

## **GRIEVANCE PROCEDURE**

### **1 Introduction**

1.1 The Trust recognises the importance of establishing a clear and fair procedure to support the resolution of disputes or to address complaints and grievances of staff relating to their employment, other than those covered by specific policies adopted by the Board to deal with specific complaints. It has therefore adopted the following policy which is designed to establish:

- a clear procedure for dealing with staff complaints and grievances;
- expectations on members of staff, managers and school leaders;
- a fair and robust process for the resolution of grievance complaints.

1.2 The procedure will cover all Trust staff including the Heads of School and Executive Headteacher.

1.3 Where the Executive Headteacher is the subject of the grievance, the Board will nominate a Board member to be responsible for the management of the grievance, as detailed in section 9 of this policy.

### **2 General principles**

2.1 In establishing this policy, the Trust wishes to encourage all parties involved initially to explore all reasonable means of resolving disputes informally and promptly without recourse to a formal procedure. However it is recognised that in exceptional cases this might not be successful and application of the formal stages of this procedure may be required.

2.2 A staff member wishing to raise a grievance under this procedure should do so within 20 working days of the last action complained of, other than in exceptional circumstances where there are valid medical reasons for a delay, in which case the period may be extended where it is reasonable to do so

2.3 Where it is necessary to move to a formal stage of the procedure, the Trust wishes to ensure that:

- any dispute or grievance will be dealt with as quickly as circumstances allow, within the timescales set out in the framework of the policy;
- other than in exceptional circumstances, the formal stages of the procedure will not be started until all attempts to resolve the dispute have been fully considered informally.

- Where appropriate, external mediation may be considered where it is felt that this may help to resolve the dispute quickly.
- The member of staff raising the complaint will have the right to be accompanied by a companion who may be a colleague or trade union representative. This will also apply to the Executive Headteacher where the grievance is against the Executive Headteacher.
- The Grievance Procedure should not be used to frustrate action being taken under other Trust procedures (e.g. Disciplinary, Capability, Management of Absence, Reductions / Reorganisation in Staffing etc.) Where a grievance is raised in such circumstances the Grievance Procedure will run alongside any other formal procedure which will continue in line with the timescales set out in the relevant procedure and which will not be suspended.
- The grievance procedure cannot be used to challenge the outcome for another Trust procedure.
- The member of staff raising the grievance should not suffer any discrimination or victimisation as a result of raising the grievance.
- Responsibility for or involvement in the management of the resolution of a formal grievance should not involve any conflict of interest which might influence the outcome.

2.4 It is expected by the Trust that, other than in exceptional circumstances, members of staff will attend meetings arranged as part of the procedures outlined in this policy.

2.5 Where a member of staff has chosen to be accompanied by a companion to any meeting arranged under this procedure, the companion will be entitled to address the hearing to put the member of staff's case, sum up that case and respond on behalf of the member of staff to any view expressed at the hearing. The companion may also confer with the member of staff during the meeting. The companion will not however be entitled to use the above entitlements in a way that prevents the other party from explaining their case or prevents any other person at the hearing from making their contribution to it. Similarly the companion will not be entitled to address the meeting if the member of staff indicates during the meeting that they do not wish the companion to do so or to answer questions on behalf of the member of staff.

### **3 Roles and responsibilities**

3.1 The Trust wishes to ensure that roles and responsibilities are clearly defined in the procedure.

#### **3.2 The member of staff**

3.2.1 Before instigating the formal Grievance Procedure the member of staff will be expected to raise any such concerns, issues and problems informally with their line manager. The formal procedure requires the member of staff to set out initially in writing the grounds of the grievance and the desired outcome. The procedure cannot be used simply to express dissatisfaction with an issue.

#### **3.3 Executive Headteacher /Head of School/ Finance Director and Operations Manager/Senior Leadership Team Member**

3.3.1 The Executive Headteacher will be responsible for the overall management of the resolution of the grievance, unless they themselves are the subject of the grievance, in which circumstances the nominated member of the Board will be responsible for the overall management. Wherever possible this will be through facilitation of an informal resolution. Where a formal grievance is raised this will be managed by the Executive Headteacher / Head of School/FDOM/nominated member of the senior leadership team, or the Chair of the Board / nominated Board member in the case of a grievance against the Executive Headteacher.

3.3.2 Where the Executive Headteacher has not been involved in the formal investigation and / or the initial stage of the formal procedure, they may hear the grievance personally or be part of a formal panel established to hear a grievance under stage 2 of the formal procedure.

### 3.4 **Companion**

3.4.1 Members of staff have the right to be accompanied by a companion (as described in section 2.3) at meetings arranged as part of this procedure. The companion's role will be to support and advise the member of staff. The member of staff will be expected to answer all relevant questions personally.

3.4.2 Where a grievance has been raised against the Executive Headteacher, the Executive Headteacher will also have the right to be accompanied at any meetings on the same basis.

### 3.5 **Investigating Officer**

3.5.1 Where a formal investigation is required, an Investigating Officer will be appointed. The Investigating Officer will be impartial and will not have been implicated in any aspect of the grievance. The Investigating Officer will be responsible for conducting a formal investigation into the grievance.

### 3.6 **Presenting Officer**

3.6.1 Where the grievance does not involve the Executive Headteacher or where they are not part of the grievance panel, the Executive Headteacher will normally be responsible for presenting the case to the Grievance panel.

3.6.2 Where the Executive Headteacher delegates the responsibility, the Investigating Officer will be responsible for presenting the findings to the Grievance Panel.

### 3.7 **Grievance Panel**

3.7.1 Usually the initial grievance will be heard by the Executive Headteacher only, unless the grievance personally involves the Executive Headteacher, or where they have already been involved in the investigation, or where in complex circumstances the Executive Headteacher determines that the grievance should be heard by a Board panel. The Executive Headteacher will be responsible for hearing the details of the grievance as presented by the Investigating Officer and the member of staff.

- 3.7.2 Where a Grievance Panel is established it will usually comprise three Board members with no previous direct involvement in the grievance.
- 3.7.3 The Grievance Panel and any subsequent Appeal Panel may invite additional professional advice to support the panel as appropriate, but not to be part of any decision.

### 3.8 **Appeal Panel**

- 3.8.1 The Appeal Panel will comprise a minimum of three Board members with no previous involvement in the grievance.

## 4 **Stage 1 – Informal Stage**

- 4.1 In most cases it is expected that members of staff should aim to settle grievances informally through their immediate line manager. The member of staff should therefore initially discuss the issues informally with their line manager or a more senior member of the management team where the grievance relates directly to the line manager. Where a grievance involves or is against the Executive Headteacher, the matter should be raised with the Chair of the Board.
- 4.2 In raising the grievance the member of staff must outline the nature of the grievance and explain what remedy they are seeking. The member of staff will have the right to be accompanied by a companion when meeting to discuss their grievance.
- 4.3 It will be the responsibility of the manager (or Chair of the Board where the grievance involves the Executive Headteacher) to explain their role, seek to clarify any uncertainty surrounding the information provided by the member of staff and explore any options with the member of staff that may lead to a resolution of the grievance.
- 4.4 A summary note of the issues, discussions held and any agreed actions to be taken will be made by the manager and copied to the member of staff and any other relevant parties.
- 4.5 In more complex cases it may be agreed that a third party, e.g. a member of the senior leadership team, may be invited to the discussions to help to resolve the issues.
- 4.6 If the circumstances giving rise to the grievance require consultation with other members of staff or Board members, the manager will arrange to meet them informally to obtain any necessary information about the grievance. Where possible this will be undertaken prior to the informal grievance meeting or as soon as possible after the initial meeting.
- 4.7 If possible the manager will discuss strategies for resolving the issue and seek to facilitate an agreed solution. It is expected that all parties will make a positive and sustained effort to reach such an agreement.
- 4.8 If it is not possible to resolve the issue through informal discussions or mediation, the member of staff should then submit details of their formal grievance in writing to

the Executive Headteacher (or Chair of the Board where the complaint involves the Executive Headteacher), within 10 working days of the failure to resolve the matter informally.

## **5 Stage 2 - Formal Grievance**

5.1 Written notification of a Formal Grievance should specify:

- the exact nature of the grievance;
- full details of relevant dates, times, events, witnesses etc;
- relevant documentation to be considered as part of the grievance;
- the remedy that the member of staff is seeking.

### **5.2 Initial meeting**

5.2.1 Following receipt of the written notification of the formal grievance complaint, the Executive Headteacher / Chair of the Board will convene a meeting to discuss the matter with all parties involved. The member of staff may be supported by a companion. Where practical the meeting will be held within 15 working days of the receipt of the written grievance. However this timescale may be extended where it is necessary to undertake a formal grievance investigation as outlined in paragraph 5.3 below.

5.2.2 The purpose of this meeting will be to discuss the nature of the grievance, explore possible ways forward, including possible agreed solutions, and establish a timescale for the resolution of the grievance where possible.

### **5.3 Investigation**

5.3.1 Where following the initial meeting outlined in paragraph 5.2.1. above, the Executive Headteacher or Chair of the Board decides that a full formal investigation is required to obtain all relevant information surrounding the grievance, this will be undertaken prior to a formal grievance hearing (see paragraph 5.4).

5.3.2 The Executive Headteacher / Chair of the Board may delegate the role of investigating officer to a senior member of staff or other Board member who has not had any previous involvement in the case, or in exceptional circumstances to an appropriate external professional.

5.3.3 Where possible the aim will be to complete the investigation within 20 working days. In more complex cases or in exceptional circumstances this may not be possible and therefore the investigating officer will notify all parties of progress and determine a revised timescale, where possible by agreement.

5.3.4 The investigating officer will undertake a full investigation which may involve interviews with other members of staff involved in the grievance as well as separate meetings with the aggrieved member of staff. All members of staff interviewed as part of the investigation will have the right to be accompanied by a colleague or trade union representative.

- 5.3.5 The investigating officer will have a further meeting with the member of staff to review information gathered during the investigation and to give the opportunity for the member of staff to clarify any further points and to request that additional witnesses are interviewed where necessary. Other than in exceptional circumstances, evidence not presented as part of the investigation will not be included in the evidence presented to the Grievance Panel.
- 5.3.6 Summary notes of all meetings will be taken and shared with the members of staff to confirm they represent an accurate account and will be used in the presentation of any case to a formal hearing. Members of staff interviewed as part of the investigation will be advised that they may be required to attend a formal meeting of the Grievance Panel as witnesses to clarify issues made in their formal statements.
- 5.3.7 The investigating officer will prepare a formal written report for the grievance panel, supported by any relevant material, including witness statements, gathered as part of the investigation.

#### **5.4 Formal Hearing of the Grievance Panel**

- 5.4.1 On completion of the formal investigation, a formal hearing will be arranged. The member of staff will be given at least 5 working days notice of the meeting and will be given the opportunity to be accompanied at the meeting by a companion.
- 5.4.2 The investigation report, along with written submissions, correspondence, details of witnesses, witness statements and other papers relevant to the grievance, which either the aggrieved member of staff or the manager who previously considered the matter intend to rely on at the hearing, will be circulated at least 5 working days prior to the meeting. If the aggrieved member of staff wishes to bring additional witnesses who have been interviewed as part of the investigation but not called by the presenting officer they should notify the Executive Headteacher/ Head of School of the names and status of each of the witnesses at least 3 working days before the hearing.
- 5.4.3 The grievance may be heard by the Executive Headteacher where they have had no previous involvement in the investigation or resolution of the grievance. The Executive Headteacher may be supported by a relevant external professional officer to provide advice as appropriate or be accompanied by another member of the leadership team.
- 5.4.4 In cases where the Executive Headteacher is the subject of the grievance or where they have previously been involved in the investigation or attempted resolution of the grievance or where they are the aggrieved party, or in more complex cases, the grievance will be heard by a panel of three Board members with no previous involvement in the grievance. The Grievance Panel may be supported by a relevant external professional officer to provide advice as appropriate.
- 5.4.5 The presenting officer, will be responsible for presenting the investigation report to the hearing, and will call the investigating officer as a witness. In exceptional cases where the investigating officer is also the presenting officer they will be required to answer questions from the panel and the member of staff as for other witnesses.

The parties concerned will make their submissions to the panel and either party may call witnesses.

5.4.6 Where in exceptional circumstances it is agreed during the hearing that there is additional relevant evidence, the hearing will be suspended to allow further investigation to be undertaken and subsequently presented to the panel.

5.4.7 Summary notes of the hearing will be taken.

5.4.8 The procedure for the formal hearing will be as outlined in Appendix 1. However, as the aim of the meeting is, wherever possible, to achieve a mutually acceptable resolution, the chair may, by agreement, engage in a more flexible discussion and dialogue to facilitate this.

## **6 Stage 3 - Outcomes**

### **6.1 Notification of the decision**

6.1.1 The decision of the Grievance Panel and any remedy will normally be conveyed orally to the member of staff at the end of the formal meeting. However where complex issues are being addressed the panel may wish to reconvene within an agreed timescale to conclude its deliberations. In either case, the decision will be confirmed in writing, normally within 5 working days of the decision, and will include the right of appeal.

### **6.2 Grievance is upheld**

6.2.1 The member of staff will be informed of the decision in writing within 5 working days of the decision, including details of the agreed outcomes.

6.2.2 Arrangements will be put in place to implement the agreed remedy / strategies to resolve the grievance.

6.2.3 In exceptional cases the panel will consider whether there are other implications arising from the case which may require consideration of disciplinary proceedings against individual members of staff involved, and / or a review of Trust policies and procedures.

### **6.3 Unsubstantiated Grievance**

6.3.1 The member of staff will be informed of the decision in writing within 5 working days of the decision. The notification of the decision will include an outline explanation of the reasons for the decision.

6.3.2 Any appeal must be notified in writing to the Executive Headteacher/ Head of School within 5 working days receipt of the written decision, stating the grounds for the appeal. (see paragraph 7.1)

6.3.3 Appeals will be considered by a panel of Board members as set out in section 7 of this procedure.

6.3.4 Where a panel considers that the grievance has been of a malicious or vexatious nature they may also consider whether it is appropriate to deal with this under the Trust's disciplinary procedure.

## **7 Stage 4 – Appeal**

7.1 Where a member of staff wishes to appeal against the Grievance Panel decision in Stage 2 of the procedure, they must submit their appeal in writing within 5 working days of the written notification of the outcome. The written notification must re-affirm the nature of the grievance and the remedies sought and include the grounds for an appeal.

7.2 The appeal will be heard by a panel of three Board members who have had no previous involvement with the formal procedure. The case will normally be presented by the investigating officer or the Executive Head teacher. The panel may be supported by a relevant external professional officer to provide advice as appropriate.

7.3 The appeal meeting will normally be convened within 15 working days of the written notification of the appeal. A minimum of 5 working days notice of the time and date of the appeal hearing will be given to all parties. The member of staff will be given the right to be accompanied by a companion.

7.4 The investigation report, along with written submissions, correspondence, details of witnesses, witness statement and other papers relevant to the grievance, which either the aggrieved member of staff or the manager who previously considered the matter intend to rely on at the appeal will be circulated at least 5 working days prior to the meeting. The papers will include the written conclusions of the meeting of the Grievance Panel.

7.5 The statement of case of the aggrieved member of staff should reiterate the grounds for their appeal and the outcome sought at the time of the notification of the appeal. It should also include written details of any witnesses to be called.

7.6 The appeal is a review of the original decision and documentary evidence submitted as part of the grievance and will not, other than in exceptional circumstances, include the submission of new evidence not considered as part of the original grievance hearing.

7.7 The procedure for the appeal hearing will be as outlined in Appendix 1.

## **8 Appeal outcomes**

8.1 The decision and any remedy will normally be conveyed verbally to the member of staff at the end of the meeting. However, where complex issues are being addressed the panel may wish to reconvene within an agreed timescale to conclude their deliberations. In either case, the decision will be confirmed in writing, normally within 5 working days of the decision

8.2 The appeals process is the last stage of the Grievance Procedure and the decision of the Appeals Panel is final.



### **8.3 Grievance upheld**

- 8.3.1 The member of staff will be informed of the decision in writing within 5 working days of the decision, including details of agreed outcomes
- 8.3.2 Arrangements will be put in place to implement the agreed remedy / strategies to resolve the dispute.
- 8.3.3 Where the appeal is upheld in part the panel may need to modify the original decision and any recommendations and take other appropriate action.
- 8.3.4 In exceptional cases the panel will consider whether there are other implications arising from the case which may require consideration of disciplinary proceedings against individual members of staff involved, and / or a review of relevant Academy policies and procedures.

### **8.4 Unsubstantiated Grievance**

- 8.4.1 The member of staff will be informed of the decision in writing within 5 working days of the decision, including an outline explanation of the reasons for the decision.
- 8.4.2 Where a panel considers that the grievance has been of a malicious or vexatious nature they may also consider whether it is appropriate to deal with this under the Academy's disciplinary procedure.

## **9 Grievances raised by the Executive Headteacher**

- 9.1 The principles and procedures set out in the previous sections of this policy will be applied to address any grievance complaint raised by the Executive Headteacher. However the matter will need to be addressed by members of the Board at an early stage. The role of the Executive Headteacher in the main procedure will need to be undertaken by the Chair of the Board or a nominated Board member. The Board may also seek external professional advice as required, if necessary

### **9.2 Stage 1 - Informal Procedure**

- 9.2.1 Where the Executive Headteacher has a grievance, they will be expected to initially seek to resolve the matter informally by direct approach to the person concerned, and inform the Chair of the Board if appropriate. The head teacher will also have the right to contact their trade union.

### **9.3 Stage 2 – Formal procedure**

- 9.3.1 If the grievance remains unresolved the head teacher must notify the Chair of Board or nominated Board member within 5 working days, giving full details of their grievance and stating their desired outcome. The Board will convene a grievance meeting in line with paragraph 5.2 of the main procedure and an investigating officer appointed if appropriate.

- 9.3.2 The procedure and timescales set out in section 5.4 will be followed.

9.3.3 The grievance panel will comprise three Board members with no prior involvement in the case. The panel may seek external professional advice as required, if necessary

#### 9.4 **Stage 3 – Appeal**

9.4.1 If the Executive Headteacher remains unsatisfied with the decision reached by the grievance panel, they may submit a written appeal within 5 days of the receipt of the written notification of the grievance panel's decision.

9.4.2 The documentation and agreed procedure for dealing with the appeal are as set out in section 7 in the main Trust procedures.

#### 10 **Collective grievances**

10.1 Where a group of staff have raised a joint grievance about the same issue, the Board may deal with the complaint jointly in the interests of fair and consistent decision making.

#### 11 **Other complaints**

11.1 The above procedure is intended to cover grievance complaints which are not covered by other specific policies adopted by the Trust. Where the Trust has adopted a policy to deal with specific issues that policy and procedure will be applied. This will include:

- Pay, Grading or appraisal: Pay and Appraisal Policies
- Whistleblowing: Whistleblowing Policy

#### 12 **Mediation**

12.1 The Trust recognises that in some circumstances, mediation can be a positive means of seeking to resolve grievances and enhance the probability of resolution.

12.2 The Trust will, where appropriate, support the use of mediation in the resolution of grievances. Each case will be judged on its merits and mediation will only be used by agreement with all parties concerned. Where it is felt that the use of mediation services may be of assistance in resolving the grievance, the head teacher or Chair of the Board as appropriate will seek to secure relevant and appropriate mediation support.

## Appendix 1

### PROCEDURE FOR HEARINGS OF THE GRIEVANCE PANEL AND THE APPEAL PANEL

#### Order of Events

- 1 The aggrieved employee and/or their companion will:
  - state their case
  - answer any questions put by the management representative and the Grievance Panel / Appeal Panel.
  - call any witnesses in support of their case and for them to answer any questions from both sides.
  
- 2 The management representative will:
  - state their case:
  - answer any questions from the aggrieved employee or their companion and by the Grievance Panel / Appeal Panel.
  - call any witnesses in support of their case for them to answer any questions from both sides and the Grievance Panel.
  
- 3 When the members of the Grievance Panel / Appeal Panel hearing the case are satisfied they have sufficient information about the issues they will invite:
  - the aggrieved employee and/or their companion to summarise their case
  - the management representative to summarise their case
  
- 4 The grievance hearing will then be adjourned to enable the panel to:
  - consider the issues
  - take any necessary advice
  - deliberate and decide whether or not to uphold the grievance
  - consider an appropriate remedy or follow up actions as appropriate.
  
- 5 All parties reconvene
  
- 6 The Chair of the panel will normally announce the decision at the end of the hearing, however, in exceptional circumstances this may be delayed if further time is needed by the panel to consider the evidence.
  
- 7 The decision will be confirmed in writing within 5 working days of the hearing.