Dignity at Work and Grievance Policy and Procedure

Status	**Statutory**
Responsible Governors' Committee	**Full Governing Body**
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DIGNITY AT WORK AND GRIEVANCE POLICY AND PROCEDURE FOR SCHOOL BASED STAFF

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This policy has been consulted centrally and fully agreed by both teaching and support staff trade unions. To change any aspect of this policy at a school / academy trust level, the relevant body must consult appropriately with school / academy staff and their recognised trade union representatives.

DOCUMENT STATUS

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Version 1	2014	
Revision 1	7/6/17	Amendments fully agreed at Special JCC
Revision 2	12/07/23	Separate Dignity at Work and Grievance Procedure merged. Agreed at JCC 12 July 2023

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DIGNITY AT WORK AND GRIEVANCE POLICY AND PROCEDURE

POLICY

1. INTRODUCTION

On occasion employees may have problems or concerns relating to their employment which they wish to be addressed. These could be related to employment terms and conditions, health and safety, working practices and organisational changes.

In addition, individuals are entitled to be treated fairly and with dignity and respect at work. This is reinforced in the school's code of conduct which outlines how staff should work together in a fair and inclusive manner. All staff are expected to treat each other with respect and courtesy whatever their differences, grade and job role.

All members of the school community have a responsibility to create and uphold an environment where harassment, bullying, unfair treatment, discrimination and disrespectful behaviour towards others is not tolerated.

2. PURPOSE

2.1 This policy and procedure aims to ensure that:

- supportive, lawful, non-discriminatory and effective arrangements exist for dealing with employee concerns and grievances
- all employees are aware of the correct process to raise problems and concerns and will not suffer detriment for doing so as long as the complaint is not malicious

2.2 Some matters relating to employment do not fall within the scope of this policy and are dealt with under separate arrangements. These include:

- Disciplinary outcomes (Disciplinary Policy)
- Allegations of serious health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (Whistleblower Policy)
- Payroll matters affecting Income Tax. National Insurance, Pension, etc (via direct contact with the provider concerned)

3. SCOPE

3.1 This policy and procedure applies to all employees who are employed by, or under, a school Governing Body who has formally adopted this policy and procedure.

3.2 This policy and procedure applies to all members of the school's Governing Body where this policy and procedure has been adopted by the Governing Body.

4. POLICY PRINCIPLES

4.1 It is the duty of every member of staff to take responsibility for their behaviour. In addition, all employees have a responsibility to find ways to resolve disagreements, conflicts and concerns, in the workplace as early as possible.

4.2 In the first instance all concerns, including those relating to inappropriate behaviour, should be addressed thorough open and honest discussion between the parties involved. It is recognised that in most circumstances open and honest discussion with others involved is the most appropriate way to address issues and reach agreements.

4.3 Where such discussions do not result in an acceptable outcome, concerns may be raised under this policy. Concerns raised under this policy and procedure will start at the informal stage.

4.4 Unless there are exceptional circumstances, concerns must be raised under this policy within three months of the incident or action giving rise to it. Any concern raised outside of that time limit may not be considered.

4.5 The school will take seriously any concerns raised under this policy and any employee or governor found to be engaging in behaviour deemed to be unacceptable may be subject to disciplinary action.

4.6 Individual records will be treated as confidential by all parties concerned.

5. PROCEDURE PRINCIPLES

5.1 Prior to engaging this policy, where an individual feels they have been treated inappropriately they should, wherever possible, speak to the other person(s). They should describe the behaviour which they find inappropriate, explain how this behaviour makes them feel and ask for this to stop. Further information relating to dignity at work can be found in appendix 4.

5.2 Where formal complaints are made by a school employee connected to their employment involving a child, parent, governor, client or contractor, the school should follow this procedure. Any outcomes will be for the school to implement.

5.3 A complainant has the right to be represented at each stage of the formal procedure by a trade union representative or work colleague.

Any other party or parties who may be identified as the focus of a complaint also has the right to be represented by a trade union representative or work colleague at investigation meetings and hearings.

5.5 The trade union representative or work colleague accompanying any of the individuals described above must not be involved/potentially involved in the complaint.

5.6 Where the grievance is against the headteacher then the employee should raise this directly with the chair of governors, who will seek to resolve the matter with the employee and headteacher at the informal stage. If this is not successful the chair of governors, or their nominee, will consider the matter under the formal stage of the procedure. Thereafter, if the matter remains unresolved, the appeal stage should be followed for final resolution.

5.7 Where an executive headteacher is in place, grievances about the headteacher / head of school would be dealt with by the executive headteacher, rather than the chair of governors. Where a grievance is about the executive headteacher this should be raised with the chair of governors.

5.8 Different schools have different governance structures. It may be necessary to refer to the Scheme of Delegation to determine the most appropriate person to raise the concern with in the first instance.

5.9 Where the headteacher wishes to raise a complaint, they should first discuss the matter informally with the chair of governors. The vice chair of governors, or their nominee, will act as the formal stage manager.

5.10 No governor with prior involvement at an earlier stage may hear any subsequent appeal.

5.11 At the formal and appeal stages the manager or governors dealing with the complaint may be supported by the school's HR provider. At the informal stage the manager may wish to seek advice from the school's HR provider.

5.12 Timescales may be extended by agreement with both the employee and management.

5.13 Appeal committees will have the power to allow or disallow the appeal or vary the decision appealed against. Their decision is final and there is no further internal process.

5.14 Appeal committees should normally consist of three governors. However, where this is not possible the committee may comprise two governors with agreement from all parties and with, ideally, at least 48 hours notice.

5.15 Where an employee pursues a complaint in good faith, which is not upheld after investigation, no action will be taken. If however an employee pursues a complaint that is proven to be malicious or vexatious, disciplinary action may be taken.

6. COLLECTIVE GRIEVANCES

A collective grievance is one grievance submitted by 2 or more people together. In the case of collective grievances this procedure shall apply and usually one person shall be nominated from the group to represent the complaints at all stages. For complex matters it may be appropriate to allow up to 3 people to represent the group.

7. STAGES OF THE PROCEDURE

In the first instance all concerns, including those relating to inappropriate behaviour, should be addressed through open and honest discussion between the parties involved. It is recognised that in most circumstances open and honest discussion with others involved is the most appropriate way to address issues and reach agreements.

A flow chart is included at Appendix 5 detailing the various stages of the procedure.

7.1 Informal Stage

7.1.1 Where an employee has a concern which they have been unable to resolve themselves, they should raise it with their immediate line manager.

7.1.2 The line manager will arrange an informal face to face meeting with the member of staff as soon as possible in a private location.

7.1.3 At the meeting the line manager will:

- listen to the employee's concerns
- seek clarification, further information and particular examples as appropriate
- discuss the impact these concerns are having on the member of staff
- explore possible reasons or specific problems and how these issues could be addressed
- ask what the member of staff would like you to do to resolve the problem
- agree any follow up action and timescales
- offer the employee appropriate support – eg. Counselling

7.1.4 Key points from the meeting should be noted and shared with the member of staff for information.

7.1.5 Appropriate follow up action could include arranging informal or formal mediation between the parties. Further details can be found at appendix 1. Mediation may be considered at any point in this procedure.

7.1.6 The line manager should record a brief summary of the action taken and the outcomes and share with the employee/s involved. If the grievance is taken to the formal stage, the record will be referred to as part of the formal process.

7.1.7 Once action has been taken the line manager should arrange a review meeting with the employee to check that their issue has been addressed. If the employee does not feel their issue has been fully addressed, the discussion should explore what else could reasonably be considered at this stage to resolve any remaining concerns

7.1.8 Where the employee feels action(s) taken has not resolved their issue, they should be advised of the formal grievance procedure.

7.2 Formal Stage – Investigation

7.2.1 Where the grievance cannot be resolved to the employee's satisfaction at the informal stage they can raise it formally with a more senior level of management. The employee should do so in writing, clearly stating that they want the grievance to be dealt with under the formal grievance procedure and setting out:

- The nature of the complaint clearly referencing any relevant evidence and its relevance.
- Details of any informal action to resolve this. If no informal action has been taken the reasons why.
- Why they remain dissatisfied.
- The outcome they are seeking and how this might be achieved.

A form which may be used for this is included at Appendix 2.

7.2.2 Where a complaint is made against more than one individual separate documents should be submitted clearly outlining the complaint relating to each person.

7.2.3 The written notification to move to the formal stage should be submitted within 5 working days of the outcome of the informal stage. Full written details should be submitted within 10 days of the outcome of the informal stage. The written submission should be given to the manager who dealt with the complaint at the informal stage. The manager will write back to the complainant to confirm receipt and pass the grievance to a more senior manager, as appropriate.

7.2.4 A person who is subject to any complaint shall receive a copy of the written complaint against them as early as possible, but at least 5 working days prior to meeting with the formal stage manager. The information shared should protect the confidentiality of others who may also be mentioned in the complaint .They must also be advised of their right be represented at any meeting by a work colleague or their TU representative.

7.2.5 An appropriate person will be appointed to consider the matter at the formal stage, referred to as the 'Formal Stage Manager'. The headteacher or chair of governors may choose to investigate a complaint themselves.

7.2.6 The formal stage manager will consider all relevant information, this can include but is not limited to:

- Any written information relating to the informal stage
- Any documentary evidence presented by the complainant

7.2.7 The formal stage manager will arrange to interview the complainant to gather further information. The employee will receive five working days' notice of the meeting. At the meeting the employee will be given the opportunity to set out the reasons for their grievance, the reasons why they remain dissatisfied with the outcome of the informal stage and the solution sought.

7.2.8 A trade union representative or a work colleague may accompany the employee at the meeting. Where the union official is unable to attend on the date arranged, then the manager will re-arrange the meeting to take place within 5 working days of the original meeting date.

7.2.9 A timescale should be agreed with the employee. The formal stage manager should keep the employee informed of any issues or delays which may impact the agreed timescale.

7.2.10 The formal stage manager will gather any further relevant information which can include the interviewing of, the person(s) being complained about (who have the right to be accompanied by a TU rep or work colleague) and also relevant witnesses.

7.2.11 Notes should be taken of any meeting and interviews of witnesses. Anyone interviewed will be asked to sign their interview notes as an accurate record.

7.2.12 If, for any reason, a witness wishes to remain anonymous this will be respected where possible, however depending on the nature of the complaint and the

information gathered the formal stage manager may not be able to guarantee future anonymity if the matter goes to the appeal stage.

7.2.13 Once the formal stage manager has considered all the relevant information relating to the complaint the findings and outcomes will be relayed in writing without unreasonable delay. Where the complaint relates to the alleged behaviour of another member of staff they will also receive a written outcome.

7.2.14 Outcomes of the investigation can include but will not be limited to: -

- No further action
- Complaint upheld / partially upheld
- A recommendation to attempt to resolve the issue between the parties through discussion and/or mediation, particularly if not previously attempted.
- A recommendation to invoke the disciplinary procedure against any person(s) being complained about.
- A recommendation to invoke the disciplinary procedure against the complainant, should the formal stage manager have evidence to suggest that the complaint was:
  - malicious - ie proven to be without substance and made with the sole intent to undermine, discredit, embarrass or upset another. Or
  - vexatious - ie. proven to be without substance and made only to annoy or cause a nuisance.
- Some other action eg retraining, counselling

7.2.15 The formal stage manager may also offer the complainant and, where relevant, the respondent, a face to face meeting to discuss the findings and outcomes if the formal stage manager considers this appropriate.

7.2.16 Where the formal stage manager recommends invoking an investigation under the disciplinary procedure against a person being complained about or the complainant, as the formal stage manager believes that the complaint was malicious or vexatious, this decision will **not** be relayed to the other parties involved. The investigation from this procedure will be used to inform the disciplinary procedure and all witnesses should be asked for consent for their information to be shared.

7.2.17 If the complainant remains dissatisfied with the response from the formal stage manager they should consider moving to the appeal stage. This involves a committee of governors reviewing the management of the case to date and the grounds of appeal.

7.3 Appeal Stage

7.3.1 Where the grievance is not resolved to the complainant's satisfaction at the formal stage they can proceed to an appeal hearing by writing to the formal stage manager within five working days of receipt of the written notification confirming the outcome reached. The email, at this stage, may advise only that the employee will be appealing.

7.3.2 The full written details of the appeal should be submitted within a reasonable timeframe and include the following;

- The nature of the original complaint
- Details of any previous action to resolve this.
- Why they are still dissatisfied.
- The outcome they are seeking and how this might be achieved.
- Grounds of appeal

A form which can be used for this is included at appendix 3.

7.3.3 A panel of governors will hear the grievance appeal as soon as is practicable. The complainant will receive five working days' notice of the hearing and have the same rights of representation as at the formal stage.

7.3.4 Where the union official is unable to attend on the date arranged, then the hearing will be re-arranged to take place within 5 working days of the original hearing date or as soon as is reasonably practical.

7.3.5 The purpose of the appeal hearing is to determine whether the investigation was fair and/or whether the outcomes are reasonable in all the circumstances. There will be no reassessment of the case unless the process has been found to be flawed. The governor committee is under no obligation to consider new evidence, which has not been considered previously, at this stage but may decide to do so, especially if the evidence has only come to light following the formal stage outcome.

7.3.6 All written information from the complainant and gathered by the formal stage manager will be given to the hearing committee no later than three working days before the hearing. If there is a late submission of evidence it will be the for the Appeal Panel to decide whether or not this will be accepted.

7.3.7 If the formal stage manager's outcome is to invoke the disciplinary procedure against a person(s) being complained about, the original complainant has no right of appeal against any disciplinary sanction issued.

7.3.8 Where the complaint relates to the alleged behaviour of another member of staff, the person(s) complained about will be informed by the formal stage manager that the complainant has appealed and when they can expect to be informed of the outcome.

7.3.9 At the hearing the complainant will have the opportunity to summarise their complaint and the reasons why they remain dissatisfied with the outcome of the formal stage.

7.3.10 The appeal hearing panel will consider all relevant information, this can include but is not limited to:

- Any written information relating to the informal and formal stages

- Any witness statements/interview notes
- Any documentary evidence presented by the employee and formal stage manager.

7.3.11 The appeal panel may adjourn the hearing for the purposes of gathering any further relevant information which can include the interviewing of witnesses.

7.3.12 Once the hearing committee has considered all the relevant information relating to the complaint the outcome will be confirmed without unreasonable delay.

7.3.13 The decision of the committee is final and there is no further internal right of appeal.

8. WITHDRAWING A COMPLAINT

7.1 If a complainant decides to withdraw a complaint at any stage during the procedure, they should advise the appropriate person in writing of the reason for the decision.

7.2 Whilst in the majority of cases the school will respect the rights of the complainant to withdraw the complaint, there may be instances where the concern impacts on the duty of care towards others and school may take the decision to investigate independently of the complaint.

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Appendix 1

MEDIATION

Mediation is a proven tool to resolve work place issues between individuals and is highly recommended. Examples might include:

- Communication issues
- Personality clashes
- Unresolved or ongoing grievance issues
- Perceived discrimination, harassment or bullying
- Differences of working style or approach
- Inappropriate use of power, status or position

It is a confidential, fast and a fair way for people to work through a disagreement. It is a voluntary process and encourages solutions which work for all participants.

At the earliest opportunity consideration should be given to resolving relevant issues via mediation. However, mediation can be entered into at any point. As mediation is voluntary, both parties need to agree to enter into the process.

This policy refers to two styles of mediation:

Informal mediation refers to a meeting run by a mutual connection or 3rd party who is not a mediator but can objectively assist the parties communicate and reach agreements.

Formal mediation is managed by a suitably trained, independent person who will help the people in dispute find a solution to the issues that both can agree to. Further information on formal mediation can be found on the Acas website at www.acas.org.uk and in the guide *Mediation Explained.*

The School's HR provider may be able to provide this service or alternatively ACAS provide a mediation service.

Liverpool City Council

Appendix 2

GRIEVANCE AND DIGNITY AT WORK FORM – FORMAL STAGE

Name: …….

School: ……..

Role/Job Title: ……

Line Manager: ……..

Please outline the nature of your complaint (giving as much detail as possible including examples and dates). Any documentary evidence should be included with your submission with its relevance clearly detailed.

What action has been taken so far to resolve this? Who has considered it and what was the result? If no informal action has been taken please explain the reasons why.

Please outline why you are still dissatisfied.

Please explain what outcome you are seeking and how this might be achieved.

Signed **Date**

Liverpool City Council

Appendix 3

GRIEVANCE AND DIGNITY AT WORK FORM - APPEAL STAGE

Name: …….

School: ……..

Role/Job Title: ……

Line Manager: ……..

Please include details of the nature of your complaint

Who considered your complaint at the formal stage?

Please give details of the outcomes from the formal stage.

Please state your grounds for appeal

Please explain what outcome you are seeking and how this might be achieved.

Signed **Date**

Liverpool City Council

Appendix 4

DIGNITY AT WORK

Protected Characteristics

The Equality Act 2010 describes those groups protected by equality legislation as having “protected characteristics”. They are:

- Age
- Disability
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Gender reassignment
- Marriage and Civil Partnerships
- Pregnancy and Maternity

Harassment

Harassment is 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.

Harassment is when someone considers that they have been treated in a way that is detrimental to their dignity at work. Essentially, it is treatment that somebody else finds unreasonable and unwelcome and which causes intimidation and offence.

Although it may involve overt abuse of power, bullying, coercion or violence, it can often appear in more subtle forms and can be unintentional.

Harassment can be a single act or numerous acts which are ongoing.

Employees will be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association.

Harassment by Others

The School is liable for harassment of its employees by others who are not employees of the School.

Schools, as the employer of staff, may be liable when harassment from children, parents, governors, clients, and contractors has occurred, which they are aware of and have not taken reasonable steps to prevent it from happening again.

Where formal complaints are made by a school employee against a child, parent, governor, client or contractor, the school should follow this procedure. Any outcomes will be for the school to implement.

Direct Discrimination

Direct discrimination occurs where a person discriminates against another because of a protected characteristic. Direct discrimination also covers associative (i.e. where someone is discriminated against because of someone else's protected characteristic) and discrimination on the basis of a perceived characteristic (i.e. where someone is discriminated against because they are thought to have a protected characteristic although they do not.)

Indirect Discrimination

This is discrimination where a provision, criterion or practice is applied which puts or would put a person with a protected characteristic at a particular disadvantage and it cannot be shown to be a proportionate means of achieving a legitimate aim.

It can also be about someone else's religion or sexual orientation other than the employee, e.g. an employee may be subject to harassment because his son is gay. This may be harassment on the grounds of sexual orientation, despite it not being the employees own sexuality that is the subject of the harassment.

Harassment can also occur where, for a reason which relates to a person's protected characteristic, another person engages in unwanted conduct, e.g. using inappropriate labelling words to refer to the person. This may be harassment whether or not the employee was present when the comments were made because they were said with the intention of humiliating them.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Examples of victimisation are:

- ignoring someone or not offering them a post because they previously raised a complaint through any of the school's procedures
- blocking opportunities, e.g. training or progression because they have previously complained

Legislation

The School's policies supplement the right of an employee to seek legal redress for harassment and/or discrimination through the relevant equality legislation as contained in the Equality Act 2010.

Under the Criminal Justice and Public Order Act 1994, it is an offence to intentionally cause a person harassment, alarm or distress. This is where someone:

- uses threatening, abusive or insulting words or behaviour, or disorderly behaviour
- displays any visible representation which is threatening, abusive or insulting

Under the Protection from Harassment Act 1997, it is an offence for someone to:

- behave in a way which they know, or ought to have known, causes another to fear the use of violence against them
- behave in a way which they know, or ought to have known, causes another harassment

Employees alleging harassment at work can complain to the police. School managers should also consider this when there is evidence to suggest criminal actions.

Employers may be liable for what employees do during their employment, whether or not the employer knows of these acts. Employers can avoid a successful claim of unlawful discrimination only if they can show that they took reasonable steps to prevent the offence being committed.

Bullying

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

Examples of bullying at work could include:

- verbal abuse
- spreading malicious rumours about someone
- consistently putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- someone consistently undermining their manager's authority
- putting humiliating, offensive or threatening comments, videos or photos on social media

Sometimes bullying might be classed as harassment, if it's related to certain 'protected characteristics' under discrimination law (Equality Act 2010).

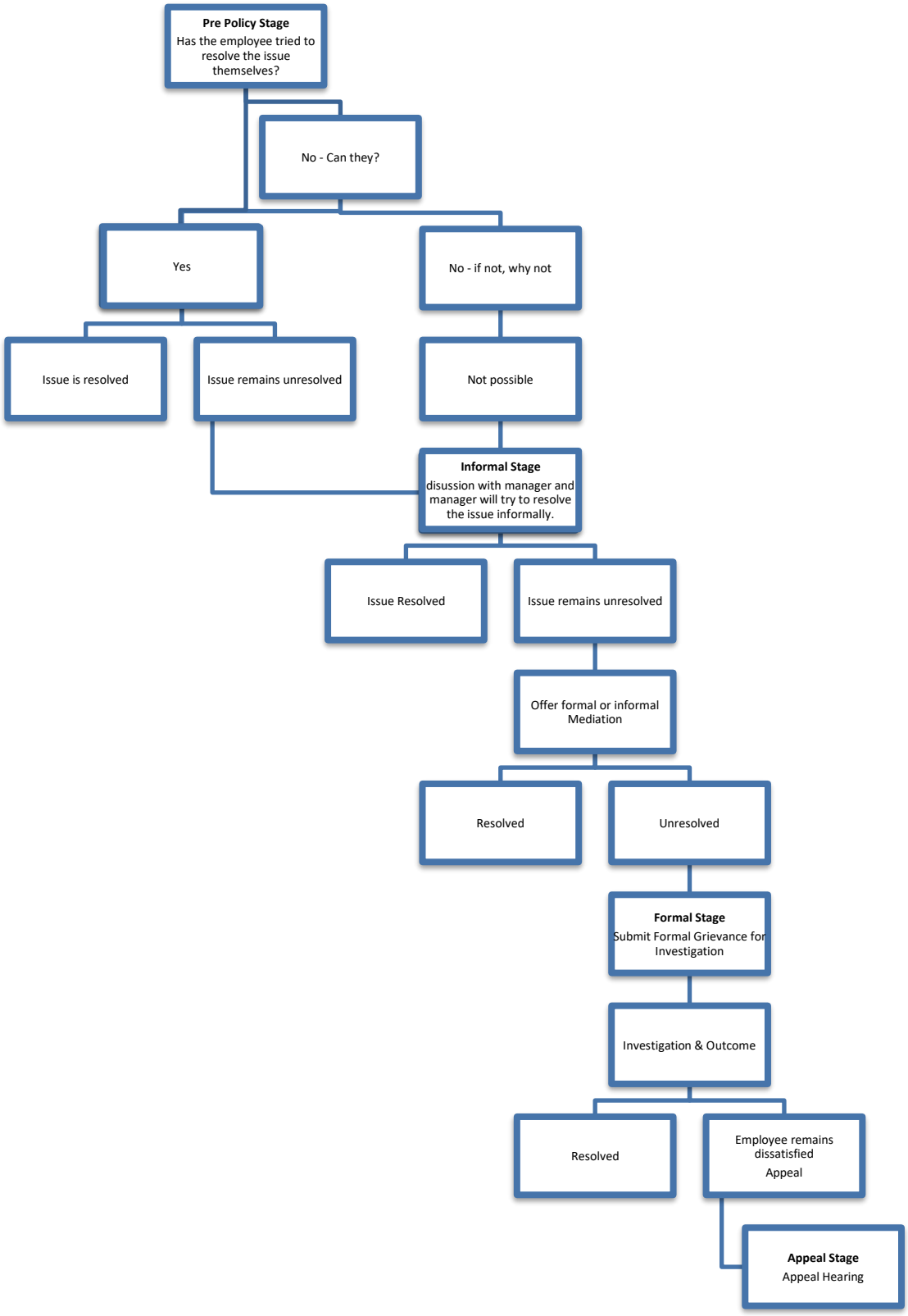
Further information relating to alleged inappropriate behaviour at work can be found on the ACAS website - https://www.acas.org.uk/if-youre-treated-unfairly-at-work

Action

Complaints will always be taken seriously and will be dealt with sensitively.

Managers / governors dealing with a complaint will consider disciplinary action against any proven perpetrator of any form of harassment who is employed by the School.

Managers will also take positive action to prevent a re-occurrence of unacceptable behaviour by anyone who is not employed by the school.

PROCEDURE FLOW CHART

Appendix 5