



Thinking Schools Academy Trust
“Transforming Life Chances”

Bullying & Harassment Policy

This policy was adopted on	September 2015
The policy is to be reviewed on	September 2020

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Part A - Policy

1 Policy Statement

The Thinking Schools Academy Trust believes that all Employees should work in an environment in which everyone is treated with dignity and respect.

The Trust expects all Employees to comply with its Code of Conduct this and treat colleagues and stakeholders with dignity and respect.

The Trust acknowledges its duty of care towards Employees and is committed to providing a working environment in which Employees are free from acts of bullying and harassment.

The Trust recognises that Employees should be able to raise a complaint if they are treated in a manner which they believe constitutes harassment or bullying. This policy provides a framework in which such concerns can be raised.

The Trust will treat all complaints seriously and seek to address them promptly, fairly and consistently with the aim of ensuring that any conduct found to constitute bullying and harassment ceases and is not repeated.

It is recognised that while some issues may be resolved informally, there are instances when this may not be possible or appropriate and a more structured formal approach is required.

The Trust recognises the need to ensure complaints of this nature are addressed without undue delay. The Trust may undertake reasonable investigation to establish the facts and assist in the resolution of the concerns.

An Employee who has raised a complaint will not be victimised for doing so. Due consideration will be given to the support required by both parties when addressing concerns.

The Trust does not condone unacceptable behaviour. An Employee who is found to have harassed or bullied a colleague will be subject to the Trust's Disciplinary Procedure.

A complaint of harassment and bullying will be treated as confidential by all parties.

This procedure has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

This procedure explains:

- how Employees can raise issues with their managers about unacceptable behaviour they are experiencing at work
- how the Trust will address those concerns in a fair and consistent manner
- what is expected from managers and Employees with regards to the management of such issues

2 Scope

This Policy and Procedure applies to all current Employees of The Thinking Schools Academy Trust.

This Policy and Procedure applies to Employees who have been treated in a manner by a manager or colleague which they believe to constitute bullying and harassment as defined in this document.

An Employee who has witnessed actions which they believe may constitute the bullying and harassment of a colleague may also raise a complaint.

Employees may also raise a complaint if they believe they have been bullied or harassed by a third party (such as a customer or client) however it should be noted that in such instances the Trust may have limited authority to address the issue.

This procedure also applies to work-related functions held outside of normal working hours, either on or off the Trust's premises, such as Christmas parties and leaving celebrations.

This procedure may be used by individual employees or groups of employees. In such circumstances the affected employees may wish to appoint a spokesperson who may be a trade union representative / official.

The Grievance Policy and Procedure should be used where Employees wish to raise complaints about work related issues. These would include concerns relating to their own employment, working environment, terms and conditions or the actions of another Employee or Manager acting on the Trusts behalf.

On occasion the person considering the complaint may direct the Employee to raise their concern under the Grievance policy and Procedure should this be more appropriate.

3 Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2015 and supersedes any previous Bullying and Harassment procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

4 Responsibilities of the Trust

- To provide Employees with a clear framework to raise a complaint
- To provide assistance to Employees in order to informally resolve a complaint if possible
- To ensure formal complaints are investigated in a thorough and timely manner, providing parties with appropriate written or verbal feedback
- To ensure consistency and fairness of treatment
- To take appropriate action, including disciplinary action, where an instance of bullying and harassment is proven.

5 Responsibilities of the Employee

- To comply with the Trust's Code of Conduct and treat all colleagues and stakeholders with dignity and respect

- To raise complaints only in relation to legitimate concerns and not of a malicious / vexatious nature
- To engage with managers in seeking to resolve any complaint that has been raised – by attending meetings and / or participating in any investigation
- To act in a respectful and professional manner towards all parties
- To maintain confidentiality

Part B - Procedure

6 Definition

Harassment may be defined as:

‘unwanted conduct related to a relevant protected characteristic*, which has the effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’ (ACAS)

Protected characteristics are defined as: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation. It should be noted that an Employee may also be subject to harassment based on their association with an individual who has a protected characteristic or because it is perceived that they have a protected characteristic.

Harassment related to protected characteristics is unlawful.

Bullying may be defined as:

‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’ (ACAS)

Bullying does not need to relate to a person’s protected characteristic. In certain circumstances bullying and victimisation can occur on the grounds of trade union status. Such actions or omissions may be unlawful including,

- Dismissal or action short of dismissal of an employee for being a union member, participating in trade union activities or discharging union duties or for holding a position or post in a trade union.
- Compiling and exchange of lists of trade union members for the purpose of discriminating against these individuals; either current or prospective employees.

Harassment and bullying may take the form of persistent or isolated incidents. It may arise from face to face actions, telephone, written and electronic communications and visual images.

If the behaviour or action is considered by the recipient to be offensive or could reasonably be considered an offence by others, it may constitute bullying or harassment whether intentional or otherwise.

Examples of actions that may constitute bullying or harassment include, but are not limited to:

- Exclusion or victimisation
- Insulting / offensive comments or language
- Inappropriate physical contact
- Inappropriate sexual advances
- Ridiculing or demeaning an individual
- Abuse of authority and use of threats to coerce others by fear

- Withholding information, removing areas of responsibility without discussion or impeding work performance
- Preventing progression by denying opportunities for promotion and training

7 Authority to Act

In this document the person considering the complaint is referred to as the ‘complaint officer’.

Informal Action

In the first instance an Employee is encouraged to raise concerns informally directly with the individual who they have the complaint against.

If the Employee feels uncomfortable doing this they should raise the issue with their line manager / headteacher who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an Employee’s line manager / headteacher – complaints should be raised with the next level manager - who may be able to facilitate a discussion between all parties regarding the concerns. This may be an Executive Headteacher, the Chair of Governors or Finance & HR Director.

If the seriousness of the complaint warrants – the Employee may make a formal complaint without having first raised the matter informally.

Formal Action

If it is not possible to resolve the matter informally or the matter is serious enough an Employee may raise a formal complaint with their line manager / Headteacher / Chair of Governors / Head of Finance & HR depending on the circumstances, they may refer the issue to the headteacher or other manager as appropriate.

Complaints against the Headteacher, Executive Headteacher or Director should be raised with the Chair of Governors or Finance & HR Director.

It should be noted that at the formal stage the ‘complaint officer’ may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

Complaints raised by the Headteacher

Where the headteacher has a complaint, the matter should be raised formally with the Chair of Governors or in instances where the complaint is against the Chair of Governors, the matter should be raised with the Vice Chair.

8 Timescales for Raising a Complaint

Unless there are exceptional circumstances, a complaint cannot be raised if the event or issues complained of occurred more than 3 months prior to the raising of the complaint.

Should an Employee wish to raise a complaint outside of this period they will need to demonstrate that:

- They have made reasonable attempts to resolve the matter informally outside of the process
- The matter of complaint is part of a pattern or acts or omissions

- They were absent from work

9 Right to Representation

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or trade union representative at any formal meetings or investigation held as part of this procedure.

The presence of trade union representative or workplace colleague may also be of benefit during the informal stage of the process – however it should be noted that this does not make the meeting formal.

10 Timescales

Complaints of harassment and bullying will be addressed promptly and without undue delay in achieving an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case

Trust to confirm timescales

Informal Stage	Informal action	Meeting held and outcome reached as soon as is practicable
Informal Stage	Formal Complaint raised	Within 5 working days following the conclusion of the Informal stage
Formal Stage	Written Outcome	Within 10 working days of the conclusion of any investigation where necessary

Anticipated timescales for completing an investigation will be communicated. Where additional time is required all parties will be advised.

11 Support and Conduct during the Process

The Trust acknowledges that they have a duty of care towards all Employees and consideration will be given to any support needed by either party during the process. Employees are advised that their Trade Union or Professional Association will be able to advice and support if they are a member. Employees may also wish to make use of the confidential counselling service provided by the Academy.

The details of the Academy counselling service can be found in Appendix B.

Due respect will be given to the rights of both parties during the process and the Trust will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their versions of events.

Employees will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against an Employee may be addressed as a misconduct issue.

12 The Role of Mediation

Depending on the nature of the complaint, mediation may assist in resolving concerns and is actively encouraged by the Trust. Mediation may be of particular benefit in cases of genuine misunderstanding and lack of understanding / awareness of how the actions of one party towards another is perceived.

Mediation is a voluntary process which aims to facilitate the parties in reaching resolution and agreement to a dispute.

Mediation may be instigated at any stage in the procedure.

During mediation the formal stages of the bullying and harassment process would usually be suspended. If at any point any party wishes to withdraw from mediation they may do so and the grievance procedure may be resumed.

13 Informal Action

It may be that the individual whose conduct is causing offence is genuinely unaware that their actions and behaviour are unacceptable and a direct approach can resolve the situation without formal action.

An Employee is encouraged in the first instance to raise the issue directly and informally with the individual and explain clearly what actions or behaviour is causing offence / distress and request that it stops.

Such an approach may be made verbally or by letter. The Employee is advised to be as specific as possible – demonstrating what has happened and the impact of this - to enable the individual to respond to the complaint.

It is recognised that due to the nature of such allegations, an Employee may be unable or unwilling to raise the issue with the individual. In such a situation an Employee may seek the support of the line manager / headteacher to facilitate a discussion or make representations on their behalf.

The normal expectation is that both parties would meet to consider the issues and with the aim of agreeing a solution or way forward informally that is mutually acceptable.

Both parties should seek to explore reasonable informal action which may resolve the issues including:

- Acknowledging the distress caused
- Providing an apology
- Seeking a commitment to changed behaviour
- Agreeing future standards of behaviour which is acceptable to all parties
- Exploring counselling or workplace mediation
- Agreeing alternative work patterns / practices for either or both parties

At the conclusion of the informal process a written record may be made detailing the date of the meeting(s), concerns discussed and actions / outcomes agreed. A copy should be shared with all parties.

If the Employee feels unable to take this course of action, or if he/she has already approached the individual to no avail, or if the harassment is of a very serious nature, he/she may elect to raise a formal complaint.

14 Formal Action

Where the matter can not be resolved informally, an Employee may wish to raise a formal complaint. Any complaint should be raised within 5 working days of the conclusion of the informal stage.

The Harassment notification form, attached at Appendix A, should be used for this purpose.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the Employee whose behaviour he/she believes amounts to harassment or bullying
- the type of behaviour that is causing offence, together with specific examples if possible
- dates and times when incidents of harassment or bullying occurred, and where they occurred
- the names of any Employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- any action that the Employee has already taken to try to deal with the harassment
- the action or outcome sought by the Employee

An Employee should also submit any supporting documentation that is relevant to their complaint.

The 'complaint officer' should provide the Employee with written confirmation of receipt of the complaint and confirmation of the action to be taken.

However should further clarification be needed regarding the nature of the concern, the 'complaint officer' may arrange a meeting with the Employee.

The purpose of this meeting is to:

- Provide an Employee with the opportunity to explain their concerns in full and consider / clarify the details of the complaint
- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the complaint
- Explore and consider the outcome that the Employee is seeking
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation

15 Investigation

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding complaint.

Where a formal investigation is necessary this will be undertaken in accordance with the Trust's Disciplinary Procedure. Any issues of misconduct identified by an investigation will also be addressed under this Procedure.

An independent investigating officer will be appointed to objectively establish the facts of the case and determine, on the balance of probabilities, whether there is a case to answer in relation to the complaint of bullying and harassment.

If may be appropriate for a second investigating officer to be appointed to ensure that the composition of the investigative team includes representation that reflects the nature of the case.

During the investigation a formal interview will take place with the Employee who has raised the complaint to explore the details of their concerns.

The Employee who the complaint has been made against will be notified in writing of the nature of the allegations and be advised that should the complaint be upheld, formal disciplinary action may be taken against them. The Employee will be invited to attend a formal interview and given full and fair opportunity to respond to the allegations, explain his / her conduct and any mitigating circumstances.

The investigating officer(s) may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that they may be called to present this at a subsequent hearing.

Both parties will be entitled to be accompanied to any formal investigation meeting by a workplace colleague or trade union representative.

A written record will be made of all interviews conducted during the investigation.

A written report will be produced of the investigation findings and shared with the 'complaint officer'

The investigation findings will inform the basis of the 'complaint officer's' response to the complaint.

It may not be appropriate or useful in resolving the complaint to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the 'complaint officer' considers appropriate

Should the matter subsequently be considered under the Trust's formal disciplinary procedure - the investigation report will be shared as evidence for this process.

16 Communicating the Outcome

The 'complaint officer' will notify both parties in writing of the outcome of the complaint. This should be communicated without undue delay and where possible within 10 working days of the conclusion of any investigation or other follow up action where this is necessary.

The Complaint Officer may determine the following outcomes:

- The complaint is upheld in full, or
- The Grievance is upheld in part, or
- The complaint is rejected

This notification should include:

- The outcome and the reasons for the decision
- A summary of the facts that the complaint officer took into account in coming to their decision – including the findings of any investigation
- Notification of whether further informal or formal disciplinary action will be instigated
- Any recommendations or agreed actions for the parties to take

Where the complaint is upheld in part or full, consideration will be given as to whether there is either a matter to be considered under the Trust's Disciplinary procedure or whether further informal action is appropriate.

It should be noted that the Employee who raised the complaint does not have the right to know the outcome of any informal or formal disciplinary action.

17 Complaints against the Outcome of the Process

If, following the outcome of the Formal process, the Employee who raised the complaint remains dissatisfied they may raise a formal grievance in accordance with the Trust's Grievance Procedure. Any grievance should be raised within 10 working days of the Formal Meeting.

A grievance should only be raised where an Employee believes there has been a procedural failing in the Trust's initial management of their complaint.

18 Action Pending the Outcome of the Process

Pending the outcome of the formal stage, consideration will be given to any actions that may be appropriate to alleviate the circumstances which gave rise to the complaint.

This will include consideration of the ability of the two parties to continue to work together which may necessitate a temporary change to working arrangements or line management responsibilities, subject to the operational requirements of the Trust. Any change would be temporary pending the outcome of the bullying and harassment process and would be mutually agreed between the individual and the Trust. It will not be assumed that the person who raised the complaint will necessarily be the party to alter their work. No party should be placed at a financial detriment as a consequence of such temporary variations.

Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against.

19 Support after the procedure has concluded

The Trust recognises that both parties may require ongoing support following the conclusion of the process – this may include further informal measures to rebuild damaged working relationships.

Where informal action is to be taken or no case to answer is found both parties will be invited to attend separate meetings with the complaint officer to discuss the outcome of the investigation and appropriate ways forward. Following this consideration will be given to a joint meeting.

The purpose of these meetings is to:

- Discuss future working relationships
- Agree future standards of behaviour or expectations which are acceptable to both parties
- Agree alternative work patterns / practices for either or both parties
- Explore counselling or workplace mediation
- Agree appropriate support / guidance / training
- Consider strategies to prevent a repetition of such concerns

Where formal disciplinary action is taken, depending on the outcome, such meetings may take place following the conclusion of the disciplinary process.

Notes may be taken during this meeting and any agreed actions may be confirmed in writing.

The Trust will continue to monitor working relationships between the parties to ensure no repetition of behaviour / actions or subsequent victimisation of either party.

20 Nonattendance at formal meetings

Where an Employee or their representative is unavailable to attend a meeting, they should inform the complaint officer the matter at the earliest opportunity.

If an Employee's representative is unavailable the may be deferred by up to 5 working days from the date of the original hearing.

The Headteacher / Panel will give due consideration to any request for postponement taking into account the individual circumstances and the reason for nonattendance.

Other than in exceptional circumstances only one postponement will be granted.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the meeting may proceed in their absence and a decision made based on the available information.

21 Anonymous Allegations

Employees are encouraged to put their name to any allegation.

Where an Employee is concerned about being identified the Trust may explore appropriate measures to reassure and safeguard the Employee during the process.

The Trust cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Where an anonymous allegation cannot be taken forward – consideration will be given to reasonable appropriate action to reinforce the Trust's general expectations regarding staff conduct.

22 Concurrent Management Action

Employees should be advised that reasonable management action to address concerns relating to Employees should not automatically be perceived in itself as a reason to raise a complaint of bullying and harassment.

In the event that an Employee raises a complaint of harassment or bullying in the course of a disciplinary or capability process, both processes may continue concurrently.

Additional measures may be considered to safeguard both parties until the ongoing disciplinary or capability process is concluded.

However, each case will be considered on its merits to ensure that the Trust is acting reasonably.

23 Malicious / Vexatious Allegations

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, the matter may be addressed in accordance with the Trust's disciplinary procedure.

24 Record Keeping

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process.

Records will be kept, detailing the nature of the incidents of harassment or bullying; the outcome of any investigation, actions taken including any informal or disciplinary action.

At the formal stages and during any investigation minutes will be taken of meetings and shared with the Employee as soon as practical. All parties at the meeting will have the opportunity to check the accuracy of the notes taken.

A copy of any outcome letters should be retained on the Employee's school personnel file.

All records will be treated as confidential and in accordance with the provisions of the Data Protection Act 1998, which provides individuals with the right to request and have access to certain data.

25 Confidentiality

The Trust will respect the confidentiality of all information relating to an Employee's complaint and requires all parties to do the same.

26 Monitoring Data

Regular whole Trust monitoring will take place of formal harassment complaints. Any data gathered will not identify individual Employees.

Harassment & Bullying Notification Form

Employee name:	Employee Job title:
School:	Date Complaint Raised:
If your complaint is against an individual - please provide their name and job title	Name : Job Title:

Summary of complaint: Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.

Individuals involved in the alleged incident/complaint – Provide here the names and contact details of any people involved in your complaint, including witnesses.

Informal action to resolve the issue: Please provide details of any action that you have already take to has taken to your grievance/ complaint and why this did not work.

Outcome requested: Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

<p>Declaration: I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.</p>	
Signature:	
Name:	Date:
<i>For completion by complaint officer</i>	
Date form received:	
Date investigation commissioned:	
Date Employee notified of outcome:	

Confidential Counselling Service for TSAT Employees

A confidential counselling service is available for all Employees across the Trust provided by **Workplace Wellness**. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

Free phone from UK landline:

T: 0800 1116 387

From abroad:

T: +44 845 330 5132

Text phone users dial: 18001 followed by 0800 1116 387

Or you can access the online services via www.my-eap.com/login, username: TSATwell

For Management Support: 0800 1116 385

WorkplaceWellness™

Life is a rollercoaster.

We're here to make the ride smoother