



Bromley Heath Infant School

Bullying and Harassment Procedure and Guidance

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Date of Ratification	Feb'20
Review Group	CurriculumCommittee
Ratification Group	As above
Review Frequency	1 year
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Previous Review Ammendments/Notes	Jan2015 Jan2016 Updated Jan2017 Jan2018 Jan 2019
Related Policies	Anti Bullying Policy
Chair of Curriculum Committee Signature Signed _____	

Equality Impact Assessment (EIA) Part 1: EIA Screening

Policies, Procedures or Practices:		DATE:	May'19
EIA CARRIED OUT BY:	T.Long	EIA APPROVED BY:	

Groups that may be affected:

Are there concerns that the policy could have a different impact on any of the following groups? (please tick the relevant boxes)	Existing or potential adverse impact	Existing or potential for a positive impact
Age (young people, the elderly; issues surrounding protection and welfare, recruitment, training, pay, promotion)		NA
Disability (physical and mental disability, learning difficulties; issues surrounding access to buildings, curriculum and communication)		N A
Gender reassignment		NA
Marriage and civil partnership		N A
Pregnancy and maternity		N A
Race		N A
Religion and belief (practices of worship, religious or cultural observance, including non-belief)		N A
Gender identity		N A
Sexual orientation		N A

Any adverse impacts are explored in a Full Impact Assessment.

Annex 1 - Bullying and Harassment procedure

Guidance Notes for Managers dealing with a complaint

Bullying denies people the right to be treated with dignity and respect at work; it can occur in a number of ways, some obvious and others more subtle but all can have a devastating impact on the victim.

It is also likely to decrease organisational efficiency and affect performance; bullying affects the overall 'health' of the workplace. Failure to deal with bullying can also lead to legal action against the school in the courts or employment tribunals (N.B. employers may be liable if they fail to protect employees from third party harassment; the term 'third party' means anyone other than the employer or one of the employees).

Initial Response

When you receive a complaint of bullying or harassment you should accept the complainant's concerns together with any other evidence immediately available.

You should then consider:

- Could the issue be better dealt with outside this procedure e.g. through a more appropriate procedure such the school's Complaints Procedure. If so, advise the employee accordingly.
- Whether support might be required by the complainant and the person complained of whilst the procedure is being implemented; this might include awareness of the Staff Counselling Service
- Whether any steps need to be taken to protect the complainant, or witnesses, or the person complained against from intimidation, victimisation or discrimination
- Whether any temporary changes should be made to working arrangements whilst the investigation is continuing, such as the separation of the parties on a "no blame basis".
- In situations where the alleged behaviour is serious and constitutes potential gross misconduct, whether suspension of the person against whom the complaint is made might be appropriate, in accordance with the Disciplinary Procedure.

If you are a senior manager you will need to discuss the practical arrangements for the above with the Headteacher.

The Procedure

In the application of this procedure you should:

- Try to respond to complaints quickly, confidentially and effectively.
- Try to resolve issues informally unless the conduct complained of is serious or informal action does not resolve the problem.
- Ensure that complaints are fairly and thoroughly investigated and appropriate action taken.

Where a complaint is made against the Headteacher, then the Chair of Governors will undertake the role assigned to the Headteacher as outlined above. The Chair of Governors may delegate the investigation to another, nominated, Governor and/or LA representative.

A record should be kept of all incidents and the outcome of informal actions by the complainant and by any others involved, e.g. the Headteacher, Trade Union/RTPA representative or HR for Schools. It may be necessary to refer to these records should there be a re-occurrence or a repetitive pattern of behaviour.

Purpose of Stage 2 Investigation

Where the employee has decided to make a formal written complaint you need to carry out a full investigation so that you can make an informed decision about the nature of the complaint and suggest a reasonable and appropriate outcome. You may, therefore, need to investigate relevant documents or records, you will need to interview the employees involved in the incident and you may need to interview witnesses to the incident.

Normally the manager who receives the complaint should carry out the investigation but in some instances e.g. where a serious allegation has been made, the Headteacher might ask another officer to carry out the investigation and report his/her findings back to you, the manager, and you can then continue with the hearing.

The manager should be senior to anyone who is the subject of the investigation.

Initial Checks with the Employee

You should have received a completed Allegation of Bullying and Harassment Form from the employee that states the nature of the complaint and the remedy he/she seeking. It should name the other employee(s) concerned and any witnesses.

Arrange a meeting with the employee and check that he/she has

- clearly explained the complaint
- provided information about specific instances where possible, with dates
- provided the names of witnesses
- specified the action he/she wants taken.

Remind the employee that a copy of the form will be given to all the *accused* individuals named as part of the complaint and it should not contain any insulting or abusive language.

The employee is entitled to bring a colleague or trade union representative to this meeting to provide support and guidance.

Discuss and agree with the complainant any interim arrangements you wish to put in place following this initial meeting.

N.B. You normally have just 20 working days from this meeting to reach a decision and confirm this to the employee, and you should endeavour to complete the process within this timescale.

Decide what further information is required

You may need to obtain written documents in order to substantiate or dispute allegations; where these have been produced by someone in the course of their work then they should be provided to you on request, unless they contain personal information about another employee who is not involved in the complaint. In those circumstances you can ask for a 'redacted version' (with irrelevant personal information removed or hidden).

You may need to carry out a number of interviews with employees; your list is likely to include the person(s) complained about plus any witnesses to the incident/ behaviour complained about.

The person(s) complained about may also suggest alternative witnesses with relevant information.

You may find that your list of potential interviewees keeps growing; if the employee has provided a long list of witnesses it may be sensible to ask which are key to the complaint so that time is not misspent obtaining the same information from different people. HR for Schools can advise when it looks as if the process might become very time-consuming or when it looks like a whole department is becoming involved.

N.B. if you need to interview pupils please contact the Headteacher who will advise on the appropriate procedure including involvement of parent/carer.

Organise the Interviews

- Decide the best order in which to interview the witnesses
- Set up the interviews, briefly explaining the purpose
- Choose a venue that provides confidentiality for those attending
- Tell interviewees not to discuss the content of the interview with anyone
- Advise the interviewees that they have the right to be accompanied

Conduct the interviews

- Decide the areas of questioning in advance and prepare your questions
- Explain the purpose of the interview and what topics you'll be asking about
- Explain that the information provided may be used as evidence at the grievance hearing, but will be treated as confidential
- Try not to give information to the interviewee before you have heard their version of events
- Ask the interviewee to clarify precise information such as dates/ times/ presence of other witnesses etc.
- Arrange to have someone to take full notes taken of each interview; if this can be done as responses to prepared questions then a written record of the questions and answers will provide a structured record of the interview. Alternatively a written summary of the interviewee can be provided to the witness. In either case the interviewee should be asked to check the statement, add any comments, date and sign it as a true record of the meeting.

Consider Mediation

Sometimes accusations of bullying and harassment can become so personal that it makes it hard for both parties to focus on finding a solution that enables effective working; in such situations bringing in an objective, external third party, a mediator, can break deadlock. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. HR for Schools can provide contact details for mediation services. Please note that the use of an external mediator will result in additional costs to the school.

Consider the Evidence and Reach a Conclusion

You now have to decide your response to the complaint, taking into account all the evidence and information presented to you that has been established as factual and relevant and produce a written report to give to the employee (see Template 5, Annex 2).

Tell the employee your decision

Arrange another meeting with the employee and his/her representative; tell the employee of your decision, give him/her a copy of your report and inform the employee of their right of appeal, using the appeals procedure at Stage 3 of the Grievance Procedure.

Annex 2: Templates for use with the Bullying and Harassment Procedure

Template 1- manager's decision following Stage 1 meeting

Confidential

Dear,

Following our meeting on **date** to discuss informally your complaint, I note that the substance of your allegation was:

That.....
.....

You chose to be represented at the meeting and your 'companion' was
.....

OR

You did not choose to be represented at the meeting.

After consideration of the facts and information presented to me I have decided that
.....
.....
.....

I trust that this provides a suitable remedy regarding your concerns and that it will enable you to carry out your duties effectively within a satisfactory working environment.

If, however, you feel dissatisfied with this outcome then you should ask for your complaint to be considered formally under Stage 2 of the procedure, completing an Allegation of Bullying and Harassment Form within 10 working days of receiving this letter.

Yours sincerely,

Template 2 – notification to *employee* of Stage 2 meeting

(send two copies to the employee)

Confidential

Dear

I acknowledge receipt of your Allegation of Bullying and Harassment Form of **date** sent in accordance with Stage 2 of the school's Bullying and Harassment Procedure and have arranged a meeting for **time/date/location** so that I can check that the form clearly states your complaint and the solution you are seeking. This will enable me to carry out a thorough and focussed investigation of your allegation.

You are invited to bring a Professional Association/Trade Union Representative or a Work Colleague as your 'Companion', if you wish to do so.

A copy of the school's Bullying and Harassment Procedure, which has been adopted by the Governing Body, is enclosed for your information.

Will you kindly confirm that you will be attending the meeting and the name of your 'Companion', if appropriate, by completing the second copy of this letter and returning it to me?

Yours sincerely

Headteacher

I confirm that I will attend the Bullying and Harassment meeting on **date**

The name of my Companion is*

OR

I do not wish to exercise my right to be accompanied.*

(*Please delete as appropriate)

Signed..... Date.....

Template 3 – request to *individual involved* with the allegation to attend Stage 2 meeting *(send two copies to employee)*

Confidential

Dear

I have received a formal complaint from **name, job title** that suggests that you may have contributed, wittingly or unwittingly, to a situation which this employee finds unacceptable.

Please see enclosed a copy of the Allegation of Bullying and Harassment Form which provides details of the allegations and of the individuals involved.

The employee has already/has not raised this informally; the procedure at Stage 2 provides for a thorough investigation to be carried out in order to ensure that all relevant information is obtained.

I have, therefore, arranged a meeting with you at **time/date/location** in order to discuss with you the employee's allegation.

You are invited to bring a Professional Association/Trade Union Representative or a Work Colleague as your 'Companion', if you wish to do so.

A copy of the school's Bullying and Harassment Procedure, which has been adopted by the Governing Body, is enclosed for your information.

Will you kindly confirm that you will be attending the meeting and the name of your 'Companion', if appropriate, by completing the second copy of this letter and returning it to me?

Please note that the purpose and content of the meeting are confidential and should be discussed only with your chosen 'companion'.

Yours sincerely

Headteacher

I confirm that I will attend the grievance meeting on **date**

The name of my Companion is*

OR

I do not wish to exercise my right to be accompanied.*

(*Please delete as appropriate)

Signed..... Date.....

Template 4 – request to *employee named as witness* to allegation to attend Stage 2 meeting *(send two copies to employee)*

Confidential

Dear

I have received a formal complaint from **name, job title** that states you were a witness to a situation which this employee finds unacceptable.

Please see enclosed a copy of the Allegation of Bullying and Harassment Form which provides details of the alleged incident(s) and of the individuals involved.

The employee has already/has not raised this informally; the procedure at Stage 2 provides for a thorough investigation to be carried out in order to ensure that all relevant information is obtained.

I have, therefore, arranged a meeting with you at **time/date/location** in order to discuss with you the aspects of the employee's allegation about which you may have information.

You are invited to bring a Professional Association/Trade Union Representative or a Work Colleague as your 'Companion', if you wish to do so.

A copy of the school's Bullying and Harassment Procedure, which has been adopted by the Governing Body, is enclosed for your information.

Will you kindly confirm that you will be attending the meeting and the name of your 'Companion', if appropriate, by completing the second copy of this letter and returning it to me?

Please note that the purpose and content of the meeting are confidential and should be discussed only with your chosen 'companion'.

Yours sincerely

Headteacher

I confirm that I will attend the Bullying and Harassment meeting on **date**

The name of my Companion is*

OR

I do not wish to exercise my right to be accompanied.*

(*Please delete as appropriate)

Signed..... Date.....

Template 5 – letter following Stage 2 investigation, enclosing investigation report, with outcome and right of appeal

Confidential

Dear,

Following our meeting on **date** to discuss your allegation under Stage 2 of the school's Bullying and Harassment procedure, I note that the substance of your complaint was:

Brief summary of complaint including date(s), time(s,) location(s), all persons involved and named witnesses

Action Taken

Summarise the action you took in chronological order – original meeting with employee to clarify complaint – interviews with individuals complained about and with witnesses – documentary information obtained etc.

Investigation Report

Enclosed with this letter is a copy of my investigation report, including copies of interview notes, witness statements etc. *(provide these as numbered appendices).*

Conclusions

Taking into account all the factual evidence available to me from my investigation, I have concluded that *explain which part(s) of the allegation you feel are justified and proven and why; and which are not justifiable or not proven and why.*

Remedy

I have therefore decided to take the following action in order to remedy the matters which I consider have occurred and which have caused you concern.

Detail action to be taken, with deadline(s) and review date(s)

I consider that the above actions will provide you with a fair and reasonable solution to the matters raised in the Bullying and Harassment Form and enable you to work effectively in a supportive environment.

Right of Appeal

If you feel, however, that this decision has not resolved your complaint satisfactorily you may appeal to the appeals panel of the Governing Body. To do this, you must write to the clerk to the Governing Body within 10 working days of receiving this report.

Yours sincerely

Enc. Investigation Report

Template 6 - Stage 3 appeal hearing notification

(send two copies to employee)

Confidential

Dear

I have received your appeal against the decision(s) taken at Stage 2 of the Bullying and Harassment Procedure by **manager** on **date**.

I note that you are unhappy with the above decision because *summarise reason(s) given for appeal* and that the solution you are seeking is *summarise solution stated in the letter of appeal*.

Your appeal will be heard on **date/time** at **location**. The members of the appeals panel will be **name, name, and name** (Chair). **Name**, from Integra Schools HR, will be present to give advice to the panel of governors.

You are invited to bring a Professional Association/Trade Union Representative or a Work Colleague as your 'Companion', if you wish to do so.

You must provide a list of the witnesses you wish to bring and any information that you wish the panel to consider no later than 10 working days before the date of the meeting. You can ask the panel to consider new information about your complaint; please note that the panel may choose to adjourn or postpone the meeting if they feel further investigation is required concerning the new information.

You must not, however, raise a different complaint at this Stage in the procedure.

Will you kindly confirm that you will be attending the meeting and the name of your 'Companion', if appropriate, by completing the second copy of this letter and returning it to me?

Yours sincerely

Clerk to Governors

I confirm that I will attend the appeal hearing on **date**

The name of my Companion is*

OR

I do not wish to exercise my right to be accompanied.*

(*Please delete as appropriate)

Signed..... Date.....

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Template 7 - Stage 3 appeal hearing outcome

Confidential

Dear

You appealed against the decision of **date** taken by **name** regarding your formal (Stage 2) allegation of bullying and harassment.

The appeal meeting took place on **date** and I am now writing to inform you of the decision taken by the appeals panel.

The panel decided that the decision to stands

OR

The panel decided to amend/ change that decision and the following action will therefore be taken

.....

.....

You have now exercised your appeal under the school's grievance procedure and this decision is final.

Yours sincerely,

Name

Chair of Appeals Panel