



# MARATHON SCIENCE SCHOOL

12

## DISCRIMINATION, HARASSMENT AND GRIEVANCE PROCEDURES

Reviewed on: 3rd September 2020

Next Review: 2nd September 2021

Uzeyir Onur

Headteacher

## Policy Statement

Marathon School:

- Is committed to being a fair and equitable employer, as set out in the Equality and Diversity Policy, which asserts its commitment to an employment culture in which people can feel confident of being treated with fairness, dignity and tolerance, irrespective of their individual differences;
- Will not tolerate harassment or bullying within the workplace;
- Expects the workplace to be an open environment and one in which everyone is able and willing to challenge unreasonable behaviour;
- Expects grievances to be dealt with sensitively, professionally, speedily and fairly.

## Definitions

- **A grievance** may be defined as concerns, problems or complaints raised by a staff member about their work, working conditions or relationships with colleagues.
- **Harassment** may be described as unwanted behaviour, practice or conduct which cause an individual to feel uncomfortable, distressed, stressed, alarmed, humiliated or frightened or affects their dignity or confidence.
- **Bullying** is an extreme form of harassment and will often involve persistent, maybe deliberate, harm, intimidation or humiliation. Bullying is often, although not always, related to the misuse or abuse of power or position.
- **Victimisation** may occur when a person is treated less favourably than another person because they have made, or supported, a complaint of harassment, bullying or discrimination.

## Discrimination

People are to be judged solely on merit and ability during recruitment, selection, training, development and promotion, and throughout their employment with this School. This policy of Equal Opportunity applies to *all* persons working for this School.

Every employee of this School has an obligation to promote an equal opportunity environment throughout the School. As an employee of this School, you have a duty to observe and apply this policy at all times. Violation of this policy is a serious offence and could result in disciplinary action and/or summary dismissal.

## Harassment

This School *will not tolerate harassment* in the workplace. Such conduct is unacceptable and violates this School's commitment to provide a safe working environment suitable for all our staff.

Unwanted conduct which has the purpose or effect of violating the recipient's dignity, unacceptable language or unwanted attention which creates an intimidating, hostile, degrading, humiliating or offensive environment for the recipient, is considered harassment. This is not an all-inclusive definition. Harassment can take many forms. **Remember**, what might be acceptable to one person may be upsetting and/or intimidating to another. A joke or prank, however seemingly innocent, may be very offensive to someone else.

- **If you wouldn't say it or do it in front of your parents, partner, or close friend of the same or opposite sex, don't say it. Don't do it.**

- **If you wouldn't want your words or actions to be the subject of newspaper or television reporting, don't say it. Don't do it.**
- **If in doubt, don't say it, don't do it!**

Each and every employee has a duty to observe and apply this policy at all times. Violation is a serious offence and most likely Gross Misconduct. *If you are found to have harassed or condoned harassment, you could be the subject of disciplinary action and summarily dismissed.*

## **Grievance Procedure**

### **1. 4. THE PROCEDURE**

There is an informal and formal process. The informal process must be followed before the formal process can be used. The informal process may be replaced by mediation, with the agreement of both parties to the grievance.

#### **4.1 Informal Process**

4.1.1 Any member of staff with a grievance covered by this procedure should raise it with their immediate line manager, verbally and/or in writing. The line manager will, wherever possible, respond to the grievance at the time it is raised. If this is not possible, the line manager will respond verbally and/or in writing (in accordance with the way the grievance has been raised with them) as soon as possible, having regard to the circumstances of the case, or in any event within 10 working days.

4.1.2 In instances of harassment or discrimination it may be appropriate for the aggrieved member of staff first to inform the alleged harasser that their behaviour is offensive or their attentions unwelcome. This may stop the harassment or discrimination at an early stage. It is recognised, however, that in many instances this course of action will be too difficult or embarrassing for the member of staff raising the concern. If they do not consider that the direct approach is appropriate, or if this is tried and is unsuccessful, then they should pursue their grievance with their line manager as described above.

4.1.3 Where the alleged harasser is the member of staff's line manager, the member of staff should raise the matter with another appropriate manager, who could be the manager's own line manager. If the member of staff does not consider this appropriate they should seek advice about whom the matter should be referred (see below). If, having sought advice, the grievance is raised with the appropriate manager, this manager will be responsible for responding to the member of staff on the matter. If this manager is unable to resolve the matter, the employee may proceed to the formal process. The formal grievance will be against the individual originally complained of.

- **FORMAL PROCESS**

## 6.1 Formal Written Grievance to the Head Teacher

6.1.1 The aggrieved member of staff may register a formal, written grievance if:

- The grievance has not been resolved through the informal process (including mediation)
- The manager with whom the grievance was raised has not responded within 10 working days (i.e. or other agreed time scale)

6.1.2 Staff should, in confidence, inform their Headteacher (or Chair of trust where appropriate) of the nature of their grievance) within 5 working days of the supervisor/manager's response to their informal grievance, (i.e. the verbal or written response).

6.1.3 Staff registering grievances need to specify clearly and comprehensively the nature of their grievance, for example if the claim is one of harassment, details of the harassment need to be specified in the original notification of grievance. If the scope/content of the grievance is not clear, the aggrieved member of staff will be asked to provide clarification before arrangements are made for the grievance to be heard.

## 6.2 Action on Grievance Being Received

6.2.1 Where the grievance is directly against the Headteacher, it should be referred to the Chair of the trust and be dealt with in accordance with para 6.5 of the code.

6.2.2 The Headteacher (or nominated representative/panel) will, within 10 working days of receipt of the formal grievance, arrange a hearing with the interested parties to try to resolve the grievance. A grievance panel will be appointed where the nature of the grievance is considered by the Headteacher to be of such a nature that it is not appropriate to be dealt with by a single nominated manager for example, where the grievance relates to an alleged breach of the school's equal opportunities policy.

6.2.3 The Headteacher will acknowledge the grievance within 5 working days of its receipt. The person grieved against will be notified by the Headteacher that a grievance has been logged and will be given a copy of the written grievance.

6.2.4 The Headteacher, in the letters to the parties involved, will offer the facility of mediation to the member of staff and the person grieved against to attempt to resolve the matter informally. If no response is received it will be assumed that the parties do not wish to take up mediation. It is recognised that the nature of a particular grievance may be such, however, that mediation would not be appropriate.

6.2.5 If a positive response to this offer is received in both parties, a mediation meeting will be arranged as described above. If either of the parties rejects the offer of mediation, the following procedure will apply.

6.2.6 The Headteacher (or nominated representative/panel) will, within 10 working days of receipt of the formal grievance, arrange a hearing with the interested parties to try to resolve the grievance. A grievance panel will be appointed where the nature of the grievance is considered by the Headteacher to be of such a nature that it is not appropriate to be dealt with by a single nominated manager for example, where the grievance relates to an alleged breach of the school's equal opportunities policy.

6.2.7 An Education personnel officer may attend the hearing to provide advice to the Headteacher/panel.

6.2.8 Prior to the hearing, both parties will submit the names of any witnesses and copies of any documentation which they wish to be taken into consideration. The Headteacher/panel will have the discretion to call for additional witnesses and documentation, as they consider appropriate. It is expected that any witnesses expected to attend the hearing will do so.

6.2.9 Dependant on the nature of the complaint or allegation, the letter calling the person grieved against to the hearing must advise them that, if at the end of the hearing the complaints made against them are considered to be proven, a possible outcome of the hearing could be recommendation for disciplinary action.

6.2.10 All witness names and documentation will be given to both parties 5 working days prior to the hearing.

#### 6.2.11 Appointments to Grievance Panels

Where a panel is appointed to hear the grievance it will consist of three people. The panel composition will, as far as possible, reflect the background of both parties. This would normally include the Headteacher (who would act as chair), together with two other school employees. Both parties will be advised of the panel composition. Any objections to any of the panel members should be made at this stage, stating the reasons. If the Headteacher accepts the reasons, a replacement panel member may be nominated. The Headteacher's decision will be final.

### 6.3 The Hearing

6.3.1 At the formal hearing the function of the Headteacher/panel will be to investigate the complaint through a process of interviewing both parties and the witnesses who may be relevant to the decision making, also considering any documentary evidence, in order to resolve the grievance and/or come to a decision on the outcome.

6.3.2 Arrangements for the hearing of the grievance will be as follows:

- The arrangements for the hearing will be made by the school or the departmental personnel unit
- The hearing should take place within 20 working days of registration of the grievance
- Both parties will be present during the hearing
- Where the person grieved against has been informed that disciplinary action may be an outcome if allegations made against them are found

proven, they may be accompanied at the hearing by a trade union representative, friend or colleague

- Any witnesses who attend may be accompanied by a trade union representative, friend or colleague.
- Both parties will have an opportunity to question the other party and any witnesses that may be called
- Additional evidence from either party will not normally be accepted at the hearing, other than in exceptional circumstances or where the Headteacher/panel consider that certain documentation and witnesses may be relevant
- The Headteacher/panel can request any additional witnesses they consider to be relevant and may adjourn the hearing at any point in order to obtain such further information as they consider to be relevant
- The procedure to follow at the hearing is set out in appendix 2 6.4 Outcome 6.4.1 If a decision is made immediately on the conclusion of the hearing, the Headteacher/panel will inform the two parties and representative(s) and confirm the decision to them in writing within 5 working days. If an immediate decision is not made, it will nevertheless be communicated to both parties as soon as possible, either verbally, or in writing, or both, as soon as possible and confirmed in writing no later than 10 working days after the end of the hearing. 6.4.2 Possible outcomes of the hearing may be:
  - The grievance is not upheld
  - The grievance is partly upheld
  - The grievance is upheld If the grievance is upheld, a recommendation may be that:
    1. (i) disciplinary action should be taken. In this event the Headteacher will convene a disciplinary hearing in line with the disciplinary code. If a disciplinary hearing is convened, the grievance investigation will be treated as constituting a fact-finding exercise and the Headteacher/Chair of the panel, having concluded that there is a case to answer, will present the management case to the Governors disciplinary panel.
    2. (ii) some other courses of action are appropriate, including training, team-building, etc.

6.4.3 It will be responsibility of the Headteacher/panel to decide on an appropriate action to be taken by the relevant people.



6.4.4 The feasibility and process by which proposed courses of action are implemented must be investigated, as appropriate, prior to the determination of the final decision.

6.4.5 Any decisions must fall within current school policy and procedures and the advice of the Education personnel advisor may be sought.

6.4.6 The notification of the Headteacher/panel's decision will include an explanation of the findings, the reasons for these findings, the conclusions and associated decisions.

## 6.5 Appeal to the Grievance Appeals Panel

6.5.1 If an employee is not satisfied with the decision following the hearing, the matter can be referred to the Grievance Appeal Panel. This panel will consist of 3 members of the Governing Body appointed by them to take decisions on their behalf. Any such appeals must be registered with the Chair of the Grievance Panel within 10 working days of receipt of the outcome letter. The appeal letter must clearly state the reasons why the employee remains aggrieved and the redress being sought.

6.5.2 The person grieved against does not have a right of appeal against the outcome of the grievance hearing.

6.5.3 The Headteacher (or Chair of Governors where the grievance is directly against the Headteacher) will, within 15 working days of receipt of the employee's letter of appeal, arrange an appeal hearing with the parties to try to resolve the matter. The procedure to be followed at the hearing is attached as Appendix 3. All evidence and witness names must be exchanged at least 3 working days prior to the date of the hearing.

6.5.4 The appeal hearing will address only the issues raised within the original complaint; the employee may not add new issues at this stage.

6.5.5 Additional evidence or witnesses may not be introduced, other than in exceptional circumstances and with the agreement of the Chair of the Grievance Appeals Panel.

6.5.6 The management's case will be presented by the Headteacher/Chair of the grievance panel.

6.5.7 The role of the Grievance Appeal Panel will be to hear all evidence on the grievance, arrive at a decision and to direct that particular actions be taken. The Grievance Appeal Panel may confirm or vary the findings of the hearing, or may refer any matters covered back to the Headteacher/panel for them to review their findings or vary their decision(s).

6.5.8 The decision of the Grievance Appeal Panel will be confirmed to the parties in writing within 5 working days of the hearing if a decision is made immediately on conclusion of the hearing or within 10 working days of the appeal hearing if a decision has not been made immediately.

6.5.9 The decision of the Grievance Appeal Panel will be final.

If you have a grievance relating to any aspect of your employment, you should give full details of your grievance to your Headteacher. Your grievance may be resolved informally or formally depending upon the nature of the grievance and the route you would prefer to take. In either case, you can discuss the options with your Headteacher who will guide you as to the correct procedure at the time of bringing it to their attention. Time may then be needed to investigate and consider the facts before action can be taken.

If you believe that your Headteacher has not adequately resolved your grievance then you may appeal to the Chair who may ask another person to investigate the matter and report the findings.

If you are uncomfortable discussing the grievance with your Headteacher or the person asked to investigate, request that another person handle the matter. Action may be taken to assign a third person to investigate and if so, this decision will be final.