

# Applecroft School



## Staff Bullying and Harassment Policy

<b>Person Responsible:</b>	<b>Headteacher</b>
<b>Review Cycle:</b>	<b>Annual</b>
<b>Date of Issue:</b>	<b>June 2026</b>
<b>Review Date:</b>	<b>June 2027</b>

(This policy is based upon the HfL model policy)

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# Staff Bullying and Harassment Policy

## **1) Introduction and Scope:**

### **School Vision:**

'To be a positive and inspiring community that nurtures each individual and empowers leaders for life.'

### **School Mission Statement:**

'Nurturing Potential, Inspiring Minds, Changing Lives'.

### **School Values:**

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience.

All employees have the right to be treated with dignity and respect. Bullying and harassment are not acceptable forms of behaviour and will not be permitted or condoned. Any employee who is found to have bullied or harassed a colleague will be subject to disciplinary action.

This policy applies to all staff and trustees. Allegations of bullying and harassment made by visitors, consultants, suppliers and agency workers will be separately addressed through the School's complaints procedure.

You may wish to seek help from one or more of the following sources:

- Your line Manager or a member of the SLT
- Schools Advisory Service (SAS) for wellbeing and health support. SAS can be contacted confidentially on 01773 814403 or go onto [schooladvice.co.uk](http://schooladvice.co.uk). Full details on this service can be found on the staff notice board and/or the school's Google Drive (Briefings & Communications → [Staff Wellbeing](#)) - please note, you will need to be logged in to access these drives
- ACAS for independent advice, call their National Helpline on 08457 474747 or visit their website [www.acas.co.uk](http://www.acas.co.uk).

The aim of this policy is to ensure that any complaint of bullying or harassment 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 are protected throughout the process.

This policy does not form part of any employee's contract of employment, and it may be amended at any time.

## **2.1 What is bullying and harassment?**

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

## **2.2 Bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, and can include both personal strength and the power to coerce through fear or intimidation.

Bullying may include, by way of example:

- physical or psychological threats
- overbearing and intimidating levels of supervision
- inappropriate derogatory remarks about someone's performance

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### **2.3 Harassment**

Harassment is behaviour linked to someone's identity (such as their race, gender, or disability) that makes them feel upset, unsafe or uncomfortable. It is any unwanted conduct specifically related to a 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 relevant protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, ethnic or national origin), religion or belief, sex, and sexual orientation.

A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Harassment may include, by way of example:

- unwanted physical conduct or 'horseplay', including touching, pinching, pushing or grabbing
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, social media platforms, WhatsApp, online staff groups, messaging apps, video clips and images sent by mobile phones or posted on the internet)
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about particular ethnic or religious groups or gender
- outing or threatening to out someone as gay or lesbian
- offensive emails, text messages or social media content
- mocking, mimicking or belittling a person's disability.

There are three types of harassment, which are unlawful under the Equality Act:

- harassment related to a relevant protected characteristic.
- sexual harassment.
- less favourable treatment because an individual has submitted or refused to submit to such behaviour in the past.

A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Where bullying or harassment raises safeguarding concerns, the school will follow its Safeguarding and Child Protection Policy and report concerns to the Designated Safeguarding Lead.

### **2.4 Victimisation**

Victimisation is when someone is treated unfairly because they made or supported a complaint to do

with a protected characteristic, or someone thinks they did or do. Employees who make complaints 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 or victimised someone in this way may be subject to disciplinary action.

## **2.5 False or Malicious Complaints**

All complaints of bullying and harassment will be taken seriously. Evidence of false or malicious complaints however, may result in formal disciplinary action being taken against the employee(s) concerned.

## **2.6 Mediation**

Depending on the nature of the complaint, it may be appropriate to explore the use of mediation. Mediation focuses on a person-centred, compassionate and values-based response that can help Trusts deal with complex conflict in a meaningful and sustainable way and build positive, respectful workplace cultures where people can go to work without fear. This will involve the appointment of suitably qualified and impartial mediator. Mediation services are available via Herts for Learning.

### **3) The Procedure:**

The Manager will seek advice from HR services throughout the procedures.

#### **a) Stage 1: The Informal Stage**

Employees who believe they are being bullied or harassed should first consider whether they feel able to raise their concerns informally with the person(s) involved. If necessary, the employee may request the involvement of the appropriate Line manager who can provide confidential advice and assistance in resolving the issue(s) informally. If the complaint is about the line manager, they should speak to a more senior manager.

This allows for concerns to be resolved quickly and for working relationships to move forward positively.

The employee should explain clearly to the other person(s) that their behaviour is not welcome or makes them uncomfortable. If the employee finds this too difficult or embarrassing, they should speak to their line manager or Headteacher who can provide confidential advice and assistance in resolving the issue informally.

Where an employee does not feel able to speak directly with the other person(s) involved on approach to their line manager or senior manager it may be agreed that a manager will speak with the other person(s) informally.

Where discussions take place on an informal basis it may be appropriate for a note of the key points discussed, and any advice given. Where this occurs, it will be shared with the person spoken to and retained on file.

#### **b) Stage 2: The Formal Stage**

Where an employee is unable to resolve a complaint informally or the nature of the concerning conduct continues, or the complaints are of a serious nature, then the employee should submit a written statement (see appendix 1).

The written statement should be made to the employee's line manager or a more senior manager, where the complaint is about the line manager. Where the complaint is about the Headteacher, the complaint should be raised with the Chair of Trustees.

The written statement should clearly state the nature of the concern and provide as much detail as possible, including the details of any steps taken at the informal stage. Where the informal stage has not happened, the complainant should clearly explain why they did not feel able to go through the informal stage.

The statement may also outline any possible outcomes the complainant feels may alleviate their concerns/complaint. A complainant will not be discouraged from using the formal process where that is their preferred option.

Allegations concerning issues that are more than three months old will not usually be considered unless related to a current issue or there are exceptional circumstances.

### **c) Separation and suspension of employees**

On receipt of a written complaint consideration will be given to suspending the alleged bully/harasser or making other temporary changes to working arrangements pending the outcome of the investigation if circumstances require.

We will consider reasonable alternatives to suspension where they exist but there may be instances where suspension with pay is necessary whilst investigations are carried out.

### **d) Formal meeting**

The manager or the person dealing with the complaint will arrange a meeting, without unreasonable delay, to discuss the complaint with the employee.

The purpose of the meeting is for the employee to explain their nature of the concerning conduct and how it may be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary. A decision will be reached as soon as reasonably practicable and the employee will be informed of the outcome in writing.

### **e) Right to be accompanied**

Both parties have the right to be accompanied at any meetings within the formal stage of the procedure, by a work colleague or an accredited professional association/trade union representative.

It is important that all parties have advance access to any written statement or evidence to be referred to at the meeting. This should be in sufficient time to enable full consideration of the material.

### **f) Investigation**

The manager or person dealing with the complaint will make necessary steps to investigate appropriately. The timing and nature of any investigation will differ dependent on the content of the complaint. It is at the discretion of the manager to decide what is appropriate in each case. Where the investigation takes longer than specified at the formal grievance meeting, the manager will keep the employee informed.

The investigation will be to establish the facts and whether, on the balance of probabilities, the allegations have foundation.

### **g) Final formal meeting**

Where the initial formal meeting was adjourned for investigation, a final formal meeting will be arranged once the investigation is complete.

The manager or the person dealing with the complaint will inform the alleged bully/harasser and the complainant of the outcome of the investigation, without unreasonable delay. The manager or the person dealing with the complaint will decide whether or not it is appropriate to instigate disciplinary action and should refer to the Trust's disciplinary policy.

### **h) Stage 3: Appeal**

Employees have the right of appeal against the outcome of their complaint. Appeals would ordinarily be by way of review of the original decision and may at the discretion of the Trust may be a complete re-hearing where appropriate.

New evidence will only be considered if relevant and there is a good reason why this had not been included as part of the original formal meeting.

Any employee who wishes to appeal the outcome of their complaint should do so in writing within seven calendar days of receipt of the outcome letter to the person named in the letter, clearly stating the grounds for appeal.

Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have had no prior involvement in the process.

The appeal hearing will take place without unreasonable delay.

The decision of the appeal hearing will be final. It will be confirmed to the employee in writing with seven calendar days or as soon as reasonably practical.

## Appendix 1 - Employee's notice of Bullying and Harassment complaint

This form should be used to submit a bullying or harassment complaint in accordance with the formal bullying and harassment policy.

You are encouraged to clearly state the nature of the complaint and provide as much detail as possible, including the outcomes you are seeking and additional information to substantiate your complaint.

### Section 1 - Personal Details

Name:		Role:	
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### Section 2 - Details of the alleged incident and person(s) alleged of bullying/harassment

Name(s):		Role(s):	
Date and time:		Location:	

Please circle how you perceive this behaviour or incident.	Bullying	Harassment	Victimisation
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What happened?

*Please give full details and specific examples of behaviour, including any times, dates and frequency of events. Continue on a separate sheet if required.*

What impact has this behaviour had on you?

Please include details of any person(s) who witnessed the incident here:

Name:		Role:	
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Name:		Role:	
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Name:		Role:	
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What actions have you taken so far to stop the unwanted behaviour?  
*Have you raised your concerns informally, either directly or through a manager, with the individual alleged to have demonstrated unwanted behaviour? If yes, please provide details of action taken. If no, please explain why.*

What potential outcomes are you seeking?

Would you considered mediation?	Yes	No
If not, please explain why		

***By signing this form, I confirm that I wish to submit a formal complaint in line with the Trust's Bullying and Harassment policy.***

Signature:		Date:	
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**Please send a completed copy of this form to the appropriate Manager, or Chair of Trustees (where the complaint relates to the Headteacher).**