



*Achieving together in faith*

**Holy Cross Catholic  
Multi-Academy Company**

**Anti-Harassment and Bullying Policy.  
2024 – 2027**

Responsible for Policy	Marina Kelly
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## 1 INTRODUCTION

- 1.1 Catholic schools and academies aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to His disciples at the Last Supper 'This is my commandment, that you love one another, as I have loved you'.
- 1.2 Catholic schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and support each other in every way possible consistent with the teachings of Christ, Gospel values, Catholic doctrine, and the ethos of the school.
- 1.3 Holy Cross Catholic Multi Academy Company ('MAC') has adopted this policy in order to promote positive working relationships and equal opportunities in employment, so that all employees feel fully valued as members of Christ's family and are free to develop their abilities to the full.
- 1.4 All members of our school communities have a duty to ensure that Gospel values underpin the relationships within the school and should draw on the guidance offered in 'Christ at the Centre'. Whilst not definitive, the core values based on the Beatitudes may be summarised as follows:
  - faithfulness and integrity;
  - dignity and compassion;
  - humility and gentleness;
  - truth and justice;
  - forgiveness and mercy;
  - purity and holiness;
  - tolerance and peace;
  - service and sacrifice (Christ at the Centre' 2008 Fr Marcus Stock STL MA).
- 1.5 The MAC acknowledges its legal obligation to promote a working environment free from harassment.
- 1.6 The MAC is also aware of its duties under racial, disability and gender equality laws including the training of employees in their responsibilities.
- 1.7 The MAC will ensure that prompt and appropriate action is taken to deal with any complaints which come under the scope of this policy. This includes action where there is a possibility of victimisation for making or for otherwise being involved in a complaint.
- 1.8 The MAC expects all those dealing with complaints to make objective decisions, without fear or favour.
- 1.9 This policy and all procedures contained in it or implemented pursuant to it (collectively, the 'Policy') shall be applied in accordance with statutory regulations for the governance of the school which may apply at any time in

accordance with the procedures and delegations adopted by the MAC under those regulations.

- 1.10 The MAC shall ensure that this Policy is implemented as part of the normal arrangements for its management (including that of each of its schools). This Policy must be drawn to the attention of all employees, who must at all times comply with it. Any failure to do so may lead to disciplinary action.
- 1.11 The MAC must ensure that schools put 'Christ at the centre of everything it does by integrating Gospel values and the teachings of the Catholic Church into every aspect of learning, teaching and totality of school life' in accordance with 'Christ at the Centre'.
- 1.12 This is in addition to any statutory responsibilities for the elimination of harassment and bullying of staff employed at the MAC and also, for the conduct of any investigation which takes place after an allegation has been made.
- 1.13 Any employee who is subject to harassment during his/her employment may initiate action under this Policy.
- 1.14 Employees' professional associations and trade unions have a key role to play at all stages when complaints are made, and staff have a right to consult with their professional association/trade union at any stage of the process.
- 1.15 All parties are entitled and encouraged to keep a confidential written record of incidents and actions taken under this Policy.
- 1.16 The MAC takes any allegations or complaints of harassment seriously and will provide informal and formal methods for dealing with them. Allegations will be handled sensitively and employees will be protected against victimisation for making or for being involved, in a complaint.
- 1.18 The MAC will not tolerate harassment of any kind and will require staff to act in accordance with this Policy, including invoking disciplinary procedures when appropriate.

## **2. SCOPE AND PURPOSE OF THIS POLICY**

- 2.1 The MAC wishes to promote positive working relationships where all employees are able to develop their abilities to the full. The MAC is committed to achieving a working environment free from harassment. This Policy covers not only those aspects of harassment for which there is statutory protection but also bullying.
- 2.2 The purpose of this Policy is to deal with cases of alleged harassment between employees of the MAC. Other complaints should be raised through the appropriate policy and procedures.
- 2.3 This Policy describes the types of behaviour that are unacceptable and covers bullying and harassment both in and out of the workplace. It covers bullying

and harassment by staff and by third parties such as suppliers or visitors to each school within the MAC.

- 2.4 This Policy applies to all employees of the MAC, Directors, Governors, contractors, casual and agency staff and volunteers (collectively referred to as 'staff' in this policy). It does not apply to pupils or parents who consider they have been the subject of bullying or harassment by MAC employees, where separate complaints procedures apply.
- 2.5 Staff may make a complaint under this Policy or the MAC's Grievance Policy, but not both policies.

### **3. THE LEGAL FRAMEWORK**

- 3.1 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation ('protected characteristics'). The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 3.2 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties (including pupils) and may be ordered to pay compensation by a court or employment tribunal.

### **4. WHAT IS HARASSMENT?**

- 4.1 Harassment is unwanted conduct affecting the dignity of men and women at work. This can include unwelcome physical, verbal and non-verbal conduct. It may be specifically prohibited by law, as is harassment based on race, sexual orientation, gender, disability, religion or age. It may arise from other prejudices or simply from one person's conduct towards another.
- 4.2 Harassment is contrary to Gospel values, creates an intimidating and unpleasant atmosphere at work and may affect an employee's health, safety and welfare. Harassment can also prevent employees contributing effectively to the MAC.
- 4.3 Harassment is any unwanted conduct which has the purpose or effect of:
  - (a) violating a person's dignity; or
  - (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

- 4.4 Unlawful harassment may involve conduct related to a protected characteristic or of a sexual nature (sexual harassment). Harassment is unacceptable even if it does not fall within any of these categories.
- 4.5 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 they create an offensive environment for him/her. Harassment may also occur even if an individual does not have a protected characteristic, but another individual engages in unwanted conduct towards them because:
- (a) They perceive the recipient to have a protected characteristic; or
  - (b) They are associated with a person who does have a protected characteristic.
- 4.5 A single incident can amount to harassment although first-time conduct which unintentionally causes offence will not usually be harassment. However, it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

## **5. WHAT IS BULLYING?**

- 5.1 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, but can include both personal strength and the power to coerce through fear or intimidation.
- 5.2 Legitimate, reasonable and constructive criticism of a member of staff's performance or behaviour or reasonable instructions given to staff in the course of their employment, will not amount to bullying of themselves. It is also recognised that differences of opinion, outbursts of bad temper, etc, may occur from time to time in any normal working environment. The MAC would normally, in the first instance, expect staff to resolve matters through informal processes (where it is appropriate to do so) rather than through the use of the formal procedure set out below.

## **6. EXAMPLES OF BULLYING AND HARASSMENT**

- 6.1 Bullying and harassment can take the form of physical, verbal and non-verbal conduct. Staff should always consider whether their words or conduct could be offensive. Conduct may be harassment or bullying whether or not the person behaving in that way intends to offend. Examples of unacceptable conduct include:
- (a) unwanted physical conduct including touching, pinching, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;

- (b) unwelcome sexual advances or suggestive behaviour or suggestions that sexual favours may further a career or that a refusal may hinder it;
- (c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (d) sending or displaying material that is pornographic or that is capable of being seen as offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- (e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- (f) jokes or comments about an individual's age, disability, sexual orientation or religion, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (g) ignoring or shunning someone, for example, by deliberately excluding them from a conversation, a workplace social activity or from meetings
- (h) shouting at, being sarcastic towards, ridiculing or demeaning others;
- (i) physical or psychological threats;
- (j) overbearing and intimidating levels of supervision;
- (k) inappropriate and/or derogatory remarks about someone's performance;
- (l) abuse of authority, power or status by those in positions of seniority.

## **7. INFORMAL STEPS**

- 7.1 If a member of staff thinks they are being bullied or harassed, they should initially consider raising the problem informally with the person responsible. The staff member should explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If this is too difficult or embarrassing, the employee should speak to their line manager (or HR Manager if the matter relates to their line manager), who can provide advice and assistance in resolving the issue formally or informally.
- 7.2 If the staff member is not certain whether an incident or series of incidents amount to bullying or harassment, they should initially contact their line manager (or that person's line manager if the matter relates to their line manager) informally for confidential advice.
- 7.3 People supporting someone making an allegation of harassment may also act as intermediaries, or may be able to suggest a suitable intermediary in a particular case. An intermediary should be able to explain perceptions to the parties concerned without passing judgments and may be able to suggest solutions.
- 7.4 Mediation may also be appropriate at this stage, and a request for mediation should be made via the headteacher (or, in a case involving a headteacher or

a member of the MAC's central team, the CSEL). If the CSEL is a party to the complaint such request should be directed to the Board via its clerk. The role of mediator should be separate from that of investigator or any person offering support. Experience has shown the effectiveness of mediation in resolving matters without recourse to formal procedures. Formal procedures by their adversarial nature may heighten distress even though they succeed in stopping the harassment.

- 7.3 If informal steps have not been successful or are not possible or appropriate, the staff member should follow the formal procedure set out below.

## **8. RAISING A FORMAL COMPLAINT**

- 8.1 If a member of staff wishes to make a formal complaint about bullying or harassment, they should submit it in writing to their line manager whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, then the matter should be referred to that person's line manager (or the Board, in the case of the CSEL).
- 8.2 Where the Headteacher feels bullied or harassed they should raise the matter with the CSEL or Chair of the MAC Board it involves the CSEL. Where the CSEL feels bullied or harassed they should raise the matter with the Chair of the MAC Board, or if it involves the Chair of the Board, with another Director.
- 8.3 The written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 8.4 As a general principle, the decision whether to progress a complaint is up to the complainant. However, the MAC has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

## **9. FORMAL INVESTIGATIONS**

- 9.1 Complaints will be investigated in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone of appropriate seniority with no prior involvement in the complaint. The investigation should be thorough, impartial, objective and carried out with sensitivity and due respect for the rights of all parties concerned.
- 9.2 A meeting will be arranged with the nominated investigating officer and the person that has made the complaint, so that the complainant can give their account of events. The complainant will be given an indication of the timescales for the investigation. The investigator will arrange further meetings with the complainant as appropriate throughout the investigation.



- 9.3 Where the complaint is about an employee, consideration must be given to whether they should be suspended on full pay or whether other temporary changes to working arrangements should be made pending the outcome of the investigation. The investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 9.4 Where the complaint is about someone other than an employee, such as a contractor, pupil, parent or visitor, action should be considered which would be appropriate to protect the complainant and anyone else involved pending the outcome of the investigation, taking the reasonable operational needs of the MAC into account and the rights of that person. Where appropriate, the matter will be discussed with an appropriate specialist adviser.
- 9.5 The MAC shall also seriously consider any request that is made for changes to working arrangements during the investigation. For example, the complainant may ask for changes to their duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- 9.6 It may be necessary to interview witnesses to any of the incidents mentioned in the complaint. If so, the importance of confidentiality will be emphasised to them.
- 9.7 At the end of the investigation, the investigator will submit a report to the person adjudicating upon the complaint. A copy of the report and findings will be given to the complainant and to the alleged harasser or bully, together with recommendations for further action.
- 9.8.1 The investigation should be completed as quickly as possible, and within the following time-scales: **5 working days** to appoint an investigating officer, **5 working days** from that appointment for the investigator to meet with the complainant, **20 working days** for the investigation to be completed and **5 working days** to produce the report setting out the findings of the investigation (which shall contain notification of all available appeal processes).

## **10. ACTION FOLLOWING THE INVESTIGATION**

- 10.1 If the adjudicator determines that harassment or bullying has occurred, prompt action shall be taken to address it.
- 10.2 Where the harasser or bully is a member of staff the matter will be dealt with as a case of possible misconduct or gross misconduct under the MAC's Disciplinary Procedure.
- 10.3 Where the harasser or bully is a third party, appropriate action might include putting up signs, setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour, or, in very serious cases, banning them from the premises or terminating a contract with them.

- 10.4 Whether or not the complaint is upheld, it will be considered how best to manage the ongoing working relationship between the complainant and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling or to change the duties, working location or reporting lines of one or both parties.
- 10.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under the MAC's Disciplinary Procedure.

## 11. APPEALS

- 11.1 If the complainant is not satisfied with the outcome, they may initially appeal in writing to the Headteacher, the CSEL (if the adjudicator is the Headteacher) or the Chair of the Board (if the CSEL is the adjudicator), stating the full grounds of appeal, within **five working days** of the date on which the decision was sent or given to the complainant (a 'First Level Appeal').
- 11.2 The Chair of the Board/CSEL/Headteacher (as applicable) will hold an appeal meeting, normally within **five working days** of receiving the written appeal. This will be determined by another senior manager or Director who has not previously been involved in the case (although they may ask anyone previously involved to be present), acting impartially. The complainant may bring a colleague or trade union representative to the meeting.
- 11.3 The appeal determination shall be confirmed in writing, usually within **five working days** of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

N.B. 'Working days' refer to the 195 days the school is in session.

## 12. PROTECTION AND SUPPORT FOR THOSE INVOLVED

- 12.1 Staff who make complaints or who participate in good faith in any investigation conducted under this Policy must not suffer any form of retaliation or victimisation as a result.
- 12.2 Victimisation is subjecting a person to a detriment because he/she has in good faith:
- (a) Complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else; or
  - (b) Supported someone to make a complaint; or
  - (c) Given evidence in relation to a complaint.

This would include isolating someone or giving them a heavier or more difficult workload. If the complainant feels they have suffered any such treatment then they should inform their line manager. If the matter is not remedied the

complainant should raise it formally using the MAC's Grievance Procedure or this procedure if appropriate.

- 12.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this Policy will be subject to disciplinary action.
- 12.4 The person against whom the complaint is made against must not dismiss the complaint out of hand because they were only joking or think the complainant is being too sensitive. Different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. It is possible to offend without intending to. If that is the case, the person concerned may be content with an explanation and an apology from the person whom the complaint is made against and an assurance that they will try not to cause offence in future.
- 12.5 The MAC provides access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. The details are available in confidence from the HR department.

### **13. MALICIOUS ALLEGATIONS**

- 13.1 The fact that an allegation is not substantiated does not necessarily mean that it is considered to have been malicious. No action will be taken against anyone who makes an allegation in good faith, reasonably believing it to be true, even if the allegation is not subsequently confirmed by an investigation.
- 13.2 In order for an allegation to be deemed malicious there would normally have to be independent corroboration, e.g. evidence of the falsification of information, but this is not essential. There may be exceptional cases where the evidence leads the investigator to conclude that the allegations may have been malicious. In such cases the investigator should refer his/her concerns to CSEL or (in a case concerning the CSEL) the Board via its clerk, who shall seek appropriate professional advice (and the Board shall immediately notify the BDES of any case against the CSEL).
- 13.3 All parties will be informed in writing if, following further investigation (which must (i) be carried out in accordance with the professional advice referred to in 13.2 and (ii) include a further interview with the employee making the allegations), the allegation(s) is/are determined to be malicious. A statement that 'allegations deemed to be malicious could lead to disciplinary proceedings' must be included in the letter.

### **14. CONFIDENTIALITY AND DATA PROTECTION**

- 14.1 Confidentiality is an important part of the procedures provided under this Policy. Everyone involved in the operation of this Policy, whether making a complaint

or involved in any investigation, is responsible for observing the high level of confidentiality that is required.

Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

- 14.2 As part of the application of this Policy, the MAC may collect, process and store personal data in accordance with its Data Protection Policy. It shall comply with the requirements of all data protection legislation to which the MAC is subject at the relevant time.

Records will be kept on the employee's personal file in accordance with the MAC's Staff Privacy Notice and Retention and Destruction Schedule. This will include information about the complaint along with a record of the outcome and of any notes or other documents compiled during the process.

- 14.3 Breach of confidentiality may give rise to disciplinary action under the MAC's Disciplinary Procedure.

## **15. POLICY REVIEW**

- 15.1 This Policy will be reviewed and amended every three years by the MAC, which will monitor the application and outcomes of this Policy to ensure its continued effectiveness.

## APPENDICES

### APPENDIX 1 - GUIDANCE FOR INVESTIGATIONS

#### 1. THE INVESTIGATION

Investigations should be completed within the timeframe set out in Section 9 (unless there are exceptional circumstances) and in accordance with the processes set out in Sections 8-10 inclusive.

##### **Key activities undertaken by the Chair/CSEL/headteacher:**

- to take appropriate advice on the appointment of an independent investigator, and, if it is felt necessary, upon the remit of the investigation (see below);
- to identify and engage an investigator;
- to consider the suitability of the investigator, including ability, availability, impartiality, training/experience and also to ensure that there are no conflicts of interest, real or apparent;
- to give a thorough brief (known as the terms of reference) to the investigator;
- to assist the investigator with access to key documents pertinent to the case;
- to identify, where necessary, a key person within the school to act as a link for the investigator;
- to monitor progress of the investigation and ensure timescales are met.

##### **The terms of reference should include:**

- the nature of the allegation/complaint, including details of any specific incidents;
- any relevant background information;
- the remit of the investigation (the aspects that need to be investigated and any that should be disregarded for the purposes of the investigation);
- a list of people to be interviewed initially. If there are witnesses to the allegations they should be interviewed by the investigator and will be expected to provide a signed and dated statement. The investigator may decide during the course of the investigation to interview more people. An employee making an allegation of harassment will be encouraged to name witnesses for interview and the investigator must make every effort to ensure such interviews take place;
- any relevant documents that should be considered;
- time limits for the investigation and writing of a report, including interim review dates to ensure that the terms of reference remain relevant as the investigation progresses.

##### **The responsibilities of the Chair/CSEL/headteacher on completion of an investigation are:**

- to meet with the investigator once an investigation is complete;

- to determine whether he or she is satisfied with the substance of the report, that there is a direct correlation between the report and the conclusions or recommendations and that there is no bias;
- to discuss directly with the investigator any issues requiring clarification or raise any issues if the headteacher is not satisfied with the substance of the report;
- to change the report and recommendations as appropriate;
- to ensure that an action plan is adopted to implement the recommendations, including making arrangements to meet with the complainant to discuss the result of the investigation and any proposed actions;
- to determine whether disciplinary action is appropriate.

## **2 CONDUCTING AN INVESTIGATION**

### **Purpose**

An investigation is a structured, impartial process of evidence gathering in response to a specific allegation(s) regarding personal conduct. An investigation should be carried out in a manner consistent with the teachings of Christ, embracing Gospel values and Catholic doctrine, and with the terms of reference as described above.

### **Following good practice all investigations should:**

- have timescales set in advance (as a target completion date rather than a rigid standard);
- be conducted as soon as possible after the matter is raised; be conducted by someone with understanding the purpose and distinctive religious character of a Catholic school, the necessary knowledge to understand the situation and implications within the setting of a Catholic school and who is also completely impartial;
- be conducted within the spirit of the MAC's mission statement with openness and fairness, avoiding any bias;
- be conducted using techniques which are sensitive to the individual situation and employees involved;
- be undertaken in a logical and rigorous manner;
- seek to explore rather than pre-judge;
- seek to find out what actually happened rather than arouse emotional reactions on what it is thought to have happened;
- be initiated and concluded in a timely manner, but not so as to compromise quality;
- be based on a process which is respectful to everybody involved (the complainant, witnesses or individual who is implicated);
- be seen as a learning process where appropriate feedback is given and harnessed for the good of the school.

### **The investigator if possible, will have received prior training in investigation skills and techniques and will:**

- plan the investigation in order to establish the facts of the case;

- identify and gather relevant documents concerning the alleged incident;
- ensure relevant statements are taken which provide facts concerning the alleged incident;
- produce and present to the commissioning officer a full report of the investigation, the facts established and make recommendations for remedy as appropriate.

**Investigators need:**

- to be aware of their own potential biases and assumptions and avoid any preconceived ideas;
- to develop an understanding and/or acceptance that different perspectives exist in the same situation;
- to have an understanding of equality legislation;
- to understand the definition of action which contravenes the school's anti-harassment policy.

**The investigator will need to have terms of reference and produce a plan, considering the following:**

- are the terms of reference clear?
- are the expectations of the complainant clear?
- are there any policy implications?
- what are the potential equality issues/dynamics?
- who needs to be interviewed, in what order and where?
- who will confirm the interview arrangements (including advising interviewees of their right to be accompanied by a representative or friend)?
- who will ask questions and who will take notes?
- what questions should be asked and not asked?
- what other information will be helpful?
- what is the expected timescale?

**The investigator will then conduct formal interviews and gather evidence.**

The investigator will consider whether it is appropriate to produce statements from witnesses by recording questions and answers. In doing this there will be a need to have regard for confidentiality and the difficulty that may be created if these are made available to all parties.

If statements are taken they must be checked, agreed and signed. A suggested format (below) allows the interviewee to confirm that the account is accurate, make amendments or attach additional comments.

If the interviewee makes changes or comments which the investigator does not recall, a record should be made to that effect on the statement.

The investigator will review and revise the plan as required in the light of emerging evidence and practical considerations.

### **When collating and analysing the evidence the investigator shall:**

- consider all the facts and evidence as presented and analyse what can clearly be demonstrated as being factually correct;
- make judgments on the 'balance of probability', i.e. given what has been found, is it more likely than not the action in question have occurred? There is no need to establish the case 'beyond reasonable doubt'.

### **Although each report is unique, there are some common rules to follow:**

- always include background information on the location where the incident allegedly took place. The report may be used eventually in an appeal process or by an Employment Tribunal, so it is useful to set matters in context;
- keep it simple, well-structured and rigorously written. Make clear which facts are incontrovertible, i.e. what happened, who was involved, when it happened and where, why and how. Draw attention to any differences in the accounts given of the same event;
- number documents and statements gathered and for ease of reference use those numbers when referring to them;
- consider the use of tables to compare the response of witnesses to standard questions. This makes it easy to absorb evidence and form a reasonable belief regarding the weight of evidence or balance of probability of what actually occurred;
- proof read carefully. Avoidable typing errors, spelling mistakes etc. will reflect badly on the rigour with which the investigation was conducted;
- special consideration must be given when an employee requests access to the report and the report contains information about a third party. There could be a breach of the *Data Protection Act 1998* if information is released about a third party. Simply removing the third party's name from the report may be all that is required, but this is not always the case. A balance must be struck between the right of the individual to access and the right of the third party to privacy. With this in mind it is helpful to write the report in a way that enables it to be issued to all parties. Professional advice on confidentiality must be obtained where there is any uncertainty, either through the CSEL or (if the CSEL is a party) via the Board;
- if statements have been taken, there is no requirement to send them out with the report. However, they will still need to be typed, verified and signed so that they are available if there is a request to see or use them at a later date.

### **3. PUBLISHING THE REPORT**

Once completed, the report should be presented to (as applicable) the Chair/CSEL/ Headteacher for consideration and action as appropriate.

Ensure the report is marked 'Private and Confidential' to ensure that only the headteacher has access to it in the first instance.

The Chair/CSEL/Headteacher will meet with the investigator to discuss the report and decide whether to support the findings or whether there are further



issues to be explored or clarified by the investigator. Changes can be made to the report and recommendations.

The Chair/CSEL/Headteacher shall then ensure that the recommendations in it are carried out.

The Chair/CSEL/Headteacher will also be responsible for notifying the complainant that the investigation has been completed and what is to happen.

All sensitive information should be treated confidentially and meet the requirements of UK data protection legislation. If there is to be a disciplinary case the report will not be released to the complainant, because of the confidentiality of disciplinary proceedings.

## **4. INTERVIEW STRUCTURE**

### **INTRODUCTION**

- Ensure interviews are held in a suitable place, where there will be no interruptions.
- After introductions the role of the investigator should be outlined.
- Confirm details of the interviewee (name, job title, length of time with the school).
- Note the date and time of the interview.
- Confirm the name of the interviewee's representative (if the interviewee does not have a representative or friend, confirm that he or she is aware of the right to be accompanied and give him or her the choice of deferring the interview to another day and obtaining representation in the meantime).
- Describe the terms of reference for the investigation.
- If a record of the interview is to be made, tell the interviewee and explain that a copy of the record will be sent to him or her for verification.
- Ask if the interviewee has any questions before the interview starts.

### **CONDUCTING THE INTERVIEW**

- It is vital that any investigation is dealt with sympathetically with due regard to the feelings and emotions of everybody concerned (including the alleged perpetrator).
- In cases of grievance or harassment, the complainant should be interviewed first with the aim of obtaining as much detail about the complaint as possible.
- Ensure that all persons attending interviews have been notified and informed of their rights to be accompanied by a representative.
- Interview all relevant persons using open (descriptive), closed, hypothetical and probing questions as appropriate.
- Do not lead interviewees or 'put words into their mouth'.
- Attempt to note accurately what is said and probe for clarification.

- Summarise information at intervals to check understanding and manage the conversation.
- Repeat what is said when necessary to ensure that there is no misinterpretation.
- Ask for demonstrations and diagrams if they can help to get a full picture.
- Pay attention to detail.
- When the complaint is one of verbal harassment, ask the interviewee to say or write the exact words spoken.
- Should any of the interviewees become distressed or aggressive suspend the interview for a short period or terminate it. In the case of termination consider how and when a fresh interview might be undertaken.
- In the case of a grievance or harassment, ask the complainant what kind of response he or she is seeking, without making any commitments.
- At the end of the interview ask if there is anything in relation to the investigation which the interviewee wishes to mention but which has not arisen during the interview.

## **CONCLUSION**

- If a record of the interview has been made by way of a statement, confirm that a copy will be sent to the interviewee for verification and signature and indicate how soon the interviewee should return the signed statement. Agree an address for this correspondence (the interviewee might prefer a home address rather than the school).
- Explain the plan for the investigation, including the planned date for submitting the report to the commissioning officer.
- Explain what might happen after the investigation and any possible consequences for the interviewee.
- Ask the interviewee not to discuss the content of the interview and explain the possible consequences if confidentiality is breached.

## APPENDIX 2 - FORMAT FOR A STATEMENT

<b>Name of interviewee</b>	
<b>Job title</b>	
<b>Length of service – time in job</b>	
<b>Name of employee’s representative</b>	
<b>Investigator</b>	
<b>Place of interview</b>	
<b>Date and time of interview</b>	

In opening the interview the investigator introduced himself/herself, described his or her role in the investigation, explained the terms of reference, confirmed that a written record would be made of the interview and a copy provided to the interviewee with a request to verify its accuracy, and offered the interviewee the opportunity to ask questions for clarification.

### Record of questions and responses

Questions	Answers

The interview finished at [*insert time*] hours. The investigator said that the report would be submitted within the next [*insert number*] weeks, explained how the outcome of the investigation might affect the interviewee and ask the interviewee to keep the content of the interview confidential.

I agree that this is an accurate record of the interview, or

I have made changes and with those changes agree that this is now an accurate record of the interview; or

I have attached additional comments

**Print name of interviewee:**

**Signature:**.....

**Date:**.....

### APPENDIX 3 - FORMAT FOR REPORT

<b>TITLE</b>	Investigation into
<b>TERMS OF REFERENCE</b>	As given by the commissioning officer
<b>PURPOSE</b>	To establish the evidence against the allegation(s) – describe the methodology of the investigation
<b>FINDINGS</b>	<ul style="list-style-type: none"><li>• Background to the case</li><li>• Outline of the case</li><li>• Names of those interviewed</li><li>• Evidence obtained against each allegation</li><li>• Supporting evidence for the allegation(s)</li><li>• Any conflicting evidence</li><li>• Any information obtained about other issues that affect the case</li></ul>
<b>CONCLUSIONS</b>	
<b>RECOMMENDATIONS</b>	

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**Name of the author of the report:**.....

**Name of commissioning officer:**.....

**Date:**.....

Supporting evidence attached.

## **APPENDIX 4 - GUIDANCE FOR BEHAVIOUR AT MEETINGS AND HEARINGS**

### **1 INTRODUCTION**

- 1.1 Any person attending any kind of meeting or hearing in any capacity has a general duty to act with integrity, objectivity and honesty at all times. Drawing on the model of the person, life and teachings of Jesus Christ, all must comply with acceptable professional standards of behaviour and consequently should adhere to the following.
- 1.2 The meeting/hearing will be conducted in accordance with the outline procedure for other meetings at the school unless the committee, headteacher and employee agree variations.
- 1.3 Although this protocol is applicable to conduct within both formal and informal meetings and hearings, the expectation is that the same standards will apply outside of meetings and hearings.

### **2 BEHAVIOUR**

- 2.1 Everyone due to attend the meeting/hearing must make every effort to be punctual in order that the meeting/hearing may begin promptly.
- 2.2 Whilst these meetings/hearings are conducted formally they form part of internal procedures not legal proceedings and therefore all persons present should avoid using legal terminology unless accompanied by an explanation understandable to a lay audience.
- 2.3 All statements, questions and responses must be addressed through the chair.
- 2.4 Each person invited to speak by the chair will be permitted to make his or her contribution uninterrupted by any other person present.
- 2.5 All persons present will act respectfully towards every other person present and will not act in a manner that demeans insults, threatens or intimidates him or her.
- 2.6 All statements, questions and responses must be related to the facts of the case and not be personal in nature. There should be no reference to personal views on any person or in relation to the issue nor should reference be made to previous issues that do not form part of the case under consideration.

- 2.7 If any person present fails to comply with this protocol then the chair will warn him or her that further non-compliance may lead to him or her being asked to leave the meeting/hearing. Any further breach of the protocol may then lead to the chair deciding that the person should be asked to leave the meeting/hearing or that the meeting/hearing should be adjourned for a period of time to be determined by the chair.
- 2.8 One representative may represent and speak on behalf of a member of staff at formal meetings and hearings. The agreement of the chair is required if the employee wishes to be accompanied by a friend or colleague in addition to being represented professionally.