

# ORCHARD ACADEMY TRUST



## Grievance Policy

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## **Part A - Policy**

### **1. Policy Statement**

Orchard Academy Trust undertakes to promote positive working relationships within its schools and is committed to providing a working environment where Employees are treated with dignity, fairness and respect.

The Trust recognises that occasionally an individual Employee or group of Employees may have a problem, concern or complaint regarding their working environment or working relationships.

It is expected that the majority of day-to-day concerns can be resolved through regular communication between Managers and Employees.

However, on occasion this may not be possible, and a more structured approach may be necessary using this procedure.

Where an Employee raises a grievance, it is preferable for this to be resolved informally between the individual and the Headteacher /Executive Head/Line Manager, or person who the complaint is made against, as close to the point of origin, wherever possible.

Where a grievance cannot be resolved informally, it may be appropriate for the issue to be addressed formally, including allowing the right of appeal.

The Trust encourages individuals to work towards a resolution and requires all parties to engage in this process. Consideration will be given to the use of mediation as a means to achieve a lasting resolution to complaints.

The Trust recognises the need to ensure grievances are addressed without undue delay. The school may undertake reasonable investigation to assist in the resolution of the grievance.

Complaints that are found to amount to misconduct on the part of an Employee will be addressed under the Trust's Disciplinary Procedure.

An Employee who has raised a complaint in good faith will not be treated less favourably or suffer any detriment in their employment as a result of raising a complaint under this procedure.

Due consideration will be given to the support required by both parties when addressing concerns.

A grievance will be treated as confidential by all parties.

This policy has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

The procedure explains:

- how Employees can raise issues with their Managers about their working environment or work relationships
- how the schools will address those concerns in a fair and consistent manner
- what is expected from Managers and Employees with regards to the management of grievance issues

## **2. Scope**

This Policy and Procedure applies to all current Employees of Orchard Academy Trust.

The grievance policy should be used for work related issues such as concerns relating to an Employee's own employment, working environment, working relationships and terms and conditions. It may also be used to raise concerns about the actions of another employee or manager acting on the school's/Trust's behalf.

This policy may also be used by a group of employees who wish to raise a grievance about their employment where the circumstances are the same.

If the complaint relates to an allegation of bullying and harassment- the matter should be addressed under the Trust's Dignity at Work Policy. (Appendix B)

Employees are advised that any grievances raised must lie within the authority and control of the Trust to resolve in its role as an Employer.

This procedure is not intended to be used in instances where other procedures apply, including:

- Dismissal or disciplinary matters
- Performance or capability matters
- Redundancy or restructure issues
- Pay decisions
- Complaints about harassment, bullying or whistleblowing

Issues that are subject to collective agreements or disputes legislation should be raised under the collective disputes procedure within the Conditions of Service for School Teachers or in accordance with the provisions of the Facilities Agreement between the Trust and recognised Trade Unions

## **3. Adoption Arrangements and Date**

This procedure was adopted by Orchard Academy Trust on 20<sup>th</sup> March 2024 and supersedes any previous Grievance procedure.

This policy will be reviewed every 3 years or earlier if there is a need. This will involve consultation with the recognised unions where there have been material changes.

## 4. Responsibilities of the Trust

- To ensure Employees are given the opportunity to explain their concern and the outcome sought.
- To seek a means to resolve the grievance wherever possible whilst taking into account Academy policies, procedures and rules.
- Achieve the early resolution of grievances where possible and to allow Employees to take their concerns to a further level of management where appropriate
- To ensure consistency and fairness of treatment.

## 5. Responsibilities of the Employee

- To raise concerns at the earliest opportunity, to make every effort to raise / resolve matters informally at an early stage and to consider mediation as a means of resolving concerns.
- To engage with Managers in seeking to resolve any grievance that has been raised – by attending meetings and / or participating in any investigation and providing evidence to support the complaint.
- To act in a respectful and professional manner towards all parties.
- To maintain confidentiality
- To raise grievances only in relation to legitimate concerns and not of a malicious / vexatious nature.

## Part B - Procedure

### 6. Definition

A grievance is defined as:

*'concerns, problems or complaints that Employees raise with their Employers'*

*(Acas Code of Practice Discipline and Grievance)*

This may include a problem or concern that an Employee or group of Employees has about their work, working conditions, or relationships with and actions of their manager or colleagues.

### 7. Timescales for Raising a Grievance

A grievance should not be raised if the event, act or issue (or last of a series of acts, events or issues) complained of occurred more than 3 calendar months prior to an Employee raising a complaint.

Should an employee wish to raise a complaint outside of this period they will need to demonstrate that:

- They have made reasonable attempts to resolve the matter informally outside of the grievance process
- They could not reasonably be expected to have known about the issue and have raised the complaint within 3 months of first becoming aware of it.

### 8. Authority to Act

The table below indicates the appropriate person for an Employee to address a grievance to depending on the nature of the complaint.

Nature of Grievance	Informal	Formal	Appeal
<i>Employee against colleague</i>	<i>Colleague who the complaint is about or Line Manager / Headteacher/Executive Head</i>	<i>Line Manager / Headteacher/Executive Head</i>	<i>Headteacher/Executive Head Governor /Trustee or Governor /Trust Panel</i>
<i>Employee against line manager</i>	<i>Line Manager or Headteacher/Executive Head</i>	<i>Headteacher/Executive Head</i>	<i>Governor or Governor Panel</i>
<i>Employee against Headteacher/Executive Head</i>	<i>Executive head or Chair of Governors/Chair of Trust</i>	<i>Chair of Governors/Chair of Trust</i>	<i>Vice Chair/Co-chair of Trust</i>
<i>Employee about his / her own employment</i>	<i>Headteacher/ Executive Head /Line Manager</i>	<i>Headteacher/ Executive Head/Line Manager</i>	<i>Headteacher/Executive Head Governor /Trustee or Governor/Trust Panel</i>

In this procedure the manager considering the complaint is referred to as the 'Grievance Officer'.

### **Informal Grievances**

Every effort should be made to informally resolve grievances before resorting to the formal stages of this procedure.

Grievances relating to an Employee's own employment should initially be raised with the Employee's Line Manager.

Grievances relating to colleagues or Line Manager should wherever possible be raised informally with the individual who the complaint is about in the first instance. If the Employee feels uncomfortable doing this they should raise the issue with their Line Manager who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an Employee's Line Manager – complaints should be raised with the next level manager - who may be able to facilitate a discussion between all parties regarding the concerns.

In exceptional circumstances and where it's not deemed appropriate for a complaint to be addressed informally an Employee may raise a formal grievance without first seeking to resolve the matter informally.

### **Formal Grievances**

If it is not possible to resolve a grievance informally, an Employee may raise the matter formally in writing stating the basis for the grievance and the resolution sought. The Grievance should be raised with the Employee's Line Manager (or with the next level of management if the grievance issues involve the Line Manager). In instances where the grievance is against the Headteacher/Executive Head – any formal grievance should be raised with the Chair of Governors/Chair of Trust.

It should be noted that at the formal stage the Grievance Officer may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

### **Complaints raised by the Headteacher/Executive Head**

Where the Headteacher/Executive Head has a grievance, the matter should be raised formally with the Chair of Governors/Trust, or in instances where the complaint is against the Chair of Governors, the matter should be raised with the Chair of Trust. Where the complaint is against the Chair of Trust, the matter should be raised with the Vice Chair of Trust.

### **Grievance Appeals**

Appeals should be heard by a more senior manager to the manager who initially considered the formal grievance. In instances where there is not a higher level of management within the Trust's structure – appeals may be heard by either an individual governor or a panel of no more than 3 members of the Governing Body/Trust board.

### **Collective Grievances**

This procedure may also be used by groups of employees who have a collective grievance (or on their behalf by their recognised trades union) and, if the situation arises, the words 'group of employees' should be substituted for 'employee' throughout this procedure.

When dealing with groups of employees, representatives of the group, or where desired a trade union representative, may be asked to make representations on behalf of the group.

## **9. Right to Representation**

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or trade union representative at any formal meetings held as part of this procedure.

A workplace colleague or trade union representative may also attend an investigation meeting.

Due and careful consideration will also be given to any request from an Employee to be accompanied by a workplace colleague or trade union representative at informal meetings. However it should be noted that the presence of a representative does not make the meeting formal.

## **10. Timescales**

Grievances will be addressed promptly and without undue delay in achieving an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case:

Informal Stage	<i>Informal Grievance raised</i>	<i>Meeting held and outcome reached as soon as is practicable</i>
	<i>Formal Grievance raised</i>	<i>Within 5 working days following the outcome of the Informal stage</i>
Formal Stage	<i>Grievance Meeting</i>	<i>Within 10 working days of receipt of formal complaint</i>
	<i>Grievance Outcome Meeting</i>	<i>As soon as practicable. Where meeting is adjourned within 10 working days of the conclusion of any investigation or other action</i>
	<i>Written Outcome</i>	<i>Within 5 working days of the Grievance Outcome Meeting</i>
Appeal	<i>Appeal</i>	<i>Appeal to be made within 5 working days of the receipt of the written outcome</i>
	<i>Appeal Meeting</i>	<i>Within 10 working days of receipt of written appeal</i>
	<i>Written Appeal outcome</i>	<i>Within 5 working days of the appeal meeting</i>

For the purpose of this procedure working days will normally refer to the 195 days of the school year for teachers employed under the terms of the School Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the school term will mean all days excluding weekends and bank holiday days.

With agreement, meetings may take place at other times outside of an Employee's normal working days.

Should an investigation be necessary, anticipated timescales for completing this will be communicated. Where additional time is required all parties will be advised.

All parties must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested by the Grievance Officer or Investigating Officer promptly.

If an Employee exceeds the time limits stated without good reason the grievance will be considered as being out of time and no further action will be taken.

## **11. Support and Conduct during the Process**

The Trust/Schools acknowledge that they have a duty of care towards all Employees and consideration will be given to any support or reasonable adjustments required by either party during the process.

Employees are advised that their Trade Union Representatives will be able to provide support and advice to their members. Employees who are not members of a Trade Union may access support via their identified workplace colleague.

Due respect will be given to the rights of both parties during the process and the Academy will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their accounts with a view to reaching a resolution.

Where both parties to the grievance are present at any meeting - the Grievance Officer should endeavour to facilitate respectful dialogue between the parties to assist in identifying a mutually agreeable outcome.

Staff will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against a member of staff may be addressed as a misconduct issue.

## 12. The Role of Mediation

### **Guidance Note:**

Mediation is not a requirement but may be a useful means of resolving grievances and consideration is encouraged as good practice

Mediation can often help resolve grievances and is actively encouraged by the Academy.

Mediation is a voluntary process facilitated by an impartial third party which aims to assist parties reaching in resolution and agreement to a workplace dispute or conflict.

Mediation may be instigated at any stage in the procedure but is encouraged at an early stage as means to improve professional relationships and communication between parties.

During mediation any grievance process would usually be suspended. If at any point any party wishes to withdraw from mediation they may do so and this procedure may be resumed at the appropriate stage.

## 13. Informal Action

If an Employee has a grievance this should, wherever possible, be raised at the earliest opportunity informally and verbally, in the first instance.

An Employee may also raise the matter in writing if preferred.

In addition to outlining the details of the concerns the Employee should also clearly explain what action or outcome they are seeking.

The normal expectation is that the Employee and person who the complaint is against and / or Grievance Officer would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues and the outcome sought by the Employee with the aim of achieving a resolution or way forward informally that is mutually acceptable.

Where the complaint is against an individual, it would be the normal expectation that all parties should reasonably agree to a joint meeting as a means to seek a resolution to the complaint at this early stage.

Resolutions at an informal stage may include:

- Providing an apology where appropriate
- Agreeing how future communication will take place
- Agreeing future conduct which is acceptable to all parties
- Agreeing alternative work patterns / practices for either or both parties – subject to operational and business requirements
- Exploring counselling or workplace mediation
- Agreeing further training, coaching or mentoring

It should be noted that any resolution should take into account Academy policies, procedures and rules.

Depending on the circumstances more than one discussion may be required to achieve a resolution.

At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these.

At the conclusion of the informal process a written record may be made detailing the date of the meeting(s), concerns discussed and actions / outcomes agreed. A copy should be shared with all parties.

## **14. Formal Action**

Where it is not possible for the matter to be resolved informally an Employee may wish to raise a formal grievance.

Where an informal resolution attempt has been unsuccessful, if the employee wishes to make a formal complaint they must do so in writing within 5 working days of the conclusion of the informal process.

All formal grievances should be raised in writing. The Grievance notification form, attached at Appendix A, may be used for this purpose.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the Employee(s) who they are raising a grievance against, if appropriate
- the action or proposed action which has given rise to the grievance, together with specific examples if possible;
- dates and times when incidents occurred, and where they occurred;
- the names of any Employees / other persons who are witnesses to the grievance
- any informal action that the Employee has already taken to try to deal with the grievance

In all cases the Employee should also clearly state what outcome / proposed action they are seeking by raising the grievance.

The Employee should also submit any supporting documentation that is relevant to their complaint.

It should be noted that without the grievance being received in writing the Grievance Officer will be unable to progress the complaint. Where it is unclear whether the Employee wishes a written complaint to be addressed under the formal grievance procedure the Grievance Officer will seek to clarify this without unreasonable delay.

In most instances where a Grievance Officer was identified at the informal stage – this individual can continue to consider the complaint at the formal stage.

The Grievance Officer will provide the Employee with written confirmation of receipt of the complaint and confirmation of who will progress the concern.

## **15. Formal Grievance Meeting**

The Grievance Officer will arrange a confidential meeting with the Employee within 10 working days of receipt of the formal grievance.

An Employee may be accompanied to a formal grievance meeting by a workplace colleague or trade union representative.

The purpose of this meeting is to:

- Provide an Employee with the opportunity to explain their grievance in full and consider / clarify the details of the complaint
- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the grievance
- Explore and consider the outcome that the Employee is seeking
- Determine the outcome of the complaint / reach a resolution at the initial meeting if appropriate
- Determine what further action might be necessary before an outcome can be determined
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation

It should be noted that no new complaints can be added after this meeting unless agreement is given by the Grievance Officer.

If appropriate, the meeting may be adjourned by the Grievance Officer to:

- Consider the information presented, allow for deliberations and make their decision
- Undertake a simple fact finding exercise themselves - this may include speaking to witnesses and reviewing necessary documents
- Commission a formal investigation and appoint an Investigating Officer
- Identifying other resolutions as outlined at the informal stage
- Arrange a joint meeting between the parties
- Allow time for mediation between parties

- Consider whether any other further action might be appropriate

It may be that a combination of these actions are appropriate in certain circumstances.

Where it is not possible to provide an outcome to the grievance during an initial meeting, the Grievance Officer will confirm in writing the action that is proposed to progress the complaint and the anticipated timescale for completion.

## 16. Formal Investigation

### **Guidance Note:**

ACAS advises that Employers should undertake any necessary investigations to establish the facts of the case. A full formal investigation may not be necessary in all circumstances.

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding the grievance.

In some instances it may be necessary for the Grievance Officer to commission a formal investigation - however it should be noted that a formal investigation will not take place as a matter of course and without careful consideration of other means to resolve the complaint. In many instances an informal fact finding exercise will be sufficient.

Where a formal investigation is necessary this will be undertaken in accordance with the Trust's Disciplinary Procedure. Any issues of misconduct identified by an investigation will also be addressed under this Procedure.

An Investigating Officer will be appointed to objectively establish the facts and determine, on the balance of probabilities, whether there is evidence to substantiate the grievance.

Should the complaint relate to an Employee - the Employee who the complaint has been made against will be notified in writing of the nature of the concerns. The Employee will be invited to attend a formal interview and given full and fair opportunity to respond to the concerns, explain his / her conduct and any mitigating circumstances. The Employee should be advised that should the complaint be upheld, formal disciplinary action may be taken against them.

Where the complaint relates to an Employee's own employment, working environment or terms and conditions the Investigating Officer will interview the responsible manager as part of the investigation.

Both parties may be accompanied to an investigation meeting by a workplace colleague or trade union representative.

The Investigating Officer may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that information provided may be used as evidence and / or they may be called to present this at a subsequent hearing.

A written report will be produced of the investigation findings and shared with the Grievance Officer.

The investigation findings will inform the Grievance Officer's response to the grievance.

It may not be appropriate or useful in resolving the grievance to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the Grievance Officer considering the complaint deems appropriate.

Should the matter subsequently be considered under the Academy's formal disciplinary procedure - the investigation report may be shared as evidence for this process.

## **17. Communicating the Outcome of the Formal Grievance**

Having considered the matters raised, the Grievance Officer may be able to determine the outcome of the grievance or agree actions to address the complaint raised and resolve the grievance during the course of the meeting.

Where this is not possible the formal grievance meeting will be reconvened at the earliest opportunity following the completion of any investigation or agreed actions.

The purpose of this meeting is to:

- Communicate the outcome of the grievance and the reasons for this decision to the Employee – with reference to the findings of any investigation
- Communicate any recommendations or actions to the Employee
- Advise the Employee that they may appeal against this decision

The outcome meeting will be arranged without undue delay and where possible within 10 working days of the conclusion of any investigation or other follow up action where this is necessary.

An Employee may be accompanied by a workplace colleague or trade union representative at this meeting.

The Grievance Officer may determine the following outcomes:

- The Grievance is upheld in full, or
- The Grievance is upheld in part, or
- The Grievance is rejected

In addition to the above, the Grievance Officer may recommend that further action such as mediation or training be considered to resolve the situation. It should be noted that any resolution should take into account Academy policies, procedures and rules.

The Employee will be notified of the outcome verbally following any deliberation or further investigation as is necessary. In all instances the Employee will be notified of the outcome in writing

usually within 5 working days of the date of the meeting or the decision being reached. This notification will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Grievance Officer considered in coming to their decision – including the findings of any investigation
- Any recommendations or agreed actions for the parties to take
- Advising the Employee that they may appeal

It should be noted that where a complaint was against another Employee and the grievance is upheld – the Employee who raised the grievance does not have the right to know what future formal / informal disciplinary or management actions may be taken against the individual.

Appropriate information will be made available about the investigation and grievance outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties

## 18. Grievance Appeal Meeting

### **Guidance Note:**

There is no statutory right of appeal against a grievance complaint but it is generally regarded as best practice and advised by ACAS. Appeals should be heard wherever possible by an individual who has had no prior involvement in the matter

Where an Employee feels that their Grievance has not been satisfactorily resolved by the Grievance Officer they may appeal against the outcome.

Appeals should be made in writing to the Grievance Officer, within 5 working days of receipt of the written outcome of Formal Grievance. The letter of appeal should clearly state the specific grounds on which the Employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written grievance form / letter and any supporting documentation should also be submitted.

An appeal meeting will be arranged without undue delay and where possible within 10 working days of receipt of the written appeal.

The appeal meeting will be heard by an Appeal Officer - more senior manager than the original Grievance Officer. Where there is not a more senior manager the appeal may be heard by a member / panel of the Governing Body. Those considering the appeal will not have had involvement in the grievance at the earlier stages.

An Employee may be accompanied to an appeal meeting by a workplace colleague or Trade Union Representative. At an appeal meeting the Appeal officer or Panel will review:

- The original grievance outcome decision

- The Employee's reasons for raising an appeal
- Any further representations made or information presented by the Employee

It may be appropriate for the Grievance Officer to be present throughout the Appeal Meeting – this will be at the discretion of the Appeal Officer/ Panel.

Based on the information presented, the Appeal Officer or Panel may determine the following outcomes:

- The original grievance decision is upheld in full, or
- The original grievance decision is upheld in part, or
- The original grievance decision is overturned

In addition to the above, the Appeal Officer or Panel may recommend that further action such as mediation or training be considered to resolve the situation.

Where possible the employee will be advised verbally of the outcome at the conclusion of the meeting or following any deliberations that may be necessary. Where this is not possible the Appeal Officer will determine the outcome at the earliest opportunity and the outcome communicated in writing to the Employee.

In all instances the Employee will be notified of the outcome in writing usually within 5 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where the grievance complaint is against another employee they will be notified of the appeal outcome. This may be in writing or at a meeting.

Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

The outcome of the appeal is final and there is no further right of appeal.

## **19. Guidance for Grievance Meetings and Appeals**

Grievance Meetings and Appeals should take place at a reasonable time and place usually during the Employee's normal working hours, unless otherwise agreed with the Employee and, in the case of Employees who work term time only, during the School term. Meetings should not be heard beyond 5pm to protect the welfare of all parties. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for meetings. There should be adequate rooms for the parties and arrangements to ensure that meetings are conducted with discretion and confidentiality maintained. A venue away from the School site may be appropriate in certain circumstances.

## **20. Involvement of other parties / witnesses**

In certain instances it may be appropriate to allow other parties / witnesses to attend a formal grievance or appeal meeting where their contribution may assist in understanding the issues being raised.

However in most cases this will not be necessary as information will be gathered during any fact finding or investigation process.

Should an Employee wish to request that another party attends the grievance or appeal meeting – they should advise the Grievance Officer who will consider each request on case by case basis.

## **21. Non Attendance At Formal Grievance and Appeal Meetings**

### **Guidance Note:**

Employees have a statutory right to request a postponement of a hearing / appeal by up to 5 working days in the event that their representative is unavailable.

Employees are expected to attend and participate in all meetings. Where an Employee or their representative is unavailable to attend, they should inform the Grievance Officer / Appeal Officer at the earliest opportunity.

If an Employee's representative is unavailable the formal grievance meeting / appeal may be deferred by up to 5 working days from the date of the original hearing.

The Grievance Officer / Appeal Officer will give due consideration to other any request for postponement taking into account the individual circumstances and the reason for nonattendance.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the Grievance / Appeal Office may decide that the meeting may proceed in their absence and a decision made based on the available information.

Other than in exceptional circumstances only one postponement will be granted. Thereafter the meeting will proceed whether or not all parties attend.

## **22. Action pending the outcome of a grievance**

Exceptionally, if circumstances warrant, the Academy may take action to alleviate the circumstances which have given rise to the complaint pending the outcome of the formal grievance process.

Any change would be temporary pending the outcome of the grievance process and may include alteration to working arrangements or line management responsibilities subject to consideration of the operational needs of the Academy. Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against.

### **23. Support Following the Conclusion of the Process**

The Academy expects all parties to work together in a professional and constructive manner following the conclusion of the process. However it is recognised that ongoing support may be required to rebuild damaged working relationships.

Consideration should be given to any measures that may assist with rebuilding working relationships and prevent a recurrence of the situation that gave rise to the original complaint. This may include mediation.

It is expected that all parties should reasonably agree to a joint informal meeting to discuss future ways of working.

Reasonable monitoring will take place to ensure actions or recommendations arising from the grievance are successfully implemented.

### **24. Concurrent Management Action**

Employees should be advised that reasonable management action to address concerns relating to employment matters should not automatically be perceived in itself as a reason to raise a grievance.

In the event that an Employee raises a grievance in the course of a disciplinary or capability process, both processes may continue concurrently.

However, each case will be considered on its merits to ensure that the Academy is acting reasonably.

### **25. Absence during the process**

In instances where the absence of either party arises following a complaint – the Academy will seek early advice from an Occupational Health Advisor on how to support the Employee in the management of the absence.

The Grievance Officer may at their discretion decide to proceed with the process in Employee's absence although consideration will be given as to the circumstances.

In cases of absence from work of one of the parties, consideration will be given as to how best to progress the complaint. The Grievance Officer may, at their discretion, decide to proceed with the process in an Employee's absence but in these circumstances alternative arrangements will be discussed with the employee including providing a written statement or for a Trade Union representative or workplace colleague to attend meetings on their behalf.

### **26. Anonymous Allegations**

Employees are encouraged to put their name to any grievance complaint.

Where an Employee is concerned about being identified the Academy may explore appropriate measures to reassure and safeguard the Employee during the process. The Academy cannot guarantee that anonymous allegations will be considered or formally investigated. This is in accordance with the principles of natural justice where an individual has a right to know who has made a complaint in order to be able to respond fully

## **27. Malicious / Vexatious Allegations**

Where a complaint is unsubstantiated and found to be of a vexatious or malicious intent, this may be examined in accordance with the Academy's Disciplinary procedures.

## **28. Record Keeping**

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process.

Records will be kept detailing the nature of the grievance raised, the response, actions taken, reasons behind any action taken; whether the outcome was subject to appeal, and if so, any further outcome.

At the formal and appeal stage of the grievance process, and should an investigation be undertaken, minutes will be taken.

Minutes may be taken by a clerk who is present at the meeting or transcribed from an audio recording. An audio recording will only be made with the prior consent of the Employee.

Minutes will be shared with the Employee as soon as practicable. The Employee will have the opportunity to check the accuracy of the minutes / notes taken of their evidence and submissions. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record. Where an audio recording is made this will be shared with the Employee if requested.

Covert recordings of meetings or hearings are expressly prohibited.

A copy of any outcome letters should be retained on the School personnel file of the Employee raising the complaint.

## **29. Confidentiality**

A grievance must be treated by all parties involved in the process as a confidential matter. Discussion with other parties is not acceptable. Confidentiality will ensure that the matter can be dealt with as close to the source as possible and will assist in ensuring that if any action is taken or recommendations made there is a stronger likelihood of a successful outcome.

Failure to respect the confidentiality of the process may be regarded as a disciplinary matter.

The Trust/School will respect the confidentiality of all information relating to an Employee's grievance.

The Trust/School recognises its obligations under the General Data Protection Regulation and associated legislation and the rights of Employees with regards to the personal data held on them.

All records relating to the management of grievances will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act (2018).

Please refer to the Trust's Data Protection Policy and Privacy Notice for further details.

### **30. Monitoring Data**

Regular whole Academy monitoring will take place of formal grievance complaints. Any data gathered will not identify individual Employees

## Appendix A: Grievance Notification Form

<b>Employee name:</b>	<b>Employee Job title:</b>
<b>School:</b>	<b>Date Grievance Raised:</b>
<b>Trade Union Representative / Workplace Colleague</b>	<b>Name:</b>  <b>Email:</b>  <b>Contact Telephone No:</b>
If your complaint is against an individual - please provide their name and job title	<b>Name :</b>  <b>Job Title:</b>

**Summary of complaint:** *Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.*

**Individuals involved in the alleged incident/complaint:** Provide here the names and contact details of any people involved in your complaint, including witnesses.

**Informal action to resolve the issue:** Please provide details of any action that you have already taken to your grievance/ complaint and why this did not work.

**Outcome requested:** Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

<b>Declaration:</b> <i>I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust/School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).</i>	
Signature:	
Name:	Date:

<i>Date form received:</i>	
<i>Date of Grievance Meeting:</i>	
<i>Date investigation commissioned:</i>	
<i>Date of Grievance Outcome Meeting:</i>	
<i>Date Employee notified of written outcome:</i>	
<i>Date appeal received:</i>	
<i>Date Employee advised of the written appeal outcome:</i>	

**For completion by the Grievance Officer:**

Date Approved: March 2024

Date of review: March 2027

## Appendix B : Dignity at Work Policy

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### 1. Statement of principles

- All members of the school/Trust workforce (as defined in section 2) have a right to be treated with dignity and respect in the workplace
- Workplace harassment, bullying and victimisation are totally unacceptable
- No member of the school/Trust workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public, or other individuals they may encounter at work, or on school trips
- The school/Trust recognises that any member of the school/Trust workforce can be subjected to these forms of behaviour
- The school/Trust will assess whether harassment, bullying or victimisation has occurred based on the impact of the action(s) on the victim rather than the intent of the alleged perpetrator
- The school/Trust will not base decisions about handling harassment, bullying or victimisation on whether someone submitted to or rejected a particular instance of harassment, bullying or victimisation
- The school/Trust strives for a workplace that's free of harassment, bullying and victimisation through:
  - Raising awareness of the issues of harassment, bullying and victimisation, and refusing to tolerate these behaviours
  - Supporting any member of the school/Trust workforce who is harassed, bullied or victimised
  - Dealing with any issues through agreed processes when they are raised
  - Ensuring that senior leaders demonstrate and uphold high standards of conduct

### 2. Legislation and guidance

This policy is based on the Acas guidance on [discrimination, bullying and harassment at work](#).

This policy follows the principles of the:

- [Equality Act 2010](#)
- [Protection from Harassment Act 1997](#) (which makes provision for protecting individuals from harassment and similar conduct)
- [Employment Rights Act 1996](#) (which is particularly relevant if the school is considering a dismissal)
- [Employment Relations Act 1999](#) (where a dispute progresses to an employment tribunal)

Where it becomes necessary to bar an individual from school/Trust premises, we will refer to the [guidance on controlling access to school premises](#) from the Department for Education (DfE).

This policy is designed to protect all current and former members of the school workforce.

For the purposes of this policy, the term 'school workforce' includes:

- Employees
- Agency workers
- Consultants
- Casual workers
- Apprentices
- Volunteers, including governors/Trustees
- Job seekers and job applicants

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

### 3. Definitions

All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the school workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

#### 3.1 Harassment

Harassment, as defined in the Equality Act 2010, is:

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.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex

- Sexual orientation

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature, which has the same purpose or effect on the individual as described at the beginning of this section (3.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex. This conduct has the same purpose or effect described at the beginning of this section (3.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable, and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

### **3.2 Bullying**

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

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

Harassment is when bullying or unwanted behaviour is about any of the protected characteristics defined in the Equality Act 2010 (as defined in section 3.1).

### **3.3 Victimisation**

Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act

## **4. Examples of unacceptable behaviour**

Unacceptable behaviour in this school/Trust may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know

- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities
- Putting humiliating, offensive or threatening comments or photos on social media

This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communication
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone or communication platforms
- Via social media
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

## **5. Reasonable management**

The school differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation.

Legitimate, justifiable, appropriately conducted monitoring of a member of the school workforce's behaviour or job performance does not therefore constitute bullying, harassment or victimisation.

## **6. Roles and responsibilities**

### **6.1 The governing board**

The governing board:

- Ensures complaints and allegations are handled according to agreed procedures
- Holds the headteacher to account for the implementation of this policy
- Ensures that this policy is periodically reviewed and kept up to date
- Deals with complaints raised by or about the headteacher

### **6.2 The headteacher**

The headteacher:

- Works to ensure that the working environment is free from harassment, bullying and victimisation
- Works to check that complaints and allegations are handled according to agreed procedures

### **6.3 All members of the school/Trust workforce**

All members of the school workforce:

- Treat colleagues with dignity and respect
- Contribute to maintaining an environment free from harassment, bullying and victimisation
- Support colleagues who experience unacceptable behaviour and who are considering making a complaint, or have made a complaint
- Report any occurrence of unacceptable behaviour and offer supporting evidence in any investigation where appropriate

### **6.4 Line managers**

Line managers, and those fulfilling this role when a complaint is about the line manager:

- Will listen to and take seriously any member of the school workforce who comes to them with a concern or complaint regarding harassment, bullying or victimisation

## **7. What to do if you're being harassed, bullied or victimised**

If you are being harassed, bullied or victimised by an employee (as defined in 8.1, below), stakeholder (as defined in 8.2, below) or pupil, speak to your line manager within the school. They can provide confidential advice and assistance in resolving the issue.

If your line manager is the subject of your complaint, speak to the Deputy Headteacher.

In the case of members of the governing board, 'line manager' in this policy means the chair of the governing board. If the chair is the subject of your complaint, speak to the headteacher.

For job applicants, job seekers and former members of the school workforce, 'line manager' in this policy means HR Officer.

Consider whether you feel able to raise the issue informally with the person responsible. Your line manager (or the deputy headteacher/headteacher if your complaint is about your line manager or chair of the governing board) can support you with this.

If you do raise the issue with the individual, you should explain clearly that their behaviour is not welcome or makes you uncomfortable. It may be that they are not aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect.

If you feel uncomfortable raising the matter with the individual informally, or you have tried to do so without a successful resolution, the school will decide whether your complaint should be dealt with formally under this policy or under the school's grievance procedures. It is for the school to determine the appropriate procedure, based on the facts of the case.

If the complaint is dealt with under this dignity at work policy, the school will follow the procedure set out below.

If the complaint is dealt with under the school's grievance procedures, you should refer to those.

## **8. Formal procedure for managing complaints**

How complaints will be dealt with will depend, in part, on whether the alleged perpetrator is an employee, a stakeholder or a pupil. Each option, and who it relates to, is set out below.

For all allegations of members of the school workforce being harassed, bullied or victimised, consideration will be given to involving other agencies as necessary.

Where a complaint has been raised and is being investigated under this procedure, the school will consider requests from the complainant to change their working arrangements, duties or hours in order to avoid or minimise contact with the alleged perpetrator until a successful resolution and an agreed outcome are reached.

### **8.1 Alleged harassment, bullying or victimisation by employees**

The school will use this process if the complaint relates to someone employed directly by the school, or where the school has the power to take professional or disciplinary action.

#### **8.1.1 Submitting a formal complaint**

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the complainant should submit their complaint in writing to their line manager. If the complaint relates to their line manager, it should be sent to the deputy headteacher.

The written complaint should set out the nature of the complaint with reference to specific incidents where possible, including times, dates and witnesses. It is important that it contains sufficient detail to enable the nature of the complaint to be determined.

#### **8.1.2 Formal investigation**

Once a written complaint is received, an investigating officer will be appointed to carry out an investigation into the complaint. This will be an independent individual with no prior knowledge of the complaint.

Both the complainant and the subject of the complaint should be advised that a formal complaint has been made and that an investigation will take place.

An interview will usually be arranged with the complainant within 1 week of receipt of the complaint. The subject of the complaint will then be interviewed and will be allowed the opportunity to respond to the complaint. There is no entitlement for the subject of the complaint to see the written complaint, but they should be provided with information as to the nature of it.

Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker, or a friend.

If any other witnesses are deemed pertinent to the investigation, the investigating officer will arrange to speak with them and will review relevant information and documentation.

The investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about action to be taken upon the conclusion of the investigation.

#### **8.1.3 Action following the investigation**

If the investigating officer upholds the complaint against the employee, possible outcomes may be:

- Disciplinary action
- Mediation
- Mandatory training

If the investigating officer does not uphold the complaint, possible outcomes may be:

- No action
- Mediation

These lists are not intended to be exhaustive.

## **8.2 Alleged harassment, bullying or victimisation by stakeholders**

The school will use this process if the complaint relates to someone not employed directly by the school, or when the school doesn't have the power to take any professional or disciplinary action against the person in question.

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint. This may involve:

- Mediation
- Putting up signs setting out acceptable and unacceptable behaviour
- A verbal warning
- A written warning

This list is not intended to be exhaustive.

If the action taken is not effective in preventing issues, or for very severe cases, the school will consider further action. This may involve a meeting to discuss a ban from the school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises (see section 2 of this policy).

If the individual is a parent of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

## **8.3 Alleged harassment, bullying or victimisation by pupils**

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the school will then refer to the behaviour policy, and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.

Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

#### **8.4 Continued working relationships**

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action, and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

#### **8.5 Appeals**

If the complainant is not satisfied, they should write to the HR Officer within 10 working days of being informed of the outcome of the procedure.

An appeal hearing will then be arranged within a reasonable period of time and will be dealt with by an appropriate level of senior management with no prior involvement with the complaint and/or investigations.

The complainant may be accompanied at the hearing by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker, or a friend.

The appeal outcome will be confirmed in writing within 5 working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision or may uphold the appeal and overturn the original decision.

### **9. Confidentiality**

The school/Trust will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to properly investigate the matters raised).

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

A complaint about a pupil may be stored on their educational record.

Information will be processed in line with UK data protection law. It will be kept securely, only for as long as necessary and in line with UK data protection law, our privacy notices and record retention schedule.

## **10. Further information**

An employee can seek further information on harassment, bullying and victimisation from their:

- Line manager
- Trade union representative
- HR Officer

## **11. Monitoring arrangements**

This policy will be reviewed by the Executive Headteacher every 2 years.

## **12. Links to other policies**

This policy is linked to the following policies:

- Staff grievance procedures
- Staff disciplinary procedures
- Whistle-blowing policy
- Staff code of conduct
- Behaviour policy
- Safeguarding policy
- Staff wellbeing guidance