on both parts, should be confidential and solution-focussed and either party can withdraw at any time from the process

These processes are voluntary and both parties would need to be willing to engage in facilitated discussion or mediation to resolve the issue. They can do so either before invoking the procedure under this policy or at any stage of the procedure without prejudice to the position of either party. The procedure may be suspended if facilitated discussion or mediation is deemed to be an appropriate way of attempting to resolve the issue. However if the process is unsuccessful, the procedure will resume.

5.5. The informal stage should not be used to discourage employees from using the formal stages of the policy. In circumstances where attempts to deal with the matter informally have proven to be unsuccessful or in more serious incidents, such as allegations of victimisation, cases may proceed to the formal process under Stage 2 below.

5.6. The decision as to whether to raise a formal complaint usually rests with the employee. However, in serious cases of bullying and harassment, the Trust/Academy may decide to investigate the allegations independent of the employee if deemed appropriate.

6. Bullying and Harassment Procedure - Stage 2 (Formal)

6.1. If the individual is not satisfied that their concerns have been addressed informally, or it was not possible to raise the matter under the informal stage, they should submit their concern/s in writing using the form in **Appendix A**. This should normally be done within three calendar months of the last incident taking place, save for exceptional circumstances.

6.2. The form should be submitted to the **Complaint Officer/Panel** as identified in the table below:

Staff Category (individual raising the complaint)	Investigating Officer (to gather the facts & relevant information)	Complaint Officer/Panel (to consider complaint)	Complaint Appeal Panel (to determine complaint appeals)
School based staff (raising a complaint about other school based staff not the Principal/Executive Principal)	Senior leader or externally appointed investigator	Executive Principal/Principal	Complaint Appeal Panel (3 members of governance group)
School based staff (raising a complaint about the Principal/Executive Principal)	Member of TEFAT Operations Group or externally appointed investigator	Regional Director	Complaint Appeal Panel (3 members; CEO and/or Operations Group)
School based staff including the Principal/ Executive Principal (raising a complaint about central staff except the CEO)	Member of TEFAT Operations Group or externally appointed investigator	CEO	Complaint Appeal Panel (3 Trustees)
School based staff including the Principal/ Executive Principal (raising a complaint about the CEO)	Nominated Trustee or externally appointed investigator	Chair of the Board of Trustees	Staff Complaint Appeal Panel (3 Trustees)

Executive Principals/ Principals (raising a complaint about other school based staff)	Member of TEFAT Operations Group or externally appointed investigator	CEO	Complaint Appeal Panel (3 Trustees)
Centrally employed staff	Member of TEFAT Operations Group or externally appointed investigator	CEO	Complaint Appeal Panel (3 Trustees)
CEO	A nominated Trustee or externally appointed investigator	Complaint Panel (3 Trustees)	Complaint Appeal Panel (3 Trustees)

- 6.3. The form will enable the individual to state the grounds of their complaint along with the remedy they are seeking. It is important that as much factual detail relating to the complaint is included on the form as possible.
- 6.4. In addition to completing the form in **Appendix A**, the individual should forward any relevant evidence they possess relating to the case such as notes they have taken detailing the nature of previous incidents.
- 6.5. On receipt of the formal complaint, the Complaint Officer may, with the agreement of the employee and/or trade union representative, refer it back to the informal stage to try and resolve it informally if this has not been explored. They will, however, seek to understand in the first instance why the informal stage has not been used.
- 6.6. The individual will receive a written acknowledgement of their complaint within 5 days. The letter will also confirm who has been appointed as an 'Investigating Officer' to investigate the complaint.
- 6.7. The Investigating Officer should be independent and impartial and will conduct an investigation in relation to the complaint. In doing so, they will arrange to meet with the individual raising the concerns to acquire any additional information that they need or to clarify any points of uncertainty. The individual will be given every opportunity to explain their concerns fully.
- 6.8. The Investigating Officer is also likely to meet with the subject(s) of the complaint and any other parties who are involved in the issue or have been witness to it.
- 6.9. Any employees who are asked to attend an investigation meeting will be entitled to be accompanied to the meeting by either a work colleague or by a recognised trade union representative. In circumstances in which the involved parties are members of the same trade union, they must be supported by different representatives. It is important to note that at this stage the concerns/allegations are not treated as a disciplinary matter rather as a complaint which needs to be fully investigated.

- 6.10. Confidentiality is an important part of the procedures applied under this policy. Everyone that is involved in the operation of the policy, whether raising a complaint or involved in any investigation, will be reminded of their responsibility to observe a high level of confidentiality. Details of the investigation and the names of the person raising the complaint and the person/s whom allegations have been raised against, must only be disclosed on a "need to know" basis. Should an employee breach this duty they could potentially face disciplinary action.
- 6.11. In the event of serious allegations of harassment and bullying, it may be appropriate for alternative working arrangements to be adopted to ensure the parties do not continue working with each other while the investigation is ongoing. This may include one party working from a different location or setting.
- 6.12. The Investigating Officer will submit an investigation report to the Complaint Officer outlining their findings as a result of the investigation that has been undertaken along with their recommendation(s).
- 6.13. If it is found as an outcome of the investigation that there is not sufficient evidence that there is a case to answer, support will be provided for both parties, and consideration given to managing their ongoing working relationship. This may include avenues such as mediation and in accordance with paragraph 5.4 above.

7. Complaint Hearing

- 7.1. A formal complaint hearing will be convened and heard by the Complaint Officer who will be supported by a member of the Central HR team or other suitable advisor not previously involved in the investigation stage.
- 7.2. The employee raising the complaint will be given at least 5 working days notice of the hearing (unless otherwise mutually agreed between the parties) and may be accompanied either by a trade union representative or a workplace colleague. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 7.3. The written notification of the hearing will include the following:
- the date, time and venue of the hearing;
 - the name/s of who will be conducting the hearing;
 - the complaint(s) to be considered;
 - the right to be accompanied by a trade union representative or workplace colleague;
 - the names of any witnesses to be called by those presenting the investigation;

- that an independent note-taker will be present;
 - copies of all supporting documents to be used as evidence by those presenting the investigation;
 - the employee's entitlement to submit additional relevant documentation in advance of the hearing and to identify any additional witnesses they wish to call to attend, provided they do so to be received no later than 2 working days in advance of the hearing;
 - the possible outcomes of the hearing; and
 - a copy of the Bullying & Harassment Policy.
- 7.4. The hearing will provide the employee with the opportunity to state their complaint, along with the resolution that they are seeking. The Investigating Officer will also attend to present their findings from the investigation and both parties will have the opportunity to call any relevant witnesses. A copy of the agenda to be used at the hearing can be found at **Appendix B**.
- 7.5. The decision of the hearing will be announced at the close of the hearing whenever possible. The Complaint Officer should confirm the decision in writing within 5 working days of the hearing, unless further investigation is needed. The outcome letter will confirm if the complaint(s) has been upheld, partially upheld or not upheld or to dismiss the complaint in its entirety, along with the reasons for the decision and any recommendations for subsequent action. These actions could include mediation, facilitated discussion, changing of working practices, team building, a matter to be dealt with under the Disciplinary Policy etc.
- 7.6. Where a complaint hearing concludes that there is sufficient evidence of unacceptable conduct relating to bullying and/or harassment, the matter will be dealt with in accordance with the Trust's disciplinary procedure. Information and evidence collected as part of the harassment and/or bullying investigation will be used in respect of the disciplinary process. The matter will proceed directly to a disciplinary hearing, following the process as outlined within the policy.
- 7.7. Where the Complaint Officer considers the allegations to have been vexatious and/or malicious (i.e. allegation without grounds and which has been raised with negative intent towards the alleged perpetrator), a disciplinary investigation may be considered. This is different to a genuine complaint not being 'upheld'.

8. Bullying and Harassment Procedure - Stage 3 Appeal (Formal)

- 8.1. If the employee remains dissatisfied with the outcome of their bullying and harassment complaint under Stage 2, they may exercise their right of appeal within 10 working days of receipt of the written confirmation of the hearing.

- 8.2. The employee's wish to appeal should be submitted in writing confirming the grounds for their appeal which should be one or more of the following:
- a. process irregularity;
 - b. the Complaint Officer/Panel took into account irrelevant evidence;
 - c. the Complaint Officer/Panel failed to take into account relevant evidence;
 - d. the Complaint Officer/Panel misinterpreted evidence; and/or
 - e. new evidence has come to light which the parties were not aware of at the time of the hearing.
- 8.3. The letter of appeal should be submitted to the relevant individual identified in the letter confirming the outcome of the complaint hearing. In addition, the employee should also state what resolution they are seeking.

9. Complaint Hearing Appeal Meeting

- 9.1. The appeal hearing is not intended to be a rehearing of the original complaint, but rather a consideration of the specific areas that the employee has cited that they are dissatisfied with, in their letter of appeal, from the original hearing and/or outcome.
- 9.2. The employee will be given at least 5 working days' notice of the hearing (unless otherwise agreed between the parties) and may be accompanied by a recognised trade union representative or workplace colleague. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 9.3. The Complaint Appeal Panel will consist of individuals not previously involved in the complaint hearing process as part of Stage 2 of this procedure. The panel may be accompanied by a member of the central HR Team or other suitable HR advisor, also without prior involvement.
- 9.4. The purpose of the appeal hearing will be to:
- allow the employee the opportunity to restate their appeal and the remedies or resolution they are seeking;
 - enable the Complaint Officer/Panel to outline the process they followed in determining the original outcome and the reasons;
 - enable the Complaint Appeal Panel to clarify any facts or details necessary to inform their considerations.
- 9.5. The procedure to be followed at an appeal hearing is at **Appendix C**.
- 9.6. The Complaint Appeal Panel may:
- confirm the original outcome;
 - overturn the original outcome;
 - amend or make further recommendations for subsequent actions to be taken

- 9.7. Following the appeal hearing the employee will be informed of the outcome in writing within 5 working days. The decision made at the appeal hearing will be final and there will be no further right to appeal.

10. Support Available

- 10.1. Employees should be provided with details of the Employee Assistance Programme (EAP) which provides free confidential care and support to employees, for a range of issues that are not just related to the workplace. This includes the provision of counselling and information services. Employees are able to self refer to this service and with consent, line managers can make a referral on the employees behalf. They are available 24 hours a day, 7 days a week.
- 10.2. Any member of staff who is involved in a workplace dispute may experience stress or ill health and may find it helpful to be referred to Occupational Health for support and guidance. The Trust/Academy will discuss with individuals whereby it is felt that this would be beneficial. Additionally if employees feel that this would be helpful for them, they can request through their line manager that they are referred.
- 10.3. Where appropriate, a senior member of staff not involved in the process will be identified to act in a purely pastoral capacity to support affected employees.

Appendix A - Formal Bullying and Harassment Complaint Form

Employee Name	
Job Title	
Line Manager	
School	

<p style="text-align: center;">What are the factual details of your complaint? <i>Attach supporting information if necessary and include as much detail as possible</i></p>
Dates of concerns/events

Witnesses (if applicable)
What actions have you already taken in relation to your Bullying and Harassment complaint? eg informal attempts to resolve
Remedy Sought

Declaration:

To the best of my knowledge, the information provided in this form is true and correct. I understand that knowingly giving false information is considered a disciplinary matter.

Signed	
Print Name	
Date	

Appendix B - Bullying & Harassment Hearing Agenda

1. Presentation of the complaint/s by the employee

The employee or representative:

- (a) presents the employee's complaints
- (b) calls each witnesses in turn so that:
 - the witness is asked questions by the employee or their representative
 - the Investigating Officer has the opportunity to ask the witness questions
 - the Complaint Officer has the opportunity to ask the witness questions
 - the employee or their representative has the opportunity to ask the witness questions of clarification
 - each witness withdraws after giving evidence

2. Presentation of the Investigating Manager's Report and response (if applicable)

The Investigating Officer or their advisor:

- (a) presents the Investigation Report and management response
- (b) calls each witness in turn so that:
 - the witness is asked questions by the Investigating Officer or their advisor;
 - the employee or their representative has the opportunity to ask the witness questions;
 - the Complaint Officer has the opportunity to ask the witness questions;
 - the Investigating Officer or their representative has the opportunity to ask the witness questions of clarification;
 - each witness withdraws after giving evidence

3. Summing up and withdrawal

- (a) the Investigating Officer or their representative has the opportunity to sum up the management response if s/he so wishes
- (b) the employee, or their representative, has the opportunity to sum up the employee's case if s/he so wishes
- (c) all persons other than the Complaint Officer and her/his advisor are then required to withdraw

4. Hearing Outcome

- (a) the Complaint Officer and her/his advisor are to deliberate in private, only recalling other persons to clear points of uncertainty on evidence already given. Any recall will involve all persons involved in the earlier hearing.
- (b) where possible, the Complaint Officer will announce the outcome of the complaint, which will be confirmed in writing. Where this is not possible, they will announce what further actions are required and when and how a substantive response to the complaint will be provided.

Appendix C - Bullying and Harassment Appeal Hearing Agenda

1. Presentation of the complaint appeal by the employee

The employee or representative:

- (a) presents the employee's complaint appeal
- (b) calls each witnesses in turn so that:
 - the witness is asked questions by the employee or her/his representative
 - the management representative or her/his/their advisor has the opportunity to ask the witness questions
 - the Bullying and Harassment Appeal Panel has the opportunity to ask the witness questions
 - the employee or their representative has the opportunity to ask the witness questions of clarification
 - each witness withdraws after giving evidence

2. Presentation of the Investigating Manager's response

The Management Representative or her/his/their advisor:

- (a) presents the management representative's response
- (b) calls each witness in turn so that:
 - the witness is asked questions by the management representative or her/his/their advisor
 - the employee or their representative has the opportunity to ask the witness questions
 - the Bullying and Harassment Appeal Panel has the opportunity to ask the witness questions
 - the management representative or her/his/their advisor has the opportunity to ask the witness questions of clarification
 - each witness withdraws after giving evidence

3. Summing up and withdrawal

- (a) the management representative or her/his/their advisor has the opportunity to sum up their response if s/he/they so wishes
- (b) the employee or their representative has the opportunity to sum up the employee's case if s/he so wishes
- (c) all persons other than the Bullying and Harassment Appeal Panel and their advisor are then required to withdraw

4. Appeal Hearing Outcome

- (a) the Bullying and Harassment Appeal Panel and their advisor are to deliberate in private, only recalling other persons to clear points of uncertainty on evidence already given. Any recall will involve all persons involved in the earlier hearing.
- (b) the Bullying and Harassment Appeal Panel will announce the outcome of the Bullying and Harassment complaint, which will be confirmed in writing.