



**SPECIALISTS SCHOOLS TRUST (SST)
“THE TRUST”**

Title: **Grievance Policy and Procedure**

Lead Reviewer: **Human Resources and Administration
Manager**

Who this is aimed at: **All Staff**

Version	Reason for Change
V1	Update April 2020

Date Initially Implemented	1 st May 2020
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Policy Statement

It is the Trust’s policy to ensure employees have access to a procedure to help deal with any grievances relating to their employment fairly. Grievances are concerns, problems or complaints.

The Trust recognises that from time to time employees may wish to seek redress for grievances relating to their employment. The primary purpose of this policy and procedure is to encourage free communication between employees and their managers to ensure questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

Although it may not be possible to solve all problems to everyone's complete satisfaction, the Trust will deal objectively and constructively with all employee grievances. Anyone who decides to use the procedure may do so with confidence that their problem will be dealt with fairly.

The Grievance policy and procedure is not a substitute for effective day to day communication. Employees must aim to settle most grievances informally with their manager. It is anticipated that most grievances will be resolved through informal discussion and the normal management channels without the need to invoke the formal grievance procedure. However, if a grievance cannot be settled informally, the employee must raise it formally with the Headteacher, by invoking the following procedure.

This Policy does not form part of any employee's contract of employment and it may be amended at any time.

Application

This Policy applies to all employees directly employed by the Trust regardless of length of service. It does not apply to agency workers or self-employed contractors.

Using this Procedure

This grievance procedure should not be used to complain about dismissal or disciplinary action. Employees should refer to the Trust's Disciplinary Policy and Procedure for further information if they are dissatisfied with the outcome of any disciplinary action.

The Trust has separate policies in relation to anti-harassment and bullying which should be referred to in cases of bullying or harassment.

The Trust also operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, any employee who feels they have been victimised for an act of whistleblowing should raise the matter under this grievance procedure.

If any employee has any difficulties because of a disability or because English is not their first language, this should be discussed with the person dealing with the grievance. This is to enable any reasonable adjustments necessary to be considered.

Employees should always first of all endeavour to resolve the grievance informally, by direct approach to the person concerned/subject of the complaint. If this does not resolve matters, the procedure below should be followed.

Grievances should be raised promptly and without unreasonable delay. If an employee has a grievance, it should be raised within three months of the date of the incident or complaint, unless there is good reason not to do so. Failure to do so will result in the grievance being refused, unless there are exceptional circumstances to allow the grievance to proceed.

Where applicable, the subject of a grievance should also be informed of any aspect of the decision outcome that affects them and the reason for it. They should also be kept up-to-date throughout the procedure. The employee who raised the grievance should be notified of this at the start of the procedure and of the type of information the subject of the grievance will be provided with.

Any grievance found to be vexatious and/or malicious may be dealt with under the Disciplinary Policy and Procedure.

Stage One – Informal Procedure

The employee should in the first instance discuss their concern, problem or complaint with their manager or the Headteacher as is deemed the most appropriate. If their grievance is against the Headteacher, the employee should discuss the matter with the Deputy Headteacher who will liaise with the Chair of Governors or their Governor nominee. While the Chair of Governors or other nominated Governor cannot serve on any appeal panel later in this procedure if they are involved at this stage, they can take part as detailed in Stage Two.

The manager or Headteacher or Chair of Governors, as appropriate, should seek to resolve the problem in consultation with other members of staff and/or trade union representatives and, if considered appropriate, offer to involve an independent mediator agreed by both the aggrieved and the Trust.

The employee should indicate again their preferred resolution of the grievance.

If the employee is dissatisfied with the response, the outcome of any independent mediation, or if no response has been received within 15 working days, they are entitled to move on to Stage Two, being the first formal stage of the procedure. The independent mediator's report and recommendations may be made available in the later stages of this procedure.

Stage Two – Formal Procedure

If it is not possible to resolve a grievance informally, the employee should raise the matter formally and without unreasonable delay with their manager member or the Headteacher, as long as the individual receiving/dealing with the grievance is not the actual subject of the grievance.

This should be done in writing and should set out the nature of the grievance. The employee should submit their grievance to their manager or the Headteacher including, formally, an indication of the resolution to the grievance they are seeking. Two Grievance Officers will then be appointed.

The Grievance Officers should then respond in writing to the grievance without unreasonable delay and, where appropriate, should set out what action the Trust intends to take to resolve the grievance.

A formal grievance meeting with the employee should be held without unreasonable delay, where the employee should be allowed to explain their grievance and how they think it is best resolved. Consideration should be given to adjourning the meeting in order to carry out any investigations which may be necessary in dealing with the grievance – please see further information on investigations below.

The Grievance Officers dealing with the grievance at Stage Two may invite a professional adviser to attend the grievance meeting to provide professional and legal advice as required and, in any case, before reaching a decision.

An employee has a statutory right to be accompanied by a trade union representative or colleague at a grievance meeting. If an employee's chosen companion will not be available at the time proposed for the meeting by the school, the Trust must postpone the meeting to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed. Where there is a request to postpone a hearing for more than five days because a trade union representative or colleague is not available, consideration should be given to allow the postponement if it does not cause unreasonable delay. The facts should be considered to decide what is fair and reasonable in the circumstances.

The Grievance Officers dealing with the grievance can seek to resolve the grievance/problem in consultation with other members of staff, including the subject of the complaint and trade union representatives, as appropriate.

Following the grievance meeting and any further investigations the Trust will respond in writing to the employee with their decision within a reasonable time, usually ten working days. The employee will be notified of their right to appeal. If it is not possible to respond within ten working days, the employee will be given an explanation of the delay and advised when a response can be expected.

If the employee is dissatisfied with the response to their grievance, or if no response has been received within ten working days of any final grievance meeting, the employee is entitled to move on to Stage Three of the procedure.

If the grievance is brought against the Headteacher, then the Chair of Governors and/or nominated Governors take the role of the Grievance Officers at this stage. Such Governors cannot then serve on any appeal committee should the matter go to appeal. The Chair of Governors and/or other nominated Governors can fulfil this role in addition to any involvement at Stage One.

Investigations

It may be necessary for the Grievance Officers to carry out an investigation into the grievance. The amount of investigation required will depend on the nature of the grievance. The investigation may include a review of any relevant documents and interviewing and taking statements from the employee and any other witnesses involved.

The employee must fully co-operate in any investigation. The employee will be allowed to be accompanied by a trade union representative or colleague at any investigation meeting.

An investigation may take place before a formal grievance meeting where appropriate. In other cases, a formal grievance meeting may be held before deciding what investigation, if any, to carry out. In those cases, a further grievance meeting may be necessary with the employee after the investigation and before a conclusion is reached.

Stage Three – Formal Appeal

If the employee remains unsatisfied, the employee may appeal to a panel of governors, normally three, appointed by the Chair of Governors. Such an appeal must be lodged with the Headteacher who shall arrange the necessary meeting, normally within 15 working days of receipt of the employee's written notice of intention to appeal.

The Acas code states that appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.

The Appeal Committee will consider all relevant documents and will give all parties concerned the opportunity to make written and/or verbal submissions in person, accompanied, if they wish, by a trade union representative or a work colleague.

The appeal committee may invite a professional adviser to attend the hearing to provide professional and legal advice as required and, in any case, before reaching a decision the appeal committee may need to obtain legal or other professional advice. The appeal committee will normally communicate their decision to both parties

in writing within ten working days or, if they are unable to do so, give reasons why not, and the date by which a decision is expected.

Following the appeal meeting the Trust will respond in writing to the employee with their decision within a reasonable time, usually ten working days. If it is not possible to respond within ten working days, the employee will be given an explanation of the delay and advised when a response can be expected.

The decision of the appeal committee is final.

Conduct of Hearings before the Appeal Committee

After the Chair of the Appeal Committee has introduced those present, the case shall be conducted as follows.

- The employee (or their representative) puts the case in the presence of the Grievance Officers who dealt with the grievance at Stage Two, including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The Grievance Officers who dealt with the grievance at Stage Two have the opportunity to ask questions on the evidence given by the employee and witnesses, as they are called.
- Members of the Appeal Committee hearing the case have the opportunity to ask questions on the evidence given by or on behalf of the employee and witnesses, as they are called.
- The Grievance Officers who dealt with the response at Stage Two answer the case in the presence of the employee and their representative, including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The employee (or their representative) has the opportunity to ask questions on the evidence given by the Grievance Officers who dealt with the grievance at Stage Two and witnesses, as they are called.
- Members of the Appeal Committee hearing the case have the opportunity to ask questions on the evidence given by or on

behalf of the Grievance Officers who dealt with the grievance at Stage Two and witnesses, as they are called.

- The Grievance Officers who dealt with the grievance at Stage Two and then the employee (or their representatives) have the opportunity to sum up their cases, if they so wish, without the introduction of new material.
- The Grievance Officers who dealt with the grievance at Stage Two and the employee together with any representatives withdraw.
- The Appeal Committee (with any adviser(s)) deliberate in private, only recalling the Grievance Officers who dealt with the grievance at Stage Two and the employee and any representatives to clarify any points of uncertainty on any evidence already given.
- The decision of the panel will be notified to both parties in writing as soon as possible in accordance with the procedure.

Right to be Accompanied

- Employees have a legal right to be accompanied by a companion during the formal stages of this procedure.
- Employees can be accompanied or represented either by an accredited trade union representative or a work colleague of their choice at meetings held under all formal stages of the disciplinary procedure.
- The employee must notify the Grievance Officers in advance of meetings and hearings of their wish to be accompanied, and the name and role of their chosen companion.
- The Grievance Officers have the right to request that the employee find an alternative companion if the individual is a witness in the case.
- The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing.

- The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the Trust from explaining their case.

Monitoring and Evaluation

It is essential, in the interests of both the Trust and employee, to keep written records during the grievance procedure.

Records will include, but not limited to:

- The nature of the grievance raised
- A copy of the written grievance
- Any investigatory material
- The Trust's response
- Action taken
- Reasons for actions taken; and
- Whether there was an appeal and if so, the outcome.

Notes

- This procedure is not intended to be used for collective disputes or salary appeals.
- Staff raising grievances in any other way must be referred back to this procedure.
- 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.

- Should it become evident during this procedure that an allegation or evidence or information provided by an employee has been knowingly false, vexatious, malicious and not made in good faith then the Trust may evoke the Disciplinary Policy and Procedure.

Former Employees Wising to Raise a Grievance

Former employees are able to raise a grievance regarding their employment with the Trust within three months of their last day of employment. When a grievance is raised in this period the following modified statutory procedure should be followed:

Stage One – Statement of Grievance

The employee must set out in writing their grievance and the basis for it to the Headteacher.

Stage Two - Response

Within 28 days of receipt of the grievance the Trust will set out their response in writing and send the statement to the employee's home address.

Related Documents

This document should be read in conjunction with other Trust Policies, including those relating to the Disciplinary Policy and Procedure, Whistleblowing Policy, Dignity at Work Policy and Equal Opportunities Policy.