



Fairness at Work Policy - procedures for addressing harassment and bullying in the workplace

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POLICY STATEMENT / AIMS

The Trust is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect. Any workplace concerns should be raised in a timely manner by affected staff and the Trust aims to respond to any grievances raised under this policy in line with the procedures set out, and with the aim of satisfactorily resolving concerns raised

The Trust has a zero tolerance approach to any form of harassment, discrimination or bullying which would amount to less favourable treatment on the grounds of age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and/or sexual orientation..

This policy outlines procedures to enable **employees of Veritas MAT** to report incidences, or otherwise raise concerns about, of any form of bullying, harassment (including sexual harassment) or discrimination in the workplace.

No form of harassment, discrimination or bullying will be permitted or condoned under any circumstances by other members of staff, pupils, parents, contractors or other third parties.

CONFIDENTIALITY & PRIVACY NOTICE

Confidentiality is an important part of the procedures referred to in this policy. Details of the investigation and the names of the person raising the concern and the person accused must only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy and Procedure. The Trust reserves the right to lawfully disclose information with redactions where appropriate.

Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

ROLES, RESPONSIBILITIES AND STANDARDS

This Policy and relevant procedures will be communicated to all staff employed by Veritas MAT, who are required to familiarise themselves with the outlined procedures. Staff have an individual responsibility to comply with both the spirit and the wording of the policy.

All parties to whom this policy and procedures apply are expected to engage in good faith, to prioritise active and constructive participation, and to progress the process as swiftly as possible, to avoid unnecessary delays. Any attempts to deliberately prolong proceedings or to avoid resolution, without reasonable justification, may be considered a breach of the standards expected under this policy and could result in the Trust making a determination on the information available to it at the material time.

Veritas MAT commits to:

- Ensuring that all members of staff are informed about the Fairness at Work Policy and procedures, guidance and the standards that are expected
- Seeking to make consistent and fair decisions when dealing with matters under this policy
- Encouraging positive behaviour and working relationship and involving staff in creating a positive working culture of fairness at work and ensuring the Trust is an 'irresistible place to work'.
- Listening to and looking into the concerns of members of staff and involving all parties in developing solutions to problems and disputes
- Intervening promptly to address matters which have been brought to the attention of the Trust in accordance with this policy
- Taking matters raised seriously, treating them confidentially and following the correct procedure
- Wherever possible, taking a solution-based approach to seek to resolve conflict between individuals.

2. FAIRNESS AT WORK PROCEDURE AND GUIDANCE FOR DEALING WITH HARASSMENT AND WORKPLACE BULLYING

2.1 STATEMENT OF PRINCIPLES

- o All members of the Trust workforce have a right to be treated with dignity and respect in the workplace
- o Workplace harassment (including sexual harassment), bullying and victimisation are totally unacceptable
- o We recognise that harassment or bullying can occur both in and outside the workplace, such as on school trips or at work-related social events and other social events sufficiently connected to work or which impact workplace relationships.
- o No member of the school workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public, or other individuals they may encounter at work, or on school trips or work-related social events and other social events sufficiently connected to work or which impact workplace relationships.
- o We recognise that any member of the school workforce can be subjected to these forms of behaviour

- o The school/Trust will assess whether harassment, bullying or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator
- o The school will not base decisions about handling harassment, bullying or victimisation on whether someone submitted to or rejected a particular instance of harassment, bullying or victimisation

The Trust strives for a workplace that's free of harassment, bullying and victimisation through:

- o Fostering a safe environment and respectful workplace for staff
- o Raising awareness of the issues of harassment (including sexual harassment), bullying and victimisation, and refusing to tolerate these behaviours
- o Supporting any member of the school workforce who is harassed, bullied or victimised
- o Dealing with any issues through agreed processes when they are raised
- o Ensuring that senior leaders demonstrate and uphold high standards of conduct

2.2 LEGISLATION AND GUIDANCE

This procedure is based on the Acas guidance on [discrimination, bullying and harassment at work](#) and the Equality and Human Rights Commission's [technical guidance on sexual harassment and harassment at work](#).

This policy follows the principles of the:

- o [Equality Act 2010](#)
- o [Protection from Harassment Act 1997](#) (which makes provision for protecting individuals from harassment and similar conduct)
- o [Employment Rights Act 1996](#) (which is particularly relevant if the school is considering a dismissal)
- o [Employment Relations Act 1999](#) (where a dispute progresses to an employment tribunal)
- o Employment Rights 2025

Where it becomes necessary to bar an individual from school premises, we will refer to the [guidance on controlling access to school premises](#) from the Department for Education (DfE).

This policy is designed to protect all current and former Trust employees and workforce.

For the purposes of this policy, the term 'workforce' includes:

- o Employees
- o Agency workers
- o Consultants
- o Casual workers
- o Placement students
- o Apprentices
- o Volunteers, including governors
- o Job seekers and job applicants
- o Former employees

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2.3 DEFINITIONS

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by

harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If member of the workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

2.3.1 What is harrassment?

Harassment, as defined in the Equality Act 2010, is:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

Forms of harrassment can range from extremes such as violent, to less obvious forms like ignoring someone. Whatever the form, it will be behaviour, which is unpleasant. Common forms, include but are not limited to:

- o physical contact, obscene gestures and public humiliation.
- o Physical or psychological threats,
- o Spreading malicious rumours or information about an individual with others who do not need to know,
- o offensive jokes including banter, offensive language, gossip, slander and verbal abuse; displays of offensive materials, posters, pin-ups, graffiti, and badges.
- o isolation, non-co-operation, withholding information and exclusion.
- o spying, stalking and intrusion by pestering.
- o intimidating behaviour and systematic undermining of confidence.
- o Making unfounded threats or comments about job security,
- o Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, or making decisions on the basis of sexual advances being accepted or rejected
- o Any of the above behaviours or actions taking place in person or online, or via the form of, but not limited to, social media, email, apps or digital communication inside or outside of the workplace of an unpleasant nature.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- o Associated with a person who has a protected characteristic
- o Wrongly perceived to have a protected characteristic
- o Treated as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature, which has the same purpose or effect on the individual as described at the beginning of this section.

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex. This conduct has the same purpose or effect described at the

beginning of this section and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable, and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

2.3.2 What is workplace bullying?

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct. 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.

2.3.3 What is workplace victimisation?

Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because the individual does a protected act, or it is believed they have done or may do a protected act.

A 'protected act' is:

- o Bringing proceedings under the Equality Act 2010 ("the Act")
- o Giving evidence or information in connection with proceedings under the Act
- o Doing any other thing for the purposes of or in connection with the Act
- o Making an allegation that someone has breached the Act

2.4 OVERLAPPING PROCEDURES

During the operation of the Trust's other procedures for matters of Staff Capability or Discipline and Conduct, whether informal or formal, allegations of harassment or workplace bullying may be made against other employees. Once the Trust's procedures of Capability or Discipline and Conduct have started, any complaints of harassment/workplace bullying received during that time, will need to be treated sensitively and the school may seek advice from the Trust's legal or personnel provider.

However, in normal circumstances the Capability Procedure or Discipline and Conduct Procedures will continue their process. The harassment procedure is not a way to stop other formal school procedures.

Nevertheless, although the procedure has started there still needs to be understanding of the feelings and perceptions of the complainant and an appropriate decision and action, as befits the nature of the allegation, taken.

It is for the CEO or Chair or Trustees to decide whether or not to deal with the harassment / workplace bullying complaint separately (normally after the capability procedure has been finalised) or combine the 2 procedures. In the latter circumstances, both issues can be addressed at one meeting provided notice is given to the employee concerned to that effect.

2.5 Advice and Counselling:

Wherever possible, an employee who is considering making a complaint of harassment should have access to someone who can give them sympathetic, informed advice and counselling during any part of the procedure, senior colleague, teacher association or trades union representative, or via the Trust's Employee Support Programme.

This is to offer support, discuss the options open to the employee, and help the employee determine if and how they want to progress matters. This should take place in total confidence and without pressure as to the course of action to be taken.

The Education Support Line is available to all education staff and can be accessed 24/7 via **08000 562 561**.

A distinguishing characteristic of harassment or bullying, is that employees subjected to it are very vulnerable and are often reluctant to complain. They may be too embarrassed or unsure as to how to make a complaint, or concerned that it will be trivialised. They may fear reprisals. People suffering from harassment may not want attention focused on the situation; they just want the unwanted behaviour to stop. Similarly, the respondent may be completely unaware that their behaviour can be seen as harassment, and suffer anxieties and guilt about the distress caused. Or they may be unjustly accused.

Counselling can also, therefore, be valuable for the individual(s) whose behaviour has been found or perceived to be unacceptable. They may be unaware or insensitive to the impact of their actions and counselling can help them change their behaviour and prevent the occurrence of further incidents. Veritas MAT has a duty of care to support and signpost employees to available support and encourage employees to contact a member of the Trust Central Team if they require any assistance.

If the employee feels uncomfortable with raising the issue directly with them, they should talk to the headteacher who can help them to solve the issue informally.

2.6 Harassment/Workplace Bullying Procedure

In order to ensure harassment / workplace bullying complaints are resolved speedily and in a fair and equitable manner, the following procedure will be adopted in all cases of alleged harassment / workplace bullying (whether intentional or not):

Stage 1 Informal Action

(a) Personal Action

As the first step in dealing with a harassment matter, personal action may be all that is needed to resolve the issue by addressing the matter informally, with the alleged perpetrator, who may be unaware that their behaviour is having a detrimental impact. A line manager may be able to support with this.

Employees should consider whether they feel able to raise the issue with the person responsible informally in the first instance. If an employee does raise the issue with the individual, they should explain clearly that their behaviour is not welcome or makes them feel uncomfortable. It may be that the individual is not aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect. The employee may want to ask a workplace colleague or TU representative to be with them when they do this.

This action may be enough to stop the harassment and prevent it happening again.

Employees should keep a written record of the incident(s) including the time, date(s) and place of the incident(s), a full description of what occurred and the name(s) of any witness (s), along with any notes around the informal interaction which took place to address the unwanted behaviour.

If employees feel uncomfortable raising the matter with the individual informally or have tried to do so without a successful resolution, the employee should contact the Trust's HR Lead or Governance Professional for advice and guidance. The Trust will ask for a copy of the written record (as outlined above) and determine if, based on the facts of the case, if mediation will be an appropriate action or if this should proceed to the formal action stage.

Other initial action by the Trust, to resolve the matter informally, may include:

- (i) Approach the person whose behaviour is causing offence.
- (ii) Describe the behaviour, not the person and give the person accused of harassment the opportunity to respond.
- (iii) Describe the possible impact of the behaviour - do not discuss or dispute the person's intentions.
- (iv) Explain to the offending person that the behaviour is unwelcome and may be against school's policy.
- (v) Ask for a change in behaviour.
- (vi) Seek commitment to change.
- (vii) Let the complainant know what action has been taken, to encourage them to come back should there be a recurrence.

The above or an informal approach would be inappropriate in a case, which potentially amounts to serious misconduct and affects the safety and wellbeing of the person or other people at work.

(b) Mediation

Mediation is a method in which the parties are brought together in a neutral setting to try to achieve a mutually acceptable outcome with the help of trained and experienced mediators who are independent and have no prior involvement in the case. Mediation is a voluntary process and may be helpful where conflict involves relationship issues, breakdowns in communication and/or misunderstandings between people. The mediation environment is as non-adversarial as possible with no reference to parties being 'wrong' or 'right' For these reasons, parties attending mediation do so alone without representation from trade unions or work colleagues.

Mediation is sought when informal action has been tried and failed, both the complainant and respondent may agree the services of a mediator should be introduced to resolve the situation, rather than proceed using formal routes. This will be from a trained mediator and will be arranged confidentially by the school personnel consultant if requested, although the Trust may need to pay the cost.

Professional trade union associations may also provide mediation services.

Stage 2 - Formal procedure for managing complaints of harassment or bullying nature

How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee or stakeholder.

For all allegations of members of the school workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.

Where a complaint has been raised and is being investigated under this procedure, the school will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

Witnessing harassment or bullying

Staff who witness harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- o Intervening where you feel able to do so
- o Supporting the victim to report it or reporting it on their behalf
- o Reporting the incident where you feel there may be a continuing risk if you do not report it
- o Cooperating in any investigation into the incident

All witnesses will be provided with appropriate support and will be protected from victimisation.

Step 1 – Submitting a formal complaint

Where the decision has been reached by the Trust for the complaint to be dealt with formally under this procedure, the complainant should submit their complaint in writing to their Line Manager or Headteacher. If the complaint relates to the Headteacher, it should be sent to the Governance Professional for the attention of the CEO.

Where the complaint is about the CEO, the issue may be raised with the Chair of Trustees (via the Governance Professional).

Where the CEO has a complaint, the issue may be raised with the Chair of Trustees or if it is about the Chair of Trustees then initial contact should be with the Vice Chair of Trustees.

Any complaint should be made within 3 months of the last incident occurring.

In all cases the employee reporting the alleged act must be prepared to provide a written statement setting out the allegations, requesting the incident(s) be formally investigated.

Details of the alleged incident, including dates and times, should be recorded by the person alleging harassment on the complaints form at Annex 1, and shared confidentially for the attention of the Line Manager / Headteacher or CEO as outlined above.

The individual accused of harassment has the right to know what the allegation is and who is making the complaint; see Annex 2. If the complainant does not wish to be identified it is impossible to take disciplinary action.

However, the CEO / Chair of Trustees must still take such action as is practicable to reinforce its policy on harassment. This can include general reminders about standards of behaviour through staff meetings, online training etc.

Step 2 – Investigating the complaint of harassment and or bullying

Once a written complaint is received, an investigating officer will be appointed by the Headteacher/Trust to carry out an investigation into the complaint. This will be an independent individual with no prior knowledge of the complaint.

Both the complainant and the subject of the complaint should be advised that a formal complaint has been made and that an investigation will take place. Individuals not involved in the complaint or the investigation should not be told about it.

An interview will usually be arranged with the complainant within 5 working days of receipt of the complaint. The subject of the complaint will then be interviewed and will be allowed the opportunity to respond to the complaint. There is no entitlement for the subject of the complaint to see the written complaint, but they should be provided with information as to the nature of it.

Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by either:

- o A colleague
- o A trade union official
- o A trade union representative who has been certified by their union as competent to accompany a worker and who must respect the confidentiality of the investigation, or
- o A friend

If any other witnesses are deemed pertinent to the investigation, the investigating officer will arrange to speak with them and will review relevant information and documentation.

The investigation should concentrate on establishing the facts, together with the impact of the alleged harassment. Confidentiality must be maintained by the complainant and the alleged harasser. However, the complainant must understand that there cannot be full confidentiality, since the investigation may involve other potential victims. There may also be a requirement to give evidence at a later stage.

A decision must be taken about the seriousness of the allegation and whether it is appropriate for the complainant and the respondent to continue working together during the investigation. It may be advisable to suspend the person being complained about in accordance with the disciplinary procedure pending a full investigation and decisions as to possible formal disciplinary action.

Occasionally it may be appropriate for the complainant to be given some additional paid leave, with their agreement.

Step 3 – Outcome of the investigation

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report, usually within 5-10 working days of completing their investigation, detailing their findings and recommendations about action to be taken upon the conclusion of the investigation. In the event of any delay, eg, one or more of the involved parties being unavailable, new timescales must be agreed and confirmed to allay any further distress to those involved.

A copy of the report and the investigator's findings will be given to the complainant and to the subject of the complaint.

If the investigating officer upholds the complaint against the employee, possible outcomes may be:

- Disciplinary action
- Mediation

- Mandatory training

If the investigating officer does not uphold the complaint, possible outcomes may be:

- No action
- Mediation

These lists are not intended to be exhaustive.

The complainant should also be notified of their right to appeal if they are not satisfied with the outcome.

Step 4 - Appeal

If the complainant wishes to appeal, they should set out the grounds of the appeal in writing and send to the Governance Professional for the Trust, as appropriate, within 10 working days of receiving the written decision.

An appeal should relate to the procedures undertaken in the process, not the outcome.

Usually, an appeal panel of three Trustees, including the Chair of Trustees (unless they were the person making the initial decision in which case they will be excluded from the panel), will be established to hear the appeal. If there are not enough trustees available for the hearing or there is a question about the objectivity of the panel, trustees from the Deal Learning Alliance or Kent MAT Alliance can be called upon to ensure an objective hearing.

However, delegation to two or even one governor may be necessary in some cases (although it should be noted that the former may result in a split decision). The panel should hold a formal meeting with the complainant their TU representative or workplace colleague normally within 10 working days of receiving the appeal. At this stage it is useful for a Personnel Adviser to be present. Additionally, the panel will scrutinise all documentation pertaining to the grievance and as appropriate seek representation to the panel from individuals involved in the case hitherto.

The decision of the panel will be notified to the employee and their representative normally within five working days of the hearing.

This is the final stage in this procedure, and the decision of the appeal panel is final.

Where a complaint is upheld:

The Trust Board may consider an apology is necessary where allegations are substantiated. It may be necessary to ensure the complainant and respondent do not continue to work together. In a small school this may not be an option. If appropriate, and wherever practicable, the complainant should be given the choice of whether he/she/they wishes to be relocated or be managed by another colleague.

Support should be offered to the respondent to help address any issues relating to his/her actions or attitude. This may take the form of counselling, training and awareness raising.

If the complaint is not upheld:

It is important for the complainant to understand they have been believed and that the complaint has been taken seriously. It may not be viable in a school, but consideration may be given, where practicable, to moving one of the employees concerned, rather than requiring them to continue to

work together against the wishes of either party. However, neither the complainant nor the respondent should be victimised or suffer any detriment.

If any employee considers that there has been a significant procedural error, they retain the right to raise a staff grievance under the grievance procedure (outlined in Section 1). Such a grievance would be heard at Stage 2 of the procedure and, if upheld the original complaint would be reheard under the harassment procedure.

Respondent

A record of the outcome of the investigation should be shared with the respondent along with the decision as to whether or not the complaint is upheld. This may be in writing rather than at a meeting.

Continued Working Relationships

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action, and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

Records

A record of the outcome should be shared with both parties. A record of the complaint(s) and investigation should be kept for at least 18 months, including names of parties, dates, nature and frequency of incidents, action taken, follow-up and monitoring. The school should reserve the right to use this information if there is any recurrence of the allegations made. These should be held in a secure file. The records should not be included with the personal files of the individuals concerned.

Disciplinary Procedure

Decisions about disciplinary action can only be made following a thorough investigation of the allegations and after consideration of all the evidence available.

If the investigation reveals that there is a case to answer, prompt action designed to stop the harassment immediately and prevent its recurrence will be taken through implementation of the school Disciplinary Procedure.

In accordance with the Disciplinary Procedure, it may be that the investigating officer is best placed to present the case. In any disciplinary hearing the complainant will be required to attend and those hearing the case may wish to question both parties, and witnesses.

Malicious Allegations

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, then the disciplinary procedures may be invoked against the original complainant. This is to protect those with genuine complaints.

2.7 Alleged harassment, bullying or victimisation by stakeholders

The Trust will use this process if the complaint relates to someone not employed directly by the school or Trust, or when the school or Trust does not have the power to take any professional or disciplinary action against the person in question.

Where the decision has been reached for the complaint to be dealt with under this Fairness at Work bullying/harassment procedure, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint. This may involve:

- o Mediation
- o Putting up signs setting out acceptable and unacceptable behaviour
- o A verbal warning
- o A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the Trust / school will consider further action. This may involve a meeting to discuss a ban from the school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises.

If the individual is a parent or carer of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

2.8 Post Employment Harassment Complaints

Sometimes allegations of harassment may be made by former employees against an individual employed by the school. Complaints of harassment will normally only be investigated where the former employee was employed by the school within 3 months of the complaint.

In the first instance the complaint should normally be made to the CEO but if it is felt the complaint needs to be pursued further or if the complaint is about the CEO, then the Chair of Trustees should be contacted, via the Governance Professional.

2.9 Monitoring

It is important for the CEO, Chair of Trustees or Vice Chair of Trustees to check that the harassment has stopped and that there has been no victimisation. Victimisation itself can take a wide range of forms, such as continuing unpleasantness or adverse impact on promotion. Careful monitoring is, therefore, essential to ensure victimisation does not occur.

This procedure is subject to Equalities Monitoring. Any data gathered will be confidential, will not identify individual employees and will not form part of this procedure.

Note: Schools are advised to keep a summary of all harassment incidents raised in equality terms (gender, ethnicity and disability) and provide this information to the appropriate body on request – see Annex 3.

2.10 Protection and support for those involved

Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation, must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action.

If you believe you have suffered any such treatment you should inform your line manager, Headteacher or the Trust Central Team. If the matter is not remedied you should raise it formally.

The Trust will monitor the treatment and outcomes of any complaints of harassment or victimisation we receive, to ensure that:

- o They are properly investigated and resolved
- o Those who report or act as witnesses are not victimised
- o Repeat offenders are dealt with appropriately
- o Cultural clashes are identified and resolved
- o Training is targeted where needed

2.11 The Law

If the Trust Board does not deal seriously with complaints of harassment and workplace bullying the complainant may seek redress through the law.

The Protection from Harassment Act: makes harassment both a civil and criminal offence. The Act provides a remedy for racial, sexual, disability or sexual orientation harassment. Remedies include damages, injunction, unlimited fine and up to 5 years imprisonment.

Criminal Justice and Public Order Act: Makes any form of harassment, in a public or private place (but not a residential home) a criminal offence. Health and Safety at Work Act: Legal obligation to take all reasonable steps to look after the health, safety and welfare of staff. Implied duty of care to ensure the environment is harassment free.

Sex Discrimination Act, Race Relations Act, Equality Act 2010, Worker Protection Act 2023, The Disability Discrimination Act, the Employment Equality Regulations (Religion or Belief) and (Sexual Orientation) 2003: all provide the right for individuals to pursue claims of harassment through the Employment Tribunals. In recent years the courts and employment tribunals have greatly expanded and extended the definition and scope of unlawful harassment and workplace bullying.

There is now a wealth of case law to show harassment can be a detriment under these Acts and an inadequate response to complaints may put the school at risk of costly litigation.

As well as the legal requirement to remove the threat of harassment there is an Authoritative European Code of Practice on the Protection of Women and Men at Work which this policy and procedure comply with.

2.12 Confidentiality

The school will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Information will be processed in line with UK data protection law. It will be kept securely, only for as long as necessary and in line with UK data protection law, our privacy notices and the Trust's Retention Schedule.

ANNEX 1 - Complaint Form for Harassment and Workplace Bullying

Name of complainant	
Name of School	
Telephone Number	
Email address	
Details of complaint (State clearly the nature of the complaint eg racial/sexual harassment or workplace bullying etc). Additional information may be attached on a separate sheet.	
Date incident (or the last incident) took place	
Names of witnesses	

The completed form should be given to the Headteacher, CEO, Chair of Trust Board or Vice Chair of Trust Board as appropriate.

ANNEX 2

STRICTLY CONFIDENTIAL

Dear

I have informed you that a formal complaint of harassment has been raised against you by *. I am writing to let you know the nature of the complaint(s) and to explain the process which I now need to follow.

Statement(s) have been provided detailing incidents and conversations which have allegedly taken place over the last The nature of the complaint is:

(a)

I enclose a copy of the Harassment Policy. As you will see, the process will now be for these complaints against you to be fully clarified and investigated under this Procedure. I will shortly be appointing * and *, from the * as the independent officers to carry out this investigation and report back to me.

They will be asking for a statement from you, and I would like to advise you that at any interview in respect of this matter you have the right to be represented by a recognised TU representative, or by a workplace colleague of your choice.

** will also take statements from * and any other people whom it will be necessary to interview in relation to these complaints. I will let you know if the precise nature of the complaints is revealed by the investigation to differ from my summary given above.

When the investigations are complete, I will review the findings to determine whether there is a disciplinary case for you to answer and will notify you and your representative accordingly. However, you will understand that the investigation report will remain confidential and will not be copied to you.

I wish to reassure you that I will deal with this matter as sensitively, fairly and confidentially as possible. I would ask you to maintain confidentiality and in particular you should not discuss this matter with the complainant and any potential witnesses while these matters are being dealt with. If you have any queries relating to the process outlined above please ask me or contact *.

I enclose a copy of this letter for you to give to your representative.

Yours sincerely,

CEO /Chair of Trustees

ANNEX 3: MONITORING FORM – Harassment/workplace bullying complaints

IN CONFIDENCE . After reading the policy notes for guidance, please complete this form and retain it.

Complaint dealt under	Harassment Policy
Name of School/Trust	
Date of alleged incident(s)	
Nature of allegation(s)	Please give brief description
Date investigation begun	
Date investigation concluded	
Action taken	Please give brief description