KIBBLESWORTH ACADEMY
Grievance policy and procedure

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The Grievance Policy

1. Aim

1.1. The aim of this policy is to ensure that questions and problems arising in the course of employment can be raised and resolved quickly, in a fair and reasonable manner.

1.2. It is in the school's interest to resolve problems before they can develop into significant difficulties.

2. Definition

2.1. Grievances are concerns, problems or complaints that employees raise with employers.

3. Scope

This policy applies to all employees appointed by the Governing Body of the school.

3.1. The grievance policy will:

- allow employees to raise any issues/concerns;
- allow grievances to be resolved informally at an early stage;
- allow a formal procedure for grievances left unresolved;
- ensure that all matters of concern raised will be carried out in the strictest of confidence unless otherwise agreed with the parties involved;
- be implemented in a fair, consistent and responsible way;
- be made available to all employees.

This policy applies to grievances raised in relation to the following:

- terms and conditions of employment where there is no other appeal process;
- health and safety;
- working environment;
- changes to working practices;
- organisational changes;
- fair treatment and relationships at work;
- discrimination;
- bullying and harassment.

However, it does not apply in the circumstances below:

- job evaluation appeals;
- re-grading claims;
- disciplinary actions;
- recovery of salary overpayments;
- terms and conditions where they have their own appeals process;
- whistleblowing (will be dealt with under the school's Whistleblowing Policy).

3.2. This policy does not form part of an employee's contract of employment and is not intended to have contractual effect. The school reserves the right to amend its content at any time.

4. Responsibilities

4.1. The Governing Body will:

- conduct the school with a view to promoting high standards of educational achievement;
- delegate authority to the Resources Committee to administer this policy and procedure on its behalf;
- abide by all relevant legislation and, in particular, will not discriminate on grounds of race, colour, ethnic origin, religion, belief, gender, trade union membership, disability, age, marital status or sexual orientation;
- have overall responsibility for the implementation of this policy and will ensure the policy and procedure is applied consistently and fairly.

4.2. The head teacher will:

- treat all employees professionally and with dignity and respect;
- communicate the expected standards of behaviour;
- support any employees who have concerns within the school;
- identify reasons for any concern and support the employee to establish a means of resolving them informally;
- ensure all informal and formal grievances are managed effectively in line with this policy and procedure.

4.3. The employee will:

- treat all people with courtesy and respect and be aware how their behaviour can be interpreted by others;
- inform the head teacher/line manager if they have any issues/problems in the workplace so they can try to be resolved informally at the earliest possible opportunity;

- attend meetings to discuss their grievance when required.

5. Record Keeping

5.1. Formal grievances will be held on the employee's personnel file along with a record of any decision made and any records of meetings held or other documents complied during the process.

6. Review

This grievance policy and procedure was agreed by the Governing Body of Kibblesworth Academy on 27th February 2020. This is a non-contractual policy and does not form part of an employee's contract of employment.

6.1. The school may amend it at any time.

1. Informal Procedure

1.1. Problems in the school can best be resolved through discussions between an employee and their head teacher/line manager. It is in everyone's best interest to ensure that employee grievances are dealt with quickly and fairly and at the most immediate and lowest level at which the matter can be resolved.

1.2. If an employee has a grievance in connection with their work they must, in the first instance, discuss it with their head teacher/line manager and attempt to resolve it informally. If an employee does not wish to approach their head teacher/line manager themselves, they may ask their trade union representative or work colleague to speak to their manager informally on their behalf. Dealing with grievances in this way can often lead to a speedy and sustainable resolution of problems enabling effective working relationships to be maintained.

1.3. All necessary steps will be taken to resolve grievances minimising the need to reach the formal procedure.

1.4. If the matter is not resolved the formal grievance procedure may be used.

2. Formal Procedure

2.1. Employees who are not satisfied with the resolution offered under the informal procedure can move to the formal procedure and must complete the grievance form at appendix 1 and include:

- a description of the nature of the grievance, including any relevant facts, dates and names of people involved;
- what attempts have been made to resolve the grievance informally;
- the resolution expected.

2.2. Where the head teacher is not the subject of the grievance the completed grievance form must be forwarded to the head teacher. The head teacher will acknowledge receipt of the grievance within 5 working days of receiving it and commence the grievance investigation as detailed in section 3 below.

2.3. Where the head teacher/ an individual member of the Governing Body is the subject of the grievance the completed grievance form must be forwarded to the Chair or Vice Chair of the Governing Body. The Chair or Vice Chair will acknowledge receipt of the grievance within 5 working days of receiving it and commence the grievance investigation as detailed in section 3 below.

3. Grievance Investigation

3.1. Where appropriate the head teacher will act as investigating officer to conduct an impartial and thorough investigation into the grievance. It may be necessary to appoint an independent investigating officer depending on the nature of the grievance. The investigating officer must be different to the person who ultimately decides on what resolution, if any, is to be offered.

3.2. When the head teacher/ an individual member of the Governing Body is the subject of the grievance then the Chair of the Resources Committee, a suitable alternative Governor to the Chair, or an independent person will act as investigating officer and conduct all meetings and carry out any necessary investigation.

3.3. The investigating officer will take advice from Human Resources and invite the employee to attend a meeting to discuss the grievance within 10 working days of the written acknowledgement. The employee has the right to be accompanied by their trade union representative or work colleague at all meetings in relation to their grievance.

3.4. In the meeting the employee will be invited to restate and expand upon their grievance, confirm what attempts have been made to resolve the grievance informally and state how they would like their grievance to be resolved. A comprehensive record of the meeting will be taken and provided to the employee who will amend where necessary and sign as a true and accurate record.

3.5. The investigating officer will then carry out a thorough investigation, if necessary, in order to obtain all the relevant facts and will not make any assumptions. This will usually involve taking a comprehensive record of any meetings that occur and obtaining relevant documentary evidence. It is important to be impartial when looking for evidence. All corroboration, or contradiction, will be noted within the findings.

3.6. Where it is appropriate, witnesses may be interviewed as part of the investigation. The witness should be informed of their right to have a trade union representative or work colleague present and in taking a comprehensive record of the meeting the following should be recorded:

- date, time and place of each or any observation or incident;
- the opportunity and ability of the witness to observe clearly and with accuracy;
- the circumstantial evidence, such as knowledge of a system or arrangement or the reason for the presence of the witness and why certain small details are memorable;

- the witness' relationship with the employee and if there has been any reason given that may give cause to believe they have fabricated or exaggerated their evidence.

3.7. The investigating officer will ensure that any witness involved receives a record of their meeting. They will then have the opportunity to amend and sign as a true and accurate record. After reviewing the record(s) further investigation may be necessary to help to corroborate the information given.

3.8. The school recognises a witness may want to remain anonymous. However, it may not be possible to keep the witness' identity confidential and they may need to come forward as a witness at an appropriate time. If it becomes necessary to reveal the witness' identity the investigating officer will discuss this with the witness and the witness will at this point have the option to continue or not.

3.9. The school encourages witnesses to put their names forward. Statements made anonymously are less powerful but they may be considered at the discretion of the school. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the findings from other named sources.

3.10. If an employee who is a witness makes malicious or vexatious allegations, disciplinary action including dismissal may be taken. Similarly, if an agency worker, external secondee or volunteer etc. makes malicious or vexatious allegations, the school will consider discontinuing with their services.

3.11. The investigation will be undertaken without unreasonable delay and the employee will be informed when they might reasonably expect the investigation to be completed. The employee should be informed of the progress of the investigation if the original timescale cannot be met.

4. Grievance Outcome Meeting

4.1. The investigating officer will provide the Resources Committee with a report outlining the findings of the grievance investigation. The Committee, with Human Resources support if necessary, will meet to determine the outcome of the grievance and subsequently arrange a grievance outcome meeting with the employee raising the grievance to inform them of the outcome and how any resolution offered will be implemented.

4.2. This meeting will occur within 10 working days of the report being considered. When the employee is invited to attend this meeting they will be given a copy of the report. If this date is not suitable for the employee or

the trade union representative or work colleague they must offer an alternative date which is within 5 working days of the original date.

4.3. The Committee may dismiss the grievance, or may uphold the grievance and indicate what steps have been taken/will be taken to resolve it. The Chair of the Resources Committee will inform the employee, in writing, of the decision and their right of appeal.

4.4. The Committee will then meet with the employee, who the grievance was regarding, to feedback the outcome of the grievance and any subsequent actions following the outcome. The employee can be accompanied at this meeting by their trade union representative or work colleague.

4.5. In appropriate circumstances, such as where the grievance could lead to a breakdown in working relationships, Human Resources may discuss referring the matter to mediation as a resolution. Mediation is voluntary. If either or both parties refuse mediation, this will be noted and other alternative resolutions will be explored.

4.6. The parties may on occasions and by mutual agreement modify the timescales referred to in this procedure.

5. Appeals

5.1. If an employee raising the grievance is unsatisfied with the outcome of the grievance, they have the right to appeal to the school's Appeals' Committee.

5.2. An employee who wishes to exercise their right of appeal against the outcome of the grievance must do so in writing, within 10 working days of receiving their letter from the Chair of the Resources Committee. They should submit their appeal to the Chair of the Governing Body, clearly stating the reasons why the resolution offered is not satisfactory.

5.3. The Chair of the Governing Body will arrange a meeting of the school's Appeals' Committee within 5 working days of the appeal being received. The Appeals' Committee will be made up of 3 or more Governors who have had no previous involvement in the original grievance with support from Human Resources, if necessary.

5.4. If the date of the appeal meeting is not suitable for the employee or trade union representative or work colleague an alternative date must be offered which is within 5 working days of the original date.

5.5. The employee (or their trade union representative or work colleague) will put forward their reasons as to why the resolution offered is not satisfactory.

5.6. The Appeals' Committee will adjourn to consider the reasons presented by the employee together with the investigation report and decision/resolution from the grievance outcome meeting. After this adjournment the decision of the Appeals' Committee will be given orally in the presence of the employee (and/or their trade union representative or work colleague) and will be confirmed in writing.

5.7. The appeal is conducted as a review of the original decision. However in exceptional circumstances, where it is agreed that there has been some procedural irregularity or flaw in the process, the Appeals' Committee may consider any such representations and if thought appropriate, proceed with the appeal by way of a rehearing. The appeal will be reconvened at the earliest possible date thereafter.

5.8. The decision of the Appeals' Committee will be the final decision of the school.

6. Where the Governing Body is the subject of the grievance

6.1. If an employee is raising a grievance regarding an individual member of the Governing Body then they must follow section 1 to 5 of the procedure. Where an employee is raising a grievance regarding the whole of the Governing Body then they should do this in writing clearly stating the reasons for the grievance.

7. Overlapping grievance and disciplinary cases

7.1. Where an employee raises a grievance during a disciplinary process the disciplinary process will only be suspended when the two issues cannot be dealt with concurrently.

8. Grievance not concluded at the time of employment ending

8.1. Where a grievance has been raised by an employee under the formal stages of the process, but these stages have not been concluded by the time their employment with the school ends, their grievance will be dealt with in accordance with this policy and procedure.

9. Bullying and harassment by a third party other than an employee

9.1. There are occasions when an employee may be harassed or bullied by people other than employees of the school. These incidents may be discriminatory in nature; isolated or persistent and may occur during or outside of works time. The school recognises it has a duty of care to its employees to try to prevent such instances and take proportionate steps to eliminate/minimise such unacceptable behaviour.

9.2. Where these incidents are directed at the employee personally rather than because of their job role they should be brought to the attention of the head teacher to be dealt with on a case by case basis. Appendix 2 details the procedure for recording these complaints and any actions taken to reduce further occurrences.

Grievance Form										
Employee Details										
Surname:		**First Name:**								
School:										
Job Title:		**Pay Number:**								
Please give details regarding your grievance. Please attach any supporting documentation.										

Please detail what attempts have been made to resolve the grievance informally

What resolution do you expect to your grievance?

Signature: **Date:**

Print Name:

Bullying and Harassment by a Third Party Other than an Employee

1 Introduction

1.1 The school recognises that from time to time employees may experience bullying and harassment /unwanted conduct from third parties, for example from service users or pupils within the school or members of the public. These incidents may be discriminatory in nature, isolated or persistent and may occur during or outside of the school day.

1.2 The school recognises that it has a duty of care to all its employees to try to prevent such instances and is committed to taking reasonable proportionate steps to eliminate/minimise any bullying and harassment by third parties. This procedure is intended to deal primarily with incidents of unacceptable behaviour which is directed at the employee personally, rather than because of the role they carry out.

1.3 The following procedure sets out the steps to be taken where an employee believes they are being bullied and/or harassed by a third party. Each case will be dealt with on an individual basis, having regard to the nature of the incidents reported, the type of the service being provided, and any statutory duties owed to the third party concerned.

2 Completing the Form

2.1 Wherever possible the employee should complete the form below and submit it to their head teacher/line manager. The purpose of the form is twofold:

- it ensures that the employee gets a response to their complaint;
- it can be used on an anonymised basis to monitor incidents of bullying and harassment and identify areas where employees may be more vulnerable to abuse.

2.2 The employee should supply their head teacher/ line manager with all the information relating to the incident(s) including details of any other employee(s) who have been witness to it.

3 Investigation

3.1 The head teacher/line manager will meet with the employee to enable the head teacher/line manager to fully understand the complaint and for the employee to provide any additional information if necessary.

3.2 If the complaint is against a parent/carer of a pupil at the school, the head teacher/line manager will request them to attend a meeting to discuss the comments made and attempt to resolve the issues.

3.3 If the complaint is against a contract/agency worker, the head teacher/line manager will forward the concerns to the contract/agency worker's employer to allow them to investigate their worker's conduct. It is expected that the third party employer will feedback to the head teacher/line manager and agree a resolution to the issues raised.

4 Action Plan

4.1 Where it is established that the employee has been subject to unacceptable behaviour, the head teacher/line manager must contact HR Advice to discuss the case and to determine an action plan. The action plan will then be discussed with the employee concerned. The list below is not exhaustive, but action plan may include one or more of the following:

- the third party is informed by the school that their behaviour is not acceptable with the reasons why it must stop;
- where applicable, the third party may not be allowed on the school site. This would generally only be the case where the third party has ignored prior advice but may not be possible where there is a statutory duty to allow the third party on site;
- mediation between the employee and third party;
- advice from health and safety, or any other source of knowledge or expertise relevant to the case;
- the community safety team will be informed to ensure appropriate action is taken in line with the Hate Incidents Plan for Gateshead;
- the incidents are reported to the Police;
- offer of counselling services if appropriate.

5 Review

5.1 The action plan should include an agreed date for review. The review may conclude that the unacceptable behaviour has ceased or that it has not in which case consideration should be given to repeating any of the steps set out at section 4 above.

6 Further Steps

6.1 HR Advice should be contacted in the event that:

- an employee has raised the issue of third party bullying and harassment with their head teacher/line manager but believes that the complaint has not been fully investigated and the unacceptable behaviour continues;
- despite all reasonable steps being taken to address the matter the unacceptable behaviour /unwanted conduct continues.

Bullying and Harassment by a Third Party											
Employee Details											
Surname:		**First Name:**									
School:											
Job Title:		**Pay Number:**									
Please give details regarding your complaint. Please attach any supporting documentation.											

Please detail what attempts have been made to resolve the complaint informally.

What resolution do you expect to your complaint?

Signature: **Date:**

Print Name: