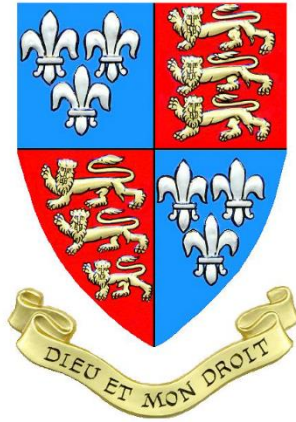


King Edward VI Grammar School



GRIEVANCE POLICY & PROCEDURE [including Dignity at Work]

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1. Scope

This policy applies to all employees at King Edward's including the Headmaster. This procedure is aimed to deal with grievances raised by current individual employees.

In this procedure where the Headmaster is raising the grievance, or the grievance is against the Headmaster, all reference to Headmaster in this document should be replaced with Chair of Governors. The Headmaster's grievance or grievance against the Headmaster follows the same pattern.

Where a grievance applies to several persons who are members of a recognised trade union, it may be more appropriate to consider the matter under a different process. Such consideration should be given in to invoke the appropriate collective bargaining machinery. Where teaching staff are concerned, it may be more relevant to consider the conciliation procedure as detailed in the Teachers' Conditions of service, The Burgundy book.

The recognised trade unions have been consulted.

2. Policy Statement

Staff may occasionally have concerns relating to their employment or professional working relationship. If not addressed, they can disrupt working relationships and escalate unnecessarily. It is important therefore to have mechanisms in place, which facilitate their early resolution and a return to effective working relationships. The following structure has been put in place to achieve this objective.

This procedure has been drawn up in accordance with the principles of the ACAS Code of Practice. The purpose is to foster effective working relationships and workplace practices conducive to the provision of a professional education service. Where there is confusion in regards of any aspect of the policy then the ACAS code of practice should be referred to and utilised where parties deem it appropriate to do so.

Determining the type of grievance, and appropriate language to use is important and this policy also includes a section on Dignity at Work which covers inappropriate workplace behaviours to help staff focus their grievance.

3. Principles

Both 'Informal' and 'Formal' procedures have been established against the following Principles:

- Grievances should be dealt with as soon as possible and as near to the point of origin as possible.
- It is the School's experience and also that of the Unions and ACAS that the majority of grievances are often a matter of perspective or misunderstanding and that swift resolution through the informal process will resolve the majority of grievances.
- Protracted grievances processes are only likely to delay resolution; exacerbate misunderstanding and escalate matters disproportionately the school's preference is therefore for informal and mediation approaches with a third party [i.e. unions] to have been exhausted prior to moving to a formal grievance.

- Disclosure of the details of any grievance will be restricted to the parties involved plus any witnesses called by either party.
- Where an informal approach has been exhausted and failed to resolve the matter then the circumstances surrounding the grievance must be thoroughly investigated through the formal route to establish the facts of the case.
- The formal grievance and the response to it must be put in writing.
- As an intermediate step between informal and formal grievance Mediation is a possible means of resolving grievances throughout the procedure i.e. intervention by a third party in an attempt to facilitate discussion and then reconciliation of the grievance: this can occur at any point in the process including during the formal hearing or appeal hearing etc.
- Witnesses to an incident may be interviewed during any investigation into a grievance and may be required to attend any subsequent formal grievance hearing.
- Where it is intended to call a pupil as a witness that shall only be done with the prior approval of the child's parent or nominated carer and with advice from the Local Authority's Designated Officer (LADO) for safeguarding.
- A formal grievance meeting will only be arranged in response to the submission of a formal grievance in writing, and where the informal route has been exhausted and/or mediation have been attempted and failed or where the grievance is of such a serious nature that a formal grievance is deemed appropriate.
- At any formal grievance meeting, employees have the right to be accompanied by a trade union representative or a work colleague. In the event that the employee is not a member of a trade union and is unable to find a suitable work colleague to support them, they can make a request to the school to bring a friend.
- If an employee is dissatisfied with the outcome of a formal grievance meeting they will be able to appeal in writing.
- Grievance meetings should be held during the employee's working time. Where the meeting needs to be held outside of the employee's working time, this should be by mutual agreement.
- On occasions either party may request an extension to the time limits to investigate or to consider options that may resolve the matter e.g. mediation. Such extensions should be mutually agreed and not unreasonably refused by either party.
- Where the grievance is against another member of staff at the school, that employee is entitled to know the nature of any allegations made against them and be allowed the opportunity to respond to the allegations.

Exceptions

- Grievances that have little or no substance or are false and malicious, may result in disciplinary action being taken against the employee raising the grievance.
- The grievance procedure should not be used by employees to deal with concerns they may have in relation to issues outside of their employment relationship with the school.
- All grievances should be submitted within three months of the incident, or most recent incident occurring. The Headmaster/Chair of Governors [where it involves the Headmaster] has the right to consider older grievances where the evidence points to exceptional circumstances or serious safeguarding concerns.

Inclusions

- This policy should be used in relation to all cases of unacceptable behaviour in the work place and constitutes the school's Bullying and Harassment policy - [see Section 4 below Dignity in the Work Place, and also the Staff Code of Conduct]

4. Definition of Grievance/Dignity at Work

According to ACAS "Grievances are concerns, problems or complaints that employees raise with their employers" about their work, working conditions, or relationships with work colleagues and may cover the following, although this list is not exhaustive:-

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational change
- Discrimination
- Bullying and harassment

In any grievance it is important to precisely define the type of behaviour being experienced or issues involved, which in turn will help all parties to determine the overall seriousness of the grievance and help to inform the approach taken.

In addition to the above this policy also explicitly covers all forms of harassment, bullying or victimisation which may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect: the impact. The words 'bullying' and 'harassment' are often used interchangeably in the workplace but it is important to recognise they have two different legal definitions.

Bullying

Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying can take the form of physical, verbal and non-verbal conduct.

Examples of unacceptable behaviour in this school may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats.
- Spreading malicious rumors and gossip that have no basis in fact.
- Ridiculing or demeaning someone.
- Picking on someone or setting them up to fail with tasks or activities.
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker.
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Making unfounded threats or comments about job security.
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities.

- Deliberately ignoring an individual, “sending them to Coventry” and/or encouraging others to do the same.

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

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

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment. The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil Partnership
- Pregnancy

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves but will need to provide evidence that:

- a) they found the behaviour offensive even if it is not directed at them because they are:
 - Associated with a person who has a protected characteristic
 - Wrongly perceived to have a protected characteristic
 - Treated as if as if they have a protected characteristic
 - b) the behaviour had the effect of violating your dignity or creating an intimidating or hostile environment
- and**
- c) that the impact on you was significant and beyond what would be considered normal/reasonable. [The Test]

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

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

The school differentiates between reasonable management, which is firm and fair, and behaviours associated with harassment, bullying or victimisation. Legitimate, justifiable, appropriately conducted monitoring of a member of the school workforce’s behaviour or job performance and the appropriate application of the school’s policies and wider duty of care does not therefore constitute bullying, harassment or victimisation.

Impact Definitions

In all cases of bullying and harassment that reach courts or tribunals Judges have to determine the impact [the test] of the behaviour on the individual in helping them determine appropriate remedies for grievances and appropriate sanctions for matters that require a disciplinary approach. Being able to self-assess the impact of the behaviour on you is a helpful way to shape your written grievance and reflect on the severity of the impact the behaviour is having on you; this in turn may help to guide the types of outcomes you seek.

Impact Level	Likely Impact
Mild	A sense of unease/discomfort or embarrassment because of the nature of the unwanted behaviour. Emerging social isolation or fear of coming to the work place although this has not yet led to absence or attendance issues and there is no medical or documentary evidence of impact of either mental or physical symptoms.
Moderate	Repetitive thoughts and feelings that crowd in on the individual's day to day routine and may lead to sleep related issues or other social concerns e.g. feelings of embarrassment and/or avoidance of common work or social areas. Moderate impacts are largely related largely to feelings or discomfort but will not have moved into physical or mental symptoms.
Severe	Emerging anxiety and stress related symptoms, with evidence of avoidance behaviours to manage the impact of the behaviours on the individual's well-being e.g. choosing to re-plan working schedules or patterns to avoid interaction with the individual and their behaviour. There will be evidence of periods of cover; unexplained absence and an emerging pattern of concern about the individual's health from the GP. Much of this will be accompanied by feelings of intimidation or threat to the individual's welfare.
Debilitating	Acute anxiety/stress related symptoms, accompanied by non-attendance at work, supporting documentary evidence from GP/Occupational Health of the physical and mental impact of the type of behaviour on the individual's health and well-being. Absence and attendance record shows significant patterns of time off work or long periods of sickness.

5. Procedure

In order to effectively deal with a grievance it is important that the basis of the grievance is clearly understood, and the desired outcome is stated by the employee at the start of the procedure so that it can be considered during the process.

5.1 Stage 1 - Informal Grievance

Employees should, in the first instance, raise the grievance with their line manager through discussion to attempt to resolve the concern. If the grievance is against the line manager, the employee should approach the next level of management and if against the Headmaster they should approach the Clerk/Chair to the Governing Body.

When stating their grievance, the employee should keep to the facts and avoid language which may be considered insulting or abusive unless asked to give verbatim quotes of what was said.

The manager should seek to resolve the problem, provide an explanation and, if necessary, seek advice or information from HR. Resolution through the informal process shouldn't involve or be perceived as a single meeting but should involve a considered approach that gives all parties the time and space to reflect, review so as to deescalate any situation and reach agreement via a number of different avenues.

The decision should be given in writing **within 10 working days** of the date that the grievance was raised.

Mediation

Where an informal grievance has not be resolved satisfactorily between the parties then Mediation via either a member of the SLT; Headmaster or Governor/Chair of Governors should be tried prior to moving to stage 2 and the formal grievance process. This will involve the re-running of the informal grievance meeting or meetings with a neutral third party.

5.2 Stage 2 - Formal Grievance

Where informal discussions and mediation fail to resolve the grievance, or for more serious matters*, the employee should put a formal grievance in writing requesting for the grievance to be considered under the formal procedure. This can be in the form of a letter or the Formal Grievance Form at Appendix B can be used. Where an attempt has been made to resolve the grievance informally, a request to consider it under the formal procedure must be made **within 10 working days** of notification of the outcome of the informal stage.

If an employee raises concerns but does not put them in writing, the school may, in reasonable circumstances, choose to take matters forward through the formal procedure in an effort to resolve the matter and bring it to a conclusion.

The grievance at this stage should be heard by a senior manager who has not previously been involved with the matter in any way i.e., it should not be the same person who dealt with the grievance at the Informal Stage.

Following the receipt of a formal grievance from an employee, the manager will arrange to meet with the employee **within 3 working weeks** of receiving the grievance. The employee will be given **10 working days'** notice of the meeting and they will have the right to be accompanied by a trade union representative or work colleague.

**Serious Matters that would constitute missing out the informal and mediation processes are those where there is a strong body of evidence relating to the types of actions against an employee that might be considered unlawful and could potentially lead to disciplinary action following any grievance investigation/hearing. Or other incidents of a similarly serious nature including behaviours linked to safeguarding.*

Preparing for the Formal Grievance meeting

Prior to the meeting the manager should consider:-

- arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said.
- finding out whether similar grievances have been raised before and how they have been resolved, and any follow-up action that may have been necessary. This allows for consistency.
- whether to offer independent mediation dependant on the nature of the grievance and also the opportunity to re-visit the informal process.

During the Formal Grievance meeting

During the meeting the manager should:

- remember that a grievance meeting is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution.
- invite the employee to re-state their grievance and how they would like to see it resolved

- consider adjourning the meeting if it is necessary to investigate any new facts which may arise
- sum up the main points of the grievance
- inform the employee when they might reasonably expect a response if one cannot be made at the time.

The manager will inform the employee in writing of their decision and the reasons on which it is based and any action that is to be taken, and the employee's right of appeal within **5 working days** of the meeting. A copy of this response must be placed on the employee's personal file.

The manager should ensure that any action taken as a measure to resolve the grievance is monitored and reviewed, as appropriate, to ensure that it deals effectively with the issues.

5.3 Stage 3 - Grievance Appeal Meeting

If the employee is not satisfied with the outcome of the formal grievance meeting, they will be entitled to appeal against the decision. The appeal must be in writing and sent to the school within **10 working days** from the date of notification of the decision from the Stage 2 meeting.

In submitting their appeal, the employee should provide a written statement detailing the reasons for the appeal i.e. the reasons why the decision at Stage 2 was considered to be wrong, plus any supporting information and a copy of the original grievance.

The Headmaster/designated manager should arrange a meeting of the Governing Body Appeal Committee within **6 working weeks** of receipt of the written appeal. The Governing Body Appeal Committee will consist of 3 governors who have not previously been involved in the case, and who are not staff governors and, ideally, not parent governors. The manager who conducted the Stage 2 Formal Grievance Meeting will be required to prepare a management statement of the case and present the management case at the Grievance Appeal Meeting.

Preparation for the Grievance Appeal meeting

Prior to the meeting the Headmaster/designated manager should:-

- Arrange for a copy of the management statement, other supporting evidence and a copy of the letter to the employee to be sent to members of the Governing Body Appeal Committee via the Clerk to the Governing Body [who will Clerk the Governing Body Appeal Meeting].
- Inform the employee of the appeal meeting in writing attaching the management statement of the case and any other supporting evidence to be considered including a list of witnesses. The employee should be given **10 working days'** notice of the meeting. The employee will have the right to be accompanied at the meeting by a trade union representative or a work colleague.

During the Grievance Appeal Meeting

At the meeting:

- The employee or their representative will present the case calling witnesses as relevant to the case.

- The panel and the designated manager may ask questions of the employee and witnesses relating to their statement.
- The designated manager will present the case calling witnesses as relevant to the case.
- The panel, the employee and their representative may ask questions of the designated manager relating to the designated manager's statement.
- Following the two parties presenting their case, the panel will adjourn the meeting to make a decision which can be to:
 - a. Uphold the appeal setting out how the matter is to be resolved.
 - b. Suggest ways of seeking/facilitating joint resolution
 - c. Not uphold the appeal

The employee and the designated manager will be informed of the decision and the reasons for it in writing within **5 working days** of the Grievance Appeal Meeting.

6. Overlapping Grievance/s and Overlapping Disciplinary Cases

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Where both parties have lodged similar or related grievances then the Chair on the advice of the Clerk/HR and with approval of both parties may choose to hear both grievances concurrently.

7. Role of the Companion

Employees have a statutory right to be accompanied, regardless of length of service, by a trade union representative or a work colleague at a formal grievance meeting and any subsequent appeal meeting. If the companion is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the hearing and also time to familiarise themselves with the case and confer with the employee before and after the hearing.

A companion has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting

A companion does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish him/her to do so
- Prevent the Investigating Officer from explaining his/her case

Given the importance of the companion's role, it is good practice to allow them to ask questions and participate as fully as possible.

8. Keeping Written Records

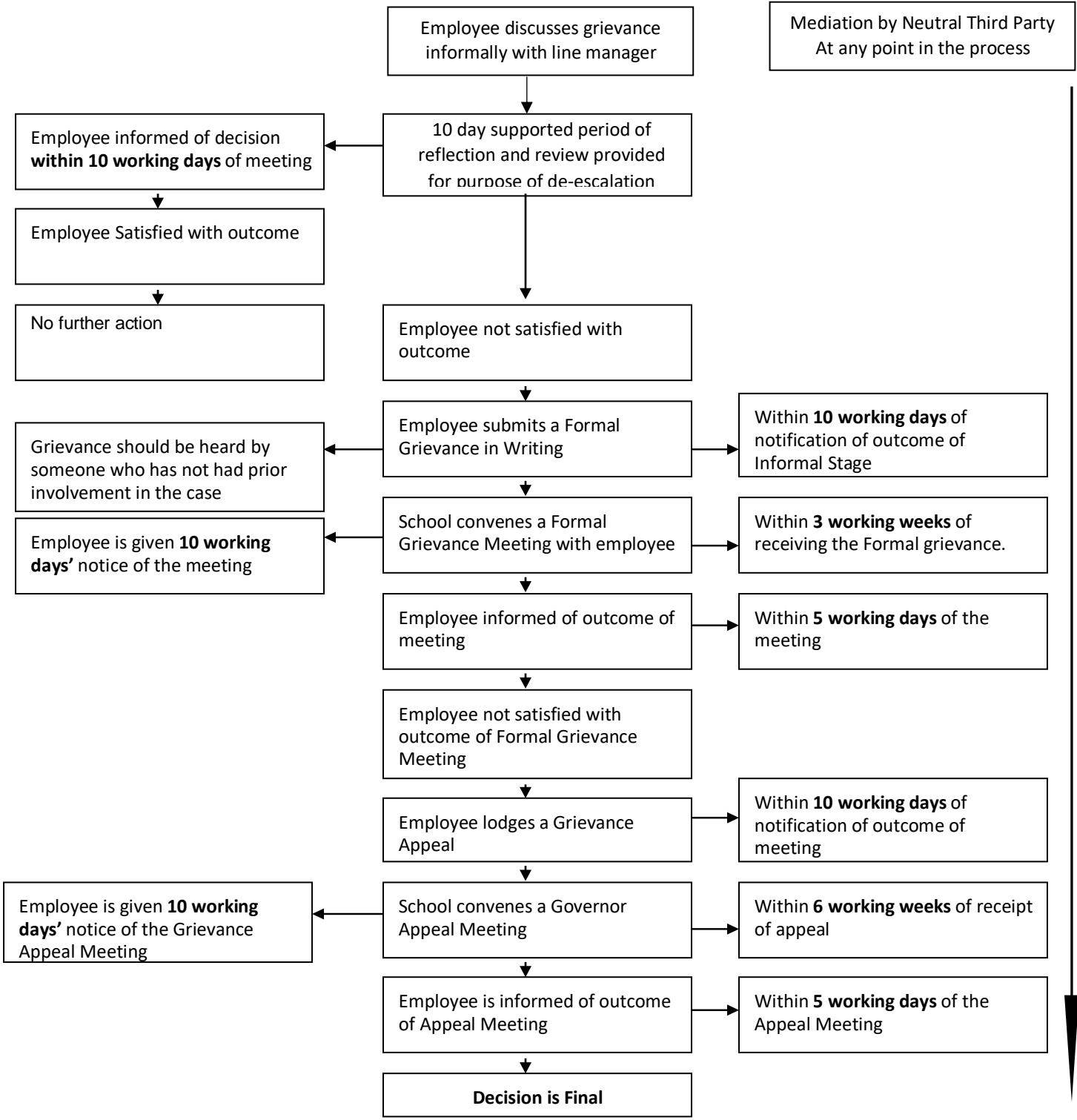
It is important, and in the interests of both the school and the employee, to keep written records during the grievance process. Records should include:-

- The nature of the grievance
- What was decided and actions taken
- The reasons for the decision and actions taken
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. The notes should be kept for no less than six months and no more than 12 months from the end of the process.

Copies of the meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the school may wish to withhold some information.

Grievance Process Flowchart



Formal Grievance Form

This form should be completed to raise a formal grievance.

Employee's details	
Name:	Contact Number:
Job Title:	
School:	
Representative's details	
Name:	Contact Number:
Union / organisation (if applicable)	
Witnesses/Companion names and status	
1. 2. 3.	

Grievance

Please describe your grievance. This will be the basis of your grievance throughout the procedure. It may be added to if agreed with the manager hearing the grievance at Stage 2. Any changes must be documented.

You should define your grievance wherever possible with reference to the definitions contained within the Grievance Policy and detail what informal steps have been taken to resolve your grievance explaining why they have failed.

You should then explain and provide evidence of the type of impact the grievance has had on you - again you should review the definitions and descriptions in the grievance policy and the level of impact where possible e.g. mild, moderate, severe, debilitating.

(extend as necessary)

Outcome

Please indicate the outcome that you are seeking to redress your grievance. This should be specific and can include a range of options.

(extend as necessary)

.....
Employee's signature

.....
Date

This form must be sent to your line manager/Headmaster. If the grievance is against the line manager/Headmaster, it should be sent to the Chair of Governors via the Clerk.