

Eastwood Park Academy Trust

EPAT

Believe Succeed Together

Grievance Policy

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1.0 Definition

A **grievance** may be defined as: *‘concerns, problems or complaints raised by an employee about their work, working conditions or relationships with colleagues’*.

The grievance may relate to harassment, bullying and/or victimisation.

Type of Grievance	Description
Harassment	Unwanted behaviour, practice or conduct which cause an individual to feel uncomfortable, distressed, stressed, alarmed, humiliated or frightened or affects their dignity or confidence.
Bullying	Extreme form of harassment and will often involve persistent, maybe deliberate, harm, intimidation or humiliation. Bullying is often, although not always, related to the misuse or abuse of power or position.
Victimisation	When a person is treated less favourably than another person because they have made, or supported, a complaint of harassment, bullying or discrimination.

Harassment and bullying may take many forms and are therefore difficult to define. Some specific examples are provided in **Appendix A**.

2.0 Application

The procedure applies to all employees in the workplace and is to be used for matters affecting people personally.

The procedure does not apply in the following situations:

- In relation to issues which are outside the responsibility or control of the Trust in its role as an employer e.g. income tax, application of the pension scheme, national security.
- To appeals against selection for redundancy – these should be dealt with through the Redundancy Procedure – although re-deployed employees may raise a grievance.
- To appeals against salary/pay/grading - these should be dealt with through the Pay Policy.
- To grievances concerning health, safety or welfare – these should be dealt with by the Health and Safety Co-ordinator in the first instance. Where there is a failure to resolve the matter, however, then such grievances can be considered under this procedure.
- To Trust policy amendments.
- To protected disclosures within the **Public Interest Disclosure Act 1998**.
- To complaints of discrimination from applicants for positions or ex-employee. Such matters will be dealt with through the Complaints Policy.

3.0 Disciplinary and Capability

An employee may raise a grievance in the course a disciplinary or capability procedure, related to the case.

In such cases, where the written grievance is submitted prior to the appeal hearing, the grievance will normally be dealt with as part of the formal disciplinary/capability process. The onus is on the manager

to ensure that the matters raised in the grievance are appropriately dealt with through the disciplinary/capability procedure and that any decision is fair and free of discrimination.

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

4.0 Procedure

4.1 Personal Resolution

In the first instance, where appropriate, it is expected that employees will seek to discuss their concerns with the other employee(s) directly with a view to amicably settling the matter.

4.2 Informal Procedure

Where an employee feels unable to make a personal approach, or this approach is unsuccessful in resolving the matter, they should seek support from their line manager or other appropriate manager to facilitate discussions with a view to resolving the grievance informally.

The informal stage will normally involve the manager talking to the complainant, the person/s identified in the grievance and, where appropriate, any witnesses. A written submission may be sought from the person/s identified in the grievance.

Where appropriate a three-way meeting may be arranged to facilitate an appropriate discussion and positive solution. The manager will confirm the outcome of these informal discussions in writing.

4.3 Formal Procedure

4.31 Written Grievance

If the conduct which gave rise to the grievance continues after the informal procedure, or the matter could not be resolved through informal procedure, employees should raise the matter formally.

A grievance should be raised with an appropriate manager as follows:

- Where a grievance is against a colleague who is not the employee's line manager – the line manager.
- Where the grievance is against the employee's manager – a more senior manager.
- Where the grievance is against a Principal – the CEO.
- Where the grievance is against a CEO - the Chair of the Trust.

An employee may raise a grievance verbally or in writing, although in law, a formal grievance must be in writing and must explicitly state that it is a grievance.

In the written submission (refer to **Appendix B**), the employee should:

- Be clear that they are raising a grievance.
- Provide **concise** and **factual** information about the nature of their grievance.
- Avoid language which may be considered insulting, emotional, provocative or abusive.
- Indicate the redress they seek. Any redress should be realistic and appropriate.

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

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

Where appropriate, and where both parties agree, a three-way meeting with all parties may take place at this stage with a view to resolving the grievance.

This stage will be completed as quickly as possible.

4.32 Formal Meeting

Where this is not possible, on conclusion of the investigation, the manager will invite the employee to at least one formal meeting at a reasonable time and place at which the grievance can be discussed.

At least 5 school days' notice will be given of the meeting. The employee has the right to be accompanied at this meeting by a representative, friend or colleague and must make their own arrangements for this.

Such representatives should make themselves available to accompany the employee concerned within a reasonable period of time. If, however, the employee's chosen companion is not available, for a reason that was not reasonably unforeseeable, at the time proposed for any meeting or hearing, one alternative date will be set, normally no later than 5 school days from the original date.

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

The purpose of the meeting is for the employee to set out the basis of their grievance and the remedy they are seeking and for the manager to formally consider and respond to these matters.

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

At the conclusion of the meeting, the manager will formally consider all of the information gathered and presented and respond to the grievance. The decision of the manager, and the reasons for it, will be confirmed in writing to the person raising the grievance and the person whom the grievance is raised against, within 5 school days of the meeting. The employee will be informed of their right of appeal.

4.33 Resolution

Clearly, the desired outcome is that the behaviour or conduct which led to the grievance, ceases; however, whatever stage the procedure reaches, and without presupposing the outcome of any formal proceedings, there may be a range of possible remedies where a complaint is upheld, including:

- Formal apology.
- Training.
- Mediation.
- Occupation Health Support.
- Counselling.
- Changes to work methods/styles.
- Redeployment within the Trust.
- Formal disciplinary action against the perpetrator.

Employees raising a grievance should be aware that where their grievance is upheld, confidentiality laws associated with an employee's personnel file, restrict what information can be disclosed.

4.34 Appeal Stage

If the employee wishes to appeal they must confirm this intention, in writing, to the Chair of the Trust within 5 school days of receipt of the written notification of the outcome of the formal meeting, clearly stating the grounds upon which the appeal is made.

The appellant will be given at least 5 school days' notice of the appeal meeting in writing. Along with the written invitation, the appellant will be sent a copy of the papers to be considered by the Appeal Panel. The employee should take all reasonable steps to attend this meeting and again has the right to be accompanied. If, however, the employee's chosen companion is not available, for a reason that was not reasonably unforeseeable, at the time proposed for any meeting or hearing, one alternative date will be set, normally no later than 5 school days from the original date.

The Trust's Appeal Panel will be provided with minutes of the original meeting and any relevant papers/information gathered by the manager who dealt with the formal stage and the outcome.

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

The Chair of the Trust's Appeal Panel will advise the employee, in writing, of the outcome of the appeal as soon as possible and in any event within 5 school days of the hearing.

There is no further internal appeal after the Trust's Appeal Panel has reached and notified a decision.

4.35 Overview and Completion

An overview of the grievance procedure is provided in **Appendix C**.

Where the Formal Grievance Procedure cannot be completed prior to an employee leaving, a foreshortened process (usually a paper review) may be followed to conclude the procedure.

4.36 Withdrawal of a Grievance

If an employee withdraws their grievance at any stage of the formal procedure, the reasons will be clarified and fully recorded.

Appendix A – Harassment and Bullying

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

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

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

Harassment and bullying take on many forms and are thereby relatively difficult to define. However, harassment is defined in terms of how it makes the recipient feel and common sense should be used by all to avoid situations which could lead to accusations of harassment.

Broad definitions and some examples are given below. These are not intended to be exhaustive.

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

- Gender, sex, sexual orientation, marital or parental status.
- Race, ethnic origin, nationality, skin colour.
- Religion, political convictions etc.
- Disability, sensory impairment, learning difficulties, intellect, education.
- Physical appearance, e.g. size/weight.
- Health, hygiene, HIV/AIDS.
- Trade union or other organisation activity/membership.
- Criminal record.
- Age (or youth).
- Addiction (drugs, smoking, alcohol).
- Social or work position/status.

Examples of harassment and bullying include:

- Physical contact ranging from touching to physical assault.
- Visual displays e.g. sexually explicit posters, graffiti, emblems or obscene gestures.
- Verbal e.g. offensive language or jokes, gossip, slander, sectarian songs, ridiculing, name-calling/insults, lewd remarks, sexual innuendo, unjust or public criticism, destructive sarcasm, shouting.
- Written e.g. letters, emails, social networking sites, texting, graffiti etc.

- Isolation or non-co-operation at work, ostracism, removing responsibilities, withholding information.
- Intrusions e.g. spying, pestering, following, constant observation, staring/leering.
- Coercion e.g. pressure to participate, keep quiet, support.
- Pressure e.g. impossible deadlines, constantly changing work demands/expectations, pressure to return from sick leave, blackmail.

Sexual Harassment is a specified category of harassment and includes:

- Unwelcome sexual advances.
- Requests for sexual favours.
- Other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment.

Appendix C – Overview of the Grievance Procedure

