

The Spire Church of England Learning Trust

Grievance Policy (including Fairness and Dignity Policy) 2024 - 2027

This policy is reviewed and updated by the Trust Central HR Department. It is approved on a triennial basis by the Trust Board and implemented by all schools within the Trust.

This policy will be subject to ongoing review. It may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.

This policy is written in conjunction with SIPS, WCC and DoWMAT.

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In collaboration with



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1. Introduction

- 1.1 A grievance is defined by ACAS as a concern, problem or complaint that an employee raises with their employer. This may relate to an employee's physical working environment, working relationships, health and safety, discrimination and other employment related matters such as organisational change or new working practices.
- 1.2. The purpose of this policy is to encourage employees to resolve issues informally; it is in the interests of all to resolve problems at an early stage, before they escalate. Where that has not been possible, there will be scope for employees to raise grievances formally. The Trust and its schools are committed to ensuring that grievances are resolved quickly, fairly and consistently.
- 1.3 All members of the school workforce have the right to be treated with fairness and dignity in the workplace. No member of the school workforce should have to tolerate harassment, bullying or victimisation from colleagues, pupils, members of the public or any other individuals they encounter at work or on a school trip.

2. Scope

- 2.1 A grievance can be raised by any Trust/school employee. It will not apply to ex-employees, people who are not an employee of the Trust, eg. volunteers, Parents/Guardians.
- 2.2 This policy does not apply where a grievance concerns for example, job evaluation/grading/pay or flexible working, where other procedures will apply, or in other instances where it is beyond the school/Trust's power to resolve, e.g. tax/NI issues, where redress should be sought with the appropriate external agency.
- 2.3 Where an employee is concerned about possible malpractice, wrong-doing or illegal activities at work, where complaints are not personal and which are in the public interest, they should raise their concerns using the Trust Whistleblowing Policy.

3. Equality and Diversity

- 3.1 Equality and diversity underpin all school employment policies, procedures and practices. The Trust and all schools actively promote equality of opportunity and values diversity among its employees.

4. Definitions

- 4.1 All forms of harassment, bullying or victimisation may consist of either a single act or a continuous pattern of behaviour. The individual making the complaint usually defines what they mean by harassment, bullying or victimisation in a given context, where something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

If a member of the school workforce reports that they are being bullied, harassed or victimised, then they have a complaint which must be dealt with, regardless of whether or not it accords with a standard definition.

4.2 Harassment is defined in the Equality Act 2010 as:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The unwanted conduct may be physical, verbal or non-verbal. A single incident can amount to harassment.

The relevant protected characteristics defined in the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

The individual making the complaint does not need to be the intended target or possess the relevant characteristic themselves.

An individual may find the behaviour offensive even if it is not directed at them, or they may be:

- Associated with a person who has a protected characteristic
- Wrongly perceived to have a protected characteristic
- Treated as if they have a protected characteristic

Harassment may also involve unwanted conduct of a sexual nature, which has the same purpose or effect on the individual as described at the beginning of this section (4.1).

Harassment may also occur where there is unwanted conduct of a sexual nature or that relates to gender reassignment or sex. This conduct has the same purpose or effect described at the beginning of this section (4.1) and the individual is treated less favourably because they rejected or submitted to it.

Harassment is unacceptable and may still be considered and addressed under this policy even if it does not fall within any of the defined categories above.

4.3 Bullying in the workplace may be characterised as:

Offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying can take the form of physical, verbal and non-verbal conduct.

4.4 Victimisation is defined in the Equality Act 2010 as:

Subjecting an individual to a detriment because he/she does a protected act, or it is believed he/she has done or may do a protected act.

A 'protected act' is:

- Bringing proceedings under the Equality Act 2010
- Giving evidence or information in connection with proceedings under the Act
- Doing any other thing for the purposes of or in connection with the Act
- Alleging that someone has breached the Act

5. Examples of unacceptable behaviour

5.1 Unacceptable behaviour in this Trust and its schools may include:

- Insulting someone verbally or through offensive behaviour
- Physical or psychological threats
- Spreading malicious rumours
- Sharing information about an individual with others who do not need to know
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Exclusion
- Misuse of power, such as overbearing supervision or deliberately undermining a competent worker
- Unwelcome sexual advances, such as touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making unfounded threats or comments about job security
- Preventing an individual from progressing by intentionally blocking promotion or training opportunities
- Putting humiliating, offensive or threatening comments or photos on social media
- This list is not intended to be exhaustive.

Harassment, bullying or victimisation may occur:

- Face to face
- Through written communication
- Using visual images (for example, pictures of a sexual nature or embarrassing photographs of colleagues)
- Via email
- Via phone or communication platforms
- Via social media
- Via automatic supervision methods, such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all workers in similar roles

This list is not intended to be exhaustive.

6. Roles and Responsibilities

- 6.1 All parties are expected to co-operate and have a responsibility to contribute to the effective implementation of this Policy.

Employee/s – treat colleagues with fairness and dignity, contribute to maintaining an environment free from unacceptable behaviour, support colleagues who experience unacceptable behaviour and raise concerns promptly and co-operate with procedures and attempts to resolve matters.

Line Managers – responsible for listening and taking seriously any concern or complaint, consider the nature of the concern or complaint and whether it should be progressed under another procedure. They will need to establish the facts and relevant evidence, be clear about the resolution being sought and whether further investigation will be necessary.

Executive Headteacher/CEO/Headteacher/Head of School/SLT - promote culture of open communication and mutual respect which is free from harassment, bullying and victimisation, encouraging employees to raise concerns at an early stage and ensure the procedure is applied fairly and consistently.

Governing Body – ensures complaints and allegations are handled according to agreed procedures, holds the Headteacher/Head of School to account for the implementation of this policy and deals with any complaints raised by or about the Headteacher/Head of School.

The Trust Board has ultimate responsibility for grievance and fairness and dignity matters but delegates accountability for the strategic management of such concerns to the Schools Local Governing Bodies.

- 6.2 Advice can be sought from the Central HR Team at any point.

7. Key Principles

- 7.1 Every effort should be made by all parties to resolve matters informally. Employees are encouraged to seek resolution of any grievance concerns promptly and informally with their Line Manager. Wherever possible, concerns about work/working environment should be discussed informally as part of normal supervision arrangements. Employees who feel they are being subjected to unacceptable behaviour/s should consider if they are able to raise the issue informally with the person responsible with the support of their Line Manager if required. If the issue is raised informally it should be explained that the behaviour is not welcome or is making the employee feel uncomfortable as they may not be aware of the effect of their actions.

Raising the matter informally will involve a discussion of the events, with the intention of reaching an agreement that the behaviour will cease with immediate effect.

There is no right for the employee to be accompanied at informal meetings.

- 7.2 Concerns or complaints raised should be addressed without unreasonable delay. Timescales within the procedure may be varied subject to the agreement of all parties.
- 7.3 If the employee feels unable to approach the individual or believes they have exhausted that approach, they may seek an intermediary to try to resolve matters early for them, on their behalf. An intermediary person may be a Line Manager or work colleague.
- 7.4 Where there has been a genuine and reasonable attempt (by both parties) to resolve concerns or complaints informally, which does not resolve an employee's issue or where it is serious, employees can raise their concerns or complaints following the formal procedure.
- 7.5 Any complaint raised under this policy should be made in good faith; if found to be knowingly false, malicious or vexatious it may result in disciplinary action.

8. Formal procedure for managing grievances

- 8.1 If the grievance is directed against the employee's Line Manager, then the matter should be raised with their Line Manager's Manager, in the case of a Headteacher/Head of School, with the Chair of Governors.
- 8.2 If the grievance involves other employees, they will be informed and given an opportunity to provide their own evidence. Mediation and/or counselling may be considered as a possible, neutral, means of resolving parties in dispute to reach agreement.
- 8.3 Upon receipt of a grievance, the Executive Headteacher/CEO or Headteacher/Head of School (or the Chair of Trustees if the Executive Headteacher/CEO is the subject of the grievance or Chair of Governors if the Headteacher/Head of School is the subject of the grievance) will appoint an investigating officer. This will be an independent individual with no prior knowledge of the grievance. The investigating officer will undertake a grievance investigation and make recommendations.
- 8.4 The Executive Headteacher/CEO or Headteacher/Head of School (or the Chair of Trustees if the Executive Headteacher/CEO is the subject of the grievance or Chair of Governors if the Headteacher/Head of School is the subject of the grievance) will also appoint a grievance panel. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the grievance.
- 8.5 The investigating officer, supported by the Central HR Team, will arrange a formal meeting (to be held in person, or over video conferencing if appropriate). At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved, to the grievance panel.
- 8.6 Employees have the right to request they be accompanied by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings, at a formal grievance meeting and/or appeal hearing, although a formal meeting and/or appeal should not be unreasonably delayed because their chosen companion is unavailable. Employees must let the investigating officer know they would like to be accompanied. Formal meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.
- 8.7 The companion may address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion may not answer questions on the

employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

- 8.8 The meeting will be adjourned and the grievance panel will reflect on what information has been put forward before coming to a decision.

The chair of the panel will communicate the decision to the employee in writing. The decision will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome, and explain how to do this.

- 8.9 The grievance procedure cannot be used as an additional route of appeal against a decision made under another policy.

- 8.10 Complaints regarding any disciplinary action taken should be dealt with as an appeal under the Disciplinary Procedure. Where an employee raises a grievance during a disciplinary/performance/attendance process, the process will either be temporarily suspended whilst the grievance is addressed, or where they are related matters, they are likely to be dealt with concurrently.

- 8.11 Appropriate written records of grievance cases will be kept on the employee's personal file and in accordance with General Data Protection Regulations.

- 8.12 The employee may withdraw their grievance at any time by advising, in writing, to the person dealing with their grievance.

9. Grievance Appeals

9.1 Where the employee who raised the grievance believes that their grievance has not been satisfactorily resolved, they have a right to appeal. The grounds of appeal must be clear and in writing. This will determine whether a review or rehearing is appropriate. A re-hearing may be appropriate in exceptional circumstances.

9.2 If the decision is to conduct a re-hearing, the Executive Headteacher/CEO or Headteacher/Head of School (or the Chair of Trustees if the Executive Headteacher/CEO is the subject of the grievance or Chair of Governors if the Headteacher/Head of School is the subject of the grievance) will appoint a grievance appeal panel consisting a group of people independent from any previous stage of the grievance procedure and the panel will be chaired by an independent individual. Appeals will be heard without unreasonable delay.

9.3 The Executive Headteacher/CEO or Headteacher/Head of School (or the Chair of Trustees if the Executive Headteacher/CEO is the subject of the grievance or Chair of Governors if the Headteacher/Head of School is the subject of the grievance) will inform the employee the time and place of the appeal meeting in advance (to be held in person, or over video conferencing if appropriate).

9.4 Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

9.5 The outcome of the appeal will be confirmed in writing by the chair of the appeal panel to the employee. The decision of the appeal panel will be final.

9.6 Once a final decision on a grievance has been made and appeal process exhausted, the grievance will be considered closed. The same complaint cannot be raised again under the procedure unless there is a significant change of circumstances or evidence.

10. Collective Grievances

- 10.1 When a complaint or concern is shared by two or more employees in relation to the same matter and the employees wish the matter to be resolved in the same process, the Collective Grievance Procedure will be applied at either an informal or formal stage.
- 10.2 For a collective grievance, the same principles apply as above.
- 10.3 With a collective grievance, there will be only one process and one outcome which will apply to all employees involved and only one right of appeal. Where individuals would like different concerns addressed, the individual grievance process will be more appropriate.
- 10.4 The matter cannot be considered as a collective grievance if it has been raised already as an individual grievance and vice versa.
- 10.5 Usually, a spokesperson will be nominated from within the group to speak collectively on their behalf. A trade union representative can raise a collective grievance on behalf of employees.

11. Formal procedure for managing complaints relating to harassment, bullying or victimisation by employees

- 11.1 Wherever possible, all stages of this procedure (apart from any Appeal) should be managed by the aggrieved employee's Line Manager/Headteacher/Head of School/Executive Headteacher/CEO, in the interests of continuity, maintaining good relationships and early resolution. The Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/Chair of Governors will usually consider any appeal. Where the Executive Headteacher/CEO is the subject of the complaint or concern, it will be appropriate for the Chair of Trustees to manage the complaint or concern and a separate Trustee/panel of Trustees will consider any appeal. Where the Headteacher/Head of School is the subject of the complaint or concern, it will be appropriate for the Chair of Governors to manage the complaint or concern and a separate Governor/Panel of Governors will consider any appeal.
- 11.2 If the complaint is raised by two or more employees the complaint can be raised collectively if they wish and they should nominate a spokesperson.
- 11.3 The complaint should be submitted in writing to the Line Manager. If the complaint is directed against the employee's Line Manager, then the matter should be raised with their Line Manager's Manager, in the case of the Executive Headteacher/CEO, with the Chair of Trustees or in the case of a Headteacher/Head of School, with the Chair of Governors. This should include the nature of the complaint with reference to specific incidents where possible, including times, dates and witnesses.
- 11.4 Upon receipt of a complaint, the Executive Headteacher/CEO/Headteacher/Head of School (or the Chair of Trustees if the Executive Headteacher/CEO is the subject of the complaint or Chair of Governors if the Headteacher/Head of School is the subject of the complaint or concern) will undertake an investigation and make recommendations. An investigation is a fact-finding exercise based on the information provided by the employee. The findings may substantiate or refute statements made by an employee. Investigation

may be conducted at any time either as part of the formal or informal procedure. In exceptional circumstances the Executive Headteacher/CEO/Headteacher/Head of School can appoint an investigating officer. This will be an independent individual with no prior knowledge of the complaint.

- 11.5 The subject to the complaint should be made aware of the complaint as soon as possible and informed an investigation will be taking place.
- 11.6 An interview will usually be arranged with the complainant in the first instance, followed by the subject of the complaint, who will be given the opportunity to respond. There is no entitlement for the subject of the complaint to see the written complaint but they should be provided with information as to the nature of the complaint raised.
- 11.7 Both the complainant and the subject of the complaint may be accompanied at any stage of the formal procedure by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings. A member of the Central HR Team can also be present.
- 11.8 If any other witnesses are deemed pertinent to the investigation, the Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/ Chair of Governors/investigating officer will arrange to speak with them and will review relevant information and documentation.
- 11.9 The Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/Chair of Governors/investigating officer will consider all information and evidence gathered over the course of their investigation and will produce a written report detailing their findings and recommendations about actions to be taken upon conclusion of the investigation.
- 11.10 The Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/Chair of Governors/investigating officer will plan to review matters, in accordance with the action plan, within an appropriate timescale following the meeting.
- 11.11 In the event that the Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/Chair of Governors/investigating officer deems there to be a case of misconduct, the issue will be dealt with in accordance with the Trust's Disciplinary Procedure.

If the Executive Headteacher/CEO/Headteacher/Head of School/Chair of Trustees/Chair of Governors/investigating officer does not uphold the complaint, possible outcomes may be:

- No action taken
- Medication

- 11.12 Mediation or other conflict management strategies may be considered as a possible alternative to the formal procedures. Mediation is a voluntary process supporting two or more parties to explore the reasons and issues with the aim of them achieving agreed solutions. Information and advice about mediation services is available from the Central HR Team.
- 11.13 If during the procedure it appears that a possible disciplinary or capability issue has arisen, it may be appropriate to switch to the relevant disciplinary or capability procedure and agree to address through that route.
- 11.14 Where a complaint arises in connection with a disciplinary matter, it may be appropriate

to deal with both issues concurrently.

11.15 Advice can be sought at any stage from the Central HR Team.

12. Formal procedure for managing complaints relating to harassment, bullying or victimisation by stakeholders

- 12.1 Where a complaint relates to someone not employed directly by the Trust/school, or when the Trust/school does not have the power to take any professional or disciplinary action against the person in question, the matter will be handled in line with the above outlined formal procedure. Including the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.
- 12.2 If the allegation is found to be justified, the response from the Trust/school will depend on the relationship of the perpetrator to the Trust/school and the nature and severity of the incident.
- 12.3 The Trust/school will take proportionate action in consultation with the individual who made the complaint. This may involve:
- Mediation
 - Putting up signs setting out acceptable and unacceptable behaviour
 - A verbal warning
 - A written warning

This list is not intended to be exhaustive.

- 12.4 If the action taken is not effective in preventing issues, or for very severe cases, the Trust/school will consider further action. This may involve a meeting to discuss a ban from the Trust/school site. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the Trust/school.
- 12.5 In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies may be involved. Where appropriate, the Trust/school will have regard to the Department for Education's guidance on controlling access to school premises.
- 12.6 If the individual is a parent of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

13. Formal procedure for managing complaints relating to harassment, bullying or victimisation by pupils

- 13.1 Where a complaint relates to a pupil the matter will be handled in line with the above outlined formal procedure. Including the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

- 13.2 If the allegation is found to be justified, the school will then refer to the behaviour policy, and may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.
- 13.3 Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and will liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.
- 13.4 Whatever the outcome, it will be considered how to support the individuals involved to maintain an ongoing working relationship.

14. Managing complaints relating to harassment, bullying or victimisation appeals

- 14.1 If the employee who made the initial complaint is dissatisfied with the resolution following the formal meeting, they must appeal, in writing, stating the grounds of the appeal and why they are dissatisfied with attempts at resolution to date.
- 14.2 The Appeal Manager will arrange to meet with the employee concerned and whoever managed the original process in order to ascertain the point that the case has reached and to discuss any further options. The employee against whom the complaint has been made may also be invited to attend. Either party may be accompanied to the meeting work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings
- 14.3 A member of the Central HR Team can attend and will support the school as far as reasonably practicable in order to achieve a suitable resolution.

15. Confidentiality and record keeping

- 15.1 The Trust/school will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary.
- 15.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.
A complaint about a pupil may be stored on their educational record.
- 15.3 The school will keep appropriate, secure written records of any cases it deals with in accordance with General Data Protection Regulations.