

# Pickwick Academy Trust



## Bullying & Harassment in the Workplace Policy

<b>Policy Group:</b>	<b>Staffing &amp; HR</b>
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<b>Responsible Reviewing Officer and Job Title:</b>	<b>Alii McAloon Head of HR</b>
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<b>1</b>	<b>February 2018</b>	<b>New policy</b>
<b>2</b>	<b>May 2020</b>	
<b>3</b>	<b>July 2021</b>	
<b>4</b>	<b>May 2024</b>	<b>Updated in line with current legislation and Pickwick procedures</b>
<b>5</b>	<b>October 2024</b>	<b>Updated in line with current legislation re sexual harassment</b>

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## 1. Introduction

- a. Pickwick Academy Trust is committed to providing a work environment that is free of harassment, bullying and intimidation, and ensuring that all employees are treated with dignity and respect at work. As a result, the Trust has a zero-tolerance approach towards bullying and harassment, and those found to be in breach of these procedures may be subject to disciplinary action, up to, and including, summary dismissal.
- b. As a responsible and inclusive employer, and in full understanding of our obligations under the Worker Protection (Amendment of Equality Act 2010) Bill effective of October 2024, Pickwick Academy Trust is committed to taking proactive steps to prevent employees experiencing sexual harassment in the course of their employment and also to comprehensively investigate and find resolution to any alleged acts of sexual harassment.
- c. This policy aims to:
  - Ensure that all staff are aware of their responsibilities regarding their behaviour and conduct.
  - To provide a supportive environment to seek early resolution to bullying and / or harassment concerns.
  - Outline the processes and actions taken in order to resolve any bullying or harassment incidents.
  - Ensure that all staff understand the seriousness of bullying and harassment.
  - Promote a climate in which employees feel able to bring forward complaints without fear of victimisation.
  - Ensure that all allegations are responded to promptly, fairly and with the utmost confidentiality.
  - Consider sexual harassment occurring 'in the course of employment'. This covers sexual harassment occurring within the workplace, but also covers sexual harassment occurring at work-related events such as conferences or social events and acknowledges that Pickwick Academy Trust should seek to prevent third-party sexual harassment.

## 2. Purpose and Scope

This policy applies to all employees of the Trust, including all agency staff, consultants, contractors, and volunteers working with or for the Trust.

- a. All trustees and governors are expected to conduct themselves in a way that is consistent with both the provisions of their code of conduct and, where applicable, this policy.
- b. The procedure applies to all complaints made by an employee relating to their employment which may be either:
  - A grievance regarding a relevant issue arising in the workplace.

- A dignity at work issue involving alleged incidents of bullying and/or harassment.
- c. This procedure also applies to collective grievances concerning workplace issues and to collective dignity at work issues involving alleged incidents of bullying and/or harassment.
- d. The behaviour can be by an individual or a group (mobbing). It can be face to face, verbally, written or via electronic methods (cyber-bullying / cyber-harassment).

### **3. Responsibilities and Accountabilities**

- a. The Trust Board is responsible for:
- Implementing and reviewing this policy and grievance procedure.
  - Ensuring adequate resources and training are available to promote appropriate behaviour across the Trust and deal effectively with any issues raised.
  - Promptly responding to any complaints at central team level and offering guidance to the CEO/Executive team.
  - Establishing an appeals committee for the Trust Board, who are responsible for effectively dealing with any appeals from central team staff.
  - Responding directly to the chair of the Trust Board.
  - Taking the necessary action against members of Executive Team following an investigation into serious allegations of misconduct.
  - Establishing an appeals committee from the Trustees, who are responsible in affectively dealing with any appeals from the Executive Team.
- b. The Local Governance Committee (LGC) is responsible for:
- Ensuring adequate resources are available to promote appropriate behaviour across each school and deal effectively with any issues raised.
  - Promptly responding to any complaints and offering guidance to the Headteacher.
- c. The CEO, Executive team and School leaders are responsible for:
- Explaining this policy to all employees, ensuring they are aware of how to implement the procedures.
  - Setting a good example to other staff by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how their own status and actions may impact on others.
  - Preventing bullying, harassment, sexual harassment. This requires leaders and line managers to communicate that any form of unfair treatment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so leaders and line managers must maintain high standards, even when they may face criticism for doing so.
  - Being responsive and open to employees who make allegations of bullying and harassment.

- The CEO/CFOO in taking the necessary action against members of central team staff following an investigation into serious allegations of misconduct.
  - In line with the disciplinary policy establishing a hearing panel, who are responsible for effectively dealing with any disciplinary hearings following on from a formal resolution requests and subsequent investigation.
  - Providing staff involved in a complaint with any support and guidance required, including consideration of a referral to any support mechanisms to maintain health and wellbeing during the process.
  - Being alert to unacceptable behaviour amongst staff members.
  - Assessing the seriousness of the complaint, providing timely and constructive resolutions to address any issues raised and determining whether the matter should be addressed under early resolution.
  - Assessing the risks arising from the parties continuing to work together while the concern is being addressed and considering alterations to working arrangements that would support this.
  - Responsible for ensuring they participate in any training on key areas of Bullying and Harassment.
- d. Employees are responsible for:
- Ensuring that their behaviour is in line with this policy and the code of conduct expected by the Trust.
  - Conducting themselves in a professional manner at all times.
  - Creating an inclusive environment which is free from bullying and harassment.
  - Taking time to consider, using a self-reflection tool (accessible in the Bullying and Harassment Toolkit available in HR Handbook) whether the behaviours they have experienced are bullying and / or harassing in nature and if so, what outcome they would seek to achieve.
  - Following the correct complaints procedure and dealing with issues in a respectful manner.
  - Keeping a detailed written record of any employee's behaviour which is believed to be unacceptable, stating the date, time, names of those involved and details of the incident.
  - Supporting fellow colleagues who are suffering from harassment or bullying.
  - Appropriately intervening to stop bullying and harassment.
  - Informing the Headteacher of any behaviour they believe is unacceptable in the workplace where it relates to school-based staff, to their line manager or CFOO/CEO where it relates to members of the central team and to the CEO if it relates to members of the Executive team
  - Attempting to address, raise awareness and resolve any concerns at the earliest convenience.
  - Responding constructively where they are accused of any bullying and harassing behaviours.
  - Maintaining all necessary confidentiality regarding allegations and

- appeals.
  - Assisting with any investigation into a complaint of harassment or bullying.
- e. HR is responsible for:
- supporting managers and employees by providing advice on policy and process, helping to ensure any processes undertaken comply with the policy and procedures, so there is fairness and consistency.
  - Attending and providing administrative support for formal HR meetings.
- f. Anyone involved in the process is required to maintain confidentiality throughout the process.

#### 4. Definitions

- a. For the purpose of this policy, “**bullying**” may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient (ACAS definition).
- b. For the purpose of this policy, “**harassment**” is defined as 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 relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, marriage and civil partnership, sex, and sexual orientation, 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. It may also relate to other personal characteristics such as trans identities including non-binary, weight or social status.
- c. For the purpose of this policy, “**Sexual Harassment**” is unwanted attention that violates a person’s dignity or creates an offensive or degrading environment. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended. It is the effect that matters regardless of whether or not the effect was intended.
- d. Unlike bullying, harassment can be an act of behaviour through which there is no clear intent to cause the person suffering.
- e. Bullying and harassment may not just occur face-to-face, but also in written communications, via social media, emails, or phone conversations.
- f. Both bullying and harassment are unacceptable forms of behaviour, which can cause stress and anxiety for employees, resulting in low morale, illness, underperformance, absenteeism and even resignation.

- g. Examples of bullying and harassment include the following:
- Spreading malicious rumours or insulting someone by word or behaviour.
  - Offensive jokes, banter or comments.
  - Deliberate and consistent behaviours which demonstrate a non-acceptance of aspects relating to a protected or personal characteristic(s).
  - Exclusion or victimisation.
  - Unfair treatment.
  - Overbearing supervision or other misuse of power or position.
  - Unwelcomed sexual advances, e.g. touching, standing too close or the display of offensive materials.
  - Making threats or comments about job security without foundation.
  - Deliberately undermining a competent worker by overloading and constant criticism.
  - Preventing individuals progressing by intentionally blocking promotion or training opportunities.
  - Further examples can be found in the bullying and harassment toolkit.
- h. A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:
- sexual images displayed or shared;
  - offensive words or comments;
  - demeaning or humiliating behaviour or language;
  - references to someone's body;
  - intrusive questions about someone's private life;
  - stalking, including online stalking;
  - sexual gestures, such as simulating sexual acts;
  - unwanted touching, such as putting hand on someone's knee or hugging them;
  - unwanted sexual attention whether verbal or physical;
  - coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex;
  - sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts.
- g. **Facilitated Conversation** is an informal discussion between two or more employees facilitated by a manager or other third party. This is conducted in a fair and consistent manner to facilitate equal participation with a view to seeking resolution.
- h. **Mediation** is a voluntary confidential method in which the parties come together in a neutral setting to try to achieve a mutually acceptable

outcome, with the help of trained mediators, who are independent and have no involvement in a case, either before or after the mediation.

### **Sexual Harassment**

- a. Sexual harassment is often considered a disciplinary offence and, in some cases may also be a criminal offence.
- b. Pickwick Academy Trust will ensure all employees receive regular training so that they have a comprehensive understanding of what sexual harassment is and everybody's role in preventing and addressing it.
- c. We will also ensure that additional education and guidance to the Senior Leadership Team and all line managers to give them the confidence to tackle sexual harassment.
- d. Employees can speak to in confidence to raise concerns specifically on the subject of sexual harassment to their Headteacher/ Line Manager or Head of HR. Employees can also report Sexual Harassment (and other forms of harassment) anonymously through the following anonymous online form <https://forms.office.com/e/q58ZtAVt7X>
- e. We recognise the need for regular risk assessments and audits to identify and mitigate risks of sexual harassment. We will actively consider the risks of sexual harassment occurring in the course of employment and devise and implement reasonable steps we can actively take to reduce those risks and proactively prevent sexual harassment occurring.
- f. We will follow a clear, fair and supportive procedure to encourage the reporting of potential or alleged sexual harassment in the course of employment which is described below.
- g. In our commitment to prevent sexual harassment in the course of employment, Pickwick Academy Trust will fully analyse any unaddressed risks which were not recognised and could have reasonably prevented any incident of sexual harassment and put in place any reasonable measures to prevent a recurrence of a similar nature.
- h. For the purpose of the rest of this policy the term "harassment" also includes "sexual harassment".

### **6. If an employee witnesses sexual harassment**

- a. Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:
  - Intervening where you feel able to do so.

- Supporting the victim to report it or reporting it on their behalf.
- Reporting the incident where you feel there may be a continuing risk if you do not report it.
- Co-operating in any investigation into the incident.
- All witnesses will be provided with appropriate support and will be protected from victimisation.

## 5. Informal (Early Resolution) Solutions

- a. Employees who are subject to harassment, sexual harassment or bullying are encouraged to approach the issue informally in the first instance, if they feel able to in cases such as sexual harassment.
- b. Employees are encouraged to raise matters directly with the individual(s) causing harm. They can do this by:
  - Speaking to the other party directly: The complainant approaches the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.

The following steps have been established as guidance for how this should be approached:

- Choose an appropriate time and address the bully or harasser in a non-confrontational manner.
  - Clarify what in particular has happened that has resulted in the feeling of victimisation.
  - Allow the bully or harasser to explain themselves – they may not have realised that any offence was being caused.
- c. Writing to the other party: The complainant writes to the other party to tell them that they find their behaviour offensive, why this is the case, and to ask them to stop.
  - d. If employees feel uncomfortable raising the issue directly with the individual causing harm, they are encouraged to speak to another colleague with whom they feel comfortable. The following steps have been established as guidance for how this should be approached:
    - Outline the problem with an impartial person and ask them to address the alleged bully or harasser and relay their concerns.
    - Keep a calm and relaxed tone at all times.
    - The impartial person can either raise the issue on the employee's behalf or attend a direct discussion for moral support.
    - After the initial problem has been raised, the victim may feel able to be directly involved.

- e. Contact their line manager informally to discuss their concerns and outline what steps they have taken already to address the issue.
- f. Report the incident anonymously on the following link <https://forms.office.com/e/q58ZtAVt7X>
- g. If the Headteacher/CEO/Executive team member or other member of staff becomes aware of any harassment or bullying within their team, they are encouraged to take appropriate action to deal with it, whether or not a particular individual makes a complaint.
- h. Employees are encouraged to keep a record of each bullying/harassment incident, including maintaining copies of anything relevant, such as annual reports, letters, or memos, that reveals the individual's pattern of bullying and harassment. Employees should also record the action they have taken, along with a note of the date and what was said/done by those involved. This will help if the bullying or harassment continues or happens again.
- i. Employees are also encouraged to seek advice from their trade union representative during the informal stage in order to support you in the matter.
- j. Employees may wish to approach and ask the Headteacher/Line Manager to arrange for a facilitated conversation or trained independent mediator to help raise issues of concern. Whilst Mediation usually follows a formal hearing, it can also be attempted as a first approach if the Head/Line Manager feels appropriate.

The following steps have been established as guidance for how this should be approached:

### **Facilitated conversation**

If the individuals involved agree that early resolution is possible this can be supported through an informal discussion. Such meetings can be offered by the Headteacher/Line Manager or a third party, e.g. a Director of Education and involve supporting the employees to have a face to face conversation to start rebuilding relationships. During this process employees can be supported by their Trade Union representative or a work colleague. A record of the agreed outcomes, or agreed ways of working together will be provided by the person facilitating the meeting to all participants, outlining a review period.

### **Mediation**

Whilst Mediation usually follows a formal process, in certain circumstances, the Headteacher/Line manager may determine the relationship has broken down so far that mediation is suggested to the parties involved to actively support early resolution. Mediation is voluntary and has a clear structure. It offers a safe and constructive approach to enable the parties to problem solve and develop a

realistic agreement that meets all their needs. The trained mediators are impartial and they do not take sides or offer solutions but promote and support good conversation. What is said in mediation is confidential and cannot be disclosed or used in any subsequent procedure.

- k. Employees may choose to be accompanied to any informal meetings by a colleague or their trade union representative.
- l. If informal methods are successful in resolving the problem, the matter may be closed at this stage. The required changes in the individual's behaviour should be clearly identified and recorded. This information will be used to form the basis of an action plan.
- m. If informal methods fail to resolve the problem, an employee may wish to pursue a formal complaint with the Head, in accordance with the Trust's Grievance and Resolution Policy. In such cases the Headteacher/Line Manager will assess any risk to determine what supports can be put in place to allow the employees to continue working together during this period e.g. moving working location.
- n. If the employee has chosen to go straight to the formal stage of the procedure, the Headteacher/Line Manager will discuss with the employee why they think early resolution is not appropriate and will offer every support to allow early resolution to take place.
- o. Where the alleged harasser or bully is a third party, such as a contractor, parent, supplier, or visitor, the problem will only be dealt with formally after the following solutions have been attempted (unless the behaviour is severe or deemed to have possible criminal consequences such as hate crime):
  - Displaying signs/information setting out acceptable and unacceptable behaviour.
  - Discussing the problem with the person, either verbally or in writing.
  - Conducting a meeting involving the Head and the alleged bully or harasser.

Any response following an incident involving a parent, contractor or visitor will follow the approach stipulated in the trust policy - 'Dealing with Unacceptable Behaviour on School Premises'.

## **6. Formal Solutions**

- a. If an employee is unsatisfied with the outcome of the informal resolution, they are required to submit a Formal Resolution Request form (Appendix 1) to the Headteacher/Central Team Line Manager within 60 working days of the last bullying/harassment incident (this form will state specific details of the complaint and previous attempts to resolve the situation).

- b. Where the Headteacher/ Central Team Line Manager wishes to submit a formal complaint, they will follow the same procedure, but will submit the form directly to the Director of Education/ Chief Finance and Operating Officer.
- c. Where a Director of Education/Chief Finance and Operating Officer wishes to submit a formal complaint, they will follow the same procedure, but will submit the form directly to the CEO.
- d. Where the CEO wishes to submit a formal complaint, they will follow the same procedure, but will submit the form directly to the chair of the Trust Board.
- e. Acknowledgement of the receipt of the Formal Resolution Request form should be completed within 5 days of receipt.

### **Investigation**

- a. If the complaint proceeds to a formal process, an initial investigation will be undertaken in line with the Pickwick Academy Trust Investigation Toolkit (HR Handbook\_R Drive) The formal investigation will be thorough, impartial, and objective, and will be carried out with sensitivity and due respect for the rights of all parties concerned.
- b. Where an employee raises a grievance, bullying and harassment complaint or counter-complaint during the investigation process, the investigation may be temporarily suspended in order to deal with the grievance or complaint. Where the grievance or complaint and matters under investigation are related, it may be appropriate to deal with both issues concurrently.
- c. After the investigation the Headteacher and/or the investigation officer will meet with the employee who raised the concern to feed back the findings of the investigation. This is to reassure them that their complaint has been taken seriously and to clarify the reasons for their decision. All due regard must be given for the confidentiality of the employee alleged to have demonstrated the bullying and/or harassing behaviours and any witnesses.
- d. Where the complaint is not upheld, unless there has been clear evidence to show the complaint has been raised in bad faith, the employee should be reassured of the appropriateness of raising concerns and that notwithstanding the findings, it is acknowledged that is how the employee feels.
- e. After the investigation the Headteacher and/or the investigation officer will meet with the employee who is under investigation outlining the findings, the reason for decisions made and any proposed action. Where the complaint is not upheld, the employee should be reassured that their behaviour has not been deemed inappropriate. They should be supported to recognise that the complainant may still perceive behaviours were inappropriate and that therefore the complainant was not acting unreasonably in raising a concern, unless there is evidence to suggest it was raised in bad faith.

- f. If the investigation is upheld, or partially upheld, given the zero-tolerance approach, disciplinary action will be taken in line with the Trust's disciplinary policy. In the event of the complaint being upheld and any disciplinary sanction imposed, the provision of additional training for the individual who carried out the bullying or harassing act will be considered to prevent this occurring in the future. The panel may also recommend other positive options to aid further resolution:
- Agree to continue with or initiate any informal or formal resolution proposed by either of the employees, such as those outlined in section 5.
  - Decide one of more alternative resolutions as outlined in section 5.

If it is decided that disciplinary action is to be taken, the employee against whom this is being conducted will be given the opportunity to respond in writing, if the employee would like to submit further evidence in their defence the investigation may be reopened prior to another formal meeting, as part of the Disciplinary Procedure.

- g. If disciplinary action is being taken a hearing will be held within 10 working days where possible:
- The employee will have a minimum of five working days' notice, in writing, to prepare.
  - The Headteacher/CEO or LGC/Trust Board may adjourn the meeting to request more information or evidence; however, the meeting will be reconvened within a maximum of five days.
- h. The hearing panel will conclude the hearing by selecting one of the following options:
- Agree with the informal or formal resolution proposed by the employee.
  - Decide one of more alternative resolutions.
  - Determine a formal sanction in line with the disciplinary policy.
  - Decide there is no case to answer.
- i. The outcome of the hearing will then be confirmed to both parties in line with confidentiality parameters and their representatives where appropriate, in writing, within five working days. The letter will also outline whether any review period is required.
- j. Where the disciplinary outcome is that sexual harassment occurred, prompt action will be taken to address it. If the harasser is a third party, such as a contractor or other stakeholder, we will consider what action would be appropriate to deal with the problem after investigation, which may include any steps between explaining to the harasser that the behaviour is inappropriate, and further incident may warrant action, up to reporting the incident to the police.
- k. The employee will be informed of their right to appeal against the decision; however, no other party has the right to appeal against a decision taken under this procedure.

- l. The Trust acknowledges that going through a formal process can be stressful, people often become defensive, and relationships can become strained when going through the formal procedure, support and solutions to help minimise this where possible will be offered to all parties.
- m. Where the employee is a member of a trade union, the employee has the right to be accompanied by a relevant trade union representative or trusted work colleague at the hearing.
- n. In certain cases the Chair of the LGC or Director of Education may be contacted by the /Headteacher for further advice and guidance for school related concerns.
- o. In certain cases, the CFOO will be contacted by Business Department Heads, for further advice and guidance for concerns relating to members of the business team.
- p. In certain cases, the CEO will be contacted by the CFOO for further advice and guidance for Trust business team related concerns.
- q. In certain cases, the chair of the Trust Board will be contacted by the CEO for further advice and guidance for Trust Executive Team related concerns.
- r. The school has a statutory duty to consider the referral of cases involving serious professional misconduct against a teacher to the Teaching Regulation Agency (TRA).
- s. Where a teacher has been dismissed for misconduct, or would have been dismissed but resigned first, the /Headteacher with support from the Director of Education and if necessary, the CEO will consider whether to refer the case to the TRA.
- t. When referring cases to the TRA, the /Headteacher will use the teacher misconduct referral form for employers and include details of all relevant conduct by the teacher, all relevant evidence regarding such conduct and all relevant evidence submitted by the teacher.
- u. When an allegation is made that is in any way connected to the risk of harm, or actual harm to a child, a referral will be made to the relevant safeguarding or child protection authority.

## **7. The Right to Appeal**

- a. If an employee wishes to appeal against the decision made during the formal process, they must do so within 10 working days of the receipt of the outcome.

- a. The school/trust will encourage the employee's union representative (where applicable) to advise on the case and present to the hearing.
- b. The employee is required to submit in writing a request for appeal in line with the disciplinary policy to the Head of School/Headteacher/Business Department Head/CEO/ CFOO for referral to the appeals committee.
- c. The appeal request must specifically explain the nature of the appeal request including any new information which may affect the original outcome, why the employee feels that the outcome of the formal meeting is unsatisfactory, as well as what further outcome they are seeking.
- d. A hearing in front of the appeals committee will commence within 10 working days, unless a delay is necessary in order for representation, to attend ensuring that the employee has minimum of five working days to prepare their case.
- e. The appeal hearing will be dealt with impartially by the CEO or two or three members of the /Trust Board, who were not involved in any previous stage of the case.
- f. Any clarification or approval needed for the outcome of the appeal will be immediately referred to the CEO/Trust Board.
- g. The appeals committee will inform the employee in writing of their final decision within five working days.
- h. If an employee remains dissatisfied having been through an appeal, they may wish to contact ACAS or seek legal advice.

## **8. Collective Complaints**

- a. If several employees are experiencing bullying or harassment from the same source, and wish to lodge a complaint as a group, they are required to submit individual statements about their experience of the behaviour that is being complained about.
- b. If each of the complaints is raised as a formal grievance, and as long as the issue is of a similar nature in each case, they will be dealt with in one hearing through the trust grievance procedures by following the trust Grievance and Resolution policy.
- c. Outcomes of collective complaints will be advised to each individual on a personal basis.

## **9. Confidentiality and Data Protection**

- a. Any individual subject to this policy, whether making a complaint or involved in the investigation process, is responsible for conducting the high level of confidentiality that is required.
- b. Details of the investigation and the names of the person making the complaint, as well as the individual accused, will only be disclosed on a 'need-to-know' basis.
- c. Information about a complaint, either 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.
- d. Information about a complaint will be retained on the employee's personal file in line with the trust Data Protection Policy and Records Management Policy and then securely disposed of.
- e. Any breach of confidentiality may lead to disciplinary action, in accordance with the trust's Staff Disciplinary Policy and Procedure.

## **10. Support for Employees**

- a. The Trust is committed to supporting all members of staff and will ensure that additional support is provided as requested.
- b. The Trust is committed to ensuring so far as is reasonably possible that staff involved in an investigation should not suffer any detriment, including retaliation or victimisation as a result of the investigation.
- c. If a staff member feels that they have been mistreated, or that they are being subjected to any detrimental treatment as a result of raising a concern under this policy, they are required to report this to the Headteacher/CFOO/CEO immediately.
- d. Where the Headteacher/Executive Team member or CEO is accused of unacceptable behaviour and an informal approach to the situation has failed, the employee should refer the issue directly to the CEO if a member of school staff or Trust Board, if a member of the Executive or central team in order to proceed following the formal procedure.
- e. Any employee found to have subjected an individual to a detriment as a result of their involvement in an investigation may be subject to disciplinary action, in accordance with the Trust's Staff Disciplinary Policy.
- f. Guidance and advice will be offered for dealing with incidents, both formally and informally, such as through staff support and coaching.

- g. Where the employee is a member of a trade union, the employee will be encouraged to consult with and bring a relevant trade union representative to any formal meeting.
- h. Adequate resources will be available to staff members such as counselling services.

## **11. Maintaining Relationships**

In a majority of cases where bullying and/or harassing behaviours have been alleged, there is an ongoing need for the parties to work together, whether that is as a result of successful early resolution, during an investigation process or because the outcome of the formal procedure does not require a move of the employee complained against. It is important to recognise the potential impact on both parties of continuing to work together against this backdrop. On that basis, the Headteacher/Line Manager/CFOO or CEO needs to take an active role to support both parties which can include the following:

- Consider access to any support mechanisms such as Occupational Health or an Employee Assistance Programme to maintain health and wellbeing.
- Regular individual meetings with both parties to discuss how they feel about the outcome and how they envisage working with the other employee going forward.
- Agreeing a process for raising future concerns direct with each other or with their line manager/Headteacher where this is not possible to ensure the employees feel safe.
- Further consideration of facilitated conversations or mediation to support ongoing working relationships.
- Arranging a joint meeting to ease first contact on return where one of the parties has been working elsewhere.
- Review any follow up action to ensure this has been completed to ensure learning is embedded to minimise the potential for further conflict
- Agree a timescale for check-ins to ensure employees feel supported.

## **11. Equal Opportunities**

- a. An Equality and Diversity Impact Assessment has been completed in order to ensure the Trust complies with equality obligations outlined in discrimination legislation. The policy positively reflects the aims and ambitions of Pickwick Academy Trust.

## **12. Monitoring and Review**

- a. The Trust Board will review this policy every three years, making any necessary changes.

- b. The policy will be provided to staff for their information.
- c. The next scheduled review date for this policy is April 2027.

### **13. References, Acknowledgements and Associated Documents**

- a. This policy will be implemented in conjunction with other Pickwick Academy Trust policies in the same group of policies.
- b. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:
  - Equality Act 2010.
  - Public Sector Equality Duty
  - Protection from Harassment Act 1997.
  - Health and Safety at Work Act 1974.
  - The General Data Protection Regulation (GDPR).
  - Data Protection Act 2018.
  - ACAS (2015) 'Code of Practice on disciplinary and grievance procedures'.
  - EHRC Sexual harassment and harassment at work: technical guidance 2020 (Updated 2024)
  - The Worker Protection (Amendment of Equality Act 2010) Act 2023
- c. This policy operates in conjunction with the following Trust policies:
  - Data Protection Policy.
  - Information Security Policy
  - Data Breach Policy
  - Records Management Policy
  - Staff Disciplinary Policy and Procedure.
  - Grievance Policy.
  - Whistleblowing Policy.
  - Professional Behaviours, Expectations and Standards.

Appendix 1:



### **PRIVATE AND CONFIDENTIAL – FORMAL RESOLUTION / REQUEST FORM**

Employees are encouraged to seek a remedy through informal discussion in the first instance. Where this does not result in a resolution of the grievance, this form is for use by employees to record their request for a formal resolution in order to avoid any misunderstanding. If employees prefer to send in a letter, please include the points covered in this form.

This form also provides a written response at the formal stage of the procedure and forms part of the documentation should it be necessary to move to stage 3 of the procedure.

Your resolution request should include:

- a. A brief description of the events that lead to the grievance, including names and dates.
- b. An account of how the events made you feel.
- c. What actions you have already taken to resolve the issue.
- d. What outcome you are hoping for.

*Please note your employment concern will be shared with the relevant parties.*

<b>Part A Employees Details</b>
Name:
Job Title:
School:
Contact Email and Telephone:
<b>Details of Trade Union Representative (if applicable) Name and Email address:</b>
<b>Statement of Grievance:</b>

<b>Have you followed the informal stages of the Grievance and Resolution Policy already? If so, explain in detail below how you have already tried to resolve the issue.</b>
<b>Desired Outcome:</b>
Signed:
Date:

**Part B: To be completed by Head of School / member of Trust leadership team / Chair of the local governance committee as appropriate:**

<b>Actions taken on the complaint:</b>
Date Formal Resolution Request Received:
Date Contacted Employee:
Date for Arranged Meeting:
Follow Meeting with Letter: