

GRIEVANCE AND BULLYING AND HARASSMENT POLICY AND PROCEDURE September 2020

The Rodillian Multi Academy Trust is committed to a policy of celebrating diversity, promoting equality of opportunity, providing an inclusive workplace and eliminating any unfair treatment or unlawful discrimination. This overriding objective applies to all policies and procedures relating to staff and students. The Trust will comply at all times with the requirements of the Equalities Act 2010 and associated guidance produced by the Department for Education.



Grievance and Bullying and Harassment Policy and Procedure

Summary	The Grievance and Bullying and Harassment Policy and Procedure has been to ensure that the Trust meets its moral and legal responsibilities by providing a straightforward and accessible method for members of staff to raise and resolve concerns		
Responsible Person/Author:	Denise Kriens (Director of HR)		
Applies to: (please circle/delete as appropriate)	Staff <input checked="" type="checkbox"/>	Student <input type="checkbox"/>	Community <input type="checkbox"/>
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DOCUMENT CONTROL

Date	Version	Action	Amendments
June 2020	1.0	Reformatted Policy	None

1. Introduction

- 1.1 This policy has been adopted to ensure that the Trust meets its moral and legal responsibilities by providing a straightforward and accessible method for members of staff to raise and resolve concerns Introductory text goes here.
- 1.2 This policy was originally adopted from a Leeds City Council version which was collectively agreed with trade unions.

2. Policy statement

- 2.1 The aim of the Grievance and Bullying and Harassment Policy and Procedure is to resolve staff grievances fairly, consistently and quickly, in order to minimise conflict and disruption in the workplace.

3. Scope

- 3.1 The policy and procedure will apply to all staff employed by the Trust.
- 3.2 Where the grievance is against the Chief Executive Officer (CEO) or a Principal, and informal processes outlined in section 7.1 have failed to resolve the situation, the employee may request that the Modified Grievance Procedure is used (see Section 12). All other rights and procedures as stated in this document apply.
- 3.3 Where the Principal is submitting a grievance and informal processes outlined in Section 7.1 have failed to resolve the situation, it should be given directly to the Chair of the Trust Board/CEO who will assume responsibility for ensuring the Policy and Procedure are adhered to. The Chair of the Trust Board/CEO may nominate an appropriate member of the Trust Board or an HR representative to respond on behalf of the Trust. All other rights and procedures as stated in this document apply.
- 3.4 Where the CEO is submitting a grievance and informal processes outlined in section 7.1 have failed to resolve the situation, it should be given directly to the Chair of the Trust Board who will assume responsibility for ensuring the Policy and Procedure are adhered to. The Chair may nominate an appropriate member of the Trust Board or an HR representative to respond on behalf of the Trust. All other rights and procedures as stated in this document apply.

4. Dissemination and implementation

- 4.1 The policy will be held on the Trust and academy websites where it will be accessible to all staff. Following any review of the policy resulting in an updated version being adopted by the Trust Board, staff will be advised by email/alert where they may access it and advised as to whether they are required provide confirmation that they have read the document.
- 4.2 Appropriate training and guidance will be provided by HR regarding the

implementation of the policy for the relevant managers in relation to any new or revised procedures and guidelines within an appropriate timescale.

5. Definitions

5.1 **Grievance** - a complaint by an individual employee (or group of employees) about a matter related to their employment, for example

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

Any written complaint from an employee relating to their employment should be considered under this Policy and Procedure.

5.2 **Collective Grievance** – a complaint by a group of employees about a matter related to their employment (see examples above). Where there is a collective grievance, the case for the employees may be presented by one employee representing the group (they may be accompanied by another colleague from the group but this person may not take an active role in the proceedings). If the employees are members of a trade union the case for the employees may be presented by one trade union representative. One representative of each trade union has the right to be in attendance at the Hearing.

5.3 **Bullying and Harassment Grievance** - the Trust is committed to providing a working environment that ensures all employees are treated with dignity and respect at work. The Trust also recognises its duty to provide employees with a safe and healthy working environment. It is the Policy of the Trust to make every effort to provide a working environment free from harassment, intimidation and any other form of unacceptable behaviour that is personally offensive.

The aim of this Policy is to ensure that the Trust meets its moral and legal responsibilities by providing a supportive and accessible way for members of staff to raise and resolve problems relating to personal bullying, harassment or victimisation by another member of staff.

Bullying and harassment are unacceptable forms of behaviour which can cause inappropriate stress and anxiety for employees. They are also recognised as serious management issues as they can result in low morale, under-performance and absenteeism.

This Policy intends to address all forms of offensive and unfair behaviour, whether or not such behaviour is unlawful. It aims to underpin the standard of

behaviour expected from all employees and provides practical guidance on how to deal with bullying and harassment.

The Policy provides for staff to seek redress through either an informal or formal process as the individual prefers, and in appropriate cases management will initiate formal disciplinary action.

This Policy is not intended and may not be used to inhibit or limit management in their legitimate role or authority.

5.4 **Definition of Bullying and Harassment**

For the purposes of this Policy the Trust has adopted the following definition
Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness.

Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face. (ACAS 2019).

5.4.1 Examples of bullying might include:

- a) Making malicious and/or derogatory remarks about a colleague.
- b) Unreasonably excluding a colleague from a normal workplace activity e.g., a meeting which they would expect to participate in.
- c) Setting objectives with impossible deadlines.
- d) Shouting or swearing at or humiliating a colleague.

5.4.2 Under the Equality Act 2010, harassment is unwanted conduct which is related to one of the following protected characteristics: age, disability, gender reassignment, race, religion or belief and sex and sexual orientation. The following are some examples of behaviour which can be viewed as harassment:

- Unnecessary touching, patting, brushing against another person's body
- Sexual advances, propositions, suggestive remarks or other gestures
- Display of pornographic or sexually suggestive pin-ups, posters etc
- Any images, words or actions which can reasonably be perceived as derogatory towards a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation
- Inappropriate communications by email or on the internet e.g. on social network sites (for further guidance please refer to the Trust's ICT & E-Safety Policy).

Harassment may not be targeted at an individual(s) but consist of a general culture, which, for instance, appears to tolerate the telling of homophobic jokes.

The lists are not intended to be exhaustive and other types of behaviour may clearly constitute bullying or harassment.

5.5 Victimisation

Victimisation refers to bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act. It includes situations where a complaint hasn't yet been made but someone is victimised because it's suspected they might make one. If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.

5.6 The Trust has a duty of care to its employees and any bullying or harassment complaint will be considered in accordance with all statutory rights and responsibilities. This Policy and Procedure will support the Trust's Equality and Diversity Policy.

5.7 Individuals who consider that they are being subjected to bullying or harassment should keep a note of any incident, including the date, time, place, witnesses and details of what happened on each occasion.

6. Roles and responsibilities

6.1 Trust Board

- Inform HR and obtain advice.
- Respond promptly and effectively to any complaint submitted by the CEO.
- Establish an appropriate member or panels from the Trust Board who will, if required, retain responsibility for hearing any grievances under this Procedure and or subsequent appeals.
- Respond promptly and effectively to any complaint referred to a hearing and/or subsequent appeal.
- Ensure that the Grievance and Bullying Harassment Policy and Procedure are adhered to.
- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively.
- Refer any employee complaint to the lowest appropriate level of authority who may resolve it.

6.2 CEO

- Inform HR and obtain advice.
- Respond promptly and give due consideration to any complaint submitted from a Principal.
- Try to resolve the grievance at the earliest opportunity and the lowest level of the Procedure.
- Ensure that the Grievance and Bullying and Harassment Policy and Procedure are adhered to.
- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively.
- Provide required information, as appropriate if requested by the employee submitting the grievance.

6.3 Principals

- Inform HR and obtain advice.
- Respond promptly and give due consideration to any employee complaint, either verbal or written.
- Try to resolve the grievance at the earliest opportunity and the lowest level of the Procedure.
- Ensure that the Grievance and Bullying and Harassment Policy and Procedure are adhered to.
- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively.
- Provide required information, as appropriate if requested by the employee submitting the grievance.

6.4 Employees

- Make every reasonable effort to resolve their grievance at the earliest possible opportunity and the lowest level of the Procedure.
- Present a clear and detailed complaint with a suggested resolution
- May at any time withdraw their grievance by confirming this in writing.

6.5 HR

- Provide support for the individuals involved in the process ensuring fairness and transparency throughout.

7. INDIVIDUAL AND COLLECTIVE GRIEVANCE PROCEDURE

Where an employee is uncertain about whether to raise an issue with their line manager they may seek advice from a trade union representative or from HR. Where regular supervision takes place between employee and line manager, it is expected that the employee will raise concerns at an early stage as part of normal management processes as ongoing and professional dialogue.

The longer the time that elapses, the more difficult it will be for the line manager to establish the details of what happened and why. An aggrieved employee should submit their grievances as soon as practical and at least within 60 working days.

If the grievance is lodged after this time the Trust/Academy will take no further action.

There may be exceptional occasions where the timescales need to be varied, this will be done with the agreement of the employee.

7.1 INFORMAL GRIEVANCE RESOLUTION

7.1.1 It is expected that wherever possible employees will have attempted to address grievances informally before pursuing the formal Procedure. This is because the purpose of this Procedure is to resolve issues of concern at the lowest level.

Failure to resolve it at the lowest level can result in a referral to the formal Procedure which can:

- Extend the process longer than necessary
- Increase the feelings of conflict between the parties
- Increase the feelings of anxiety for all parties

7.1.2 Where an employee or group of employees are aggrieved about a matter and have been unable to resolve it through normal management processes they must raise it either verbally or in writing to the Principal in the first instance. If the grievance is against the Principal, it should be raised with the CEO. If the grievance is against the CEO it should be raised with the Chair of the Trust. The employee must be clear about the nature and details of the grievance and a possible resolution. Where there is any documentation relevant to the grievance this should be provided at this stage.

7.1.3 On receipt of the informal grievance the CEO/Principal/Nominated Person and HR should in consultation with the employee and/or their trade union representative discuss how the grievance will be progressed. This should be done as soon as possible.

This can include but is not limited to the following options:

- Informal resolution
- Additional fact-finding
- Informal investigation
- Formal investigation
- Refer to other processes
- Arrange a formal Hearing

Where it has been agreed that attempts to resolve the informal grievance will be made through informal resolution, the following options can be considered but are not limited to:

The CEO/Principal/Nominated Person with the advice of HR will seek agreement from the other party.

Informal Method 1 – Raising the matter directly

If it is agreed that the appropriate resolution is for the employee to raise the matter directly with the person against whom they have raised the grievance, they must choose an appropriate time and use a non-confrontational manner. It may be helpful to outline the particular action which is causing concern and try to make clear exactly what it is they find unacceptable. It is important to allow the other party to have the opportunity to respond from their point of view. The employee may find that shared information with the other person will throw a new light onto the situation and allow both parties to reflect on things differently. It is expected that there will be an agreed method of moving forward at the end of this process.

Informal Method 2 – Involve a colleague

As an alternative to Method 1 the employee could request a colleague, manager or Trust/Academy representative to outline the matter on their behalf by speaking direct to the person involved. After the initial meeting the employee may choose to become more involved at that stage. It is expected that there will be an agreed method of moving forward at the end of this process.

Informal Method 3 – Put it in writing

Where the employee feels unable to use method 1/2 they can choose to put their concerns in writing explaining how the particular action is affecting them. They may seek advice from their union representative about the wording of the letter. Once the employee has taken this step it may be appropriate to arrange for the matter to be taken forward using one of the other informal methods. The other party will also be given an opportunity to respond in an appropriate manner and this may include a written response. It is expected that there will be an agreed method of moving forward at the end of this process.

Informal Method 4 – Restorative meeting

It may be appropriate to ask the HR to arrange for a meeting between the employee and the individual against whom the complaint is raised. This should take place in a location suitable to both parties. It is expected that there will be an agreed method of moving forward at the end of this process.

Informal Method 5 – Mediation

This is a meeting where an independent mediator can help both parties raise issues of concern, assist with understanding the issues and help both parties plan a way of working together effectively in the future. This can only happen in both parties agree and if other informal methods haven't been successful.

If either party is unhappy with the particular method, at any stage, they may adopt the use of one of the alternative methods. If informal methods fail to resolve the situation they may wish to pursue a formal complaint, but they should try and allow sufficient time for all parties to reflect on the matter and to try to reach an agreeable way forward. If managers are involved in the process thus far, they should be considering if there are ways in which a resolution can be found with advice from HR.

People often become defensive and relationships can become more strained when going through the grievance process, which can lead to further tensions and additional stress. For these reasons it is recommended that every effort to be made to try and sort things out informally as soon as possible.

- 7.1.4** If the grievance is not resolved at the informal stage, the employee may then progress the grievance to a Formal Grievance and complete the first half of the Grievance Form (see Appendix 2).

7.2 FORMAL GRIEVANCE RESOLUTION

7.2.1 Where the employee is dissatisfied with the outcome of the informal resolution, they should complete sections 1 to 5 of the Grievance Form (Appendix 2). This should be no later than 10 working days from date the informal resolution method was undertaken, and it should be submitted to the CEO/Principal/Nominated Person who will provide a copy to HR. The form should state specific details of the complaint, the informal method attempted and the resolution which the employee is seeking.

Where the grievance is against the Principal this should be submitted to the CEO who will provide a copy to HR. Where the Principal wishes to submit a formal complaint, they should follow the same Procedure but submit it to the CEO.

Where the grievance is against the CEO this should be submitted to the Chair of the Trust. Where the CEO wishes to submit a formal complaint, they should follow the same Procedure but submit it to the Chair of the Trust who will provide a copy to HR.

7.2.2 On receipt of the formal grievance the CEO/Principal/Nominated Person in consultation with the employee, HR and/or trade union representative will agree how the grievance will be progressed. This can include but is not limited to the following options:

- **Refer back to the informal stage if this has not been explored**

Where the employee has submitted a grievance without trying to resolve it informally the CEO/Principal/Nominated Person will decide if it is appropriate to refer back to the informal resolution as detailed in Section 7.1.

- **Formal Investigation**

The CEO/Principal/Nominated Person will arrange for an independent person to investigate the issues raised. The Investigating Officer's brief is to establish the facts of the case by gathering information and making recommendations on their findings. Before commencing an investigation, advice and guidance should be sought from HR on how to conduct an investigation. The investigation should be undertaken in the strictest confidence. Guidance on the appointment of an Investigative Officer and the role can be found within Appendix 4.

- **Refer to other processes**

There will be occasions when an employee's grievance would be better addressed through another Procedure. Appropriate advice should be taken from HR. The CEO/Principal/Nominated Person must establish that there is some evidence to support the aggrieved person's claims before referring to another process. The referrals are likely to be:

- Ill Health
- Capability
- Disciplinary

It is not necessary to obtain the employee's consent to refer the subject of their grievance to another process. Where a grievance has been referred to another process the CEO/Principal/Nominated Person should discuss with the employee whether this referral has in itself satisfied the grievance.

- **Arrange a formal Hearing**

Where the agreed outcome following an investigation or discussion is to arrange a formal Hearing the Principal/CEO/Member of the Board/Panel of the Governing Body/Trust Board will ensure the process at Appendix 3 is followed.

7.3 FORMAL HEARING

7.3.1 The Hearing will normally be held within 20 working days, ensuring that the employee has a minimum of 5 working days to prepare. The panel will conclude the Hearing with one of the following options:

- Agree with the resolution proposed by the employee.
- Decide on an alternative resolution.
- Dismiss the grievance.

7.3.2 The Panel of the Trust Board/Trust Board Member/CEO/Principal may adjourn the meeting to request more information or evidence at any point, but the meeting should be reconvened within 5 working days where practical.

7.3.3 The Panel of the Trust Board/Trust Board Member/CEO/Principal will then confirm the outcome of the meeting to both parties, and their representatives where appropriate, in writing within 5 working days, informing the individual who made the complaint of their right to appeal against the decision. No other party has a right to appeal against the decision.

7.4. RIGHT OF APPEAL

7.4.1 The employee must appeal within 10 working days of receipt of the formal outcome. The employee must complete section 6 of the Grievance Appeal Form at Appendix 2 and submit it to the the Panel of the Trust Board/Trust Board Member/CEO/Principal who will provide a copy to HR. The Form should state specifically why the employee feels that the Formal Grievance resolution is unsatisfactory and what outcome they are seeking.

7.4.2 An employee can raise an appeal if they feel:

- the grievance outcome is wrong
- any part of the grievance procedure was wrong or unfair
- they have new evidence to show

If this is the case, the Appeal Panel will need to look at the case again to establish if:

- the procedure was following in a fair way
- the outcome was fair

An appeal hearing would not constitute a complete rehearing of the case, unless the panel feel this is appropriate.

7.4.3 In order to consider the appeal, the Appeal Panel will ensure that the attached process is followed (Appendix 3) and a hearing will normally be held within 20 working days, ensuring that the employee has a minimum of 5 working days to prepare. A different panel of the Trust Board should hear the Appeal. The Appeal Panel will conclude the Appeal Hearing with one of the following options:

- Uphold the appeal and implement the resolution proposed by the employee.
- Uphold the appeal and implement an alternative resolution.
- Dismiss the appeal and accept the decision of the original Hearing.

7.4.4 The Appeal Panel may adjourn the meeting to request more information or evidence at any point, but the meeting should be reconvened within 5 working days where practical.

7.4.5 The Appeal Panel must then confirm the outcome of the meeting to parties, and their representatives where appropriate, in writing within 5 working days.

7.5 MODIFIED GRIEVANCE PROCEDURE

7.5.1 The Modified Procedure may apply under the following circumstances:

- Where the employee has submitted a formal grievance but is then unable to attend a Hearing within a reasonable timescale. It is important for all concerned that the process is not unduly delayed and if a mutually acceptable timescale cannot be reached, the complaint should be referred to the modified Procedure.
- Where the employee has left employment with the Trust/Academy
- Where the employee has a grievance against the CEO or the Head of
- Where the employee submitting the complaint specifically requests this Procedure to be adopted. This may be for a number of reasons and the request should be considered on an individual basis.

7.5.2 The employee must complete the sections 1-5 of the Grievance Form (Appendix 2) and submit it to the CEO/Principal/Nominated Person who will provide a copy to HR, where the grievance is against the Principal this should be submitted to the Chair of the Governing Body/CEO who will provide a copy to HR. This must be done as soon as possible or within 60 working days of the original cause for grievance. The form should state specific details of the complaint and the resolution which they are seeking. At this point, the employee should also include any evidence they can provide in support of the complaint.

7.5.3 The CEO/Principal/Nominated Person will collect any further information required to clarify the grievance and produce a written response to the individual who raised the grievance normally within 20 working days.

7.5.4 Any current employee has the right of appeal against this decision and should revert to the standard grievance appeal Procedure outlined above. An individual who has left employment has no further right of internal appeal.

8. Monitoring

8.1 HR will monitor the implementation and effectiveness of the policy by liaising with the Principals within each academy on an annual basis. Issues arising from regular reporting by HR will also help inform this process as will any ad hoc concerns raised by staff, students or the community.

8.2 HR will monitor the relevant legislation, guidelines and information forthcoming from the relevant statutory bodies for any recommendation or changes. Where a gap, potential inequality or shortfall in performance is identified within the policy.

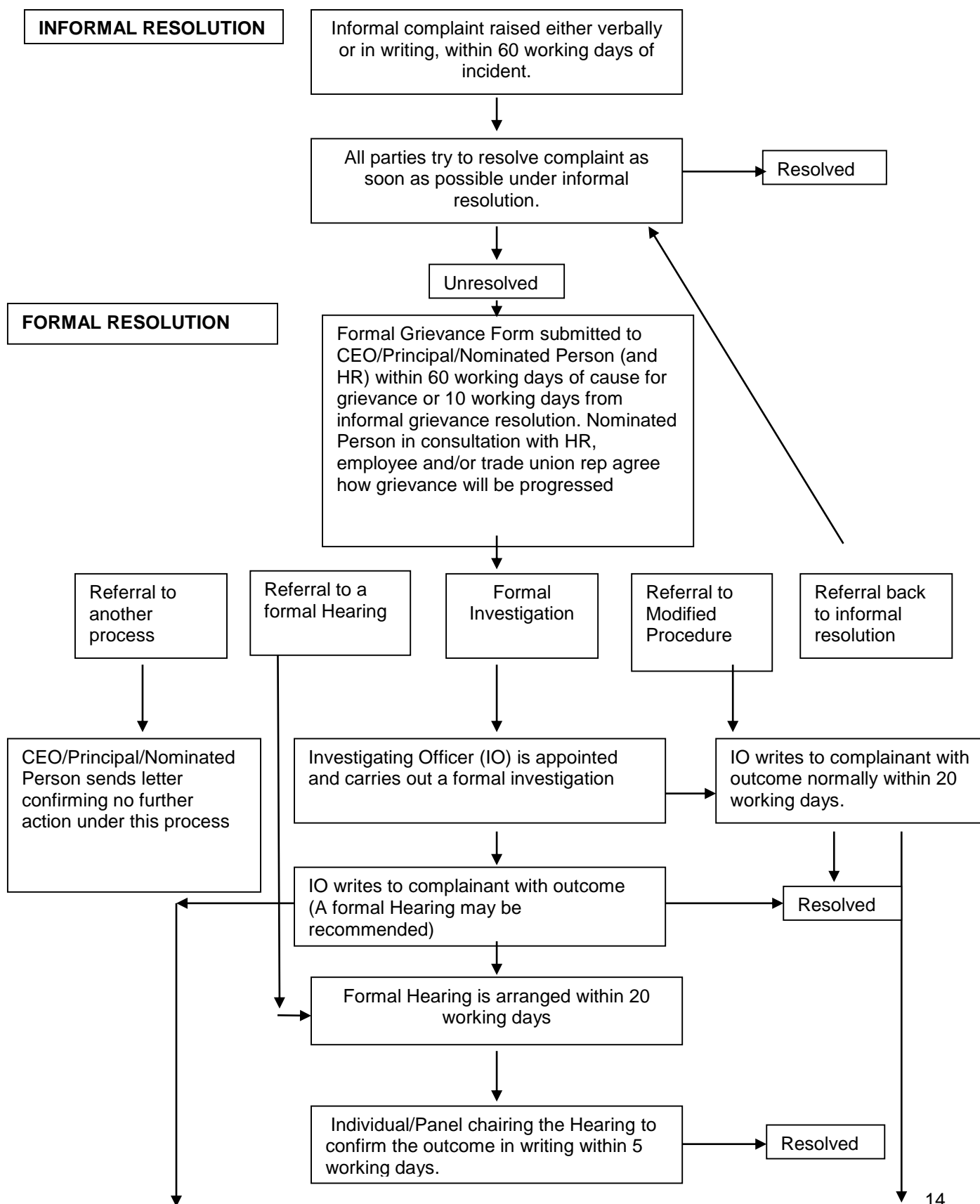
8.3 HR will advise the responsible Trust Board Committee of any changes that are needed and a proposal will be submitted to the Trust Board within an appropriate timescale. There will be a full review of the policy by HR prior to the stated review date where recommendations will be made for consideration by the Trust Board.

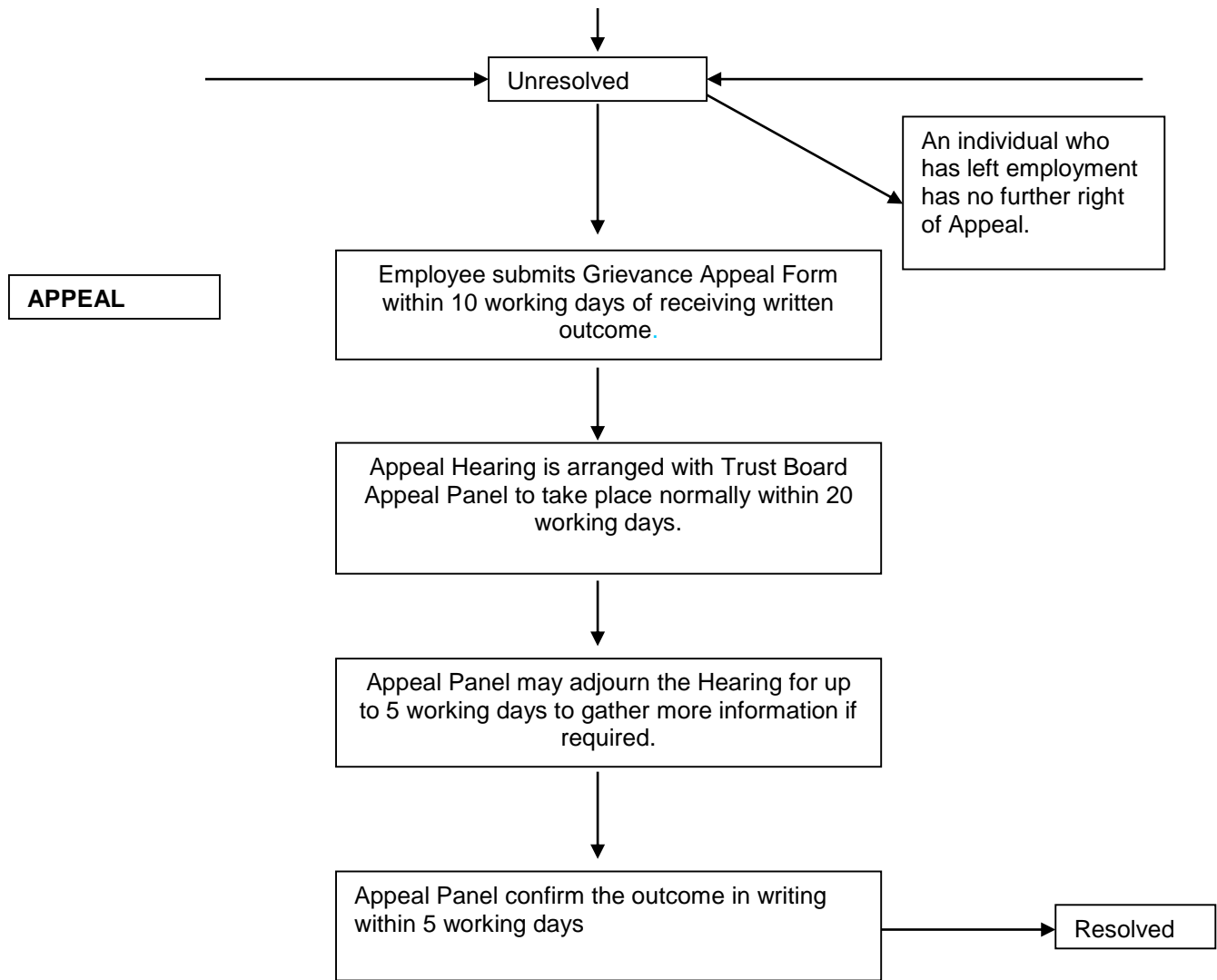
9. References

- Disciplinary Policy and Procedure
- Capability Policy and Procedure
- Managing Attendance Policy and Procedure
- Equality and Diversity Policy
- Performance Management Policy
- Pay Policy

Appendix 1

**GRIEVANCE AND BULLYING AND HARASSMENT
PROCEDURE FLOWCHART**





Appendix 2

GRIEVANCE FORM

You should use this form to submit a grievance at the formal stage. Make sure you read and understand the guidance notes accompanying this form before you fill it in.

1. About you

Your name: _____ Where you work: _____

Your job title: _____

How can we get in touch with you (e.g. phone number, email)? _____

2. Representation

If you have a union representative who is advising you:

Their name: _____ Their phone number: _____

3. Your grievance

Does this relate to bullying and harassment: Yes/No

Do you want this complaint to be considered under the modified Procedure: Yes/No

Reason:

Explain the issue you want to resolve:

(Attach further sheets if required)

4. Desired outcome

What needs to happen to resolve this issue? What outcome are you hoping to achieve?

(Attach further sheets if required)

5. Attempts to resolve the issue

Tell us what you have done so far to try to resolve the matter, and who has been involved.

(Attach further sheets if required)

6. Appeal

Date of outcome of Grievance Hearing:

Reasons for appeal

(Attach further sheets if required)

7. Sending the form in

Send this form to the Chair of the Trust/CEO/Principal/Nominated Person and to HR

Your signature: _____ Date sent: _____

Appendix 3

PROCEDURE FOR FORMAL GRIEVANCE AND BULLYING AND HARASSMENT HEARINGS AND APPEALS

- 1** When the employee has explored all options within the informal grievance Procedure, the employee can submit their formal grievance to the Chair of the Trust/CEO/Principal/Nominated Person (with a copy to HR) as applicable.
 - 2** The Chair of the Trust/CEO/Principal/Nominated Person will convene a Hearing within 20 working days of the receipt of the request from the employee, but giving the employee at least 5 working days' notice of the arrangements.
 - 3** The employee and the representative of the Academy/Centre, where appropriate, will be provided with all appropriate documentation and asked to produce any supporting documents and/or call witnesses. Copies of the documents should be provided, Hearing to all parties, as soon as practicable before the Hearing. Should this prove impossible, full consideration will be given to documents produced at the Hearing although an adjournment may be called for all parties to consider new evidence. Details of the witnesses to be called should be provided prior to the Hearing, if possible.
- NB:** Witnesses can be asked to attend the Hearing by either party, but are under no obligation to do so.
- 4** At the outset only the Panel of the Trust Board/Member of the Trust Board/CEO/Principal (where they are hearing the case) and HR will be in the room. The Panel may arrange for someone to take notes or record the meeting.
 - 5** The Panel will invite the parties to enter. The witnesses will remain outside the room until they are called. The Hearing should be conducted as follows:
 - a. The employee or their representative will present their case, calling witnesses and producing documents, as necessary.
 - b. The witnesses may be questioned by the representative of the school. The HR adviser to the Panel of Trust Board/Member of the Trust Board/CEO/Principal may, through the chair of the panel seek to clarify points made in evidence.
 - c. The school representative, where present, will then be given the opportunity to clarify any aspects of the grievance and present any evidence as appropriate.
 - d. The same procedure will be followed as for the employee, as regards witnesses, documents and questions.
 - e. Where appropriate, the Academy representative will then make a concluding statement.

- f. The employee or their representative will make a concluding statement. If the representative has presented the case, the employee will be given the opportunity to make a final statement in support of the case if she/he so wishes.
- g. After Hearing the case the Panel will ask all parties to withdraw so that they may consider their decision.
- h. The Panel may seek guidance from the HR adviser to the h the Panel of Trust Board/Member of the Trust Board/CEO/Principal on matters of Procedure but not on matters of fact. The Panel may wish to seek clarification from one or both parties, in either case both sides should be recalled.
- i. All parties may request an adjournment to proceedings at any time.
- j. After the Panel has reached a decision, both parties will be recalled and the decision will be given. The decision will be confirmed in writing within five working days of the Hearing and the employee will be informed of her/his right of appeal.

Appendix 4

THE INVESTIGATING OFFICER

Nominating the Investigating Officer

All staff (except the CEO/Principal/)

Where it has been agreed that a grievance requires investigation the Chair of the Trust/CEO/Principal/Nominated Person as appropriate should nominate an investigating officer bearing in mind the following points:

1. Wherever possible, they should be a person with no involvement whatsoever in the matter under investigation
2. The person nominated should wherever possible be a senior member of the school staff. This would not normally be the Chair of the Trust/CEO/Principal/.
3. In certain exceptional cases the CEO/Principal may choose to act as Investigating officer. It is recommended that the CEO/Principal fulfils the role only in those cases where:
 - a) a senior member of staff is the subject of the investigation;
 - b) other senior members of staff may be called as a witness;
 - c) where there is no senior member of staff available who does not have detailed prior knowledge of the case.
4. In exceptional cases, where no appropriate senior staff member within the Academy/Centre is available the Chair of the Trust/CEO/Principal/Nominated Person may appoint an HR representative or appropriate individual from a separate organisation to act as an investigating officer.

Concerns about the conduct of the CEO

The Chair of the Trust should determine who should act as investigating officer e.g. a member of the Trust Board or in exceptional circumstances HR or an appropriate individual from a separate organisation.

Concerns about the conduct of the Principal

The Chair of the Trust and the CEO should determine who should act as investigating officer e.g. a member of the Trust Board or HR.

Role of the Investigating Officer

The Investigating Officer's brief is to establish the facts of the case by gathering information. Before commencing an investigation, advice and guidance should be sought from HR on how to conduct an investigation.

The Investigating Officer will inform all parties involved, in writing that they are carrying out an investigation and give sufficient information as to what the investigation relates to. The Investigating Officer should indicate that a meeting will be arranged after information has been gathered at which the relevant parties will be given the opportunity to respond.

Evidence to be collected may be in the form of:

- Receiving written accounts from witnesses which are signed and dated or by conducting interviews with anyone who may have knowledge of the case which is recorded in the form of questions and answers but is not necessarily verbatim and should be verified by the person who has been interviewed.
- Obtaining any other relevant documents e.g. guidelines and procedures, conditions of service.

The whole process of the investigation should be undertaken in the strictest confidence and as expediently as possible.

Appendix 5

RIGHT TO BE ACCOMPANIED

- At every stage in the Procedure, the employee, and any person against whom a complaint is made, may be accompanied by a trade union representative or a colleague (not employed or acting in a legal capacity). If the chosen representative cannot attend on the proposed date, one alternative date will be provided. This will not normally be more than 5 working days after the date originally proposed by the employer. Both parties must ensure there are no unreasonable delays to the process.
- The representative may participate in meetings in support of the employee, but may not answer questions on their behalf.
- When arranging a meeting, the Trust/Academy should be conscious of the needs of the employee and of his/her representative, to be given adequate time to prepare the case.

Appendix 6

SUPPORT

- Raising a complaint at work can be a very difficult time both for the employees involved and their colleagues, whether it is tackled informally or formally. The Trust is committed to supporting all members of staff and will ensure that additional support is provided as requested, for example counselling through the relevant external support service or advice from Occupational Health.
- When employees choose to raise a grievance, they may contact their trade union or other representative for advice at the outset.
- The following resources are available to all staff:
 - Trade unions – support and advice for members
 - HR support and advice
 - HELP – counselling service providing confidential advice and support 24 hours a day on 0800 174319 ACAS – www.acas.org.uk or 0800 028 5149

Appendix 7

Equality Impact Assessment

Equality, Diversity, Cohesion and Integration Screening

As a Trust via the public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration. Please also take due regard of Equalities considerations.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Organisation: Rodillian Multi-Academy Trust	Department responsible for the Policy: HR
Lead Person: Denise Kriens	Contact Number: 07903 842811

Title: Grievance and Bullying and Harassment Policy and Procedure
Is this a: <input checked="" type="checkbox"/> Policy If other, please specify

2. Please provide a brief description of what you are screening
The Grievance and Bullying and Harassment Policy and Procedure has been adopted with the aim of resolving staff grievances fairly, consistently and quickly, in order to minimise conflict and disruption in the workplace. The Rodillian Multi-Academy Trust is committed to providing a working environment that ensures all its employees are treated with dignity and respect at work. The Trust also recognises its duty to provide employees with a safe and healthy working environment. It is the Policy of the Trust to make every effort to provide a working environment free from harassment, intimidation and any other form of unacceptable behaviour that is personally offensive.

3. Relevance to equality, diversity, cohesion and integration

All the Trust's policies affect service users, employees or the wider community. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the Policy or proposal?		X
Could the proposal affect how services are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on: <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

We have considered equality, diversity, cohesion and integration in relation to the following:

- Scope of the proposal – all staff.
- Who is likely to be affected – as above.
- Equality related information — is held on individual academy and Trust records and on payroll records.
- Gaps in information and plans to address – the Trust intends to work to further improve processes relating to the gathering of equality related information across the organisation.
- Consultation and engagement activities with those likely to be affected – ongoing feedback from staff, HR and unions. The Policy is made available to staff and is on our website. The Rodillian Multi-Academy Trust has adopted this Policy from Leeds City Council. It was collectively agreed by the Leeds City Council HR

- Schools Team and trade union convenors working on behalf of members employed in our schools following consultation.
- The Rodillian Multi Academy Trust is committed to ensuring that this Policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, sexual orientation, marital status, pregnancy, disability, age, trade union membership and activity.

- **Key findings**

We have considered the potential positive and negative impact on different equality characteristics in relation to the Policy and do not believe that any groups will be adversely affected. The HR Team is vigilant in adhering to the appropriate legislation in relation to protected characteristics and to preventing discrimination. Managers are supported and trained in relation to these areas. HR is present at all stages of the Procedure to ensure that it is fair and transparent. Employees are entitled to trade union representation at all stages of the procedure.

We have considered the perception that the proposal could benefit one group at the expense of another and we do not believe that the Policy could be perceived to be discriminatory with regards to its wording or format.

- **Actions**

The Trust will continue to promote positive impact and remove/reduce negative impact through the application of this Policy where grievances are raised either formally or informally.

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Andy Goulty	CEO	June 2020

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

For record keeping purposes a copy will be kept on file with a copy of the Policy and one with HR.

Date screening completed	June 2020
Date agreed at Trust Board /Committee	June 2020