



Procedure for

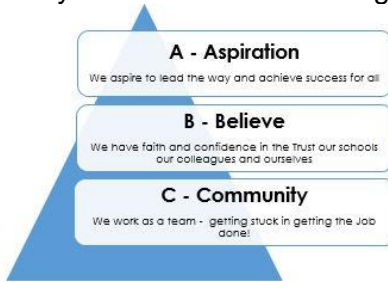
Dignity at work and Grievance Policy and Procedure

Prepared by:	Approved by Board of Directors and Trade Unions
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Statement of intent

All AET policies are written to support our schools and communities. We do this by ensuring they are always in line with our Colleague Values:



Applying these values to everything we do means always acting with integrity, in the interests of others, being honest, open and transparent and putting the safety of our children first.

The Aspire Educational Trust believes that all employees should be treated fairly and with dignity and respect. If an employee is unhappy with the treatment they have received or about any aspect of their work they should discuss the matter with their line manager, who will attempt to resolve the matter on an informal basis. If the employee feels unable to discuss the matter with their line manager, they should approach the HR in confidence who will discuss ways of dealing with the matter with them.

1. PURPOSE AND SCOPE

The Trust encourages employees to attempt to resolve issues informally wherever possible. It is acknowledged that this may not always be possible and where attempts to resolve matters informally do not work, employees may raise a formal grievance under this procedure. A formal grievance should be concerned with the way in which the employee believes they have been treated by the Trust or the school in which they work, or managers acting on its behalf, or colleagues, visitors, or third parties, or about any aspect of their work. Appendix 2 provides additional guidance for issues which may fall under a complaint regarding bullying or harassment. Complaints that amount to an allegation of misconduct on the part of another employee may be investigated and may be dealt with under the Disciplinary Policy and Procedure.

Grievances may be concerned with a wide range of issues, including the allocation of work, the working environment or conditions, the opportunities that employees have been given for career development, the way employees have been treated or the way in which they have been managed.

Complaints that employees may have about any disciplinary action taken against them should be dealt with as an appeal under the Disciplinary Procedure.

Grievances raised while employees are subject to disciplinary that have any bearing on the disciplinary proceedings, can be raised as a relevant issue during those proceedings.

This policy applies to all employees of the Trust.

2. ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for ensuring this policy is applied fairly and consistently across

the Trust, monitoring the effectiveness of this policy.

The **CEO and Assistant CEO's** are responsible for ensuring that staff and others adhere to this procedure

Human Resources is responsible for ensuring that all employees are aware of this procedure. The team will also ensure that this procedure is implemented fairly and consistently.

Leaders and managers must ensure they implement this procedure fairly and equitably, seeking guidance, clarification and support as and when required.

All **employees** are encouraged to seek to resolve issues informally wherever possible, accessing this procedure when attempts to resolve issues informally have failed to resolve the matter satisfactorily.

Local Academy Committees and Principals are responsible for monitoring the application of this procedure within their respective schools.

3. EQUALITY AND DIVERSITY

The Trust is committed to:

- Promoting equality of opportunity and equal treatment in its policies, procedures and guidelines, adhering to the Equality Act 2010.
- If any aspect of the grievance procedure causes the employee difficulty on account of any disability they may have, or if the employee needs assistance because English is not their first language, the employee should raise this issue with the HR team at the earliest opportunity and appropriate arrangements will be made.

4. RIGHT TO BE ACCOMPANIED

Employees have the right to be accompanied by a trade union representative or work colleague at any grievance meeting or subsequent appeal. At any grievance or appeal hearing, the employee's representative/work colleague will be allowed to address the meeting, respond on the employee's behalf to any view expressed in the hearing, and sum up the case on the employee's behalf. However, both the hearing and appeal hearing are essentially meetings between the Trust and the employee, so any questions put directly to the employee should be dealt with by the employee directly and not their companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee and their companion can propose an alternative time, normally within five working days of the scheduled date.

5. GRIEVANCE

PROCEDURE Mediated

Discussion

It may be appropriate for the matter to be dealt with informally by way of a mediated discussion, depending on the nature of the grievance. If an employee wishes to explore the option of a mediated discussion, they should contact the HR team for further information and advice. Mediated discussions are where an impartial individual uninvolved in the grievance facilitates

a discussion between the relevant parties with the aim of assisting both parties to reach a resolution. Mediated discussions can only be used where all parties involved in the grievance agree to try this option. Colleagues facilitating mediated will usually be from another school or a member of the central team. They meet with individuals prior to a joint mediated meeting, and if they feel mediation should not be undertaken, they will advise both parties of this, and alternative options detailed under this Grievance Procedure will be explored. For a mediated discussion to take place, both parties will be asked if they are happy to progress with the named colleagues who have been put forward to facilitate the process.

The individuals facilitating the mediated discussion will:

- Meet with the individuals separately to establish the key issues to be discussed at the mediated meeting, providing everyone with thinking time, assisting them in assessing what they might share and hear and how they might respond constructively.
- When the facilitators believe each party is ready and prepared to have a mediated discussion, they will facilitate a joint mediated discussion.
- The facilitators will open up the meeting, explain the ground rules, structure and format (e.g. all attendees will listen and ensure each party has air space, adjourn where appropriate, seek to understand the other person's perspective with the aim of achieving a satisfactory outcome for both parties).
- The facilitators will provide each person with airtime with the other person listening and then responding. Breaks may be required to ensure everyone is able to reflect, listen and respond effectively.
- The facilitators will reflect back, summarise and facilitate an agreed way forward, with a plan for monitoring and review and the facilitator will write to both parties following the meeting to confirm the key points discussed, actions agreed (including monitoring and review) and provide a timeframe for the facilitators to contact each party to check how the situation has progressed (this is usually around 4 weeks after the mediated discussion takes place, although it may be extended where school holidays fall within that period).

Recording of Meetings

The Trust does not record grievance meetings, and where formal meetings take place, a note taker will take notes, which will be shared with attendees to enable any inaccuracies to be challenged. The employee, or any person acting on their behalf, will not normally be permitted to record electronically any meeting held by the Trust as part of the grievance procedure. A breach of this provision may lead to disciplinary action against the employee. However, in certain limited circumstances, the Trust may permit an employee to record the meeting electronically. For example, where the employee is disabled, it may be appropriate as a reasonable adjustment under the Equality Act 2010. Where the Trust permits the meeting to be recorded electronically, it will take responsibility for making the recording.

Conducting the Grievance Procedure

The Trust recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved and employees are encouraged to seek additional confidential support through the Employee Assistance Programme. Everyone involved in the process is entitled to be treated in a professional manner, with dignity and respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and may treat such behaviour as misconduct under the Disciplinary Procedure.

Making the Complaint

The first stage of the formal grievance procedure is for the employee to submit their complaint in writing. This written statement will form the basis of the subsequent hearing and any

investigations, so it is important that the employee sets out clearly the nature of their grievance, indicating the outcome they are seeking. If the employee's grievance is unclear, the Trust may request further clarification from the employee regarding their complaint before any meeting takes place.

Employees are encouraged to use the grievance form to detail and submit their grievance (Appendix 1). If they would prefer to write a letter instead their letter of complaint should be headed "formal grievance" and sent to their line manager. If the employee's complaint relates to the way in which they believe their line manager is treating them, the complaint may be sent to the HR Team (aethr@aet.cheshire.sch.uk) instead.

Further attempts may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance meeting. Employees are encouraged to speak to their trade union at the earliest opportunity to enable them to access support, advice and guidance.

Grievance Meeting

The person hearing the grievance will normally meet with the aggrieved party to ensure they have a good understanding of the grievance and the outcome(s) the individual is seeking to resolve the grievance. The meeting will be held as soon as is reasonably practicable. It will be conducted by a member of the Trust or school's leadership team and attended by a HR representative. At the meeting, the employee will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter.

The employee should ensure they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they must inform the HR Team as soon as possible. If the employee fails to attend without explanation, or if it appears, they have not made sufficient attempts to attend, the manager hearing the grievance may be required to investigate and respond to the grievance without meeting with the aggrieved party.

While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are relevant to their complaint, although it is recognised that some grievances have a historical element to them. Focusing on irrelevant issues or incidents that took place long before the matters in hand may not be helpful and could hinder the effective handling of the grievance. The manager conducting the hearing will intervene if they believe that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

Following the grievance meeting it may be necessary to carry out further investigations. If any evidence is gathered during these investigations, the employee will be advised of this. When the investigation is completed and the manager hearing the grievance has made a decision, they will normally arrange to meet with the aggrieved employee again to enable them to share their decision face-to-face, explain the rationale for their decision and the evidence they have relied on. They will then write to the aggrieved employee detailing their decision, the rationale for the decision and the evidence they have relied on to make their decision, normally within 5 working days of the date of the meeting. In exceptional circumstances, the evidence given by individuals may have to remain confidential (e.g. child protection/safeguarding reasons). Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be given to them.

If the employee is dissatisfied with the outcome, they may submit a formal appeal.

Appeal

The employee's appeal must be submitted in writing to the HR Team, clearly stating the grounds of the appeal (e.g. the basis on which the employee believes the result of the grievance was wrong or that the action taken as a result was inappropriate). The appeal must be submitted within 10 working days of the date of the written notification of the outcome of the grievance hearing. An appeal meeting will be arranged to take place within 20 working days of receipt of the formal appeal, wherever possible.

The employee should ensure they attend the meeting at the specified time. If the employee is unable to attend because of circumstances beyond their control, they should inform the HR Team of this as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the appeal hearing may take place in their absence.

The appeal hearing will be conducted by either a member of the senior leadership team, the Headteacher, Assistant CEO or CEO, who will consider the grounds the employee has put forward, assessing whether or not the conclusion reached in the original grievance hearing was appropriate.

Following the appeal meeting, the employee will normally be informed of the outcome within five working days. The outcome of the appeal hearing is final.

6. COLLECTIVE GRIEVANCES

If more than one employee has an identical grievance and the employees wish their grievance to be addressed in the same grievance process, they can submit a collective grievance. All aggrieved employees must sign the grievance form prior to its submission. The colleagues raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. They will be entitled to only one grievance hearing and (if applicable) one appeal hearing. The participating colleagues will be notified individually of the outcome at each stage of the process. If the participating colleagues do not entirely voluntarily agree to this arrangement or if their grievances are not identical, the Trust will arrange to hear their grievances individually rather than collectively.

If the participating colleagues are all members of the same trade union, their trade union representative can (if they all wish him or her to do so) raise the grievance on their behalf. Alternatively, the participating colleagues can agree to nominate one of the group to act on behalf of all the participating colleagues. If there is no one nominated representative, the participating colleagues will be entitled to address concerns individually at the grievance hearing, but they will have no additional right to be accompanied beyond having their colleagues present. If the participating colleagues wish to be represented by their trade union representatives on an individual basis, the Trust will arrange to hear their grievances on an individual basis.

The collective grievance should either be submitted via the Grievance Form (Appendix 1) or via letter or email headed "formal collective grievance" and sent to the participating colleagues' line manager. If the collective grievance relates to the way in which the participating colleagues believe their line manager is treating them, the complaint may be sent to the HR Team instead. The collective grievance should be submitted on one document and it must:

- identify each of the participating colleagues who wish to raise the grievance;
- identify any nominated trade union representative or work colleague to represent all participating colleagues;
- state that all participating colleagues have all voluntarily consented to use the collective grievance procedure; and

- confirm that the participating colleagues understand the grievance will give each of them the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal. If only one employee wishes to pursue the appeal, the Trust's normal grievance procedure will apply to the appeal.

7. Grievances from Ex-employees

There is no legal requirement to deal with grievances raised by ex-employees. However, Managers may want to consider dealing with such grievances in order to identify possible employment tribunal complaints. These will be managed on a case by case basis and HR will support in all incidences.

8. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this procedure will be monitored on an annual basis.

9. REVIEW

This Policy and Procedure will be reviewed annually with recognised trade unions via the JCNC.

The Aspire Educational Trust

Please take a copy of this form for your own records prior to submission. Once completed, please submit this form to either your line manager or the HR Team. You are also encouraged to contact your trade union at the earliest opportunity to enable you to access their support.

Employee name:

Signature:

Job Title:

Date:

School:

Department:

Line manager:

Detail your grievance (you may continue on a separate sheet where necessary to enable you to provide full details of your grievance).

What action has already been taken to resolve your grievance? Who has been involved and what was the outcome?

Please detail the action(s) you feel would resolve your grievance to your satisfaction.

Bullying and Harassment

Harassment and bullying can have very serious consequences for individuals and the organisation, including affecting an individual's health and wellbeing, productivity and performance, attendance and levels of engagement, recruitment and retention. It can limit our ability to share best practice, work collaboratively and innovatively. Effects on the organisation can include loss of morale, poor work performance, and increased turnover of staff, legal claims and damage to the organisation's reputation. Employees who are found to have harassed or bullied may face disciplinary penalties, up to and including dismissal. They could be held personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected. Harassment is both a criminal offence and a civil action under the Protection from Harassment Act 1997.

The Trust is committed to providing people with a healthy working life, where they learn and flourish, where they are supported and encouraged to perform at their best. The intention is that inappropriate behaviour at work is minimised and if it occurs, it is dealt with swiftly, with sensitivity and objectivity. Inappropriate behaviour will not be tolerated. Employees have a right to complain if they are treated in a manner, which they believe constitutes harassment or bullying. This includes behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. The Trust encourages staff to raise issues in a constructive way as this enables early resolution, minimising the impact on staff, students and other stakeholders. It may be appropriate for bullying and harassment issues to be dealt with informally (e.g. mediated discussions). Where an employee believes that an informal option is not viable or appropriate, they should submit a grievance to raise a bullying and harassment complaint.

Any employee who witnesses an incident that they believe to be harassment or bullying should report the incident in confidence either to his/her line manager or to the HR Team. The Trust will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be considered to be bullying and/or harassment or simply inappropriate, whether the person behaving in that way intends to cause offence. For example, something intended as a "joke" may offend another person.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic, or where an individual is connected or associated with someone with a protected characteristic. There may also be circumstances in which an individual is subject to unwanted conduct from a third party, such

as a client or customer.

Bullying and harassment may be misconduct that is physical, verbal or non-verbal. Examples of non-verbal bullying and harassment include emails, letters and social media.

Examples of unacceptable behaviour include the following (this is not an exhaustive list):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for accepting sexual advances (e.g. promotion);
- threats for rejecting sexual advances (e.g. suggestions that refusing advances will adversely affect the employee's employment or advancement);
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic;
- ignoring an individual because they are perceived to have a protected characteristic;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person;
- spreading malicious rumours or insulting someone;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-co-operation at work; and
- excluding someone from work-related social activities.

The Aspire Educational Trust Grievance Procedure

