



Interaction &
Communication

— Academy Trust —

Grievance & Dispute Resolution Policy

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1. Introduction

Interaction & Communication Academy Trust (ICAT) is committed to ensuring that the employment arrangements meet the highest standards of fairness and statutory entitlements in employment. We seek to build a workplace environment where colleagues are treated fairly and can work with dignity and respect.

The aim of the Grievance Policy is to address any grievances fairly, consistently, and promptly. We believe that the fair and effective resolution of staff concerns is beneficial to harmonious working, job satisfaction, productivity and ultimately to the effective education of our pupils.

This policy document over-rides any previous LA, School, Trust employee grievance and complaints procedures previously adopted. The Grievance Policy is not contractual and may be varied by the Trust.

2. General Principles and Definitions

This procedure applies to all staff employed by the Trust in respect of where to seek redress of any complaint (except those matters which are subject to separate procedures e.g. flexible working and pay relating to their employment).

Complaints made under this procedure should be made as soon as possible (and in any case within 3 months of the alleged event(s) in order that the Trust can resolve matters. The employee should not deliberately or unreasonably delay in bringing the matter to the Trust's attention.

3. Terms used in the Policy/Procedure

Throughout the document the person making the grievance may be termed the "complainant". The term "Trust" also refers to any committee delegated to act by the ICAT Directors on its behalf.

4. Definitions of Bullying, Harassment and Discrimination

ACAS states that most people use the terms bullying and harassment interchangeably, however, ACAS provides the following definitions:

Bullying is:

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

Harassment is:

"Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality, or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient".

“Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual”.

Discrimination may be characterised as:

Any less favourable treatment or victimisation of an employee because of certain characteristics including the following:

1. Age
2. Gender
3. Race
4. Disability
5. Religion
6. Pregnancy and maternity
7. Sexual orientation
8. Gender reassignment
9. Marriage and civil partnership
10. Membership or non-membership of a trade union or involvement in trade union activities
11. Status as an ex-offender
12. Status as a part time worker
13. Fixed term status

5. Responsibilities

5.1 Management

Managers should be aware that in law, an employer may be held responsible for the actions of its employees regardless of whether or not they are aware of those actions. It is therefore essential that the Trust takes appropriate measures to ensure that bullying, harassment, or discrimination do not occur. All meetings and proceedings should be confidential.

It is the responsibility of the Trust to:

- Make all employees aware of the policy and ensure their compliance
- Deal with all issues in a timely, serious, and sensitive manner
- Maintain confidentiality when dealing with cases and ensure that a written record is kept of all informal and formal meetings and discussions
- Make every effort to resolve complaints informally by discussion between the complainant and the appropriate level of management; the resolution of complaints should form part of everyday informal managerial action
- Ensure all managers are familiar with the relevant policies and the Trust/its schools will offer training where necessary, HR advice would always be sought during a flexible working request process.

5.2 All Employees

Each individual is responsible for his or her own actions whilst at work. It is the responsibility of all employees to:

- Be mindful of their own behaviour and treat others with dignity and respect
- Try to resolve problems informally by discussion with colleagues and/or management
- Report incidents of harassment or bullying either personally experienced or witnessed, immediately to the appropriate line manager
- Ensure confidentiality is maintained at all times

The Trust has delegated the following powers to hear grievances to the following levels (or above) of staff:

Investigating Officer	Formal Hearing	Appeal
Nominated Manager /Leadership/Director	Deputy Principal/ Principal/ Trust Director	Principal/ Trust Director

Where the complaint relates to an employee at the level of the appointed Grievance Officer, then the next level of management up will ordinarily deal with the matter (i.e. where a complaint is raised by any member of staff regarding an Assistant Principal, a Deputy Principal ordinarily would be the Grievance Officer and the Principal ordinarily be the Appeal Officer).

For complaints regarding the Principal, a nominated ICAT Director shall have the authority to be the Grievance Officer and a nominated Director or CEO will hear any appeal.

For complaints regarding the Chief Executive, an ICAT Director shall have the authority to be the Grievance Officer and a nominated Director will hear any appeal.

Where grievances are received from previous employees, a written response will be provided.

6. Right to be Accompanied

The complainant may bring a companion to any grievance hearing or appeal meeting under this procedure. The companion may be either a trade union representative or a work colleague who is not implicated in the grievance. The employee must tell the disciplinary officer who his/her chosen companion is, up to and no later than 2 working days before the hearing.

At the meeting, the companion may make representations and ask questions, but should not answer questions on the complainant's behalf. The complainant may talk privately with their companion at any time during the meeting.

A companion is allowed reasonable time off from duties without loss of pay but no one is obliged to act as a companion if they do not wish to do so.

If the employee's choice of companion is unreasonable, the Trust may ask the employee to choose someone else, for example:

- If in the Trust's opinion the companion may have a conflict of interest or may prejudice the meeting; or
- If the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

At a hearing, the companion may make representations to the Trust and ask questions but should not answer questions of the employee's behalf. The employee may confer privately with his/her companion at any time during a hearing.

7. Postponement of Hearings and Appeals

In accordance with Section 10 (4) of the Employment Relations Act 1999 the complainant may seek a postponement of a grievance hearing and propose an alternative time, if their chosen trade union or professional association official or work colleague is not available at the time proposed for the hearing by the employer. The Act states that the alternative time proposed by the employee must be reasonable and fall within five working days beginning the first working day after the day proposed by the employer.

In exceptional circumstances where the efficient running of the Trust or the interests of the health and wellbeing of the parties involved is being compromised by the process; the hearing may be held in the absence of the complainant after considering representations.

8. Record Keeping and Confidentiality

It is important that accurate and chronological records are kept throughout the grievance process, including any initial informal processes. Copies of meeting records should be given to the employee, including copies of any formal minutes that may have been taken. The employee will have been given the opportunity to check the meeting notes for accuracy prior to both sides agreeing they are a true record of the meeting.

Records should be held in a secure and confidential manner. Often the issues raised are particularly sensitive and it is essential that the circulation of information be minimised to that which is necessary to ensure a fair investigation and hearing. All meetings, documentation and proceedings should be confidential.

9. Resolving Complaints Informally

Every effort should be made to resolve grievances informally by discussion between the individual member of staff and the appropriate level of management. This can often lead to a speedy resolution of the problem and is likely to be less damaging to working relationships.

9.1 The Individual

In cases where an employee feels aggrieved by the words or actions of another; it is important for the employee to deal with this at an early stage. The employee should address the issue by one or more of the following options:

- An employee with a complaint must start by discussing it with his or her manager at the earliest opportunity; it may be possible to resolve the complaint informally through discussion.
- If the employee has a complaint regarding his or her line manager, she or he may seek assistance from a more senior manager.
- The employee may also seek support from his or her trade union representative, Occupational Health, or a mediation service (see section 10).

If the complaint is against a Principal or the Chief Executive, see section 15-17.

9.2 Management

When a grievance has been raised verbally or in writing in the first instance the nominated manager should offer a meeting to discuss the details of the grievance and seek to gain the employee's agreement to address the grievance informally. The line manager may decide to address the grievance by one or more of the following options:

- Offer the complainant a meeting with their manager and the person whom they have a grievance with to openly discuss any issues and agree a way forward
- Speak to the person whom the grievance is made against on the employee's behalf.
- Refer the complainant and the person whom the grievance is made against to Occupational Health for support (if necessary).
- Arrange external mediation subject to agreement by all parties.

In all circumstances, managers should try to resolve the underlying problem informally as part of good management practice. However, the decision to attempt to achieve an informal resolution ultimately rests with the complainant.

10. Mediation

Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement without recourse to the formal procedures. Mediation should be undertaken by a neutral third person who is trained in mediation techniques. Mediation, where it is successful, can produce quicker and more satisfactory results for the parties involved and may reduce the damage caused to working relationships and the health and wellbeing of all parties. Employees may be offered mediation at any stage of the complaints process. Equally, either party or their trade union representatives may make this suggestion.

Even if mediation is not initially agreed by the parties, the offer of a mediated process can be re-offered as the case progresses.

Mediation may be used for:

- Resolving conflict between colleagues, or between a member of staff and their line-manager
- Rebuilding relationships after a formal dispute has been resolved
- Addressing personality clashes, communication problems and bullying and harassment

Please note, where disciplinary action is required; this process should be completed prior to mediation.

The details of discussions within mediation processes are confidential to the parties involved.

The mediation process is normally carried out without the involvement of trade union or management representatives.

11. The Formal Procedure

If it is not possible to resolve a grievance informally, employees can raise the matter formally and without unreasonable delay following the action or decision under dispute (see section 2) to the Principal, or to the Chief Executive if the grievance is against the Principal or a Director if the complaint is against the Chief Executive. This should be done in writing and set out the details of the grievance and state that the grievance is being made on a formal basis.

11.1. Step 1 – The Grievance Letter

Details of the grievance should be forwarded in writing by the complainant. The complainant should normally receive an acknowledgement of the grievance within five working days.

The grievance letter should carefully describe the grievance, giving a detailed account of the decision about which, they are aggrieved or what is alleged to have occurred, who was involved, detail any witnesses and state when the event/s happened. In some situations, the Trust may need to ask the complainant to provide further information. After receipt of the grievance, an initial fact-finding investigation will take place, this will enable the subject/subjects, to respond to the allegation and provide further information. This will in turn establish whether the grievance needs to be progressed to a formal management investigation.

Should an investigation be necessary then the timescales for arranging a grievance hearing may vary. To minimise employee stress and to facilitate the efficient running of the Trust, all attempts will be made to complete the process in a timely manner. In some cases, it may be appropriate to appoint an external investigator.

The complainant must co-operate fully and promptly in any investigation. This may include informing the Trust of the names of any relevant witness, disclosing any relevant documents, and attending interviews, as part of the investigation.

The Trust/Academy may initiate an investigation, ideally this should be before holding any complaint meetings, or at the very latest after the first meeting to discuss the complaint.

In circumstances where the complainant cites the behaviour of one or more colleagues within their Grievance then those parties should also receive feedback on the outcome of any investigation.

11.2. Step 2 – The Investigation Meeting

If required, an investigation meeting will be arranged, normally within 5 working days of receiving the written complaint or as soon as is practicable.

The complainant and his/her companion (if any) should make every effort to attend meetings. If the complainant or his/her companion cannot attend at the time specified, the complainant should inform the Trust immediately and the Trust will try, within reason, to agree an alternative time.

The purpose of an investigation meeting is to enable the complainant to explain his/her grievance and how the complainant thinks it should be resolved, and to assist the Trust / Academy to reach a decision based on the available evidence and the representations the complainant has made.

Witness evidence (save for additional matters that the employee wishes to raise) is provided through witness statements. There is no right for the Trust or the employee to call witnesses to the hearing. As such, there is no power for the Trust or the complainant to cross examine witnesses (albeit that the Grievance Officer may ask questions of the complainant).

Should the complainant wish to question the evidence provided by another witness in the investigation then this should be raised during the investigation or upon receipt of the investigation documents.

After an initial investigation meeting, the Trust may carry out further investigation and hold further meetings as the Trust considers appropriate. Such meetings will be arranged without unreasonable delay.

11.3. Step 3 - Grievance Hearing

The purpose of a grievance hearing will normally be to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it. A written record of the hearing will be made.

The parties present at the hearing will introduce themselves and confirm their respective roles in the hearing before the complainant is invited to state their case. The Grievance Officer will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements where appropriate.

The Grievance Officer may ask the complainant questions about the circumstances of the grievance in order to establish all the relevant facts, background, and surrounding circumstances. The complainant may confer with their representative at any time during the grievance hearing.

There are two possible outcomes:

Grievance/Complaint - not upheld/unsubstantiated - i.e. because it is evident that the behaviour complained of did not occur or because there is insufficient evidence to support the grievance. If, in such a case, the Trust is nonetheless satisfied that the complainant's distress is genuine and/or that there has been a serious breakdown in relationships the Trust may offer support to the colleagues in the restoration of their working relationship through mediation or other methods as appropriate.

Grievance/Complaint upheld or upheld in part - if the outcome of the hearing is that the grievance is fully or in part proven on the balance of probabilities then consideration should be given to appropriate actions to prevent reoccurrence of the matters complained of. Disciplinary action may be recommended in appropriate circumstances as a separate procedure.

The complainant should be informed of the outcome, in writing, normally within five working days. The reason(s) for the outcome should be included as part of the response. If the employee is dissatisfied with the outcome, then they will be informed of the right to take the grievance to an appeal hearing.

11.4. Step 4 – The Appeal

If the complainant is dissatisfied with the decision from the grievance hearing, s/he should notify the Trust within five working days of receipt of the decision letter of his or her decision to appeal. The complainant must give specific reasons why they are dissatisfied with the outcome and state exactly what outcome they would wish for.

An appeal can be made on the grounds of:

- Perceived unfairness of the decision.
- Disputing the facts of the case including new evidence coming to light.
- Procedural non-compliance.

The appeal will be dealt with impartially by a more senior officer who has not previously been involved in the case. The hearing will take place as soon as is reasonably practicable, allowing for the fact that some further investigation may be required. The Trust will confirm its final decision in writing, usually within 5 working days of the appeal hearing. The decision will be final; there is no further right of appeal and this is the end of the procedure.

12. Disciplinary Implications on the Outcome of Complaints Process

Where a grievance of bullying, harassment or discrimination is upheld, management may take action under the disciplinary procedures.

Where the behaviour complained of is found to be inappropriate but not meriting formal disciplinary action, management may work with the person whom the grievance is made against to modify their behaviour through the use of management instruction, coaching, training, mentoring and mediation.

The making of vexatious or false grievances may result in disciplinary action being taken.

13. Restoring Working Relationships

Whatever the outcome of a grievance, it is management's responsibility to re-establish effective working relationships amongst the employees involved; it is the employees' responsibility to co-operate to achieve this. The Trust may seek agreement from both the complainant and the person who the complaint has been made against for the case to be referred to mediation.

14. Occupational Health Support / Employee Assistance Programme

The Trust has a duty of care to all parties involved in the case and should recognise that the process may be stressful and have an impact on the health and wellbeing of all parties. The Trust may seek occupational health support for either party where required.

15. Grievances/Complaints Against a Principal/Chief Executive

15.1. Informal

An employee who wishes to make an informal grievance against the Principal with a view to resolving an issue may use any of the following approaches:

- Approach the Chief Executive
- Contacting the trade union representative who may contact the Principal directly
- Approach the ICAT Directors.

An employee who wishes to make an informal grievance against the Chief Executive with a view to resolving an issue may use any of the following approaches:

- Contacting the trade union representative who may contact the Chief Executive's trade union representative or the Chief Executive directly
- Approach the ICAT Directors.

Where the situation cannot be resolved through mutual discussion, consideration should be given to the use of mediation.

It must be noted that this is the INFORMAL part of the process and that any person the employee chooses to contact to assist in resolving the problem must deal with the matter on a confidential basis.

16. Grievances/Complaints made by the Principal/Chief Executive

A Principal/Chief Executive may raise a grievance against a member of staff on the grounds of bullying, harassment, or discrimination. A Principal / Chief Executive may raise a complaint against the ICAT Directors but not against an individual Director unless she or he is exercising a delegated power or function, or one conferred by law.

17. Grievances/Complaints Against the ICAT Directors

The Trust's Chief Executive should be contacted for advice. Please refer to the ICAT Complaints Procedure.

18. Collective Disputes

Where more than one member of staff has lodged a grievance relating to the same or substantially the same issue, the Trust may deal with the grievance together in the interests of fair and consistent decision-making. This may involve agreement that one employee progresses matters on their colleagues' behalf. Alternatively, the trade union may initiate a collective grievance on behalf of more than one named employee where the issues are the same.

19. Overlapping Grievances and Disciplinary Cases

Where an employee raises a grievance/complaint during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance, at the discretion of the Trust. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently and deal with the complaint as part of the disciplinary process.

20. Monitoring and Evaluation

The Trust will monitor the outcomes and impact of this policy on an annual basis, including trends in progression across specific groups to assess its effect and the Trust's continued compliance with equalities legislation.