



**BrightTribe**  
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## **Grievance Policy**

September 2018



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## 1. Introduction

This Grievance Procedure and policy is reviewed on a regular basis by the Trust.

It is recognised that management structures/administrative arrangements will vary according to the size of the academy or department within the Trust and therefore, in smaller academies and Trust departments, the procedure may be limited to two formal stages only i.e. with the procedure commencing at Stage Two.

This procedure does not cover all circumstances regarding individual grievances and the Principal, Regional Executive Principal and ARC Group members will take professional advice where there is doubt on matters of procedural interpretation.

## 2. Purpose

To promote the early, effective and satisfactory resolution of individual employment related grievances, by providing a structured framework through which individual members of staff can seek redress.

Broadly, a grievance may be raised about any matter arising from employment, including grievances amongst members of staff, with the Principal, Regional Executive Principal or senior Trust manager.

Issues that may cause grievances:

- terms and conditions of employment;
- health and safety;
- work relations;
- bullying and harassment;
- new working practices;
- working environment;
- organisational change;
- discrimination.

This policy also applies to instances of alleged bullying or harassment in the workplace. The Trust has expectations about the standards of language and behaviour that all members of staff have the right to expect and are expected to show to others in their communication and behaviour at work. It aims to assist in the development and maintenance of a working environment in which bullying and harassment are known to be unacceptable and to ensure that, where it occurs, there are adequate arrangements in place for raising and dealing with it and for preventing reoccurrence. In circumstances where an employee holds a concern of this nature, this Procedure provides the framework to address the concern.

The Principal, Regional Executive Principal and other Trust managers have specific responsibilities to direct the work of members of staff and to manage performance. It is not the intention of the application of this Procedure to affect the Principal, Regional Executive Principal other Trust managers from exercising these responsibilities appropriately and fairly. This includes issuing instructions, providing critical feedback to allow employees to improve their performance, taking action to control absence or to deal with misconduct, even whether employees feel that the action is unjustified or unfair.

This procedure is not the appropriate recourse for the following employment matters:

- Any outcome of a disciplinary process (in such circumstances the Appeals' Procedure established within the Disciplinary Procedure applies);
- Any issue relating to the pay progression to be dealt with under the Trust Pay Policy
- Whistleblowing (in such circumstances, the Trusts' Whistleblowing Procedure applies)
- Matters relating to the rules of the Pension Scheme

### 3. Scope

The procedure applies to all staff employed at the Trust, it covers individual, collective and post termination grievance situations.

### 4. Policy Statement

The Trust values the contribution made by all members of staff to the delivery of a high quality education service for the benefits of the Academy. We recognise that the quality of this contribution will be influenced and enhanced if all members of staff can enjoy a working environment that supports and encourages them in working to their full potential.

The Trust is committed to promoting and sustaining a working environment in which all members of staff feel valued and respected and in which they co-operate and communicate effectively with each other in seeking to achieve the highest standards of work performance. It is recognised that situations may arise where a member of staff may wish to seek redress for grievances arising from their employment. Accordingly, the Trust is committed to ensuring that staff are able to raise grievances in the first place, and where possible, have them resolved without unreasonable delay and to the satisfaction of all concerned.

Most issues should be discussed and can be dealt with satisfactorily within the course of normal working relationships where staff should feel that their problems and opinions could be discussed frankly and freely with each other and/or with their line manager.

However, where an employment-related individual grievance has not been resolved informally or where it is considered inappropriate to resolve the issue on an informal basis, the staff member will:-

- Be given a fair hearing on any grievance;
- Have the right to take the issue to senior management where appropriate;
- or if still not satisfied, have the right to take the issue further to a Committee of Accountability Review and Challenge (ARC) Group by way of an appeal.

Where the procedure is invoked, the /Principal, Regional Executive Principal /Senior Trust Manager (in the case of non-academy based staff) is committed to ensuring that the grievance is addressed as quickly as is reasonably practicable.

The Principal, Regional Executive Principal/Senior Trust Manager (in the case of non-academy based staff) is committed to fair and respectful treatment of all staff. Where an employee raises a concern in respect of their employment, they will not suffer from any detriment or less favourable treatment as a consequence of raising a concern or making a complaint. The /Principal, Regional Executive Principal /Senior Trust Manager (in the

case of non-academy-based staff) is committed to this principle in its application of the Grievance Procedure. The Trust's Whistleblowing Policy also enforces this principle.

## 5. Policy Statement Regarding Dignity at Work

Any language or behaviour which has the effect of undermining, humiliating or threatening another person, including harassment and bullying, is unacceptable and will be neither permitted nor condoned. We believe that most members of staff will actively support this commitment and will use language and behaviour that is consistent with our expectations. We also recognise, however, that we need to have clear arrangements in place for raising and addressing any instance of the use of language and behaviour that is incompatible with these expectations.

The Trust will demonstrate its commitment to a working environment and working relationships that are based on respect for and recognition of the individual contribution made by all members of staff by:

- Clearly communicating the standards that all members of staff have the right to expect and are expected to demonstrate to others in all workplace communications;
- Equipping the Principal and Managers with the knowledge and skills required to influence a positive working environment and working relationships;
- Alerting all members of staff to the type of language and behaviour that is not acceptable and, where this occurs, how this will be dealt with;
- Identifying a range of sources of information and assistance for members of staff to help them decide what to do if they experience unacceptable language or behaviour;
- Recognising a Grievance Complaints' Procedure that establishes appropriate informal and formal arrangements for members of staff to raise instances of unacceptable language or behaviour as set out in this Policy and Procedure document;
- Ensuring that complaints are handled sensitively and are fully investigated through appropriate procedures.

Further information and guidance on the definitions of bullying and harassment is provided in Appendix 2.

The Trust is committed to protecting employees against unacceptable behaviour of this nature that may be encountered by employees through contact with representatives from the wider school community in the context of their work, i.e: parents, pupils or members of the public. The processes and strategies available to the Trust for dealing with issues of this nature are set out in Appendix 3 of this policy.

## 6. Procedure

### 6.1. Informal Approach and Mediation

Attempts should always be made to resolve workplace grievances on an informal basis. Even if the problem relates to senior management or decisions made by senior management, attempts should still be made to resolve the issue on an informal basis and directly with the person(s) concerned.

It is important that any issue is raised as soon as possible after the event has occurred, so that resentment or worry does not build up. Also if an investigation is required, this can take place as soon as possible in order to ensure clear and accurate details are recalled before memories' fade.

Where the aggrieved employee holds a grievance with a work colleague or manager, attempts should be made to meet with the other party on an informal basis to discuss the situation and attempt to resolve the concern. This informal process should be encouraged and managed by an appropriate manager or Senior Trust Manager not directly involved in the case. The manager should conduct a facilitated meeting, taking into account arrangements that are mutually agreeable to all parties, in order to encourage an open dialogue between the parties with a view to resolving the concerns held by the aggrieved employee at the earliest opportunity. Notes of this meeting should be kept by the investigating manager. The aggrieved employee may request to attend an informal meeting with a trade union representative for the purpose of attempting to resolve a work-related complaint informally. Such a request will not unreasonably be refused.

As an alternative to a facilitated meeting and prior to evoking the formal procedure, formal mediation may be arranged between the relevant parties. Formal mediation can be arranged through the appointment of an independent trained mediator. Formal mediation is only a viable option where both parties agree to engage in the mediation process and agree to commit to a Mediation Agreement at the conclusion of the process. In accordance with the principles of mediation, mediation meetings are held with the two parties concerned and the mediator only. Trade union representatives or companions will not attend mediation meetings on either party's behalf. Further information on mediation is provided in Appendix 5.

### 6.2. Formal Procedure

Where an employment problem is considered by the member of staff to be of a sufficiently serious nature to be termed as a 'grievance', the matter has not been resolved as a result of an informal approach or it is considered inappropriate to deal with the matter on an informal basis, the member of staff may invoke the Grievance Procedure. This procedure is designed to achieve the objectives referred to in the above policy statement in an effective and efficient manner.

It will not normally be considered appropriate for an employee to pursue a formal grievance unless first of all the issue has been raised with his or her line manager and informal resolution has been considered where appropriate.

An employee wishing to invoke the Procedure should normally raise their concerns in writing within 6 school weeks of the event or the latest in a series of events that has resulted in the grievance. Early notification of a grievance will help ensure early resolution.

At all stages of the formal procedure, the member of staff raising the grievance is entitled to take advice from and/or be accompanied or represented by a workplace colleague or trade union representative. Staff are encouraged to consult their trade union representatives or professional associations prior to invoking the grievance procedure.

Where the member of staff chooses not to be accompanied or represented by a trade union representative or workplace colleague it will be noted in the written summary that representation was offered and declined.

The Principal, Regional Executive Principal/Senior Trust Manager (in the case of non-academy based staff) is committed to addressing employee grievances in a timely manner and in all cases will endeavour to adhere to the time limits referred to throughout this Procedure. However, parties may, by mutual agreement, modify the time limits referred to in the Procedure.

In certain circumstances this may not be practicable, for example, delays in convening meetings due to school holiday periods and complex cases requiring lengthy investigations. In the interests of best practice, fair treatment and the health and wellbeing of staff, meetings may be held during school holidays with the agreement of all parties (ie: the staff member concerned, trade union representative/workplace colleague, investigating manager). If however this is not agreeable to any party, the employee will be kept informed of the progress of the Procedure.

### **6.2.1. Stage One:**

If a member of staff has a work-related concern and the matter cannot be resolved informally, they should raise the matter formally with their line manager by completing the Grievance Form (see Appendix 1). Where the concern relates to the line manager, they should raise the matter with the Principal, Regional Executive Principal or appropriate member of the senior management team by completing the Grievance Form. It is recommended that the employee contact their trade union representative for advice and support in initiating the formal Grievance Procedure.

If the employee's concern relates to a Senior Trust Manager, Principal or Regional Executive Principal, the formal Procedure will be invoked at Stage 2 (see para 6.2.2).

On notification of a formal grievance, the manager to which the concern was raised will, as soon as possible, arrange an investigatory meeting with the employee. This meeting will normally take place within ten academy days of notification of the grievance (subject to para 6.2). The employee may attend the meeting accompanied by a work colleague or a trade union representative.

At the meeting the manager will listen to the details of the grievance and will endeavour to devise an appropriate resolution. In the event of the requirement for further investigation to be undertaken, the manager will clarify this at the close of the meeting and give an indication of the likely timescales required for the completion of the investigation. The manager will arrange for notes of the meeting to be taken, copies of which will be provided to all parties.

Once the manager hearing the grievance has completed any further investigation required and reached a decision, the outcome of the grievance will be confirmed, including any proposed resolutions, in writing to the employee.

Normally, written confirmation of the outcome of the grievance will be provided within 5 school days of the grievance meeting, with the exception of cases where further investigation is required. In such circumstances, the manager hearing the case will determine an appropriate timescale with due consideration to the need for a swift resolution whilst allowing sufficient time to conduct the necessary additional investigations.

In exceptional circumstances, where the staff member considers that the issue is not appropriate to raise with their immediate line manager, senior management representative, Principal or Regional Executive Principal, they may initiate the formal Procedure at Stage Two. Circumstances where it may be appropriate to invoke the Procedure at Stage 2 would include situations where the resolution sought may require the authority of the ARC Group or Executive Leadership Group (in the case of non-academy based staff)

### 6.2.2. Stage Two:

If the staff member is not satisfied with the outcome of the grievance determined at Stage 1 of the Procedure, disagrees with the decision that was made at the meeting or cannot accept the proposed period before action is to be taken, they may decide to refer the matter to Stage 2 of the procedure by referring the matter to members of the ARC Group or Executive Leadership Group (in the case of non-academy-based staff). Additionally, there may be circumstances, which are considered to be sufficiently serious to warrant the consideration of members of the ARC Group or Executive Leadership Group (in the case of non-academy based staff), in which case the Procedure should be invoked at Stage 2.

- Where an employee raises a grievance against the Principal, such matters will be automatically considered by members of the ARC Group at Stage 2 of the Grievance Procedure.
- Members of the ARC Group or Executive Leadership Group (in the case of non-academy based staff) will hear grievances raised under Stage 2 of the Procedure.

To invoke Stage 2 of the Procedure, the employee must confirm in writing the details of the grievance by completing the Grievance Form (Appendix 1), or by confirming in writing the reasons for continued dissatisfaction in respect of the outcome of the grievance at Stage 1 of the Procedure. The written confirmation for invoking the Procedure at Stage 2 should be addressed to the chair of the ARC Group or Executive Leadership Group (in the case of non-academy-based staff).

Where Stage 2 of the Grievance Procedure is invoked as a consequence of the employee's concern not being resolved to his/her satisfaction at Stage 1 of the Procedure, this must be confirmed in writing to the chair of the ARC Group or Executive Leadership Group (in the case of non-academy based staff) within 10 academy days of receipt of the written outcome at Stage 1 of the Grievance Procedure.

Where Stage 2 of the Procedure is invoked as the first stage of recourse, the employee is required to complete the Grievance Form as a means of initiating the formal Procedure within 20 Trust days of the event or the latest in a series of events representing the employee's concerns. The employee should submit the Grievance Form to the chair the ARC Group or Executive Leadership Group (in the case of non-academy based staff).

It is recommended that the employee contact their trade union representative for advice and support in initiating the formal Grievance Procedure.

On notification of a formal grievance at Stage 2 as the first stage of recourse, members of the ARC Group or Executive Leadership Group (in the case of non-academy based staff) will appoint a representative as an investigating officer to investigate the employee's concerns. It is recommended that members of the ARC Group also contact the Trust's HR advisors to consider the appropriateness of appointing a particular representative to assist the investigating officer. The investigating officer will arrange an investigatory meeting with the employee as soon as possible.

This meeting will normally take place within ten academy days of notification of the grievance. The employee may attend the meeting accompanied by a work colleague or a trade union representative.

Following the investigation meeting, the investigating officer may undertake further investigations as is deemed appropriate to ascertain the full facts. Having ascertained the full information, the investigating officer will complete an investigation report.

Where Stage 2 is invoked as a consequence of an employee's dissatisfaction with the outcome determined at Stage 1 of the Procedure, a Panel which consists of members of the ARC Group or Executive Leadership Group (in the case of non-academy based staff) and Senior HR advisors will be convened for a grievance hearing at Stage 2 within twenty Trust days (where practicable) of receipt of the employee's written notification of his/her dissatisfaction with the outcome determined at Stage 1.

Additionally, where the circumstances of the concern are such that the matter is addressed at Stage 2 from the outset, the investigating officer will convene a Panel for a grievance hearing at Stage 2 within twenty academy days of completion of the investigation report.

Prior to the Grievance Hearing, the parties concerned will make their submissions to the Grievance Panel who should be sent all relevant documents in advance of the hearing no later than one calendar week before the grievance hearing.

The employee will be informed of the date of the grievance hearing in writing and will be offered the opportunity to submit any documents to the Panel in advance of the hearing, but no later than five academy days prior to the hearing. All documents to be presented at the hearing in relation to the investigation of the grievance, or documents relating to earlier considerations of the employee's grievance at Stage 1 of the Procedure where applicable, will be provided to the employee no later than five academy days prior to the hearing.

At the Grievance Hearing, the employee will have the opportunity to present his/her concerns along with any evidence or documents, which he/she considers to be pertinent to the concerns. A work colleague or a trade union representative may accompany the employee at the hearing. As an alternative to the employee presenting their case, the employee's representative may present the case on behalf of the employee.

The manager of the employee, Principal or Regional Executive Principal has the right to present a response to the concerns or, in cases where Stage 1 has been invoked, may present information and explanation on the outcome of the Grievance at Stage 1 of the Procedure for consideration.

The decision regarding the outcome of the grievance may be given at the hearing but will be confirmed in writing within five Trust days of the hearing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and advised when a response will be provided.

See Appendix 4 – Procedure to Be Followed at a Stage Two Grievance hearing.

Representation - Employees will be allowed to be accompanied by a trade union representative at all formal stages of the policy and that there will be no restrictions on the nature of the trade union representation. Requests from employees to be accompanied at informal and mediation stages by a trade union representative, will not be unreasonably declined.

## 7. Appeals

The employee has the right of appeal against the outcome at Stage Two of the Grievance Procedure if dissatisfied with any aspect of the outcome.

A Panel of ARC members or Executive Leadership Group (in the case of non-academy based staff) comprising of ARC/ELG members who have had no prior involvement in the case will hear grievance appeals. The Procedure to be followed at the Appeal Meeting is as set out in Appendix 4.

An employee wishing to exercise the right of appeal may do so by confirming his/her reasons for appeal in writing to the Chair of the ARC Group or Executive Leadership Group (in the case of non-academy based staff) within five Trust days of receipt of the written outcome of the Grievance at Stage 2 of the Procedure.

The ARC panel/ELG Panel will hold the appeal, where practicable, within twenty academy days of the receipt of the written request for an appeal. The employee will be informed of the date of the appeal hearing in writing and will be offered the opportunity to submit any documents to the Panel of ARC members in advance of the hearing, but no later than five Trust days prior to the hearing.

The manager/Principal previously involved in addressing the grievance will also have the opportunity to make submissions to the Appeals' Panel of ARC/ELG members in response to the employee's appeal. The Appeals' Panel of ARC/ELG members should be sent all relevant documents in advance of the hearing no later than one calendar week before the hearing. It is strongly recommended that the Panel of ARC/ELG members invite a representative from the Trust's HR advisors to advise as appropriate.

All documents to be presented at the hearing in relation to the appeal will be provided to the employee no later than five Trust days prior to the hearing.

At the Appeal Hearing, the employee will have the opportunity to present their reasons for dissatisfaction with the outcome of the grievance process determined at the previous stages of the Procedure, along with any evidence or documents, which he/she consider to be pertinent to his/her grounds of appeal.

If appropriate, the manager of the employee or Principal may present a response to the appeal that may include presentation of information on the outcome of the grievance at earlier stages of the Procedure for the Panel's consideration.

The decision regarding the outcome of the appeal may be given at the hearing but will be confirmed in writing within five academy days of the hearing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and advised when a response will be provided.

The decision of the Appeal Committee of ARC/ELG members is final.

## 8. Principal's Grievances

Where the Principal has a grievance, they should first endeavour to resolve the matter by direct approach to the relevant person

Should the grievance remain unresolved, the Principal should lodge the formal grievance in writing to the Chair of the ARC Group.

The Chair of the ARC Group will arrange a Grievance Hearing chaired by a Committee of ARC members as per paragraph 6.2.2 above, within twenty Trust days (where practicable) of receipt of written notification of the grievance. The Procedure for the Hearing will be as set out in Appendix 4.

The Panel of ARC members convened to consider grievances raised by the Principal shall comprise of no less than three ARC members and will not normally include any staff governor representative.

The Principal, and any other staff member who may be involved, is entitled to be accompanied at the meeting, by a workplace colleague or a trade union representative.

If the grievance is still unresolved, the Principal may appeal to the Appeals' Committee of the ARC Group in accordance with paragraph 6.2.2 of this Procedure. The Principal must confirm the grounds for appeal in writing, within five academy days of receipt of the outcome of the grievance at the previous stage of the Procedure. The Appeal's Panel of ARC members established in accordance with paragraph 6.2 and 7 will hear the appeal, where practicable, within twenty Trust days of receipt of the written notification of the appeal. The Appeals' Panel of ARC members shall comprise no less than three ARC members who have had no prior involvement in the case. The decision of the Appeals' Panel will be given at the hearing and confirmed in writing within five Trust days.

The decision of the Appeals' Panel of ARC members will be final.

At any Stage of the procedure, the Principal is recommended to seek advice from an appropriate source such as their professional association. For the advice to be as informed and effective as possible, it may be necessary to provide to them copies of all documentation associated with the grievance.

## 9. Collective Grievance Procedure

When a group of employees have a concern about treatment they have received or any aspect of their work, the matter should be first raised informally (as per section 6) with their Principal or line manager (in the case of non-academy based staff). For example, if the concerns relate to the employees' Principal/line manager the matter should be raised with a more senior manager. Unless it is considered inappropriate to deal with the matter on an informal basis, then the formal procedure will be followed.

The colleagues raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. If you and your colleagues are members of the same trade union, a trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf.

If the participating colleagues have a work-related concern and the matter cannot be resolved informally they will follow each formal stage of the procedure as set out in section 6.

The participating colleagues have the right to be represented at any grievance meeting whether formal or informal or subsequent appeal either by a jointly nominated colleague or trade union official. If there is no one nominated spokesperson, you and your colleagues will be entitled to address concerns individually at the grievance hearing. If the participating colleagues wish to be represented by their trade union representatives on an individual basis, the Trust will arrange to hear your grievances under the individual grievance procedure.

At any hearing or appeal hearing, your chosen representative (if applicable) will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf. However, both the hearing and appeal hearing are essentially meetings between the Trust and the group of employees bringing the collective grievance, so any questions put directly to you should be dealt with by you and not your representative

The participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing (as per section 7) of this policy. The participating colleagues will be notified individually of the outcome at each stage of the process.

## 10. Post Termination Grievance Procedure

Any post termination grievances raised will normally be dealt with under the informal stage of this procedure. However, judgement on whether to trigger the formal process will be made on a case by case basis depending on (including but not limited to) the circumstances and subject of the grievance, the time-lapse since the employee terminated and the severity of the claims.

## 11. Training

The employer will ensure managers dealing with grievances are properly trained for the task, familiar with the procedures and knowledgeable about how to investigate a grievance and how to conduct or represent at grievance hearings.

## 12. Monitoring and Review

All records will be treated as confidential. The procedure will be monitored to ensure consistency of application and adherence to equalities legislation, to ensure that the policy operates in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010.

## Appendix 1 - STATEMENT OF GRIEVANCE

### STRICTLY PRIVATE & CONFIDENTIAL - STATEMENT OF GRIEVANCE

To be completed by the employee to instigate a Formal Grievance. (The formal procedure should only be used when attempts at informal resolution have been tried and not succeeded.)

Name:

Academy:

Section:

Job title:

e-mail:

Line manager:

e-mail:

Name of representative:

e-mail:

1. Brief outline of the nature and reason for the grievance:

2. I have discussed this matter informally with my line manager and/or Senior Trust Manager (if appropriate) but I am still dissatisfied because:

3. What specific action would you like taken in order to resolve this issue?

4. Please give names of any witnesses who may be able to offer further information.

5. I am prepared to consider mediation prior to invoking this formal

Stage: Yes/No (delete as applicable)

If you are not prepared to consider mediation, please explain your reasons if you are able to do so.

Signed: .....

Date: .....

To be completed by the employee's line manager on receipt of grievance\*:

(\*NB: where complaint relates to the employee's line manager, it is not applicable for this section to be completed)

a) Details of discussions held in an attempt to resolve the issue informally (or at stages 1 or 2), please provide dates of any meetings and notes where available

Line manager name: .....

Signature: .....

Date: .....

## Appendix 2 - Bullying & Harassment – Guidance & Definitions of unacceptable behaviour

### **Bullying & Harassment – Guidance & Definitions of unacceptable behaviour**

Unacceptable behaviour can generally be described as bullying or harassing language and behaviour that is unwanted and which a person finds intimidating, embarrassing, humiliating or offensive.

An individual may be exhibiting this language or behaviour consciously or unconsciously, ie they may or may not be intending to bully/harass. However, the intention or non-intention to bully/harass should not be the determining factor in assessing whether or not someone has been exposed to bullying/harassment – it is the deed itself and the impact on the recipient that determines this.

More specific information concerning bullying and harassment is given below.

### **Bullying**

Bullying is the use of language or behaviour either publicly or in private, which has the effect of threatening, humiliating, undermining or demeaning the recipient. Typically it consists of a series of incidents that may be trivial in themselves but have a cumulative effect on the recipient. It may arise between individual colleagues, between a group of employees and a colleague or between a manager and a subordinate.

Bullying differs from harassment in that the focus is less likely to be on a specific feature of an individual, such as gender, race or disability, than on the competence, or alleged lack of competence, of the person being bullied.

Specific examples of bullying behaviour include:

- exclusion or victimisation of an individual;
- unfairly withholding information that has an impact on a person's performance;
- constant changing of work deadlines or work guidelines to specifically undermine an individual's effectiveness;
- repeated accusation of making errors without justification;
- humiliating someone in front of others;
- deliberately ignoring opinions/views of an individual;
- removing areas of responsibility without justification;
- verbal, physical threats or intimidation;
- copying memos that are critical about someone to others who do not need to know;
- overbearing supervision/excessive monitoring or work without justification;
- deliberately undermining a competent worker by overloading them;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

This is not an exhaustive list.

## **Harassment**

Harassment in general terms is unwanted conduct affecting the dignity of men and women in the workplace and includes any verbal or physical abuse, unwanted behaviour or advances. This would also include any form of non-verbal harassment such as harassment via e-mail. The actions or comments are viewed as demeaning and unacceptable to the recipient. Some forms of harassment can also have a specific meaning under existing legislation (eg sex, race and disability) and can amount to unlawful discrimination under the appropriate legislation.

Harassment can be on the grounds of a variety of attributes including sex, race, disability, religion, sexual orientation, age, social background, political belief and trade union membership.

Specific examples of what could be viewed as harassment in relation to these attributes include:

- demeaning/offensive remarks; displaying offensive/explicit material;
- inappropriate/abusive language;
- inappropriate stereotyping resulting in employment opportunities not being offered to an individual;
- exclusion from workplace talk/activities;
- offensive jokes;
- innuendos and teasing

This is not an exhaustive list.

## **Advice and Support**

Any member of staff who believes they are experiencing bullying or harassment may seek advice and support through various options. This includes established channels to seek advice and support (eg: through their line manager, or trade union representative).

Members of staff may also choose to seek professional support through the Trust's Occupational Health arrangements. This allows members of staff to discuss problems with a qualified counsellor. This service may also be helpful to members of staff against whom an allegation of bullying or harassment has been made.

Other assistance is available through contacting helplines that have been established by external organisations/charities, such as The Andrea Adams Trust.

Seeking advice and support through any of the channels described above enables members of staff to discuss problems in confidence, to help them decide if they are experiencing bullying/harassment and to discuss any possible strategies to cope with what they are experiencing (for example, approaching a bully/harasser to inform them that their behaviour/language is upsetting, keeping a diary of incidents and confiding in another party for support or information as to how to make a complaint).

**Specific contact details are listed below.:**

- National Workplace Bullying Advice Line (Tel: 01235 212286). Confidential helpline dedicated to offering support and advice to individuals who believe they are being bullied at work.
- Andrea Adams Trust Helpline (Tel: 01237 704900). Confidential helpline run by the UK charity dedicated to tackling workplace bullying.
- Supportline (Tel: 020 8554 9004). Offer confidential emotional support to any individual on any issue.
- Commission for Racial Equality, London & South England (Tel: 020 7939 0000). Publicly funded non-governmental body set up to tackle racial discrimination and promote equality.
- Equal Opportunities Commission (Tel: 0845 601 5901). Leading agency established to eliminate sex discrimination.
- Disability Rights Commission (Tel: 08457 622 633). Independent body set up to secure civil rights for disabled people.
- Terence Higgins Trust (Tel: 0845 1221 200). Provides advice and guidance concerning gay/lesbian issues and HIV awareness.
- NAHT Stress Counselling Helpline (Tel 08705 234569)/NAHT Teacherline (Tel: 08000 562561)

## Appendix 3 – Bullying or Harassment Reporting Process

Members of staff, governors or stakeholders, may encounter bullying or harassment by pupils/parents/the public in the course of their work. Anyone experiencing such behaviour can expect the active support of the Principal, Regional Executive Principal or appropriate senior member of staff to address the situation.

The Trust is committed to protecting members of staff whilst at work and to that end must seek to identify potential areas where members of staff may be vulnerable and to reduce the associated risks. Failure to do so could constitute a failure in the Trust's duty of care to members of staff.

Members of staff complaining of bullying or harassment by pupils/parents/the public should report the matter to the Principal, Regional Executive Principal or senior Trust staff member (in the case of non-academy based staff). What action is taken will be a matter of management discretion. The complainant's perception of what has occurred will be taken fully into account when reaching a decision.

Members of the Drive Team who feel they are experiencing bullying or harassment by pupils/parents/the public should report the matter to the Chair of the Drive Team.

### **Bullying of Pupils/Parents/the Public by Members of Staff**

Bullying/harassment of pupils/parents/the public by members of staff will be dealt with under the School's Disciplinary Procedure.

### **Bullying/Harassment Outside of Work**

Where bullying/harassment takes place outside of working hours but is in some way linked to a working relationship, members of staff and Drive Team are still entitled to raise the issue and make use of the informal or formal procedure of this policy.

### **Criminal Offences**

If a criminal offence such as harassing phone calls, physical assault or indecent exposure takes place in the workplace, nothing in this policy is intended to prevent or dissuade an individual from contacting the police.

### **Anonymous Allegations**

This policy and procedure encourages members of staff to put their name to complaints. Anonymous allegations are difficult to substantiate/prove and will only be investigated further where there is a serious allegation, which is linked to the categories listed in relation to the Whistleblowing Procedure. If there is insufficient evidence to precede the allegation will not be investigated.

## Appendix 4 - Procedure to be adopted at Stage 2 Grievance Hearings and Grievance Appeal Hearings

### Procedure to be adopted at Stage 2 Grievance Hearings and Grievance Appeal Hearings heard by the Principal (Deputy) or a Committee of the ARC Group

- a) The aggrieved employee (or his/her representative) shall put forward the grievance.
- b) The line manager/investigating officer shall have the opportunity to ask questions of the aggrieved employee (or his/her representative) and any witnesses called in support.
- c) The Principal (Deputy) or Committee of the ARC Group/ELG Group (for non-academy based staff) may ask questions of the aggrieved employee (or his/her representative) and witnesses. Witnesses called by the aggrieved employee shall withdraw after having given evidence.
- d) The line manager/investigating officer shall respond, giving the reason for not upholding the grievance at an earlier stage in the procedure.
- e) The aggrieved employee (or his/her representative) shall have the opportunity to ask questions of the line manager/investigating officer and witnesses called in support.
- f) The Principal (Deputy) or Committee of the ARC Group/ELG Group (for non-academy based staff) may ask questions of the line manager/investigating officer and witnesses. Witnesses called by the line manager/investigating officer shall withdraw.
- g) The aggrieved employee (or his/her representative) shall have the opportunity to sum up the case, if desired.
- h) The line manager/investigating officer shall sum up his/her views on the matter, if desired.
- i) The aggrieved employee, representative and line manager/investigating officer shall withdraw.
- j) The Principal (Deputy) or Committee of the ARC Group/ELG Group (for non-academy based staff) and adviser shall deliberate in private, only recalling the line manager/investigating officer and the aggrieved employee to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even if only one party is concerned with the point giving rise to doubt.
- k) The Principal (Deputy) or Committee of the ARC Group/ ELG Group (for non-academy based staff) may announce their decision at the hearing but will confirm their decision in writing within five school days (one calendar week) of the hearing.

## Appendix 5 - Mediation

### Mediation

Mediation can provide an early informal process for resolving conflict between staff by involving an independent impartial person who will help two individuals or groups reach an acceptable and realistic solution.

The aim is for mediation to be the first choice for resolving conflict, making the use of formal grievance procedures unnecessary, or a last resort. The advantage of mediation is the range of possible outcomes and the flexibility that it offers both parties, taking into account the fact that, very often, both parties must continue to work together on a daily basis.

Mediation is a highly effective method of resolving grievances, when the issue has not been resolved by informal discussion. It is strongly recommended that mediation is used before proceeding to the formal grievance procedure.

Refusal to participate in mediation will not bar employees from invoking the formal Grievance Procedure but it is recommended as a useful and constructive way of resolving issues, especially as both parties will usually have to remain working together at the end of the process.

### Principles of Mediation

Mediation is a voluntary process which seeks to resolve complaints at an early stage and to provide an opportunity for the respective parties to discuss and search for alternative solutions together. It requires the individuals to take responsibility for the consequences of their decisions. In this respect it is an ideal way of addressing issues before formal grievance processes are put into place. Mediation may also be used during the formal process of grievance resolution providing all parties agree to this approach. Mediation is not prescriptive. It helps the parties involved to make progress in resolving their differences. It does not make judgments or determine outcomes.

### How does Mediation work in practice?

A mediator will usually meet the parties separately, perhaps more than once and then bring the parties together. At the separate meetings the Mediator will ask questions to establish the nature of the complaint and any underlying causes. They will also explain their role, the rules of confidentiality, the steps in the mediation process and ask if the parties have any ground rules they wish to put forward for the joint meeting.

At the start of the joint mediation meeting the mediator will remind the parties of the mediator's role, mediation process, confidentiality and any agreed ground rules. The mediator will help facilitate the discussion between parties and, get people talking and listening and support them in reaching a joint agreement.

Part of the mediator's role is to help the parties explore the perceptions each individual or group has of the conflict – getting behind the emotion and focusing on the key issues and concerns. The mediator will help the parties identify the critical issues and barriers to resolution and facilitate discussion in order for the parties to identify practical solutions.

### Mediation Meetings

The mediator will arrange a suitable venue and make arrangements for the parties to attend in a confidential and secure manner. The mediator will welcome the parties, set the scene and check that all parties are still

willing to proceed with the mediation session. They will agree the ground rules and clarify the areas of conflict. Both parties will be given the opportunity to state their point of view and to be fully heard. Open and honest communication between parties will be encouraged, with the aim of resolving their conflict and building effective future working relationships.

Mediation will seek to achieve:

- options
- solve problems or resolve conflict
- constructive agreements
- disclosures during the mediation meetings
- In the event that any party involved in the mediation process discloses personal information which suggests that further intervention or support could be helpful, then the mediator will discuss this in confidence with the individual involved and, by agreement, arrange for follow-up by an appropriate representative from the school management team

### **Outcome**

The mediation will conclude when all parties have agreed that they have a clear understanding of the issues and what has been agreed. If a resolution has been reached, a written agreement will be drawn up for both parties and the mediator to sign. This is not a legal document and will be written in clear simple language. If the issue has not been resolved, then recourse can be made to the Grievance Procedure.

### **Documentation**

Any notes prepared by the mediator will be destroyed at the conclusion of the process and will not be disclosed to any of the parties who are the subject of the mediation or any 3rd parties for whatever reason. The only documentation retained will be copies of the agreement as signed and retained by the two parties. The mediator does not keep a copy of the written agreement.

### **Confidentiality - No disclosure at future stages**

In the event that the matter is not resolved through mediation and the complaint progresses to a formal grievance, no information from any part of the mediation process will be disclosed.

### **Follow up Meetings / Availability of Mediators**

The parties will agree follow up meetings as deemed necessary. It is usual to have only one follow up meeting with the mediator.



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