



# Southernly Point Co-operative Multi-Academy Trust

## GRIEVANCE POLICY & PROCEDURE

### Equality Impact Assessment

The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.*	
The EIA has not identified any conflict with the Trust's co-operative values.	
Adjust the policy to remove barriers identified by the EIA or better promote equality.	

\*Inclusive of protected characteristics

Provenance	Date
Working Party	Nov 2016
HR checks	June 2017
Union Consultation	Aug 2017
Trustees	Sept 2017
Implementation	Oct 2017

Review Date
October 2020

<b>To be read in conjunction with:</b>	<b>Disciplinary Policy and Procedure Appraisal Policy and Capability Procedure Whistleblowing Policy</b>
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**Self Help** **Self Responsibility** **Equity** **Equality** **Democracy** **Solidarity**  
**Social Responsibility** **Honesty** **Openness** **Caring for Others**

# Southerly Point Co-operative Multi-Academy Trust

## GRIEVANCE POLICY AND PROCEDURE

### 1 INTRODUCTION

- 1.1 The Trust promotes a positive working environment and has developed policies and procedures to support this. However, the Trustees understand that, on occasion, employees may want to raise a grievance related to their employment.
- 1.2 Most grievances will be resolved through informal discussions. This policy provides employees with a clear and specific mechanism for resolving their grievances quickly, fairly and consistently, to help maintain effective working relationships.
- 1.3 Employees raising a grievance should be able to do so without fear of victimisation. Employees will not be treated any less favourably or suffer any detriment in their employment, as a result of raising a grievance under this policy and any proposed changes will be not be implemented until the grievance process has been exhausted unless in exceptional circumstances. All those involved in a grievance have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.
- 1.4 'School days' refers to days on which the School is open to students. However, with the agreement of all parties, these arrangements may be varied.
- 1.5 This procedure does not cover all circumstances regarding individual grievances and the Headteacher, Governors or Trustees, as appropriate, will seek the advice of the Trust's HR advisors on matters of procedural interpretation.
- 1.6 Should a grievance be raised against the Headteacher or CEO, he/she is advised to contact her/his professional association for advice.

### 2 PURPOSE

- 2.1 The aim of this policy is to achieve fair and equitable treatment of all employees of the Trust in the resolution of individual employment related grievances, by providing a structured framework through which individual employees can seek redress.
- 2.2 The policy may be used for grievances:
- Between colleagues where there is no line management relationship
  - Between an employee and management including the CEO, Headteacher, Governor or Trustee
  - Relating to an employee's work, contract of employment or working relationships with colleagues.
- 2.3 This policy should not be used for grievances regarding:
- Disciplinary action
  - Termination of employment
  - Pay, NI, Tax or Pensions
  - capability/performance appraisal.

These are covered by separate policies.

- 2.4 The Headteacher, other managers, the Governing Body and Trustees have specific responsibilities to direct the work of employees and to manage performance. It is not the intention of the application of this Policy to affect them 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 when employees feel that the action is unjustified or unfair.

### 3 SCOPE

- 3.1 This policy applies to all employees of Southerly Point Co-operative Multi-Academy Trust.

### 4 POLICY STATEMENT

- 4.1 The Trust values the contribution made by all employees to the delivery of a high quality education service for the benefit of the children, the Schools and the community. We recognise that the quality of this contribution

will be influenced and enhanced if all employees can enjoy a working environment which supports and encourages them in working to their full potential.

- 4.2 The Trust is committed to promoting and sustaining a working environment in which employees 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 an employee may wish to seek redress for grievances arising from their employment. Accordingly, the Trust is committed to ensuring that employees 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.
- 4.3 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 can be discussed frankly and freely with each other and/or with their line manager or member of the senior leadership team.
- 4.4 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 employee will:
- be given a fair hearing on any grievance
  - have the right to take the issue to the Headteacher/ Senior manager and/or representative of the Governing Body or Trustees as appropriate
  - if still not resolved to the complainant's satisfaction, have the right to take the issue further to a Committee of Governors [usually from the hub] by way of an appeal.
- 4.5 Where the Procedure is invoked, the Governing Body/Headteacher/Trustees/CEO is committed to ensuring that the grievance is addressed as quickly as is reasonably practicable. The time limits should be adhered to whenever possible, though they may be altered to meet particular circumstances by agreement between the parties.

## 5 INFORMAL APPROACH AND MEDIATION

- 5.1 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 this issue on an informal basis and directly with the person(s) concerned.
- 5.2 It is important that any issue is addressed informally as soon as possible after the event has occurred so that resentment or worry does not build up. This will enable the problem to be resolved quickly and normal working relationships to resume. 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.
- 5.3 This informal process should be encouraged and managed by an appropriate manager or senior manager not directly involved in the case, before the formal process is commenced. 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. 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 a rule, grievances concerning issues more than 3 months old will not be investigated unless there are exceptional circumstances.**
- 5.4 During the informal stage, it may be appropriate to explore the use of mediation between the relevant parties, depending on the nature of the grievance. This will involve the appointment of a third party mediator who should be considered impartial by both parties. 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 FORMAL PROCEDURE

- 6.1 Where an employee's grievance remains unresolved as a result of an informal approach or it is considered inappropriate to deal with the matter on an informal basis, the employee may invoke the Grievance Procedure. This procedure is designed to achieve the objective referred to in the above policy statement in an effective and efficient manner.

- 6.2 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.
- 6.3 An employee wishing to invoke the Procedure should normally raise his/her concerns within 20 School days 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.
- 6.4 At all stages of the formal procedure, the employee raising the grievance is entitled to take advice from and/or be accompanied or represented by a workplace colleague or trade union representative. Employees are encouraged to consult their trade union representatives or professional associations prior to invoking the grievance procedure.
- 6.5 Where the employee 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.

## **6.6 Stage One**

- (a) If an employee has a work-related concern and the matter cannot be resolved informally, s/he should raise the matter formally with his/her line manager by completing the Grievance Form (see Appendix 1). Where the concern relates to the line manager, he/she should raise the matter with the Headteacher or appropriate Senior manager by completing the Grievance Form. It is recommended that the employee contacts his/her trade union representative for advice and support in initiating the formal Grievance Procedure.
- (b) If the employee's concern relates to a Headteacher or a senior leader of the central MAT team, the grievance procedure should be invoked at stage 2.
- (c) On notification of a formal grievance, an investigatory meeting will be arranged with the employee by the manager to which the concern was raised as soon as possible. This meeting will normally take place within **10 School days** of notification of the grievance (subject to para 7.6). The employee may attend the meeting accompanied by a work colleague or a trade union representative.
- (d) 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.
- (e) Once the manager hearing the grievance has completed any further investigation required and reached a decision, he/she will confirm the outcome of the grievance, 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.
- (f) In exceptional circumstances, where the employee considers that the issue is not appropriate to raise with his/her immediate line manager, senior manager or Headteacher, he/she 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 Governing Body, Hub leader, CEO or Trustees as appropriate.

## **6.7 Stage Two**

- (a) If the employee 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, he/she may decide to refer the matter to Stage 2 of the procedure by referring the matter to a Committee of Governors or to the Trustees for the central executive team. Additionally, there may be circumstances which are considered to be sufficiently serious to warrant the consideration of the Governing Body, in which case the Procedure should be invoked at Stage 2.
- (b) Where an employee raises a grievance against the Headteacher, such matters will be automatically considered by the Hub Leader / CEO at Stage 2 of the Grievance Procedure. Grievances against the CEO will be considered by a panel of Trustees.

- (c) Grievances raised under Stage 2 of the Procedure will be heard by a Panel of Governors, unless in respect of the Headteacher or a senior leader of the central MAT team. [See 6.7b.]
- (d) 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 Governors (with the exception of grievances against the Headteacher and senior leaders of the central executive team, which should be addressed to the appropriate person in 6.7b).
- (e) 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 Governors within **10 School days** of receipt of the written outcome at Stage 1 of the Grievance Procedure.
- (f) 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 School 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 of Governors. with the exception of grievances against the Headteacher and senior leaders of the central MAT team, which should be addressed to the appropriate person in 6.7b). It is recommended that the employee contacts their trade union representative for advice and support in initiating the formal Grievance Procedure.
- (g) On notification of a formal grievance at Stage 2 as the first stage of recourse, the Chair of Governors (or appropriate person from 6.7b as applicable) will appoint a representative on behalf of the Governing Body as an investigating officer to investigate the employee's concerns. It is recommended that the Chair of Governors or appropriate person also contacts the Trust's HR advisors to consider the appropriateness of appointing a representative to assist the investigating officer. An investigatory meeting will be arranged with the employee by the investigating officer as soon as possible. This meeting will normally take place within **10 School days** of notification of the grievance (subject to para 6.6). The employee may attend the meeting accompanied by a work colleague or a trade union representative.
- (h) 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.
- (i) 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 of Governors will be convened for a grievance hearing at Stage 2 within **20 School 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, a Panel of Governors will be convened for a grievance hearing at Stage 2 within **20 School days** of completion of the investigation report by the investigating officer.
- (j) Prior to the Grievance Hearing, the parties concerned will make their submissions to the Grievance Panel of Governors who should be sent all relevant documents in advance of the hearing no later than one calendar week before the grievance hearing. The Panel of Governors will invite a representative from their HR advisors to act as adviser to the Panel.
- (k) 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 of Governors in advance of the hearing, but no later than **5 School 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 **5 School days** prior to the hearing.
- (l) 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. The employee may be accompanied at the hearing by a work colleague or a trade union representative. 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 or Headteacher 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 the Governors' consideration.
- (m) The decision regarding the outcome of the grievance may be given at the hearing but will be confirmed in writing within **5 School 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.
- (n) See **Appendix 4** – Procedure to Be Followed at a Stage Two Grievance hearing.

- (o) See **Appendix 6** – Flowchart of Grievance Process and Timescales.

## **7 APPEALS**

- 7.1 The employee has the right of appeal against the outcome at Stage 2 of the Grievance Procedure if dissatisfied with any aspect of the outcome.
- 7.2 Grievance appeals will be heard by a Panel of Governors from the Hub Council, comprising Governors who have had no prior involvement in the case. Grievance appeals for the CEO will be heard by a panel of Trustees with no prior involvement. The Procedure to be followed at the Appeal Meeting is as set out in Appendix 3.
- 7.3 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 Governors within **5 School days** of receipt of the written outcome of the Grievance at Stage 2 of the Procedure.
- 7.4 The Appeal Panel of Governors will hold the appeal, where practicable, within **20 School 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 Governors in advance of the hearing, but no later than **5 School days** prior to the hearing.
- 7.5 The manager/Headteacher previously involved in addressing the grievance will also have the opportunity to make submissions to the Appeal Panel of Governors in response to the employee's appeal. The Appeal Panel of Governors 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 Governors invite a representative from the Trust's HR advisors to attend the hearing.
- 7.6 All documents to be presented at the hearing in relation to the appeal will be provided to the employee no later than **5 School days** prior to the hearing. The procedure for the appeal hearing is set out in Appendix 4.
- 7.7 At the Appeal Hearing, the employee will have the opportunity to present his/her 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 Headteacher 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.
- 7.8 The decision regarding the outcome of the appeal may be given at the hearing but will be confirmed in writing within **5 School days** of the hearing. If it is not possible to respond within the specified time the employee will be given an explanation for the delay and advised when a response will be provided.
- 7.9 The decision of the Appeal Committee is final.

## **8 CEO GRIEVANCES**

- 8.1 Where the CEO has a grievance, he/she should first endeavour to resolve the matter by direct approach to the relevant person. If the grievance remains unresolved, he/she should initially seek to resolve it in discussion with the Chair of the Trustees.
- 8.2 Should the grievance remain unresolved, he/she should lodge the formal grievance in writing to the Chair of Trustees.
- 8.3 The Chair of Trustees will arrange a Grievance Hearing chaired by a Committee of Trustees as per paragraph 6.8 (points 'c' & 'h' to 'm') above, within **20 School 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 convened to consider grievances raised by the CEO shall comprise no less than three Trustees.
- 8.4 The CEO, and any other employee who may be involved, is entitled to be accompanied at the meeting by a workplace colleague or a trade union representative.
- 8.5 If the grievance is still unresolved, the CEO may appeal to the Appeal Panel of the Trustees in accordance with paragraph 7 of this Procedure. The CEO must confirm the grounds for appeal in writing, within **5 School days** of receipt of the outcome of the grievance at the previous stage of the Procedure. The Appeal Panel established in accordance with paragraph 8.3 will hear the appeal, where practicable, within **20 School days** of receipt of the written notification of the appeal. The Appeal Panel shall comprise no less than three Trustees who have had no prior involvement in the case. The decision of the Appeal Panel will be given at the hearing and confirmed in writing within **5 School days**.
- 8.6 The decision of the Appeal Panel will be final.

**STRICTLY PRIVATE & CONFIDENTIAL****GRIEVANCE FORM**

<b>To be completed by the employee to instigate a Formal Grievance.</b> (The formal procedure should only be used when attempts at informal resolution have been tried and not succeeded.)	
<b>Name</b>	Section:
Job title	Telephone ext:
Line manager	Telephone ext:
Name of representative	Telephone ext:

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 manager (of 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.....

**The following section 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 stages 1 or 2), please provide dates of any meetings and notes where available.

Line manager's signature.....

Date.....

## **BULLYING & HARASSMENT: GUIDANCE & DEFINITIONS**

### **Unacceptable behaviour – bullying and harassment**

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.

This language or behaviour may be being exhibited by an individual 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 which 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 afforded to an individual
- exclusion from workplace talk/activities
- offensive jokes
- innuendos and teasing.

This is not an exhaustive list.

## **ADVICE AND SUPPORT**

Any employee 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, a Governor or trade union representative).

Employees may also choose to seek professional support through Occupational Health. This allows employees to discuss problems with a qualified counsellor. This service may also be helpful to employees 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 employees 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.

### **Internal**

Headteacher/Line Manager/Governor  
Colleague  
Trade Union Representative

### **External**

Relate (Tel: 01726 74007, quoting reference 'REL'): National charity that provides counselling services to individuals.

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.

Support line (Tel: 0208 554 9004): Offer confidential emotional support to any individual on any issue.

Equality & Human Rights Commission (Tel: 0808 800 0082): Publicly funded non-governmental body set up to promote and monitor human rights and protect, enforce and promote equality across 9 protected grounds: age, disability, race, gender, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

Disability Rights Commission (Tel: 0845 762 2633): Independent body set up to secure civil rights for disabled people.

Terence Higgins Trust (Tel: 0808 802 1221): Provides advice and guidance concerning gay/lesbian issues and HIV awareness.

Samaritans, Truro (Tel: 01872 277277)

NAHT Stress Counselling Helpline (Tel 0870 523 4569)

NAHT Legal Helpline (Tel: 0870 523 4500)

Teacher Support Network (Teacherline) (Tel: 0800 056 2561): Provides counselling support and advice for all teachers.

## **BULLYING/HARASSMENT BY STUDENTS/PARENTS/THE PUBLIC**

Employees, and members of the Governing Body/Trustees may encounter bullying or harassment by students/parents/the public in the course of their work. Anyone experiencing such behaviour can expect the active support of the Trustees/ Governing Body, Headteacher or appropriate senior employee to address the situation.

The Trust is committed to protecting employees whilst at work and to that end must seek to identify potential areas where employees 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 employees.

The Trust has clearly laid out and well publicised procedures to deal effectively with such situations. The Trustees/Governing Body will take account of any local policy on violent, threatening or abusive behaviour from students/parents/the public including DfE guidelines.

Employees complaining of bullying or harassment by students/parents/the public should report the matter to the Headteacher/CEO. 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 Governing Body/Trustees who feel they are experiencing bullying or harassment by students/parents/the public should report the matter to the Chair of Governors/Chair of Trustees.

### **Bullying of Students/Parents/the Public by Employees**

Bullying/harassment of students/parents/the public by employees will be dealt with under the Trust'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, employees and the Governing Body/Trustees 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 employees 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 proceed, the allegation will not be investigated.**

**PROCEDURE TO BE ADOPTED AT STAGE 2 GRIEVANCE HEARINGS AND GRIEVANCE APPEAL HEARINGS HEARD BY A HUB LEADER, CEO, OR COMMITTEE OF THE GOVERNING BODY/TRUSTEES**

- 1 The aggrieved employee (or his/her representative) shall put forward the complaint.
- 2 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.
- 3 The Hub Leader, CEO, Committee of the Governing Body/Trustees 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.
- 4 The line manager/investigating officer shall respond, giving the reason for not upholding the grievance at an earlier stage in the procedure.
- 5 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.
- 6 Hub Leader, CEO, Committee of the Governing Body/Trustees may ask questions of the line manager/investigating officer and witnesses.  
  
Witnesses called by the line manager/investigating officer shall withdraw.
- 7 The aggrieved employee (or his/her representative) shall have the opportunity to sum up the case, if desired.
- 8 The line manager/investigating officer shall sum up his/her views on the matter, if desired.  
  
The aggrieved employee, representative and line manager/investigating officer shall withdraw.
- 9 The Hub Leader, CEO, Committee of the Governing Body/Trustees 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.
- 10 The Hub Leader, CEO, Committee of the Governing Body/Trustees may announce their decision at the hearing, but will confirm their decision in writing within **5 School days (one calendar week)** of the hearing.

## **Mediation**

Mediation can provide an early informal process for resolving conflict between employees 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 leadership team/senior leaders of central MAT team, or Governing Body/Trustees.

### **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**

Follow up meetings will be agreed by the parties as deemed necessary. It is usual to have only one follow up meeting with the mediator.

NB For Central Executive Team, replace HEAD with CEO and Governing Body with Trustees as appropriate

**Flowchart of Grievance Process and Timescales**

