



GRIEVANCE POLICY and PROCEDURE

Approved by: Board of Trustees
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A. INTRODUCTION

- 1) It is recognised that grievances may arise in a variety of forms. It is hoped that, wherever possible, grievances can be settled informally, without recourse to the formal stage of the procedure – See Appendix C for a flow chart of actions in relation to this policy.
- 2) This procedure does not apply to salary issues including the pay and grading of posts, income tax, national insurance, pension schemes, or in place of a formal stage, or an appeal process, within another Schools HR Procedure.
- 3) The aggrieved employee has the right to be accompanied by a trade union representative or a work colleague of his/her choice, if he/she wishes but by no-one else, at all formal stages of the procedure.
- 4) If the employee is disabled, the manager will make reasonable adjustments to any provisions, criteria or practices associated with following the Grievance Procedure that may affect the employee.
- 5) This recommended procedure is subject to the provision of relevant Education Acts. It is to apply to all staff in Trust schools.
- 6) Throughout this document any reference made to a Manager can be defined as a CEO, Director of Education, Director of Business, Headteacher, Chair of Trustees / LSB or a member of staff delegated by the Headteacher or Chair of Trustees / LSB to hear the grievance.
- 7) This procedure shall apply equally to Headteachers who have a grievance as it applies to other members of staff.
- 8) For grievance purposes, where a school based member of staff has a grievance against a LA officer the LA Grievance Procedure will be applied.
- 9) For grievance purposes, where a member of staff within the LA has a grievance against a member of staff of the Trust, the Trust's Grievance Procedure will be applied.
- 10) A group of employees with the same grievance may raise the matter as a collective grievance under this procedure, provided that it is not more appropriate to use the Joint Consultation Framework (i.e. a grievance relating to the application of existing arrangements should be raised through this procedure, rather than the Joint Consultation Framework which would address proposed changes to existing arrangements).
- 11) Employees are advised to consult their Trade Union representatives at any stage of the procedure.

12) Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998. Throughout the grievance process, documentation will be shared with the employee where that is appropriate.

13) It should be noted that where an employee becomes sick during the course of a grievance, or submits a grievance while off sick, resolution of the grievance is likely to contribute to their recovery. Efforts to resolve the issues raised should therefore, where possible, and in conjunction with advice from Occupational Health, continue during the period of sickness absence.

14) Equality

The Trust's HR consultants regularly review all the policies and procedures and make recommendations to ensure there are no negative equality impacts. Consultation with our stakeholders is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school / Trust, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the following officer:-

Chris Heptinstall – Director of Business
Telephone number: 07394 566 490

B. INFORMAL STAGE

- 1) Where an individual member of staff has a grievance, s/he should first of all attempt to resolve that grievance informally through discussions with their line manager, or with the other party if the grievance relates to the actions of another employee.
- 2) The line manager, if it is deemed appropriate, may feel it necessary to discuss the grievance with the Headteacher / member of Trust Executive Leadership team in order to resolve the issue.
- 3) Informal resolution will involve the Headteacher where the grievance relates to the actions of another employee. Informal discussions and/or meetings with both individuals, and / or discussions with HR will take place.

C. FORMAL STAGE

- 1) If the member of staff's grievance cannot be resolved at the informal stage then s/he should submit a completed Grievance communication form or letter to the Headteacher (If the Grievance is with the Headteacher, then the form should be submitted to the Chief Executive Officer and the Chair of the LSB; if the Grievance is with the CEO, then the letter should be submitted

to the Chair of the Board of Trustees). The Grievance should set out the full details of the grievance, advising what steps have already been taken to resolve the issue informally, what resolution is sought, along with any supporting documentation relevant to the grievance. This should be copied to any other person(s) concerned.

- 2) On receipt of the formal grievance, the manager will arrange a hearing, normally within 10 working days, with the aggrieved employee, or with both parties if the grievance relates to the actions of another employee, A HR representative may be in attendance to support this hearing if appropriate. The employee is entitled to be accompanied by a Trade Union or a work colleague at the hearing. The hearing will be conducted in accordance with the procedure set out in Appendix A.
- 3) The outcome of the formal grievance hearing will be communicated to the aggrieved person and the other person(s), if the grievance relates to the actions of someone else, in writing, normally within 7 working days of the hearing, along with their right of appeal against the decision if the employee continues to be aggrieved.
- 4) In potentially complex cases, where the complainant does not feel able to attend a meeting with the respondent, or where an investigation may be required to establish the facts, the Headteacher, following consultation with the CEO / Chair of the LSB, may appoint an appropriate and experienced individual from within the school to conduct the investigation. If appropriate they can be supported by a HR representative, or another suitably experienced person. The investigation should include meetings with all parties. Where an investigation has been undertaken, a meeting will be held with the complainant to outline the findings and any recommendations from the investigation and to give them the right of appeal. Alternatively, in agreement with the complainant, the outcome can be confirmed in writing and the right to appeal against the decision given.
- 5) If the employee continues to feel aggrieved, they should submit their appeal within 7 working days of receipt of the letter outlining the decision of the grievance hearing. Additional evidence/information submitted at a later date will only be considered in exceptional cases and with the agreement of all parties.
- 6) The Appeals Committee of the Board of Trustees / LSB will normally meet within 15 working days of the member of staffs' letter advising appeal, being received. Trustees / LSB Members who were involved in the grievance hearing will not be part of any subsequent panel.
- 7) The Appeal will be conducted in accordance with the provisions set out in Appendix B.

- 8) The decision of the Appeals Committee will represent the final stage of the procedure.
- 9) Where a grievance has been heard in accordance with this procedure, the member of staff cannot submit further grievances on the same topic. This provision seeks to ensure that the same grievance is not resubmitted if it is not upheld.
- 10) A HR Advisor may be invited to attend the formal grievance stage of the procedure for the purpose of giving advice to the management representative in accordance with the procedure outlined within Appendix A, or the appropriate Committee of the Board / LSB in accordance with the procedure outlined within Appendix B.

APPENDIX A

GRIEVANCE HEARING

1. Not less than 5 working days in advance of the hearing a written statement of case, documentary evidence and list of witnesses (if applicable) will be submitted to the Headteacher / Nominated Person/Chair of Governors by the complainant, and respondent where the grievance relates to another employee. The written statements must outline the steps taken to try and resolve the grievance and, in the case of the complainant, what resolution is sought.
2. The complainant and the respondent may be accompanied at the hearing by a Trade Union Representative or work colleague of his/her choice, if he/she wishes, but by no-one else.
3. The Headteacher / Nominated Person/Chair of Governors may be advised by an HR Advisor.
4. The undermentioned procedure will be followed at the grievance hearing (note that where an investigation has been undertaken, the investigating officer will also be present to outline their findings and recommendations at an appropriate point in the hearing, and questions may be asked from all parties):-
 - I. The complainant or their representative will outline the grievance.
 - II. The complainant to call witnesses where applicable.
 - III. The line manager / respondent, where appropriate, may ask questions of the complainant and witnesses.
 - IV. The Headteacher / Nominated Person/Chair of Governors may ask questions of the complainant and witnesses.
 - V. The line manager / respondent where appropriate, or their representative will respond to the complainant's grievance.
 - VI. The line manager / respondent to call witnesses.
 - VII. The complainant may ask questions of the respondent and witnesses.
 - VIII. The Headteacher / Nominated Person/Chair of Governors may ask questions of the line manager / respondent and witnesses.
 - IX. Withdrawal of witnesses.
 - X. Both parties where appropriate to summarise their cases.
 - XI. All parties to withdraw whilst the Headteacher / Nominated Person/Chair of Governors deliberates.
5. The persons conducting the hearing may adjourn the proceedings at any time if this appears necessary or desirable.
6. The Headteacher / Nominated Person / Chair of Governors with only the HR Advisor present will deliberate in private, only recalling the parties to clarify

points of uncertainty on the evidence already given. If recall is necessary, all parties will return.

7. The Headteacher / Nominated Person / Chair of Governors will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing, or in writing, within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.
8. For the purpose of the hearing, the decision of the Headteacher / Nominated Person / Chair of Governors as to what matters are of relevance to the proceedings will be final.

APPENDIX B

APPEAL HEARING AGAINST THE DECISION OF THE HEADTEACHER / NOMINATED PERSON / CHAIR OF LSSB

1. The Committee will not normally consist of less than 3 members of the Trust's Board / School's Local Support Board (LSB), depending on the level of the Grievance (excluding any members of staff of the school). Where this is not reasonably practicable, the Committee may consist of two members (excluding members of staff of the school).
2. The complainant on submission of their appeal should provide a written statement of case, documentary evidence and a list of witnesses (if applicable), to the designated Clerk of the relevant Committee.
3. On receipt of notification of appeal the clerk will inform the decision maker of the original grievance hearing that an appeal has been lodged. The clerk will also request from the decision maker submissions of written statement of case, documentary evidence and list of witnesses (if applicable) normally within 10 working days of notification.
4. The clerk will normally arrange the appeal hearing within 15 working days from receipt of the appeal.
5. A copy of the order of proceedings and all relevant documentation will be distributed by the Clerk to all parties involved in the appeal hearing, normally 5 working days prior to the hearing.
6. The relevant committee may be advised by an HR Advisor.
7. The complainant and respondent may be accompanied at the hearing by a Trade Union Representative or fellow employee of his/her choice, if he/she wishes, but by no-one else.
8. The under mentioned procedure will be followed at the grievance appeal hearing:-
 - I. The complainant or their representative will outline the grievance.
 - II. The complainant to call witnesses, where appropriate.
 - III. The decision maker of the original hearing may ask questions of the complainant and witnesses.
 - IV. The Appeal Committee may ask questions of the complainant and witnesses.
 - V. The decision maker of the original hearing will respond to the complainant's grievance.
 - VI. The decision maker of the original hearing to call witnesses, where appropriate.

- VII. The complainant may ask questions of the decision maker of the original hearing and witnesses.
 - VIII. The Appeal Committee may ask questions of the decision maker of the original hearing and witnesses.
 - IX. Withdrawal of witnesses.
 - X. Both parties to summarise their case.
 - XI. All parties to withdraw whilst the Appeals Committee deliberates.
9. The Appeals Committee may adjourn the proceedings at any time if this appears necessary or desirable.
10. The Appeals Committee with only the HR Advisor present, will deliberate in private, only recalling the complainant (and his/her representative) and the decision maker of the original hearing, to clarify points of uncertainty on the evidence already given. If recall is necessary, both parties will return.
11. The Chair of the Appeals Committee will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing or in writing within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.
12. For the purpose of the hearing, the decision of the Chair of the Appeals Committee as to what matters are of relevance to the proceedings will be final.

APPENDIX C

FLOWCHART

