



Greenfield Primary School

GRIEVANCE POLICY



**Leicestershire
Traded Services**

Grievance Policy

This policy applies to all staff including the Head Teacher/Principal.

For Maintained Schools: The Local Authority has the right to be represented at any hearings and this will normally be a member of the LTS HR team acting in an advisory capacity. The panel must consider any advice offered by the Local Authority when making their decision. The school must notify both the employee and the LA of their decision where any dismissal takes place.

For the purposes of this policy the Head Teacher/Principal will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Governing Body/Trust.

1. Purpose

1.1 The purpose of the policy is to provide a framework within which employees can raise individual grievances and managers can deal with those grievances in an appropriate manner.

1.2 All complaints relating to the following will be fully considered and investigated by the school:

- **Dignity at Work:** includes complaints regarding unacceptable behaviour such as bullying, harassment, victimisation and sexual harassment. (see Appendix A for examples)

Grievance: includes concerns, problems or complaints raised by an employee regarding their working conditions or relationship with colleagues. Issues that may cause grievances include:

- Terms and conditions of employment;
- Health and safety;
- Working environment;
- New working practices;
- Discrimination.
- Sexual harassment

Grievances may be raised in relation to third parties (e.g. contractors, agency workers, customers, and partner organisations) and should be dealt with in the same way as any other complaint. Please refer to the Behaviour of a Third-Party section below Pt. 11 for further information.

2. Mediation

2.1 Mediation can play an important role in resolving problems between employees. Mediation is an informal, voluntary process, which can be used to resolve disagreements in the workplace. Employees are encouraged to consider using mediation at both the informal stages of a grievance, or if necessary, following the formal stages being invoked.

3. Informal Process

3.1 Employees are encouraged to and will be supported to resolve the problem informally in the first instance. The individual raising the grievance should attempt to discuss the issue directly with their

line manager, either verbally or in writing. If the grievance relates to the individual's line manager, it should be referred to the line manager's manager.

- 3.2 Discussions should take place which seek to achieve a full and satisfactory resolution to the matter. Where this is not possible or does not conclude matter, further investigation into the complaint may be required. See sections 4 and 5.
- 3.3 All parties will accept that normal working practices will continue to operate pending resolution of the grievance, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply.
- 3.4 Managers should make every effort to deal with grievances as quickly as possible as any delay in resolving a complaint can make the situation worse.
- 3.5 In cases where it has not been possible to resolve a grievance informally, or if the grievance is considered serious in nature, the complainant should raise the matter formally in writing, setting out the nature of their grievance and the outcome they are seeking.

4. Investigating Officer

- 4.1 An independent investigating officer may need to be appointed to carry out a thorough investigation and collation of appropriate information to establish the facts of the case.
- 4.2 The role of the investigator will be to investigate the issues raised, interview witnesses as appropriate, establish the facts and make any recommendations for resolution. The school will ensure that the investigating officer is impartial.
- 4.3 Investigations will vary in the level of detail required, this must be proportionate to the matter in question.

5. Investigation Process

- 5.1 Where the employee feels that their grievance has not been resolved via day-to-day management or where the complaint is deemed to be sufficiently serious, the grievance should be put in writing to a manager who is not the subject of the grievance. The letter should specify the exact nature of the complaint and the resolution that the employee wishes to see whilst attaching any relevant evidence.
- 5.2 Following the receipt of the grievance, a letter of acknowledgement will be sent to the employee and a meeting arranged without unreasonable delay.
- 5.3 Individuals have the statutory right to be accompanied at formal meetings by either a work colleague or trade union representative. The meeting will allow the individual to elaborate on the points raised in their written grievance and will inform the next steps of the investigation.
- 5.4 The purpose of the investigation is to establish the facts of the case and collate appropriate and relevant evidence in order to establish whether there is an issue that needs to be addressed. All

parties will be given an opportunity to respond to the points raised and may direct the investigating officer to any relevant witnesses to support their case.

- 5.5 The Investigating Officer will produce a report outlining their findings, summary and recommendations for the Decision-Making Manager.
- 5.6 Based on the outcome of the investigation the manager will give one of the following conclusions :
- a) The grievance is upheld,
 - b) The grievance is partially upheld,
 - c) The grievance is not upheld.
- 5.7 A summary of the findings should be provided to the complainant. The outcome to the process must be confirmed to the complainant in writing outlining their right of appeal against the decision.
- 5.8 The respondent should also be informed of the outcome, e.g whether the matter will be dealt with via day-to-day management (see Section 8) or if the matter will move to a formal disciplinary process.
- 5.9 Consideration will be given as to how the parties are going to work together moving forward.

6. **Withdrawing a Grievance**

- 6.1 If at any point the employee who has instigated the grievance procedure wishes to withdraw their grievance, they should confirm this in writing and submit this to the same manager they originally submitted the grievance letter to.

7. **Appeal**

- 7.1 Where an individual is not satisfied with the outcome of their grievances following the investigation process, they will have the right of appeal this outcome. The appeal will be held in line with the school's Appeal Policy.

8. **Re-establishing Working Relationships**

- 8.1 Regardless of the outcome, the alleged perpetrator and the recipient **must** attend a mandatory joint meeting to discuss what support or action is required to assist them to re-establish their working relationship. The Decision-Making Manager should ensure that this meeting is scheduled to take place as soon as possible after the parties have been advised of the investigation outcome. A third party (e.g. manager, HR representative) may be involved in this meeting to help facilitate a solution.
- 8.2 The purpose of the meeting is to agree strategies to assist the parties to resume and repair their working relationship. A potential outline of the meeting might include:
- Explaining the purpose of the meeting (e.g. it is not to revisit the complaint previously investigated, it is about moving forward),
 - Identifying potential areas of concern and explore these with the parties,

- Encouraging open and honest communication,
- Confirming the key points agreed to help move forward,
- Re-affirming that both parties have a responsibility to ensure good working relations are maintained and that failure to do so could lead to disciplinary action being considered.

9. Collective Grievances

- 9.1 In cases where more than two employees have an identical grievance, they may wish for the matter to be addressed as a collective grievance. All employees must agree to being party of such action without any pressure being placed on them by other employees to join the collective complaint.
- 9.2 Depending on the nature of the complaint, attempts may be made to resolve the matter informally as per section 3 above. However, where the employees are not satisfied with the outcome the matter will be dealt with via the formal stages of this policy.
- 9.3 A group of employees raising a collective grievance must decide to either:
- a. nominate a spokesperson from the group of employees to act on the group's behalf throughout the grievance process, or
 - b. request that a TU union representative raise the grievance on behalf of the employees (where the employees are all members of the same Trade Union), or
 - c. where there is no agreement on a single nominated representative, or the complaints are not identical, employees will be entitled to raise an individual grievance.
- 9.4. The collective complaint should be headed "Formal collective grievance" and submitted to the Head Teacher/Chair of Governors. The complaint should:
- be signed by all individual wishing to raise the grievance,
 - identify any nominated trade union representative or colleague to represent the group, and
 - confirm that all those involved understand that the grievance will only have one collective outcome and one appeal outcome.

The process for dealing with collective grievances will follow the same process as outlined in this document above for individual grievances.

10. Confidentiality

Where necessary, complaints will be dealt with sensitively and confidentiality will be maintained where possible. However, there may be circumstances in which this will not be possible. Confidentiality will be maintained where possible. However, there may be circumstances in which this will not be possible.

The details of an investigation and the names of the person making the complaint and others involved must only be disclosed on a "need to know" basis. Breach of confidentiality in this respect may give rise to disciplinary action under the Trust/School's Disciplinary Policy.

Employees should note that information relating to a complaint by or about an employee may be placed on the employee's personal file where the complaint is founded or where it is found that the complaint has

been raised maliciously. A record of the outcome and of any notes or other documents compiled during the process may also be retained on the employee's personal file.

11. Behaviour of a third Party

The School's ability to respond to a grievance involving unacceptable behaviour by a third party (e.g. customers, suppliers, contractors, agency staff, members of the public, etc.) towards an employee may be restricted by the lack of applicable sanctions or by statutory duties to provide services. Within these restrictions, however, the following guidelines must be observed where a grievance relates to the behaviour of a third party:

- Where possible, the alleged perpetrator should be interviewed as part of the investigation process;
- Any employee who has been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by management, and should be offered suitable counselling;
- Where the complainant is likely to remain in contact/close proximity with the alleged perpetrator it may be appropriate to make a request to the contractor / agency / supplier for the alleged perpetrator to be temporarily removed from the workplace if possible / appropriate;
- Managers should deal explicitly with perpetrators with a view to withdrawing their services if appropriate.

DEFINITIONS OF BULLYING AND HARASSMENT

Bullying and harassment is not necessarily face-to-face, it may occur through written communications, visual images (e.g. pictures of a sexual nature or embarrassing photographs of colleagues), email, or by telephone. The behaviour can be persistent or an isolated incident and conduct that has been considered acceptable in the past can become unwanted or unwelcome.

Bullying

Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Harassment

Harassment 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 relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Employees can complain about behaviour they find offensive, even if it is not directed towards them. They do not need to possess the relevant protected characteristic themselves and can complain about behaviour they find offensive because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. It is the impact of the behaviour on the recipient which is important and, if the recipient feels that they have been subjected to bullying or harassment, the complaint must be taken seriously and, where appropriate, investigated.

The following list provides some possible examples of bullying and harassment:

- Deliberately undermining a competent worker by overloading them, setting unrealistic deadlines, or providing constant criticism;
- Spreading malicious rumours or insulting someone by word or behaviour;
- Overbearing supervision or other misuse of power or position;
- Exclusion or victimisation;
- Demeaning or ridiculing someone;
- Using derogatory or inappropriate language;
- Deliberately using incorrect pronouns (e.g. he/she/they) to humiliate someone (an example of transphobic bullying and harassment);
- Making intrusive or inappropriate comments about an individual's personal circumstances;
- Spreading rumours or gossip speculating about someone's sexual orientation or outing them (an example of homophobic or bi-phobic bullying and harassment);
- The display or circulation of offensive materials;
- Threatening behaviour;
- Practical jokes (e.g. hiding a disability aid);
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;
- Marginalising someone (i.e. treating them as if they are not important);
- Treating someone differently for returning on part-time hours following maternity or adoption leave.

Sexual Harassment

Sexual harassment is a specific type of harassment concerning behaviour of a sexual nature and may be experienced alongside or in addition to harassment based on other protected characteristics as described above. Individuals could encounter sexual harassment from or by someone of any gender and the impact of the behaviour need not be intentional. Employers have a statutory duty not only to deal effectively with

sexual harassment but also to take reasonable steps to prevent it from happening and responsibility for meeting this duty sits with everyone.

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The examples of possible harassment listed above may be considered sexual harassment if they involve unwanted or unwelcome behaviour of a sexual nature. Other examples could include:

- Sexual comments, jokes, gestures, or 'banter';
- Unwelcome sexual advances or propositions e.g. flirting, sexual compliments, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- Unwanted physical contact e.g. touching, hugging, or kissing;
- Standing too close or brushing against someone's body;
- Displaying or sharing sexually offensive materials in any format e.g. pictures, posters, photos, or desktop backgrounds and screensavers;
- Inappropriate discussions or questions about a person's private or sex life, or their sexual orientation;
- Sexual assault of any nature.