

**Nottinghamshire School Harassment Procedure**

**TOOLKIT**

**FOR HEADTEACHERS AND GOVERNING BODIES**

**HR Advice, Support and Training Service**

**October 2021**

**SCHOOL HARASSMENT PROCEDURE – Toolkit contents**

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**Appendix 1 – Invite complainant to informal meeting**

Dear (Name)

**Re: (Name of school) - Harassment Procedure – Initial Stage**

I acknowledge receipt of your complaint received (detail date, how complaint received). This matter will be managed in accordance with the initial stage of the Harassment Procedure for School Staff, copies of which are enclosed for your information.

I am looking to try and resolve this complaint informally at the initial stage and I would like to meet with you at (location) on (date) at (time) to discuss the complaint.

You are entitled to be supported by either a Trade Union representative or work colleague If you wish to have this support you will need to organise this.

You should be aware that I will also be meeting with (alleged offender’s name). In order to ensure (they) have a fair opportunity to respond to your allegations, I will provide (alleged offender’s name) with a summary of the complaint(s) you have made. I will discuss this further with you during our meeting.

If you wish to discuss this matter further or clarify any points before the meeting, please do not hesitate to contact me on (telephone number).

### **Yours sincerely**

(Headteacher or allocated member of the SLT)

(Post title)

Encs: Harassment Procedure for School Staff

**Appendix 2 – Invite alleged offender to informal meeting**

Dear (Name)

**Re: (Name of school) Harassment Procedure – Informal Stage**

Further to our initial discussion I confirm that (complainant’s name) has made a complaint against you under the Schools Harassment Procedure, the concerns being:

(Outline the concerns)

As (complainant’s name) line manager (or nominated manager), I am looking to try and resolve this complaint informally at the initial stage and I would like to meet with you at (location) on (date) at (time)] to discuss the complaint. The contents of the meeting will be confidential to the process, notes will be taken and you will be sent a copy of them to sign off as a true record.

I have enclosed a copy of the Harassment Procedure for your information.

You are entitled to be supported by either a Trade Union representative or work colleague. If you wish to have this support you will need to organise this.

If you wish to discuss this matter further or clarify any points to the meeting, please do not hesitate to contact me on (telephone number).

Yours Sincerely,

(Headteacher or allocated member of SLT)

(Post title)

Encs: Harassment procedure for school staff

**Appendix 3 – Completion of informal stage – Letter to complainant**

Dear (Name)

**Re: (Name of School) - Harassment Procedure – Initial Stage**

Further to your complaint made against (alleged offender’s name). Your complaint was that (complaint details). I have met with you both separately under the initial stage of the Harassment Procedure. After careful consideration of the discussions held, I conclude that:

(Outline details of outcome:

* *The allegation[s] is[are] unfounded*
* *It can be resolved through an apology or other means*
* *Is founded but is sufficiently minor that it requires no further action other than advice, guidance, training and monitoring through the normal supervisory processes*
* *Is founded and/or is sufficiently serious that it will be investigated further under the formal stage of the Harassment Procedure, insert what will happen next and who will deal with the complaint under the formal stage. I would advise you seek the advice of your representative).*

If you have any questions or queries about the content of this letter, please do not hesitate to contact me on (telephone number).

Yours sincerely

(Headteacher or allocated member of SLT)

(Post title)

**Appendix 4 - Completion of informal stage – Letter to alleged offender**

Dear (Name)

**Re: (Name of School) - Harassment Procedure – Initial Stage**

Further to the complaint made against you. The complaint was that (insert complaint details). I have met with the complainant(s) and you separately under the initial stage of the Harassment Procedure. After careful consideration of the discussions held, I conclude that:

(Outline details of outcome:

* The allegation(s) is (are) unfounded
* It can be resolved through an apology or other means
* Is founded but is sufficiently minor that it requires no further action other than advice, guidance, training and monitoring through the normal supervisory processes.
* Is founded and/or is sufficiently serious that it will be investigated further under the formal stage of the Harassment Procedure, (Insert what will happen next and who will deal with the complaint under the formal stage). I would advise you to seek the advice of your representative.

(If there is a need to suspend the alleged offender please refer to Appendix 7 - standard letter for suspension of an employee – seek HR advice prior to any suspension)

If you have any questions or queries about the content of this letter, please do not hesitate to contact me on (telephone number).

Yours sincerely

[Headteacher or Allocated member of the SLT)

(Post Title)

**APPENDIX 5 – (INVITATION TO FORMAL HARASSMENT MEETING)**

Private and confidential

Name

Address

Dear

**School’s Harassment procedure – Invitation to Formal Harassment Meeting (Stage Two)**

I wish to invite you to attend a meeting to discuss the formal harassment complaint that you raised in your letter dated (*insert date*).

The meeting will take place on (*insert date/time/location*). If the date and time are not convenient please contact me by *(date)* to make an alternative arrangement.

Your complaint will be heard by [*name*]. [*Name e.g. HR Business Partner*] will also be in attendance. Please be aware that notes will be taken at this meeting and that a copy of these notes will be made available to you.

The meeting will be held in accordance with Stage Two of the School’s Harassment procedure. The purpose of the meeting is to provide a forum for a full discussion of the issues, with a view to resolving the complaint at this stage of the process. You will be given the opportunity to discuss your complaint and the remedy you are seeking and present any witnesses you would like to give evidence.

You will be informed of the outcome of the meeting in writing within 3 working days of the meeting.

You are entitled, if you wish, to be accompanied by a trade union representative or work colleague. Please let me know by [*date*] if you wish to exercise this right. Please also let me know by [date] if you intend to present any witnesses. Please note it is your responsibility to arrange for your witnesses to attend.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

*[Name]*

*[Post title]* Head Teacher/Chair of Governors

c.c. HR Service

 Trade Union Representative/work colleague

**APPENDIX 6 – (OUTCOME OF FORMAL HARASSMENT MEETING)**

Private and confidential

Name

Address

Dear

**Re: School’s Harassment Procedure – Outcome of Formal Harassment Meeting (Stage Two)**

I refer to the harassment meeting that was held on [*date*] at [*time*] in [*location*] to discuss the complaint that you raised in your letter dated [*date of initial harassment complaint submission*].

In response to your complaint, I have considered all of the information provided by yourself and <HT/Governor> and decided that - [*details of the decision/any actions/any recommendations/support*]

If you are not satisfied with my decision, you have the right to refer your complaint and remedy sought to the *Head Teacher / Chair of Governors, (delete as appropriate)* for an appeal under Stage 3 of the Harassment procedure. You should do so in writing within 5 working days of receiving this letter.

Yours sincerely

*[Name]*

*[Post title]* Headteacher/Chair of Governors

c.c. HR Service

 Trade Union Representative/work colleague

**Appendix 7– Template letter for suspension of an employee (To be amended as necessary according to case and following advice from the school HR Business Partner)**

Private and Confidential

*Name*

*Address*

Dear

Further to our recent discussion, I confirm that in view of the incident(s) which has/have come to light *(give reasons*) *regarding your alleged inappropriate behaviour),* you are suspended from your post as \* at this school, with immediate effect. As suspension is not a disciplinary measure you have no right of appeal against this decision. However, you will remain on full pay pending the outcome of investigations into the alleged incidents outlined above.

Whilst I cannot confirm at this stage when the investigation will be completed, I can assure you that I am aware of how difficult this situation must be for you and the investigation will take place without delay. However, I consider that by the nature of your employment, i.e. supervision of children *(or other reason*), your continued presence at work may be prejudicial to the situation. I must advise you that during the period of your suspension you should refrain from entering the school premises and communicating directly with anyone involved in the case. However, this does not prevent you from communicating informally with friends or colleagues about issues not connected with the case.

If you should wish to contact the school for any reason, you can do so through a number of channels:

* (name, post and telephone number of link officer) has agreed to act as your link officer during your suspension
* you can also contact (name of line manager on telephone…….)
* In addition you can also contact (name and post of contact in HR and telephone number…..). If (name of HR person) is unavailable another member of the HR team will be able to assist you.

If, at any point, you wish to speak to me personally about your situation or the procedures then please do not hesitate to contact me. Further support can also be obtained from your Trade Union.

For School Support Staff only add this information on taking annual leave:

During your period of suspension annual leave should be taken in accordance with the normal procedures and should be approved in the normal way. You should be aware that there is no provision for the carry-over of annual leave from one leave year to the next.

Yours sincerely

Headteacher. Copies to: Chair of Governors, HR Team

**Appendix 8A - Invite to Formal Investigation Interview – witness/complainant**

Dear (Name)

**Re: (Name of school) - Disciplinary Procedure: Investigation interview**

Further to the (details of the complaint) I have been asked, to undertake an investigation under the Disciplinary Procedure Part 1 into the following allegations involving (*name)*:

* (*details of allegations/concerns as appropriate)*

A handout has been prepared summarising the process I will be following (copy enclosed). I understand that you may be a witness to this incident(s) or that you may have relevant information to the investigation. I would therefore like to meet with you to discuss this.

You may, if you wish, be accompanied by a trade union representative or work colleague support with the process. Before the investigation is completed, you will also be invited to submit a further signed personal statement if you wish.

The contents of the interview will be confidential in nature but a written record will be taken and you will be sent a copy for you to confirm the accuracy of the meeting. Please note that, in the event of this matter proceeding to any formal disciplinary action, (*alleged offenders name)*, their representative and any parties conducting the disciplinary proceedings may receive a copy of these notes and any other material you may provide. Due to the confidential nature of the proceedings you should not discuss or share details of the investigation with any third party. It may also be necessary be necessary for you to attend a formal meeting to consider the allegations, where you will be required to attend as a witness. In agreeing to meet with me you may also be required to attend a formal meeting to support the evidence you provide.

I would like to meet with you on (*date)* at (*time)* at (*location)*. On arrival at (*location*) please report to reception and ask for (*name)*. I will be accompanied by (*name)* who will be assisting me with recording notes of the meeting. Please contact (*Investigation Support Officer name)* to confirm that you will be attending the meeting.

Should you have any queries or questions in relation to this process please contact me directly on [*telephone number*].

Yours sincerely

Headteacher or Allocated Investigation Officer from SLT

(Post Title) cc. HR

**Appendix 8b – Invite to Formal Investigation Interview – alleged offender**

Dear (Name)

**Re: Disciplinary Procedure – Investigation interview**

Further to the outcome of the initial stage of the Harassment Procedure I have been asked to undertake an investigation under the Disciplinary Procedure into allegations that you have:

* (*details of allegations/concerns as appropriate)*

# The school will begin an internal investigation into the allegations. If the investigation concludes that there is a case to answer, then an outcome may be that a disciplinary hearing will be convened in accordance with the School’s Disciplinary Procedure, a copy of which is enclosed. If the allegations are proven, this may result in a range of disciplinary action and in serious cases , if it is found that they constitute gross misconduct, this may result in you being dismissed.

A handout has been prepared summarising the process I will be following (copy attached). As part of the investigation, I would like to meet with you so that I can explain the investigation process as well as giving you an opportunity to give your full response to the issue under investigation.

Please note that you are entitled be accompanied by a trade union representative or work colleagueat all investigation interviews held under the disciplinary procedure. As well as the interview, you may submit a written response if you wish.

I will be accompanied by (*name)* who will be assisting me with recording notes of the meeting. The contents of the interview will be confidential to the process. A written record of the discussions will be made and you will be sent a copy for your comments.

I would like to meet with you on (*date)* at (*time)* at (*location)*]. On arrival at (*location)* please report to reception and ask for (*name*].

Please confirm by (date) whether you will be attending this meeting and whether you will be accompanied by contacting (*name and telephone number)*. If this date is not convenient, then it is important that you contact me again by the above date, to arrange a mutually convenient date.

Should you have any queries or questions in relation to this process please contact me directly on (*telephone number)*.

Yours sincerely

## *Headteacher or allocated Investigation Officer from SLT*

CC : Investigation Support Officer, HR

Enc: Schools Disciplinary Procedure and Employee Investigation Interview handout

**Appendix 9 - School - Investigation Interview Handout**

The aim of any investigation is to conduct a thorough and impartial enquiry which covers all issues of relevance to the matter under investigation.

The rights of those participating include:

1. Having the process as it affects them explained.
2. Being given the opportunity to express their own view of the complaint / allegations without fear or favour
3. Being appropriately accompanied and supported.

The interview will:

1. Be confidential to those directly involved in the process.
2. Allow the Investigation Officer/team to ask relevant questions, the responses to which will be recorded as notes of the meeting (not necessarily verbatim).

If the interviewee refuses to answer other questions which are material to the investigation, this refusal will be noted by the Investigation Officer/team as part of the interview and may be brought to the attention of the panel at any subsequent hearing.

As an employee you are required to assist the school in any investigation. If you have witnessed anything relevant to an investigation you are obliged to be co-operative which includes being interviewed as part of any process. In assisting in any such process you must be mindful that you are not permitted to undermine any such investigation in terms of delay, collusion or give false / misleading accounts. Should you do so, then you may face the possibility of disciplinary proceedings.

At the conclusion of the interview, the notes will be sent to the person involved within 10 working days wherever at all possible, with a request that the notes are returned within 5 working days, signed and dated in agreement. If the person feels they are inaccurate, or incomplete, they may send amendments/ additions. It is the responsibility of the Investigation Officer/team to decide whether to accept these changes - if not this will be recorded as part of the process. It is important that, as far as possible, the interviewee is satisfied that the notes of the meeting are an accurate record of what was said at the meeting as the notes may be presented at future hearings and the interviewee may be called and expected to give oral evidence on the basis of those meeting notes.

Any interviewee should be aware that if the matter were to proceed to a formal hearing, the subject of the investigation will be given a copy of the notes of the meeting and any signed personal statement that the interviewee has provided. At all times interviewees should have due regard to the appropriateness and acceptability of their language and communications. The interviewee should ensure that the contents of the notes are kept confidentially.

The process following the investigation is that a report will be written by the Investigation Officer/Team to determine whether there is a case to answer at a formal disciplinary hearing.

If there is a case to answer at a formal disciplinary hearing, the interviewee can be required to attend the hearing and provide their evidence in person.

Appendix 10

(Insert School Name)

# Strictly Private and Confidential: INVESTIGATION REPORT

**REPORT FOLLOWING AN INVESTIGATION UNDER**

**DISCIPLINARY PROCEDURE**

**Name of person subject to the allegations: [*name*]**

Job Title:

Place of Work:

Subject of Allegations:

Commissioning Officer:

Date of Commission:

Investigating Officer(s):

Date of Report:

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1. Investigation Brief/Allegations

2. Process of Investigation

3. Background

4. Analysis of Evidence

5. Conclusion

6. Recommendations

**APPENDICES**

1. **Investigation Brief/Allegations**

1.1 [This report has been compiled following a request by [state name] to investigate allegations that [xxx]].

* 1. [The purpose of this investigation is to determine whether there is a case to answer in respect of the allegations that (*name of employee*) has………]
1. **Process of Investigation**

3. **Background**

3.1 [[name] is a (job title) employed at (location). Include any relevant structural/line management/complaint/witness details

3.2 Explain:

* how potential irregularity came to light, and when;
* action taken by school as a result (i.e suspension, investigation)
* format of investigation (who you spoke to, what evidence you considered, etc)]

**4. Analysis of Evidence**

*This section needs to draw all the evidence together and analyse it in order to demonstrate how you have reached conclusions.*

*Also evidence from the key witness and any other witnesses.*

*Concentrate on incident on the day as one element, and then draw in any other allegations made about potential previous incidents.*

**Do not include personal comments/conclusions/statements:**

## *5. Conclusion*

*Is the allegation proven “on the balance of probabilities” in your view?*

*What is the mitigation?*

*Are there any other conclusions you have drawn from the evidence?*

**You are looking (from your analysis) for corroboration of evidence**

6. **Recommendations**

*Need to make recommendations about:*

1. *a disciplinary hearing*
2. *anything else which has been uncovered (eg better communication of procedures, or changing system, or changing policy, or training needs, etc).*

**Appendix 11 – Invite to disciplinary hearing letter – alleged offender (Based on formal disciplinary process)**

FIRST CLASS

**PERSONAL**

*Name*

*Address*

*Date*

Dear

**(*Name of*) School - Disciplinary Procedure**

Further to our recent discussions, I wish to inform you that you are required to attend a meeting within the framework of the school's disciplinary procedure. A copy of this procedure is available in school in (*place*) for your information. (A copy of this procedure is enclosed – *if suspended*).

The meeting will be with myself as investigating officer and the governors’ disciplinary panel and will be held in (*place*) at the school on (*date*) at (*time*). Specifically, the meeting will consider your conduct relating to (List each allegation, include information such as date, time, place of incident etc)

(Include the following paragraph *If dismissal is a possible outcome of the hearing, i.e. as a result of gross misconduct or following previous warnings, this must be clearly stated in letter).*

I must advise you that one possible outcome of the hearing is that you may be dismissed from your post as *(job title)*, for gross misconduct *or* as you already have a final written warning.

Within the provisions of the school's disciplinary procedure you are entitled to receive copies of the documents which will be considered at the hearing. I attach, for your information, copies of the following documents:-

(*List the appendices in order, starting with statement of case)*

You have the right to present evidence to support your case. If it is your intention to submit evidence to the panel you must let me have this by (*date*) so that I can circulate copies prior to the meeting. Otherwise any documents you wish to rely on may not be considered by the panel.

You are strongly advised to be represented at the meeting by your trade union representative or a work colleague You may, if you wish, call witnesses to support your case and, if this is your intention, please let me know in advance of the meeting so that arrangements can be made to accommodate them.

I will assume you will be attending the hearing unless I hear from you to the contrary. You should be aware that the hearing is likely to proceed in your absence unless you provide appropriate notice and explanation for your non attendance.

Please confirm by (*date*) that you and your representative are able to attend this meeting on the date and times given.

Yours sincerely

Headteacher

Copy to:HR Team

**Appendix 12 - Invite to disciplinary hearing letter – witnesses**

Dear (N*ame)*]

**Re: Disciplinary Procedure – Attendance at hearing**

Further to your involvement in the investigations into allegations of misconduct made against (*name),* a formal disciplinary hearing has now been convened for (*date)* at (*venue)* at (*time)*. The purpose of this hearing is for management to consider further the allegations against *(name)*, and to make a decision regarding disciplinary action.

The hearing panel will comprise (*panel details*)*.*

(*Name)* will present the case for management of the school, and would like to call you as a witness. In appearing as a witness, you will be asked questions relevant to the allegations made and to the statements you have already made during the course of the investigation. Questions may also be asked of you by (*alleged offenders name)*, their representative and by the panel.

You will only be required to attend when your evidence is presented and not for the full duration of the hearing. It is important that you appear as a witness, in order to ensure that the process of hearing the case is a fair one, and that relevant information is made available to the panel to ensure the decision reached is fair and appropriate.

Upon arrival at (*location)*, please report to reception and ask for (*name)*. Arrangements will be made for you to be collected and taken to the room in which the hearing is to be held.

You may if you wish be accompanied at the hearing by a trade union representative or work colleague~~.~~ I must remind you that this is a confidential process, and should not be discussed with anyone other than your appointed representative.

Please contact me upon receipt of this letter to confirm your attendance at the hearing.

Yours sincerely

(*Name)*

(*Post title)*

**Appendix 1****3**

**HARASSMENT PROCEDURES - STAGE THREE**

## *GOVERNORS’ DISCIPLINARY HEARING*

**Order of Events**

**1.**  Investigating Officer presents the case.

**2.**  Questions from employee and/or employee representative.

**3.** Questions from the Disciplinary Panel.

**4.** Employee (or representative) presents their case.

**5.**  Questions from Investigating Officer.

**6.**  Questions from the Disciplinary Panel.

**7.** Investigating Officer sums up.

**8.**  Employee (or representative) sums up.

**9.**  Both parties withdraw.

**10.** Panel decision.

**11.** All parties reconvene. Decision given.

**12.** Decision confirmed in writing by Head Teacher within 3 working days – including notice of right to lodge an appeal if applicable within 10 working days of the hearing

**APPENDIX 14 – (INVITE TO FORMAL HARASSMENT APPEAL MEETING)**

Private and confidential

Name

Address

Dear

**Re: School’s Harassment Procedure – Formal Harassment Appeal Meeting (Stage Three)**

Further to your letter dated [*date*], I am writing to invite you to a meeting under stage three of the School’s Harassment Procedure.

The meeting will take place on [*date*] at [*time*] in [*location*]. Your appeal will be heard by [*name*]. [*Name e.g. HR Business Partner*] will also be in attendance. Please be aware that notes will be taken at this meeting and that a copy of these notes will be made available to you.

At the meeting, you will be given the opportunity to state your complaint appeal and the remedy you are seeking. You will also be entitled to produce witnesses to support your case and please note it is your responsibility to ensure your witnesses attend the meeting.

Please find enclosed the papers which will be considered at the meeting including a report from (manager’s name) setting out the nature of the complaint and the efforts made so far to resolve your concerns.

Any additional written submissions, correspondence, witness statements or other papers relevant to the complaint which you intend to rely on at the meeting should be submitted to [*name of person nominated to consider the complaint*]no later than 5 working days prior to the meeting date set out above. Copies of all such papers will then be made available to both parties at least 5 working days before the meeting.

You are entitled, if you wish, to be accompanied by a trade union representative or work colleague. Please let me know by *(date*) if you wish to exercise this right.

Yours sincerely

[*Name*]

*[Post]* Head Teacher / Chair of Governors

c.c. HR Service

 Trade Union Representative/work colleague

**APPENDIX 9 – (OUTCOME OF FORMAL HARASSMENT APPEAL MEETING – STAGE 3)**

Private and confidential

Name

Address

Dear

**Re: School’s Harassment Procedure – Outcome of Formal Grievance Appeal Meeting (Stage Three)**

I refer to the harassment appeal hearing that was held on [*date*] at [*time*] in [*location*] to discuss the complaint that you raised in your letter dated [*date of initial harassment complaint submission*].

In response to your appeal, I have considered all of the information provided by yourself and <HT/Governor> and decided that - [*details of the decision/any actions/any recommendations/support*]

The appeals process is the last stage of the harassment procedure and the panel’s decision is final.

Yours sincerely

[*Name*]

[*Post title*] Chair of Panel

c.c. HR Service

 Trade Union Representative/work colleague