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Grievance Policy

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1. INTRODUCTION

- a. The purpose of this policy is to give all employees working in Academies and centrally employed personnel, a means to resolve complaints or grievances relating to their role or employment and has been designed to ensure that these are dealt with and resolved quickly, fairly and as closely as possible to the point of origin. This helps to prevent minor disagreements developing into more serious disputes.
- b. This procedure does not apply to those matters for which other established complaint/appeal arrangements are in place. These include but are not limited to;
 - Disciplinary Action
 - Action taken under Capability
 - Supporting Attendance procedures
 - Pay and Grading
 - The Staff Performance Management process
 - Recruitment and Selection
 - Redundancy including RITSSE

2. PRINCIPLES

- a. It should be emphasised that the underpinning principle of this process is that employees should, wherever possible, seek to make a concerted effort to resolve their differences informally in the first instance without recourse to formal procedures. Such informal resolutions generally enable colleagues to resume productive and professional working relationships by finding mutually acceptable solutions to workplace problems and issues.
- b. It is a legal requirement to ensure that these procedures are made known to all staff (for example it would be good practice for a copy to be displayed on the staff room notice board).
- c. At all stages of the process, confidentiality must be maintained and respected by all parties involved in the process
- d. Formal grievance procedures are designed to provide a fair, transparent and systematic way of investigating and resolving grievances.
- e. Both parties to a formal grievance are entitled to be accompanied by a Trade Union Representative or work colleague.
- f. For the purpose of the formal procedure, the term grievance means a complaint meeting the following requirements:
 - The grievance must be specific to the individual employee and relate to their employment.
 - The grievance must be substantial in the sense that, if the facts were as stated by the employee, it would be reasonable to conclude that significant grounds for complaint existed.
 - The grievance must involve a complaint about unfairness, e.g. where an employee complains that he/she has been deprived of some benefit to which he/she is entitled, or, has been treated in a biased manner or has been induced to do something by a

misrepresentation it is not because an employee disagrees with a decision that has been taken.

- Resolution or redress should be reasonable and be realistic.
- g. In some cases, and where the informal process has been unsuccessful independent mediation can be an alternative to resorting to the formal stage of the process, particularly with problems involving working relationships. To discuss mediation please contact your usual HR Advisor or Trade Union representative who can make the necessary arrangements. If mediation does not resolve the issue, then employees may move straight to the formal stage of the procedure.
- h. Written records of any grievance that is dealt with should be kept. Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. Records should include:
 - The nature of the grievance raised.
 - A copy of the written grievance.
 - The Academy's response.
 - Decision and actions taken.
 - The reason for the actions taken.
 - Whether an appeal was lodged.
 - The outcome of the appeal.
- i. Management notes should be taken at all grievance meetings. The employee raising the grievance and the employee, who has had the grievance raised about them, should be asked to sign the notes from their own meetings. Witnesses should be informed that their statements/meeting notes may be disclosed to all parties concerned.

3. SCOPE OF PROCEDURE

- a. **Former Employees** - it is important that the appropriate manager seeks advice from HR if a former employee within three months of their leave date raises a grievance.
- b. The Grievance Procedure should only be applied to substantial unresolved concerns as provided for in section 2 and should be raised as soon as possible after the event about which the complaint is being made.
- c. Whilst this procedure applies even if employment ends prior to the grievance procedure being invoked, if both parties agree, a modified grievance procedure will be applied i.e. the grievance is clearly set out in writing to the Academy providing specific detail and information regarding the grievance and a written response is sent to the individual. The Academy may at its discretion, decline to deal with grievances which relate to matters which occurred more than three months before the grievance was raised.
- d. **Current Employees within Academies and Centrally Employed personnel**, an employee's grievance will be dealt with differently depending on the nature of the grievance and/or who it is about.

Who is the grievance about?	Nature of the Grievance	Which grievance procedure will/may be used?
Any employee at the Academy (not the Headteacher/Principal/Line Manager)	Any matter	Standard Procedure
A collective grievance about an Academy or a single collective grievance across a number of Academies	Any matter	Standard Procedure
The Headteacher/Principal/Line Manager	Any matter	Headteacher/Principal/Line Manager grievance procedure(see section 5)
Any Person	Any matter	Enhanced Academy procedure if appropriate

STANDARD ACADEMY PROCEDURE

4. INFORMAL DISCUSSION

Individual Grievance

- a. When the employee's grievance is about a colleague, and the employee feels able, the employee should approach the other member of staff concerned to see whether the grievance can be resolved by informal discussion. Most concerns can usually be resolved in this way.
- b. Where an employee is aggrieved about any other matter relating to their employment, the appropriate course of action, in the first instance, is for the employee to discuss their concerns with their Headteacher/Principal/Line Manager. At this stage the meeting should ideally be as informal as possible. Should an employee request to be accompanied by their Trade Union or work colleague at this initial stage, this will not unreasonably be refused. It may not always be necessary for employees to be represented at the initial stage of the procedure but it is important to note that Trade Union representatives have an important role to play in resolving matters throughout the various stages of the procedure.
- c. Where, after every effort has been made, the grievance cannot be resolved informally it can be raised under the formal grievance procedure.

Collective Grievance

- d. Where more than one individual raises the same grievance to the Headteacher/Principal/Line Manager this will normally be dealt with as a single collective grievance rather than as a number of individual complaints. In such cases either the Trade Union or other work-based representative can raise the matter informally on behalf of all those employees involved and can represent them through the various stages of this procedure.
- e. Similarly, If the grievance relates to issues across a number of Academies the grievance will be dealt with as a collective grievance rather than individual complaints. The Trade

Unions or other work-based representatives must raise the matter informally in the first instance on the basis of a collective grievance. Should grievances on behalf of employees be raised separately by the Trade Unions or work based representatives the Academies will reserve the right as appropriate to treat the grievance as a collective grievance by informing those Trade Unions or work based representatives, that they can represent the employees collectively through the stages of this procedure. Similarly, Headteachers/Principals of each respective Academy will form a panel advised by HR to informally address the concerns as a collective response relevant to their Academies.

- f. Where a grievance is brought on behalf of more than one person, the Trade Union (s) or work-based representative must ensure that they have the express consent to bring the grievance on behalf of the people concerned (if less than 20 employees). This information must be made available to the Academy where the person is employed. The information should be disclosed within five working days of any such request.
- g. In exceptional circumstances, where there is a failure to resolve a collective grievance, conciliation may be sought from external agencies with the agreement of both parties. Trade Union representatives are advised to inform their Regional Officers where conciliation is sought.

5 FORMAL STAGE

Individual grievance

- a. If the employee remains dissatisfied in terms of the outcome from the informal stage of the grievance, they should submit this in writing and send to the Headteacher/Principal/Line Manager. The grievance should clearly set out the facts, dates and those involved in as much detail as possible; the objective of raising the grievance should be identified by the employee, together with the decisions they wish to seek as an outcome.
- b. The Headteacher/Principal/Line Manager will write (where possible within 5 working days of receipt of the grievance) to invite the employee to a meeting to discuss the matter formally. The Headteacher/Principal/Line Manager will contact HR department for support and notify the employee in writing of the employee's right to be represented at the meeting. The headteacher may appoint an Investigating Officer. In all cases, every effort should be made for the meeting to be held within 10 working days of receipt of the individual's written grievance. (This should be conducted personally by the Headteacher/Principal/Line Manager or through a nominated representative).
- c. All information that is to be presented at the meeting should be provided to the Headteacher/Principal/Line Manager and their HR advisor, at least 3 working days before the meeting is to take place. This is to help ensure that the Headteacher/Principal/Line Manager has a full understanding of the issues being discussed. In exceptional circumstances, information can be submitted on the day of the meeting; however, this is at the discretion of the Headteacher/Principal/Line Manager. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.
- d. The employee or representative will have the opportunity at the meeting to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Headteacher/Principal/Line Manager to resolve the matter at this stage.

- e. The employee is entitled to be represented at the meeting, if they wish, by either a Trade Union representative or a colleague. The Trade Union representative or colleague should be allowed to address the meeting, to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The Trade Union representative or colleague does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the Headteacher/Principal/Line Manager from explaining their case.
- f. In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into, before discussing it further.
- g. After the meeting the Headteacher/Principal/Line Manager will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

Collective grievance

- h. In the cases of a collective grievance the Trade Union representatives or work-based representatives shall submit this in writing to the Headteacher/Principal/Line Manager. Where the grievance relates to an issue/s across a number of Academies a panel of nominated Headteacher/Principal/Line Managers will be convened. The panel will consist of one Headteacher/Principal/Line Manager from each respective Academy.
- i. Where the collective grievance is about a particular Academy, the relevant Headteacher/Principal/Line Manager will investigate. The requirements set out in 4.2.1 to 4.2.7 will be the same. Individual Trade Unions or work-based colleagues will be required to meet the requirements of setting out the grievance in accordance to the aforementioned paragraphs.
- j. The Headteacher/Principal/Line Manager/Panel of Headteacher/Principal/Line Managers should respond to the grievance in writing to the respective parties, where possible within ten working days explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

6. HEADTEACHER/PRINCIPAL/LINE MANAGER GRIEVANCE PROCEDURE

INFORMAL STAGE

- a. Where the grievance is about the Headteacher/Principal/Line Manager and the employee feels able to, the employee should approach the Headteacher/Principal/Line Manager to see whether the grievance can be resolved by informal discussion most concerns can usually be resolved in this way or the employee may choose to contact the CLT HR department directly. Should the employee request to be accompanied by their Trade Union or work colleague at this initial stage, this will not unreasonably be refused.

It may not always be necessary for employees to be represented at the initial stages of the procedure but it is important to note that Trade Union representatives have an important role to play in resolving matters throughout the various stages of the procedure. Headteachers/Principals should ensure that they keep records of the grievance raised and the action taken. These records should be treated as confidential and should be kept no longer than necessary in accordance with the Data Protection Act 1998.

- b. Where the employee wishes to do so the grievance can be brought to the Chair of Governors attention who can arrange to resolve the matter informally.
- c. Where, after every effort has been made, the grievance cannot be resolved informally it can be raised under the formal grievance procedure.

7. FORMAL STAGE

STAGE ONE

- a. Where the employee's grievance is with the Headteacher/Principal/Line Manager and has not been resolved by informal action, the grievance needs to be submitted in writing to the Chair of Governors. The grievance must set out fully the nature of the grievance in writing clearly explaining the events, dates, facts and details of any witnesses where possible, it should also state the desired resolution the employee seeks. This information should be sent to the Chair of Governors of the Academy. A copy of the grievance must be given to the Headteacher/Principal/Line Manager.
- b. The Chair of Governors of the Academy must discuss the matter with Human Resources who will advise on the process. The Chair of Governors will appoint an individual governor at the Academy to hear the grievance or another external third party to hear the matter.
- c. The nominated Officer should initiate a meeting with the aggrieved employee without unreasonable delay and should:
 - Write (where possible, within 5 working days) to invite the employee to a meeting to discuss the matter formally and notify the employee in writing of the employees right to be represented at the meeting. In all cases, every effort should be made for the meeting to be held within 10 working days of receipt of the individual's written grievance.
 - All information that is to be presented at the meeting should be provided to the Governor/External third party and their HR advisor, at least 3 working days before the meeting is to take place. This is to help ensure that the hearing Governor/External third party has a full understanding of the issues being discussed. In exceptional circumstances information, can be submitted on the day of the meeting; however, this is at the discretion of the hearing Governor. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.
 - The employee or representative will have the opportunity at the meeting to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Governor to resolve the matter at this stage.
 - The employee is entitled to be represented at the meeting, if they wish, by either a colleague or Trade Union representative. The Trade Union representative or colleague

should be allowed to address the meeting, to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The Trade Union representative or colleague does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the Headteacher/Principal/Line Manager from explaining their case.

- In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into, before discussing it further.
- After the meeting the Governor will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.
- d. Copies of the response should be forwarded to the employee and the Headteacher/Principal/Line Manager about whom the grievance has been made.

8. STAGE TWO - Appeals

- a. If the employee is dissatisfied they can appeal to the Governors Appeal Committee within 10 working days of the written response at the Formal Stage. (Refer to Appendix 1 – Procedure for Governors' Appeal Meeting).
- b. The Appeal will be heard by the Appeals Committee who will invite the employee to attend a further meeting to appeal against the decision. The employee will be notified in writing of their right to be accompanied at the meeting
- c. In all cases, every effort should be made for the appeal hearing to be held within 10 working days of receipt of the individual's written appeal.
- d. The Governor/External third party will also be invited in order to deal with any issues raised concerning the conduct of the original grievance. Normally, a representative from HR will be in attendance at the appeal hearing to advise the Appeals Committee.
- e. All information that is to be presented at the appeal hearing should be provided at least 3 working days before the meeting is to take place.
- f. Employees have the same right to be represented at appeal hearings as at the Formal Stage.
- g. Following the appeal hearing, the Chair of the Appeal Committee will respond to the appeal in writing, where possible within 5 working days, either upholding the appeal or turning down the appeal and thus supporting the original grievance decision. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.
- h. The letter will give reasons for the decision and, where the appeal is upheld, explain in what respect the original grievance decision has been varied, and what action, if any, will be taken to attempt to resolve the grievance.

- i. The decision taken at the appeal stage on the matter will be deemed final.

9. MANAGING THE PROCESS DURING ABSENCE

- a. In the interests of progress for all parties, the grievance may continue to be heard during absence following consultation with Occupational Health and the employee concerned or their representative.
- b. If an employee is not fit to attend meetings concerning their grievance consideration will be given to the employee being allowed to send a representative or make written representations instead, or the matter being delayed until the employee is fit to attend.

Appendix 1 – Procedure for Appeal Meeting

The Governor's Appeal Committee:

1. Introductions by Chair; explanation of procedure
2. Appellant, or their representative, to state his/her grounds for appeal.
3. Original hearing officer may ask questions of the appellant or their representative
4. Members of the Appeal Committee may ask questions of the appellant or their representative
5. Original hearing officer to state how they made their original decision.
6. Members of the Appeal Committee may ask questions of the original hearing officer
7. Appellant (or representative) may ask questions of original hearing officer.
8. Appellant or their representative, to sum up case.
9. The original hearing officer to sum up case
10. Parties retire
11. Appeals Committee to consider the case and notify the parties of their decision. This may be conveyed at the conclusion of the Appeal hearing and then confirmed in writing or confirmed in writing at a later date by the Committee.

The process may be varied by agreement of all parties.

Appendix Two

Grievances about specific individuals

- 1.1 Where grievances have been made about named employees, employees are entitled to be informed as soon as possible that a grievance has been made about them, and they will be provided with details of the complaint, (unless in exceptional circumstances where it could interfere with the procedure). If necessary a member of the HR team will be assigned to any such employee, who will update them as to the progress of the grievance and be available to answer any questions they may have.
- 1.2 Should there be a concern that working relationships may become difficult whilst the issue is being resolved, it should be discussed with HR, in order to determine what measures can be taken to attempt to relieve these difficulties and ensure fairness to both parties during the process.
- 1.3 Care needs to be taken that any employee raising a grievance does not suffer any detriment as a result. Likewise, any employee raising a grievance should not suffer victimisation, retribution or exclusion as a result of raising a grievance. Where appropriate, a stress risk assessment may be undertaken to ensure suitable support is provided.
- 1.4 Care needs to be taken that any employee who has had a grievance raised against them does not suffer a detriment as a result. Where appropriate, a stress risk assessment may be undertaken to ensure suitable support is provided.
- 1.4 Wherever possible the outcome of the grievance will be notified to the employee about whom the grievance is made on the same day as it is notified to the employee raising the grievance.