



Grievance Policy

September 2018

Next review – September 2021

Grievance Policy

Definition

A grievance is a concern, problem or complaint that an employee may have about their work, working conditions or relationships with colleagues that they may wish to discuss with their line manager, senior leader or member of the Trust HR team.

Introduction

The Trust promotes a positive working environment and has developed policies and procedures to support this. However, it is recognised that from time to time, employees will have concerns, problems or complaints about an aspect of their employment. This policy follows the ACAS Code of Practice.

A grievance could include concerns about the work they are doing or a problem in their working environment. This procedure has been developed to support employees who feel that they have an issue which they need help to resolve.

This procedure provides employees with an opportunity to resolve their grievances in a timely, fair and consistent manner, to help to maintain effective working relationships. Employees will not be treated any less favourably or suffer any detriment in their employment as a result of raising a grievance under this procedure. In line with ACAS guidance, if the grievance issues are settled at an early stage they are normally less time-consuming and less likely to damage working relationships.

Employees are very much encouraged to resolve their grievance informally, wherever possible. Line managers will support employees in doing this. However, in circumstances where this is not possible or where the informal route has failed, employees should follow this formal grievance procedure.

The procedures outlined below provide a means by which employees can raise complaints relating to potential discrimination on the grounds of any protected characteristic (under the Equality Act 2010) including:

- age
- disability
- gender re-assignment
- marriage and civic partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- discrimination by association

Informal Stage

Where an individual member of staff has a grievance, they should first attempt to resolve that grievance informally through discussions with the other party or line manager.

Formal Stage

1. If the member of staff's grievance cannot be resolved at the informal stage then the member of staff should write to the Headteacher setting out the full details of the grievance, advising what steps have already been taken to resolve the issue, what resolution is sought, along with any supporting documentation relevant to the grievance. If the grievance is against the headteacher then the member of staff should write to the CEO. The Head of HR will be informed.
2. On receipt of the letter from a member of staff invoking the formal grievance procedure, the management representative will endeavour to arrange a meeting within 14 calendar days in order to attempt to resolve the grievance through conciliation.
3. In potentially complex investigations, the Headteacher, following consultation with the Chief Executive Officer, may appoint an appropriate and experienced representative of the Trust as the nominated person to conduct the investigation on the school's behalf.
4. If conciliation is not successful, the management representative will arrange a formal grievance hearing within 21 calendar days of the end of the conciliation process. The Hearing will be conducted in accordance with the procedure set out in Appendix A.
5. The outcome of the formal grievance hearing will be communicated to the parties in writing within 7 calendar days of the hearing along with their right of appeal against decision.
6. The member of staff should submit their appeal within 10 calendar days of receipt of the letter outlining the decision of the grievance hearing.
7. At an appeal hearing the case will normally be presented by the person responsible for deciding on the outcome, which is the subject of appeal. (NB: person responsible would be either the Headteacher, CEO or a Chair of Governance). As part of their case they will explain the reasons for their decision/the decision of the committee. An appeal hearing will **NOT** be a re-hearing of the grievance, but a review of the decision made by the Headteacher/relevant committee.
8. The Appeals Committee of the governing body will normally meet within 21 calendar days of the member of staffs' letter advising appeal being received.
9. The Appeal will be conducted in accordance with the provisions set out in Appendix B.
10. The decision of the Appeals Committee will represent the final stage of the procedure.
11. 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.
12. The Chief Executive Officer (if not presenting the case) or a HR professional consultant 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 Governing Body in accordance with the procedure outlined within Appendix B.

APPENDIX A - GRIEVANCE HEARING

1. Not less than 7 calendar 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/Chief Executive Officer by both the complainant and respondent. 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 Teacher Association/Trade Union Representative or work colleague of their choice, if they wish, but by no-one else.
3. The Headteacher/Nominated Person/Chief Executive Officer may be advised by the Chief Executive Officer (if not involved in the case) or a HR professional consultant, see paragraph 5 below.
4. The under mentioned procedure will be followed at the grievance hearing:-
 - i. The complainant or their representative will outline the grievance.
 - ii. The complainant to call witnesses.
 - iii. The respondent may ask questions of the complainant and witnesses.
 - iv. The Headteacher/Nominated Person/Chief Executive Officer may ask questions of the complainant and witnesses.
 - v. The respondent or their representative will respond to the complainant's grievance.
 - vi. The respondent to call witnesses.
 - vii. The complainant may ask questions of the respondent and witnesses.
 - viii. The Headteacher/Nominated Person/Chief Executive Officer may ask questions of the respondent and witnesses.
 - ix. Withdrawal of witnesses.
 - x. Both parties to summarise their case.
 - xi. All parties to withdraw whilst Headteacher/Nominated Person/Chief Executive Officer deliberates.
5. The persons conducting the hearing may adjourn the proceedings at any stage if this appears necessary or desirable.
6. The Headteacher/Nominated Person/Chief Executive Officer or a HR professional consultant as adviser, will deliberate in private, only recalling the parties to clarify points of uncertainty on the evidence already given. If recall is necessary, both parties will return.
7. The Headteacher/Nominated Person/Chief Executive Officer will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing or in writing within 7 calendar 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/Chief Executive Officer as to what matters are of relevance to the proceedings will be final.

APPENDIX B

APPEAL HEARING AGAINST DECISION OF HEADTEACHER/NOMINATED PERSON/CHIEF EXECUTIVE OFFICER

1. The Committee will not normally consist of less than 3 members of the trust's governance body (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). Governance body members may be trustees or governors from other trust schools.
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) within 10 calendar days of notification.
4. The clerk will normally arrange the appeal hearing within 21 calendar days from receipt of the appeal.
5. A copy of the agenda and all relevant documentation will be distributed by the Clerk to both the claimant and respondent 7 calendar days prior to the hearing.
6. The relevant committee may be advised by the Chief Executive Officer (if not involved in the earlier hearing) or a nominated representative.
7. The complainant and respondent may be accompanied at the hearing by a Trade Union/ Teacher Association Representative or fellow employee of their choice, if they wish, but by no-one else.
8. The procedure to be followed at the appeal hearing:-
 - i. Employee (or their representative) to put their case based on the grounds of appeal submitted.
 - ii. Employee to call any witnesses.
 - iii. The decision maker of the original hearing to ask questions of the employee (and/or their representative) and witnesses.
 - iv. The Appeals Committee to ask questions of the employee (and/or their representative) and witnesses.
 - v. Employee's witnesses to withdraw from proceedings, if applicable.
 - vi. The decision maker of the original hearing to put his/her case in response to the grounds of appeal provided.
 - vii. The decision maker of the original hearing to call witnesses.
 - viii. Employee (or their representative) to ask questions of the decision maker of the original hearing and witnesses.
 - ix. The Appeal Committee to ask questions of the decision maker of the original hearing and witnesses.

- x. Decision maker of the original hearing witnesses to withdraw from proceedings, if applicable.
 - xi. Employee (or his/her representative) to summarise their case.
 - xii. Decision maker of the original hearing to summarise their case.
 - xiii. All parties to withdraw whilst Appeals Committee deliberates.
9. The Appeals Committee may adjourn the proceedings at any stage if this appears necessary or desirable.
10. The Appeals Committee with only the Chief Executive Officer (or representative) as adviser, will deliberate in private, only recalling the complainant (and their 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 by the Clerk within 7 calendar days of the hearing. If given orally, the decision will be confirmed in writing by the Clerk.
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.