

REF: 006/17/1

## GRIEVANCE POLICY AND PROCEDURE

[INSERT SCHOOL] PART OF THE UNITY SCHOOLS PARTNERSHIP

School staff and recognised unions were consulted by Suffolk County Council on this document and it was accepted by the Unity Schools Partnership Board when [insert name] school joined the Trust on:	June 2017
It was ratified by the [Academy name] Local Governing Body on:	[date]

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## 1. Introduction

The Unity Schools Partnership (“the Trust”) is a growing partnership of schools located on the Suffolk, Essex and Cambridgeshire borders. Our model is about creating inter-dependence between our schools, while each retains its own individual identity and character. All our schools however, subscribe to a set of shared values, principles and operational processes that ensure quality education for all our young people.

The Trust’s Board of Directors is committed to ensuring that positive steps are taken in all Trust schools to provide a working environment for all staff colleagues which is safe, supportive and treats everybody in a way which is fair, open and transparent.

Grievances are concerns, problems or complaints that employees raise with their employers. These may be about any aspect of their work, treatment that they have received, or relationships with colleagues. This policy sets out the process for dealing with staff grievances and is also used in respect of complaints of bullying and/or harassment. The purpose of this policy is to ensure that complaints are dealt with swiftly, fairly and consistently.

## 2. Scope

This policy applies to all teaching and support staff in [insert school].

An employee working within the school but employed on another organisation’s terms and conditions of employment should have any grievance managed under their own organisation’s appropriate policy/procedure.

## 3. Confidentiality

All grievance proceedings, including details of any investigation and statements relating to it, are confidential to the parties concerned, with the exception of official bodies (e.g. externally the Police, Health and Safety Executive, or internally the Trust’s Executive Leadership team) which have a right, under some circumstances, to require disclosure of information. The delegated committee of the Governing Body will be notified of the outcome of any formal process, once it has concluded. Any breach of confidentiality may also be considered under the disciplinary policy.

## 4. Exclusions

This policy does not apply to complaints of professional malpractice, wrongdoing or criminal activity: such complaints should be raised immediately via the Whistleblowing Policy. Similarly, this policy will not be used to raise complaints where any other policy (such as the disciplinary policy) applies. Pay and Grading Appeals will be considered under the specific arrangements in place for that purpose. The Grievance policy will not be used to deal with complaints made after employment has ended, for any reason. However, if a grievance has been raised and not concluded before an employee leaves, he or she will be invited to continue with the grievance process.

This policy does not apply to complaints against staff raised by parents/carers or other individuals who are not employees of the Trust. Any such complaints will be dealt with under the school’s Complaints Policy and Procedure.

## 5. Roles and Responsibilities

Any complaint raised under this policy should be made in good faith. Any complaint found to have been made for malicious, false or similar reasons may give cause for disciplinary action. All employees are

expected to co-operate in the implementation of this policy and the accompanying Harassment and Bullying Policy (where applicable) both of which are intended to secure fair and reasonable treatment and equality of opportunity for all employees.

Whether raised at the informal or formal stages of this process (see below) it is important that the employee approaches the appropriate person with his/her grievance.

If the complaint is an informal one and involves other employee(s) the employee may make a direct approach to the individual(s) concerned. Otherwise, he/she should directly approach his/her line manager, or the Headteacher (who may wish subsequently to delegate this matter to a senior member of staff, as appropriate) in order to explore informal resolution of the matter. Where the grievance is about the Headteacher, it should be referred to the Chair of Governors. Where the Headteacher has an informal grievance of his/her own, this should be referred to the Chair of Governors in the same way. The same principles apply within the formal stages (see below) of this procedure, with the grievance being submitted to the Head Teacher or Chair of Governors as appropriate. The grievance would then be heard by the Head Teacher, or by the Hearings Committee of the Governing Body, accordingly. Where an employee reaches the appeal stage, he/she would lodge the appeal with the person, or the Chair of the Committee, who heard the first formal stage. The Governors' Appeal Committee will then be convened to hear the appeal. For Head Teachers' grievances, the formal grievance hearing will be carried out by the Governors' Hearings Committee and any subsequent appeal by the Governors' Appeal Committee.

Grievances against Governors are outside the scope of this policy as Governors are not employees.

- Where the grievance is about a member or members of the school's governing body, this should be referred to the Chair of Governors. If the matter cannot be resolved informally, the grievance will be referred to the CEO or Chair of the Trust's Board of Members for consideration and resolution.
- Where the grievance is about the school's Chair of Governors, the matter should be referred to the CEO or Chair of the Trust's Board of Members for consideration and resolution.

## 6. Informal stage

Many grievances can be resolved informally and quickly, and there is an expectation that employees will make every effort to do this, without unreasonable delay, before formal steps are considered. The relevant person (see paragraph 5 above) receiving the complaint will try to resolve it informally with the party or parties concerned wherever possible. Where there is a dispute between employees, it may be appropriate to involve a trained workplace mediator in these circumstances, with the various parties' agreement. **The assistance of a TU representative may also be helpful.**

## 7. Formal grievance process

If a complaint has not been satisfactorily resolved informally, the employee raising it should set the complaint down in writing, without unreasonable delay, and state what steps have already been taken to resolve the grievance, and what he/she is seeking as an outcome. The complaint should be given, together with any supporting documentation, to relevant person as set out in section 5 above.

### 7.1 Investigation

In some cases it may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing

relevant documents. The investigation may be carried out by the Headteacher, or someone else appointed by the Headteacher. The assistance of a TU representative may also be helpful.

The employee must co-operate fully and promptly in any investigation. This may include disclosing the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

Employees have the right under the Data Protection Act 1998 to request access to information about them that is held on file, whether manually or on computer. For example, an employee who has raised a grievance and is not satisfied with the outcome may request copies of the written evidence on which the decision was made, including statements obtained from witnesses, or an employee about whom a grievance has been made may request evidence relating to the complaint. The Headteacher can refuse to disclose the document in question if its disclosure would also reveal information about a third party who can be identified from the information, unless the third party has consented to the disclosure or it is reasonable in all the circumstances to comply with the request without his or her consent.

The Headteacher should not automatically refuse to disclose a document if a third party, for example a colleague who has given a witness statement, does not consent to it being released. The Headteacher should consider taking steps to anonymise the document before disclosing it. This might involve:

- blanking out the witness's name and any other information from which he or she could be identified;
- editing the statement to conceal the identity of the witness; or
- where there are several witness statements from different employees, preparing a summary of the information contained in the statements.

Ultimately, the Headteacher should take a reasoned decision about whether or not it would be reasonable in the circumstances to disclose a witness statement or other document. This will involve balancing the witness's right to privacy against the employee's right to know what information is held about him or her, and its source.

The investigation may be instigated before holding a grievance hearing where this is considered appropriate. In other cases the grievance hearing may be held before deciding what investigation (if any) to carry out. In such cases a further grievance hearing will be held with the employee after the investigation and before any decision is reached.

## **7.2 Hearing**

The Headteacher, with the support and assistance of the Trust's HR team, will arrange a formal hearing, usually within two working weeks of the employee's written grievance being received although this may depend on what if any investigations are being carried out.

The governing body may delegate conduct of the formal hearing to the Headteacher, or to the Headteacher and one governor, or a Hearings' panel comprised of three governors, who have no previous detailed knowledge of the case or any potential conflict of interest.

The hearing will be conducted in a manner which allows the employee to explain the grievance and how it might be resolved.

The employee is entitled to be accompanied at the hearing by an accredited Trade Union representative or a workplace colleague. The person accompanying will be allowed to address the hearing, to help state the employee's case. This person does not have the right to answer questions on the employee's behalf.

A decision may be given at the end of the hearing, but in any case will be set out in a written response to the employee within two working weeks. This response may also contain what action is intended to resolve the grievance, if any part of it is upheld.

In some cases it may be necessary to adjourn the process to allow for further investigation to take place in order to allow a thorough consideration of the grievance, and to make recommendations for action. If so, the employee will be kept informed regarding the process and a further grievance hearing will be held following the further investigations.

### **7.3 Appeal**

If the employee feels that his/her grievance has not been satisfactorily resolved, then he/she may appeal against the findings. A written notice of appeal should be submitted to the Chair of Governors, stating the grounds for the appeal. An appeal hearing will be arranged, usually to take place within 10 working days of the date of the appeal letter.

New evidence is admissible for an appeal, providing that it is submitted at least five working days before the hearing. The hearing will usually take the same format as the formal grievance hearing at 7.2 above. The employee has the same right to be accompanied.

A written response will be issued to the employee within two weeks of the date of the hearing, unless further investigation or similar is required. The decision made at the appeal is final. The employee will not be able to raise another grievance about the same matter.

### **8. Collective grievances**

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so, whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way it cannot then be raised by the same employees individually. A collective grievance procedure will follow the same timescales and process as one raised individually.