



# Grievance Policy

Further advice and guidance on this policy can be obtained from your HR Business Partner or the HR Helpdesk [hrsupport@academiesenterprisetrust.org](mailto:hrsupport@academiesenterprisetrust.org)

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## **Accompanying Documents**

Code of Conduct Policy  
Grievance Policy  
Probation Policy  
Sickness Absence Policy

## **1. INTRODUCTION**

This procedure explains what employees should do if they have a grievance, including if they feel they are being bullied, harassed or victimised, and how the academy will deal with such issues. Throughout this document “the Group” will refer to Academies Enterprise Trust, London Academies Enterprise Trust, Unity City academy or individual academies as appropriate.

This policy has been agreed following consultation with our recognised trade unions and does not form part of any employee’s contract of employment and it may be amended at any time, subject to further consultation in accordance with the recognition agreement.

## **2. POLICY STATEMENT**

### **2.1 The Group**

- is committed to being a fair and equitable employer, as set out in the academy’s equal opportunities policy, which asserts its commitment to an employment culture in which people can feel confident of being treated with fairness, dignity and tolerance, irrespective of their individual differences;
- will not tolerate harassment or bullying within the academy community;
- expects the academy to be an open environment and one in which everyone is treated reasonably and without fear of bullying, harassment or victimisation;
- expects grievances to be dealt with sensitively, professionally, speedily and fairly.

This procedure accords with employment and education legislation and takes due account of the ACAS Code of Practice.

### **2.2 Definitions**

- a grievance may be defined as concerns, problems or complaints raised by an employee about their work, working conditions or relationships with colleagues;
- harassment may be described as unwanted behaviour, practice or conduct which cause an individual to feel uncomfortable, distressed, stressed, alarmed, humiliated or frightened or affects her/his dignity or confidence;
- bullying is an extreme form of harassment and will often involve persistent, maybe deliberate, harm, intimidation or humiliation. Bullying is often, although not always, related to the misuse or abuse of power or position;
- victimisation may occur when a person is treated less favourably than another person because s/he has made, or supported, a complaint of harassment, bullying or discrimination;
- discrimination as defined in the Equalities Act 2010.

Harassment and bullying take on many forms and are thereby difficult to define, and the definitions above are broad. Some examples are given at Appendix E.

### **2.3 Scope of the Procedure**

The procedure applies to all employees at the academy and may be used by either individual employees or groups of employees. The procedure is intended for matters affecting people personally. Concerns regarding the conduct of other employees should be reported to the line manager to deal with appropriately. Line managers

should not normally raise a grievance against one of their direct reports - this should be dealt with as a management issue. Exceptionally conduct of a subordinate which may constitute bullying, harassment or victimisation may be dealt with as a grievance.

Where harassment, bullying or victimisation is experienced, witnessed or reported by a volunteer or third party, the employer will discuss the matter with the alleged victim and follow the grievance procedure as appropriate.

Where a group of employees have a grievance this will be dealt with under a relevant collective disputes procedure.

The procedure does not apply:

- in relation to issues which are outside the responsibility or control of the Group in its role as an employer e.g. income tax, pension matters, national security;
- to appeals against selection for redundancy – these should be dealt with through the academy’s redundancy procedure;
- to appeals against salary/pay/grading/performance management - these should be dealt with through the academy’s pay and performance management policies;
- to grievances concerning health, safety or welfare – these should be dealt with by the safety co-ordinator in the first instance. Where there is a failure to resolve the matter, however, then such grievances can be considered under this procedure;
- if an employee raises a grievance during the course of the capability or disciplinary/dismissal procedure, related to the case. In which case the grievance will normally be dealt with as part of the formal capability or disciplinary hearing/appeal process. If appropriate, given the nature of the grievance, the capability or disciplinary/dismissal process may be temporarily suspended in order to deal with the grievance. If after the investigation concludes, the grievance is found to be vexatious and or malicious this could result in disciplinary action against the employee;
- if the employment has ended, and the grievance procedure had not been commenced by that point;
- protected disclosures within the Public Interest Disclosure Act 1998 (see academy’s code of conduct);
- to complaints of discrimination from applicants for positions or ex-employees. Such matters will be dealt with through the complaints procedure;
- to matters covered by the Family Friendly Policy, Flexible Working Policy, Leave of Absence Policy and Shared Parental Leave Policy;
- to matters covered by a disclosure under the Group’s Whistleblowing Policy and Procedure.

## **2.4 Disciplinary and capability matters**

An employee may raise a grievance in the course a disciplinary or capability procedure, related to the case. This may be because s/he feels that the action being taken for some other reason than his or her ability to do the job or his/her conduct.

In such cases, where the written grievance is submitted prior to the appeal hearing, the grievance will normally be dealt with as part of the formal disciplinary/capability process. The onus is on the manager to ensure that the matters raised in the grievance are appropriately dealt with through the disciplinary/capability procedure and that any decision is fair and free of discrimination.

Conversely, it is possible for a grievance to lead to disciplinary proceedings if matters arise during the course of the hearing which warrant such action.

## **2.5 Roles and Responsibilities**

It is in everyone's interest for there to be a working environment which encourages harmonious, respectful and dignified working relations and, as with all matters of equality and diversity, the responsibility for preventing and dealing with harassment and bullying lies with the whole academy community.

It is the responsibility of the Group to:

- establish, maintain and monitor relevant policies and procedures;
- ensure Governors and managers have appropriate training;

It is the responsibility of the local governing body to:

- ensure that cases are dealt with effectively and fairly;
- set standards of behaviour and conduct which do not allow discrimination, harassment, bullying or victimisation to occur;
- ensure appropriate action is taken where these standards are not met;
- nominate a governor to deal with cases where a manager would be inappropriate.

It is the responsibility of the principal and other managers to:

- promote an open environment, free from harassment, in which everyone is treated fairly and reasonably;
- provide appropriate induction and training;
- ensure all concerns are taken seriously and implement relevant policies and procedures in a timely and reasonable manner;
- provide the offer of mediation where appropriate;
- manage employees in a fair and professional way;
- provide adequate support in respect of complaints;
- prevent victimisation and discrimination.

It is the responsibility of all employees to:

- treat all members of the academy community with fairness and respect and in accordance with academy policies and procedures;
- challenge and report instances of discrimination, bullying or harassment or other unfair or unreasonable treatment, involving themselves and others.

Individual perpetrators, employers, and individual managers can all be liable for disciplinary action, and in some cases prosecution, where employees are harassed or bullied. Individual managers may be liable where they knew, or should have known, about any incident in areas under their control and took no action.

## **2.6 Support for employees**

Your employer will fulfil its obligations to protect their employees from inappropriate conduct and where it does occur, will offer and provide where needed, support to employees. Support may take the form of:

- counselling (Westfield Health);
- a period of leave of absence;
- additional management support for a period;
- assignment of a mentor;
- training;
- AET mediation service can be offered at any stage and often most effective before a dispute escalates into a formal grievance ([mediation@academiesenterprisetrust.org](mailto:mediation@academiesenterprisetrust.org)).

Assistance will be offered to any employee who has difficulty raising their grievance in writing due to disability or language barriers.

## **3. THE PROCEDURE**

The procedure is summarised at Appendix A.

### **3.1 Informal Stage**

Grievances are best resolved informally and an employee should discuss his/her concerns with the other employee as soon as an issue occurs with a view to amicably settling the matter without recourse to the formal procedure. If an employee feels anxious about this process, s/he might seek support from his/her union or a work colleague.

It is advisable for an employee to keep details of all incidents and issues, including any informal discussions. It is recognised that it may be the cumulative effect of another's conduct or behaviour which constitutes a grievance rather than a single incident.

An individual should also report concerns to her/his line manager. This does not prevent the matter being dealt with informally but enables the line manager to facilitate discussions with a view to resolving the grievance.

All issues of bullying and harassment, whoever the perpetrator, must be reported. This again does not prevent the matter being dealt with informally but enables the academy to fulfil its responsibilities to eliminate inappropriate conduct.

Where in the manager's view the action/conduct complained of does not cease or is sufficiently serious as to potentially constitute misconduct, the manager should implement the academy's disciplinary procedure.

### **3.2 Formal Stage**

If in the employee's view the conduct which gave rise to the complaint continues after informal resolution or the matter could not be resolved through informal action, employees should raise the matter formally and promptly under the grievance procedure.

At this stage the employee must put their concerns in writing to an appropriate manager. Appendix B may be used for this purpose. In the letter, the employee should:

- be clear that they are raising a grievance;
- provide concise and factual information about the nature of their grievance;
- avoid language which may be considered insulting or abusive;
- indicate the redress s/he seeks.

If an employee needs help writing their grievance s/he should seek advice from a work colleague or trade union representative. A copy of the formal grievance documentation will be given to all relevant parties.

### Investigation

On receiving a written grievance the manager, or an appropriate third party, will make such enquiries as are necessary to gather relevant information to reasonably consider the grievance. This may involve discussion with witnesses, and normally, the person/s identified in the grievance. Any such discussions will not be in the context of a formal meeting. Consideration will be given to accepting any request for these employees to be accompanied by a work colleague or trade union representative at any such meeting.

Any relevant information gathered during this enquiry stage will be considered at any formal grievance meeting.

Where appropriate and where both parties agree, a joint discussion with all parties may take place at this stage with a view to resolving the grievance.

This stage will be completed as quickly as possible and will normally be concluded within 15 working days. Where this is not possible the manager will advise all parties in writing the reason why it is not possible and provide an estimate of the revised timescale to conclude the investigation.

Where it is not possible to resolve the matter under 3.1 on conclusion of the investigation the manager will invite the employee to at least one formal meeting at a reasonable time and place at which the grievance can be discussed. This meeting will be arranged as soon as practicable.

At least five working days' notice will be given of the meeting. The employee has the right to be accompanied at this meeting by a colleague or trade union representative, and must make his/her own arrangements for this.

Such representatives should make themselves available to accompany the employee concerned within a reasonable period of time. If however, the employee's chosen companion is not available, for a reason that was not reasonably unforeseeable, at the time proposed for any meeting or hearing, one alternative date will be set, normally no later than five working days from the original date.

The person/s identified in the grievance may be asked to attend, together with appropriate representation. Witnesses may also be asked to attend.

The purpose of the meeting is for the employee to set out the basis of his/her grievance and the remedy s/he is seeking and for the manager to formally consider and respond to these matters.

The manager may adjourn the meeting for the minimum period necessary, to allow further investigation and to seek further information.

The decision of the manager, and the reasons for it, will normally be confirmed in writing to the person raising the grievance and the person whom the grievance is raised against, within five working days of the meeting. Appendix C may be used for this purpose. The employee will be informed of their right of appeal. Appendix C can be completed by the employee either accepting the decision or appealing.

Clearly, the desired outcome of the implementation of the procedure is that the behaviour that led to the grievance ceases. However, whatever stage the procedure reaches, and without prejudging the outcome of any formal proceedings, there may be a range of possible remedies where a complaint is upheld, including:

- formal apology;
- training;
- mediation;
- counselling;
- changes to work methods/styles;
- redeployment within the academy;
- formal disciplinary action against the perpetrator.

If after the investigation concludes the grievance is found to be vexatious and/or malicious this could result in disciplinary action against the employee.

### **3.3 Mediation**

Mediation may be explored at either the informal stage or as an outcome from the formal stage of the grievance procedure.

Mediation is an informal process that compliments the Group's formal procedures for dealing with work place issues. It is a process used to help improve working relationships between individuals, perhaps where there has been a misunderstanding or a disagreement. It is voluntary, completely confidential and must be delivered by an accredited mediation team.

Mediation can be used in a variety of circumstances for example:

- misunderstandings/conflict between colleagues or peers;
- misunderstandings/conflict between employees and managers/supervisors;
- perceptions of harassment, discrimination or bullying; and
- communication difficulties.

For further information please contact the service by email: [mediation@academiesenterprisetrust.org](mailto:mediation@academiesenterprisetrust.org) or download the relevant documentation from the portal.



#### **4. APPEAL STAGE**

Appeals by principals/headteachers will be heard by The Group's Board or in the case of members of the Professional Services Team the Executive Board.

If the employee wishes to appeal s/he must confirm this intention in writing to the chair of governors, or in the case of a principal/headteacher to the Chair of the Board and Professional Services staff should address their appeal to the Group Chief Executive Officer, within five working days of receipt of the written notification to the employee of the outcome of the formal stage, and within ten working days of receipt of the written notification must clearly confirm in writing the grounds upon which the appeal is made. This may be done on the form in Appendix C. The recipient will convene an appeals panel as soon as practicable and make arrangements for relevant parties to be invited to attend.

The appellant will be given at least five working days' notice of the appeal hearing in writing. The employee must take all reasonable steps to attend this meeting and again has the right to be accompanied.

The appeal panel will be provided with minutes of the original meeting and any relevant papers/information gathered by the manager who dealt with the formal stage and the outcome.

The person/s identified in the grievance may be asked to attend, together with appropriate representation. Witnesses may also be asked to attend.

The chair of the appeals panel will advise the employee in writing of the outcome of the appeal as soon as possible and in any event within five working days of the hearing. The form in Appendix D may be used for this purpose.

There is no further internal appeal after the appeal panel has reached and notified a decision.

#### **5. WITNESSING DISCRIMINATION, BULLYING, HARASSMENT AND VICTIMISATION**

All employees have a responsibility to challenge discrimination, victimisation, harassment and bullying, even where they themselves are not directly involved. Witnesses will need to make a judgement about how to deal with the matter, which could be in one of the ways listed below. In all cases however, particularly where the issue is allegedly racial, the incident must be reported to an appropriate manager.

- if appropriate, and where the employee feels confident to do so, s/he could approach the perpetrator directly and challenge her/his behaviour;
- where the witness has an appropriate relationship with the alleged perpetrator, the matter may be discussed with her/him. The witness should explain what has been observed and, if appropriate, discuss her/his perceptions with the alleged perpetrator. Where appropriate, the witness should refer the victim to this procedure and encourage her/him to follow it;
- report the matter to an appropriate manager to deal with.

### **5.1 Discrimination, bullying, harassment and victimisation by adults other than employees**

If an employee experiences bullying and harassment by adults other than academy employees e.g. parents/carers, governors, hirers, s/he should discuss this with her/his line manager before taking any action. It could be that there is a background or particular circumstances that will best dictate how the matter should be approached (see guidance).

After discussion, the line manager will either deal with the matter, or jointly decide that the employee should address the matter directly her/himself with relevant support.

The concerns and action taken should be put in writing. Racist incidents should be recorded immediately in accordance with the Group's equality policy.

If dissatisfied with the way the complaint has been dealt with, the employee should pursue the matter under the Group's grievance procedure.

### **5.2 Discrimination, bullying, harassment and victimisation by students**

An employee harassed or bullied by a student should challenge the behaviour/conduct immediately and deal with it in accordance with the academy's behaviour management policy and other relevant procedures.

Racist incidents should be recorded immediately in accordance with the Group's equality policy and all incidents should be reported to the line manager/the principal/other appropriate person.

If dissatisfied with the way the complaint has been dealt with, the employee should pursue the matter under the academy's grievance procedure.

### **5.3 Support for employees following discrimination, bullying, harassment and victimisation**

Employers are obliged to protect their employees from inappropriate conduct and, where it does occur, should offer and provide where needed, support to victims (and where appropriate perpetrators).

### **5.4 Monitoring and reporting**

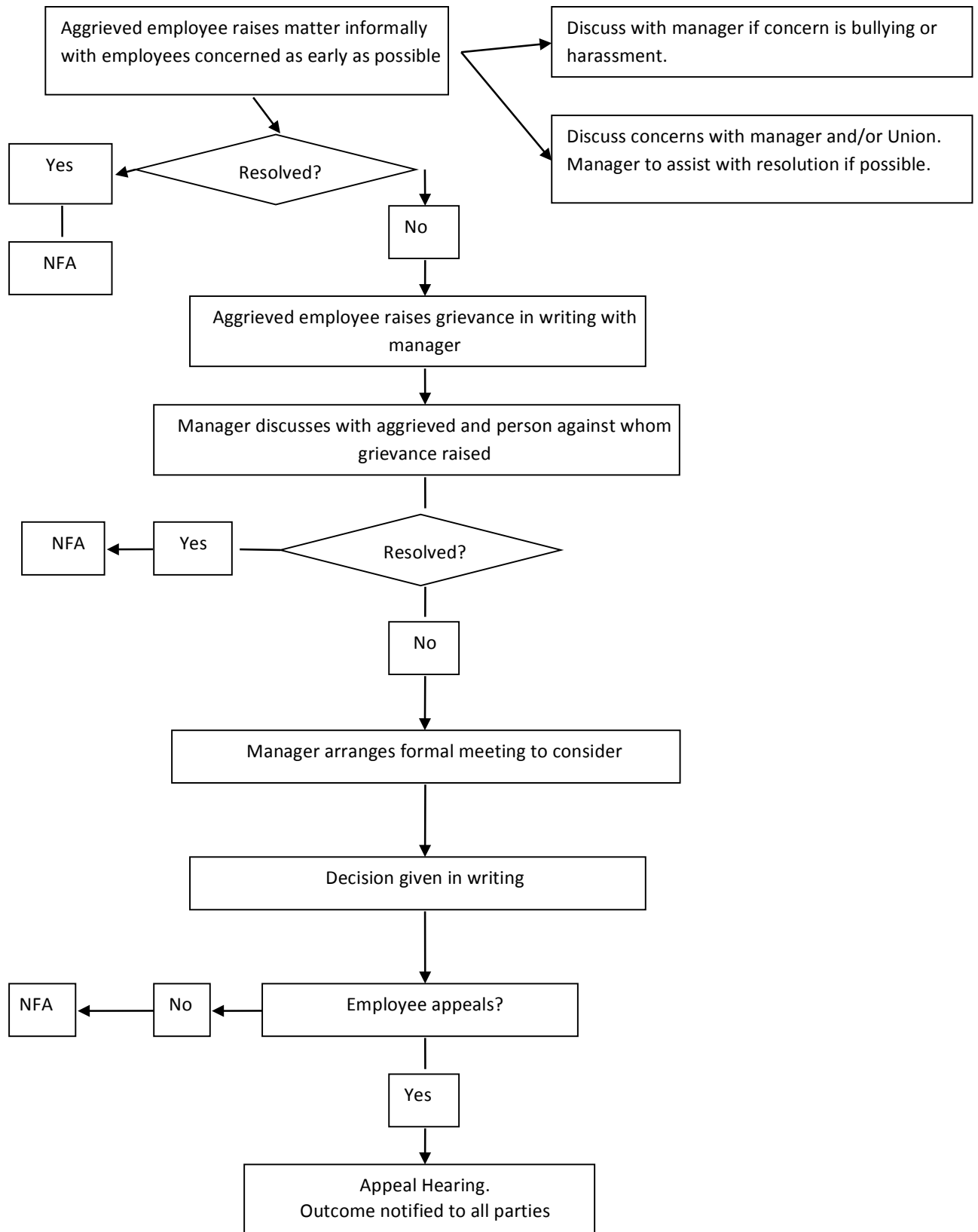
In accordance with its equality policy, the academy will record all racial incidents and produce a report for governors and parents on the number, nature and action taken.

## **6. MONITORING AND REVIEW**

The principal will report to the local governing body's personnel committee on any relevant aspects of the working of the grievance procedure and associated guidance as appropriate.

The Group will review the grievance procedure every two years or earlier if required.

**APPENDIX A  
The Grievance Procedure at a Glance**



**APPENDIX B**

**Grievance Form**

**(To be completed by aggrieved employee)**

If a grievance has not been resolved informally, an employee may move to the formal stage by setting out the grievance in writing to the principal, by using this form. If principal has the grievance or the grievance is against the principal, this form should be sent to the Chair of Governors.

**A. THE GRIEVANCE**

Employee's name .....

Date .....

**B. Please state nature of the grievance (continue on separate sheet if necessary)**

.....  
.....  
.....  
.....  
.....  
.....

**C. What attempts have been made to resolve this informally?**

.....  
.....

**D. What redress is sought?**

.....  
.....  
.....

**E. I agree that the above accurately reflects my grievance.**

Signed ..... signed by the aggrieved

APPENDIX C

Formal Meeting Form

(To be completed by the manager and copied to employee and the person against whom the grievance is being brought)

A. FORMAL MEETING

Date \_\_\_\_\_

Those present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. OUTCOME OF MEETING

Was the grievance resolved?

Give details  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following must be completed by the aggrieved employee

Please indicate whether you accept this decision or wish to make an appeal to the Appeal Panel of the academy Board of Governors (*please ✓ as appropriate*)

I accept the decision

I wish to appeal against the decision. Please give reasons below


\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed

Date

Please return this form to your manager/nominated officer. If you are appealing you must also send a copy to the Chair of Governors **within 5 days of receiving this notification.**

**APPENDIX D**

**Appeal Hearing Form**

**(To be completed by the Chairman of the Appeal Panel and sent to both parties to the grievance)**

**A. APPEAL HEARING**

Date \_\_\_\_\_

Those involved: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. OUTCOME**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Signed Chairman of Appeal Panel

\_\_\_\_\_ Date

## APPENDIX E

### Towards A Definition of Harassment and Bullying

Harassment and bullying are often based on prejudice but may equally arise from ignorance or intolerance. They can take many forms, from overt physical or verbal abuse to more subtle psychological ill-treatment such as ostracism. The effects of bullying and harassment on an individual's mental and physical wellbeing, and ultimately on her/his performance are often profound. Bullying and harassment have emerged as significant factors in workplace stress and organisational efficiency.

Harassment and bullying by their very nature are 'experiential', which means that the same behaviour may be interpreted in different ways by different people. It may also be that the same behaviour, practised by different people, will be interpreted quite differently. For example, what is acceptable from a close friend or colleague may not be acceptable from another person.

It is also important to remember that at times all people feel harassed in its colloquial sense i.e. hassled, for example by pressures at work or outside or perhaps because they are unwell or unable to cope for other reasons. It is therefore appropriate for an individual to examine her/his feelings and perceptions carefully to distinguish between genuine and intentional harassment by others and those issues which relate to personal or professional management of time, workload, etc. In the latter case there are other procedures and processes in place to support staff and employees should discuss these concerns with their line manager.

Harassment and bullying take on many forms and are thereby relatively difficult to define. However, harassment is defined in terms of how it makes the recipient feel and common sense should be used by all to avoid situations which could lead to accusations of harassment. Broad definitions and some examples are given below. These are not intended to be exhaustive.

#### Origins of harassment and bullying

Sexual and racial harassment are perhaps the most common, widely acknowledged and legislated against forms, but harassment and bullying occur for innumerable reasons, for example:

- i. gender, sex, sexual orientation, marital or parental status;
- ii. race, ethnic origin, nationality, skin colour;
- iii. religion, political convictions etc.;
- iv. disability, sensory impairment, learning difficulties, intellect, education;
- v. physical appearance, e.g. size/weight;
- vi. health, hygiene, HIV/AIDS;
- vii. trade union or other organisation activity/membership;
- viii. criminal record;
- ix. age;
- x. addiction (drugs, smoking, alcohol);
- xi. social or work position/status.

#### Examples of harassment and bullying

- i. physical contact ranging from touching to physical assault;
- ii. visual displays e.g. sexually explicit posters, graffiti, emblems or obscene gestures;

- iii. verbal and written e.g. offensive language or jokes, gossip, slander, sectarian songs, letters, emails etc. ridiculing, name-calling/insults, lewd remarks, sexual innuendo, unjust or public criticism, destructive sarcasm, shouting;
- iv. isolation or non-co-operation at work, ostracism, removing responsibilities, withholding information;
- v. intrusions e.g. spying, pestering, following, constant observation, staring/leering;
- vi. coercion e.g. pressure to participate, keep quiet, support;
- vii. pressure e.g. impossible deadlines, constantly changing work demands/expectations, pressure to return from sick leave, blackmail.



## Glossary and Status of the Policy and Guidance

Throughout this policy and guidance (where applicable), the terms shown below will have, or include, the following meanings:

- **Principal** includes Headteachers where these are in post;
- **Vice-Principal** includes Deputy Headteachers where these are in post;
- **Group** refers to the Academies Enterprise Trust (this includes all academy and professional services staff), Unity City Academy and London Academies Enterprise Trust;
- **Professional Services** includes all employees engaged centrally to provide services and support to the Group's academies. In respect of Professional Services references in the policy to academies should be read as the relevant Professional Services department and references to the Governing Body should be read as the Group's Executive Board, except where the employee concerned is a member of the Executive Board then this should be read as the Group's Board.
- **Line Manager** includes any members of teaching and support staff with management responsibility for other employees.
- **Trade Unions** mean an organisation appearing on the Certification Officer's list of Trade Unions.
- **Mediation** is an informal process that complements the Group's formal procedures for dealing with workplace issues. It is a process used to help improve working relationships between individuals, perhaps where there has been a misunderstanding or a disagreement. It is voluntary and completely confidential.