



The Queen Katherine School Multi Academy Trust

HARASSMENT AND BULLYING PROCEDURE

This policy does not form part of any employee's contract of employment and we may amend it from time to time.

Committee	MAT Board
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Document control

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	Date	Amended by	Purpose	Approved by Trustees (date)
1	September 2018	Tracy Houlden	Review	
2	September 2022	Tracy Houlden		

Procedure for dealing with complaints of harassment and bullying

I. STATEMENT OF COMMITMENT

The Trust, trade unions and schools fully support the right of all staff to be treated with dignity and respect at all times. They are committed to promoting a working environment free from all forms of harassment and bullying and agree that appropriate steps should be taken to achieve this.

The Trust will not tolerate harassment /bullying at work in any form and will strive to ensure that all employees are protected against such behaviour. Proven allegations of harassment/bullying will be treated as a disciplinary offence and may lead to dismissal of the harasser.

Complaints of bullying and harassment will be given priority with avoidance of any undue delay in recognition of the emotional impact to staff.

Bullying and harassment in the form of student to employee will be dealt with via the school's internal Behaviour Policy.

2. PURPOSE OF THE PROCEDURE

The purpose of this procedure is to create a climate within Trust schools where all employees are treated with respect and dignity at work. This school is committed to providing a safe and healthy workplace for its employees and will deal seriously with any instances of harassment that could affect this, whatever form this might take. This procedure provides a framework for action to be taken to either enable employees to deal with situations themselves, or if they wish, for action to be taken to investigate a complaint and, if harassment has occurred, for the school to take action which could reasonably be expected to address the situation.

3. RESPONSIBILITIES

The Trust has a duty to create and maintain a safe and healthy environment for employees and therefore has an obligation to ensure that any allegation of harassment of an employee by another employee is taken seriously, is properly investigated, and is dealt with effectively and without undue delay (this should be in accordance with the document 'Guidance Regarding Conducting Investigations' (Appendix I). Advice should also be sought from the Trust's HR Manager.

Line Managers are responsible for the discipline of the employees whom they manage and for ensuring that employees are aware of the Trust's policies on equal opportunities. They are responsible therefore for the prevention of harassment at work or, if it does occur, for ensuring that it is properly investigated and dealt with promptly and fairly in strict confidence. They are also responsible for ensuring that employees know how to complain if they become victims of harassment. Failure to respond to such complaints compounds harassment and its impact on the recipient which is important. If the recipient feels that s/he has been harassed, the case must be taken seriously and investigated. Some occurrences of harassment, although not formally reported may appear to the manager or Line Manager to be so severe that s/he feels it necessary to initiate formal action even though an employee has not complained or where it is not the complainant's wish.

Individual employees can help in preventing harassment by tackling colleagues whose behaviour appears to be causing distress to others, by reporting to management incidents which cannot be resolved informally and by providing support to individuals who are victimised. They must, of course, be careful not to become party to the harassment themselves. Employees who witness incidents of harassment/bullying are encouraged to report the occurrence and offer supporting evidence in any investigations.

Employees must be made aware that harassment and bullying is unacceptable. Appropriate action, which may include dismissal, will be taken against employees found to have harassed and bullied others, or who have victimised/retaliated against an employee for bringing a complaint of harassment /bullying.

All staff are required to comply with this policy and its spirit and intention, and to participate in the procedure where this is required of them. Not doing so could result in disciplinary action being taken.

4. HARASSMENT – THE LAW

Harassment can amount to unlawful discrimination under the Equality Act 2010.

5. DEFINITION OF HARASSMENT

Any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

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

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- (a) Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (b) Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (c) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- (d) Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (e) Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (f) Outing or threatening to out someone as gay or lesbian;
- (g) Offensive e-mails, text messages or social media content; or
- (h) Mocking, mimicking or belittling a person's disability.

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

It should be noted that there is no guarantee that, in the workplace, all employees will enjoy trouble free professional relationships all the time. Such differences of opinion are part of life and may not, in themselves be grounds for a claim of harassment. Employees should also be aware of the need to check that their own attitude is not a contributory factor to the situation. Equally, the fact that a manager has asked an employee to carry out a task which they do not wish to undertake does not of itself constitute harassment.

Bullying is a distinct and separate form of harassment. It may be based on grounds outlined above or for other reasons, and can be defined as:

Abusive, offensive or insulting behaviour which is normally persistent and deliberate resulting in a loss of confidence and effectiveness. The misuses of power or position to intimidate, undermine, humiliate and create harmful stress.

Examples may include:

- Singling out or victimisation
- Public reprimand, ridicule, sarcasm or humiliation
- Excessive and inappropriate supervision**
- Ignoring or excluding from discussions
- Physical assault

It is often more junior staff who are subject to bullying by senior staff, although it can take place among colleagues where personal influence is used in an unacceptable way, also a group may bully an individual or the individual being bullied can then bully someone else.

A “strong management” style cannot be used as an excuse for bullying. Bullying is a difficult concept and must not be confused with managers seeking, sensitively and with full adherence to proper procedures to tackle genuine under performance.

A bullying management style cannot be defended because “it achieves the necessary results”. A strong management style can become bullying if it is destructive rather than constructive in its intent and/or effects.

Challenging a bullying management style/behaviour is important in progressing cultural change towards a supportive environment.

6. FORMS OF HARASSMENT AND BULLYING

Harassment and bullying can take many forms. Examples include:-

- Physical contact ranging from touching to serious assault.
- Physical assault including pushing, jostling, prodding or stalking, grabbing - a person or their clothing
- Verbal and written harassment through offensive language, gossip, slander, letters containing sexual innuendo, racist language etc. (written harassment can include the inappropriate use of email or computer system)
- Macho culture
- Making assumptions based on stereotyping.
- Exclusion/Singling out /Victimising
- persistent, unwelcome attention
- inappropriate detailed checking of work, times of coming and going, or excessive supervision,
- persistent reminders of past failings , inaccurate accusations about quality of work
- Constantly making remarks under-valuing the efforts of another person.
- Keeping individuals in their place by blocking their promotion.
- Deliberately ignoring or excluding an individual, e.g. not allowing them to participate/contribute in meetings.
- Deliberately going back on what was said to an individual and/or denying conversations took place
- ostracising or freezing out; withholding information, resources or training

- setting impossible objectives; i.e. setting someone up to fail
- changing priorities or objectives unreasonably; "moving the goalposts"
- unreasonable allocation of duties, work or areas of responsibility
- public reprimand, ridicule, sarcasm or humiliation, belittling or patronising comments
- Shouting at staff to get things done
- display or issue of offensive literature and pictures
- practical jokes or initiations
- rifling, damaging or stealing of personal possessions
- shouting, swearing, abuse, nicknames, or malicious gossip
- deliberate wrongful attribution of blame
- Acting in an unreasonable manner by refusing leave entitlement without any justification i.e. annual leave, special leave and other entitlements.
- Other forms of harassment can include the use of e-mails, the sending of faxes or making of telephone calls within the working environment or to a person's home invading their privacy.

This list is not exhaustive.

Generally in a bullying style several of these behaviours are manifested by the same person and are repeated over time. Bullying behaviour can be targeted at an individual or groups of employees. It can involve unpredictable, unfair and often vindictive attacks on an individual's personal or professional performance.

Any complaint about harassment or bullying must be dealt with seriously, swiftly and confidentially. All cases/allegations of harassment must be recorded and investigated where applicable. Employees must be confident that they will be protected against victimisation or retaliation for bringing a complaint of harassment.

7. PROCEDURES TO BE FOLLOWED IN HARASSMENT OR BULLYING CASES

Anyone who feels that they are being harassed or bullied in any form can use this procedure.

When dealing with complaints of harassment/bullying, the aim should be to use the informal procedure in the first instance. However in extremely serious cases of harassment/bullying the formal procedure would be invoked immediately.

In certain situations, it may be possible to seek a resolution of the problems through mediation between the parties, if they agree to it.

8. INFORMAL PROCEDURE

- Wherever possible, an employee who believes that he or she has been the subject of harassment or bullying should in the first instance ask the person responsible to stop the harassing behaviour either verbally or in writing. It should be specified what aspects of their behaviour are offensive and unacceptable and the effect it is having on them. If the individual feels unable to make this approach on their own, it can be made with the support of a colleague or trade union representative. Should the behaviour continue, the complaint should be raised in accordance with the formal procedure?
- Complainants may find it helpful to keep records of incidents of behaviour which they consider to be harassment or bullying, noting the date and time of the incident, location, the way in which it has affected them (such as causing them to change their pattern of work or social life) and details of any witnesses.
- Should the complaint be against an immediate line managers, then the complaint should be made to the next most senior person, up to the Headteacher if necessary (or in the case

of a Headteacher being the complainant, to the Trust Board). Each and every case of harassment or bullying reported must be **immediately** recorded by the school and investigated and appropriate action taken. Where a complaint is made against a Headteacher, the matter shall be dealt with by the Local Governing Body.

- iv. The Line Manager/Headteacher/Chair of Governors handling the complaint of harassment or bullying will discuss the matter informally with the alleged harasser who should be entitled to comment and have any such comments formally recorded in the same manner as the complainant. This should take place without delay. If the matter is not resolved informally, the Line Manager/Headteacher/Chair of Governors will initiate an investigation under the formal procedure.
- v. A collective representation may need to be made in situations where a group of individuals feel they are working under intimidation.
- vi. Any action taken under this stage should be recorded.

9. FORMAL PROCEDURE

- i. Where the person who has been the subject of harassment or bullying considers the informal procedure has failed, the following formal procedure should be instigated. The formal policy may be instigated not only when the informal procedure has failed, but also where there have been extremely serious cases of harassment and/or bullying.
- ii. An employee who believes that he or she has been the subject of harassment should formally report the alleged act in writing to their line manager (as detailed above), or if the alleged perpetrator is their manager, to the next most senior manager, up to the Headteacher (or in the case of a Headteacher being the complainant, to the Trust Board if necessary, so that action is taken to address the situation at the most appropriate level of management. Where a complaint is made against a Headteacher, the matter shall be dealt with by the Chair of the Local Governing Body and staff should be aware of how to contact him/her in such cases.
- iii. As a first stage the Line Manager/Headteacher/Chair of Governors will arrange to interview separately both the complainant and the alleged harasser in order to establish the issues, the seriousness and to see if resolution is possible. Both the complainant and the person who has been accused shall be entitled to trade union/colleague representation.
- iv. If the initial interviews reveal that the complaint will require further full investigation, discretion shall be used in determining whether or not the alleged harasser should be suspended whilst the investigation is taking place. The alleged harasser shall be given full details of the nature of the complaint and the opportunity to respond. Complainants may need to be given help, advice and support and counselling during and after the investigation.
- v. The Line Manager/Headteacher/Chair of Governors will then arrange for a full formal investigation to be undertaken in line with the Trust guidance and support from the HR Manager. Please refer to the document '**Guidance Regarding Conducting Investigations**' for further information related to this process. All complaints shall be treated seriously and handled in a timely and confidential manner. The complainant shall receive written confirmation of receipt of the complaint stating a time limit within which the complaint will be processed and heard.
- vi. All employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about harassment will be treated as a serious disciplinary offence.
- vii. Internal investigations shall be handled with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. Such investigations shall be objective and carried out by persons unconnected with the allegation. Written and signed statements

shall be obtained from all witnesses, emphasizing the importance of confidentiality. Full records shall be kept of all meetings and investigations.

- viii. If the investigation reveals that the complaint is valid, prompt action shall be taken with the intention being to stop the harassment immediately and prevent its recurrence. The possible outcome shall consider whether the people involved are still able to function in the same workplace. In such circumstances if relocation proves necessary, every effort will be made to relocate the harasser and not the complainant.
- ix. The decision of the Line Manager/Headteacher/Chair of Governors will be confirmed in writing to both the complainant and the person against whom the complaint was made within three working days of the completion of the investigation.
- x. If no action is deemed appropriate following the investigation, then both the complainant and alleged harasser or bully will be informed. In such circumstances the Line Manager/Headteacher/Chair of Governors will meet with both the complainant and the alleged bully separately to explain the reasons for the decision and to decide how best to proceed in order to restore/preserve workplace relationships.
- xi. The complainant has the right to appeal if they are dissatisfied. This should be done by using the grievance procedure and in accordance with those timescales, clearly stating the reason for the appeal.
- xii. The appeal shall exclude any governor who has previously been involved in any earlier stages of the case.
- xiii. Should a complaint be upheld and where disciplinary action is considered necessary, the Trust's **Disciplinary and Dismissal Procedure** should be used.

Where a complaint is not upheld the school shall take all reasonable steps to ensure the reputation of the alleged harasser is restored. Malicious complaints of harassment or bullying will not be condoned and will be regarded as a disciplinary offence. Those employees found to be knowingly making malicious or false allegations may also find themselves subject to the disciplinary procedure.

Guidance regarding conducting investigations for school based staff

I. INTRODUCTION

In order to ensure that fair and effective arrangements exist for conducting investigations, the following guidance has been produced in order that investigations may be resolved as efficiently, fairly and promptly as possible.

There are several policies and procedures which underpin the approach to conducting investigations. It is important to be fully conversant with these policies and procedures. They are listed below, and can be found on the school portal:

- Disciplinary & Dismissal Procedure
- Grievance Procedure
- Procedure for dealing with complaints of Bullying & Harassment
- Capability Procedure

There are also key pieces of legislation relating to investigations:

- Employment Rights Act 1996 - Right not to be unfairly dismissed, including constructive dismissal
- Employment Relations Act 1999 - Statutory right to be accompanied by a TU official or work colleague at all formal disciplinary and grievance hearings
- General Data Protection Regulations 2018 - Covers all records about an employee, both manual and computerised. Gives individuals the right to access their own personal records, including all records kept about investigations
- ACAS Code of Practice 2009 – Procedure to be followed by employers and employees when dealing with disciplinary and grievance issues
- Equality Act 2010 – Right not to be treated less favourably than others because of race, religion or belief, gender reassignment, marriage or civil partnership, pregnancy or maternity, sex, sexual orientation, disability or age
- Access to Medical Records Act 1988
- Access to Health Records Act 1990

If you have any questions regarding changes within Employment Law whilst conducting an investigation you **must** seek advice from [the Trust's HR Manager without delay](#).

Matters/allegations concerning child protection/allegations of abuse against employees must be dealt with in accordance with the Department for Education document 'Keeping Children Safe in Education' 2018 and 'Working Together to Safeguard Children' produced by the DCSF in July 2018

Subject to the above, if related allegations (regarding child protection matters) are being investigated by the police, an employer can usually continue to investigate even though a police investigation is taking place. There is usually no need to await the outcome of the police investigation, as the issues surrounding the dismissal and a police investigation are quite different. Usually, the only reason to delay an investigation is if the police/CPS feel that this may interfere with their investigation. The police/CPS must be consulted on the matter if it is felt this may be the case. This should be discussed with the Local Authority Designated Officer (LADO).

A copy of this guidance document should be handed out to all appointed Investigating Officers, including those who are appointed externally.

2. APPOINTING AN INVESTIGATING OFFICER (IO)

2.1 A number of factors will determine who should undertake an investigation. The first point to establish is the nature and seriousness of the alleged offence. This will determine which of the following arrangements are appropriate:

- i) In cases of allegations of a sexual nature involving pupils/students of any age in full time education at an establishment maintained by the [Trust](#) the investigation will be undertaken in accordance with the Child Protection Procedure. This will involve a joint approach by the Police and Children's Services.
- ii) In the case of alleged financial misconduct the [Audit Committee](#) must be informed. The [Audit Committee](#) will liaise with the school in deciding how to proceed. This could involve notification to the police who might then undertake a criminal investigation. Alternatively an investigation conducted by the [Accountant or Responsible Officer](#) might be appropriate. [Reference should be made to the Academies Financial Handbook for further guidance.](#)
- iii) In many other cases an investigation could normally be conducted by a Deputy Headteacher or other senior member of staff. This may be supported by [the Trust's HR Manager](#). The Headteacher should not act as an investigator as s/he would normally hear the case.
- iv) In other circumstances e.g. :
 - such as within small schools
 - lack of appropriate resource within a school
 - the nature or complexity of the allegation

An independent IO free from the influence, guidance or control of others may be appointed from outside of the school. Where there is a potential for bias or a conflict of interest and independent IO should be appointed.

2.2 In all cases in which it is alleged that a teacher or member of staff (including a volunteer) in a school has:

- i) Behaved in a way that has harmed a child, or may have harmed a child;
- ii) Possibly committed a criminal offence against or related to a child; or
- iii) Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

It must be reported to the Local Authority Designated Officer (LADO) with a copy to Children's Services HR: The role of the LADO will be to follow up these cases with social care and the police. For a current up to date list of contact names and details please refer to the contact list available on the school portal.

2.3 Some cases will also need to be reported to the Independent Safeguarding Authority for consideration of including the person on the children's barred list, or consideration by the [National College for Teaching and Leadership](#) about the possible sanctions against an individual. This should be discussed with the LADO.

3. THE ROLE OF AN IO

3.1 The role of an IO is to:

- i) Investigate the allegation or complaint
- ii) Gather facts and evidence including conducting interviews if necessary
- iii) Form a view, based on the facts, as to whether there appears to be a case to answer
- iv) Produce a report to go to the Headteacher/Chair of Governors or the appropriate person
- v) It may be necessary to present the report at a disciplinary hearing.
- vi) The IO may also be required to attend an employment tribunal hearing and stand as a witness on the report which s/he has prepared.

3.2 The IO should be advised of their role as set out in 3.1 and by agreeing to be an IO they agree to conduct their role as set out in this guidance

3.3 The IO must decide (with advice from the Trust's HR Manager) which procedure to conduct the investigation under, and must also be sure that s/he is best placed to conduct the investigation i.e. whether there is any reason why s/he should not conduct it (e.g. time restraints, conflicts of interest). If there is such a reason the IO should declare it before the investigation gets under way so that another IO can be appointed at the earliest opportunity without any delay or compromise to the investigation.

3.4 The IO must maintain confidentiality throughout the process (and should also advise witnesses that they must do the same) and should only discuss the progress of the investigation with the Headteacher/Chair of Governors or appropriate person unless required or permitted to be disclosed by law or any Court or Tribunal or with the consent of the employee concerned. In the event of the Headteacher/Chair of Governors being subject to investigation the point of contact should be the Trust's HR Manager. All verbal and documentary evidence should be kept confidential and securely stored.

3.5 The investigation should be carried out as quickly as possible and the IO should normally aim to provide a report to the Headteacher/Chair of Governors or appropriate person within 10 working days of completion of the investigation. It is recognised that some matters may take longer to investigate. Any delays with regards to timescales should be flagged up to the Trust's HR Manager.

4. GATHERING EVIDENCE

4.1 In order to gather evidence in the most effective and efficient way, the IO must decide upon a schedule of activities: who to interview and in which order (it is highly recommended that the IO meets with the complainant first followed by all other individuals), an interview timetable and interview questions. It is not always necessary to interview all witnesses to an incident, if for example their evidence is entirely corroborative, and so during the course of an investigation the IO may decide that s/he has gathered enough witness evidence and does not need to interview anyone else.

4.2 The IO should carry out the investigation without unnecessary delay. If any delays are envisaged they should be reported to the Headteacher/Chair of Governors or appropriate person as soon as possible and the schedule of activities mentioned above in 4.1 should be amended accordingly.

4.3 Evidence may come from a number of different sources: eye witnesses, CCTV or documentary evidence; corroborative evidence (e.g. a visit by the IO to the location where the incident took place). The IO should think laterally around the incident/allegation or complaint being examined, and consider and fully explore all the possible sources of evidence. This is particularly important where

there appears to be no evidence from independent witnesses, e.g. with cases regarding a complaint of harassment.

5. INTERVIEWING PARTIES AND WITNESSES

5.1 The principal source of evidence will be the verbal accounts of the parties involved – the person accused of misconduct and the person making the complaint (if applicable). There may also be a third party witness who saw the incident or can provide any further information on the matter.

5.2 Sufficient time should be allocated to each interview. During the course of conducting interviews the IO should remain entirely impartial, not pre-judging the matter in any way or allowing any prior knowledge of the parties or circumstances to influence the outcome of the investigation.

5.3 It is recommended that the IO is accompanied at interviews (where possible) by an Assistant IO or another colleague to take notes. It is difficult to fully concentrate on asking questions, listening, observing body language etc. whilst taking comprehensive notes. Please refer to section 8.2 regarding the employee under investigation's right to be accompanied.

5.4 If the interviewee refuses to answer any questions the IO may tell her/him that an inference may be drawn from the refusal. The IO may suggest an adjournment so that the representative can consult with the interviewee, before continuing to ask questions regarding the allegations

5.5 Key skills required by the IO are:

- i) Impartiality
- ii) Preparation, organisational and time management skills
- iii) Thorough approach
- iv) Logical thinking and ability to see a case from all sides
- v) Presentation and communication skills
- vi) Questioning skills – these are essential in gathering facts and evidence. Techniques should include asking open questions, probing answers given to gain further specific information, and not taking information at face value. This means asking for specific examples and obtaining dates, times and locations where incidents took place. Leading questions or making suggestions to the interviewee should be avoided.
- vii) Listening skills – It is vital to listen carefully in order to check for gaps in evidence, to clarify facts, and to be able to summarise what has been said.

6. PRODUCING STATEMENTS AND THE REPORT

6.1 The investigatory interviews will result in the production of detailed notes of the discussions held. From these notes the IO will derive a statement for each person interviewed. The statement will provide a succinct record of the interviewee's version of events. It should include the date, time and names of those present; the questions asked followed by the response, together with the initials of the person speaking; and space at the bottom for the interviewee to sign and date the statement as being an accurate record.

6.2 Statements should be sent to the interviewees for prompt signing and returned immediately to the IO. Interviewees should be reminded that the information they give may be used as evidence against the person for which they are being questioned in a future disciplinary hearing and that in signing the accuracy of the statement they are agreeing to their evidence being used for such purposes. If they do not wish for their name to be disclosed, then consideration should be given as to whether it is appropriate to anonymise their details for the purposes of the report. If the individual contests any part of the statement but the IO and note taker believe it to be accurate in accordance

with the interview notes, then the interviewee's amended section or version should be appended to the original statement.

6.3 The IO will produce a final report which will be accompanied by witness statements and all supporting documentary evidence. Its purpose is to summarise why the investigation arose, how it was carried out, to identify key facts, evidence and any other relevant circumstances and to conclude with a summary of the findings of the IO. The report will also consider the IO's findings on the balance of probabilities – is there no case to answer, or is there sufficient substance to the allegation or complaint for further action to be taken. The IO must have reasonable belief based on reasonable grounds, after as much investigation as is reasonably practicable in the circumstances to believe that there is or is not a case to answer. The report will go to the Headteacher or Chair of Governors, who will decide whether to take further action. The report must be thorough and accurate as the IO may be cross examined on the content at a later date.

6.4 Following the outcome of the hearing, the report shall be kept on the employee's personnel file for the same duration as the warning which they received in accordance with the Disciplinary and Dismissal Procedure; or if the employee is dismissed, the report shall be retained on the employee's personnel file.

6.5 If the outcome of the report is that there is no case to answer, the employee shall be entitled to see the report if they so request and the outcome will be recorded on file.

7. PRESENTING THE CASE AT A HEARING

7.1 If a disciplinary hearing follows the investigation, the IO will attend the hearing and may be required to present the facts of the case. The purpose of the hearing is to consider the evidence and arrive at a decision, and then go on to consider any mitigation and the employee's record to determine an appropriate disciplinary penalty.

7.2 Key points for the IO to remember when appearing at a hearing:

- i) Know the facts and evidence of the case
- ii) Structure the presentation clearly and logically, only including relevant information
- iii) Aim for clarity and simplicity, avoid jargon
- iv) Display confidence in the way the investigation was conducted

8. TRADE UNION INPUT

8.1 Individuals involved within an investigation, either as the person accused of misconduct/complaint, or as a witness may seek advice and support from their union representative.

8.2 The employee(s) under investigation and any witnesses may be accompanied at all stages of the applicable procedure either by a trade union official or work based colleague. Reasonable adjustments will be made for disabled employees.

8.3 At any formal hearings the employee's representative may address the hearing in order to put the employee's case or respond on their behalf to any view expressed at the hearing; but s/he may not answer any questions on the employee's behalf.