



# MARISH

## Academy Trust



# Grievance Policy and Procedures

**(Revised November 2019 at instigation of School's HR  
Cooperative)**

### Summary

**This procedure is aimed to deal with grievances raised by individual employees. It will be reviewed and amended in order to reflect changes in legislation where appropriate.**

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## **1. Introduction**

This policy applies to teaching and support staff employed by Marish Academy Trust. This procedure is aimed to deal with grievances raised by individual employees.

In this procedure, where the Headteacher is the subject of the grievance all reference to Headteacher in this document should be replaced with Chair of Governors.

Where a grievance applies to several persons who are members of a recognized trade union, it may be more appropriate to consider the matter under a different process. Where teaching staff are concerned, it may be more relevant to consider the conciliation procedure as detailed in the Teachers' Conditions of service, The Burgundy book.

Where the grievance is about bullying or harassment or whistleblowing, staff should consider invoking the School's Bullying and Harassment Policy or the Whistleblowing Policy.

## **2. Definition of Grievance**

According to ACAS "Grievances are concerns, problems or complaints that employees raise with their employers" about their work, working conditions, or relationships with work colleagues and may cover the following, although this list is not exhaustive:-

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organizational change
- Discrimination
- Bullying and harassment

## **3. Policy Statement**

Staff may occasionally have concerns relating to their employment or professional working relationship. If not addressed, they can disrupt working relationships and escalate unnecessarily. It is important therefore to have mechanisms in place, which facilitate their early resolution and a return to effective working relationships. The following structure has been put in place to achieve this objective.

This procedure has been drawn up in accordance with the principles of the ACAS Code of Practice and Local Authority Equal Opportunity Policies following consultation with the appropriate trade unions. The purpose is to foster effective working relationships and workplace practices conducive to the provision of a professional education service.

Note there are specific policy and guidance documents for handling grievances about racial harassment, sexual harassment and bullying at work; the Grievance Procedure is designed to complement and enhance response to staff concerns in these areas. Senior Management in schools

may, at anytime, seek advice from their Human Resources Provider, in our case the Schools HR Co-operative.

## 4. Principles

Both “Informal” and “Formal” procedures have been established against the following principles:

- Grievances should be dealt with as soon as possible and as near to the point of origin as possible. Complaints relating to issues occurring three months or more prior to a grievance being raised will not normally be considered unless they are ongoing.
- When stating their grievance, the employee should keep to the facts and avoid language which may be considered insulting or abusive unless asked to give verbatim quotes of what was said.
- The circumstances surrounding a grievance must be thoroughly investigated to establish the facts of the case.
- Grievances must be dealt with fairly, transparently and consistently and kept confidential.
- Mediation is a possible means of resolving grievances throughout the procedure i.e. intervention by a third party to facilitate discussion and then reconciliation of the grievance.
- A formal grievance meeting will only be arranged in response to the submission of a formal grievance in writing.
- Grievance meetings should be held during the employee’s working time. Where the meeting needs to be held outside of the employee’s working time, this should be by mutual agreement.
- Employees (and their companions if applicable) should make every effort to attend the grievance meeting. If an employee is unable to attend the meeting, they should notify the school and give their reasons for non-attendance. The meeting can be re-arranged. Where there is no valid reason for non-attendance at the meeting the employee will be informed that the grievance findings and outcome will be arrived at on the information already submitted and available to the person investigating the grievance.
- Witnesses to an incident may be interviewed during any investigation into a grievance and may be required to attend any subsequent formal grievance hearing.
- Where it is intended to interview pupils as part an investigation and potentially use statements from them, that shall only be done with the prior approval of the pupil’s parent or nominated carer and with advice from the appropriate children’s social services professional.
- If an employee is dissatisfied with the outcome of a formal grievance, they will be able to appeal the decision which must be done in writing.
- On occasions either party may request an extension to the time limits referred to within this policy, to investigate or to consider options that may resolve the matter. Such extensions should be mutually agreed where possible and not unreasonably refused by either party.
- Where the grievance is against another member of staff at the school, that member of staff is entitled to know the nature of any allegations made against them and be allowed the opportunity to respond to the allegations.
- Grievances that are found to be false or malicious or with little or no substance may, if considered appropriate, result in disciplinary action being taken against the employee raising the grievance.
- The grievance procedure should not be used by employees to deal with concerns they may have in relation to issues outside of their employment relationship with the school.

## 5. Procedure

In order to effectively deal with a grievance it is important that the basis of the grievance is clearly understood, and the desired outcome is stated by the employee at the start of the procedure so that it can be considered during the process.

### Stage 1 - Informal Grievance

Employees should, in the first instance, raise the grievance with their line manager through discussion to attempt to resolve the concern. If the grievance is against the line manager, the employee should approach the next level of management.

When stating his/her grievance, an employee should keep to the facts and avoid language which may be considered insulting or abusive unless asked to give verbatim quotes of what was said.

The manager should seek to resolve the problem, provide an explanation and, if necessary, seek advice or information from other sources, including the school's HR service provider.

The decision should be given in writing **within 5 working days** of the date that the grievance was raised. This informal stage may be sufficient to resolve the grievance satisfactorily.

### Stage 2 - Formal Grievance

Where informal discussions fail to resolve the grievance, or for more serious matters, the employee should put a formal grievance in writing requesting for the grievance to be considered under the formal procedure. This can be in the form of a letter or the Formal Grievance Form at Appendix B can be used. Where an attempt has been made to resolve the grievance informally, a request to consider it under the formal procedure must be made **within 10 working days** of notification of the outcome of the informal stage.

If an employee raises concerns but does not put them in writing, the school may, in reasonable circumstances, choose to take matters forward through the formal procedure in an effort to resolve and bring the matter to a resolution. The grievance at this stage should be heard by a senior manager who has not previously been involved with the matter in any way i.e., it should not be the same person who dealt with the grievance at the Informal Stage.

Following the receipt of a formal grievance from an employee, the manager will arrange to meet with the employee **within 3 working weeks** of receiving the grievance. The employee will be given **10 working days' notice** of the meeting and they will have the right to be accompanied by a trade union representative or work colleague.

#### Preparing for the Formal Grievance meeting

Prior to the meeting the manager should consider:-

- arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said.

- finding out whether similar grievances have been raised before and they have been resolved, and any follow-up action that may have been necessary. This allows consistency for treatment.
- dependent on the nature of the grievance, whether to offer independent mediation.

### **During the Formal Grievance meeting**

During the meeting the manager should:

- remember that a grievance meeting is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution.
- Invite the employee to re-state his/her grievance and how he/she would like to see it resolved
- Consider adjourning the meeting if it is necessary to investigate any new facts which may arise
- Sum up the main points of the grievance
- Inform the employee when they might reasonably expect a response if one cannot be made at the time.

The manager will inform the employee in writing of his/her decision and the reasons on which it is based and any action that is to be taken, and the employee's right of appeal within **5 working days** of the meeting. A copy of this response must be placed on the employee's personal file and a copy sent to the school's HR provider. The manager should ensure that any action taken as a measure to resolve the grievance is monitored and reviewed, as appropriate, to ensure that it deals effectively with the issues.

### **Stage 3 - Grievance Appeal Meeting**

If the employee is not satisfied with the outcome of the formal grievance meeting, he/she will be entitled to appeal against the decision. The appeal must be in writing and sent to the school within **10 working days** from the date notification of the decision from the Stage 2 meeting.

In submitting his/her appeal, the employee should provide a written statement detailing the reasons for the appeal i.e., the reasons why the decision at Stage 2 was considered to be wrong, plus any supporting papers and a copy of the original grievance.

The Headteacher/designated manager should arrange a meeting of the Governing Body Appeal Committee within **6 working weeks** of receipt of the written appeal. The Governing Body Appeal Committee will consist of 3 governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The manager who conducted the Stage 2 Formal Grievance Meeting will be required to prepare a management statement of the case and present the management case at the Grievance Appeal Meeting.

### **Preparation for the Grievance Appeal meeting**

Prior to the meeting the Headteacher or designated manager should:-

- Arrange for a copy of the management statement, other supporting evidence and a copy of the letter to the employee to be sent to members of the Governing Body Appeal Committee.
- Inform the employee of the appeal meeting in writing attaching the management statement of the case and any other supporting evidence to be considered. The employee should be given

**10 working days'** notice of the meeting. The employee will have the right to be accompanied at the meeting by a trade union representative, work colleague or friend.

- The employee must submit any information he/she wishes to be considered at the appeal meeting **5 working days** before the meeting.

### **During the Grievance Appeal Meeting**

At the meeting:

- The employee or his/her representative will present the case
- The panel and the designated manager may ask questions of the employee and his/her companion relating to their statement
- The designated manager will present the case
- The panel and the employee and his/her representative may ask questions of the designated manager relating to his/her statement
- Following the two parties presenting their case, the panel will make a decision which can be to:
  - a) Uphold the appeal setting out how the matter is to be resolved.
  - b) Suggest ways of seeking/facilitating joint resolution
  - c) Not uphold the appeal

In arriving at any of the above outcomes, the Panel may set out how the matter is to be resolved or suggest ways of seeking/facilitating joint resolution.

The employee and the designated manager will be informed of the decision and the reasons for it in writing **within 5 working days** of the Grievance Appeal Meeting. The employee should also be informed whether any other party is to be advised of the outcome.

Where the grievance is about another member of staff, that member of staff should be informed that the initial decision has been appealed. Once a decision on the appeal has been made, that member of staff should then be informed of any aspect of the decision that affects them and the reasons for it.

There is no further right of appeal under the procedure.

## **6. Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## **7. Role of the Companion**

Employees have a statutory right to be accompanied, regardless of length of service, by a friend, work colleague or a trade union representative at a formal grievance meeting and any subsequent appeal meeting. If the companion is a work colleague, he/she should be afforded reasonable paid time off. This should cover time to attend the hearing and also time to familiarize themselves with the case and confer with the employee before and after the hearing.

The employee is responsible for arranging their own representative to accompany them to the meetings.

A companion has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting

A companion does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish him/her to do so
- Prevent the Investigating Officer from explaining his/her case

Given the importance of the companion's role, it is good practice to allow him/her to ask questions and participate as fully as possible.

If a companion is not available at the time/date proposed for the meeting, and a reasonable alternative is proposed which falls within 5 working days of the original date, the meeting should be re-arranged for the date proposed.

## **8. Keeping Written Records**

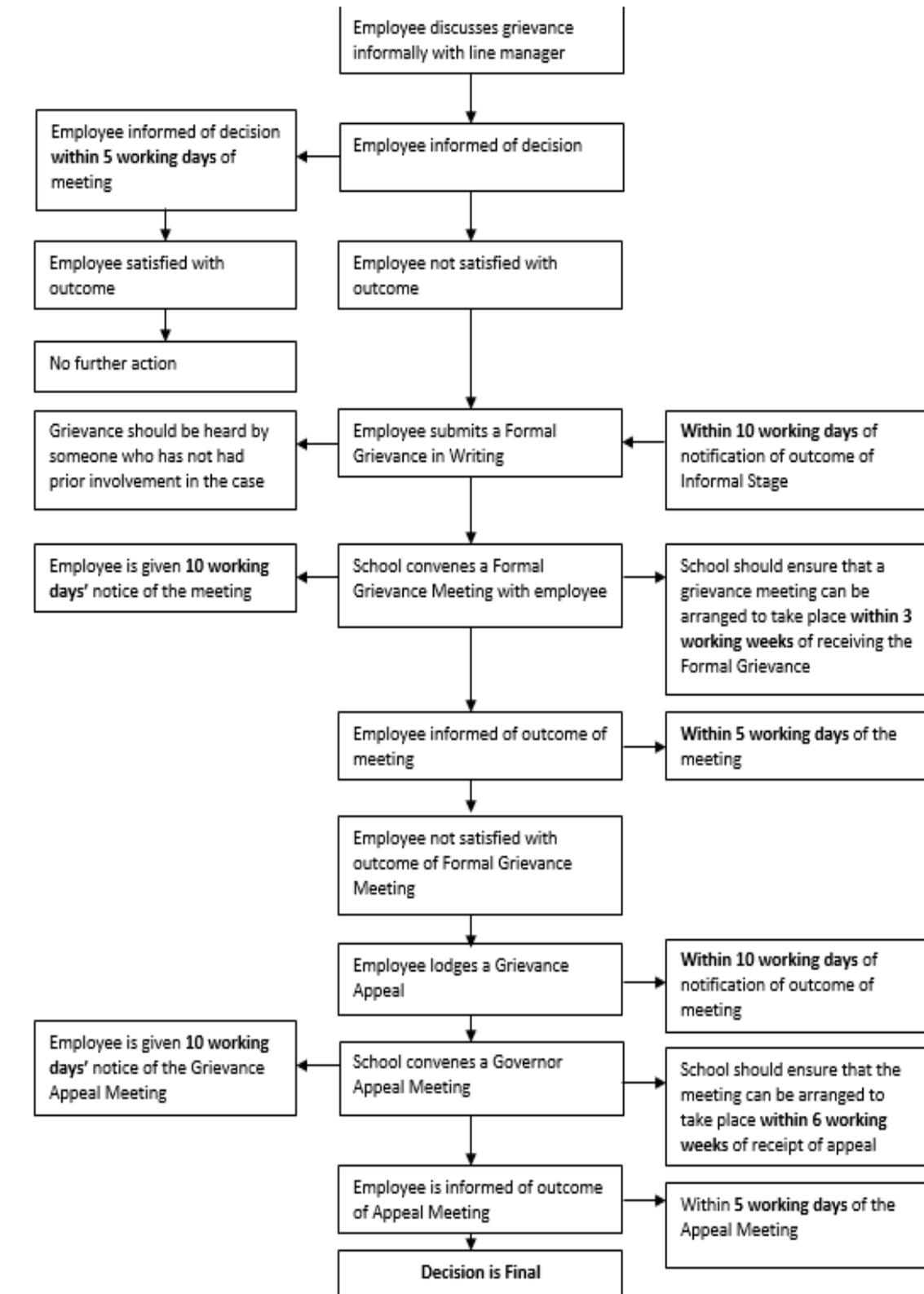
It is important, and in the interests of both the school and the employee, to keep written records during the disciplinary process. Records should include:-

- The nature of the grievance
- What was decided and actions taken
- The reasons for the decision and actions taken
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

Records should be treated as confidential and be kept for no longer than necessary in accordance with the General Data Protection Regulation 2018 and the Data Protection Act 2018. The notes should be kept for no less than six months and no more than twelve months from the end of the process and archived accordingly thereafter.

Copies of the meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the school may wish to withhold some information or anonymise data.

## Appendix A – Grievance process



## Appendix B

### Formal Grievance Form

Appendix B

This form should be completed to raise a formal grievance.

<b>Employee's details</b>	
Name:	Contact Number:
Job Title:	
School:	
<b>Representative's details</b>	
Name:	Contact Number:
Union / organisation (if applicable)	

#### Grievance

Please describe your grievance. This will be the basis of your grievance throughout the procedure. It may be added to if agreed with the manager hearing the grievance at Stage 2. Any changes must be documented.

*(extend as necessary)*

## Revision History

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Version	Date	Author	Comments
Attribution		Based on School's HR Cooperative's Template	
1.0	08/11/2011	HT	
2.0			
3.0	January 2016	HRM	
4.0	November 2017	HRM	
5.0	November 2019	DHT - AC	

## Approval History

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Version	Approved	Comments
1.0	Dec 2011	By Governing Body
2.0	Nov 2013	By Strategic Board of Governing Body
3.0	Jan 2016	By Strategic Board of Governing Body
4.0	Nov 2017	By Strategic Board of Governing Body
5.0	Nov 2019	By Strategic Board of Governing Body