

CHULMLEIGH ACADEMY TRUST

GRIEVANCE POLICY

This policy was adopted by the Directors on: 5th February 2020

CONTENTS

1 INTRODUCTION AND PURPOSE 3

2 POLICY 3

3 CONFIDENTIALITY 4

4 GENERAL PRINCIPLES 4

5 ROLES AND RESPONSIBILITIES 5

6 DESIGNATED INVESTIGATOR 5

7 PERIODS OF CLOSURE 6

**8 RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER TRUST
HUMAN RESOURCES POLICY – RELATED ISSUES 6**

**9 RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER TRUST
HUMAN RESOURCES POLICY – UNRELATED ISSUES 6**

10 GRIEVANCES FROM EX-EMPLOYEES 6

11 GOOD PROFESSIONAL RELATIONSHIPS/PRACTICES 6

12 THE PROCEDURE FOR DEALING WITH GRIEVANCES 7

13 REVIEW 11

ANNEXURE FC1 FORMAL GRIEVANCE COMPLAINT FORM 12

1 INTRODUCTION AND PURPOSE

1.1 Responsibility for the Application of the Policy

1.1.1 It is the responsibility of the Board of Directors and the Executive Headteacher to ensure that Chulmleigh Academy Trust ('the Trust') based staff are provided with a fair, effective and consistent means for raising a grievance.

1.1.2 The Board of Directors and Executive Headteacher are responsible for ensuring that the timeframes detailed in this Policy are adhered to and considered.

1.2 Aim of this Policy

1.2.1 The Trust encourages open communication between all employees with the purpose of ensuring a harmonious workplace, maintaining constructive working relationships and finding mutually acceptable solutions to workplace problems and issues.

1.2.2 This Policy is to ensure fair and consistent handling of employee grievances and to facilitate the resolution of such grievances.

1.3 Timings

1.3.1 The time limits included in this Policy may be varied by mutual agreement or where necessary. If it is necessary then reasons will be given for any change.

2 POLICY

2.1 Application of the Policy

2.1.1 This Policy will be:

2.1.1.1 applied in accordance with the Equality Act 2010 and with the Trust's Equality Policy;

2.1.1.2 consistently and fairly applied to employees across the Trust;

2.1.1.3 conducted with respect for the confidentiality of individuals and in accordance with Data Protection legislation; and

2.1.1.4 based on open communication between employees and their managers.

2.1.2 The Grievance Procedure applies to all employees of the Trust, whether permanent or on a fixed term contract and will be made available through the Trust's internal communication systems.

2.1.3 It does not apply to agency workers, contractors, directors or volunteers.

2.1.4 Grievances are concerns, problems complaints regarding their employment that employees wish to raise with their employer.

2.1.5 This Procedure may only be used where a grievance has been raised by an employee personally. A grievance cannot be raised on behalf of someone else or collectively.

2.1.6 It also does not apply when the employee wishes to complain about an actual or threatened dismissal or matters which would normally be dealt with under a separate process (such as Conduct or Capability Procedure). However, a grievance may be raised in connection with other policies and advice should be

sought if this is the case.

2.1.7 For ease of reference, where the term 'Chair of Directors' is stated in brackets following the word 'Executive Headteacher', the Chair of Directors will deal with the issue if it is in relation to complaints concerning the Executive Headteacher.

2.1.8 Employees should try to resolve grievances informally wherever possible through dialogue with their immediate line manager. This formal procedure should only be followed when the employee has not been able to resolve the issue(s) informally and has stated in writing his/her wish to raise a formal grievance.

3 CONFIDENTIALITY

3.1 Confidentiality should be maintained during all stages throughout the Grievance Procedure. This is to be done by ensuring that only those people who need to know through the course of their duties have access to the details of the grievance.

3.2 The Designated Investigator will ensure there is a full, comprehensive case file of the process which should include all statements, records and evidence and be stored confidentially. If the grievance has progressed to the hearing stage, the Clerk to Directors will be responsible for collating and storing all papers confidentially.

3.3 Breaches of confidentiality will be taken seriously, especially if they hinder resolution of a complaint. Failure to maintain confidentiality may in some circumstances result in disciplinary action being taken.

3.4 If any member of staff is uncertain who they can talk to about the case, they should seek advice from their line manager or their trade union.

4 GENERAL PRINCIPLES

4.1 Being Accompanied at Meetings

4.1.1 At any stage of the process, an employee raising a grievance may be accompanied or represented by either a recognised Trade Union representative or a work colleague at meetings held.

4.2 Recording of Information

4.2.1 Appropriate written records will be kept during the process and treated as confidential. Formal minutes will be given to the employee if taken.

4.3 Complaints against the Executive Headteacher

4.3.1 If the Complainant has a grievance against the Executive Headteacher which cannot be resolved by professional dialogue directly with the Executive Headteacher then the complaint should be raised with the Chair of Directors at the formal stage of this Policy. The Chair of Directors will be responsible for identifying a suitable person to undertake the role of Designated Investigator.

4.4 Multiple Complaints

4.4.1 If an employee raises multiple complaints relating to different issues, to avoid duplication of the procedure and to aid a prompt resolution, the issues will be dealt with together at each stage of the Policy.

4.5 Overlap with the Trust's Conduct Policy

4.5.1 Where it is considered that the complaint, if proven, could result in action being taken against the alleged perpetrator under the Trust's Conduct Policy, the complaint should initially be investigated in accordance with this Policy. In such cases, the Designated Investigator should write to the alleged perpetrator to confirm the proposed course of action and arrange a meeting.

4.5.2 It may become necessary for the Trust to investigate possible misconduct on the part of one or more employees separately under the Trust's Conduct Policy, including situations where false, vexatious and/or malicious complaint(s) are found to have been deliberately raised under this Policy which may have caused distress, harm and/or discredit to other members of staff or the Trust.

4.6 Participation in the process

4.6.1 This Policy should be used to resolve reasonable and genuine complaints from an employee. It is expected therefore, that the employee raising the grievance will fully co-operate with any investigation and/or any process that seeks to remedy the complaint(s). Should they be obstructive and/or unco-operative during the application of this Policy and/or behave in such a way as to aggravate or exacerbate the situation, the circumstances will be considered by the Executive Headteacher (Chair of Directors) who may consider the grievance remedied and any on-going investigation ceased. This will be communicated to the relevant employee by the Executive Headteacher (Chair of Directors).

4.7 Maintaining the Status Quo

4.7.1 Depending on the circumstances, it may be appropriate for any proposed changes to be postponed and/or deferred by the Executive Headteacher (Chair of Directors) and the status quo to remain until an investigation into any complaint takes place.

4.8 Equality Act 2010

4.8.1 At all times careful consideration should be given to any particular needs of the employee such as disability in order to ensure that duties under the Equality Act 2010 are complied with.

5 ROLES AND RESPONSIBILITIES

5.1 Line managers are responsible for:

5.1.1 responding promptly and sensitively to complaints or concerns raised by employees;

5.1.2 attending/chairing formal grievance and/or appeal hearings as required; and

5.1.3 ensuring that this Policy is applied consistently and that staff are aware of this Policy.

5.2 Employees are responsible for:

5.2.1 raising concerns in a timely manner; and

5.2.2 co-operating with the management of the Trust so that complaints or concerns may be resolved.

6 DESIGNATED INVESTIGATOR

6.1 The Executive Headteacher (or in the case of the complaint being against the Executive

Headteacher, the Chair of the Board of Directors of the Trust) will nominate an appropriate person to carry out an investigation at the applicable stage of the process. The nominated individual is referred to as the Designated Investigator in this Policy. The Designated Investigator should have had no previous involvement in the complaint, no close relationship with either party nor a vested interest and should be either a member of the senior leadership team of the Trust or a member of the Board of Directors of the Trust.

6.2 In exceptional cases it may be appropriate for the Trust to request the assistance of a third party to undertake the investigation.

6.3 **Authorising Recommendations**

6.3.1 The Designated Investigator and any Appeal Committee will have the authority to make recommendations on behalf of the Trust in working towards the satisfactory conclusion of the complaint.

7 **PERIODS OF CLOSURE**

7.1 In the event of a complaint being raised during a period of Trust closure, the timeframes indicated in the Policy will commence from the first day of the Trust being open.

7.2 In the event of a complaint being raised immediately prior to a period of Trust closure, the availability of any persons who may need to be interviewed as part of any investigation will be taken into consideration by both parties when mutually agreeing any required extension to the timeframes.

8 **RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER TRUST HUMAN RESOURCES POLICY – RELATED ISSUES**

8.1 Where an employee has a complaint related to either the person applying and/or the application of another HR Policy, this policy will not be used and the complaint will be dealt with under the other HR Policy.

9 **RAISING A GRIEVANCE DURING THE APPLICATION OF ANY OTHER TRUST HUMAN RESOURCES POLICY – UNRELATED ISSUES**

9.1 If the employee is currently being managed under any other Trust HR Policy and has an unrelated complaint, then this Grievance Policy should be used to deal with the employee's complaint. As the matter is unrelated there will be no need to put any other process on hold as the application of any other policy can be dealt with in parallel.

10 **GRIEVANCES FROM EX-EMPLOYEES**

10.1 There is no legal requirement to deal with grievances raised by ex-employees. However, the Executive Headteacher (Chair of Directors) may want to consider dealing with such grievances in order to identify possible employment tribunal complaints, and where appropriate try to prevent them from becoming tribunal complaints. These will be managed on a case by case basis. Advice can be sought from Human Resources.

11 **GOOD PROFESSIONAL RELATIONSHIPS/PRACTICES**

11.1 It is the responsibility of all employees to take all reasonable steps to develop and maintain good working relationships with colleagues and to deal with workplace issues in a professional, practical and constructive manner. Employees should try to resolve any difficulties at the earliest opportunity without having to use a formal process and in such a way as to have the minimum impact on the Trust, other work colleagues and the education of the children.

11.2 The Professional Standards for Teachers describes the expectation for collaborative

working and the relationships between colleagues in schools. There are similar expectations on support staff in schools.

11.3 Resolving issues in a sensible and sensitive way will require all parties to recognise their part in the issue/difficulty and how their behaviour may be contributing to the circumstances. Employees should be willing and open to looking at ways of resolving issues without resorting to formal processes, for example by using:

11.3.1 An informal setting to discuss the matter with the colleague

11.3.2 The line manager as a facilitator

11.3.3 Another colleague as a facilitator

11.3.4 Formal Mediation

11.3.5 An external facilitator

11.4 Employees should be able to resolve issues professionally and respectfully by agreeing that when discussions take place there should be:

11.4.1 **Effective listening** - so that each person fully understands the issues at hand and each other's view;

11.4.2 **Effective understanding** - so that each person is able to respond, knowing what the issues are;

11.4.3 **A calm environment** - no raised voices or inappropriate body language;

11.4.4 **Common Ground** – identifying and agreeing common understanding;

11.4.5 **The taking of responsibility** – each person should admit when he/she is wrong, if appropriate, and take steps to make professional relationships work; and

11.4.6 **Resolving** – saying sorry if appropriate, agreeing the way forward; agreeing to meet again, if appropriate.

Every attempt should be made to resolve the complaint informally between the staff members involved and only if the matter cannot be resolved by way of professional dialogue should this policy and the formal procedure for resolving grievances need to be used.

11.5 Where it is unsuccessful or impossible to resolve grievances by professional dialogue then the employee should raise his/her complaint formally with the Executive Headteacher (Chair of Directors) by completing form FC1 (at Appendix A).

11.6 The parties may still agree to resolve the issue by means other than following this Policy (e.g. mediation). This must be agreed in writing by the employee and does not exclude them from using this Policy at a later stage if the other means do not bring a resolution.

12 THE PROCEDURE FOR DEALING WITH GRIEVANCES

12.1 Formal Grievance

HOW TO RAISE A GRIEVANCE	
12.1.1	Ensure you read the 'Good Professional Relationships' section above.
12.1.2	You must have tried to resolve your grievance at the informal 'Good Professional Relationships' stage before lodging a formal grievance, unless

	the circumstances are so serious and/or complex that informal resolution would be impossible. It would be helpful if you could evidence why this is so. The Executive Headteacher (Chair of Directors) may consider the evidence and reach a view on whether your grievance could have been dealt with by professional dialogue and recommend this is attempted before a formal process is considered.
12.1.3	Complete form FC1 (annexed to this policy) and submit this to the Executive Headteacher (Chair of Directors). Your written grievance should be such that the nature and extent of the grievance is clear as well as the resolution sought,. This should be a balanced, fact-based submission including where appropriate, dates and times of events and the names of any witnesses. You may wish to involve your trade union at this stage, if necessary or appropriate.
12.1.4	Meet with the Designated Investigator within ten working days of lodging your FC1. This timescale can be changed by mutual agreement to allow enough time for the Designated Investigator to gather all the necessary information.
12.1.5	All relevant information that you have in relation to your grievance should be provided to the Designated Investigator at least three working days in advance of the meeting.
12.1.6	Co-operate with the Designated Investigator to seek a swift remedy to your grievance.
12.1.7	Ensure you comply with the provisions detailed within this Policy.
HOW A GRIEVANCE WILL BE DEALT WITH	
The Executive Headteacher (Chair of Directors) will deal with a grievance in the following manner, delegating to other senior management where appropriate:	
12.1.8	Confirm receipt of the FC1 form and any accompanying evidence or documentation in writing within five working days .
12.1.9	Review the information provided on the FC1 form to decide whether it is reasonable that an attempt has been made to resolve the issues by professional dialogue under informal arrangements. If it is considered appropriate, advise the employee and refer to the section 'Good Professional Relationships/Practices'.
12.1.10	Where it is not appropriate for the Executive Headteacher (Chair of Directors) to act as the Designated Investigator, the Executive Headteacher (Chair of Directors) will normally nominate a member of the senior leadership team or a member of the Board of Directors to act as the Designated Investigator and carry out an investigation.
12.1.11	Where a complaint is particularly complex, it may be arranged that a suitable person(s), not necessarily a member of the Trust or Board of Directors, be assigned to gather all the details and facts of the complaint on their behalf. The Executive Headteacher (Chair of Directors) will confirm with the suitable person(s) the extent to which they will gather the facts and suggest the names of any staff who they should speak to.

12.1.12	Advise the employee who will be the Designated Investigator(s) and the proposed timescale for meeting. Clarify with the employee any appropriate support that may be helpful.
12.1.13	Record all meetings and correspondence entered into in the course of dealing with the grievance, including dates and those present.
12.1.14	Ensure compliance with the provisions detailed within this Policy.
HOW THE GRIEVANCE WILL BE PROGRESSED BY THE DESIGNATED INVESTIGATOR	
12.1.15	Review the information provided on the FC1 form, conduct any initial investigations as appropriate (which might involve meeting and interviewing employees or other witnesses, viewing records and CCTV etc.) and arrange a grievance hearing for the aggrieved employee within 10 working days of receiving the FC1 form.
12.1.16	The employee will be informed of their right to be accompanied at this hearing by either a trade union representative or work colleague. The employee will be informed if there is going to be any delay to this timescale.
12.1.17	All relevant information gathered in the course of the investigation should be provided to the employee at least three working days in advance of the hearing.
12.1.18	Conduct the grievance hearing with the employee and their representative, if accompanied to discuss the matter. Arrange for appropriate note-taking.
12.1.19	Explain their role within the Policy and the employee's recourse if s/he is dissatisfied with the outcome of this stage of the Policy. The employee will be given the opportunity to state their grievance and explain the resolution sought at this meeting. They may be presented with findings of the investigation and asked questions.
12.1.20	Where appropriate the hearing may be adjourned in order to enable further investigations to take place. Reconvene the hearing to summarise further findings and details of witnesses interviewed (etc.).

12.1.21	Where possible, the employee shall be advised of the outcome of the grievance and reasons for the decision during the hearing (or any reconvened hearing). If this is not possible the same will in any event be confirmed to the employee in writing within five working days of the hearing. The employee will be informed of their right to appeal if s/he is dissatisfied with the response. The employee will be informed if there is going to be any delay to this timescale.
12.1.22	Ensure compliance with the provisions detailed within this Policy.

Where there is evidence that the employee's grievance amounts to a serious allegation of harassment/discrimination, the Designated Investigator may decide that the matter should

be managed under the Trust's Conduct Procedure. Where this occurs the same Designated Investigator would normally take on any investigation under this Conduct Procedure.

Where an allegation is less serious, the Designated Investigator may decide after the initial grievance hearing that the matter should conclude at that point and outcomes to the grievance may include support and advice for the employee and/or the alleged perpetrator.

12.2 Appeal against the outcome of Formal Grievance

HOW TO APPEAL A GRIEVANCE OUTCOME	
12.2.1	<p>If you are dissatisfied with the outcome of the grievance hearing, you may appeal against it. You should put your appeal in writing, addressed to the Clerk to Directors, within 5 working days of being advised in writing of the outcome to your grievance. You should explain why you still aggrieved, how you believe your grievance can be resolved and the grounds for appealing, which could be that:</p> <ul style="list-style-type: none"> • you believe that the findings by the Designated Investigator were unfair; • new evidence has come to light since your grievance outcome; or • you consider that this Policy was not applied correctly.
12.2.2	<p>Provide a copy of any documentation that you wish the Appeal Committee to consider to the Clerk to Directors at least 10 working days before the appeal hearing.</p>
12.2.3	<p>Attend the Appeal hearing and present your case, arranging any witnesses where appropriate. You may be accompanied by a representative from your trade union or a work colleague.</p>
12.2.4	<p>Ensure you comply with the provisions detailed within this Policy.</p>

HOW THE APPEAL WILL BE PROGRESSED BY THE CLERK TO DIRECTORS	
12.2.5	<p>On receipt of the Appeal letter, inform the Chair of Directors, so that an Appeal Committee can be convened. The Appeal Committee will usually comprise of three directors who have not previously been involved in the grievance.</p>
12.2.6	<p>Provide a copy of the Appeal letter to the Designated Investigator, so that they are made aware of this.</p>
12.2.7	<p>Arrange a meeting between the employee (including any representative), Designated Investigator and Appeal Committee within six weeks of receipt of Appeal letter. Confirm with the Chair of Directors whether an HR Adviser should attend to give procedural advice to the Appeal Committee.</p>
12.2.8	<p>Record issues discussed at the meeting and the decision reached. Provide the record to the Chair of the Committee and any HR Adviser that attended.</p>

12.2.9	Liaise with the Chair of the Appeal Committee so that confirmation of the decision is conveyed to the Complainant and his/her representative in writing within 5 working days of this meeting. This letter should address all the issues raised by the complaint.
12.2.10	After the meeting, ensure all papers are filed confidentially and appropriately.
HOW THE DESIGNATED INVESTIGATOR IS INVOLVED IN THE APPEAL	
12.2.11	On receipt of the Appeal Letter from the Clerk to Directors, advise the alleged perpetrator and any witnesses that the employee has appealed.
12.2.12	Provide a copy of any documentation that the Appeal Committee should consider to the Clerk to Directors at least 10 working days before the Appeal hearing.
12.2.13	Attend the Appeal hearing to explain their decision and any investigation they undertook, arranging any witnesses where appropriate.
THE APPEAL HEARING	
12.2.14	The Chair of the Appeal Committee will conduct the meeting in accordance with good practice ensuring everyone can contribute appropriately. During the hearing, the employee will be able to explain further why they remain aggrieved and how they believe the grievance could be resolved. Where appropriate the appeal hearing may be adjourned for further investigation.
12.2.15	At the conclusion of the Appeal hearing (or any reconvened Appeal hearing), the Chair will, where possible, verbally advise the employee of the decision of the Appeal. If this is not possible the same will in any event be confirmed to the employee in writing within five working days of the Appeal hearing (or reconvened Appeal hearing). The decision of the Appeal is final.

13 REVIEW

- 13.1 This procedure will be reviewed by the Trust to respond to any changes in the employment legislation, and at least every three years.

END OF POLICY

**ANNEXURE
FC1 FORMAL GRIEVANCE COMPLAINT FORM**

To: the Executive Headteacher / Chair of Directors

I wish to register a grievance under the Trust's Grievance Procedure

Name:.....

Job Title:.....

School:
Executive

Headteacher:.....

Employee contact details:
(Address for correspondence):

Tel.no:
Mobile:
Email address:

Name of Supervisor / Line Manager:

Name of Representative from Trade Union (if applicable):

.....
Address for correspondence:

Tel.no:
Mobile:
Email address:

CAUSE OF GREIVANCE:

FURTHER DETAILS

Outline the nature, extent and reason for your complaint. Give relevant details, such as dates, times and witnesses where necessary. Attach any relevant supporting evidence if appropriate.

Continue on a separate sheet if necessary.