

Grievance (including Bullying & Harassment) Policy and Procedure

1. Introduction

- 1.1 A grievance in the workplace is any concern, problem or complaint that an employee raises with their employer. This policy is designed to provide a clear, simple and fair method of resolving any issues relating to bullying, grievance or harassment as quickly and effectively as possible, within a confidential framework and ideally informally within the line management structure, but if necessary through a formal procedure.
- 1.2 Chichester College Group (the Group) is committed to creating a workplace culture free from harassment, bullying, intimidation and victimisation, where everyone is treated with dignity and respect. The Group will not tolerate the harassment or bullying of one member of the College community by another, and such behaviour may constitute gross misconduct in accordance with the Disciplinary Policy. Definitions of harassment, victimisation and bullying are detailed in Annex A.

2. Scope of this procedure

- 2.1. This procedure applies to anyone engaged to work at the Group, except for designated senior post-holders for whom other procedures apply.
- 2.2 Issues that may be raised under this procedure include, but are not restricted to, those relating to the application of terms and conditions, working arrangements, work relations, health and safety, bullying and harassment, and include activities outside the workplace, e.g. College trips and work-related social events.
- 2.3 Issues for which this procedure does not apply include, but are not restricted to, those relating to a requirement of law (e.g. income tax and National Insurance matters), collective disputes, when the employment relationship has ended and the harassment or bullying by students - (refer to the Student Anti-Bullying Policy).

- 2.4 It should be noted that there may be instances where an employee dislikes or disagrees with an instruction given by his/her manager. Where a manager is legitimately carrying out his/her management responsibility in an appropriate and reasonable manner this will not constitute bullying and/or harassment.
- 2.5 Where a counter complaint is made by the person about whom the grievance or complaint has been raised, this will normally be dealt with as part of the same investigation.
- 2.6 If there are reasonable grounds to suspect that a member of staff may be raising a vexatious claim of harassment or bullying, or grievance, the Group will investigate the cause in accordance with the Disciplinary Policy, and may take appropriate action under that Policy.
- 2.7 Issues must be raised at the earliest opportunity to support resolution at the lowest level. Therefore, issues must be raised within 3 months of the event taking place. There may be occasions where an issue is raised following a pattern of behaviour over a period of time, so in exceptional circumstances issues raised after 3 months may be dealt with under this policy where there is evidence to support the delay.
- 2.8 Complaints arising from action being taken under another Group procedure (e.g. Disciplinary, Capability, Sickness Absence Management), will normally be dealt with as part of that procedure, depending on the nature of the complaint.
- 2.9 All evidence linked to an investigation may be made available to appropriate parties. However, the confidential nature of the information will always be considered prior to disclosure.
- 2.10 At all formal stages of the procedure staff who have raised the grievance, or who have had a grievance raised against them, may be accompanied by a workplace colleague or a Trade Union representative. When formal meetings are confirmed it is the member of staff's responsibility to notify their chosen representative of the arrangements, and to notify Human Resources (HR) of the name of the person

accompanying them. Where the chosen companion cannot attend on the date proposed, the member of staff may ask the Group to agree to an alternative time and date, normally within five working days of the scheduled date. Where a specific Trade Union representative is not available this will not delay the process and it is the member of staff's responsibility to seek an alternative.

- 2.11 There is no right to legal representation at any stage of this procedure and the sound recording of any meetings or discussions that take place at any stage of the procedure is expressly forbidden, unless there is written consent by all parties.

3. Responsibilities

- 3.1. Every member of staff has a responsibility to create and maintain a working environment free from bullying and harassment, in keeping with the Group's Core Values, Staff Code of Conduct, and the Equality, Diversity & Inclusion policy.

3.2. Staff

- 3.2.1 Staff are accountable for their behaviour and actions and must respect the way in which their behaviour may affect others. All staff have a personal responsibility to work towards resolving issues informally in line with this policy and procedure, with the aim of restoring a positive conflict free working environment.

3.3 Managers

- 3.3.1 All levels of manager have a responsibility to ensure that issues regarding grievances, including concerns of bullying and harassment, are dealt with swiftly, thoroughly and sensitively to avoid unnecessary escalation of issues and to minimise any stress/anxiety for all parties concerned.
- 3.3.2 Managers should ensure that there is a supportive working environment and make sure that staff understand expected standards of behaviour.

3.4 Human Resources

3.4.1 The role of HR is to support managers and staff in addressing concerns raised regarding bullying, grievance and harassment swiftly and appropriately through strategies such as supportive intervention, facilitation, training, and support for investigating managers.

3.4.2 HR will provide guidance to managers and staff in the interpretation and application of this procedure as and when required, including advice to managers by attendance at all formal grievance meetings.

3.5 Workplace colleagues/Trade Union representatives

3.5.1 Agree to:

- Make every effort to attend arranged meetings, though there is no duty on a workplace colleague to accept a request to accompany a member of staff;
- maintain confidentiality of all information of which they become aware;
- offer appropriate support e.g. note taking, requesting breaks/adjournments.

4. Support for staff

4.1 The Group recognises that a grievance procedure can be a stressful and upsetting experience for all parties involved so will seek to provide the most appropriate support available, which may be from the line manager and/or HR in the first instance. If it is not appropriate to speak to their line manager, (for example, if the line manager is the subject of the grievance), the member of staff may raise the matter with their line manager's manager. Consideration will also be given to supporting staff in restoring and maintaining respectful working relationships once the issues have been addressed.

4.2 External support is available through a confidential telephone counselling service, which the Group has access to on 0117 934 2121 and, if appropriate, through the Teacher Support Network on 08000 562 561.

The grievance procedure

5. Stage 1 - Informal

- 5.1 If a member of staff is dissatisfied with anything related to their employment, as it arises they should talk to their line manager, or their line manager's manager who will, if possible, resolve the matter informally.
- 5.2 This may involve an informal meeting with all parties concerned to discuss the concern raised and agree an appropriate resolution.
- 5.3 Any agreed outcomes at the informal stage should be recorded and shared by both parties.
- 5.4 Where a complainant decides not to proceed with the complaint the manager or an HR representative should find out the reasons why the complainant does not want to take action. They should attempt to allay any fears he or she may have whilst pointing out that taking some form of action, at least informally, may be the only way the problem may be resolved, but remembering that the ultimate choice is theirs. Depending on the seriousness of the complaint, for example risk to the individual or continuous bullying/harassment, even if staff decide to take no action, the matter may still have to be reported/investigated.
- 5.5 It may be appropriate for the matter to be dealt with by way of facilitation or mediation, depending on the nature of the grievance. Mediation will be used only where all parties involved in the grievance agree.

6 Stage 2 - formal

- 6.1 Where a grievance cannot be resolved informally, the member of staff should submit their grievance, ideally in writing using the form at Annex D, to Human Resources, giving full information of the complaint including dates, events, witnesses, supporting documentation etc.

- 6.2 After the complaint is received Human Resources will appoint a trained independent Group manager, who has had no previous involvement in the situation to chair a meeting to investigate the grievance further. Where the complaint includes elements of bullying and/or harassment up to two Group managers may be appointed on a case by case basis. Full details of the grievance will be shared with the manager appointed to investigate.
- 6.3 If the grievance relates directly to another member of staff they will also be informed of the complaint and the procedure being followed while the investigation is being carried out. He or she will be given every opportunity to respond to the complaint.
- 6.4 To support all individuals, temporary working arrangements will be considered, including as a neutral act, suspension of one or both parties, in accordance with the Group Suspension Policy.
- 6.5 A Grievance Investigation meeting will be arranged to discuss and consider the grievance, see Annex B. A member of staff will be given a fair opportunity to discuss their grievance, by the designated manager(s), although the procedure is not an opportunity to raise issues unrelated to the grievance.
- 6.6 Staff should ensure that they attend the meeting at the specified time. If a member of staff is unable to attend because of circumstances beyond his/her control, they should inform Human Resources as soon as possible. Failure to attend without explanation, or if it appears that insufficient attempts to attend have been made, the meeting may take place in the absence of the member of staff.
- 6.7 If appropriate, further meetings will take place to investigate the issues raised.
- 6.8 Staff will be informed of the outcome of their grievance, ideally verbally and then confirmed in writing. They will also be advised of any recommendations that the Group proposes to take forward, as a result of the complaint.

7. Stage 3 - appeal

- 7.1 If the member of staff is not satisfied with the outcome of the grievance, they have the right of appeal. This should be submitted in writing within 5 working days of receipt of the written decision. The reasons for the appeal, or an explanation of the perceived inadequacies of the previous decision is required, together with a suggested recommendation as to how the grievance can be resolved.
- 7.2 An appeal hearing will be chaired by a more senior manager than the investigating manager(s), wherever possible. Appeals will be held in accordance with Annex C.
- 7.3 The Chair will consider the grounds that have been put forward and assess whether or not the conclusion reached in the original grievance meeting/investigation was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of dissatisfaction in relation to the original grievance. The manager conducting the appeal may, therefore, confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 7.4 Written confirmation of the appeal decision will be sent to the member of staff stating the grounds for the decision. The decision from the appeal hearing is final.

8. Status of this policy and procedure

- 8.1 The operation of this policy will be kept under review by the Director of Human Resources. It may be reviewed and varied from time to time by the Resources Committee. It has been equality impact assessed to ensure that it does not adversely affect staff.

Review date: January 2018

Date for next review: January 2020

Appendix A: Grievance policy definitions

Bullying is defined in the ACAS guide for managers and employers as: - *“Offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”*.

CGC embrace the importance of staff wellbeing, staff engagement and work-life balance and recognise that bullying can create serious problems for the Group and members of staff alike. People affected by bullying often feel the matter appears trivial or they may have difficulty in describing it. Examples of bullying may include, but are not limited to:

- Persistent unnecessary criticism
- shouting at colleagues in public or private
- deliberate isolation by ignoring or excluding a person
- withholding information or removing areas of responsibility without justification
- spreading malicious rumours or making inappropriate personal comments
- undermining a person’s self-respect by condescending or threatening treatment that humiliates or intimidates the individual
- cyber bullying (e.g. via social media, messaging, email or written communications)
- picking on one person when there is a common problem
- setting unrealistic targets or excessive or unfair workloads, or
- setting an individual up to fail (e.g. by giving inadequate instructions or unreasonable deadlines).

Harassment is defined by reference to the definition in the Equality Act 2010, as: *“Unwanted conduct relating to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading humiliating or offensive environment for that individual”*.

The relevant protected characteristics under the Equality Act 2010 are age, disability or impairment, gender reassignment, race, religion or belief, gender, sexual orientation. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

Harassment can take many forms, which may include, but are not limited to:

- Unnecessary or unwanted physical conduct ranging from touching to serious sexual or physical assault.
- Verbal conduct such as sexist, racist or homophobic comments or innuendo, derogatory remarks about protected characteristics, comments of a personal nature, suggestive remarks, inappropriate jokes or language.
- Display, storage or circulation of offensive material (including information held on computer).

Victimisation occurs when a member of staff is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A member of staff is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Behaviour which constitutes bullying and/or harassment may occur on a single occasion; it may be sporadic or it may take the form of a continuing process. It does not necessarily occur face to face as it may occur for example through social media, written communications, visual images, by email or by telephone.

Bullying and/or harassment is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient (even if it is not directed at that individual); provided that it is reasonable in the circumstances to consider that the conduct in question constitutes bullying or harassment. As a result, it is possible that behaviour that is acceptable to some members of staff will cause embarrassment, distress or anxiety to others.

Members of staff may complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Members of staff are also protected from harassment because of perception and association. Unlawful discrimination on the grounds of the equality protected characteristics will not be tolerated in any form.

Annex B: Conduct of a grievance investigation meeting

1. The manager(s) chairing the meeting will introduce all parties before explaining the procedure to be followed, including note taking and confidentiality.
2. The member of staff, or their companion, will present their case and any additional evidence related to the complaint.
3. The Chair(s) may ask questions of the member of staff or their companion.
4. The member of staff, or their companion, may ask questions of the Chair(s).
5. The member of staff, or their companion, will have the opportunity to make a final statement summarising the issues concerned.
6. The Chair(s) will make a final statement summarising the issues concerned and the requested outcome of the grievance.
7. Notes taken at the meeting, normally by Human Resources, will be sent to the member of staff for verification and accuracy checking.
8. Evidence presented will be further investigated by the Chair(s), within a reasonable timeframe and the member of staff will be advised, ideally verbally and then confirmed in writing, of the decision reached and their right of appeal.
9. The format above is intended to provide general guidelines for the conduct of the meeting. In particular circumstances, the Chair(s) can apply reasonable discretion to vary the format to suit the individual nature of the case.

Annex C: Conduct of a grievance appeal hearing

1. The manager chairing the appeal hearing will introduce all parties before explaining the procedure to be followed.
2. The member of staff, or their companion, will present their case and the reasons for the appeal. The member of staff may call witnesses and present any new evidence related to the grievance.
3. The management representative (who determined the original grievance outcome) may ask questions of the member of staff, their companion or witnesses and comment on any new evidence presented.
4. The Chair may ask questions of the member of staff, their companion or witnesses.
5. The member of staff, or their companion, may re-examine their own witnesses on any matter referred to in their examination by the management representative or Chair of the meeting.
6. The management representative will present their case and may call witnesses.
7. The member of staff, or their companion, may ask questions of the management representative or witnesses.
8. The Chair of the meeting may ask questions of the management representative or witnesses.
9. The management representative may re-examine their own witnesses on any matter referred to in their examination by the member of staff, or their companion or Chair of the meeting.
10. The member of staff, or their companion, will have the opportunity to make a final statement summarising the issues concerned.

11. The management representative will have the opportunity to make a final statement summarising the issues concerned.
12. The appeal hearing will be adjourned for the Chair to consider the evidence and to decide whether to uphold, amend or reject the appeal. All parties, except the Chair and Human Resources representative, will be asked to withdraw.
13. If an investigation is required, this will take place at this stage, and all parties will be advised.
14. Wherever possible, the appeal hearing will be re-convened for all parties to hear the decision.
15. Written confirmation of the appeal decision will be sent to the member of staff within 5 working days of the date of the meeting, stating the grounds for the decision.
16. The format above is intended to provide general guidelines for the conduct of the grievance appeal hearing. In particular circumstances, the Chair of the appeal hearing can apply reasonable discretion to vary the format to suit the individual nature of the case being deliberated.

Annex D: Notice of Grievance

Name:

Curriculum/Business _____

Support

Area/location: _____

I wish to raise a formal grievance in accordance with the provisions of Chichester College Group's Grievance (including Bullying & Harassment) Policy & Procedure.

The details, including dates, events and supporting documentation, are as follows:
(continue on a separate sheet if necessary)

Attached documents are:

My preferred outcome is:

Witnesses who may be interviewed:

I have discussed my grievance informally : Yes / No (please delete)

If yes, please provide the name of the
person it was discussed with:

Signed:

Date: