



## Fairness at Work Policy

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# FAIRNESS AT WORK - GRIEVANCE PROCEDURE

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## Grievance Procedure

### 1. AIMS

This procedure is designed to provide employees who feel dissatisfied or aggrieved by management, or the Regional Governing Body or Trust Board, with a channel to have their concern(s) dealt with fairly and promptly.

The Code of Industrial Relations Practice recommends the establishment of agreed procedures for the settling of individual and collective disputes. The employee's Contract of Employment has built into it a right to know about the grievance procedure.

Effective and proper use of this procedure will encourage good working relationships.

### 2. DEFINITIONS

Grievance: a concern, problem or complaint that employees raise with their employers (harassment and bullying, whilst considered to be issues that may cause a grievance, are covered separately in part 2 of this document). Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management.

The purpose of this procedure is to achieve resolution at a workplace level without recourse to legal proceedings. It is not about apportioning blame, or discipline.

### 3. SCOPE

The grievance procedure shall apply to all employees of Veritas Multi Academy Trust who wish to seek resolution of issues arising in the course of their work. This procedure does not apply to disciplinary issues, matters for which there is an alternative specific procedure e.g. the harassment or complaints procedures, or matters that are outside the school's control. e.g. grievances cannot be considered on matters and policies which have already been the subject of collective bargaining.

This procedure should be followed by:

- a) an individual employee who wishes to seek redress of a grievance relating to

his/her employment

b) a group of employees, who may submit a grievance relating to their employment where the circumstances are the same (in this instance a union representative may raise a collective grievance on their behalf)

#### 4. GENERAL PRINCIPLES

(a) All employees have a right to present grievances about any matter relating to their employment. This procedure is applicable to all employees and they should have access to the procedure on request.

(b)

i. All employees (where relevant the headteacher or CEO) are expected, in the first instance, to try and informally resolve any issues or concerns themselves e.g where the concern is about a fellow employee.

ii. If this is not possible, then staff are expected to raise any issues or concerns with the headteacher or CEO (or Chair of Trustees where appropriate) informally first to try and seek a resolution before resorting to the formal stages of the procedure and the headteacher or CEO is expected to raise any issues or concerns with the Chair of Trustees (or Vice Chair where appropriate) informally first to try and seek a resolution before resorting to the formal stages of the procedure.

(c) Each grievance is important to the individual concerned and every stage should be dealt with fairly and promptly and be resolved as near to the point of the source as possible. Time limits specified may be extended by mutual agreement.

(d) All grievances should be treated in the same way regardless of whether the employee is a trade union/teacher association member.

(e) Employees have a right to be represented by a trade union representative or workplace colleague at the formal stage of these procedures. In some cases, it might be advantageous to involve trade union representatives or workplace colleagues at an earlier stage.

(f) The trade union representative or workplace colleague has an important role to play in supporting, advising and representing an employee with a grievance. The aim should be to resolve the grievance through co-operation.

(g) Where appropriate the CEO / headteacher / Chair of Trustees and aggrieved employee may wish to use the services of a mediator to resolve the grievance.

(h) Regular work routines are an important part of an employee's job, and prior consultation on any changes in custom and practice can ease through many difficult decisions without a grievance being raised.

(i) Grievances should be raised within three months of the employee being aggrieved. The arrangements which existed prior to the grievance being raised should normally continue until resolution or until this procedure has been exhausted unless mutually agreed otherwise.

(j) Fairness and civility towards employees are important factors in management efforts to avoid disputes. Resentment through lack of these considerations can be the underlying cause of many grievances.

(k) All grievances should be dealt with in confidence, subject to the need to undertake thorough investigations as necessary.

## **5. PROCEDURAL STAGES**

### **Stage One - Informal**

Every effort should be made to informally reach an agreement or understanding before resorting to the formal stages of the procedure.

#### **Grievances by staff**

Grievance relating to employment: the employee or group of employees should ask for an informal discussion with the CEO and clearly outline their concerns.

Grievance about colleagues/managers: In the first instance, the employee or group of employees should have an informal discussion with that person about the issue.

If the employee feels uncomfortable with raising the issue directly with them, they should talk to the headteacher who can help them to solve the issue informally.

Grievance the headteacher: In the first instance, the employee or group of employees should have an informal discussion with the headteacher about the issue.

If the employee feels uncomfortable with raising the issue directly with them, they should talk to the CEO who can help them to solve the issue informally. If the matter relates to the CEO then the Chair of Trustees will be the point of contact for the employee.

#### **No resolution**

If there is no informal resolution of the grievance, or agreement on action to be taken, the employee or group of employees should put the grievance in writing to the CEO (or Chair of Trustees – if the grievance is against the CEO) and ask for a formal meeting using the attached notification form Annex 1.

## **b) Grievances by CEO**

Where the CEO has a grievance, the matter should be dealt with informally by the Chair of Trustees (or Vice Chair if appropriate).

### **No resolution**

If there is no informal resolution of the grievance, or agreement on action to be taken, the CEO should put the grievance in writing to the Chair of Trustees (or Vice Chair if appropriate) and ask for a formal meeting using the attached notification form Annex 1.

### **Stage Two – Formal**

#### **Grievances by Staff**

##### **Step 1 : Written notification of grievance**

The employee or group of employees should write a letter to CEO or Chair of Trustees (if the grievance is against the CEO), setting out the basis for the grievance and where possible also state what redress is being sought.

No meeting can be held until a detailed nature of the grievance has been received.

##### **Step 2: Meeting**

On receipt of the formal grievance notification form the CEO / Chair of Trustees should invite the employee or group of employees to a meeting to discuss the grievance.

The employee or spokesperson for a group of employees should be given a proper opportunity to express their views and the CEO / Chair of Trustees or anyone delegated to hear these views, should take care to be objective and sensitive in listening to them. An effort should be made to distinguish between the facts of the case and the claims made as to what was alleged to have happened.

The employee or group of employees has a right to be accompanied at the meeting by either a TU representative or workplace colleague. The employee or group of employees must be given a response in writing. The CEO / Chair of Trustees should ensure that this official response is given directly to the employee or group of employees as well as copied to the trade union representative.

Note: The hearing can be postponed for up to 5 working days (or longer by agreement) if the TU representative or workplace colleague is unable to attend.

Note: If the CEO / Chair of Trustees feels that further information would assist in the resolution of the grievance, they may request an investigation report (either before the meeting or during an adjournment of the meeting). The investigation report would then feed into the meeting.

Note: If witness evidence would assist in the resolution of the grievance, then witnesses may be involved in the meeting if appropriate.

Note: If the grievance is about another individual, separate meetings will be held unless all parties agree to a joint meeting.

### **Grievances by the CEO**

In the case of a CEO formally raising a grievance, the process is the same as for staff i.e. step 1 - written notification of grievance and step 2 – meeting.

However, the written notification of the grievance should be sent to the Chair of Trustees (or Vice Chair where appropriate) and the Chair of Trustees (or Vice Chair where appropriate) should hold a meeting with the CEO as outlined above.

### **Stage Three – Appeal**

#### **Appeals by Staff**

If the grievance remains unresolved at Stage 2, the employee or group of employees should forward the grievance and response to the Chair of Trustees, with a copy to the CEO within 10 days of receiving the written response.

Normally a panel of three Trustees (with no prior involvement) including the Chair of Trustees, will be established to hear the appeal. However, delegation to two or even one trustee may be necessary in some cases, although it should be noted that the former could result in a split decision. The panel should hold a formal meeting with the employee or group of employees and their TU representative or workplace colleague within 10 working days of receiving the appeal. At this stage it is useful for a Personnel Adviser to be present. The decision of the panel will be notified to the employee or group of employees and their representative within five working days of the hearing.

For appeals about grievances against the CEO, the grievance and response should be forwarded to the Vice Chair of Trustees. In this instance a copy would not need to be sent to the CEO. The panel of three trustees will also exclude the Chair of Trustees.

This is the final stage in this procedure and the decision of the appeal panel is final.

#### **Appeals by the CEO**

For appeals by the CEO, the grievance and response should be forwarded to the Vice Chair of Trustees. The panel of three Trustees will also exclude the Chair of Trustees.

## **6. TIMESCALES**

Stage One Informal within **10** working days a response.

Stage Two Formal within **10** working days a meeting followed by a written response within **5** further working days.

Stage Three Appeal within **10** working days of receiving the appeal hold a hearing followed by a final response in writing within **5** working days.

In some cases it may not be possible to meet these timescales. If a longer period of time is required to make a decision, the recipient of the grievance letter or appeal letter should write to the employee outlining how long the decision might take and the reason for the delay.

In these instances, all parties must try to secure as expeditious a resolution as is practicable in all the circumstances.

## **7. POST EMPLOYMENT GRIEVANCES**

Staff who have left the school for whatever reason are still entitled to make a grievance provided it is made within 3 months of their last day of employment. The procedure to be followed is the same as the formal procedure for current employees.

After receipt of a written grievance the employee should be invited to a hearing to discuss the issues raised and offered a further appeal hearing if they do not accept the outcome of the first hearing.

In some circumstances and with the written agreement of both parties, it is possible to use the following modified procedure:

Step 1: Employee sets out the full details and basis of the grievance in writing.

Step 2: Appropriate person (CEO or Chair of Trustees) makes a written response to the points raised.

## **8. CONCLUSION**

It is hoped and anticipated that most grievances can be resolved at an early stage. The CEO, the school headteacher and Trustees should ensure they are fully conversant with the relevant procedures and avail themselves of relevant training where available.

## **9. MONITORING**

This procedure makes reference to our Equality Scheme. Any data gathered will be confidential, will not identify individual employees and will not form part of this procedure.

## 10. SUPPORTING PAPERS

Any documents or relevant information or witnesses that would assist in the resolution of the grievance should be shared by either side at the earliest opportunity and at a minimum 48 hours before the grievance is heard.

## ANNEX 1

### GRIEVANCE NOTIFICATION FORM

School:

Name.....Employee(s)

Name.....Representative

DETAILS OF GRIEVANCE (any supporting documents to be attached)  
What action/desired outcome are you seeking to resolve the grievance?

CEO'S/CHAIR OF GOVERNOR'S ANSWER/PROPOSED ACTION TO RESOLVE  
GRIEVANCE (NB: Please attach any relevant documents)

Grievance has/has not been resolved.\* Date.....

Signed CEO / Chair of Trustees..... Date.....

Signed Employee.....Date .....

If at Stage 2 of the procedure there is no resolution the employee may proceed to Stage 3 - Appeal. In this event the employee should state the reasons overleaf and send this to the Chair of Trustees or Vice Chair as appropriate.



## **FAIRNESS AT WORK PROCEDURE AND GUIDANCE FOR DEALING WITH HARASSMENT AND WORKPLACE BULLYING**

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Procedure and Guidance for Dealing with Complaints of Harassment and Workplace Bullying

### **What is Harassment?**

Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms it can be described as behaviour which someone finds unwelcome, intimidating, upsetting, embarrassing, humiliating or offensive. It is essential to remember that it is not the intention of the alleged perpetrator that is key in deciding whether harassment has occurred but whether the behaviour is unacceptable by normal standards and disadvantages the recipient. In line with our Equality Scheme, harassment can include sexual, racial or focus on differences such as disability, sexual orientation, gender dysmorphia, appearance, pregnancy, age, religion or beliefs.

### **What is Workplace Bullying?**

Anyone can be subject to workplace bullying. This is the abuse of power or position to coerce others by fear and causes chronic stress, anxiety, loss of confidence, lower productivity, absenteeism and even resignation. Harassment/workplace bullying is not managers making unpopular demands and asking for improvements in performance.

## Common Forms of Harassment

Harassment and bullying can range from extremes such as violence to less obvious forms like ignoring someone. Whatever the form, it will be behaviour, which is unpleasant. Forms include:

- physical contact, obscene gestures and public humiliation;
- offensive jokes, offensive language, gossip, slander and verbal abuse;
- displays of offensive materials, posters, pin-ups, graffiti, and badges;
- isolation, non-co-operation, withholding information and exclusion;
- spying, stalking and intrusion by pestering;
- intimidating behaviour and systematic undermining of confidence.

## Procedural Relationships

### Capability procedure:

During the operation of the school procedure for issues of capability or conduct, whether informal or formal, allegations of harassment or workplace bullying may be made against senior staff. Once the school's procedure has started any complaints of harassment/workplace bullying received during that time will need to be treated sensitively and the school may seek advice from the personnel provider.

However in normal circumstances the capability procedure will continue its process. The harassment procedure is not a way to stop other formal school procedures.

Nevertheless, although the procedure has started there still needs to be understanding of the feelings and perceptions of the complainant and an appropriate decision and action, as befits the nature of the allegation, taken.

It is for the CEO or Chair or Trustees to decide whether or not to deal with the harassment / workplace bullying complaint separately (normally after the capability procedure has been finalised) or combine the 2 procedures. In the latter circumstances, both issues can be addressed at one meeting provided notice is given to the employee concerned to that effect.

### Grievance Procedure

The grievance procedure may be appropriate for dealing with an employee's discontent if they believe management have seriously mishandled allegations made under the school's harassment / workplace bullying procedures. Such a grievance would automatically be heard at Stage 2 of the procedure.

## Advice and Counselling

Wherever possible, an employee who is considering making a complaint of harassment should have access to someone who can give them sympathetic, informed advice and counselling during any part of the procedure; senior colleague, teacher association or trades union representative, school counsellor or Support Line. This is to offer support, discuss the options open to the employee, and help the employee determine if and how they want to progress matters. This should take place in total confidence and without pressure as to the course of action to be taken.

A distinguishing characteristic of harassment is that employees subjected to it are very vulnerable and are often reluctant to complain. They may be too embarrassed or unsure as to how to make a complaint, or concerned that it will be trivialised. They may fear reprisals. People suffering from harassment may not want attention focused on the situation; they just want the unwanted behaviour to stop. Similarly, the respondent may be completely unaware that their behaviour can be seen as harassment, and suffer anxieties and guilt about the distress caused. Or they may be unjustly accused.

Counselling can also, therefore, be valuable for the individual(s) whose behaviour has been found or perceived to be unacceptable. They may be unaware or insensitive to the impact of their actions and counselling can help them change their behaviour and prevent the occurrence of further incidents.

## Harassment/Workplace Bullying Procedure

In order to ensure harassment / workplace bullying complaints are resolved speedily and in a fair and equitable manner, the following procedure will be adopted in all cases of alleged harassment / workplace bullying (whether intentional or not):

### Stage 1 Informal Action

#### (a) Personal Action

As the first step in dealing with a harassment matter, personal action may be all that is needed to resolve the issue. The employee should make it clear where possible to the person concerned that their behaviour is unwelcome and offensive and should be stopped. The employee may want to ask a workplace colleague or TU representative to be with them when they do this.

This action may be enough to stop the harassment and prevent it happening again.

Employees should keep a written record of the incident(s) including the time, date(s) and place of the incident(s), a full description of what occurred and the name(s) of any

witness (s).

### **(b) Action by a person other than the complainant**

Harassment can often be stopped by informal, early and local intervention.

In circumstances where it is too difficult or embarrassing for the employee to do this on their own behalf, the initial approach to the respondent may be made by a workplace colleague or TU representative and wherever possible, someone of the same sex as the complainant should be available to assist in this capacity. If a member of a trade union, this may be the trade union representative.

Where the complaint is about the CEO, the issue may be raised with the Chair of Trustees.

Where the CEO has a complaint, the issue may be raised with the Chair of Trustees or if it is about the Chair of Trustees then initial contact should be with the Vice Chair of Trustees.

Other initial action by the CEO, Chair of Trustees, Vice Chair of Trustees or MAT board Member:

- (i) Approach the person whose behaviour is causing offence.
- (ii) Describe the behaviour, not the person and give the person accused of harassment the opportunity to respond.
- (iii) Describe the possible impact of the behaviour - do not discuss or dispute the person's intentions.
- (iv) Explain to the offending person that the behaviour is unwelcome and may be against school's policy.
- (v) Ask for a change in behaviour.
- (vi) Seek commitment to change.
- (vii) Let the complainant know what action has been taken, to encourage them to come back should there be a recurrence.

However, if despite informal action the harassment continues or other consequences result, e.g., victimisation, discrimination, a formal complaint may be made by the employee alleging harassment.

An informal approach would be inappropriate in a case, which potentially amounts to serious misconduct and affects the safety and wellbeing of the person or other people at work.

### **Stage 2 - Mediation**

Where informal action has been tried and failed both the complainant and respondent may agree the services of a mediator should be introduced to resolve the situation.

This will be from a trained mediator and will be arranged confidentially by the school personnel consultant if requested, although the school may need to pay the cost.

Professional trade union associations may also provide mediation services.

## **Stage 3 Formal Action**

### **(a) Making a complaint**

In the case of formal action an employee who believes that he/she has been the subject of harassment/workplace bullying should report the alleged act to his or her senior member of management or the CEO. An employee may choose to bring a complaint in the first instance to someone of his or her own sex or TU representative.

Where the complaint is about the CEO, the matter should be raised with the Chair of Trustees, or Vice-Chair of Trustees.

Where the CEO has a complaint the matter should be raised with the Chair of Trustees or where the complaint is about the Chair of Trustees the matter should be raised with the Vice Chair of Trustees.

Any complaint should be made within 3 months of the last incident occurring.

In all cases the employee reporting the alleged act must be prepared to provide a written statement setting out the allegations, requesting the incident(s) be formally investigated.

Details of the alleged incident, including dates and times, should be recorded by the person alleging harassment on the complaints form at Annex 1, and this will be retained by the CEO / Chair of Trustees or Vice Chair of Trustees.

The individual accused of harassment has the right to know what the allegation is and who is making the complaint; see Annex 2. If the complainant does not wish to be identified it is impossible to take disciplinary action.

However the CEO / Chair of Trustees must still take such action as is practicable to reinforce its policy on harassment. This can include general reminders about standards of behaviour through staff meetings, etc.

### **(b) Investigation**

Where there is any doubt about whether a formal investigation should take place, you should seek advice from the school's personnel provider. Where a formal complaint is made it is important to conduct a prompt, thorough and impartial investigation with due regard to the rights of both the complainant and the respondent in accordance with the

school Disciplinary Procedure. Anyone connected with the allegation should not conduct the investigation.

The investigation should concentrate on establishing the facts, together with the impact of the alleged harassment. Confidentiality must be maintained by the complainant and the alleged harasser. However, the complainant must understand that there cannot be full confidentiality, since the investigation may involve other potential victims. There may also be a requirement to give evidence at a later stage.

Both parties should be interviewed by an independent investigating team consisting normally of two people nominated by the CEO / Chair of Trust Board as occasion demands, so that an objective view can be formed of events leading up to the complaint. Wherever possible, the composition of the investigative team should include representation that reflects the nature of the case.

### **(c) The right to be accompanied**

In any investigation, both the complainant and the respondent will be entitled to be accompanied by a workplace colleague or TU representative.

### **(d) Records**

A record of the outcome should be shared with both parties. A record of the complaint(s) and investigation should be kept for at least 18 months, including names of parties, dates, nature and frequency of incidents, action taken, follow-up and monitoring. The school should reserve the right to use this information if there is any recurrence of the allegations made. These should be held in a secure file. The records should not be included with the personal files of the individuals concerned.

### **(e) Timescales**

Where the CEO / Chair of Trustees or Vice Chair of Trustees decides an investigation is appropriate, the investigating officer(s) must be nominated within a week of the complaint, and the investigation completed within two weeks from the date of nomination, if at all possible. In the event of any delay, eg, one or more of the involved parties being unavailable, new timescales must be agreed and confirmed to allay any further distress to those involved.

### **(f) Suspension during Investigation**

A decision must be taken about the seriousness of the allegation and whether it is appropriate for the complainant and the respondent to continue working together during the investigation. It may be advisable to suspend the person being complained about in accordance with the disciplinary procedure pending a full investigation and

decisions as to possible formal disciplinary action.

Occasionally it may be appropriate for the complainant to be given some additional paid leave, with their agreement.

## **(g) After the Investigation**

### **Complainant**

#### **Meeting**

The complainant should be invited to a meeting to discuss their harassment and/or bullying complaint. The investigation report will feed into this meeting. The complainant may be accompanied/represented by either an employee of their choice or a TU representative.

Note: witnesses may be involved in the meeting if appropriate. Following the meeting the complainant must be written to with the outcome of the investigation and the decision of the CEO / Chair of Trustees or Vice Chair of Trustees as to whether or not the complaint is upheld. The complainant should also be notified of their right to appeal.

#### **Appeal**

If the complainant wishes to appeal they should set out the grounds of the appeal in writing and forward to the Chair of Trustees or Vice Chair as appropriate, within 10 working days of receiving the written decision. An appeal should relate to the procedures undertaken in the process, not the outcome. Normally a panel of three Trustees including the Chair of Trustees (unless they were the person making the initial decision in which case they will be excluded from the panel), will be established to hear the appeal. If there are not enough trustees available for the hearing or there is a question about the objectivity of the panel, trustees from the Deal Learning Alliance or Kent MAT Alliance can be called upon to ensure an objective hearing.

However, delegation to two or even one governor may be necessary in some cases (although it should be noted that the former may result in a split decision). The panel should hold a formal meeting with the complainant their TU representative or workplace colleague within 10 working days of receiving the appeal. At this stage it is useful for a Personnel Adviser to be present. The decision of the panel will be notified to the employee and their representative within five working days of the hearing.

This is the final stage in this procedure and the decision of the appeal panel is final.

## Respondent

A record of the outcome of the investigation should be shared with the respondent along with the decision as to whether or not the complaint is upheld. This may be in writing rather than at a meeting.

### (h) Disciplinary Procedure

Decisions about disciplinary action can only be made following a thorough investigation of the allegations and after consideration of all the evidence available.

If the investigation reveals that there is a case to answer, prompt action designed to stop the harassment immediately and prevent its recurrence will be taken through implementation of the school Disciplinary Procedure.

In accordance with the Disciplinary Procedure, it may be that the investigating officer is best placed to present the case. In any disciplinary hearing the complainant will be required to attend and those hearing the case may wish to question both parties, and witnesses.

### (i) After the procedure

*Where a complaint is upheld:*

The Trust Board may consider an apology is necessary where allegations are substantiated. It may be necessary to ensure the complainant and respondent do not continue to work together. In a small school this may not be an option. If appropriate, and wherever practicable, the complainant should be given the choice of whether he/she wishes to be relocated or be managed by another colleague.

Support should be offered to the respondent to help address any issues relating to his/her actions or attitude. This may take the form of counselling, training and awareness raising.

*If the complaint is not upheld:*

It is important for the complainant to understand they have been believed and that the complaint has been taken seriously. It may not be viable in a school but consideration may be given, where practicable, to moving one of the employees concerned, rather than requiring them to continue to work together against the wishes of either party. However, neither the complainant nor the respondent should be victimised or suffer any detriment.

If any employee considers that there has been a significant procedural error they retain the right to raise a grievance under the grievance procedure. Such a grievance would be heard at Stage 2 of the procedure and, if upheld the original complaint would be reheard under the harassment procedure.



### **(j) Malicious Allegations**

Where a complaint is unsubstantiated and found to be vexatious or of malicious intent, then the disciplinary procedures may be invoked against the original complainant. This is to protect those with genuine complaints.

### **(k) Post Employment Harassment Complaints**

Sometimes allegations of harassment may be made by former employees against an individual employed by the school. Complaints of harassment will normally only be investigated where the former employee was employed by the school within 3 months of the complaint.

In the first instance the complaint should normally be made to the CEO but if it is felt the complaint needs to be pursued further or if the complaint is about the CEO then the Chair of Trustees should be contacted.

### **(l) Monitoring**

It is important for the CEO, Chair of Trustees or Vice Chair of Trustees to check that the harassment has stopped and that there has been no victimisation. Victimisation itself can take a wide range of forms, such as continuing unpleasantness or adverse impact on promotion. Careful monitoring is, therefore, essential to ensure victimisation does not occur.

This procedure is subject to Equalities Monitoring. Any data gathered will be confidential, will not identify individual employees and will not form part of this procedure.

Note: Schools are advised to keep a summary of all harassment incidents raised in equality terms (gender, ethnicity and disability) and provide this information to the appropriate body on request – see Annex 3.

### **(m) The Law**

If the Trust Board does not deal seriously with complaints of harassment and workplace bullying the complainant may seek redress through the law.

The Protection from Harassment Act: makes harassment both a civil and criminal offence. The Act provides a remedy for racial, sexual, disability or sexual orientation harassment. Remedies include damages, injunction, unlimited fine and up to 5 years imprisonment.

Criminal Justice and Public Order Act: Makes any form of harassment, in a public or private place (but not a residential home) a criminal offence. Health and Safety at Work Act: Legal obligation to take all reasonable steps to look after the health, safety and welfare of staff. Implied duty of care to ensure the environment is harassment free.

Sex Discrimination Act, Race Relations Act, The Disability Discrimination Act, the Employment Equality Regulations (Religion or Belief) and (Sexual Orientation) 2003 : all provide the right for individuals to pursue claims of harassment through the Employment Tribunals. In recent years the courts and employment tribunals have greatly expanded and extended the definition and scope of unlawful harassment and workplace bullying.

There is now a wealth of case law to show harassment can be a detriment under these Acts and an inadequate response to complaints may put the school at risk of costly litigation.

As well as the legal requirement to remove the threat of harassment there is an Authoritative European Code of Practice on the Protection of Women and Men at Work which this policy and procedure complies with.

## **ANNEX 1 - Complaint Form for Harassment and Workplace Bullying**

Name.....

School.....

Tel number (work).....

Details of complaint (State clearly the nature of the complaint eg racial/sexual harassment or workplace bullying etc). Additional information may be attached on a separate sheet.

Date incident (or the last incident) took place\_\_\_\_\_

Name of witnesses :

The completed form should be given to the CEO, Chair of Trust Board or Vice Chair of Trust Board as appropriate.

## **ANNEX 2**

### **STRICTLY CONFIDENTIAL**

Dear

I have informed you that a formal complaint of harassment has been raised against you by \*. I am writing to let you know the nature of the complaint(s) and to explain the process which I now need to follow.

Statement(s) have been provided detailing incidents and conversations which have allegedly taken place over the last ..... The nature of the complaint is:

(a)

I enclose a copy of the School's Harassment Procedure. As you will see, the process will now be for these complaints against you to be fully clarified and investigated under

this Procedure. I will shortly be appointing \* and \*, from the \* as the independent officers to carry out this investigation and report back to me.

They will be asking for a statement from you and I would like to advise you that at any interview in respect of this matter you have the right to be represented by a recognised TU representative, or by a workplace colleague of your choice.

\*\* will also take statements from \* and any other people whom it will be necessary to interview in relation to these complaints. I will let you know if the precise nature of the complaints is revealed by the investigation to differ from my summary given above.

When the investigations are complete, I will review the findings to determine whether there is a disciplinary case for you to answer and will notify you and your representative accordingly. However, you will understand that the investigation report will remain confidential and will not be copied to you.

I wish to reassure you that I will deal with this matter as sensitively, fairly and confidentially as possible. I would ask you to maintain confidentiality and in particular you should not discuss this matter with the complainant and any potential witnesses while these matters are being dealt with. If you have any queries relating to the process outlined above please ask me or contact \*.

I enclose a copy of this letter for you to give to your representative.

Yours sincerely,

CEO /Chair of Trustees

## **ANNEX 3**

IN CONFIDENCE

Monitoring form – Harassment/workplace bullying complaints

After reading the policy notes for guidance, please complete this form and retain it.

Complaint dealt with under:

Harassment Procedure / Grievance Procedure

School: Veritas Multi Academy Trust

Date of alleged incident(s)

Nature of allegation(s). Please describe briefly.

Date investigation began.....

Date investigation concluded.....

Action taken (please describe briefly)

# Veritas Multi Academy Trust

## Whistle Blowing Policy

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### Introduction

Veritas Multi Academy Trust is committed to the highest possible standards of openness, probity and accountability and we encourage employees and others working with us to raise any concerns about any aspect of our work to come forward and voice those concerns. In some instances, concerns may need to be expressed on a confidential basis.

This procedure encourages employees to raise serious concerns, without fear of reprisal or victimisation, internally within Veritas Multi Academy Trust rather than overlooking a problem or raising the matter outside.

It applies to all employees, agency workers and those contractors working on Veritas Multi Academy Trust premises, for example, cleaners, builders and drivers. It also covers suppliers and those providing services under a contract with Veritas Multi Academy Trust in their own premises.

## Other Complaints Procedures

This procedure is separate from the Trust's Complaints Procedures and other statutory reporting procedures.

Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affects an individual.

## Aim & Scope

This procedure aims to ensure individuals are:

- encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provided with avenues to raise concerns and receive feedback on any action taken;
- given a response to their concerns and are aware of how to pursue them if not satisfied;
- reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

There are existing procedures in place to enable individuals to lodge a grievance relating to their own employment including issues relating to harassment and bullying. This procedure is intended to cover concerns that fall outside the scope of other procedures.

These include:

- conduct which is, has been or is likely to be an offence or breach of law;
- conduct that has occurred, is occurring or is likely occur the result of which Veritas Multi Academy Trust fails to comply with a legal obligation. For example unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure;
- disclosures related past, current or likely miscarriages of justice;

- past, current or likely health and safety risks, including risks to the public as well as other employees (see below);
- past, current or likely damage to the environment.

Concerns about any aspect of service provision or the conduct of The Senior Team, Governors, MAT Trustees or academy Staff Members or others acting on behalf of the academy, can be reported under the Confidential Disclosure Procedure. This may be about something that you:

- feel uncomfortable about in terms of known standards, your experience or the standards they believe Veritas Multi Academy Trust subscribes to: or
- is against the MAT's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

## Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal your identity if this is your wish. However, in certain cases, it may not be possible to maintain confidentiality if you are required to come forward as a witness.

## Anonymous Allegations

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However anonymous allegations will be considered and investigated at the CEO's or Chair of Trustees' discretion.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## Untrue Allegations

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will be taken against individuals who knowingly make false, malicious or vexatious allegations.

## How to Raise a Concern

### General

Concerns can be raised verbally or in writing. A concern raised in writing should:

- set out the background and history of the concern, giving names, dates and places where possible;
- the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern.

A trade union or professional association may raise a matter on behalf of an employee.

### Step One – Raising a Concern

Whenever possible you should raise your concern with your immediate manager, your headteacher, the CEO or Chair of the Trust Board. If this is not appropriate, you should approach the following according to the nature of the concern:

- Social Services Helpdesk for matters relating to safeguarding.
- MAT Board Clerk who will direct you to an appropriate Trustee to hear your concern.

The Education Funding Agency has an **Anti Fraud and Corruption Policy Statement** and all suspected financial irregularities must be reported to the MAT Board's Audit Committee.

### Step Two - How the CEO will respond

The action the CEO takes will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, Internal Audit or through the disciplinary or other internal process;
- be referred to the Police;
- be referred to the External Auditor;
- be referred to the appropriate office at KCC or MAT;
- form the subject of an independent inquiry.



In order to protect individuals and Veritas Multi Academy Trust, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days, the responsible person will write to you:

- acknowledging that the concern has been received;
- indicating how Veritas Multi Academy Trust proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- informing you if any initial enquiries have been made;
- whether further investigations will take place and, if not, why not.

## Contact

The amount of contact between The CEO or if referred to the MAT Board, the officers considering the issues and the staff involved in the whistleblowing will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

## Attending Meetings

When a meeting is arranged staff members have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

## Support

The CEO or Chair of the Trust Board of Veritas Multi Academy Trust (and where appropriate MAT Trustees) will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, KCC or the MAT Board will advise or arrange for you to have advice about the procedure.

The CEO and trustees of Veritas Multi Academy Trust will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

The CEO and trustees of Veritas Multi Academy Trust accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

## How The Matter Can Be Taken Further

This procedure is intended to provide individuals with an avenue to raise concerns within Veritas Multi Academy Trust and where appropriate within KCC. If you are not satisfied, and feel it is right to take the matter further, the following are possible contact points:

- Public Concern at Work
- Audit Commission
- Relevant professional bodies or regulatory organisations
- Solicitor
- Police

If a matter is taken outside the MAT, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the MAT Company Secretary.

## Public Interest Disclosure

Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any MAT employee directly due to the individual having made such a disclosure will automatically be unfair.