



Grievance Policy v1.0

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The Trust, and all Academies within Victoria Academies Trust and must comply with this policy.

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Grievance Procedure

This Policy applies to all employees of Victoria Academies Trust.

It is Victoria Academies Trust's policy to ensure that employees with a grievance relating to their employment are able to use this procedure to resolve grievances quickly, fairly and as close as possible to the point of origin.

Grievances are complaints, concerns or problems raised by an employee relating to their employment. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with their Head Teacher/ Manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance and the outcome they are seeking.

The procedures outlined below can be used when:

- An employee has a grievance with a colleague
- An employee has a grievance with their manager or another member of the leadership team, including the Head Teacher or members of the Trust Central and Executive Teams.

Grievances can be about issues including:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying, harassment and sexual harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

The procedures outlined in this policy should not be used for:

- Grievances about termination of employment
- Grievances about national insurance, income tax or pensions
- Grievances about pay or performance management (Appraisal)
- Grievances related to whistleblowing

These are covered by separate procedures which can be found on the Trust website.

The timescales set out in this procedure may be altered by mutual agreement for operational or availability reasons.

The Trust is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

Complaints of harassment, sexual harassment, bullying or discrimination

All employees have a right to be treated with dignity and respect in the workplace free from bullying, harassment, sexual harassment, bullying and victimisation, creating a safe, inclusive and respectful environment for all employees.

Victoria Academies Trust has a zero-tolerance policy on workplace harassment, sexual harassment, bullying and victimisation. from colleagues, pupils, members of the public, or other individuals they may encounter at work, or on school trips. All complaints will be treated seriously, fairly, and in confidence. No employee will suffer any disadvantage or reprisal for raising a concern or making a complaint.

The Trust strives for a workplace that's free of harassment, bullying and victimisation through:

- Raising awareness of the issues of harassment, sexual harassment bullying and victimisation, and refusing to tolerate these behaviours through training across the Trust and supporting
- Supporting any employees who have been subject to any form of harassment, sexual harassment, bullying or victimisation, which may include; counselling services, adjustment to working conditions, time off to attend necessary appointments. who is harassed, bullied or victimised
- Dealing with any issues through agreed processes when they are raised

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.

Harassment

The Trust recognises that harassment and victimisation is unlawful under the Equality Act 2010. Harassment, as 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.

Examples include:

- Verbal (in person or on the telephone) or Written (letters, notes or emails) – such as; crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip.
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screen-savers)
- Digital harassment- Inappropriate/offensive emails, texts, social media messages, or sharing of explicit materials. pictures on mobile phones
- Physical – unnecessary touching, patting, pinching, any intimidating behaviour, assault and physical coercion.
- Coercion – pressure for sexual favours (e.g. to get a job or be promoted) and pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion – stalking, pestering, unwanted attention etc.

Victimisation

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.

As such, harassment, or victimisation of unwanted conduct related to relevant protected characteristics which are on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable and will not be tolerated.

Sexual Harassment

The Equality Act 2010 defines sexual harassment as unwanted behaviour of a sexual nature. The unwanted behaviour must have either; violated someone's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour; has one of these effects even if it was not intended or intended to have one of these effects even if it did not have that effect.

Sexual harassment can happen to men, women and people of any sexual orientation. It can be carried out by anyone of the same sex, another sex or anyone of any sexual orientation. You could experience sexual harassment from anyone you come into contact with because of your job, including; someone you work with a manager, supervisor or someone else in a position of authority, third parties – for example customers, clients and members of the public

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person. It can also happen online, for example in meetings, email, social media or messaging tools.

Examples include:

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture can still be sexual harassment.

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

Reporting Sexual Harassment:

If an employee experiences or witnesses sexual harassment, they should report the incident as soon as possible using one of the following methods:

- **Informal Reporting:** Speak to the individual directly if comfortable, making it clear that the behaviour is unwanted and should stop.
- **Formal Reporting:** Report the incident to your line manager/ Head Teacher If you don't feel able to you can report the incident to ELT/ or to Head of HR. This can be done verbally or in writing and include details such as the nature of the incident, dates, times, and any witnesses.

All complaints will be taken seriously and investigated promptly and fairly and the grievance process is detailed below.

Dealing with third party sexual harassment

The Trust has a duty to take reasonable steps to prevent sexual harassment of all employees from third parties. To support this, the Trust:

- Installing signage advising third parties to adhere to the trust code of conduct and advising third parties that harassment of employees is unlawful and will not be tolerated
- Encourages employees to report harassment by third parties, supporting employees who report harassment and taking appropriate action in respect of every complaint of harassment by a third party.

Support for Victims

Employees affected by sexual harassment (this can include employees who have experienced or witnessed sexual harassment; line managers dealing with sexual harassment complaints as well as employees accused of sexual harassment. will be offered support, which may include:

- Counselling services – Access through Pluxee employee benefits platform
- Adjustments to working conditions (e.g., relocation or remote work)
- Time off to recover or attend appointments for specialist support

Bullying

Bullying in the workplace maybe be characterised as targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power to undermine, humiliate, denigrate, or injure the recipient.

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

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- shouting or swearing at people in public and private.
- persistent criticism.
- ignoring or deliberately excluding people.
- persecution through threats and instilling fear.
- spreading malicious rumours.
- constantly undervaluing effort.
- dispensing disciplinary action that is totally unjustified.

The less obvious:

- withholding information or supplying incorrect information.
- deliberately sabotaging or impeding work performance.
- constantly changing targets.
- setting individuals up to fail by imposing impossible deadlines.
- removing areas of responsibility and imposing menial tasks.
- blocking applications for holiday, promotion or training without justifiable reason.

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.

This list is not intended to be exhaustive.

If an employee feels they are being sexually harassed/bullied the alleged harasser/bully must be approached and told to stop the unwanted behaviour prior to entering the Informal Stage. If an employee feels they are unable to approach the alleged/harasser themselves, they can ask for support from a colleague or line manager who can approach the alleged harasser/bully on behalf of the employee.

Informal Procedure

The wellbeing of Trust employees is very important, and we strive for an environment in which employees are confident that any grievances can be resolved quickly and informally through open communication with their line manager or Head Teacher. Employees are encouraged to seek an informal resolution. If they are unable to speak to their manager (e.g. because the complaint concerns their manager), they should speak informally to a more senior manager. Staff have the right to approach their trade union for support.

If this does not resolve the issue or is not appropriate, staff should follow the formal procedure below.

Formal Procedure

A Complaint must be lodged within 3 months of the incident to which it relates unless there are exceptional circumstances it will not be considered outside of this time scale. In cases of harassment, sexual harassment bullying or discrimination incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months.

Where an employee thinks that informal procedures cannot or have not resolved their grievance, they can initiate formal procedures. These will progress as outlined below:

- The employee should inform their Head Teacher/Manager or if the Head Teacher/Manager is the subject of the grievance, a member of ELT, of the grievance and the basis for it in writing using the Grievance form (Appendix 1) and identify the outcome they are seeking. Where the Head Teacher/Manager is the subject of the grievance A member of ELT will arrange for it to be passed to another member of the Executive Leadership Team.

Where the grievance is raised about a member of ELT, the grievance should be raised with the CEO, and where it is about the CEO, with the Chair of Trustees.

- A senior member of staff will be asked to investigate the grievance, an initial meeting will be held involving the member of staff with the grievance and investigating manager to discuss the grievance and context.
- On conclusion of the investigation, which will normally be within 15 working days of the meeting a report of the findings will be submitted to the Head Teacher who will hold the grievance meeting.
- An employee has the right to bring a companion (a trade union representative or a colleague) to the formal grievance meeting or appeal meeting under this procedure. Employees should tell the person holding the grievance meeting who their chosen companion is in good time before the meeting. If the employee's companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time

for the meeting to take place. If the alternative time is reasonable and within five working days after the original scheduled date, then the meeting will be postponed and rearranged to that date. At the meeting, your companion may make representations and ask questions but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

- The person holding the meeting will hear evidence from the parties involved and review any relevant documentation. The person may adjourn the meeting or defer a decision until they are satisfied that they have thoroughly reviewed all the evidence and taken into account all relevant factors.
- All parties involved will usually be notified in writing of the outcome and the reasons for the decision within five working days. There may be circumstances in which it is considered inappropriate for all those involved to receive the full notification.

Outcomes and actions

The possible outcomes which can include other practical considerations and/or implications are as follows:

- the grievance is upheld in full, or
- the grievance is rejected, or
- the grievance is partially upheld i.e. there is agreement with some of the employee's concerns, but not others. The outcome to partially uphold a grievance is not to be used where a decision cannot be reached.

If the investigating officer upholds the complaint against the employee, possible outcomes may be:

- Disciplinary action
- Mediation
- Mandatory training

If the investigating officer does not uphold the complaint, possible outcomes may be:

- No action
- Mediation

These lists are not intended to be exhaustive.

Mediation

Depending on the nature of the grievance it may be appropriate for the matter to be dealt with by mediation. This involves the appointment of a third-party mediator who is independent and will discuss the issues raised with the key parties and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance mutually agree to this as a means to resolve the issues.

Mediation is therefore a voluntary process and the mediator is not there to judge, to say who is right and who is wrong or to tell those involved in the mediation what they should do. It may be helpful to consider mediation as a means to resolve the issue/s at any stage during the grievance process.

Appeals

The individual who has brought the grievance can appeal by writing to the member of the HR team who has supported the process within ten working days of the decision, stating in detail the grounds. An appeal meeting will be held as soon as practicable and will be dealt with impartially by a more senior manager not previously involved. Where the Head Teacher made the decision, a member of the Executive Leadership Team will hold the appeal meeting, where a

member of the Trust Executive Leadership Team made the decision the CEO will hold appeal meeting. Where the CEO or Trustee made the decision, a different Trustee will hold the appeal meeting.

The grievance will be reheard on condition that:

- there is new evidence
- new grievances will not be added.

The decision of the person hearing the appeal is final.

Overlapping grievance and disciplinary issues

If an employee raises a grievance after disciplinary proceedings have started against them, the school (or trust as appropriate) will consider suspending the disciplinary period for a short time to consider the implications of the grievance on the disciplinary proceedings. If the grievance and disciplinary issues are unrelated then they can be heard separately. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Collective Grievances

If two or more employees have identical grievances and all wish them to be addressed in the same grievance process, staff members can raise a collective grievance via this procedure. All employees must agree (without any pressure being exerted on staff members to join the collective process) to do this.

If the employees raising the collective grievance are all members of the same trade union, their trade union representative can raise the grievance on their behalf. Alternatively, employees can agree to nominate one employee to act on behalf of everyone.

Collective grievances will be managed in accordance with the procedure set out above.

If, following the collective grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

Grievance Process for Former Employees

There may be circumstances where an employee raises an issue but sufficient time may not be available to provide proper consideration before they leave employment or an employment complaint is received following their resignation. It may be appropriate in some circumstances to invite the former employee to a meeting to discuss the issue/s further or to issue a written response covering the points raised.

A grievance will only be considered if lodged within 3 months of the incident to which it relates or if lodged within 3 months of the employee leaving the Trust and unless there are exceptional circumstances it will not be considered. In cases of harassment, bullying or discrimination incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months.

Malicious or vexatious complaints

Employees who submit a grievance will not be placed at a disadvantage for exercising or seeking to exercise this right. However, grievances should be submitted in good faith and not be malicious or vexatious and, if there are sufficient concerns this may be case, the matter will be investigated and could result in the individual submitting the grievance being subject to disciplinary action.

Records

In order that comprehensive records are maintained, copies of all minutes and correspondence arising out of the operation of this procedure shall be retained on the employee's personal file.

Confidentiality

The trust will treat all grievances, bullying, harassment, sexual harassment and victimisation complaints with the highest level of confidentiality. Information will only be shared with individuals directly involved in investigating the complaint. Breaches of confidentiality may result in disciplinary action.

All matters will remain confidential in accordance with the Data Protection Act 1998 at any stage except in circumstances where there is a legal obligation to disclose such information.

Training, communication and awareness

Victoria Academies Trust recognises that a written policy is not sufficient on its own to eliminate sexual harassment, victimisation and bullying. Regular communication and training will help ensure that all employees:

- understand our commitment to prevent sexual harassment, bullying and victimisation
- understand their responsibilities and role in the process
- know how to seek advice and guidance
- know how to make complaints and are confident they will be handled effectively

The effectiveness of this policy will be monitored and kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

Appendix 1 Notification of Grievance Form

Strictly Confidential

Once received the grievance will be addressed and dealt with under the Trust's grievance policy and procedure.

Name of Employee: Job Title: Location:
Name of manager to whom the grievance is raised: Job Title:

Details of Grievance

Please explain the nature of your grievance below, including as much detail as possible regarding dates, times, people involved etc.

Employee Signature:
Date:

Appendix 2 Notification of Grievance Appeal Form

Strictly Confidential

This form is to be completed by an employee who wishes to lodge an appeal to the outcome of a grievance procedure.

When completed please submit this form to the relevant member of the HR Team.

Strictly Confidential

Name of Employee:

Job Title:

Location:

Date of grievance outcome letter:

Declaration:

I confirm that I wish to appeal the outcome of my recent grievance. I understand that the outcome of the appeal is the final outcome and I have no further right of appeal.

Details of Appeal

Please explain the nature of your appeal including any new information you have which may affect the original outcome. Please also include details of your desired outcome.

Employee Signature:

Date: