



The Queen Katherine School Multi Academy Trust

GRIEVANCE PROCEDURE

This policy does not form part of any employee's contract of employment and we may amend it from time to time.

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| Committee | MAT Board |
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Document control

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any)

| Version | Amended by | Purpose | Approved by Trustees (date) |
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| 1 | Tracy Houlden | Review | 7 July 2020 |
| 2 | Tracy Houlden | | |
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Grievance Procedure for School Staff

1. INTRODUCTION

In order to ensure that fair and effective arrangements exist for dealing with all staff grievances relating to their employment, the following procedure provides for full and consideration of all the relevant facts in order that grievances may be resolved as efficiently, fairly and promptly as possible.

The procedure is designed to deal with individual grievances. It is not intended that the procedure should be applied to collective disputes or to grievances relating to matters for which specific redress is otherwise available e.g. a case of alleged harassment or bullying, an appeal against dismissal (in both these cases, separate procedures exist).

Staff grievances can arise from a variety of sources. They can arise among members of the staff or with immediate line managers or the headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the Governors of the school or the administration of the school and the Trust. To meet this situation the procedure provides:

- (1) An informal stage which may enable a grievance to be resolved without recourse to any subsequent stage;
- (2) A formal stage where the first /informal part of the procedure is inappropriate or has failed.

2. SCOPE AND PURPOSE

2.1 This procedure is intended to help resolve concerns, problems or complaints which employees wish to raise in a prompt and fair manner.

2.2 The overall aim is to ensure that employers and employees attempt to resolve difficulties themselves by using their organisation's internal dispute resolution machinery rather than the employee resorting immediately to an Employment Tribunal. This procedure complies with the ACAS Code of Practice on Disciplinary and Grievance procedures.

2.3 It is recognised that many matters that may become the subject of a formal grievance stem from simple misunderstandings. It is therefore incumbent upon both the school and its employees, but particularly upon individual managers, always to strive to make their actions, instructions and requirements clear and to act in such a way that all employees shall have confidence that they will be treated reasonably. Headteachers, managers and governing bodies should always respond to questions and explain the reasons for their actions. Similarly, it is incumbent upon employees not to pursue frivolous matters or malicious grievances using this procedure.

2.4 The following matters cannot be raised under this grievance procedure:

- Disciplinary matters for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals;
- Amounts deducted for income tax, national insurance and other statutory deductions from pay;
- Matters where separate procedures apply e.g. Harassment or Bullying, Whistleblowing.

In the case of any uncertainty regarding which policy will apply, the matter should be discussed with the Human Resources Manager, allowing proper consideration before proceeding.

2.5 This procedure applies to all employees in the Trust. Whilst the grievance procedure should not be used for appeals against disciplinary decisions, if the complaint is against the behaviour of a manager during the course of a disciplinary case it may be raised as a grievance with a senior manager. (See para.4.2 for further details)

2.6 It is the Trust's policy to encourage employees with grievances relating to their employment to resolve them informally through discussion with those concerned and their manager. However, if the employee is not satisfied with the result of these discussions she/he should use the formal procedure to seek a satisfactory solution.

2.7 The school will endeavour to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible every effort will be made to explain the reasons for the decision and where employees are not satisfied with the outcome they have the right to pursue their grievance in accordance with the formal steps contained in the procedure.

2.8 Employees who raise grievances will be treated fairly at all times throughout this procedure. However, if a grievance is found to be malicious the employee concerned may be subject to the Disciplinary Procedure.

3. AIMS AND DEFINITIONS

3.1 The aim of a grievance procedure is to enable any member of staff to have her/his grievance heard and to seek to resolve a situation or seek redress. The intention is that grievances should be settled quickly and fairly and first be discussed informally with the immediate manager or supervisor or other appropriate person.

3.2 The grievance procedures and recommended advice are applicable to all employees at the school, full and part-time, permanent and temporary, in support and teaching posts including headteachers, deputies and assistant headteachers.

3.3 Most grievances will involve other members of staff or relate to terms of employment for which the governing body is responsible and will therefore be capable of resolution at school level using these procedures.

3.4 If an employee is uncertain about the nature of their grievance or to whom it should be addressed, advice should be sought from their trade union, line manager or HR. Governors or Headteachers should also seek advice from the Trusts HR Manager on procedural issues relating to grievances, or whether the grievance is within the powers of Governors or the Trust to resolve.

4. THE USE OF THE GRIEVANCE PROCEDURE – GENERAL PRINCIPLES

4.1 A grievance may contain allegations which may amount to misconduct involving a named employee. In these circumstances, a disciplinary investigation should be completed before further consideration is given to the grievance. The employee raising the grievance will be notified that the matter is being investigated during this time. If when investigated allegations are found to be true, the investigation will form the basis of disciplinary proceedings, with the employee who raised the grievance being updated as appropriate.

4.2 An individual grievance should not be used to challenge a general policy of the school. However, a grievance may relate to the application of the policy to an individual, or a small group of individuals.

4.3 It is fundamental to any grievance procedure agreement that normal working should be maintained until all stages of the procedure have been exhausted. Where the grievance under discussion is concerned with proposed changes in working hours or other customary arrangements, the status quo should not normally be disturbed whilst the matter is under consideration. Status quo is a discretionary element, and is not something which must be followed in all circumstances.

For the purposes of this procedure, it is suggested that a working day shall be a day that the school is open to students. However, there may arise on either side substantial reasons (e.g. a school holidays, sickness), why exceptionally it would be desirable to extend time limits. Any such extension should be agreed as reasonable by all parties.

4.4 Formal grievances involving complaints of discriminatory acts on grounds of protected characteristics, if when investigated are found to be true, will form the basis of disciplinary proceedings. Such acts, if upheld are contrary to disciplinary rules and could be construed to be unlawful. The advice of the Trust's HR Manager should always be sought in such cases.

4.5 Interviews or meetings under this procedure may:

- be held within the staff members scheduled working hours.
- exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation.
- be held after the end of the School day.
- not be held on days on which the staff member would not ordinarily work except in exceptional circumstances or where it is the only way to avoid undue delay.

4.6 The aggrieved employee can only be accompanied or represented either by a work based companion or trade union official at any meeting relating to her/his grievance. The employee who the grievance is against can be accompanied or represented by a work based companion or trade union official in the same way.

The Companion can address the relevant interview or meeting in order to:

- (a) put the staff member's case;
- (b) sum up the case; and
- (c) respond on their behalf to any view expressed at the relevant interview or meeting.
- (d) to clarify witness statements where necessary

The Companion can also confer with the staff member during the relevant interview or meeting.

The Companion has no right to:

- (a) answer questions on the staff member's behalf;
- (b) address the relevant interview or meeting if the staff member does not wish it; or
- (c) prevent the staff member from explaining their case.
- (d) prevent a staff member from answering a reasonable question

Any other employee attending such meetings may be accompanied, but not represented, by a colleague or trade union official.

4.7 Nothing in the procedure should preclude the right of an official of a recognised trade union to raise independently with the headteacher or governing body any employee relations matter. Where an official of a trade union attends a meeting with the headteacher or the governing body, the Trust's HR Manager may be invited by the headteacher or governing body to be present.

4.8 In cases where the person or panel hearing the grievance needs to obtain further information, or to enquire about policy or other issues, it is open to them to defer the matter for a period of time agreed with the member of staff and her/his representative to enable such enquiries to be made. The advice of Directors of the Trust may be requested to assist in the resolution of all grievances. It is recommended that all cases are notified to the Trust's HR Manager, so that their advice can be forthcoming.

4.9 The time limits specified in the procedure may be modified by mutual agreement and every effort should be made to deal with grievances as speedily as possible. If the time limits at Stage 1 or 2 are unreasonably exceeded, the employee will be entitled to request that it proceeds to the next stage of the grievance procedure.

4.10 Hearings should take place during an employee's normal working hours wherever possible.

5. COMPLAINTS AND GRIEVANCES

5.1 These are often confused, but in general, there should be two distinct procedures for investigating complaints and grievances. Complaints should be raised via the Complaints Policy. The essential difference is that:

- A complaint is an allegation made by any individual not employed by the Trust that a named employee has behaved in an unacceptable way, connected with their employment, which might justify disciplinary action being taken against her/him. If the complaint is upheld, it could result in that employee being disciplined, but it would not necessarily provide the complainant with any redress.
- A grievance is a concern, problem or complaint raised by an employee with their employer. A grievance enables individuals to raise issues about problems they have at work or with their employer.

5.2 It is impossible to provide an exhaustive list of all the issues that might give rise to a grievance but some of the more common include:

- terms and conditions of employment;
- health and safety; equal opportunities
- relationships at work;
- new working practices/organisational change

PROCEDURE:

INFORMAL STAGE

6. INFORMAL STAGE (FOR EMPLOYEES OTHER THAN HEADTEACHERS)

6.1 (i) Where a member of staff has a grievance which involves other members of staff, he or she shall first of all endeavour to resolve the matter by direct approach to the member of staff involved or in discussion with an appropriate senior person, or, if necessary, in discussion with the headteacher or Trust HR Manager.

6.2 (ii) Where a member of staff requests a personal interview with the appropriate senior member of staff or headteacher, it should be granted within five working days of the request being made.

6.3 (iii) The appropriate senior member of staff or the headteacher (as in (ii) above) shall seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of the staff. The headteacher may also, by mutual agreement, seek consultation with a Director of the Trust, the Trust HR Manager or with representatives of the recognised trade unions as may be considered appropriate.

6.4 Where a local member of staff has a grievance with the management, operation or actions of the Governing Body of the school or with the Trust which does not involve any other member of the staff, a direct approach shall be made to the Chair of Governors or a Director of the Trust. The Chair of Governors or Director will arrange for the matter to be considered and dealt with after seeking advice from The Trust HR Manager.

6.5 Many minor grievances are best resolved informally. If, however, the matter is not resolved as a result of the informal approach, the formal grievance procedure should be invoked.

6.6 Additional support should be sought from the Trust HR Manager if you require assistance in dealing with the informal stage.

6.7 It is important to note that confidentiality should be maintained throughout the process unless required or permitted to be disclosed by law or any Court or Tribunal or with the consent of the employee concerned.

6.8 With the agreement of all parties, it may be constructive to attempt mediation, or to have a confidential, informal discussion in a genuine attempt to compromise a dispute.

FORMAL STAGE

7. FORMAL STAGE

7.1 Where the grievance has not been resolved under the informal procedures described above, the member of staff concerned should, without unreasonable delay, submit a formal written notice of their concerns to the Headteacher copying in the Trust HR Manager and attaching any relevant documents. The employee should clearly state both why s/he is raising a formal grievance and the nature of the grievance, and the outcome/resolution s/he is seeking.

7.2 If the grievance is against the Headteacher, the grievance should be submitted to the Chair of the Local Governing Body copying in the Trust HR Manager.

- (i) The Headteacher (or Chair) shall within five working days write to acknowledge receipt.
- (ii) The Headteacher (or Chair) may arrange for an investigation into the issues raised. The investigation should be completed as soon as possible taking into account the circumstances of the case. In some cases it may be possible to go straight to a grievance meeting without the need for an investigation. If in doubt, advice should be sought from the Trust's HR Manager.

Where an investigation is required the Headteacher (or Chair) will appoint an Investigating Officer. This should be an appropriately senior person with no prior involvement in the matter to be investigated.

Where an investigation is completed it should result in an objective, concise report summarising the facts and information gathered. The Investigating Officer may conclude the report giving a recommendation for formal action, informal action or no further action, but should not suggest a possible sanction or prejudice what the outcome to a grievance or disciplinary hearing will be. The individual raising the grievance will be provided with a summary of the grievance investigation report before the grievance meeting. The individual raising the grievance has the right to see and parts of the report that contain information about them, or that is reliant on information that they have provided. The individual raising the grievance does not have the right to see private information collected during the investigation belonging to other individuals.

Where an investigation has been completed the Investigating Officer will meet with the Head / Chair of Governors to discuss the report. The Head/Chair may nominate an individual other than themselves to be the Hearing Manager. For more serious or complex cases, it may be appropriate to nominate a panel of up to three individuals to hear the grievance. Where this is the case, one individual will be nominated to chair the hearing. Any individuals nominated to hear a grievance must be appropriately senior and should have had no prior involvement in the matter.

A date for a formal grievance meeting will be confirmed in writing (by letter or email) giving as much notice as possible, but no less than five working days. This communication will also confirm the identity of the Hearing Manager or hearing panel members and chair.

All relevant documents must be submitted to both the Hearing Manager/panel and the complainant at least five working days in advance of the meeting. Documents can be exchanged directly or collated and distributed via HR.

The purpose of the grievance meeting will be to consider the grievance with a view to resolving the matter.

The complainant may be accompanied at the grievance meeting by a Trade Union Representative or work based companion.

An HR representative or appropriate, impartial person will attend the grievance meeting to take notes. An HR representative will be available in person or by phone for advice on procedure if needed.

In opening the meeting the chair should stress that everything discussed during a grievance meeting is confidential.

After the formal grievance, meeting the Hearing Manager/panel must inform the employee of their decision in writing within five working days also confirming the right to appeal against the decision.

APPEAL

If the employee is not satisfied with the outcome of the formal grievance meeting, written confirmation of an intention to appeal should be submitted in writing to the Hearing Manager / Chair of the hearing panel copying in the Trust HR Manager. Confirmation must be received within ten working days of receipt of the

outcome letter, clearly stating why the employee does not accept the original decision and what outcome or resolution they are looking for.

Where an appeal is lodged the Trust HR Manager will nominate an Appeals Manager. In the event of a conflict of interests an appropriate, alternative senior person may nominate the Appeals Manager. For more serious or complex cases, it may be appropriate to nominate a panel of up to three individuals to hear the appeal. Where this is the case, one individual will be nominated to chair the appeal meeting. Any individuals nominated to hear an appeal must be appropriately senior and should have had no prior involvement in the case either as a witness, or in any other material sense

Receipt of the letter of appeal should be acknowledged within five working days by the Trust HR Manager, or, in the event of a conflict of interests, an appropriate, alternative senior person.

A date for the appeal meeting will be confirmed in writing (by letter or email) giving as much notice as possible, but no less than five working days. This communication will also confirm the identity of the Appeals Manager or panel members and chair.

All relevant documents must be submitted to both the Appeals Manager/panel and the complainant at least five working days in advance of the meeting. Documents can be exchanged directly or collated and distributed via HR.

If an investigation has previously been carried out, the Appeals Manager/panel will need to consider the findings of the investigation and should also refer to the notes of the formal appeal meeting and the original outcome letter, which will give details of the reasons behind the initial decision.

If an investigation has not already been carried out, the Appeals Manager/panel may decide whether one is necessary.

The complainant shall have the right to be accompanied at the appeal meeting by a trade union representative or a colleague employed at the school.

An HR representative or appropriate, impartial person will attend the appeal meeting to take notes. An HR representative will be available in person or by phone for advice on procedure if needed.

The Appeals Manager/panel has the discretion to request the attendance of the Headteacher/nominee who originally dealt with the grievance at the appeal meeting. Examples of where this may be appropriate include the requirement for the original Headteacher or their nominee to put the grievance into context e.g. with regards to operational issues etc.

In opening the meeting the chair should stress that everything discussed during an appeal meeting is confidential.

After the appeal meeting the Appeals Manager/panel must inform the employee of their final decision, within five working days and confirm this in writing. No further right of appeal shall exist.

GRIEVANCE PROCEDURE GUIDELINES

ADDITIONAL INFORMATION

8. THE DISCIPLINARY PROCEDURE AND GRIEVANCES

8.1 A grievance raised during the course of the disciplinary procedure (including a claim of harassment) will be referred to a senior manager who will decide whether the grievance should be considered separately, or as part of the disciplinary process. Where the employee's grievance relates to the disciplinary case it will be investigated as part of the disciplinary process and will not suspend the disciplinary procedure. Advice should be sought from the Trust's HR Manager.

8.2 If an employee raises a complaint that the disciplinary action taken (or contemplated) amounts to unlawful discrimination, or the disciplinary action taken (or contemplated) is not the ground on which the employer asserted it would be taken, a senior manager will decide whether the grievance should be considered separately, or as part of the disciplinary process. It may be considered necessary to bring in another manager to deal with the disciplinary case in certain circumstances.

If an employee raises a grievance, in writing, about the way in which a manager handled a disciplinary case or conducted the investigation before the Appeal stage of the Disciplinary Procedure it may be discussed at the appeal hearing.

8.3 Accusations involving Misappropriation of Funds: Financial Irregularities, Allegations of Sexual Misconduct, and Child Protection should be dealt with by way of a Disciplinary Investigation. The Whistleblowing Policy may also be applicable in some circumstances.

9. INVESTIGATIONS

9.1 The Trust is committed to ensuring that, where necessary, grievances are fully investigated. This entails carrying out interviews with the employee concerned and any third parties such as witnesses, colleagues and managers, as well as analysing written records and information.

10. WITNESSES

10.1 It is not normally expected that witnesses will be called to grievance meetings. The grievance meeting provides a vehicle for an employee and their manager to resolve issues of concern to the employee where informal means have not been sufficient to do so. The meeting should be kept as simple as possible whilst ensuring that all relevant issues are fully explored. Statements can have been obtained beforehand if this is relevant. In exceptional cases if there is a need to involve any other employee, then both the employee and the manager will have the opportunity to ask questions. In some cases witnesses may wish to remain anonymous, although in the interests of transparency employees are encouraged to participate openly. Advice and support can be accessed via the Trust's HR Manager in such cases.

11. FORMER EMPLOYEES

11.1 The Acas Disciplinary and Grievance Code of Practice states that if it is not possible to resolve a grievance informally, employees should raise the matter formally and without unreasonable delay. Where an employee has left the school's employment, the grievance procedure will not apply automatically. If a manager receives a grievance from a former employee s/he should pass the letter to the headteacher without delay. The headteacher should contact the school's HR provider /Legal Services Provider before deciding whether to allow the grievance to be heard.

11.2 A letter of resignation or exit interview may constitute a grievance if it contains details of the reasons for the resignation. Headteachers should seek advice immediately from the school's HR provider/ Legal Services Provider before any action is taken.

12. EQUALITIES ISSUES

12.1 Under the Equality Act 2010 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability. This could include ensuring an accessible location for the grievance to be heard or providing an interpreter or other adjustment. If an employee has difficulty setting out their grievance in writing (e.g. because of a disability or because English is not their first language or they have difficulty expressing themselves on paper), they should seek help from their manager, trade union or a colleague. Managers should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a grievance.

13 RECORDS

13.1 Detailed notes should be taken of all issues raised at the grievance meetings and appeals. This information may be required at an Employment Tribunal. Records must be kept on the individual's personal file of the nature of any grievance raised, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. **These records are to be kept confidential and retained in accordance with this procedure and the General Data Protection Regulations 2018. Records should be securely held on file 6 years after the termination of the employee's employment.**

14 SUPPORT

14.1 It is recognised that the grievance procedure can be stressful for all involved. Any employee experiencing difficulty having raised a grievance, or due to having been witness or involved in a grievance investigation, should contact Human Resources for confidential support. Alternatively support is available via the relevant trade union (where the employee is a member) or through the Education Support Partnership (<https://www.educationsupport.org.uk/> / 0800 562 561).

GRIEVANCE PROCEDURE FLOW CHART

