



Grievance Procedure

The following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff have agreed this Policy and Guidelines:

- National Education Union
- National Association of Schoolmasters Union of Women Teachers
- National Association of Headteachers
- Unison
- GMB
- Voice

The following professional Trade Unions were consulted:

- Association of School and College Leaders
- Unite

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If you would like help to understand this document, please contact HR Services.

In terms of employment legislation, the procedure is for guidance only and does not form part of an employee's contractual rights. The contents may be subject to revision from time to time.

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Contents		Page
1.0	Introduction	3
2.0	Grievance Against Either; Staff, Headteacher, Local Academy Board or Board of Directors. G	5
3.0	Formal Procedures	7
Appendices		
Appendix 1 Grievance Register Form		12
Appendix 2 LAB members Appeals Committee Procedure for Hearing		13

1.0 INTRODUCTION

1.1 Scope

This policy applies to all full and part-time staff of the Diocese of Hereford Multi-Academy Trust ('Trust'), including those with fixed-term contracts.

1.2 Purpose

- 1.2.1 The purpose of this policy is to give all members of staff a means to resolve concerns, problems or complaints relating to their employment.
- 1.2.2 The Board of Directors of the Trust is committed to ensuring that staff are treated fairly and with respect in all aspects of employment, as well as in accordance with all relevant legislation. This procedure is designed to resolve any concerns/disputes that do arise in a timely fashion and in a manner which avoids adversarial exchanges. The focus is intended to be on resolution, rather than on dispute.
- 1.2.3 All grievances should be resolved as quickly as possible; members of staff are encouraged, where possible, to resolve grievances informally with their Headteacher or line manager.
- 1.2.4 Where a grievance cannot be settled informally, the employee should raise it formally through the operation of this procedure. Employees may wish to seek advice from their trade union, or professional association, before considering raising a complaint under this procedure.
- 1.2.5 This procedure is drawn up to ensure compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.2.6 This procedure should be used for grievances about the rights of employees under their conditions of service and any other matters relating to their employment.
- 1.2.7 Such rights or matters may relate to:
- The procedure, the content, or interpretation of a revised or existing job description;
 - working environment;
 - excessive or inequitable workload;
 - failure to manage the conduct of others, to the detriment of the **Grievant**;
 - inequitable treatment.

The above list contains exemplars and is not intended to be exhaustive

- 1.2.8 The procedure does not apply in the case of:
- a) Disciplinary and dismissal matters (appeal process exists within the disciplinary procedure)
 - b) Following an unsuccessful appeal under another procedure
 - c) Questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay)
 - d) National agreements (other than local interpretation)
 - e) Grading issues (these should be raised through the appeals procedure of the Trust's Pay Policy)
 - f) Personal matters not directly related to employment, or conditions of service.
- 1.2.9 Staff grievances can arise from a variety of sources; they can be of a relatively simple nature or of fundamental importance. These procedures are designed to enable a grievance to be resolved informally, wherever possible. Where informal procedures are inappropriate, or have failed, provision is made for formal procedures. All parties should aim to settle the grievance fairly, simply, quickly (a reasonable timescale could be agreed by all parties at the start of the procedure; however, this may be subject to review depending of the circumstances of the grievance) and finally, as near as possible to the point of origin.
- 1.2.10 For the purpose of the formal procedure, the term grievance means a complaint meeting the following requirements:
- The grievance must be specific to the individual member of staff; grievance procedures cannot be used to complain about collective matters e.g. pay, conditions of service issues, general policies/procedures where there is another recognised route available. Where there are several individual grievances about the same issue, then this policy may be used as a means to resolution
 - The grievance must relate to the individual member of staff's employment
 - The grievance must be substantial in the sense that, if the facts were as stated by the member of staff, it would be reasonable to conclude that significant evidence for complaint existed

1.2.11 HR will be available to provide advice to Headteachers, the Local Academy Board and the Board of Directors, regarding the operation of the procedure.

1.2.12 The definitions below should assist with understanding the roles in the remainder of these procedures:

- **The Grievant(s)** - The person(s) who has raised the grievance
- **The Subject(s)** - The person(s)/issue(s) who the grievance is about
- **The Receiver**
 - To whom the grievance is reported
 - To whom a formal grievance form is submitted
 - Who will make a decision about the grievance.
- **The Investigating Officer** - The person appointed by the **Receiver** to investigate (this can be a member of the Senior Leadership Team or HR, for example)
- **The Mediator** – An independent individual, who may be involved at any point during a grievance to try and resolve

The **Grievant** is advised to seek the advice of their Trade Union or Professional Association prior to such a submission, and will be entitled to be accompanied at the formal stage of the procedure.

The **Grievant** should be encouraged to consider a manageable resolution.

2.0 GRIEVANCE AGAINST EITHER: STAFF, HEADTEACHER, LOCAL ACADEMY BOARD OR BOARD OF DIRECTORS

2.1 Informal Procedures

- 2.1.1 Where a member of staff has a grievance and wishes to pursue that grievance, they must first endeavour to resolve the matter by a direct approach to the persons involved, or via the Headteacher.
- 2.1.2 If the grievance is against the Headteacher, and the **Grievant** is unable to approach the Headteacher directly, a representative may make the approach on behalf of the **Grievant**, after which the **Grievant** should endeavour to resolve the matter.
- 2.1.3 When a grievance is against the Local Academy Board, the request should be made to the Chair of the Local Academy Board.
- 2.1.4 Where the **Grievant** requests a meeting, via the **Receiver**, to discuss their grievance, it should be granted within five working days of the request being made, unless this is impossible due to sickness or other unavoidable absence. This timescale can be varied by agreement. If the grievance is against the Local Academy Board, once the request for a meeting with the Chair of the Local Academy Board has been made, it will be granted as soon as possible following the request and, wherever possible, within 20 working days.
- 2.1.5 Once such an approach has been made, the **Receiver** should seek to resolve the problem personally. Where appropriate, the **Receiver** will make discreet investigations, to be completed within a calendar month of being notified of the concern(s), and will attempt to resolve the matter speedily and fairly. With the consent of all parties involved in the grievance, there may be subsequent consultation with other parties when appropriate (e.g. others employees at the academy, the Headteacher, with the Chair of the Local Academy Board, HR and representatives of recognised Trade Unions and Professional Associations.)
- 2.1.6 Most issues are best resolved informally. However, if this is not possible, a more formal approach will be necessary by proceeding to the First Stage of the Formal Procedure.

3.0 FORMAL PROCEDURES

3.1 Stage One – Statement of Grievance

3.1.1 Where the matter has not been resolved under the informal procedure, the **Grievant** should submit a formal, written notice of the grievance, and the solution being sought, using the form supplied at Appendix 1.

The form should be submitted to:

- Headteacher – where the grievance relates to a member of staff
- Chair of Local Academy Board (also HR for information) – where the grievance relates to the Headteacher
- The Chief Executive of the Trust – where the grievance relates to either the Local Academy Board or Board of Directors

3.1.2 A copy of the form and this procedure should be provided to the **Subject**, this may be sent directly by the **Grievant**, by their representative, or by the **Receiver**. The **Receiver** should ensure that this requirement is carried out.

3.1.3 The **Grievant** is advised to seek the advice of their trade union, or professional association, prior to such a submission.

3.1.4 If the grievance relates to working, or proposed working arrangements, changes should not be made until the grievance has been resolved or the procedure exhausted. Where difficulties may arise as a result, the matter should be dealt with as a matter of urgency.

3.2 Stage Two – Meeting between **Grievant** and **Receiver**

3.2.1 On receipt of the written notice the **Receiver** will invite the **Grievant(s)** to a meeting as soon as possible. The **Grievant** will have the right to be accompanied by a Trade Union or professional association representative or work colleague. If the **Grievant(s)** representative cannot attend on the proposed date, the **Grievant** can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date.

3.2.2 As soon as possible and, in any event, within ten working days of the meeting, the **Receiver** will give the **Grievant(s)** a written response. This response may be a preliminary one if the grievance needs more detailed consideration, but the **Grievant** will be told what is happening and how long it may be before a final response can be expected.

- 3.2.3 Where a more detailed response is necessary, or further investigation required, the **Receiver** may appoint an Investigating Officer to look into the grievance. At the conclusion of the investigation a formal written report may be produced. An Investigating Officer would normally be a member of the academy's senior management team. If appropriate, a member of HR for example, can be nominated to carry out the investigation.
- 3.2.4 The Investigating Officer must ensure they keep the **Grievant** updated with the progress and next steps of the investigation on a regular basis, ideally at intervals agreed with the complainant.
- 3.2.5 If the **Grievant** is interviewed as part of the investigation, the record of the interview must be agreed prior to any further interviews with witnesses etc.
- 3.2.6 It is important that confidentiality is maintained as far as reasonably possible in any investigation. Those interviewed as part of the investigation, including witnesses, **should ensure they maintain any information or documentation they receive as part of the investigation confidential**. If they wish to disclose information to a third party (other than their trade union representative, HR or Occupational Health) they should confirm this with the Investigating Officer prior to any disclosure. They should not discuss the nature of the complaint, or share investigation information, with any other members of academy staff (guidance for conducting an investigation is available from HR).
- 3.2.7 On receipt of the investigation report the **Receiver** will meet with both the **Grievant** and the **Subject** (either separately or together) and their representatives and discuss the findings with a view to resolving the matter. In this the **Receiver** may call on advice from HR who may be present at any meetings so arranged.
- 3.2.8 A mediator may be needed as an agreed outcome of the above resolution meeting. If mediation is required, the mediator will be appropriately trained and will have had no prior involvement in the grievance.
- 3.2.9 A summary of the investigation report will be sent to both the **Grievant(s)** and the **Subject(s)**. Should the matter lead to action under the disciplinary procedure, the full investigation report would be disclosed as part of disciplinary papers. The full investigation report may also form part of any appeal process.
- 3.2.10 The final written response from the **Receiver** at this stage of the formal procedure should include: -

- a summary of the grievance
- appropriate details of the investigation
- the decision on the matters raised
- the reasons for the decision
- if the grievance has been upheld, wholly or in part, what necessary steps will be taken
- what further steps are available to the employee(s), within this procedure, if they remain aggrieved

3.2.11 If the **Grievant(s)** is (are) dissatisfied with the **Receiver's** response, or do not receive a response within the appropriate timescales, they can move to the appeal stage.

3.3 Stage Three - Appeal

- 3.3.1 There will be a right of appeal on the part of the **Grievant**, which must be made within ten working days of receipt of the **Receivers** decision. If the **Grievant(s)** wishes to appeal they should notify the Headteacher of their intention to appeal. A written statement of the grievance outlining the reasons why they are dissatisfied with the **Receivers** response must be provided.
- 3.3.2 The Headteacher will advise the **Grievant** of the procedure for the appeal hearing, reminding the Grievant of their rights at the hearing, including the right to be accompanied by a Trade Union or professional association representative or a work colleague, and the action which the Local Academy Board may take.
- 3.3.3 The Headteacher will send a copy of the letter of appeal to the **Receiver** asking him or her to submit a formal report. They may also ask any other relevant parties to the grievance for their observations if appropriate.
- 3.3.4 An appropriate Appeals Committee will be convened, membership of which will be dependent upon who the grievance is against (this could be members of the Local Academy Board or Board of Directors). A meeting will normally be arranged within twenty working days of the receipt of the appeal. The Grievant should be given reasonable notice of the date, time and venue of the meeting. Refusal of any party to attend will not invalidate the proceedings. The **Subject** of the grievance need not attend.

- 3.3.5 All relevant documents shall be submitted to members of the Committee, the **Grievant** and **Receiver** for the purpose of hearing the appeal. All documents should be submitted at least seven working days prior to the date of the appeal hearing and should include, as a minimum, a clear statement of the grounds for appeal. The **Grievant**, if they so wish, may make a written submission, instead of being present at the hearing. There will be an opportunity for all those involved in the hearing to comment on any new evidence arising during the appeal before any decision is taken.
- 3.3.6 The procedure which applies at the hearing is detailed at Appendix 2.
- 3.3.7 The Appeal Committee may uphold the **Receiver's** decision, or modify the action the **Receiver** proposed to take to resolve the grievance. Modifying the action may include overturning the **Receiver's** decision, where this occurs an alternative resolution must be suggested.
- 3.3.8 If possible, the **Grievant** will be notified of the decision by the Chair of the Appeal Committee, at the end of the meeting. If a decision cannot immediately be made, the decision will be confirmed in writing within 10 working days of the meeting. The decision of the Appeal committee is final. The chair of the committee will notify the **Receiver** of the committee's decision.
- 3.3.9 Any variations to the timescales in this procedure must be mutually agreed by all those involved in the hearing.

3.4 Written Records and Notes

- 3.4.1 Written records of any grievance that is dealt with should be kept. Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 2018. Records should include:
- The nature of the grievance
 - What was decided and actions taken
 - The reason for the actions
 - Whether an appeal was lodged
 - The outcome of the appeal
 - Any subsequent developments
- 3.4.2 Notes should be taken and agreed at all grievance meetings. The employee raising the grievance and the employee who has had the grievance raised against them, should be asked to sign the notes from their own meetings. Witnesses should be informed that their statements/meeting notes maybe

disclosed to all parties concerned. However, in certain special circumstances (for example to protect a witness) the employer might withhold some information or anonymise

4.0 Monitoring This policy will be reviewed every 3 years unless there are any legislative changes.

Appendix 1

Grievance Register Form

Name: Job Title:

Academy: Date:

Having discussed my grievance with the appropriate persons, I remain aggrieved and now wish to register a formal grievance - the details of which are outlined below *(please include as much information as possible and include extra sheets if necessary)*

Details of grievance:

My preferred outcome for resolving this grievance would be:

Signed:(Employee) Date:

Appendix 2

LAB members Appeals Committee

Procedure for Hearing

Under this procedure the Appeals Committee has the power to confirm, or vary, any decision of the **Receiver**, taking into account any advice from HR at the hearing. Their decision is final.

1. The Chair will introduce those present, confirm the purpose of the hearing, and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The Grievant and/or their representative will be asked to present the grounds for the appeal.
3. The **Receiver** will be asked to outline their response to the grounds of appeal.
4. Members of the Committee will then ask questions of the Grievant and/or their representative, and the **Receiver** (Members can also ask questions at any stage of the Hearing).
5. The **Grievant** and/or their representative may ask questions of the **Receiver** (and Investigating Officer if present) which may be directed via the Chair of the Committee and which have not already been asked or clarified by members of the committee.
6. The **Receiver** may ask questions of the **Grievant** and/or their representative which may be directed via the Chair of the Committee and which have not already been asked or clarified by members of the committee.
7. The **Grievant** and/or their representative will be invited to sum up their case.
8. The **Receiver** will be invited to sum up the case.
9. At the conclusion of the hearing, all parties, with the exception of HR providing advice, shall withdraw whilst the Committee deliberates.

Notes:

- A note of the meeting will be taken. This record will not normally be a verbatim report, but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.
- The Chair of the Committee may call for further evidence on specific points, but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 9 above), then both parties must be recalled.