



Fierté Multi Academy Trust
Placing children's rights at the heart of all we undertake

Grievance Policy (including Harassment and Bullying)

2018-2019

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As an organisation, we believe that it is important that colleagues have the facility to raise any grievances relating to their employment and that these are dealt with promptly, fairly, consistently and without delay. The purpose of this policy and procedure is to give you the opportunity to raise grievances either informally or formally.

Any reference to 'the employer' refers to Fierté Multi Academy Trust. This policy applies to employees, referred to in this policy as colleagues.

The procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply once you have left Fierté Multi Academy Trust.

1. General Principles

- 1.1 A grievance is a concern, problem or complaint that a colleague raises with Fierté Multi Academy Trust.
- 1.2 This procedure cannot be used as an additional means of appeal against a decision or sanction under another policy.
- 1.3 If you raise a grievance, or support someone in raising their grievance, you will be protected from detriment and will not be victimised or placed at any disadvantage as a result of raising or supporting a grievance.

- 1.4 If your grievance is proven to be knowingly malicious or vexatious, you will be subject to disciplinary action and formal action may be taken against you in line with the Disciplinary Policy and Procedure.
- 1.5 You can use this procedure either on your own or collectively with colleagues, otherwise known as a collective grievance.
- 1.6 We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure where necessary and in line with our equal opportunities policy.

2. Link with Other Policies and Procedures

Fierté Multi Academy Trust has various procedures for dealing with complaints, it may be that the grievance procedure is not the most appropriate to address your complaint.

2.1 Whistleblowing Policy

If your complaint relates to possible malpractice, wrongdoing or illegal activities which you wish to report, the complaint should be made in accordance with Fierté Multi Academy Trust's Whistleblowing Policy and procedure. However you may also raise the matter as a grievance under this procedure if you feel that you have been directly affected by the matter in question or believe you have been treated less favourably for raising the matter.

2.2 Disciplinary/Performance Improvement Policy

Where you raise a grievance during disciplinary/performance management proceedings

- The disciplinary/performance management proceedings may be temporarily suspended in order to deal with the grievance or
- The grievance and disciplinary/performance management may be run concurrently where they are related

2.3 Complaints related to pay and or grading

There are separate policies and procedures for dealing with complaints about grading or job evaluation, these processes are detailed in the Grading Policy and the Pay Policy.

2.4 Harassment and Bullying

This section of the policy applies not only to treatment, behaviour or conduct in the workplace but outside the workplace e.g. business trips, training courses, work related social activities as well as comments made via social media such as Facebook etc.

2.4.1 General Principles

Fierté Multi Academy Trust will not tolerate harassment or bullying and will ensure that management at every level understands this. All allegations of harassment or bullying will be taken seriously and dealt with promptly and confidentially. It is the responsibility of management to ensure that all colleagues understand the policy, that it is adhered to and to deal with behaviours that are in breach of this policy. Where it is found that harassment or bullying has occurred, the appropriate action will be taken which could include dismissal for gross misconduct.

Colleagues who make a complaint of harassment or bullying or support a colleague in making a complaint, in good faith will not suffer any less favourable treatment, retaliation or victimisation. Any colleague who feels that they have suffered such treatment should raise this with their line manager, or their line manager's manager. Allegations of retaliation or victimisation will be dealt with under the disciplinary procedure and may be treated as gross misconduct and may result in dismissal, whether or not the harassment or bullying complaint was upheld.

Even where a formal complaint has not been made by the colleague, management are required to and will investigate and deal with any treatment, behaviour or conduct which is contrary to this policy, such as inappropriate banter, aggressive attitudes or insensitive jokes. We are committed to equality and diversity and will make reasonable adjustments to the application of this policy in line with our equal opportunities commitment.

2.4.2 Behaviour that may Amount to Bullying or Harassment

Bullying or harassment is used to describe the unwanted treatment, behaviour or conduct of one person by another or others which has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It does not

have to be a series of events; a single incident may amount to bullying or harassment.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever format it takes, it is unwarranted and unwelcome to the individual.

Bullying or harassment may include conduct which is related to sex, age, sexual orientation, race, colour, nationality, ethnic or national origin, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, religion or belief, membership of a trade unions or taking part in the activities of a trade union but conduct can amount to bullying or harassment without it relating to any of these categories.

Colleagues are able to complain of behaviour, treatment or conduct that they find offensive even if it is not directed at them and they do not have the relevant characteristic themselves.

The following is a list of examples of behaviour that may be bullying or harassment:

- Offensive, abusive or intimidating comments, insensitive jokes or pranks, derogative or stereotypical remarks
- Displaying or distributing pornographic material, abusive literature or graffiti or other material that some people may find offensive
- Deliberately excluding someone from conversations or work activities
- Unwelcome sexual advances or suggestive behaviour
- Unwanted physical conduct including touching, pinching, grabbing
- Ridiculing, humiliating or belittling someone
- Inappropriate remarks about someone's performance.
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Copying memos that are critical about someone to others who do not need to know
- Spreading malicious rumours or insulting someone by word or behaviour (particularly on the grounds of protected characteristics)
- Preventing colleagues progressing by intentionally blocking promotion or training opportunities.

- The use of social networking sites such as Facebook, Twitter, MySpace, Bebo, Friendster or information from YouTube to bully or harass others.

The list is not exhaustive. What one colleague finds acceptable, another may not and therefore all colleagues ought to ensure that they treat one another with respect. Also, it is not necessary that the treatment, behaviour or conduct in question was directed at the colleague, harassment or bullying can include behaviour which creates an intimidating and offensive environment for the colleague and anyone else who may witness that behaviour.

Where, following an investigation, it has been determined that a colleague has been subject to legitimate, constructive and reasonable criticism of their performance or conduct, this will not amount to bullying or harassment.

2.4.3 Complaints against Third Parties

Sometimes the allegation of bullying or harassment may be against someone you come across as part of their work e.g. a customer, supplier or visitor. In this case the complaint should be made to your line manager who will then discuss with you how best to deal with the situation. Where your line manager is unavailable e.g. due to sickness or holiday, you should raise your concern with your line manager's manager.

2.4.4 Managers Responsibility re Harassment and Bullying

All managers should:

- Comply with the requirements set out in this policy and procedure and observe the time requirements
- Ensure that at all times they treat the process as confidential
- Promote and operate the grievance policy and consider any grievances fairly and thoroughly
- Try to resolve the grievance without delay
- Where appropriate, ensure that mediation has been explored and offered to parties as a way of resolving the grievance before it reaches the formal stages
- Create and maintain a good working environment while the grievance is being handled
- Personally support all parties affected by the grievance
- Ensure that notes are kept and shared with the parties as appropriate

4. Status Quo

- 4.1 For the purposes of this procedure, 'status quo' means the working arrangements or practices in place immediately before the event causing the grievance.
- 4.2 The status quo will apply (except where working practices are dangerous, where there would be a breach of statute, or where there would be a significant impact on colleagues welfare) until the issue has been resolved or the formal stages of the procedure have been completed.

5. Mediation Service

- 5.1 Mediation is a confidential process that seeks to help colleagues resolve disputes in the workplace. Mediation is an informal process where colleagues involved in a dispute or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.
- 5.2 Mediation can be used at any point in the procedures, for example where, other informal approaches have been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and it can only be used when both parties agree to take part. There is no penalty or detriment if you choose not to participate in a mediation process.
- 5.3 If you go through mediation and it is not successful, you can then go through the formal grievance procedure.
- 5.4 If you have raised a grievance and decide to pursue mediation, the grievance may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal grievance will be closed.

6. Right to be Accompanied

- 6.1 You have the right to be accompanied by a companion at any meeting as part of the grievance procedure. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union.
- 6.2 The companion is allowed to address the meeting, to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer with you during the meeting.

- 6.3 Under this procedure, you do not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative) apart from those people already referred to above.
- 6.4 It would not normally be reasonable for you to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 6.5 Where appropriate, eligible colleagues, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

7. The Grievance Stages

7.1 Stage 1 - Informal Procedure

Many issues or concerns can be dealt with on an informal basis, outside of the formal grievance procedure through discussion with your line manager and we would encourage this. You should make it clear to your manager that you are raising your grievance informally and you should clarify what outcome you are seeking. You must give your manager reasonable time to deal with your complaint informally.

- 7.1.1 If your complaint is about your line manager then you can discuss the matter with your manager's manager in the first instance. No action will normally be taken unless agreed with you first.

7.2 Stage 2 – The Formal Procedure

If your grievance has not been resolved informally or you feel that the informal process is not appropriate, then you can raise the matter formally. To do this, you (or your companion) must put your complaint in writing to your line manager making it clear that you wish to raise the matter as a grievance. If the grievance concerns your line manager, then you should send your grievance to your manager's manager.

- 7.2.1 Your complaint should explain the basis of your grievance, and it will be helpful to include any relevant dates, facts and any thoughts you may have on the outcome you are seeking.
- 7.2.2 If you choose to follow the formal route, on receipt of the grievance your line manager will:

- arrange a meeting with you to discuss the grievance
- ensure the meeting is in private
- respect your confidentiality
- take notes of your grievance at the meeting
- carefully consider all the points raised and agree with you any steps or actions to try and resolve the grievance.

7.2.3 Where reasonably practicable, the meeting will be held within **10 working days** of receipt of the written grievance and sooner where the grievance is related to harassment or bullying.

7.2.4 Depending on your grievance, your complaint may need to be investigated and the meeting may need to be adjourned. A further meeting will be arranged with you following the investigation. You will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible, in line with the Investigations Procedure.

7.2.5 Once your grievance has been considered your line manager will write to you with the outcome within **10 working days**. You will also be advised of your right of appeal should you be dissatisfied with the decision and to whom your appeal should be made.

7.3 **Stage 3 – The Appeal**

If you are not satisfied with the outcome at stage 2, you may appeal the decision. Your appeal must be in writing and set out the grounds of your appeal in line with the list below and include all the information you wish to rely on at the appeal meeting. You must send your appeal to the Appeal Deciding Manager¹ within **5 working days** of the date you received the letter notifying you of the grievance decision.

7.3.1 You must be appealing against either:

- the finding that your grievance was not upheld where the evidence does not support this finding
- the fact that you don't feel the correct procedure was followed
- the fact the new evidence has come to light that would change the outcome

¹ The 'Appeal Deciding Manager' will be a committee of the Local Governing Body.

- the outcome is inconsistent with how others have been treated

7.3.2 You will be invited to the meeting in writing in accordance with the Formal Meeting/Hearing/appeal Procedure. You will be given at least **10 working days'** notice of the appeal meeting to consider your appeal and any suggestions you have for resolving the grievance. You have the right to be accompanied at the appeal meeting by your companion.

7.4 **Outcome**

The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The Appeal Deciding Manager will either recall the colleague to the appeal hearing or will write to the colleague confirming their decision. The appeal outcome will be confirmed in writing within **10 working days** of the appeal hearing. There is no further right of appeal.

In some circumstances and with the agreement of both parties Fierté Multi Academy Trust may agree to appoint an independent mediator or conciliator which may include ACAS or another person acceptable to both parties.

8. **Records**

8.1 At the end of each formal stage of the grievance procedure, the manager hearing the case will send you written confirmation of the decision, within **10 working days** following the meeting. The letter will record the outcome and any terms of any agreement reached in resolving the grievance/dispute. At stage 2 the letter will also explain who you can appeal to if you are still not satisfied.

8.2 A copy of the outcome letter and any formal meeting notes will remain on your personnel file.