Bullying and Harassment Policy: Staff

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Chair of Governing Board:	D Hughes
Reviewed by:	H Nash/ R Pieterse
Date Reviewed:	Autumn 2025
Ratified by:	Management Committee
Date:	
Frequency of review:	Annual
Date for next review:	Autumn 2026
This policy follows the model guidance from the latest Herts for Learning Education "Bullying and Harassment: Staff" Policy for Schools, dated December 2023.	

The Professional Associations/Trade Unions have been consulted on this policy, and HfL recommends it for adoption.

Document Control/ Review Sheet

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
001	NEW Policy	Autumn 2023
002	P1: Introduction – Disciplinary Procedure replaced with Disciplinary Policy P1: Introduction – added: anyone else who works on our behalf Par 2.2 – change in definition of Harassment Par 2.3 – Victimisation added to policy Par 4 – added: explore **with both parties the potential** use of mediation as an informal way of dealing with their concerns Par 4 - Mediation is a voluntary impartial process and can be used in cases where both parties are willing to participate, and the complaint is not at the serious end of the spectrum. Par 5 – Process updated	Autumn 2024
003	Reviewed, no changes	Autumn 2025

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1. Introduction and scope

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, subject to the outcome of investigation, is found to have bullied or harassed a colleague will be dealt with under the disciplinary policy.

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

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. What is bullying and harassment?

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

2.1. 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.

2.2. Harassment

Harassment is any "unwanted conduct" and defined as behaviour which when specifically related to a protected characteristic, has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Harassment may be a single incident or a series of incidents and can 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, 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 relating to their sexual orientation.
- 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 they have submitted or refused to submit to such behaviour in the past.

Employees can raise concerns regarding behaviour that they find offensive even if it is not directed at them. In addition, the employee need not possess the relevant protected characteristic themselves, they can be harassed because of their association with a person who has a protected characteristic or because they are wrongly perceived to have a protected characteristic or are treated as if they do have one.

2.3 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 might 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.

3. 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.

4. Mediation

Depending on the nature of the complaint, it may be appropriate to explore with both parties the potential use of mediation as an informal way of dealing with their concerns.

Mediation focuses on a person-centred, compassionate and values-based response that can help us deal with complex conflict in a meaningful and sustainable way and build positive, respectful workplace cultures where people can go to work without fear. Mediation is a voluntary impartial process and can be used in cases where both parties are willing to participate, and the complaint is not at the serious end of the spectrum. This will involve the appointment of suitably qualified and impartial mediator. Mediation services are available via Herts for Learning.

5. The Procedure

5.1 Stage 1: the informal stage

If you believe you are being bullied or harassed, you should first consider whether you feel able to raise your concerns informally with the person(s) involved. If necessary, you may request the involvement of the appropriate member of the Senior Leadership Team who can

provide confidential advice and assistance in resolving the issue(s) informally. If the complaint is about a member of the Senior Leadership Team, you should speak to the Head of Centre.

Addressing issues early and directly allows for concerns to be resolved quickly and for working relationships to move forward positively.

You should explain clearly to the other person(s) that their behaviour is not welcome and/or makes you uncomfortable. If you find this too difficult or embarrassing, you should speak to a member of the Senior Leadership Team or Head of Centre who can meet with them and provide confidential advice and assistance in resolving the issue informally.

If you do not feel able to speak directly with the other person(s) involved approach a member of the Senior Leadership Team or Head of Centre as it may be agreed that a member of the Senior Leadership Team 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 and retained on file.

Where you are unable to resolve matters informally, the nature of the concerning conduct continues, or the complaints are of a serious nature then you should submit a written statement (see Appendix 1).

The written statement should be made to the Head of Centre where the complaint is about a member of the Senior Leadership Team or to the Executive Head where the complaint is about the Head of Centre. Where the complaint is about the Executive Head, the complaint should be raised with the Chair of Management Committee.

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

The statement may also outline any possible outcomes you feel may alleviate your concerns/complaint. You will not be discouraged from using the formal process where that is your 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.

5.2 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 however there may be instances where suspension with pay is necessary whilst full and thorough investigations are carried out.

5.3 Stage 1: Initial formal Meeting

The member of the Senior Leadership Team or the person dealing with the complaint will arrange a formal meeting to discuss the complaint with the employee without unreasonable delay.

The purpose of the meeting is for you to explain the nature of the complaint and how it may be resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary. If no further investigation is deemed necessary or appropriate then a decision will be reached as soon as reasonably practicable, and you will be informed of the outcome in writing.

5.4 Investigation

The member of the Senior Leadership Team 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 member of the Senior Leadership Team to decide what is appropriate in each case. We will keep you reasonably informed of progress in conducting the investigation.

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

5.5 Stage 2: 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 member of the Senior Leadership Team 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 member of the Senior Leadership Team or the person dealing with the complaint will decide whether it is appropriate to instigate disciplinary action and will refer to our disciplinary policy if applicable.

5.6 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.

5.7 Stage 3: the appeal stage

You have the right of appeal against the outcome of your complaint. The appeal will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.

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.

If you wish to appeal the outcome of your complaint you 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 individual, or panel of individuals, as appropriate 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 you in writing within 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 of complainant

Name:		Role:	

Section 2 – Details of the alleged incident(s) 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

What happened?

Please give full details and specific examples of behaviour, including any times, dates, and the 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(s) below:

Name:		Role:	

Name:		Role:	

Name:		Role:	

What action have you taken in an attempt to stop the unwanted behaviour: *Have you raised your concerns informally, either directly or through a member of the Senior Leadership Team, 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 consider mediation, and if not, please explain why you feel this may not resolve the problem or concerns you are raising?	Yes	No

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

Signature:		Date:	

Please send a completed copy of this form to the appropriate member of the Senior Leadership Team or Chair of Management Committee (where the complaint relates to the Executive Head)