



STAFF ANTI BULLYING AND HARRASSMENT GUIDELINES 2020

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1.0 SUGGESTED CHECKLIST FOR FORMAL COMPLAINT PROCEDURE

Section in Procedure Guide	Suggested Actions to Take	Date
1	Attempt to resolve the grievance informally in the first instance.	
2.1	<p>Statement of complaint. Employee to:</p> <ul style="list-style-type: none"> ▪ put their complaint in writing without unreasonable delay, ▪ set out the nature of their complaint, ▪ explain how they think it should be resolved, and ▪ send to the Headteacher if not the subject of the complaint. If the complaint is against the Headteacher, the matter should be referred to the Chair of Local Governors and therefore Headteacher should be substituted to Chair of Local Governors if this is applicable in these guidance notes. 	
2.3	Clarifying the points. The manager who receives the formal written complaint will meet the employee as soon as possible to confirm receipt of the complaint and to clarify the facts. Discuss with the employee whether formal procedures are necessary.	
2.3.3	The person who received the complaint to notify the Headteacher that they have received a formal harassment complaint. The Headteacher will consider whether it is necessary to take steps to prevent contact between the complainant and alleged harasser.	
2.4	The Headteacher to appoint someone to investigate the complaint (Investigating Officer).	
2.5.1	<p>Investigation Officer meets employee to:</p> <ul style="list-style-type: none"> ▪ confirm that they will be investigating the complaint, ▪ clarify the facts, ▪ find out what attempts have been made (if any) to resolve the situation informally, ▪ clarify what evidence is available, ▪ find out whether there are any witnesses (if relevant), 	

	<ul style="list-style-type: none"> ▪ understand how the employee would like to see the problem resolved. 	
2.5.2	Investigating Officer to meet and take statements from witnesses (where relevant).	
2.5.3	Following initial investigation, if complaint appears to be valid, the Investigating Officer to advise of findings. Action will be taken to stop harassment and if necessary, instruct a disciplinary investigation. Move proceedings straight to Hearing to advise employee of decision.	
2.5.4	In cases where there is conflict of evidence or uncertainty, the Investigating Officer will compile a report, so that the matter can be discussed at a Hearing.	
	Investigating Officer to advise that the investigation is complete.	
2.5.5	Set up a Hearing.	
2.5.6	Hearing takes place and Headteacher/Local Chair of Governors Staffing panel confirms their decision either at the Hearing, if they have sufficient information to make a decision, or later in writing if the need for further investigations after the Hearing.	
2.5.8	Head/Chair of panel to inform employee of their right to appeal.	
2.6	Employee must submit their appeal within 5 days of receiving written confirmation of the outcome to the CEO of Horizon Multi Academy Trust. Employee to provide the grounds of their appeal.	
2.6.1	Horizon Multi Academy Trust Panel appointed to hear the Appeal and arrangements made for the Hearing.	
2.6.2	Horizon Multi Academy Trust Panel Appeal Hearing decision is given either at the Hearing or later in writing. This decision is the end of the matter	

2.0 GENERAL PRINCIPLES

The purpose of this procedure guide is to inform employees how to raise complaints of harassment, bullying, discrimination and victimisation, so that action can be taken to stop inappropriate behaviour. The guide also details steps management should follow when handling complaints relating to harassment, bullying, discrimination or victimisation.

The term 'harassment' will be used from this point forward to encompass harassment, bullying, discrimination and victimisation.

Employees are encouraged to contact their Headteacher, Line Manager, Human Resources (HR) Adviser, Trade Union (TU) Representative or professional representative where they believe that they are being harassed and would like support and advice. References to 'Line Manager' contained in this policy could, depending on the circumstances, be any senior member of staff required to perform a role within the process. It could also refer to a governor, who for example, is required to perform a role in relation to dealing with an issue involving the Head Teacher/Principal or other staff member where it is felt appropriate.

Confidentiality will be maintained as far as possible; however, if an employee decides not to take any action but the circumstances described are sufficiently serious, the school reserves the right to investigate the situation. Horizon Multi Academy Trust has an overall duty of care to ensure the safety of all employees who may be adversely affected by an alleged harasser's behaviour.

If an investigation into harassment is undertaken, the case will be treated in the strictest confidence.

Managers who witness harassment must take immediate action which, depending on the circumstances, may include;

- an informal discussion with the employee committing the act;
- refer the employee to the Anti-Bullying and Harassment Policy; and/or consider taking disciplinary action.

Employees who witness the harassment of another member of staff should report it to their Headteacher who will take appropriate action.

2.2 How to stop unwanted behaviour

Situations should be dealt with when they arise. If you have heard or seen something which makes you feel uncomfortable or you consider it to be unacceptable, you should clearly and calmly say so. It is better to deal with issues quickly as this reduces personal embarrassment, prevents disruption at work and damage to working relationships.

If you believe you are being harassed, you should keep diary notes of when incidents take place and keep hold of any evidence, such as emails, etc. This will be useful in supporting your complaint in formal procedures should it be necessary.

Some examples of issues that might be more appropriately dealt with through informal action are:

- where a work colleague uses inappropriate language in the office,

- where your manager/colleague has spoken inappropriately to you,
- single isolated events which are out of character for the individual and are not repeated behaviour.

On the other hand the following examples might be more appropriately dealt with under the formal procedures:

- Sexual, racial or disability related harassment,
- Threats or threatening behaviour.

2.2.1 Speaking to the employee

An employee may feel able to deal with the matter on their own. Speaking to the alleged harasser may be appropriate when;

- An employee feels able to meet with the person face to face to discuss the issue and to find a resolution, apology etc; or,
- the alleged incident is not serious and the employee does not wish to go through a formal process; or,
- the problems are recent i.e. happened that day.

It is not appropriate when;

- there have been threats or threatening behaviour; and/or,
- the alleged incident could be categorised as gross misconduct, which could result in disciplinary action and possible dismissal for the alleged harasser.

An employee may feel more confident/comfortable approaching the alleged harasser with the support of a TU Representative or professional representative, Headteacher, Line Manager or HR Adviser. However the person supporting should not normally take part in the discussion unless they are required to mediate, for example in cases where the discussion looks like it might turn into an argument or either party becomes upset.

Alternatively, an employee may request that someone informally approach the alleged harasser on their behalf. This is likely to be handled by their Headteacher or HR Adviser.

2.2.2 Informal Meeting

If an employee chooses to discuss the situation with the alleged harasser, they should do so as soon after the event as they can. They should briefly explain why they are arranging a meeting, for example 'to discuss an incident that happened earlier today'. The meeting should take place in a private room with no interruptions.

In the meeting, the employee should calmly explain why they have arranged to speak to the alleged harasser. This discussion is likely to include:

- that the meeting is informal and confidential,
- the date, time and details of the incident/behaviour,
- an explanation of why the behaviour was unwanted/unacceptable,
- a proposal to resolve the issue, for example that they would like the behaviour to stop, what further action the employee will take should the behaviour continue, for example the employee will make a formal complaint to their Headteacher.

The employee should give the alleged harasser the chance to explain their actions, as they may be unaware of the effect their behaviour was having.

The purpose of the meeting is to seek a resolution, and the employee should be reasonable in their expectations. If the conversation begins to get out of hand or the employee begins to feel threatened, the meeting should be stopped. The employee may then wish to raise the matter formally with their Headteacher. A note of the conversation should be made and kept in case of further incidents and/or action.

Mediation between parties is another option for informal resolution. HR can advise whether mediation is appropriate and/or available.

2.2.3 Writing to the employee

An employee may prefer to write to the alleged harasser. A letter can act as a record of attempting to stop the unwanted behaviour, and the employee should keep a copy.

What will the letter include?

The letter should be:

- factual and objective,
- provide a clear explanation of why the behaviour/incident was inappropriate,
- clearly state how the employee would like to see the situation resolved. For
- example to arrange a meeting to discuss the issue, an apology, for the behaviour to stop etc.

The employee should ensure that they do not:

- make the letter too long,
- attack the personality of the individual, just state the facts,
- use emotional/emotive language in the letter.

Please note that writing to the individual who has behaved inappropriately does not trigger the start of a formal harassment investigation, as this is an attempt to resolve the matter outside of management intervention.

2.2.4 Informally notify line management

An employee can approach the Headteacher to advise them of the situation and seek their support. The Headteacher can then take appropriate action to put a stop to any inappropriate behaviour.

3. FORMAL PROCEDURES

The formal procedure is normally only adopted where, despite all efforts; a resolution has not been achieved through informal communication channels or in cases where it is appropriate to go straight to formal procedures.

A harassment allegation is considered to be a grievance and the following guide is consistent with our Grievance Procedure Guide.

3.1 Step 1 - Statement of Grievance

When attempts to resolve the situation informally have not been successful, and/or the employee wishes to submit a formal allegation of harassment they must;

- put their complaint in writing, without unreasonable delay,
- provide the name of the alleged harasser,
- the nature of the harassment or bullying,
- the date(s) and time(s) when the alleged harassment occurred, names of any witnesses and, any action taken so far to stop the harassment,
- explain how they think it should be resolved, and send to the Headteacher who is not the subject of the grievance, if the Headteacher is the subject of the grievance then the matter would need to be referred to the Chair of Local Governors.

When stating their grievance, employees should keep to the facts. A copy of the letter (or its relevant sections) will be made available to the person whom the allegations are against.

3.2 Who do employees submit their grievance to?

If allegations do not concern the employees Headteacher, they should send their grievance letter to them.

If allegations are about a Headteacher or Local School Governor, the grievance letter should be sent to the CEO or Chair of Trust Board.

If allegations are about the CEO or a Trust Board member the grievance letter should be sent to the Chair of Trust Board.

In any cases where the employee is unsure, they should contact their HR Adviser, TU Representative or professional representative.

3.3 Clarifying the points in the complaint

The person who receives the formal written complaint will meet the employee as soon as possible to;

- confirm that they have received the complaint,
- ensure that the employee has complied with the requirements of the policy,
- ensure that it is not a repeat complaint which has already undergone formal procedures to investigate,
- check whether the complaint is best dealt with under the formal procedure, or whether informal action would resolve the complaint,
- explain the formal procedure so that the employee understands what is involved,
- give the employee a copy of the Anti Bullying and Harassment Policy and Procedure Guide.

This meeting is intended to take place promptly after receipt of the written complaint. The Headteacher may wish to invite their HR Adviser to attend this meeting. The employee may wish to be accompanied and should be given that opportunity. Notes should be taken which may later be used as part of the formal investigation.

It may be agreeable to the employee for the complaint to be dealt with informally in the first instance. If this is the case, the Headteacher must record the decision to handle the situation informally and then make a record of the resolution which has been agreed and keep a copy in the employees file.

If the employee raises a repeat complaint, and there is no new evidence, the Headteacher who receives the complaint will write to the employee to advise that the matter has already been dealt with.

3.3.1 Who needs to be notified?

The Headteacher and HR Adviser must be notified of the complaint by the Line Manager as soon as it is received. In harassment cases, the Headteacher must immediately consider the following:

3.3.2 Informing the alleged harasser

The alleged harasser must be advised by an appropriate manager at the earliest opportunity that a complaint has been brought against them. They will be offered support and reassured that the matter will be treated confidentially.

They will also:

- confirm that it is being handled under the Anti Bullying and Harassment Policy,
- that a full investigation into the allegations will take place, which may include interviewing witnesses,
- that they will be invited to a meeting with the Investigating Officer and that the purpose of the investigation is to determine whether there is any truth to the allegations.
- if the allegations are true, a decision will be made about appropriate action to be taken,
- that the matter is potentially one of discipline (if the allegation is serious), be given a written summary of the allegations made and given a copy of the Anti Bullying and Harassment Policy and Procedure Guide,
- inform the employee of the name of the Investigating Officer.
- ensure that the employee feels appropriately supported and offer counselling where necessary.

3.3.3 Avoiding contact between the complainant and alleged harasser

If the complaint is sufficiently serious and there is a concern about the complainant and the alleged harasser continuing to work together, the Headteacher must decide whether to;

- suspend both parties on full pay, if the situation is serious to warrant it;
- suspend the alleged harasser on full pay (suspension does not imply that the employee is guilty of the allegations made against them); or
- transfer either party to a different part of school, if it is considered safe to do so and does not place other employees at risk.

Suspensions will only be conducted in exceptional circumstances and only on the approval of Headteacher. A HR Adviser must be involved in this procedure and the employee is entitled to be represented.

All parties must be informed that during the formal procedures, there should be no communication between them related to the allegations, either directly or indirectly.

Disciplinary action may be taken in the event that contact takes place which hinders, or is detrimental to achieving, a fair investigation.

3.4 Who investigates the grievance and decides the outcome?

The Headteacher and HR Adviser should be notified of the grievance as soon as it is received. The Headteacher is responsible for allocating a person to investigate the complaint.

Investigating Officer: Responsible for finding out the key facts and compiling a report.

Headteacher/ Panel of Local Governors: Is impartial. Will review the findings at the hearing and will decide the outcome.

The employee will be notified of the name of the Investigating Officer and the names of the governors. If they have any concerns about the suitability of the governor's panel, they should address them immediately.

In most cases the complaint will be handled within the school/college in which the grievance has been made.

3.5 Step 2 – Investigation and Hearing

3.5.1 Investigation

The Investigating Officer will arrange to meet the person who has raised the complaint. This is expected to occur within 10 working days, however it is understood that there may be situations which cause delay. This meeting will be held in private to discuss the following;

- confirm that they will be investigating the complaint,
- clarify the facts,
- find out what attempts have been made (if any) to resolve the situation informally,
- clarify what evidence is available,
- find out whether there are any witnesses,
- understand how the employee would like to see the problem resolved.

The Investigating Officer will arrange for someone who is not involved in the case to take notes at the meeting. The employee is entitled to be accompanied or represented at this meeting.

At the end of this meeting when the details of the case are known, the Investigating Officer will, where possible, estimate how long they believe they will need to complete their investigations and advise the employee.

It is normally expected to take no more than four weeks from the receipt of the complaint to the Hearing date, however it is understood that there may be situations which cause delay. e.g. school holidays.

As part of the investigation, the Investigating Officer will meet separately with the relevant parties to investigate the allegation, hear an account of relevant events which will include:

- The employee whom the allegation is against,
- Witnesses (where relevant).

The Investigating Officer may have to meet the parties involved more than once to ensure they get the relevant facts so that a fair resolution can be found.

3.5.2 Transferring a harassment investigation to a disciplinary investigation

Following the initial interviews, if the complaint appears to be valid, the Investigating Officer will discuss their findings with the Headteacher. The employee who brought the complaint will be invited to a Hearing to be advised that their complaint appears to be valid and that management will take appropriate action to prevent the harassment from occurring again in the future.

The Headteacher will then decide what action is appropriate, which may include a disciplinary investigation. The Headteacher should seek HR Advice if it becomes clear that a disciplinary investigation is appropriate.

The findings of the investigation will not be shared with the employee, but will transfer to the Investigating Officer appointed to handle the disciplinary investigation.

Where there is a conflict of evidence or uncertainty in the facts, the investigation will continue and evidence submitted at the Hearing for the Headteacher/Governors Panel to ascertain whether or not the alleged incident or series of incidents occurred.

3.5.3 Witnesses

The Investigating Officer will meet witnesses to take their statements. Witnesses have the right to be accompanied or represented and it is the witness's responsibility to make suitable arrangements.

Witnesses will be given a copy of their statement and a reasonable amount of time to make amendments. Only points relevant to the investigation will be used in the statement. They will be

asked to sign their statement, however in cases where we do not receive a signed statement, unless we receive written confirmation that they do not wish their statement to be used, the statement will, if relevant, be used as part of the Hearing.

Witnesses can be called to attend the Hearing, however if it is not practical for witnesses to attend, consider proceeding if it is clear that their verbal evidence will not affect the substance of the complaint.

3.5.4 Report

The Investigating Officer will write a report. A copy of their report will be given to;

- the individual who raised the allegation
- Headteacher/Local Governors Panel
- HR Advisers attending the Hearing
- Accompanier or Representative of the employee raising the allegation

It will not be shared with witnesses or any persons who the allegation is against. Reports will vary and may contain:

- 1 The complaint letter (or relevant sections).
- 2 Details of how the investigation was conducted, i.e. who was interviewed as witnesses, and other relevant factual documentation.
- 3 Evidence relevant to the complaint.
- 4 Witness statements (in full or extracts from).
- 5 Summary of the findings and evidence.

3.5.5 Arranging the Hearing

When the investigation is finished, it is the responsibility of the Clerk to Governors to arrange a mutually suitable time and date for the formal Hearing, and to ensure that invitations are sent out to the relevant people. (see Grievance Policy for template letters)

Hearings may be conducted by either the Headteacher or a panel of governors, except in cases where the Headteacher is the:

- Investigating Officer
- Witness to the investigation
- Subject of the complaint

When a hearing must be conducted by a panel of governors, Invitations to attend the Hearing should be sent a minimum of 5 working days before, with copies of the Investigation Report (where appropriate to receive one). In some cases it may be necessary to send out reports with more than 5 days notice to ensure members of the panel have sufficient time to prepare.

If there are any concerns about the contents of the report they should be addressed with the Investigating Officer prior to the Hearing taking place.

The people who attend the meeting include;

- Headteacher/Governors Panel
- HR Adviser supporting the Panel
- The employee and their accompanier/representative (if required).
- The Investigating Officer.
- A note taker.
- Witnesses (if required).

It is also the responsibility of the Clerk to Governors to ensure that appropriate preparations are made. They include:

- Meeting to be in a private room where there will be no interruptions,
- Arrange for notes to be taken by an independent employee,
- Find out before the meeting whether similar grievances have been raised before by other staff, how they were resolved, and any follow-up action that was necessary. This allows consistency of treatment and information on this is available via the HR Adviser.
- Find out whether any reasonable adjustments are necessary for anyone attending the meeting.

3.5.6 Hearing

The Panel will take into account that employees may be anxious; therefore management should make allowances if the employee's behaviour is not as calm and professional as they might otherwise expect.

The Principles set out in paragraph 3.1 (support for Disabled or Vulnerable Employees), 3.2 (Accompaniment), 3.14 (Data protection) and 3.15 (confidentiality) apply to this meeting.

The Clerk to Governors will prepare an agenda for the meeting.

3.5.7 Outcomes

The decision that the Panel makes will be based on whether they have a genuine reasonable belief that the incidents occurred. The following are possible outcomes and actions that might be considered are:

- The complaint is not upheld or the evidence is inconclusive.
- The complaint is upheld and management will determine the appropriate action to take going forward.

The employee will be given the decision;

- on the day of the Hearing, or,
- it can be sent out in writing within five days of the Hearing, or,
- on a different date if further investigation is required by the Headteacher/Panel in order to make their decision and a date is agreed at the Hearing when the outcome letter will be sent.

3.5.8 Written Confirmation of Decision

Within a reasonable time frame, normally within five working days of the Hearing, the Headteacher/Chair of Panel must provide a written statement of their findings, and their decision including the reason. This statement must be sufficiently detailed so the employee can understand the reason for the decision. The letter should also provide details of who the employee should submit an appeal to.

The employee who raised the grievance has five working days from receipt of the letter in which to submit an appeal. (See Grievance Policy for template letters)

As soon as possible after the Hearing, any persons directly implicated will be advised of the outcome in writing by the Chairperson/Headteacher normally within five working days of the Hearing.

Witnesses will not be advised of the outcome of the Hearing.

3.6 Step 3 – Appeal

Appeal Hearings will be taken by the Trust Board.

Employees wishing to appeal should do so in writing setting out the grounds for their appeal.

An Appeal Hearing will not be a rehearing of the whole case, but will focus on the grounds specified for the appeal. Until clarity is provided on the grounds for the appeal, the Appeal Hearing cannot go ahead.

A panel of Trustees will be convened who have not been involved in the original decision.

Appeals will normally be heard within four weeks of the appeal being submitted, however it is understood that there may be situations which cause delay.

3.6.1 Appeal Hearing

The Clerk to governors will invite the relevant people to attend the Appeal Hearing, giving a minimum of five working days notice.

The people who attend the Appeal Hearing can include;

- Panel hearing the appeal
- CEO
- HR Adviser supporting the panel
- Employee and/or their representative/accompanier (if required)
- Investigating Officer
- Chairperson from the original Hearing/Headteacher
- HR Adviser from the original Hearing - if required
- Note taker
- Witnesses (if required)

The same considerations should be taken in account as those when planning a Grievance Hearing. At the meeting the employee will be allowed to explain the grounds of their appeal and how they think it can be resolved.

The Appeal Panel will review the grounds for appeal and will consider whether the decision made at the Grievance Hearing was reasonable in light of the information presented at that stage. The Panel will also check that a fair process was followed. Only information which may have an impact on the outcome will be permitted to be included at this late stage.

The meeting will be adjourned to make a decision or to allow for further investigation or to seek guidance where necessary. The appeal decision will be confirmed either at the meeting and/or in writing within a reasonable time frame, normally within five working days of the meeting. This letter will provide a summary of the findings, setting out the reasons for upholding or rejecting the appeal and any agreement reached or actions to be taken.

This is the end of the procedure.

4.0 ADDITIONAL INFORMATION

4.1 Support for disabled or vulnerable employees

Consideration must be given to making reasonable adjustments for employees who have a disability to aid communication and thereby improve the likelihood of a successful resolution.

Employees with language or communication difficulties are encouraged to seek help from a TU Official/Professional Representative or HR Adviser when setting out their grievance in writing.

Students should not be interviewed unless absolutely essential and then only with the consent of their parents and in the presence of a parent or accompanier of their choosing.

4.2 Accompaniment and Representation

Employees raising a grievance have a statutory right to be accompanied by either a work colleague or Trade Union Official/Professional Representative during the investigatory stages of a grievance, and the formal Grievance Hearing or Appeal Hearing. Clerk to Governors should ensure that this is included on any relevant communication.

4.3 What is a reasonable request to be accompanied?

If the employee is being accompanied by a member of a recognised TU/Professional Association, the employee should advise the Investigation Officer/Clerk to Governors of their attendance at the meeting.

- a workplace TU Official/Professional Representative should have been reasonably certified by their union/professional association as having received training in acting as a worker's companion at Grievance Hearings.

Employees must seek approval for non union accompaniment before the meeting. The decision on whether a request for a companion is reasonable will depend on the circumstances of the individual case. When employees are choosing a companion, they should bear in mind that it would not be reasonable to request to be accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest.

The request to be accompanied does not have to be in writing.

Fellow workers do not have to accept a request to accompany a colleague, and they should not be pressurised to do so.

An employee who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfill that responsibility. This is to cover attending the Hearing, to familiarise themselves with the case and confer with the worker before and after the Hearing. The amount of time they can spend supporting the grievance should be agreed with their Headteacher/Chair of the Local governors.

4.4 The role of the accompanier/representative

The accompanier/representative is permitted throughout to:

- put the worker's case
- sum up the worker's case
- respond on the worker's behalf to any view expressed at the hearing

- confer with the worker during the hearing.

It is good practice to allow the accompanier/representative to participate as fully as possible in the Hearing, including asking witnesses questions. The accompanier/representative is not legally permitted to;

- answer questions on the worker's behalf,
- address the hearing if the worker does not wish it,
- prevent the employer from explaining their case.

4.5 Delay or postponement of meetings

Employees should take all reasonable steps to attend a Grievance or Appeal Hearing. In situations where a meeting has been arranged and, it is not reasonably practicable for the employee to attend, then the meeting will be rearranged on another mutually convenient date (usually within 5 days). If the reasons are health related then a medical certificate will need to be submitted by the employee.

If an employee or employee's accompanier/representative cannot attend a meeting on a proposed date, another date will be arranged, ideally it should be no more than five working days after the date originally proposed by the employer. If an accompanier/representative is unable to attend within a reasonable period, the employee will be asked to select someone else to accompany/represent him or her.

4.6 Inability to take part due to long term ill health

If the employee who raised the grievance is absent from work due to a long-term illness, their Headteacher will seek advice from Occupational Health about the employee's fitness to take part in the grievance investigation and/or Grievance Hearing. In this situation, a decision will be made on how to proceed in consultation with Occupational Health and HR.

If the nature of the grievance is sufficiently serious, may decide to continue to investigate the situation, even in the absence of the employee who raised the grievance, as Horizon Multi Academy Trust has an overall duty of care to ensure the safety of all employees

4.7 Non Attendance at the hearing

If any employees invited to attend the Grievance Hearing are unable to attend, they must inform the relevant person as soon as possible. Failure to attend a meeting without reasonable justification will be investigated and appropriate action taken.

4.8 False or vexatious grievances



Horizon Multi Academy Trust will take cases of false or vexatious grievances very seriously. The disciplinary procedure will be invoked where it is clear that an employee has initiated the grievance procedure in order to make a false, vexatious or malicious claim against another employee.

4.9 Multiple Grievances

Where an individual raises multiple grievances relating to different issues, management reserves the right to deal with the different matters at one Grievance Hearing to avoid duplication of procedure and aid a prompt resolution.

4.10 Collective Grievances and Collective Disputes

Collective grievances apply where two or more employees raise the same grievance and a decision is taken to consider them together.

Collective Disputes affect all staff and therefore should be raised by the Trade Union/Professional Association formally in writing to the Head of Human Resources. For clarification on whether the complaint is a collective grievance or collective dispute, please seek advice from an HR Adviser or Trade Union/Professional Representative.

4.11 Other complaints which may trigger a formal grievance

Headteachers should be alert to the possibility that an employee may make a complaint within other correspondence, such as a resignation letter, or e-mail. Where this is the case, the Headteacher who receives the complaint must clarify with the employee whether it is their intention to raise a formal grievance. If so, they must be asked to put their grievance formally, in writing, to comply with Stage 1 of the grievance process. If the complaint is against the Headteacher this would be handled by the Chair of the Local Governors.

4.12 Grievances against external third parties

Employees might raise issues about matters not entirely within the control of the school, such as parents or School relationships. These should be treated in the same way as grievances within the school, with the Headteacher investigating as far as possible and taking action if required. Horizon Multi Academy Trust will make it clear to third parties that grievances are taken seriously and action will be taken to protect our employees.

4.13 Data Protection

Information about the grievance will only be provided to those who need to know, in order to assist with the resolution of the grievance. All notes of meetings are to be treated as confidential.

However where necessary other staff will be asked for their view on relevant parts of the information provided in order to progress the investigation and seek resolution.

If employees provide information that they do not want to be available to other employees during the course of the investigation, they should clearly state which information they wish to be withheld, and from whom. The Investigating Officer may seek advice before they agree on conditions being attached to the use of the information as withholding facts may prevent a fair resolution being reached or breach some other statutory requirements.

Data will be held in line with our General Data Protection Regulation policy.

4.14 Confidentiality

If employees become involved in a grievance procedure they will be expected to maintain confidentiality. Breaches of confidentiality will be taken seriously, especially if it hinders an investigation and may result in disciplinary action.

If employees are uncertain who they can talk to about the case, they should seek advice from their Headteacher, HR Adviser or TU/Professional Representative.

4.15 Overlapping disciplinary & grievance issues

If an employee raises a grievance during their involvement in a disciplinary investigation, management should seek advice from their HR Adviser to determine how to proceed.

4.16 Grievances from employees who have left employment

An employee who has left employment and wishes to raise a complaint, should write to their previous Headteacher, setting out their complaint as soon as possible after leaving employment, ideally within two weeks. Where the complaint is about their former Headteacher, the complaint should be raised to the Chair of the Local Governors.

The Headteacher/Chair of the Local Governors who receives the complaint will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process in these circumstances.

4.17 Exemptions which apply to the grievance procedures

There is no requirement to start or complete the grievance procedures if one or more of the following situations apply;

- i. one party has reasonable grounds to believe that starting or completing the procedure would result in a significant threat to any person or person's property;

- ii one party has been subject to harassment and has reasonable grounds to believe that starting or completing the grievance procedure would result in further harassment; or
- iii factors beyond the control of either party make it effectively impossible for the procedure to be started or completed within a reasonable period.

Please seek further guidance or information from your Schools HR Adviser if necessary.

5.0 APPENDICES

5.1 Types of harassment

The Equality Act 2010 defines nine protected characteristics which are listed below. If an individual is harassed because they possess or are thought to possess any of these characteristics it can amount to unlawful discrimination and could result in criminal and/or civil prosecution.

Sex: Provides protection against discrimination based on gender (male/female).

Race: Provides protection against discrimination on racial grounds which includes colour, nationality, race and ethnic or national origin.

Disability: Provides protection against discrimination because of disability.

Religion and/or belief: Provides protection from discrimination because of religion, belief or non belief.

Sexual orientation: Provides protection against discrimination because of sexual orientation (orientation is defined as 'same sex' or lesbian/gay, 'opposite sex' or heterosexual, and 'both sexes' or bisexual).

Age: Provides protection against discrimination because of age.

Gender reassignment: Provides protection against discrimination for transsexual people.

Marriage and civil partnership: Provides protection against discrimination for people who are married or in a civil partnership.

Pregnancy and maternity: Provides protection against discrimination on the grounds of pregnancy and maternity during the period of an individual's pregnancy and statutory maternity leave.