



'A farmer went to sow his seeds' (Mark 4 3-8)



"Unlocking the Future"

Grievance Policy

Policy Level and Description:	1	<u>TKAT Statutory Policy</u> NO CHANGES TO THE CORE TEXT ALL Schools require a policy on this topic/area. Only changes to highlighted sections are allowed to the core text – changes will be limited to school name and very limited school-specific details - LGBs to adopt, implement and monitor this policy.	
Reviewed by: <i>(Trust Officer)</i>	Hester Wooller CEO	Reviewed by: <i>(School representative)</i>	L Henderson Headteacher
Approved by: <i>(Trust Committee/Trust Board)</i>	FAPP	Approved by: <i>(LGB/LGB Committee)</i>	FPP
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Version	DATE	DESCRIPTION
1	14/11/07	New combined Grievance, bullying and harassment policy and guidance.
2	02/07/08	Amended to incorporate Delegated Powers related to Staffing Matters
3	28/10/09	Amended to reflect new legislation
4	26/03/12	Amended to include the appeals process and further employee guidance.
5	01/01/2016	Amended to create School Only Version
6	01/02/2017	Reviewed and no changes made
7	02/05/2018	Updated for GDPR compliance
8	10/05/2021	Review of policy – Updated to remove reference to bullying and harassment which is now covered under a separate policy – Dignity at Work Removal of stage two of formal grievance process

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We are a family of distinctive schools at the heart of the diverse communities we serve. In line with our Christian ethos, we aspire to excellent learning and pastoral care for pupils and staff and are committed to being open and welcoming to all.

1. Policy

The School believes that every employee has a right to raise matters of concern relating to their work, working environment, or any work-related problems.

All employees will be treated in a fair and consistent manner if they raise a grievance. All employees will be informed of the policy.

2. Purpose

This policy ensures that employees are able to raise a grievance and that they are resolved as quickly and as fairly as possible.

Employees should be aware that separate procedures exist for appeals against the outcomes of discipline, capability, dismissal (including redundancy), and job evaluation.

3. Scope

The policy applies to all employees and temporary/casual workers of the School, unless they are protected under TUPE regulations to enhanced terms that continue to apply. It should be read in conjunction with other relevant documents e.g. School Teachers Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book), the National Agreement on Pay and Conditions of Service for support staff (Green Book) and other School Policies. These can be found directly online, via a link on the WBC Schools Hub pages or the school will be able to signpost you to these documents.

All those who work for The Coombes CE School, whether employed or not, have a responsibility to ensure that they follow school policies and procedures in relation to the fair treatment of themselves and others. Failure to adhere to this policy may lead to disciplinary action which may, in certain circumstances, lead to dismissal. All employees must abide by the School Code of Conduct Policy, which is available from the Operations Manager.

4. Equal Opportunities

All employees will be treated with respect and dignity throughout the grievance process in

accordance with the Trust's Policy and Guidance for Equal Opportunities, which is available from the Operations Manager.

5. Victimisation

The Grievance Procedure provides a mechanism to solve problems and no member of staff shall suffer any form of victimisation as a result 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 from any level of the School. Any allegation of victimisation will be dealt with seriously, promptly and confidentially. The manager must follow the disciplinary procedure if it is found that victimisation has occurred.

6. Keeping written records

It is very important that written records are kept regarding all grievances that are raised. 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.

The school will process any personal data collected during the grievance process in accordance with its data protection policy which is available from the Data Protection Officer.

In certain situations, a manager may decide to protect the identity of an individual or decide to withhold some information – e.g. information of a very sensitive personal nature or content that is deemed to be irrelevant.

Further details can be found in the Privacy Notice on the school's website. Any data collected will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure.

7. Confidentiality

Confidentiality must be maintained by all parties. Only those who need to know about the grievance will be informed.

Records will be kept no longer than necessary and in compliance with GDPR and Data Protection Act 2018.

8. Exclusions

The Policy and Guidance does not apply to matters concerning:

- Disciplinary and conduct matters - see the Policy and Guidance for Discipline and the Code of Conduct which is available from the Operations Manager
- Where the action taken or contemplated by the Headteacher is to issue a warning or a dismissal the grievance procedure does not apply.
- Capability matters - see the Policy and Guidance for Managing Sickness Absence and the Capability Policy which is available from the Operations Manager.
- Bullying and Harassment matters - see the Schools Dignity at Work Policy which is available from the Operations Manager.
- Redundancy matters - see the Policy on Restructure and Redundancy which is available from the Operations Manager.

All of the above policies have an in-built appeals procedure to deal with any issues relating to such matters.

In circumstances where a grievance is raised by more than one individual it is appropriate to resolve the problem through collective agreements between the trade union/ recognised staff representatives and the School.

9. Roles and Responsibilities

As the Trust is the employer, this is a Trust policy and it is responsible for monitoring its implementation and for liaising and advising schools as appropriate.

9.1 The local governing body

The local governing body:

- Ensures grievances are handled according to agreed procedures
- Holds the Headteacher to account for the implementation of this policy
- Deals with grievances raised by the Headteacher

9.2 The Executive Headteacher/Headteacher/Head of School

The Executive Headteacher/Headteacher/Head of School:

- Ensures that all staff are aware of the policy and its implementation
- Works to check that grievances are handled according to agreed procedures

9.3 Line Managers

Line managers:

- Will listen and take seriously any member of the school workforce who comes to them with a concern or grievance

10. Informal Procedure

Grievances can arise for a variety of reasons such as:

- Terms and conditions of employment
- Health and safety
- New working practices
- Working environment
- Organisational change

Where a grievance concerns a line manager, employees considering a grievance should be aware that part of a line 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; Headteachers/Line 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.

Most grievances should be resolved **informally** in discussion between the individual and either the person concerned or their line manager, with both parties being clear about what the problem or concern is. It is also in the best interests of everyone if grievances are dealt with as soon as possible and not allowed to become worse. An employee raising a grievance in good faith will not suffer any detriment. **All concerned must treat any grievances raised in confidence.**

The individual should see their immediate line manager and make it clear that a concern is being raised informally.

If an employee feels unable to approach the person concerned or their line manager, they should talk the matter through with their trade union representative (if applicable) or another appropriate manager within the school.

If the individual is dissatisfied with the outcome of the informal stage they may proceed to the formal stage. At any point in the process, mediation is an option that can be utilised as an alternative way to reach a resolution.

11. Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. Mediation is an effective way of resolving disputes and can avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown.

This would involve the appointment of a trained mediator, who would discuss the issues raised with all involved and seek to facilitate a resolution. Mediators do not make judgements or determine outcomes, they ask questions that help uncover underlying problems, assist people in understanding each other's point of view and identify options for resolving the dispute.

Mediation will only be used where all parties involved in the grievance agree.

12 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 via a letter or using the Grievance Notification Form (appendix 1) to the appropriate line manager, 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

See Grievance Form - appendix 1

Where the grievance is with the line manager the matter should be raised with an alternative manager within the school. If the grievance is with the Headteacher/Head of School the grievance should be made to the Chair of the Governing Body. Formal grievances from head teachers should be raised with the Chair of the Governing Body.

A meeting will be arranged, by the appropriate manager, 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.

Some grievances will not require a formal investigation by an independent manager and will be dealt with by the individual's line manager.

13. Investigation

Where more information is needed and an investigation is necessary, this will be carried out either by the nominated manager themselves or they may appoint an investigating officer.

Investigations will be conducted fairly and without delay. In normal circumstances the investigation will be completed within a period of four working weeks, depending on the scale and complexity of the issues. If there are unavoidable delays the individual should be kept informed.

The individual is required to attend any investigation meetings when requested to do so.

Once the nominated manager has completed their investigation and they are satisfied they have all the information required, they may be able to provide a conclusion and decision directly in writing to the individual.

Where the issues are complex or there are opposing accounts of events a grievance hearing may be arranged.

14. Grievance Hearing

A grievance hearing may be arranged when the nominated manager believes this will help them reach a conclusion. Any relevant parties and witnesses may be invited to attend.

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. All statements submitted by witnesses must be signed.

Having considered all the evidence and heard from all parties, the nominated manager will make a decision 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.

The School's HR provider may be informed and may attend all formal stages of the procedure to advise and assist the parties in resolving the issues.

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 nominated manager and,
- the right of appeal against the outcome

15. Grievance Appeal

15.1. Appeal Stage

If the employee is dissatisfied with the outcome of their grievance or believes it has not been satisfactorily resolved, based on the evidence and the fair application of the process, they may proceed to the appeals stage. The appeal panel's decision is final.

If the employee wishes to appeal, they should do so in writing to the Clerk to Governors within five working days of receipt of the written response to their grievance. The letter should include:

- The grievance

- The reason for dissatisfaction with the outcome of your grievance – e.g. faults in the procedure followed, new evidence not originally available, a perverse decision. No new issues may be raised at the appeal.
- The remedy being sought
- Any witness they wish to call
- Any supporting documentation

Where possible, within ten working days the Clerk to the Governors will arrange a meeting of the Local Governing Body's Appeals Panel and will notify the employee in writing of the arrangements for the appeal hearing, taking account of representation availability within reason. See Section 5 'The Appeal Hearing' section in the Toolkit (which can be obtained by the Operations Manager) for details of the hearing.

In cases where Governors were involved at the formal grievance stage, i.e. in the case of a grievance against a Headteacher – any appeal will be heard by an entirely new panel of Governors with no prior involvement with the issues, nor the staff governor. It may be necessary to approach Governors from another school to be involved. The Local Governing Body should contact the Trust and HR Provider for advice.

Within ten working days of this hearing the employee will receive a letter from the Chairman of the panel confirming their final decision on the grievance.

A meeting of the Appeals Panel is the last stage in the Grievance Procedure and therefore the decision of the panel will be final.

15.2. The Panel

The Local Governing Body Panel will normally comprise at least 3 governors

15.3. The Appeal

Employees will be given at least five working days' notice in writing of the appeal hearing which should be heard as soon as possible.

The letter should include:

- Date, time and place of the grievance appeal
- The employee's right to be accompanied by a Union/staff representative or a work colleague
- The names of the members of the Grievance Appeal Panel
- The name of the person presenting the management case
- Copies of relevant paperwork, including a copy of the Policy and Procedure to Grievance
- Names of any management witnesses who will be called

- Reference to the employee's right to call witnesses

The process for the Appeal Hearing is outlined in the **Section 5 of the Toolkit**. Chair must ensure that the appeal is conducted fairly. A note taker must make a written record of the appeal. These notes should be formally agreed by the Chair and Panel within five working days of the appeal.

Individuals may not add further grievances during the procedure. If an individual raises unrelated grievances at a later stage in the procedure these must be referred back to the start of the process.

16. Vexatious Grievances

Where a grievance is raised and, after investigation, is found to have been made maliciously, this will be investigated and any appropriate disciplinary action may be taken, in accordance with the disciplinary procedure.

17. Headteachers' Grievances

Where the Headteacher has a grievance, they should endeavour to resolve the matter by approaching the Chair of the Governing Body. If the matter remains unresolved the Headteacher will have the right to put the grievance before the Local Governing Body of the school. The general principles and the time limits set out in this procedure should be observed where ever practicable.

18. Time limits and Collective Disputes

In individual cases, the time limits referred to in this procedure can be extended in exceptional circumstances or by mutual agreement.

In cases where an individual grievance develops into a collective dispute. The matter shall, with the consent of the interested parties, be referred from this procedure to the appropriate collective disputes procedure.

19. The Right to be Accompanied

Individuals 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 attract the right to be accompanied, but requests to be accompanied will be considered where this support may be helpful.

Where an individual wishes to be accompanied, they must contact the nominated manager responsible for dealing with their grievance and give them the name of the trade union representative or work colleague in good time before the meeting (or give this information on the grievance form).

20. Avoiding Delays

Prolonged, unresolved grievances can be distressing for all parties and the school recognises that it is in everyone's interests for matters to be resolved as quickly as possible.

Headteachers/Line Managers will make every effort to deal with grievances promptly and without unreasonable delay.

Employees will be consulted on the scheduling of dates/times for meetings. If the employee's representative cannot attend on a proposed date, the employee must provide alternative times and dates of their availability, so long as these are reasonable and not more than five working days after the original date. Alternatively, employees can nominate another representative.

Employees and their representatives must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested by the nominated manager or investigating officer promptly and in advance of any meetings.

If an employee is unable to attend a meeting because of circumstances beyond their control, they should inform the nominated manager dealing with their grievance as soon as possible.

Employees will be expected to participate and attend all meetings, unless a GP or Occupational Health advises that they are not fit to do so. In these circumstances other arrangements may be agreed with the employee to ensure matters can still proceed e.g. for a representative to act on their behalf. The employee's absence will be managed in accordance with the schools Managing Sickness Absence Procedure which is available from the Operations Manager.

The nominated manager can make the decision to proceed in the employee's absence if:

- the meeting has already been rearranged once and the employee fails to attend for a second time
- the employee fails to attend without explanation, or there is evidence that the employee has not made sufficient attempts to attend
- the employee is on long-term sick leave and medical opinion is that they will be unable to attend meetings in the near future.

In these circumstances alternative arrangements will be discussed with the employee e.g. the employee can supply written information instead or ask a representative to attend on their behalf

21. Accessibility

If any aspect of this procedure causes difficulty on account of a disability or if English is not your first language, or if you need particular assistance or adjustments to attend meetings, contact the nominated manager at the earliest opportunity.

22. Support

Grievances can be upsetting and stressful for all parties and managers have a responsibility for making sure all individuals involved in a dispute or grievance are offered appropriate support. This can be provided by offering additional one to one meetings or by assigning a key contact for the employee.

23. Concerns from ex-employees or during notice period

Wherever possible, a concern should be dealt with before an employee leaves employment. However, in cases where an employee has left employment before a concern has been raised the former employee should write to their former manager setting out the grievance as soon as possible, and not later than one month after leaving employment and a response will be given in writing.

If an employee raises a grievance during their notice period and there is insufficient time for the school to investigate and/or resolve the issue before the employee's employment ends a written response will be given.

24. Guidance for when the Grievance is against the Headteacher.

In the event that a grievance is made against the Headteacher this should be sent to the Chair of Governors. The Local Governing Body will be expected to take on the role of Management both in carrying out an investigation and in conducting the grievance hearing.

24.1 Appointment of an Investigation Officer

It is strongly recommended that the Local Governing Body appoint an investigating officer to conduct an investigation into the points raised against the Headteacher. The Local Governing Body must contact the Trust and HR Provider and ask for their advice.

As the school is an Academy in The Keys Academy Trust then an experienced manager from within the Trust should be asked to conduct the investigation.

It is not recommended that the Local Governing Body appoint anyone who does not have the appropriate experience as this could have a significant impact on the outcome of the grievance.

24.2 Appointment of Nominated Manager

Where a grievance is taken out against a Headteacher then a Panel of three Governors will be convened and for the purposes of the Grievance Procedure the Chair of this Panel will assume the role of Nominated Manager as described in the Model Policy for Resolving Grievances.

The Panel of three members of the Governing Body should not have had any involvement with the issues that are being investigated and cannot be a staff governor.

Issues that are raised against a Headteacher can have serious implications throughout the school and the Local Governing Body should contact the Trust immediately for advice. The Trust and the HR provider will advise and support governors through the grievance.

Appendix 1

CONFIDENTIAL – Notification of Formal Grievance Form

Date:	_____
Name:	_____
Job Title:	_____
Line Manager:	_____
Preferred form of contact:	_____
Working Days:	_____

Please provide details of your grievance – e.g. date & time of any relevant incidents / names of any witnesses:

What steps have been taken to resolve the matter informally?

What resolution are you seeking e.g. an apology, explanation?

Name of Union Representative or colleague you would like to accompany you to any formal meetings:

Have you spoken to your representative about this issue? Yes No ☐ ☐

Do you give permission for contact to be made with your representative to arrange a convenient meeting date, if required? Yes No ☐ ☐

Signed: _____

Date: _____

Please email or post this form, along with any supporting documentation, to your line manager or Headteacher.

Where the grievance relates to the Headteacher, please send this form to the Chair of Governors.