

# Grievance Policy & Procedure

Monitoring and review	
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## Version History Log

Version	Description of Change	Amended By	Date
1	Initial issue		August 2024
2	<ul style="list-style-type: none"> <li>Any amendments or deviations by schools to notified to Director of HR.</li> <li>Clarification of HR support to process. (section 4)</li> <li>Sharing of investigation report (section 8).</li> <li>Right to be accompanied by whom at the hearing (section 9).</li> <li>Delays to collective grievances and notifications (section 11).</li> </ul>	HRE	November 2024
3	Formatting changes	CMO	

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## 1. Context

This Grievance Policy & Procedure is a model policy for Schools to adopt. This policy will also apply to colleagues employed in the Central Team of the Trust, who are not assigned to a particular School.

Any deviations from the content of this policy by schools should be discussed with the Director of HR for the Trust.

## 2. Legal and Advisory Framework

This policy and procedure comply with the ACAS Code of practice on grievance matters and with current employment legislation.

This document should be read alongside:

- Appeals Procedure

## 3. Aims/Scope

This policy and procedure are designed to enable staff to raise grievances with management about their employment either by themselves or with a representative.

The procedure provides an open and fair way for employees to make known their problems and enables grievances to be resolved quickly, and as near as possible to their point of origin before they fester and become major problems.

It recognises that most routine complaints and grievances are resolved informally in discussions with the employee's immediate manager. Where the informal process fails, or it is inappropriate, the formal procedure will be invoked.

The Grievance Policy and Procedure provides a mechanism to solve problems, and no member of staff shall suffer any form of victimisation because of a grievance raised in good faith under this procedure or as a result of giving evidence as a witness. Victimisation will not be tolerated. Any allegation of victimisation will be dealt with seriously, promptly and confidentially and may result in disciplinary action.

Employees who abuse the Grievance Procedure by making unfounded complaints or operating the procedure in a vexatious manner will be liable to disciplinary action.

## 4. Administration of the Grievance Policy and Procedure

**Governing Boards** are responsible for the overall monitoring of the effectiveness of this policy and procedure with Schools.

The **Board of Trustees** is responsible for the overall monitoring of the effectiveness of this policy and procedure in relation to the APT ELT and Central Team.

The **Chair of Trustees** of APT will be responsible for acting as line manager in relation to any grievance raised by the CEO of the Trust and for identifying an appropriate person to hear a grievance by an employee relating to concerns about the CEO's actions.

The **CEO** of the APT will be responsible for acting as line manager in relation to any grievance raised by a Headteacher, ELT or Central Team and for identifying appropriate persons to hear a grievance by an employee relating to concerns about the actions of the ELT or Central Team.

The **Headteacher** will also hear grievances in their capacity as a line manager and, in some cases, where the employee does not feel able to raise concerns with their own line manager.

All line managers are expected to be suitably skilled and treat grievances seriously, allocating sufficient time and priority to addressing the issue.

Employees are expected to raise concerns without undue delay and to seek, where possible, to resolve matters informally in the first instance.

HR advice and support may be provided at any stage of the procedure both for individual and collective grievances.

## 5. What is a Grievance?

A grievance is a concern, problem or complaint that employees raise with their employer and could be regarding one of the following points:

- Terms and conditions of employment
- Working conditions
- Working hours
- Unfair treatment
- Health and safety
- Relationships at work
- Equal opportunities
- A breach of statutory employment rights
- Where an employee feels that a condition of employment has been incorrectly used against them
- New working practices or organisational change

This list is provided to give examples and is not meant to be exhaustive.

The procedure does not apply to the following situations:

- where the School/Trust has no control over the matter, although the School/Trust will give information and advice where possible to help the employee resolve the matter
- the procedure has been invoked within 6 months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to

redress the grievance has not been implemented

This policy does **not** cover issues relating to the following matters for which separate policies/procedures exist to accommodate these specific circumstances:

- capability
- discipline
- raising concerns at work (whistleblowing)
- absence, including sickness and ill health
- matters which are the subject of national determination

Issues uncovered during the grievance process of a disciplinary nature will need to be followed up using the disciplinary procedure.

Guidance on issues relating to discrimination, bullying or harassment is within the Dignity at Work Policy.

Grievances raised whilst an employee is subject to the disciplinary or capability process may result in a temporary cessation of the disciplinary or capability process to resolve the grievance. Where the issues are linked, the processes will be dealt with concurrently.

Wherever possible grievances should be completed whilst an employee is still in employment with the School/Trust. However, if the process is not complete and the employment has ended, the School/Trust may continue the process, and ex-employees are encouraged to participate in the process. In their absence a decision will be made based on all available information.

Where a grievance concerns a manager, employees considering a grievance should be aware that part of a manager's role is to:

- Set targets and objectives for employees and monitor their performance/achievement.
- Address poor performance, attendance or unacceptable behaviour using the appropriate procedures; Managers have the right to meet with employees where they have concerns about behaviour/attendance/performance. (Employees need to know what is expected of them)
- Issue instructions to employees
- Set standards of behaviour, performance and attendance at work for employees and ensure they are observed
- Review how work is carried out and if necessary, restructure the team or redesign the job – this should be in consultation with those affected.

Employees also have a right to be managed effectively and appropriately.

## 6. Informal Discussions

The aim is to ensure that most concerns can be resolved at this stage. The procedure is intended to provide a structured approach that, considering the particular circumstances of

each case, will ensure consistent and fair treatment. It is expected that an informal grievance will be raised as soon as possible after the act or decision complained of or the last act or decision if the grievance refers to a series of linked events.

Where an employee has a grievance with a colleague, the employee should attempt to resolve the matter by a direct approach to the colleague

- If a direct approach is not practicable or if a direct approach does not resolve the problem, then the employee should discuss the matter with a senior member of staff who should endeavour to resolve the problem personally;
- Wherever the employee seeks a discussion with a senior member of staff, the request should be met, wherever possible within 5 working days.
- If the matter cannot be resolved informally, or through workplace mediation, it should be dealt with in accordance with the formal grievance procedure as detailed below. Mediation will only be used where all parties involved in the grievance agree.

## 7. Formal Procedure

Where the grievance cannot be resolved informally, or the employee believes the matter is too serious for the informal stage it should be dealt with under the formal procedure.

The employee or representative should put their grievance in writing to the appropriate line manager as identified in paragraph 4 above (copying in HR), stating specifically that they are raising a formal grievance. The letter should include:

- The nature of the grievance
- The reason for dissatisfaction with the outcome of the informal stage
- The remedy being sought
- Any witness they wish to call
- The dates and times of any relevant events
- Any supporting documentation

A meeting will be arranged, by the appropriate manager, with support from HR, without unreasonable delay and usually within 10 working days of receipt of the grievance, where possible. The meeting should be arranged at a mutually convenient date, taking account of representation availability where possible. The meeting is to discuss the grievance and explore solutions. It may require more than one meeting with the employee.

The manager should:

- Inform the individual that they have the right to be accompanied at the meeting by a trade union representative, staff representative or a work colleague
- Ask the individual to state their grievance and ask them to consider how it can be settled
- Ensure there is an open discussion of the grievance
- The manager may need to consider adjourning the meeting to seek advice or investigate further
- Take time to reflect before making a decision and then send a written response to the

individual.

## 8. Investigation

Depending on the complexity and nature of the grievance it may be appropriate to appoint an investigating officer. This may be a **senior** member of staff in the school or in some cases it may be more appropriate to appoint someone external to the school.

**Commented [AW1]:** This is now Asfa who isn't a senior leader but covered by maybe a senior leader?

An investigation may happen at any stage of the process. It will be the investigating officer's responsibility to investigate the complaints made fully including all events leading up to the grievance.

The investigator will interview all parties and witnesses ensuring that they understand the purpose of their investigation and the sensitivity and confidentiality of the matter.

Once they have completed their investigations, they will compile a report containing a summary of their findings and details with regard to witnesses' interviews and where appropriate signed witness statements. The investigation report will be shared with the line manager dealing with the grievance (see section 4). Where carrying out an investigation may delay the process all parties involved will be advised accordingly

## 9. Hearing

A grievance hearing may be arranged when the line manager (as identified in section 4) believes this will help them reach a conclusion. Any relevant parties and witnesses may be invited to attend. HR will usually make arrangements for the grievance hearing.

The grievance will usually be heard by the nominated manager with support from HR. Depending on the complexity of the case, the nominated manager may be accompanied by another senior colleague to form a panel to hear the grievance.

The employee is responsible for asking their own witnesses to attend the hearing and to bring any relevant material. It is an expectation that all employees will cooperate with the operation of the procedure which may include attending a hearing as a witness, if required. Details of anyone being invited to attend the hearing must be notified to HR in advance. Additional material must be provided in advance of the hearing.

The hearing will usually include the HR representative to advise on procedure and a note taker.

Depending on the nature of the grievance the person with whom the employee has the grievance may be invited to attend the meeting. The employee (and the colleague who is the subject of the grievance if applicable) has the right to be accompanied by a recognised trade union representative, staff representative or work colleague.

The right to be accompanied does not extend to solicitors or other legal representatives or individuals who are not staff of the school.

Having considered all the evidence and heard from all parties, the nominated manager/panel will decide on the outcome of the grievance and provide a written response within 5 working days of the hearing. If it is not possible to respond within that period, the employee will be given an explanation for the delay and advised when a response can be expected. Individuals will be advised of their right of appeal against the outcome in accordance with the Appeals Procedure.

The outcome response letter will set out:

- what is understood to be the nature of the grievance
- the details of the outcome reached
- the reasons underlying the decision of the panel and,
- the right of appeal against the outcome

#### **10. Collective Grievances**

Trade Union representatives or other workplace representatives may raise a collective grievance on behalf of their members or groups of two or more staff.

If, following informal discussions, the matter is unresolved, a formal collective grievance can be lodged with and heard by the Headteacher or the Governing Board depending upon the nature and scope of the issue.

If this process fails to resolve matters, then the collective grievance would be referred to the Trust by way of an appeal.

The conduct of the process would be in accordance with the Grievance Procedure for individual grievances. However, the timescale to hear the case would be within 20 working days of receipt of the request (or sooner where practicable).

If the matter remains unresolved following consideration by the Trust, either side may refer the matter to ACAS for conciliation and/or mediation and/or arbitration.

#### **11. Timescales**

The timescales are set out in the procedure and wherever possible the procedure will be operated within those, although there may be occasions when this is not possible. Every effort will be made to progress matters without undue delay. Where it is not possible to respond within the specified time period then the employee and their representative will be provided with an explanation for any delay and an indication of when a response can be expected. In relation to collective grievances, the affected employees and their representative will be informed in the same way.

If the employee or their representative cannot attend on the notified date, another meeting will be arranged, so far as is reasonably practicable within 5 working days of the original date.



At any time, a mutual agreement can be reached to set aside the time constraints detailed in the procedure to ensure the best opportunity of resolving the issues at the earliest possible stage.

## **12. Representation**

Employees have the right to be represented by a trade union representative or accompanied by a work colleague at formal grievance meetings.

Normal management meetings, informal discussions and investigatory meetings do not include the right to be accompanied, but requests to be accompanied will be considered where this support may be helpful.

Where an employee wishes to be accompanied, they must contact the nominated manager or HR representative and give them the name of the trade union representative or work colleague in good time before the meeting.

## **13. Confidentiality**

Confidentiality must be maintained by all parties throughout the grievance process.

## **14. Records**

A record of the outcome of any meeting involving the formal stages of this procedure will be placed on the employees' file, together with copies of the written evidence considered and correspondence involved. In some circumstances (e.g. witness protection) some information may be withheld.

Records will be kept in accordance with the Trust's/School's GDPR/Retention Policy.

## **15. Equalities Statement**

The Ascendancy Partnership Trust is an equal opportunities and inclusive employer which celebrates and values diversity. We are committed to a workplace that inspires and respects all individuals without discrimination, regardless of any protected characteristic. Employment-related matters such as reward, progression and promotion will be based on individual merit.