

Whistleblowing, bullying & harassment policy

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Harassment and Bullying

We want to provide a safe and supportive training environment for everyone, free from bullying and harassment. This section explains:

- How we expect our Associate Teachers to behave
- What to do if you see or experience inappropriate behaviour
- How we can all help to create a respectful environment

All Associate Teachers have a responsibility to treat each other with dignity and respect, irrespective of their gender identity, race or ethnicity, relationship or health status, age, disability, sexual orientation, religion, political conviction, membership or non-membership of a staff/professional organisation.

KMT has a zero tolerance approach to any form of bullying or harassment towards others and we will take any allegations seriously. To be clear, the bullying or harassment of any member of staff or fellow Associate Teacher for any reason is unacceptable and KMT will not condone or tolerate bullying or harassment in any form.

We all have a responsibility to create a culture where bullying and harassment does not happen in the Trust, and to challenge and report if you see it happening.

All allegations of bullying and harassment will be dealt with under the disciplinary procedures outlined earlier in this policy.

What is Bullying?

Bullying and harassment can be used interchangeably and many definitions include bullying as a form of harassment. ACAS (Advisory, Conciliation and Arbitration Service) characterise bullying as:

- “Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”

Any concerns relating to ‘workplace’ bullying within the school placement environment should be raised in the first instance with your Course Programme Lead, who will conduct initial investigations and provide a report

to the Head/Deputy Head of KMT, who will then determine appropriate next steps.

What is Harassment?

Harassment as legally defined in the Equalities Act 2010

- “Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

Harassment is directed towards individuals on account of characteristics, for example race or ethnic origin, gender (including gender identity) or sexual orientation, professional membership, disability, ex-offender status, age, health, physical characteristics, social class, background, accent or personal belief.

Forms of harassment can range from the use of offensive language to extreme violence. In whatever form, it is unwanted, unwelcome and unpleasant. It may include physical contact, jokes, “banter”, offensive language, gossip or slander, posters or graffiti, isolation or non-cooperation, coercion for sexual favours, intrusion by pestering, spying or stalking.

Harassment can take many forms, occur on a variety of grounds and may be directed at one person or a group of people. It is the impact on the complainant, which determines whether this policy should be used and not the intention of the alleged harasser.

What is sexual harassment?

This is where a form of sexual harassment is unwanted behaviour of a sexual nature which:

- Violates your dignity
- Makes you feel intimidated, degraded or humiliated
- Creates a hostile or offensive environment

You do not need to have previously objected to someone’s behaviour for it to be considered unwanted.

Support and Protection

If you raise a concern in good faith, or you have witnessed bullying and/or harassment at work, we will support you. You will not suffer negative treatment because you raised a genuine concern. All concerns about bullying/harassment should be raised with the Head or Deputy Head of KMT, or with the Director of the Leigh Institute if the complaint relates to the former.

If you have been accused of bullying and/or harassment

If you have been accused of bullying and/or harassment, we will support you. If we find the accusations to be untrue you will not suffer negative treatment on your training programme or on your placement because of it.

Whistleblowing

It is important that all Associate Teachers feel able to express their concerns without fear of harassment or victimisation. The Public Interest Disclosure Act (in force since January 1999) recognises this fact and is designed to protect colleagues, who make certain disclosures of information in 'the public interest', from detriment and/or dismissal. This policy builds on the provisions of the Act.

KMT is committed to the highest possible standard of operation, probity and accountability. In line with that commitment, Associate Teachers (ATs) and others with serious concerns about any aspect of the work of the SCITT are encouraged to come forward and voice those concerns. This policy document makes it clear that ATs can do so without fear of reprisals; it is intended to encourage and enable ATs to raise serious concerns within KMT rather than overlooking a problem or blowing the whistle outside in an inappropriate way. It is recognised that cases may have to proceed on a confidential basis.

Aims and Scope

This policy aims to:

- provide avenues for ATs to raise concerns internally as a matter of course, and receive feedback on any action taken;

- provide for matters to be dealt with quickly and appropriately; and ensure that concerns are taken seriously;
- reassure ATs that they will be protected from reprisals or victimisation for whistle-blowing in good faith;
- allow ATs to take the matter further if they are dissatisfied with KMT's response.

This policy describes how any AT can raise any concerns s/he may have about working practices and who should be informed about the concerns. It may be that issues raised via this policy will be addressed via other procedures, e.g. grievance, disciplinary, harassment and child protection procedures.

Concerns which fall within the scope of the whistleblowing procedure may be about something that is unlawful; or is against the policies of Leigh Academies Trust and the KMT SCITT; or falls below established standard or practice; or amounts to improper conduct.

Before initiating the procedure Associate Teachers should consider the following:

- the responsibility for expressing concerns about unacceptable practice or behaviour rests with all colleagues;
- ATs should use sessions and meetings with their Course Programme Lead to raise questions and seek clarification on issues which are of day-to-day concern;
- whilst it can be difficult to raise concerns about the practice or behaviour of a colleague, ATs must act to prevent an escalation of the problem and to prevent themselves being potentially implicated.

All ATs have the right to raise concerns, which could be about the actions of other colleagues, private contractors, governors or volunteers.

Safeguards

Harassment or Victimisation

KMT recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. KMT will not tolerate harassment or victimisation and will take action to protect ATs when they raise a concern in good faith.

This does not mean that if an AT is already the subject of internal procedures such as disciplinary or redundancy, that those procedures will be halted as a result of that colleague raising a concern under the Whistle-Blowing Policy.

Confidentiality

KMT will do its best to protect an AT's identity if confidentiality is requested. However, it must be understood that should the concern raised need to be addressed through another procedure, e.g. disciplinary procedures, the AT may be asked to provide a signed statement as part of the evidence, thus revealing identity. Failure to provide such a statement may mean that further action cannot be taken by KMT to address the concern and in some circumstances, KMT may have to disclose the identity of the AT without their consent, although this will be discussed with them first.

Anonymous Allegations

ATs are encouraged to put their name to an allegation. Allegations expressed anonymously are much less powerful and more difficult to address, but they will be considered at the discretion of the Chair of the KMT Strategic Board. In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an AT makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against that AT. If, however, there is clear evidence that a colleague has made malicious or vexatious allegations, disciplinary action may be taken against that AT.

Unfounded Allegations

Following investigation, allegations may be confirmed as unfounded. This outcome will be notified to the AT who raised the concern, who will be informed that KMT deems the matter to be concluded and that it should not be raised again unless new evidence becomes available.

Support to ATs

It is recognised that raising concerns can be difficult and stressful. Advice and support will be made available, as appropriate, to both the ATs(s) raising the concerns and the ATs(s) subject to investigation.

How to raise a concern

As a first step, an AT should normally raise concerns with their Course Programme Lead. This depends, however, on the seriousness and sensitivity of the issues and who is involved. For example, if an AT believes that their Course Programme Lead is involved, they should approach the Head of KMT or Director of the Leigh Institute. ATs can by-pass this chain if they feel the overall management and KMT Strategic Board is engaged in an improper course of action. In this case please refer to Raising a concern outside of KMT set out below.

Concerns are better raised in writing. The AT should set out the background and history of the concerns, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If an AT does not feel able to put the concern in writing, they should telephone or meet the appropriate person. It is important that, however the concern is raised, the AT makes it clear that they are raising the issue via the whistle-blowing procedure.

The earlier an AT expresses the concern, the easier it is to take action.

Although an AT is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

In some instances it may be appropriate for an AT to ask the trade union to raise a matter on their behalf.

Role of KMT Senior Leaders

A KMT senior leader may be informed by an AT about concern(s) and that they are "blowing the whistle" within the procedure in person; or in writing or over the phone.

The senior leader and Course Programme Lead should respond immediately by arranging to meet with the AT to discuss the concern(s) as soon as possible.

Stage One

At the initial meeting the Course Programme Lead should establish that:

- there is genuine cause and sufficient grounds for the concern; and
- the concern has been appropriately raised via the Whistle-Blowing Policy.

Course Programme Lead should ask the AT, to put their concern(s) in writing, if they have not already done so. The Course Programme Lead should make notes of the discussions with the AT. The AT's letter and/or Course Programme Lead's notes should make it clear that the colleague is raising the issue via the whistle-blowing procedure and provide:

- the background and history of the concerns; and
- names, dates and places (where possible); and
- the reasons why the AT is particularly concerned about the situation.

The AT should be asked to date and sign their letter and/or the notes of any discussion. The Course Programme Lead should positively encourage the AT to do this, as a concern expressed anonymously is much less powerful and much more difficult to address, especially if the letter/notes become evidence in other proceedings, e.g. an internal disciplinary hearing.

The Course Programme Lead should follow the policy as set out above and in particular explain to the AT:

- what steps they intend to take to address the concern;
- how they will communicate with the AT during and at the end of the process; and
- that a written response will be sent out within ten working days.
- that their identity will be protected as far as possible, but should the investigation into the concern require the colleague to be named as the source of the information, that this will be discussed with the colleague before their name is disclosed;
- that KMT will do all that it can to protect the AT from discrimination and/or victimisation;
- that the matter will be taken seriously and investigated immediately; and

- that if the AT's concern, though raised in good faith, is not confirmed by the investigation, no punitive action will be taken against them.

The Course programme Lead should explain to the AT, as a matter of fact, that:

- if clear evidence is uncovered during the investigation that they have made a malicious or vexatious allegation, disciplinary action may be taken against them; and
- the investigation may confirm their allegations to be unfounded in which case KMT will deem the matter to be concluded and s/he will be expected not to raise the concern again, unless new evidence becomes available.

Stage Two

Following the initial meeting with the AT, the Course Programme Lead should consult with the Head of KMT or Director of the Leigh Institute to determine whether an investigation is appropriate and, if so, what form it should take. A record should be made of the decisions and/or agreed actions.

It may be necessary, with anonymous allegations, to consider whether it is possible to take any further action. When making this decision, Course Programme Leads should take the following factors into account:

- the seriousness of the issue(s) raised;
- the credibility of the concern(s); and
- the likelihood of confirming the allegation(s) from attributable sources.

In some cases, it may be possible to resolve the concern(s) simply, by agreed action or an explanation regarding the concern(s), without the need for further investigation. However, depending on the nature of the concern(s) it may be necessary for the concern(s) to:

- be investigated internally;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

The Course Programme Lead should have a working knowledge and understanding of other KMT and LAT policies and procedures, e.g. disciplinary, harassment, child protection procedures, to ensure that concerns raised by AT

are addressed via the appropriate procedure/process. Advice is available from the Trust's People Services Team.

Stage Three

Within ten working days of a concern being received, the Course Programme Lead receiving the concern must write to the AT:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response; and/or
- telling the AT whether any initial enquiries have been made; and
- telling the AT whether further investigations will take place, and if not why not; and/or
- letting the AT know when they will receive further details if the situation is not yet resolved; and
- providing the AT with details of whom to contact should they be dissatisfied with this response (see Raising a concern outside of KMT).

Raising a concern outside KMT

The Whistle-Blowing Policy is intended to provide colleagues with a procedure for raising concerns and resolving these within KMT. If an AT is not satisfied with the Head of KMT or the Director of the Leigh Institute's response, the Course Programme Lead should ensure that they are made aware with whom they may raise the matter externally:

- 'Protect': UK whistleblowing charity formerly known as Public Concern at Work. ATs can contact for advice to assist them in raising concerns about poor practice. The charity also provides advice to employers on the possible ways to address concerns;
- a recognised trade union;
- a senior DfES official in the Academies division ;
- the Trust's external auditor;
- relevant professional bodies or regulatory organisations;
- a solicitor;

The Course Programme Lead should stress to the AT that if they choose to take a concern outside KMT and LAT, it is the AT's responsibility to ensure that confidential information is not disclosed, i.e. confidential information, in whatever format, is not handed over to a third party.