



**Truro and Penwith  
Academy Trust**

# **Grievance Policy & Procedure**

## **Review Summary**

<b>Approved By:</b>	<b>Trust Board</b>
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# Truro and Penwith Academy Trust

## Grievance Policy & Procedure

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Further administrative guidance and example letters & forms can be found on <a href="#">TPAT's Intranet Site under Central Services, HR &amp; Payroll – Workplace Issues &amp; Solutions</a> <a href="#">Link - Workplace Issues &amp; Solutions - TPAT ConnectED (ourhub.io)</a>		

# Staff Grievance Policy

## 1 Introduction

- 1.1 Truro and Penwith Academy Trust (TPAT) is referred to as 'the Trust' throughout the document. 'Board of Trustees' or 'Board' refers to the Trustees of Truro and Penwith Academy Trust. 'Local Monitoring Committee' refers to the local tier of governance at each member school of Truro and Penwith Academy Trust.
- 1.2 'Trust days' refers to days on which the school is open to pupils, however with the agreement of all parties these arrangements may be varied.
- 1.3 This Grievance Policy & Procedure is reviewed on a regular basis by the Board of Trustees of TPAT.
- 1.4 It is recognised that management structures/administrative arrangements will vary according to the size of the school within the Trust and therefore, in smaller schools, the procedure may be limited to two formal stages only ie with the procedure commencing at Stage Two.
- 1.5 This procedure does not cover all circumstances regarding individual grievances and the Headteacher will take professional Trust HR Team advice before taking any action under this policy.

## 2 Purpose

- 2.1 To promote the early, effective and satisfactory resolution of individual employment related grievances, by providing a structured framework through which individual members of staff can seek redress.
- 2.2 Broadly, a grievance may be raised about any matter arising from employment, including grievances amongst members of staff, with the Headteacher. In the case of a grievance against the Headteacher, this should be raised with the Trust HR Team.
- 2.3 This policy also applies to instances of alleged bullying or harassment in the workplace. The Board of Trustees of TPAT has expectations about the standards of language and behaviour that all members of staff have the right to expect and are expected to show to others in their communication and behaviour at work. It aims to assist in the development and maintenance of a working environment in which bullying and harassment are known to be unacceptable and to ensure that, where it occurs, there are adequate arrangements in place for raising and dealing with it and for preventing recurrence. In circumstances where an employee holds a concern of this nature, this procedure provides the framework to address the concern.
- 2.4 The Headteacher has specific responsibilities to direct the work of members of staff and to manage performance. It is not the intention of this policy to affect the Headteacher 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 whether employees feel that the action is unjustified or unfair.
- 2.5 This procedure is not the appropriate recourse for the following employment matters:
  - any outcome of a disciplinary process (in such circumstances the appeals procedure established within the [Disciplinary Policy](#) applies – see [Trust set policies \(to be noted at school level\) - TPAT ConnectED \(ourhub.io\)](#));

- any issue relating to the pay progression of a teacher;
- whistleblowing (in such circumstances, the Trusts' [Whistleblowing Policy](#) applies – see [Trust set policies \(to be noted at school level\) - TPAT ConnectED \(ourhub.io\)](#));
- matters relating to the rules of the Local Government Pension Scheme or Teachers' Pension Scheme (such matters will be referred to the Scheme Administrators and ultimately Pensions' Ombudsman).

### **3 Scope**

3.1 The procedure applies to all staff employed at TPAT.

### **4 Policy Statement**

4.1 The Board of Trustees of TPAT values the contribution made by all members of staff to the delivery of a high quality education service for the benefits of the school and the community of Cornwall. We recognise that the quality of this contribution will be influenced and enhanced if all members of staff can enjoy a working environment that supports and encourages them in working to their full potential.

4.2 The Board of Trustees is committed to promoting and sustaining a working environment in which all members of staff 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 a member of staff may wish to seek redress for grievances arising from their employment. Accordingly, the Trust is committed to ensuring that staff are able to raise grievances, 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 could be discussed frankly and freely with each other and/or with their line manager.

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 staff member will:-

- be given a fair hearing on any grievance;
- have the right to take the issue to senior management where appropriate;
- or if still not satisfied, have the right to take the issue further to a committee of Trust Governance representatives by way of an appeal.

4.5 Where the procedure is invoked, the Trust is committed to ensuring that the grievance is addressed as quickly as is reasonably practicable.

4.6 The Trust is committed to fair and respectful treatment of all staff. Where an employee raises a concern in respect of their employment, they will not suffer from any detriment or less favourable treatment as a consequence of raising a concern or making a complaint. The Trust is committed to this principle in its application of the Grievance Procedure. The Trust's [Whistleblowing Policy Trust set policies \(to be noted at school level\) - TPAT ConnectED \(ourhub.io\)](#) also enforces this principle.

### **5 Policy Statement regarding Dignity at Work**

5.1 Any language or behaviour which has the effect of undermining, humiliating or threatening another person, including harassment and bullying, is unacceptable and will be neither permitted nor condoned. We believe that most members of staff will actively support this commitment and will use language and behaviour that is consistent with our expectations. We also recognise, however, that we need to have clear arrangements in place for raising

and addressing any instance of the use of language and behaviour that is incompatible with these expectations.

- 5.2 The Trust will demonstrate its commitment to a working environment and working relationships that are based on respect for and recognition of the individual contribution made by all members of staff by:
- clearly communicating the standards that all members of staff have the right to expect and are expected to demonstrate to others in all workplace communications;
  - equipping the Headteacher and managers with the knowledge and skills required to influence a positive working environment and working relationships;
  - alerting all members of staff to the type of language and behaviour that is not acceptable and, where this occurs, how this will be dealt with;
  - identifying a range of sources of information and assistance for members of staff to help them decide what to do if they experience unacceptable language or behaviour;
  - recognising a grievance policy that establishes appropriate informal and formal arrangements for members of staff to raise instances of unacceptable language or behaviour as set out in this policy and procedure document;
  - ensuring that complaints are handled sensitively and are fully investigated through appropriate procedures.
- 5.3 Further information and guidance on the definitions of bullying and harassment is provided in [Appendix 2](#).
- 5.4 The Trust is committed to protecting employees against unacceptable behaviour of this nature that may be encountered by employees through contact with representatives from the wider school community in the context of their work, ie parents, pupils or members of the public. The processes and strategies available for dealing with issues of this nature are set out in [Appendix 3](#) of this policy.

## **Grievance Procedure**

### **6 Informal Approach and Mediation**

- 6.1 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 the issue on an informal basis and directly with the person(s) concerned.
- 6.2 It is important that any issue is raised as soon as possible after the event has occurred, so that resentment or worry does not build up. 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.
- 6.3 Where the aggrieved employee holds a grievance with a work colleague or manager, attempts should be made to meet with the other party on an informal basis to discuss the situation and attempt to resolve the concern. This informal process should be encouraged and managed by an appropriate manager or senior manager not directly involved in the case. 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.

- 6.4 As an alternative to a facilitated meeting and prior to evoking the formal procedure, formal mediation may be arranged between the relevant parties. Formal mediation can be arranged through the appointment of an independent trained mediator. 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](#).

## **7 Formal Procedure**

- 7.1 Where an employment problem is considered by the member of staff to be of a sufficiently serious nature to be termed as a 'grievance', the matter has not been resolved as a result of an informal approach or it is considered inappropriate to deal with the matter on an informal basis, the member of staff may invoke the Grievance Policy and Procedure. This procedure is designed to achieve the objectives referred to in the above policy statement in an effective and efficient manner.
- 7.2 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.
- 7.3 An employee wishing to invoke the procedure should normally raise their concerns within **20 Trust 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.
- 7.4 At all stages of the formal procedure, all members of staff involved in the grievance are entitled to take advice from and/or be accompanied or represented by a workplace colleague or trade union representative. Staff are encouraged to consult their trade union representatives or professional associations at the earliest opportunity.
- 7.5 Where a member of staff 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.
- 7.6 The Trust is committed to addressing employee grievances in a timely manner and in all cases will endeavour to adhere to the time limits referred to throughout this procedure. However, parties may, by mutual agreement, modify the time limits referred to in the procedure.
- 7.7 In certain circumstances this may not be practicable, for example, delays in convening meetings due to school holiday periods and complex cases requiring lengthy investigations. In the interests of best practice, fair treatment and the health and wellbeing of staff, meetings may be held during school holidays with the agreement of all parties (ie: the staff members concerned, trade union representative/workplace colleague, investigating manager). If however this is not agreeable to any party, employees involved will be kept informed of the progress of the procedure.
- 7.8 **Stage One**
- 7.8.1 If a member of staff has a work-related concern and the matter cannot be resolved informally, they should raise the matter formally with their line manager by completing the Grievance Form (see [Appendix 1](#)). Where the concern relates to the line manager, they should raise the matter with the Headteacher or appropriate member of the senior management team by completing the Grievance Form. It is recommended that the employee contact their trade union representative for advice and support in initiating the formal Grievance Procedure.

- 7.8.2 If the employee's concern relates to a senior manager or Headteacher, the formal procedure will be invoked at Stage Two (see [paragraph 7.9](#)).
- 7.8.3 On notification of a formal grievance, the manager to which the concern was raised will, as soon as possible, arrange an investigatory meeting with the employee. This meeting will normally take place within **10 Trust days** of notification of the grievance (subject to [paragraph 7.6](#)). The employee may attend the meeting accompanied by a work colleague or a trade union representative.
- 7.8.4 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.
- 7.8.5 The manager will ensure that any staff implicated within the grievance are informed of this fact and given an opportunity to respond. As part of this they will be provided with a copy of this policy and advised to contact their trade union representation. The manager will arrange an investigatory meeting with any staff implicated. These meetings will normally take place within **10 Trust days** of notification of the grievance (subject to [paragraph 7.6](#)). The employee may attend the meeting accompanied by a work colleague or a trade union representative.
- 7.8.6 Once the manager hearing the grievance has completed any further investigation required and reached a decision, the outcome of the grievance will be confirmed, including any proposed resolutions, in writing to the employees involved.
- 7.8.7 Normally, written confirmation of the outcome of the grievance will be provided within **5 Trust 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.
- 7.8.8 In exceptional circumstances, where the staff member considers that the issue is not appropriate to raise with their immediate line manager, senior management representative or Headteacher, they may initiate the formal procedure at Stage Two.

## **7.9 Stage Two**

- 7.9.1 If the staff member is not satisfied with the outcome of the grievance determined at Stage One 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, they may decide to refer the matter to Stage Two of the procedure by referring the matter to the Trust HR Team. Additionally, there may be circumstances, which are considered to be sufficiently serious to invoke at Stage Two.

Where an employee raises a grievance against the Headteacher, such matters will be automatically considered at Stage Two of the Grievance Procedure.

- 7.9.2 A Panel of Trust Governance representatives will hear grievances raised under Stage Two of the procedure supported by TPAT HR.
- 7.9.3 To invoke Stage Two 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 One of the procedure. The written confirmation for invoking the Procedure at Stage Two should be addressed to the TPAT HR Team.

7.9.4 Where Stage Two of the Grievance Procedure is invoked as a consequence of the employee's concern not being resolved to his/her satisfaction at Stage One of the procedure, this must be confirmed in writing to the TPAT HR Team within **10 Trust days** of receipt of the written outcome at Stage One of the Grievance Procedure.

7.9.5 Where Stage Two 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 Trust 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 TPAT HR Team.

It is recommended that the employee contact their trade union representative for advice and support in initiating the formal Grievance Procedure.

7.9.6 On notification of a formal grievance at Stage Two as the first stage of recourse, the TPAT HR Team will appoint an investigating officer to investigate the concerns raised. The investigating officer will arrange an investigatory meeting with the employees as soon as possible.

These meetings will normally take place within **10 Trust days** of notification of the grievance (subject to [paragraph 7.6](#)). The employees may attend the meetings accompanied by a work colleague or a trade union representative.

7.9.7 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.

7.9.8 Where Stage Two is invoked as a consequence of an employee's dissatisfaction with the outcome determined at Stage One of the procedure, a panel of Trust Governance representatives will be convened for a grievance hearing at Stage Two within **20 Trust days** (where practicable) of receipt of the employee's written notification of their dissatisfaction with the outcome determined at Stage One.

Additionally, where the circumstances of the concern are such that the matter is addressed at Stage Two from the outset, the investigating officer will convene a Panel of Trust Governance representatives for a grievance hearing at Stage Two within **20 Trust days** of completion of the investigation report.

7.9.9 Prior to the Grievance Hearing, the parties concerned will make their submissions to the Grievance Panel who should be sent all relevant documents in advance of the hearing no later than **one calendar week** before the grievance hearing. It is strongly recommended that the Panel invite a Trust HR Advisor to act as adviser to the panel.

7.9.10 The employees 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 in advance of 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 One of the procedure where applicable, will be provided to all relevant parties involved no later than **5 Trust days** prior to the hearing.

7.9.11 At the Grievance Hearing, the employee will have the opportunity to present their concerns which they consider to be pertinent. A work colleague or a trade union representative may accompany the employee at the hearing. As an alternative to the employee presenting their case, the employee's representative may present the case on behalf of the employee.

The employees implicated within the grievance will have the opportunity to present a response to the concerns raised. A work colleague or a trade union representative may



accompany the employee at the hearing. 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 One has been invoked, may present information and explanation on the outcome of the grievance at Stage One of the procedure for consideration by the panel.

7.9.12 The decision regarding the outcome of the grievance may be given at the hearing but will be confirmed in writing within **5 Trust days** of the hearing. If it is not possible to respond within the specified time period the employees will be given an explanation for the delay and advised when a response will be provided.

7.9.13 See [Appendix 4](#) – Procedure to Be Followed at a Stage Two Grievance Hearing.

## **8 Appeals**

### **Purpose of the Appeals Meeting**

The function of an appeals meeting is to ensure that decisions on grievance matters (which give rise to appeals) have been taken in accordance with the Trust's agreed Grievance Policy and Procedure, and that, following a thorough investigation and consideration of the circumstances of the case; the decisions were reasonable and fair. Appeals meetings are not re-hearings, but rather an opportunity to review the decision made at a grievance meeting. It is therefore inappropriate in most circumstances to re-call witnesses at appeals meetings.

The appeals committee is not a court of law. It is intended to provide an objective appraisal of the way in which the grievance decision was made. When an appeals meeting has taken place at the appropriate level, the outcome is final and no further appeal is available.

- 8.1 The employee has the right of appeal against the outcome at Stage Two of the Grievance Procedure if dissatisfied with any aspect of the outcome.
- 8.2 A panel comprising of Trust Governance representatives who have had no prior involvement in the case will hear grievance appeals. The procedure to be followed at the Appeals Meeting is as set out in [Appendix 4](#).
- 8.3 An employee wishing to exercise the right of appeal may do so by confirming their reasons for appeal in writing within **5 Trust days** of receipt of the written outcome of the grievance at Stage Two of the procedure.
- 8.4 The Appeals Panel will hold the appeal, where practicable, within **20 Trust days** of the receipt of the written request for an appeal. The employee will be informed of the date of the appeals hearing in writing and will be offered the opportunity to submit any documents to the panel in advance of the hearing, but no later than **5 Trust days** prior to the hearing.
- 8.5 A representative of the panel previously involved in hearing the grievance will also have the opportunity to make submissions to the Appeals Panel in response to the employee's appeal. The Appeals Panel should be sent all relevant documents in advance of the hearing no later than **one calendar week** before the hearing. The Panel must invite a representative from the Trust's HR Team to attend.
- 8.6 All documents to be presented at the hearing in relation to the appeal will be provided to relevant parties no later than **5 Trust days** prior to the hearing.
- 8.7 At the Appeals Hearing, the employee will have the opportunity to present their reasons for dissatisfaction with the grievance process.

8.8 The decision regarding the outcome of the appeal may be given at the hearing but will be confirmed in writing within **5 Trust 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.

8.9 The decision of the Appeals Panel is final.

## **9 Headteacher's Grievances**

9.1 Where the Headteacher has a grievance, they should first endeavour to resolve the matter by direct approach to the relevant person. If the grievance remains unresolved and arises from actions of the Local Monitoring Committee, they should initially seek to resolve it in discussion with the Chair.

9.2 Should the grievance remain unresolved, the Headteacher should lodge the formal grievance in writing to the Trust Head of Corporate Governance.

9.3 A Grievance Hearing will be arranged within **20 Trust days** (where practicable) of receipt of written notification of the grievance. The procedure for the hearing will be as set out in [Appendix 4](#).

9.4 The Headteacher, and any other staff member who may be involved, is entitled to be accompanied at the meeting, by a workplace colleague or a trade union representative.

9.5 If the grievance is still unresolved, the Headteacher may appeal to the Appeals Panel in accordance with [paragraph 7](#) of this procedure. The Headteacher must confirm the grounds for appeal in writing, within **5 Trust days** of receipt of the outcome of the grievance at the previous stage of the procedure. The panel established in accordance with [paragraphs 7](#) and [8.3](#) will hear the appeal, where practicable, within **20 Trust days** of receipt of the written notification of the appeal. The panel shall comprise no less than three Trust Governance representatives who have had no prior involvement in the case. The decision of the Appeals Panel will be confirmed in writing within **5 Trust days**.

9.6 The decision of the Appeals Panel will be final.

9.7 At any stage of the procedure, the Headteacher is recommended to seek advice from an appropriate source such as their professional association. For the advice to be as informed and effective as possible, it may be necessary to provide to them copies of all documentation associated with the grievance.

**Strictly Private & Confidential – Statement of Grievance**

**to be completed by the employee to instigate a ‘formal grievance’**

(the formal procedure should only be used when attempts at informal resolution have been tried and not succeeded)

Name:		Establishment:	
Job Title:		Your Email:	
Line Manager:		Line Manager Email:	
Name of Representative:		Representative Email:	

**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 (if 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:	
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**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)

**Details of discussions held in an attempt to resolve the issue informally (or at stages one or two), please provide dates of any meetings and notes where available:**

Line Manager Name:			
Signature:		Date:	

### **Bullying & Harassment – Guidance & Definitions of Unacceptable Behaviour**

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.

An individual may be exhibiting this language or behaviour 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 that 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 offered to an individual;
- exclusion from workplace talk/activities;
- offensive jokes;
- innuendos and teasing.

This is not an exhaustive list.

### **Advice and Support**

Any member of staff 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 or trade union representative).

Members of staff may also choose to seek professional support through the Trust's Occupational Health arrangements. This allows members of staff to discuss problems with a qualified counsellor. This service may also be helpful to members of staff 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.

Seeking advice and support through any of the channels described above enables members of staff 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).

Members of staff may encounter bullying or harassment by pupils/parents/the public in the course of their work. Anyone experiencing such behaviour can expect the active support from the Trust to address the situation.

The Trust is committed to protecting members of staff whilst at work and to that end must seek to identify potential areas where members of staff may be vulnerable and to reduce the associated risks.

Members of staff complaining of bullying or harassment by pupils/parents/the public should report the matter to the Headteacher. 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.

### **Bullying of Pupils / Parents / the Public by Members of Staff**

Bullying/harassment of pupils/parents/the public by members of staff will be dealt with under the School'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, individuals 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 members of staff 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 Trust's [Whistleblowing Policy Trust set policies \(to be noted at school level\) - TPAT ConnectED \(ourhub.io\)](#). If there is insufficient evidence to proceed the allegation will not be investigated.

**Procedure to be adopted at Stage Two Grievance Hearings and Grievance Appeals Hearings heard by the Headteacher (Deputy) or a panel**

- The aggrieved employee (or their representative) shall put forward the grievance.
  - The line manager/investigating officer shall have the opportunity to ask questions of the aggrieved employee (or their representative) and any witnesses called in support.
- 1 The Headteacher (Deputy) or panel may ask questions of the aggrieved employee (or their representative) and witnesses. Witnesses called by the aggrieved employee shall withdraw after having given evidence.
  - 2 The line manager/investigating officer shall respond, giving the reason for not upholding the grievance at an earlier stage in the procedure.
  - 3 The aggrieved employee (or their representative) shall have the opportunity to ask questions of the line manager/investigating officer and witnesses called in support.
  - 4 The Headteacher (Deputy) or panel may ask questions of the line manager/investigating officer and witnesses. Witnesses called by the line manager/investigating officer shall withdraw.
  - 5 The aggrieved employee (or their representative) shall have the opportunity to sum up the case, if desired.
  - 6 The line manager/investigating officer shall sum up their views on the matter, if desired.
  - 7 The aggrieved employee, representative and line manager/investigating officer shall withdraw.
  - 8 The Headteacher (Deputy) or panel 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.
  - 9 The Headteacher (Deputy) or panel may announce their decision at the hearing, but will confirm their decision in writing within **5 Trust days (one calendar week)** of the hearing.



## **Mediation**

Mediation can provide an early informal process for resolving conflict between staff 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 management team.

### **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 third 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**

The parties will agree follow up meetings as deemed necessary. It is usual to have only one follow up meeting with the mediator.