Church of England (VA)
Primary School

ASTON ST MARY'S
CHURCH OF ENGLAND
(VOLUNTARY AIDED) PRIMARY SCHOOL

Every child is a treasure – small in size, growing in God's love.

The Diocese of St Albans

POLICY FOR Harassment and Bullying

Effective from:	October 2026
Review Date:	October 2028
Author:	Governing Body (adapted from Herts model policy)

Hertfordshire

1 Introduction

The Governing Body is required to set out a Harassment and Bullying policy and procedure to create a working environment where every employee is treated with dignity and respect and where each person's individuality and sense of self-worth within the school is maintained.

This policy and the related procedure apply only to disputes between employees, although the duty of care to protect employees from harassment and bullying remains in all circumstances.

The aim of the policy and procedure is to ensure that any complaint of harassment or bullying is effectively and speedily dealt with and that appropriate action is taken to ensure as far as possible that it does not occur again. It is important that the rights of both the complainant and the alleged harasser/bully are protected throughout the process.

Some forms of harassment/bullying amount to unlawful discrimination and are covered by the relevant statutes on discrimination. Other forms of harassment/bullying are not explicitly covered by the law but Governing Bodies have a legal duty to ensure that schools have a procedure to deal with such allegations.

This policy should be freely accessible to all staff and all staff should be made aware of this policy as part of their induction programme.

2 Purpose Scope and Principles

All employees have the right to be treated with dignity and respect. Harassment and bullying are not acceptable forms of behaviour and will not be permitted or condoned. Such behaviour humiliates, offends, exploits and undermines employees, interfering with job performance and creating fear, stress and anxiety at work. It can lead to illness, increased absenteeism, poor performance, denial of opportunities and even resignation.

Where a formal complaint is substantiated it will be treated as a disciplinary matter and could lead to dismissal.

The procedure applies to:

- all employees of the school, including the Head teacher;
- staff employed in units or bases that are attached to a school

Consideration will be given to making reasonable adjustments as defined in the Equality Act 2010, for example allowing an interpreter at a formal meeting.

3 What is Harassment and Bullying?

Harassment and bullying related to a person's race, sex, age, marital status, sexual orientation, disability, religion or belief or Professional Association/Trade Union membership is unlawful and may lead to action in the courts. Other forms of harassment and bullying may be equally damaging to an employee. The Governing Body has a legal responsibility to ensure that action is taken when it occurs.

Throughout this policy, the term 'harassment' is used to refer also to bullying which occurs at a lower level of seriousness and is as insidious and damaging as more explicit, or overt, forms of harassment. Conduct becomes harassment if it continues once it has been made clear that it is regarded by the recipient as offensive or unwanted, although a single incident may amount to harassment if sufficiently serious.

There is a difference between reasonable pressure to improve performance and harassment and bullying.

Forms of Harassment and Bullying
Forms of harassment and bullying may include:

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment/bullying through jokes, offensive language, gossip and slander.
- Isolation or non-cooperation at work or exclusion from social activities.
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Constant humiliation, ridicule or unjustified criticism.
- Intrusion by pestering, spying and following.
- Generalisations, stereotyping or inappropriate forms of address.
- Unreasonable expectations.
- Refusal to listen to explanations.
- Abusive, unsolicited, obscene gestures, inappropriate or threatening behaviour.
- Persistent, offensive, intimidating, malicious or insulting behaviour.
- Use of internet/e-mail or other digital technologies for the purpose of 'cyberbullying'

The above list is indicative, but not exhaustive, of the types of behaviours that are considered unacceptable. Although harassment and bullying often involves an overt abuse of power, coercion or violence, it can also appear in far more subtle guises. In some cases, it can be unintentional on the part of the alleged harasser or bully.

4 Policy relating to:
The Rights of an Employee who makes a complaint
The Governing Body recognises the right of employees to complain about harassment/bullying, should it occur. Every effort will be made to ensure that employees making complaints will not be victimised. Any threat or insinuation made that an employee's complaint of harassment/bullying could influence any employment decision affecting the complainant will be treated as a serious disciplinary offence.

The procedure does not replace or prejudice the rights of employees to pursue a complaint through an employment tribunal.

Employee Support
At all stages of the formal harassment and bullying procedure, the alleged harasser/bully and the complainant have the right to be accompanied by a work colleague, or his/her accredited Trade Union or Professional Association representative and no-one else.

Employee assistance is available to those schools that purchase PPC (Carewell). For more information, please contact the School or the Schools' HR Advisory Team.

Confidentiality
It is important that individuals (including witnesses) feel confident that they are able to come forward with information without fear of recrimination. Conversations and records of an investigation must therefore be treated confidentially and sensitively by everyone involved. Any breach of confidentiality will be treated seriously and may lead to disciplinary action. It must be noted however, that if an allegation of harassment & bullying is founded, the evidence gathered through a formal investigation may well be used at any subsequent formal disciplinary meetings.

Victimisation
Victimisation of any employee in any circumstances will not be tolerated. In such cases employees should inform their line managers immediately so that appropriate action can be taken. It is important for Head teachers to check with the complainant that the harassment/bullying has stopped and that there has been no victimisation. Alleged victimisation should be investigated under the disciplinary procedure and may warrant dismissal.

False or Malicious Complaints
The Governing Body takes all complaints of harassment and bullying seriously and will not condone the behaviour of anyone who is found to have maliciously raised a complaint that they know to be false. Malicious complaints may be dealt with under the School's Disciplinary procedure, one potential outcome of which may be dismissal.

Formal Complaints by people not employed direct by the School.
School governing bodies have delegated responsibilities for staffing matters within the school. When a person not employed by the school wishes to make a formal complaint of harassment/bullying against a school employee, they should do so through the school's Complaints Procedure, available from the Headteacher of the school.

5 Procedures for Making and Dealing with a Complaint

There are three stages through which a complaint may be taken forward:

- The Informal Stage
- The Formal Stage
- The Appeal Stage

6 The Informal Stage

Employees must aim wherever possible to discuss any issues or concerns informally with their line manager or next relevant manager as soon as possible after the complaint arises. It will normally not be appropriate to investigate events which are historical i.e. more than three months old, unless they are specifically related to a current issue. Historical issues will only be investigated in exceptional circumstances.

The aim at this stage is to provide an informal framework for the complainant to bring the complaint to the attention of the alleged harasser/bully, with the aim of reaching agreement that the behaviour complained of will not happen again. There are clear advantages wherever this is possible.

- It allows for a speedy and effective resolution of the problem, causing the minimum of disruption and this, in turn, will assist in the process of resuming satisfactory working relationships.

- Many cases of harassment/bullying occur because the alleged harasser/bully is not sufficiently aware of the effect that his/her action or behaviour is having on the complainant. Once this detrimental effect is explained and understood it is most likely that a resolution can be reached.

- The informal process is most likely to be effective where the behaviour or action complained of is raised as soon as possible after it has occurred. Failing to address the situation in the hope that the problem will go away will rarely lead to a satisfactory outcome.

- Giving the alleged harasser/bully the opportunity to acknowledge the feelings and perceptions of the complainant at the informal stage will, in many cases, prove an effective route to ensuring that the behaviour complained of ceases.

The Informal Stage in Operation
Making and Keeping a Written Record of the Incident or Behaviour
It is in the interest of the complainant to make and keep a note of any act of alleged harassment/bullying and the action s/he has taken. A note of the act of alleged harassment/bullying should be made as soon as possible after it has taken place. Appendix 1 is a pro forma indicating the type of information that should be noted.

At the **informal** stage, no information will be placed on the personal file of any individual. However, it could be referred to in any subsequent **formal** action should the matter fail to be resolved at the informal

stage, or should the harassment/bullying reoccur, or should there be any future occurrence of victimisation related to the incident.

Taking Forward a Complaint of Alleged Harassment/Bullying in the informal stage.
There are two ways of taking a complaint forward through the informal process and the complainant will choose option 1 or 2 but never both:

Option 1 - complainant raises the problem directly with the alleged harasser/bully
In many cases it will be sufficient for the complainant to meet with the alleged harasser/bully to raise the problem informally, pointing out that their conduct is unwelcome, offensive and/or interfering with work.

It should be made clear at the outset of the meeting that the aim is to try to resolve the situation within the **informal** process of the Harassment and Bullying at Work policy. It should be stated that the meeting itself, the conversations, the allegations and the resolution, will be subject to confidentiality and all parties to the meeting must agree to this. No record will be placed on any personal file, although a record should be kept of any agreed actions.

The complainant should:
- explain clearly the behaviour which they find offensive and unwanted, and the effects of that behaviour and what he/she would like to happen.
- establish facts i.e. where, when and what the alleged harasser/bully said and did; and
- make it clear that he/she wants the behaviour to stop.

Both parties should:
- explain their perspectives,
- find a resolution whereby any unreasonable behaviour will not be repeated; and
- agree a way forward for a professional working relationship to resume as soon as possible which does not involve victimisation and respects confidentiality.

After this meeting, it is important to agree that:
- professional working relations will resume immediately.
- no victimisation will take place.
- confidentiality will be respected.

There may be some situations where the complainant may prefer to telephone, email or write to the alleged harasser/bully in the first instance, to point out that what is happening is upsetting, is affecting work and that he/she wants it to stop. If choosing to approach the alleged harasser/bully in this way, the complainant should clearly state the facts - when and where the behaviour complained of took place, what the alleged harasser/bully said and did. However, this initial contact should then be followed up by a face-to-face meeting, as above, in order to try to resolve the situation through the informal process.

Only in exceptional circumstances should a telephone call, email or letter, without a subsequent follow up meeting, be contemplated. This is because the informal process is designed to allow for resolution through dialogue and raising levels of understanding.

Option 2 - complainant raises the problem with their line-manager or Headteacher
In other cases, the complainant may raise the problem with his/her line-manager or Headteacher with the aim of reaching an informal resolution, but in circumstances where he/she feels unable to raise the problem directly with the alleged harasser/bully.

In such a situation the manager will arrange to meet with the alleged harasser/bully on an **informal** basis with the aim of explaining that, from the perspective of the complainant, there is a problem. The manager must not make an accusation of harassment/bullying and must make it clear that he/she is

willing to listen to the alleged harasser/bully's version of events, and he/she is seeking conciliation and resolution as quickly as possible so that the matter can be forgotten, and working relationships resumed, as soon as possible.

No file record will be kept of this meeting.

If a satisfactory resolution is not reached, the complainant should be advised of his/her right to take the complaint through the formal procedure.

Where the Headteacher is the subject of the allegation, the Chair of Governors (or nominee) will perform this role.

Timescales
Where a meeting with the alleged harasser/bully is requested, this should be set up without unreasonable delay (usually within ten working days of the initial contact is recommended).

Rights of the Alleged Harasser/Bully
When contact is made with the alleged harasser/bully, the complainant will make clear the purpose of the contact and refer him/her to this policy.

Both the person making the complaint and the alleged harasser/bully may, if s/he wishes, be accompanied at any meeting by a work colleague or his/her accredited Trade Union or Professional Association representative and no-one else.

Informal Procedure - Summary of Action
- The complainant notes details of the incident, referring to pro-forma in appendix 1; dates, signs and retains it.
- The complainant considers whether to seek the support of a work colleague or Professional Association/Trade Union representative on an informal basis.
- The complainant makes contact with the alleged harasser/bully, making clear the reason for the contact and refers him/her to this policy.
- The alleged harasser/bully may, if s/he wishes, be accompanied at any meeting by a work colleague or accredited Professional Association/Trade Union representative.
- The aim of any meeting must be made clear, i.e. to try and resolve the situation on an informal basis and achieve an outcome whereby the behaviour complained of is not repeated.
- If the desired outcome is achieved, no further action should be necessary.

As an alternative to the above, the complainant may contact his/her line-manager or Headteacher and ask him/her to contact the alleged harasser/bully as part of the informal process.

If a satisfactory resolution is not reached the complainant may choose to move to the formal stage.

7 The Formal Stage
This is likely to be appropriate where a previous attempt at informal resolution has proved unsuccessful, or where the complainant considers that formal investigation into the matter is necessary.

A complainant will not be discouraged from using the formal process where that is his/her preferred option.

The Formal Stage in operation
The objective of the formal procedure is to determine, through formal investigation, whether there is a way to resolve the situation or whether the case needs to be taken forward through the school's disciplinary procedure.

Once a formal complaint of harassment/bullying has been made, the school has a responsibility to investigate the matter and take appropriate action.

The formal procedure will be appropriate where:

- The informal route proves ineffective
- The complainant prefers to use the formal procedure
- The alleged instance of harassment/bullying is deemed to be more serious than can be dealt with through the informal process

The Formal Procedure - General Principles

- There will be prompt, thorough, impartial investigation with due regard to the rights of both the complainant and the alleged harasser/bully.
- Both parties and any witnesses have the right to be represented and accompanied.
- The alleged harasser/bully will be provided with clear details of the complaint, and will be given the opportunity and time to respond at all stages.
- The timescales as set out in the school's disciplinary procedure will apply.
- There will be no victimisation of any party to the investigations.

Role of Investigator in Formal Procedure

The Headteacher or Chair of Governors will nominate an Investigating Officer to carry out the formal investigation into the complaint of harassment/bullying. This will normally be a senior manager who is not the line-manager of either party, or otherwise involved in the complaint. The Investigating Officer will arrange investigation meetings with the complainant, alleged harasser and any relevant witnesses in order to establish the facts of the case. Investigations will be dealt with promptly, objectively and confidentially. At any meeting conducted as part of the investigation employees have the right to be accompanied as previously stated.

The investigation will be to establish whether there is a disciplinary case to answer. The investigator will submit a written report to the Head teacher. The Head teacher will, based on the report, determine whether on the balance of probability there is a case of harassment/bullying to answer, if so the formal disciplinary procedure will be invoked.

8 Making a Formal Complaint

A formal complaint may be made to:

- The complainant's line-manager
- The line-manager of the alleged harasser/bully
- The Head teacher
- The Chair of Governors if the complaint is about the Head teacher

Recording the Incident/s

As soon as a formal complaint is made, the complainant will be asked to provide a written statement of what took place. The pro-forma in Appendix 1 may be used as the basis for this written statement. The written statement should be made as soon as possible and normally within 10 days after the incident of alleged harassment/bullying has taken place and should be signed and dated.

Handling a Formal Complaint

Complaints must be dealt with promptly and impartially. Once a formal complaint has been received, the Head teacher/Chair of Governors will appoint an Investigating Officer.

Separation and Suspension of Employees

Consideration will be given to separation, whilst at work, of the complainant and the alleged harasser/bully, taking into account the views of the complainant. Suspending the alleged harasser/bully from work may be necessary where there is a possibility that the alleged incident constitutes gross misconduct, or where it is considered inappropriate for the employee to remain at the normal place of

work, for example, where their continued presence at work could inhibit proper investigation. Suspension will usually last until an investigation has been concluded or any resulting disciplinary interview has been held. The suspension must be reviewed in accordance with the principles and timescales set out in the school's disciplinary procedure.

There may be exceptional circumstances in which it is necessary to suspend both the alleged harasser/bully and the complainant from work once the allegation has been made and while the investigation is carried out. For example, this action could be appropriate where the working relationship between the complainant and the alleged harasser/bully has broken down to the extent that it is seriously adversely affecting the work of the school and suitable alternative working arrangements cannot be made.

The Investigation
Once a formal complaint is made the Head teacher/Chair of Governors will arrange for an investigation to be carried out by an Investigating Officer.

The complainant, the alleged harasser/bully and witnesses will be informed that they have the right to be accompanied by a work colleague or their accredited Trade Union or Professional Association representative and no one else.

It is important to inform any witnesses that all information gained in the course of the investigation may be presented at a subsequent disciplinary interview or Appeal (stage 3).

Once the investigation has been completed, the Investigating Officer will produce his/her findings in a written report to the Head teacher. This report must detail the nature of the complaint, provide witness statements as appropriate and detail the conclusions and recommendations of the investigator.

The Head teacher will then decide on appropriate action, based on the circumstances of the case as presented in the report.

Possible Outcomes
- Misunderstanding. A meeting must be arranged where both parties should aim to resolve the matter by discussion. If both parties are unable to resolve their issues it may be necessary for the Head teacher intervene and tell both parties that their behaviour must stop. No formal action will be taken.
- Disciplinary action is required against the harasser/bully. The Headteacher will arrange a disciplinary hearing.
- Disciplinary action is required against the complainant due to a malicious complaint. The Head teacher will arrange a disciplinary hearing.

The Formal Procedure - Summary of Action
- The complainant raises the matter with the relevant manager and uses the pro-forma in Appendix 1 as the basis for producing a written statement of the allegation of harassment/bullying.
- The complainant, the alleged harasser/bully have the right to be represented/ accompanied by a work colleague or their Trade Union or Professional Association representative and no-one else.
- An investigation is carried out into the complaint, leading to a written report for the Headteacher.
- The Head teacher makes a decision on action to be taken.

Concluding the formal procedure
The Head teacher must meet with both parties to discuss his/her findings and this will be put in writing to both parties within **three working days** of the meeting.

9 The Appeal Stage

Appeals by the Complainant

If the outcome of the investigation is that no formal action will be taken against the alleged harasser/bully, the complainant may appeal in writing to the Chair of Governors **within 7 calendar days** of receiving the Head teacher's written decision. The Chair must arrange for three members of the Governing Body not previously involved, to hear the appeal. Whilst new evidence on the same complaint may be permitted, any new complaint(s) cannot be added to the proceedings.

The hearing will take place **without unreasonable delay** following receipt by the Chair of the written notice of appeal. All relevant documents, including the names of any witnesses, must be exchanged and submitted to the Panel **at least three working days** in advance of the meeting.

All parties involved will be allowed to attend and make representations at the meeting. The members of the Panel, in seeking to resolve the complaint, may adjourn the meeting or defer their decision until they are satisfied, they have had the opportunity to take account of all relevant factors. The decision of the Panel and the reasons for that decision will be communicated to all parties and confirmed in writing **within three working days**. The decision reached at this hearing is final.

The Appeal Panel's Proceedings
The Panel will need to elect a Chair. The following is the usual and fair way to proceed.

Step 1. Individual or representative explains the complaint, introducing witnesses, where necessary.

Step 2 If there is an individual who is the target of the complaint; allow this individual or their representative to ask any relevant questions of the aggrieved party and witnesses. Governors may also ask questions at this point.

Step 3 Where there is an individual who is the target of the complaint; allow him/her to make a statement in response, introducing witnesses where necessary.

Step 4 The complainant or their representative may ask any relevant questions arising from Step 3. Governors may also ask questions at this point.

Step 5 Members of the Panel ask any remaining questions of clarification.

Step 6 The parties may make closing statements, the complainant or representative speaking second.

Step 7 The Chair summarises the major points raised and confirms them with the parties.

Step 8 The parties withdraw but can be recalled if the Panel requires clarification.

Step 9 The Panel's decision is conveyed orally to both parties and confirmed in writing within three working days. The Panel may, particularly after a lengthy hearing, adjourn and reconvene at another time to consider and present its decision, but written confirmation within three working days of reaching a decision applies.

Appeals by the alleged harasser/bully
The alleged harasser/bully may appeal against the outcome of any formal disciplinary action taken. They must use the appeals process as set out in the schools' Disciplinary Policy and Procedure.

Appendix 1 – Record of Complaint of Harassment and Bullying

Please read the school's Harassment and Bullying Policy, available from your Headteacher. This provides you with information about how to make a complaint of alleged Harassment or Bullying and explains the support that is available to help you in this process.

If you are making an **INFORMAL** complaint you are advised to keep this for your own personal use as a record of the incidents.

If you are making a **FORMAL** complaint you are advised to use this form to register your complaint. You may wish to attach additional information to substantiate your complaint. The information on this form will be used to inform the alleged harasser/bully of your complaint.

Your name and place of work:

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Name and workplace of the person(s) alleged of harassment/bullying

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.....

Date(s), time(s) and place(s) of the incident/s of alleged harassment/bullying

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Please indicate how you perceive the behaviour/incident/issue? (please circle)

Bullying Harassment

Explain what happened – please give specific examples of behaviour and state the facts as you perceive them (continue on separate sheet if required)

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How did this make you feel?

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Name and place of work of any person(s) who witnessed the incident(s)

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Any action taken by you, so far, and any outcomes of this
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What outcomes are you seeking? *(Please detail actions you would like taken to resolve the situation, e.g. an apology)*

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If this is a formal complaint can you please explain why you would not be able to tackle this informally?
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Name and contact number for your Professional Association/Trade Union representative, or colleague who you will ask to accompany you to any investigation meeting/hearing
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……

Your signature Date

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Appendix 2 – Professional Associations and Trade Unions

ASCL

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