

Human Resources

Grievance Procedure

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1. Policy statement

- 1.1 It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint, we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 Issues that may cause grievances include:
 - a) terms and conditions of employment;
 - b) health and safety;
 - c) work relations;
 - d) new working practices;
 - e) working environment;
 - f) organisational change; and
 - g) discrimination.
- 1.3 The policy has been implemented following consultation with recognised trade unions. It has been formally adopted by the Trust.

2. Who is covered by the procedure?

- 2.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. Using this procedure

- 3.1 Employees should raise matters promptly and without unreasonable delay. Matters that occurred over 3 months may not be considered as part of this procedure. The employer will deal with matters in the same way.
- 3.2 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.
- 3.3 This Grievance Procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.
- 3.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

- 3.5 The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing, or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 3.6 Collective grievances can be made where there are two or more employees with the same grievance, however, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this grievance procedure.
- 3.7 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 3.8 It may be appropriate for the matter concerned to be addressed through mediation, depending on the nature of your grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree to the process.
- 3.9 We offer access to confidential counselling support through the Trust's employee assistance programme, Health Assured, which is available on request. The details to access this service are as follows:

Health Assured

0844 892 2493

<https://www.healthassured.org/your-eap/>

- 3.10 As an alternative, employees are able to access counselling support through the Education Support Partnership. Details are as follows:

<https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling>

4. Confidentiality and data protection

- 4.1 It is the aim of the Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 4.2 The Trust, employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.
- 4.3 During any action, including any decisions taken under this procedure, the Trust will collect, process, and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to

time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

5. Low level concerns

5.1 All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern – no matter how small, and even if no more than causing a sense of unease or a “nagging doubt” – that an adult working in or on behalf of the Academy / Trust may have acted in a way that:

- Is inconsistent with the Code of Conduct, including inappropriate conduct outside work; and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO)

5.2 Examples of such behaviour could include, but is not limited to:

- Being over-friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- Using inappropriate sexualized, intimidating or offensive language

5.3 Where staff wish to raise or report a low level concern, they should refer to the “Allegations and Concerns Raised in relation to Staff, Supply Staff, Contractors and Volunteers” which forms part of the Trust Safeguarding and Child Protection Policy, in the first instance. The policy can be found on the Trust’s website - <https://www.raleightrust.org/compliance/policies/>.

6. Raising grievances informally – Step 1

6.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your Principal / Manager. We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your Principal / Manager, for example, because the complaint concerns them, then you should speak informally to the Principal or a more Senior Manager. If this does not resolve the issue, you should follow the formal procedure below.

7. Formal written grievances – Step 2

7.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your Principal / Manager indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Principal, it should be submitted to the Chief Executive Officer via the Trust who will determine who will consider the grievance on a case by case basis.

- 7.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation. You should note that where your grievance relates to another employee, in order for them to provide a response they will be given details and / or a copy of your grievance.

8. Investigations

- 8.1 In some cases, it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by your Principal / Manager or someone else appointed by them. In the case of an investigation into a complaint against a Principal, the Chief Executive Officer will determine who will carry out the investigation.
- 8.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 8.3 The employer may initiate an investigation before holding a grievance meeting where the Trust considers this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.

9. Right to be accompanied

- 9.1 You may bring a Trade Union representative or work colleague to any grievance meeting or appeal meeting under this procedure. You must tell the person holding the grievance meeting who your chosen Trade Union representative or work colleague is, in good time before the meeting.
- 9.2 Should you choose to bring a Trade Union representative or work colleague to the hearing, you will be responsible for making these arrangements and for providing any documentation that they require for the meeting.
- 9.3 At the meeting, your Trade Union representative or work colleague may make representations to us and ask questions, but they should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- 9.4 Acting as a work colleague is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.5 If your chosen Trade Union representative or work colleague is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within 5 working days after the original scheduled date, we will postpone the meeting. If your chosen Trade Union representative or work colleague will not be available for more than five working days afterwards, we may ask you to choose someone else.

9.6 We may, at our discretion, allow you to be accompanied by someone who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

10. Grievance meeting

10.1 The Trust will arrange a grievance meeting, normally within 5 working days of receiving your written grievance. The meeting will be conducted by an appropriate person or people in accordance with the Trust's Scheme of Delegation. A suggested format for the meeting is included as Appendix 1.

10.2 You and your Trade Union representative or work colleague (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

10.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

10.4 After an initial grievance meeting, we may carry out further investigations and hold further grievance meetings, as we consider appropriate. Such meetings will be arranged without unreasonable delay.

10.5 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to provide you with this information in person.

11. Appeals – Step 3

11.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the chair of the grievance meeting stating your full grounds of appeal, within 10 working days of the date on which the decision was sent or given to you.

11.2 We will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by an appropriate person or people at a more senior level who has not previously been involved in the case (although they may ask anyone previously involved to be present). A panel according to the Trust's Scheme of Delegation will hold the appeal meeting. You have a right to bring a Trade Union representative or work colleague to the meeting (see paragraph 9).

11.3 The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

12. Collective grievances

12.1 If you and another employee (or more than two of you) have identical grievances and all wish them to be addressed in the same grievance process, you and your colleagues can raise a collective grievance

via this grievance procedure. You and all your colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.

12.2 If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, the Trust will arrange to hear your grievances on an individual basis.

12.3 If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

12.4 Your collective grievance will be managed in accordance with Steps 1 to 3 above, however, the written collective grievance statement should also:

- Identify you and each of your colleagues who wish to raise the grievance;
- Identify any nominated trade union representative or colleague to represent you all;
- State that you have all voluntarily consented to use the collective grievance procedure;
- Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

12.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

13. Disciplinary Proceedings

13.1 In the event the grievance is upheld (either following the grievance meeting or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the Disciplinary Procedure against individuals identified of potential misconduct as a consequence of this procedure.

14. Review of policy

14.1 This policy is reviewed and amended biannually (every 2 years) by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1 – Format for grievance meeting / hearing

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| Grievance Meeting / Hearing |
| Welcome by chair of panel/hearing officer: |

Ask everyone present to introduce themselves and explain their role, explain the purpose of the hearing to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it.

Presentation of employee case, i.e., the circumstances that have led to the grievance, the nature of the grievance and why he/she feels aggrieved.

The chair / hearing officer will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements, where appropriate.

The chair / hearing officer may ask the employee (and any witnesses) questions about the circumstances of the grievance in order to establish all the relevant facts, background, and surrounding circumstances.

Once all the evidence has been heard, the chair / hearing officer will sum up the key points of the hearing.

The chair / hearing officer will inform the employee of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance.

The chair / hearing officer will inform the employee that he/she will have the right to appeal against the outcome of the grievance hearing if he/she is not satisfied with it.

The chair / hearing officer will thank the parties for attending and close the meeting.

Notes from the meeting are used to confirm the outcome in writing and sent to the employee within the timescale set out in the policy.