

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
- Management of Sickness Absence Policy
- Whistleblowing Policy
- [Equality Act 2010](#)
- [Teacher Standards](#)
- 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 school based members of the Senior Leadership Team
- Where the word 'Principal' is used it refers to both Principals and Heads of School where applicable.
- 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 fostering a culture of safety, inclusion, and psychological well-being in which all employees are treated with dignity and respect.
- 1.2. Beyond our legal obligations, TEFAT actively works to prevent bullying and harassment. This contributes to a welcoming, inclusive environment where staff morale is high, and employees feel valued and empowered to work effectively and collaboratively
- 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. The core principles will also be reflected in the Trust's expectations of and interactions with other workers engaged by the organisation and members of the school community.
- 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 a substitute for those other processes.
- 2.4. Following advice from a member of the Central HR Team, a senior leader should determine whether a complaint received from a member of staff meets the definition/threshold to be addressed as a matter of potential bullying and harassment. If this is deemed not to be the case, the member of staff will be guided to other potential routes and sources of support available to them, including their trade union representative, where applicable.

- 2.5. 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 when it was not reasonably practicable to raise them within that timeframe.
- 2.6. The Trust is committed to ensuring that any employee who raises concerns in the public interest, which constitute a protected disclosure under the Whistleblowing Policy, is afforded full protection from any form of detriment or victimisation as a result. This protection specifically extends to disclosures regarding sexual harassment, which the Trust recognises as a serious matter. Employees who make such disclosures in good faith will be supported and their identity will be protected as far as possible in accordance with legal requirements and Trust values of safety and openness.
- 2.7. 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.
- 2.8. The Trust values the positive contribution made by trade unions during bullying and harassment processes and employees are encouraged to seek the support of their trade union before invoking the procedure and throughout as appropriate.
- 2.9. 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. All employees are expected to resolve concerns informally where at all possible, at source, in the first instance and support should be provided to employees to do so where appropriate. However, there should not be any attempt to block an employee's wish to raise their concerns formally if the circumstances warrant this.
- 2.10. 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 concern or involved in any investigation, is responsible for observing a high level of confidentiality. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may themselves be subject to action under the Trust's disciplinary policy. However, staff who have raised a concern in good faith, even if it is not upheld, will not be penalised.

- 2.11. 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.
- 2.12. 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.
- 2.13. The Trust will monitor incidents under this policy in line with its duties under the Public Sector Equality Duty to advance equality and eliminate discrimination.

3. Definitions of bullying and harassment

- 3.1. Bullying is offensive, intimidating, malicious, or insulting behaviour by an individual or group. It often involves the abuse or misuse of power to make a person feel vulnerable, upset, humiliated, undermined, threatened, or to cause physical or emotional harm. Power is not limited to authority; it can include personal strength or the ability to coerce through fear.
- 3.2. Bullying is generally repeated or persistent behaviour. However, although ordinarily a pattern of behaviour, a serious one-off incident may constitute bullying in some circumstances.
- 3.3. **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.
- 3.4. Bullying 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 member/s of staff
 - sending rude or hostile messages or images
 - excluding a member of staff from participating in team meetings or social events or constantly putting them down

- inappropriate derogatory remarks about someone's performance
 - upward bullying' towards someone more senior, e.g. a manager; this can include showing continued disrespect, refusing to complete tasks, constantly undermining someone's authority, doing things to make someone seem unskilled or unable to do their job properly.
- 3.5. Bullying may not always be obvious or noticed by others. It is possible someone might not intend to bully or even know their behaviour is harmful. It can still be bullying even if they do not realise it or do not intend to bully someone. A key consideration is whether the behaviour is persistent, intimidating, or humiliating, and causes harm to the person experiencing it.
- 3.6. Any legitimate, reasonable and constructive feedback in relation to a worker's performance or behaviour under the appraisal process or capability or disciplinary policies as appropriate, or reasonable instructions given to employees in the course of their employment will not amount to bullying.
- 3.7. **Harassment** is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Under the Equality Act 2010, three types of harassment are unlawful:

- Harassment related to one of the relevant "protected characteristics" (see paragraph 3.8 below)
 - Sexual harassment - unwanted conduct of a sexual nature
 - Less favourable treatment of a worker as a result of previous harassment which was related to sexual harassment, harassment related to sex and/or harassment related to gender reassignment
- 3.8. The protected characteristics under the Equality Act 2010 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.

- 3.9. Harassment may take the form of physical, verbal or non-verbal conduct and a serious 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
- 3.10. It can be harassment if the behaviour has the effects of violating a person's dignity or creating an offensive environment for the person, even if it was not intended, or if the behaviour intended to have one of these effects even if it did not have that effect.
- 3.11. 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.
- 3.12. 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 in relation to that perceived characteristic.
- 3.13. **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 and the role that is played by individual employees in supporting resolution of relevant work related issues
Treat colleagues with dignity and respect at all times.
Be aware of and demonstrate the TEFAT Values , treating colleagues with dignity and respect
Recognise the diversity of our workforce and that all employees contribute to the work environment. Be mindful of the appropriateness of conversations and behaviours, considering how their own conduct may impact others and make necessary adjustments. If necessary, request further support/training to enable this to happen.
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 and support from their line manager or trade union representative to do so
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 in the first instance, 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 using available support mechanisms such as facilitated discussion, mediation, relevant training, Employee Assistance Programme and occupational health where appropriate.
Adopt a collaborative approach in seeking an early informal resolution in a timely and constructive manner.

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 is played by senior leaders in supporting resolution of and managing relevant work related issues.
Seek to embed TEFAT Values in all areas of work life
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.
Engage with Trust training and processes to proactively prevent bullying and harassment, facilitating school delivery as appropriate
Ensure that the working environment is one that is supportive and encourages and facilitates staff being able to raise concerns in a timely manner 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. In line with the Trust's Values, all employees involved in a bullying and harassment complaint should actively seek to enable the issue/s to be resolved quickly and informally in a constructive manner. Employees are expected to raise their concerns informally directly with the individual/s concerned in the first instance, where at all possible. This should be done as quickly as possible following the incident or the employee becoming aware of the matter which is the cause of the complaint/s.
- 5.3. When raising the matter directly with the person against whom an employee has a complaint, they should choose an appropriate time and place to hold the discussion and consider the most constructive way to approach the issue. The discussion should seek to outline the particular action or issue which is causing concern and describe how the concern can be resolved. It is important the other party considers the matters being raised and is given the opportunity to respond from their point of view.
- 5.4. If the concerns cannot be resolved directly, or the employee feels unable to raise them directly, then the employee should personally present the complaint, either orally or in writing, to his/her immediate line manager to request support in achieving informal resolution. If the concern relates to an individual's line manager, they should raise it with their line manager's own line manager. Line 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.
- 5.5. 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 central Trust 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.

Both parties would need to be willing to engage in facilitated discussion or mediation to resolve the issue. These processes are voluntary, should be confidential and solution-focussed. 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.

- 5.6. 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.
- 5.7. 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 concern/issue.

- 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 TEFAT Operations 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 TEFAT 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

- 6.5. On receipt of the formal complaint, the Complaint Officer will consider whether all reasonable attempts at informal resolution have been exhausted and may refer it back to the informal stage to try and resolve it informally. They will however seek to understand in the first instance why the informal stage has not been used/used fully or why informal resolution was unsuccessful. .
- 6.6. The Complaint Officer will write to the employee to acknowledge receipt of their complaint within 5 days and set out the next steps to be taken, which may include confirming who they have appointed as the Investigating Officer to investigate the complaint.
- 6.7. The Investigating Officer should be independent to the complaint at hand and impartial and should be supported by a member of the Central HR team. They 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. If the Investigating Officer considers it to be appropriate to attempt facilitated discussion or mediation between two or more employees prior to proceeding with the formal process, or during it, each employee will be asked whether they are willing to engage in this process. The formal process will be suspended whilst this takes place. However, any facilitated discussion or mediation will not preclude the employee from pursuing their formal complaint if it is not successful in remedying the situation.
- 6.11. 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.

- 6.12. In the event of serious allegations of bullying and/or harassment, it may be appropriate for alternative working arrangements to be adopted to ensure the parties do not continue working with each other whilst the investigation is ongoing. This may include one party working from a different location or setting. Any alternative working arrangements must be reasonable and agreement will be sought through consultation with affected parties. Such action will not be indicative of any outcome or likely substance to the complaint but merely as a measure to preserve working relationships and avoid further escalation of the matter pending conclusion of the process.
- 6.13. The Investigating Officer will submit an investigation report to the Complaint Officer outlining their findings including whether there is sufficient evidence to support the complaint such that it warrants full examination at a Complaint Hearing. The Investigating Officer should also consider whether, as a result of investigating the complaint, they wish to make any recommendations to the Complaint Officer in relation to Trust policies or procedures or the conduct of employees (which may warrant subsequent, separate processes under the remit of the Trust's Disciplinary Policy or other relevant policies).
- 6.14. In exceptional circumstances the Complaint Officer may be able to reach a decision based on written evidence without the need for an investigation and/or hearing, in which case they will convey their decision in writing.
- 6.15. If it is found as an outcome of the investigation that there is insufficient evidence to warrant a Complaint Hearing, support will be provided for both parties, and consideration given to managing their ongoing working relationship. This may include avenues such as mediation, Employee Assistance Programme and occupational health support.

7. Complaint Hearing

- 7.1. Following investigation and if deemed appropriate, 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, including the employee/s subject to the complaint. 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. Examples of these actions 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 likely be dealt with in accordance with the Trust's Disciplinary Policy. Information and evidence collected as part of the harassment and/or bullying investigation will be used in the disciplinary process.
- 7.7. Where the Complaint Officer considers the allegations to have been vexatious and/or malicious (i.e. allegation without grounds and there is evidence that this was 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 appeal the outcome 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, as set out in paragraph 8.2 above.
- 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. All parties involved in a complaint process should be provided with details of the Trust's 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, whether they have raised the complaint, are subject to a complaint being raised against them or acting as a witness, 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. In addition, those responsible for managing the process should conduct a stress risk assessment in relation to any relevant party involved in a bullying and harassment complaint if appropriate.
- 10.3. It is the responsibility of the Complaint Officer to ensure that both the employee who has raised the complaint and the one subject to the complaint are assigned an appropriate senior leader to act as a pastoral support throughout the duration of the matter being investigated.

Appendix A - Formal Bullying and Harassment Complaint Form

Employee Name	
Job Title	
Line Manager	
School	

What are the factual details of your complaint? <i>Attach supporting information if necessary and include as much detail as possible including dates and times where applicable</i>
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.