



St. Crispin's School Policy

Grievance Policy and Guidance – Appendix 1 (Including Bullying and Harassment)

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V1	03/2016	New combined Appendix 1 for Grievance, bullying and harassment policy.	06/2016

Next Review of this Policy is due March 2018



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1 Definition of Bullying

Bullying at work is behaviour that is:

- threatening, aggressive or intimidating;
- abusive, insulting or offensive;
- cruel or vindictive; or
- humiliating, degrading or demeaning.

The following table gives some examples of behaviour that could be perceived as bullying, depending on the circumstances.

General	Manager to subordinate
Ostracising someone, i.e. refusing to speak to him or her, blatantly ignoring his or her views or comments, or excluding him or her from work-related or social activities.	Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee.
Deliberately withholding vital work-related information in order to embarrass someone or make him or her look foolish.	Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement.
Personal insults or put-downs.	Criticising the individual in front of colleagues.
Spreading rumours or gossip or making false allegations about someone in order to discredit him or her.	Excessive or overbearing monitoring of a particular employee's work without good reason.
Physical shoving or barring someone's way.	Ordering a particular employee to work below his or her level of ability, or to perform mundane or demeaning tasks, for no proper reason.
Playing practical jokes on someone.	Removing an employee's responsibility without consultation and for no proper reason.
Aggressive or intimidating behaviour towards an individual, especially if displayed in front of others.	Threatening an employee with dismissal.



2. Definition of Harassment:

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled) when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.



4. Sample documents

Stage One Formal Grievance Request

CONFIDENTIAL

To:

From:Date:

NOTIFICATION OF FORMAL GRIEVANCE

In accordance with the Schools Grievance Procedure, please consider the grievance referred to below.

My grievance is
.....
.....

This was discussed with informally on

The oral response was
.....

I am not satisfied with this response because
.....
.....

The outcome I am seeking is
.....

My trade union/staff representative/work colleague is
.....

I wish to call the following witnesses who have agreed to attend on my behalf
.....
.....



Supporting information listed below.

Signed dated



Stage Two Formal Grievance Request

CONFIDENTIAL

To:Manager (Headteacher/Principal)

From: Date:

NOTIFICATION OF FORMAL GRIEVANCE

In accordance with the Schools Grievance Procedure, please consider the grievance referred to below. I attach a copy of the Stage One Grievance Notification for your information along with the supporting information from the hearing.

I am dissatisfied with the outcome of Stage One because

.....
.....
.....

The outcome I am seeking is

.....
.....

My trade union/staff representative/work colleague is

.....

I wish to call the following witnesses who have agreed to attend on my behalf

.....
.....

Supporting information listed below:

Signed dated



Grievance Appeal Request

CONFIDENTIAL

To: (Manager two levels above)
(Headteacher/Principal for Schools)

From:

Date:

NOTIFICATION OF FORMAL GRIEVANCE APPEAL

In accordance with the School's Grievance Procedure, please consider the grievance referred to below. I attach a copy of the Stage Two Grievance Notification for your information along with the supporting information from the hearing.

I am dissatisfied with the outcome of Stage Two because.....
.....
.....
.....

The outcome I am seeking is
.....

My trade union/staff representative/work colleague is
.....

I wish to call the following witnesses who have agreed to attend on my behalf
.....
.....

Supporting information listed below:

Signed dated



Example Letter – Confirmation of Receipt of Grievance Appeal

PRIVATE & CONFIDENTIAL

Grievance Appeal

Dear

In response to your appeal dated **(insert date)** against the decision concerning your grievance. I write to confirm receipt of your grievance appeal and associated documentation.

Your appeal will be heard by **(insert name)**.

You will be notified as soon as arrangements have been made for the hearing to take place.

Please contact me **(insert tel.no:)** if you have any questions concerning this matter.

Yours sincerely



Example Letter – Invitation to a Grievance Appeal Hearing

PRIVATE & CONFIDENTIAL

Dear

Grievance Appeal

In response to your appeal dated (insert date) against the decision concerning your grievance. I write to confirm the arrangements for your appeal hearing.

The hearing will take place on (insert date) in (insert venue) Please could you arrive at (insert time).

Your appeal will be heard by (insert name), (insert name) will be the HR Advisor and (insert name) will be note taker.

(insert name) will present the management case (insert name/s) may be called as witness/es.

The decision of this grievance appeal hearing is final and there is no further right of review.

Please find attached copies of documents relating to the hearing and a copy of the School's Policy for Grievance.

You are entitled to be accompanied by a trade union representative, staff representative or a work colleague.

You have the right to bring witnesses to the hearing. Please make the necessary arrangements for your witnesses to attend. Names and relevant details of witnesses you intend to call should be notified to.....

Please contact me (insert Tel.No.) if you have any questions concerning this matter.

Yours sincerely



5. Advice on how to address bullying or harassment

Where employees feel they cannot raise a complaint informally with their manager/supervisor they are advised to meet their Union/Staff Representative or another manager. In this meeting the complaint being made will be clarified and the different options available to the complainant under the informal and formal procedure will be explained. The purpose of this meeting is to establish whether there is substance to the complaint and to draw attention to available procedures and options and to help the employee to consider alternatives, but without pressure to adopt any particular course and to assist the individual in dealing with the situation (if the individual asks for help). Options that might be considered are:

Talking to the person concerned

Appropriate when:

- There are times when the working relationship is acceptable;
- The problems are recent;
- Both parties are assertive (i.e. not passive or aggressive).

Not appropriate when:

- There have been threats or threatening behaviour.

What should you do?

Before the meeting:

- Identify the behaviours that are experienced as unpleasant or bullying;
- Be specific (times, frequency) and keep a diary.

At the meeting:

- Clearly describe the behaviour to the offending person.
- Say that it is unwanted;
- Describe the appropriate behaviour that should be used.
- Seek agreement.

Benefits

- Issues can be resolved quickly;
- Relationships can be improved.



Writing a letter

Appropriate when:

- Talking to the person has not brought about the expected results;
- A meeting is not possible (e.g. distance, timing).

Not appropriate when:

- The person is unable to deal with the potential responses to the letter;
- The person is unprepared to talk about the difficulties directly.

What should you do?

Before writing the letter:

- Identify the behaviours that you want the person to change;
- Identify alternative, appropriate behaviours.

When writing the letter:

- Clearly describe the negative behaviours;
- Explain why the behaviours are unwanted;
- Describe the alternative, appropriate behaviours;
- Say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter).

What shouldn't you do?

- Do not personalise the bad behaviours (e.g. say "the behaviour was "disrespectful" rather than "you are disrespectful");
- Do not be too emotional in your language.

Benefits

- It allows preparation time;
- It enables you to say what you want;
- It acts as a record.

Mediation

Appropriate when:

- There is a need for support in dealing with a problem;
- There is agreement on the existence of an issue;
- Both parties are willing to work for a win-win solution.



Not appropriate when:

- One or more people are unwilling to take part in the process;
- There has been serious bullying or victimisation;
- The parties are not able or prepared to negotiate.

The mediator will help you:

- Identify what has happened by speaking confidentially to all parties;
- Assess the best way to bring the parties together;
- Hold a joint meeting;
- Explore the issues;
- Build the agreement for future working relationships.

What shouldn't you do?

- Do not expect the mediator to solve the problems;
- Do not remain in the past;
- Do not try to apportion responsibility/blame.

What should you do?

Contact your School's HR provider who will make the arrangements

Benefits

- It increases the likelihood of a resolution;
- It can improve working relationships.

Formal processes

Appropriate when:

- The incident that brought about the complaint is considered very serious by the complainant;
- Informal routes have been unsuccessful.

Not appropriate when:

- The employees concerned prefer to work together to resolve the problem;
- The formal process may cause extreme distress to one or more employees.



6. Guidance for employees accused of bullying or harassment

If someone makes a complaint against you, you should consider the following:

- Differences of attitude and culture or misinterpretation of social signals mean that what is perceived as harassment by one person may not seem so to another. Even though your behaviour may seem harmless to you, it is the other person's reasonable reaction to your behaviour that is important.
- Listen carefully to the complaint and the particular concerns expressed and consider whether the complaint can be justified in any way, and whether it would be advisable and appropriate to change your behaviour. You must take this matter seriously, do not treat it lightly.
- The first indication you may have that there is a problem may be when a colleague tells you that they are offended or upset by certain aspects of your behaviour and they will ask you to stop behaving towards them in a particular manner. All employees are informed that they have the right to ask any of their colleagues to stop behaving in a manner that is insulting, discriminatory or offensive to them.
- Alternatively, you may first be made aware that there is a problem when approached by one of the designated employees attempting to resolve the issue or informing you that a formal complaint has been made.
- If you are accused of harassment or bullying, you may wish to consult your manager or a Staff/Union representative. These support networks are intended to help employees to find positive ways of resolving complaints.



7. Appeal Hearing Process

- a) The Grievance Appeal Panel should aim to meet at least 15 minutes prior to the appeal to ensure they are clear about the procedure to be followed. The Panel should not discuss the appeal or issues relating to it with the manager presenting the case or the employee concerned ahead of the hearing.
- b) The Panel will decide who will act as Chair to the proceedings. The Chair will invite the manager presenting the case and the employee (including the representative) into the room together.
- c) The Chair will open the hearing by introducing those present in the room and their role during the hearing.
- d) If a representative accompanies the employee he/she should be asked to introduce her/himself. If the employee is not accompanied the Chair should confirm that the employee is aware of the right to be accompanied and that this is his/her decision.
- e) The Chair will ask the employee to present his/her grievance and call any witnesses. Witnesses should appear one at a time and will only be present while they are being questioned.
- f) The manager presenting the response to the grievance may question the employee (and representative) and any witnesses. The Panel, and its adviser, may also put questions.
- g) The employee (and representative) may re-examine any witnesses. The witnesses should be asked to remain available nearby for possible recall.
- h) The Chair will ask the manager to present the management case and to call his/her witnesses. Witnesses should appear one at a time and must only be present while being questioned.
- i) The employee (and representative) may ask questions of the manager and any witnesses. The Panel and its adviser may also question those above.
- j) The manager presenting the case may re-examine the witnesses. The witnesses should be asked to remain available for possible recall.
- k) The Chair will invite the employee (and representative) to sum up his/her case. This may involve bringing together the information already submitted as well as any new facts that have come to light during the hearing and should not include the introduction of any new evidence, but could include suggesting new solutions.
- l) The manager presenting the case will then be invited to sum up on the same basis as above.
- m) All present will leave the room while the Panel considers the evidence and reaches a



- decision. The note taker and any adviser may remain in the room but will not take part in the decision making.
- n) Where further information is required before reaching a decision, or if new issues have emerged which require further investigation, the appeal hearing should be adjourned and reconvened once the information has been obtained and made known to the other parties.
 - o) Where the panel feels a decision may take some time, the other parties are asked not to wait. Witnesses are also told they may leave. Otherwise the panel considers all the evidence and reaches a decision straight away. The note taker will record the decision of the panel.
 - p) Once the decision has been reached the employee (and representative) and the manager presenting the case are recalled and informed of the outcome.
 - q) The outcome of the appeal hearing should be confirmed in writing to the employee as soon as possible or within 10 working days. A copy of the letter should be placed on the employee's personal file.
 - r) There is no further right of appeal against the decision of the grievance appeal panel whose decision shall be final.