



# Kirkby College

*Company Number: 08124416*

## Staff Grievance Policy

**Reviewed February 2021**

*Next review 1 year or as required*

**Signature .....**

*On behalf of the Governing Body*

***Due regard was given to the requirements of Equality legislation in the course of the review***

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**1 Introduction**

## Staff Grievance Policy

1.1 Kirkby College Academy undertakes to promote positive working relationships and is committed to providing a working environment where employees are treated with dignity, fairness and respect.

1.2 The trust recognises that occasionally an individual employee or group of employees may have a problem, concern or complaint regarding their working environment or working relationships.

1.3 It is expected that the majority of day-to-day concerns can be resolved through regular communication between managers and employees. However, on occasion this may not be possible, and a more structured approach may be necessary using this procedure.

## **2 Purpose**

2.1 To promote the early, effective and satisfactory resolution of individual employment related grievances, by providing a structured framework through which individual members of staff can seek redress.

2.2. Broadly, a grievance may be raised about any matter arising from employment, including grievances amongst members of staff, with an appropriate senior leader.

2.3 This policy also applies to instances of alleged bullying or harassment in the workplace. The Trust has expectations about the standards of language and behaviour that all members of staff have the right to expect and are expected to show to others in their communication and behaviour at work. It aims to assist in the development and maintenance of a working environment in which bullying and harassment are known to be unacceptable and to ensure that, where it occurs, there are adequate arrangements in place for raising and dealing with it and for preventing reoccurrence. In circumstances where a member of staff holds a concern of this nature, this procedure provides the framework to address the concern.

2.4 Senior leaders have specific responsibilities to direct the work of staff members and to manage performance. It is not the intention of the application of this procedure to affect those leaders from exercising these responsibilities appropriately and fairly. This includes issuing instructions, providing critical feedback to allow members of staff to improve their performance, taking action to control absence or to deal with misconduct, even whether staff members feel that the action is unjustified or unfair.

2.5 This procedure is not the appropriate recourse for the following employment matters:

- a) any outcome of a disciplinary process (in such circumstances the appeals' procedure established within the disciplinary procedure applies)
- b) any issue relating to the pay progression of a teacher
- c) whistleblowing (in such circumstances, the whistleblowing policy applies)
- d) matters relating to the rules of the Local Government Pension Scheme or Teachers' Pension Scheme (such matters will be referred to the scheme administrators and ultimately Pensions' Ombudsman).

### **3 Scope**

3.1 The procedure applies to all members of staff employed within Kirkby College Trust.

3.2 Any complaints received by anyone not employed by the trust, including former members of staff, will be managed under the trust complaints procedure.

### **4 Policy statement**

4.1 Kirkby College Academy values the contribution made by all members of staff to the delivery of a high-quality education service for the benefits of students and the community. We recognise that the quality of this contribution will be influenced and enhanced if all members of staff can enjoy a working environment that supports and encourages them in working to their full potential.

4.2 Kirkby College Academy is committed to promoting and sustaining a working environment in which all staff members feel valued and respected and in which they co-operate and communicate effectively with each other in seeking to achieve the highest standards of work performance. It is recognised that situations may arise where a member of staff may wish to seek redress for grievances arising from their employment. Accordingly, the trust is committed to ensuring that staff members are able to raise grievances in the first place, and where possible, have them resolved without unreasonable delay and to the satisfaction of all concerned.

4.3. Most issues should be discussed and can be dealt with satisfactorily within the course of normal working relationships where members of staff should feel that their problems and opinions could be discussed frankly and freely with each other and/or with their line manager.

4.4 However, where an employment-related individual grievance has not been resolved informally or where it is considered inappropriate to resolve the issue on an informal basis, the member of staff will:

- be given a fair hearing on any grievance;
- have the right to take the issue to senior management where appropriate.
- Or if still not satisfied, have the right to take the issue further to a Committee of Governors by way of an appeal

4.5 Where the procedure is invoked, the trust is committed to ensuring that the grievance is addressed as quickly as is reasonably practicable.

4.6. The trust is committed to fair and respectful treatment of all members of staff. Where a staff member raises a concern in respect of their employment, they will not suffer from any detriment or less favourable treatment as a consequence of raising a concern or making a complaint. The trust is committed to this principle in its application of the grievance procedure. Kirkby College Academy's whistleblowing policy also enforces this principle.

## **5 Policy statement regarding dignity at work**

5.1 Any language or behaviour which has the effect of undermining, humiliating or threatening another person, including harassment and bullying, is unacceptable and will be neither permitted nor condoned. We believe that most members of staff will actively support this commitment and will use language and behaviour that is consistent with our expectations. We also recognise, however, that we need to have clear arrangements in place for raising and addressing any instance of the use of language and behaviour that is incompatible with these expectations.

5.2. The trust will demonstrate its commitment to a working environment and working relationships that are based on respect for and recognition of the individual contribution made by all members of staff by:

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- clearly communicating the standards that all members of staff have the right to expect and are expected to demonstrate to others in all workplace communications
- equipping senior leaders with the knowledge and skills required to influence a positive working environment and working relationships
- alerting all members of staff to the type of language and behaviour that is not acceptable and, where this occurs, how this will be dealt with
- identifying a range of sources of information and assistance for staff members to help them decide what to do if they experience unacceptable language or behaviour
- recognising a grievance complaints' procedure that establishes appropriate informal and formal arrangements for members of staff to raise instances of unacceptable language or behaviour as set out in this policy and procedure document
- ensuring that complaints are handled sensitively and are fully investigated through appropriate procedures.

5.3 Further information and guidance on the definitions of bullying and harassment is provided in appendix B.

5.4 Kirkby College Academy is committed to protecting members of staff against unacceptable behaviour of this nature that may be encountered by staff members through contact with representatives from the wider academy community in the context of their work, i.e., parents, students or members of the public. The processes and strategies available to Kirkby College Academy for dealing with issues of this nature are set out in appendix C of this policy.

## **6. Informal approach and mediation**

6.1 Attempts should always be made to resolve workplace grievances on an informal basis. Even if the problem relates to senior management or decisions made by senior management, attempts should still be made to resolve the issue on an informal basis and directly with the person(s) concerned.

6.2 It is important that any issue is raised as soon as possible after the event has occurred, so that resentment or worry does not build up. Also, if an investigation is required, this can take place as soon as possible in order to ensure clear and accurate details are recalled before memories fade.

6.3 Where the aggrieved member of staff holds a grievance with a work colleague or manager, attempts should be made to meet with the other party on an informal basis to discuss the situation and attempt to resolve the concern. This informal process should be encouraged and managed by an appropriate manager or senior manager not directly involved in the case. The manager should conduct a facilitated meeting, taking into account arrangements that are mutually agreeable to all parties, in order to encourage an open dialogue between the parties with a view to resolving the concerns held by the aggrieved member of staff at the earliest opportunity. The aggrieved member of staff may request to attend an informal meeting with a trade union representative for the purpose of attempting to resolve a work-related complaint informally. Such a request will not unreasonably be refused.

6.4 As an alternative to a facilitated meeting and prior to evoking the formal procedure, formal mediation may be arranged between the relevant parties. Formal mediation can be arranged through the appointment of an independent trained mediator. Formal mediation is only a viable option where both parties agree to engage in the mediation process and agree to commit to a Mediation Agreement at the conclusion of the process. In accordance with the principles of mediation, mediation meetings are held with the two parties concerned and the mediator only. Trade union representatives or companions will not attend mediation meetings on either party's behalf. Further information on mediation is provided in appendix E.

6.5 If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with the Business Manager who will make appropriate arrangements.

## **7 Formal procedure**

7.1 Kirkby College Academy recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The trust will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as a misconduct under the disciplinary procedure.

7.2 Where an employment problem is considered by a member of staff to be of a sufficiently serious nature to be termed as a 'grievance', the matter has not been resolved as a result of an

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informal approach or it is considered inappropriate to deal with the matter on an informal basis, the member of staff may invoke the grievance procedure. This procedure is designed to achieve the objectives referred to in the above policy statement in an effective and efficient manner.

7.3 It will not normally be considered appropriate for a staff member to pursue a formal grievance unless first of all the issue has been raised with their manager and informal resolution has been considered where appropriate.

7.4 A member of staff wishing to invoke the procedure should normally raise their concerns within 20 working days of the event or the latest in a series of events that has resulted in the grievance. Early notification of a grievance will help ensure early resolution.

7.5 At all stages of the formal procedure, the member of staff raising the grievance is entitled to take advice from and/or be accompanied or represented by a workplace colleague or trade union representative. Members of staff are encouraged to consult their trade union representatives or professional associations prior to invoking the grievance procedure.

7.6 Where the member of staff chooses not to be accompanied or represented by a trade union representative or workplace colleague it will be noted in the written summary that representation was offered and declined.

7.7 Senior leaders are committed to addressing staff member grievances in a timely manner and in all cases will endeavour to adhere to the time limits referred to throughout this procedure. However, parties may, by mutual agreement, modify the time limits referred to in the procedure.

7.8 In certain circumstances this may not be practicable, for example, delays in convening meetings due to academy holiday periods and complex cases requiring lengthy investigations. In the interests of best practice, fair treatment and the health and wellbeing of members of staff, meetings may be held during academy holidays with the agreement of all parties (i.e., the staff member concerned, trade union representative/workplace colleague, investigating manager/Trustee). If however this is not agreeable to any party, the member of staff will be kept informed of the progress of the procedure.



## **8 Stage one: formal grievance hearing**

8.1 If a member of staff has a work-related concern and the matter cannot be resolved informally, they should raise the matter formally with their line manager by completing the grievance form (see appendix A). Where the concern relates to the line manager, they should raise the matter with the line managers, manager or appropriate member of the senior leadership team by completing the grievance form. It is recommended that the member of staff contact their trade union representative for advice and support in initiating the formal grievance procedure.

8.2 On notification of a formal grievance, the Headteacher, will act as the grievance manager and chair, accompanied by two other senior leaders on the panel. The Business Manager will be present to advise the panel. If the Headteacher is named in the grievance the Chair of Governors will act as grievance manager and chair.

8.4 If the grievance is regarding a trustee an independent organisation will be sourced to investigate and chair the grievance panel and also an appeal panel if required.

8.5 The grievance manager will, as soon as possible, arrange an investigatory meeting with the staff member. This meeting will normally take place within ten working days of notification of the grievance. The member of staff may attend the meeting accompanied by a work colleague or a trade union representative.

8.6 Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the member of staff can propose an alternative time within five working days of the scheduled date. If you are unable to attend because of circumstances beyond your control, the grievance manager should be informed as soon as possible. If you fail to attend without explanation, or it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

8.7 Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected, wherever possible. Grievance managers can carry out investigations or elect to appoint an investigation manager where the matter is more complex or to support transparency. The grievance manager will give an indication of the likely timescales required for the completion of the

investigation. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to you and an appropriate summary of the evidence gathered will be given to you.

8.8 At the meeting the grievance manager will listen to the details of the grievance and will endeavour to devise an appropriate resolution. The outcome of the grievance will be confirmed in writing to the member of staff. The manager will arrange for notes of the meeting to be taken, copies of which will be provided to all parties.

8.9 Normally, written confirmation of the outcome of the grievance will be provided within five working days of the grievance meeting, with the exception of cases where further investigation is required. In such circumstances, the manager hearing the case will determine an appropriate timescale with due consideration to the need for a swift resolution whilst allowing sufficient time to conduct the necessary additional investigations.

## **9 Stage two: appeal hearing**

9.1 The member of staff has the right of appeal against the outcome of stage one of the grievance procedure if dissatisfied with the outcome. The procedure to be followed at the appeal meeting is as set out in appendix D.

9.2 The appeal must be in writing setting out the grounds of appeal within five working days of receipt of the written outcome of the grievance at stage one.

9.3 The appeal hearing the appeal will be composed of three people who have had no prior involvement in the case. This will include a Headteacher and a trustee.

9.4 Where the grievance is about the Headteacher, the appeal will be heard by three trustees not previously involved in the process and an independent advisor.

9.5 The appeal meeting will be held, where practicable, within twenty working days of the receipt of the written request for an appeal. The member of staff will be informed of the date of the

appeal hearing in writing and will be offered the opportunity to submit any documents to the appeal panel in advance of the hearing, but no later than five working days prior to the hearing.

9.6 The grievance manager previously involved in addressing the grievance will also have the opportunity to make submissions to the appeals' panel in response to the member of staff's appeal. The appeal panel should be sent all relevant documents in advance of the hearing no later than one calendar week before the hearing. The Business Manager will be present to advise the panel.

9.7 All documents to be presented at the hearing in relation to the appeal will be provided to the member of staff no later than five working days prior to the hearing.

9.8 At the appeal hearing, the member of staff will have the opportunity to present their reasons for dissatisfaction with the outcome of the grievance process determined at the previous stages of the procedure, along with any evidence or documents, which they consider to be pertinent to their grounds of appeal. If appropriate, the manager of the member of staff or Headteacher may present a response to the appeal that may include presentation of information on the outcome of the grievance at earlier stages of the procedure for the panel's consideration.

9.9 The decision regarding the outcome of the appeal may be given at the hearing but will be confirmed in writing within five working days of the hearing. If it is not possible to respond within the specified time period the member of staff will be given an explanation for the delay and advised when a response will be provided.

9.10 The decision of the appeal panel will be to either uphold or overturn the stage one grievance outcome.

9.11 The decision of the appeal panel is final.

## **10 Headteacher grievances**

10.1 Where a member of staff at Headteacher level has a grievance, they should first endeavour to resolve the matter by direct approach to the relevant person. If the grievance remains unresolved and arises from actions/decisions of a committee, they should initially seek to resolve it in discussion with the chair of the appropriate committee.

10.2 Should the grievance remain unresolved; the member of staff should lodge the formal grievance in writing to the Chair of Governors.

10.3 The Chair of Governors will act in the capacity of the grievance manager and arrange a grievance hearing with no less than three trustees on the panel, within twenty working days (where practicable) of receipt of written notification of the grievance. The procedure for the hearing will be as set out in appendix D.

10.4 The member of staff, and any other member of staff who may be involved, is entitled to be accompanied at the meeting, by a workplace colleague or a trade union representative.

10.5 If the member of staff is dissatisfied with the grievance outcome, they may appeal to the appeals' Committee. They must confirm the grounds for appeal in writing, within five working days of receipt of the outcome of the grievance at the previous stage of the procedure.

10.5 The appeals' panel shall comprise of no less than three trustees who have had no prior involvement in the case supported by an independent advisor. The decision of the appeals' panel may be given at the hearing and in any case confirmed in writing within five working days. The appeal should, where practically possible, be heard within twenty working days of receipt of the written notification of the appeal

10.6 The decision of the appeals' panel will be final.

10.7 At any stage of the procedure, the member of staff is recommended to seek advice from an appropriate source such as their professional association. For the advice to be as informed and effective as possible, it may be necessary to provide to them copies of all documentation associated with the grievance.

10.8 If the grievance concerns any of the trustees, or it is deemed more appropriate, an independent organisation will be engaged to manage the process from investigate to appeal stages.

## **11 Collective grievances**

11.1 When two or more members of staff have identical grievances and wish to raise them to be addressed in the same grievance process a collective grievance can be raised

11.2 Where attempts to resolve the matter informally do not work, it may be appropriate for members of staff to raise a formal grievance under the grievance procedure. If you and another member of staff (or more than two of you) have identical grievances and you all wish them to be addressed in the same grievance process, you and your colleagues can raise a grievance via this collective grievance procedure

11.3 You and all your colleagues raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. You and your participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing. You and your participating colleagues will be notified individually of the outcome at each stage of the process. If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, we will arrange to hear your grievances using the grievance procedure on an individual basis.

11.4 If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish them to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you. If there is no one nominated representative, you and your colleagues will be entitled to address concerns individually at the grievance hearing, but you will have no additional right to be accompanied beyond having your colleagues present. If you or your colleagues wish to be represented by your trade union representatives on an individual basis, we will arrange to hear your grievances under the grievance procedure.

11.5 A formal grievance should be concerned with the way in which you believe you have been treated by the trust or managers acting on its behalf, or about any aspect of your work. Complaints that amount to an allegation of misconduct on the part of another member of staff will be investigated and dealt with under the disciplinary procedure.

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11.6 Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed. However, issues that are the subject of collective negotiation or consultation with the trade union/staff association/staff council will not be considered under the grievance procedure.

11.7 Complaints that you and your colleagues may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

11.8 If you and your colleagues raise a collective grievance while you are all subject to the same or substantially similar disciplinary proceedings, we may (if appropriate depending on the nature of the grievance(s) raised) temporarily suspend the disciplinary proceedings pending the outcome of your grievances. Kirkby College Academy may also follow both the disciplinary and grievance processes concurrently.

11.9 Your complaint should be the completion of appendix A headed "formal collective grievance" and sent to your line manager. Your grievance can be submitted on one document, but it must:

- identify you and each of your colleagues who wish to raise the grievance
- identify any nominated trade union representative or colleague to represent you all
- state that you have all voluntarily consented to use the collective grievance procedure; and
- confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.

If your complaint relates to the way in which you believe your line manager is treating you, the complaint may be sent to the line manager's line manager. If you and your colleagues wish to submit individual grievance letters, each of the letters must contain the information set out above and they must all be sent to the same manager.

If, following the grievance outcome, some members of staff 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. If only one member of staff wishes to pursue the appeal, the grievance procedure will apply to the appeal.

## **12. Review**

12.1 This grievance procedure and policy is reviewed on an annual basis to ensure it is working effectively.

13. Appendix A

<b>Kirkby College Academy STATEMENT OF GRIEVANCE</b>		
<b>Appendix A</b>		
<b>STRICTLY PRIVATE AND CONFIDENTIAL</b>		
To be completed by the member of staff to instigate a formal grievance. (The formal procedure should only be used when attempts at informal resolution have been tried and not succeeded.)		
The form is to be sent to your line manager. If the complaint relates to your line manager, please send to the Business Manager		
Name		
Job Title		Email
Line Manager		Email
Name of representative		Email
1. Brief outline of the nature and reason for the grievance		
2. I have discussed this matter informally with my line manager and/or senior manager (if appropriate) but I am still dissatisfied because:		
3. What specific action would you like taken in order to resolve this issue?		
4. Please give names of any witnesses who may be able to offer further information		
5. I am prepared to consider mediation prior to invoking this formal stage: yes/ no (delete as applicable)		
If you are not prepared to consider mediation, please		



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explain your reasons if you are able to do so	
Signed	
Date	
To be completed by the staff member's line manager on receipt of grievance*: (*NB: where complaint relates to the member of staff's line manager, it is not applicable for this section to be completed) a) Details of discussions held in an attempt to resolve the issue informally or at stage 1. Please provide dates of any meetings and notes where available	
Line Manager's name	
Signature	
Date	

Appendix B

Kirkby College Academy
<p><b>Bullying and harassment – guidance and definitions of unacceptable behaviour</b></p> <p>Unacceptable behaviour can generally be described as bullying or harassing language and behaviour that is unwanted and which a person finds intimidating, embarrassing, humiliating or offensive. An individual may be exhibiting this language or behaviour consciously or unconsciously, i.e. they may or may not be intending to bully/harass. However, the intention or non-intention to bully/harass should not be the determining factor in assessing whether or not someone has been exposed to bullying/harassment – it is the deed itself and the impact on the recipient that determines this. More specific information concerning bullying and harassment is given below.</p>
<p><b>Bullying</b></p> <p>Bullying is the use of language or behaviour either publicly or in private, which has the effect of threatening, humiliating, undermining or demeaning the recipient. Typically, it consists of a series of incidents that may be trivial in themselves but have a cumulative effect on the recipient. It may arise between individual colleagues, between a group of staff members and a colleague or between a manager and a subordinate.</p> <p>Bullying differs from harassment in that the focus is less likely to be on a specific feature of an individual, such as gender, race or disability, than on the competence, or alleged lack of competence, of the person being bullied.</p>
<p>Specific examples of bullying behaviour include:</p> <ul style="list-style-type: none"><li>• exclusion or victimisation of an individual</li><li>• unfairly withholding information that has an impact on a person's performance</li><li>• constant changing of work deadlines or work guidelines to specifically undermine an individual's effectiveness</li><li>• repeated accusation of making errors without justification</li><li>• humiliating someone in front of others</li><li>• deliberately ignoring opinions/views of an individual</li><li>• removing areas of responsibility without justification</li><li>• verbal, physical threats or intimidation</li><li>• copying memos that are critical about someone to others who do not need to know</li><li>• Overbearing supervision/excessive monitoring or work without justification</li><li>• Deliberately undermining a competent worker by overloading them</li></ul>

- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

This is not an exhaustive list.

### **Harassment**

Harassment in general terms is unwanted conduct affecting the dignity of men and women in the workplace and includes any verbal or physical abuse, unwanted behaviour or advances. This would also include any form of non-verbal harassment such as harassment via e-mail. The actions or comments are viewed as demeaning and unacceptable to the recipient. Some forms of harassment can also have a specific meaning under existing legislation (e.g. sex, race and disability) and can amount to unlawful discrimination under the appropriate legislation. Harassment can be on the grounds of a variety of attributes including sex, race, disability, religion, sexual orientation, age, social background, political belief and trade union membership.

Specific examples of what could be viewed as harassment in relation to these attributes include:

- demeaning/offensive remarks; displaying offensive/explicit material
- inappropriate/abusive language
- inappropriate stereotyping resulting in employment opportunities not being offered to an individual
- exclusion from workplace talk/activities
- offensive jokes
- innuendos and teasing

This is not an exhaustive list.

### **Advice and support**

Any member of staff who believes they are experiencing bullying or harassment may seek advice and support through various options. This includes established channels to seek advice and support (e.g.: through their line manager, a trustee or trade union representative).

Staff members may also choose to seek professional support through the Kirkby College Academy Employee Assistance Programme. This allows members of staff to discuss problems with a qualified counsellor. This service may also be helpful to staff members against whom an allegation of bullying or harassment has been made.

Seeking advice and support through any of the channels described above enables members of staff to discuss problems in confidence, to help them decide if they are experiencing bullying/harassment and to discuss any possible strategies to cope with what they are experiencing (for example, approaching a bully/harasser to inform them that their behaviour/language is upsetting, keeping a diary of incidents and confiding in another party for support or information as to how to make a complaint).

## Appendix C

### **Kirkby College Academy**

Members of staff and members of the Governing body may encounter bullying or harassment by students/parents/the public in the course of their work. Anyone experiencing such behaviour can expect the active support of the trustees or appropriate senior member of staff to address the situation.

Trustees are committed to protecting staff members whilst at work and to that end must seek to identify potential areas where members of staff may be vulnerable and to reduce the associated risks. Failure to do so could constitute a failure in trustees duty of care to members of staff.

Members of staff complaining of bullying or harassment by students/parents/the public should report the matter to the Headteacher. What action is taken will be a matter of management discretion. The complainant's perception of what has occurred will be taken fully into account when reaching a decision.

Members of committees who feel they are experiencing bullying or harassment by students/parents/ the public should report the matter to the chair of Governors.

#### **Bullying of students/parents/the public by members of staff**

Bullying/harassment of students/ parents/ the public by members of staff will be dealt with under the Kirkby College Academy disciplinary procedure.

#### **Bullying/harassment outside of work**

Where bullying/harassment takes place outside of working hours but is in some way linked to a working relationship, staff members and trustees are still entitled to raise the issue and make use of the informal or formal procedure of this policy.

**Criminal offences**

If a criminal offence such as harassing phone calls, physical assault or indecent exposure takes place in the workplace, nothing in this policy is intended to prevent or dissuade an individual from contacting the police.

**Anonymous Allegations**

This policy and procedure encourages members of staff to put their name to complaints. Anonymous allegations are difficult to substantiate/prove and will only be investigated further where there is a serious allegation, which is linked to the categories listed in relation to the 20 whistleblowing procedure. If there is insufficient evidence to precede the allegation will not be investigated.

**Appendix D**

<b>Kirkby College Academy</b>
<p><b>Procedure to be adopted at stage one grievance and appeal hearings</b></p> <ul style="list-style-type: none"><li>• the aggrieved member of staff (or their representative) shall put forward the grievance</li><li>• the line manager/investigating manager shall have the opportunity to ask questions of the aggrieved member of staff (or their representative) and any witnesses called in support</li><li>• the grievance manager and panel may ask questions of the aggrieved member of staff (or their representative) and witnesses. Witnesses called by the aggrieved staff member shall withdraw after having given evidence</li><li>• the line manager/investigating manager shall respond, giving the reason for not upholding the grievance at an earlier stage in the procedure</li><li>• the aggrieved member of staff (or their representative) shall have the opportunity to ask questions of the line manager/investigating manager and witnesses called in support</li><li>• the grievance manager and panel may ask questions of the line manager/investigating manager and witnesses. Witnesses called by the line manager/investigating manager shall withdraw</li><li>• the aggrieved member of staff (or their representative) shall have the opportunity to sum up the case, if desired</li><li>• the line manager/investigating manager shall sum up his/her views on the matter, if desired</li><li>• the aggrieved member of staff, representative and line manager/investigating manager shall withdraw</li><li>• the grievance manager and panel shall deliberate in private. The Business Manager will be present but only in an advisory capacity and will not be part of the decision-making process. The panel may recall the line manager/investigating manager and the aggrieved member of staff to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even if only one party is concerned with the point giving rise to doubt</li><li>• the grievance manager may announce their decision at the hearing but will confirm their decision in writing within five working days (one calendar week) of the hearing.</li></ul>

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Note: if the process is being managed by an external organisation the policy will be adhered to but timescales may vary due to the requirement to source a suitable organisation and arrange meetings.



**Appendix E**

<b>Kirkby College Academy</b>
<p data-bbox="204 360 336 389"><b>Mediation</b></p> <p data-bbox="204 465 1366 607">Mediation can provide an early informal process for resolving conflict between members of staff by involving an independent impartial person who will help two individuals or groups reach an acceptable and realistic solution.</p> <p data-bbox="204 680 1361 871">The aim is for mediation to be the first choice for resolving conflict, making the use of formal grievance procedures unnecessary, or a last resort. The advantage of mediation is the range of possible outcomes and the flexibility that it offers both parties, taking into account the fact that, very often, both parties must continue to work together on a daily basis.</p> <p data-bbox="204 945 1297 1086">Mediation is a highly effective method of resolving grievances when the issue has not been resolved by informal discussion. It is strongly recommended that mediation is used before proceeding to the formal grievance procedure.</p> <p data-bbox="204 1160 1361 1301">Refusal to participate in mediation will not bar members of staff from invoking the formal grievance procedure but it is recommended as a useful and constructive way of resolving issues, especially as both parties will usually have to remain working together at the end of the process.</p> <p data-bbox="204 1375 491 1404"><b>Principles of mediation</b></p> <p data-bbox="204 1480 1386 1888">Mediation is a voluntary process which seeks to resolve complaints at an early stage and to provide an opportunity for the respective parties to discuss and search for alternative solutions together. It requires the individuals to take responsibility for the consequences of their decisions. In this respect it is an ideal way of addressing issues before formal grievance processes are put into place. Mediation may also be used during the formal process of grievance resolution providing all parties agree to this approach. Mediation is not prescriptive. It helps the parties involved to make progress in resolving their differences. It does not make judgments or determine outcomes.</p>

How does mediation work in practice?

A mediator will usually meet the parties separately, perhaps more than once and then bring the parties together. At the separate meetings, the mediator will ask questions to establish the nature of the complaint and any underlying causes. They will also explain their role, the rules of confidentiality, steps in the mediation process and ask if the parties have any ground rules they wish to put forward for the joint meeting.

At the start of the joint mediation meeting the mediator will remind the parties of the mediator's role, mediation process, confidentiality and any agreed ground rules. The mediator will help facilitate the discussion between parties and, get people talking and listening and support them in reaching a joint agreement.

Part of the mediator's role is to help the parties explore the perceptions each individual or group has of the conflict – getting behind the emotion and focusing on the key issues and concerns. The mediator will help the parties identify the critical issues and barriers to resolution and facilitate discussion in order for the parties to identify practical solutions.

Mediation meetings

The mediator will arrange a suitable venue and make arrangements for the parties to attend in a confidential and secure manner. The mediator will welcome the parties, set the scene and check that all parties are still willing to proceed with the mediation session. They will agree the ground rules and clarify the areas of conflict. Both parties will be given the opportunity to state their point of view and to be fully heard. Open and honest communication between parties will be encouraged, with the aim of resolving their conflict and building effective future working relationships.

Mediation will seek to achieve:

- options
- solve problems or resolve conflict
- constructive agreements
- disclosures during the mediation meetings.

In the event that any party involved in the mediation process discloses personal information which suggests that further intervention or support could be helpful, then the mediator will discuss this in confidence with the individual involved and, by agreement, arrange for follow-up by an appropriate representative from the academy senior leadership team or governing body.

#### **Outcome**

The mediation will conclude when all parties have agreed that they have a clear understanding of the issues and what has been agreed. If a resolution has been reached, a written agreement will be drawn up for both parties and the mediator to sign. This is not a legal document and will be written in clear simple language. If the issue has not been resolved, then recourse can be made to the grievance procedure.

#### **Documentation**

Any notes prepared by the mediator will be destroyed at the conclusion of the process and will not be disclosed to any of the parties who are the subject of the mediation or any third parties for whatever reason. The only documentation retained will be copies of the agreement as signed and retained by the two parties. The mediator does not keep a copy of the written agreement.

#### **Confidentiality - no disclosure at future stages**

In the event that the matter is not resolved through mediation and the complaint progresses to a formal grievance, no information from any part of the mediation process will be disclosed.

#### **Follow up meetings / availability of mediators**

The parties will agree follow up meetings as deemed necessary. It is usual to have only one follow up meeting with the mediator.