

# The Auriga Academy Trust

## GRIEVANCE POLICY AND PROCEDURE

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## **1. Scope**

This policy applies to all employees employed The Auriga Academy Trust. This procedure is aimed to deal with grievances raised by individual employees.

In this procedure where the Headteacher is raising the grievance, or the grievance is against the Headteacher, all reference to Headteacher in this document should be replaced with Chair of Governors.

Where a grievance applies to several persons who are members of a recognised trade union, it may be more appropriate to consider the matter under a different process. Such consideration should be given in to invoke the appropriate collective bargaining machinery. Where teaching staff are concerned, it may be more relevant to consider the conciliation procedure as detailed in the Teachers' Conditions of service, The Burgundy book.

## **2. Policy Statement**

Staff may occasionally have concerns relating to their employment or professional working relationship. If not addressed, they can disrupt working relationships and escalate unnecessarily. It is important therefore to have mechanisms in place, which facilitate their early resolution and a return to effective working relationships. The following structure has been put in place to achieve this objective.

This procedure has been drawn up in accordance with the principles of the Acas Code of Practice. The purpose is to foster effective working relationships and workplace practices conducive to the provision of a professional education service.

Where the grievance is about bullying or harassment please also refer to the Bullying and Harassment Policy for further guidance.

## **3. Principles**

Both 'Informal' and 'Formal' procedures have been established against the following Principles:

- Grievances should be dealt with as soon as possible and as near to the point of origin as possible.
- The circumstances surrounding a grievance must be thoroughly investigated to establish the facts of the case.
- The formal grievance and the response to it must be put in writing.
- Mediation is a possible means of resolving grievances throughout the procedure i.e., intervention by a third party in an attempt to facilitate discussion and then reconciliation of the grievance.
- Witnesses to an incident may be interviewed during any investigation into a grievance and may be required to attend any subsequent formal grievance hearing.
- Where it is intended to call a pupil as a witness that should only be done with the prior approval of the child's parent or nominated carer and with advice from the Local Authority's Designated Officer (LADO) for safeguarding.
- A formal grievance meeting will only be arranged in response to the submission of a formal grievance in writing.
- At any formal grievance meeting, employees have the right to be accompanied by a trade union representative or a work colleague. In the event that the employee is not a member of a trade union and is unable to find a suitable work colleague to support them, they can make a request to the school to bring a friend.
- If an employee is dissatisfied with the outcome of a formal grievance meeting they will be able to appeal in writing.
- Grievance meetings should be held during the employee's working time. Where the meeting needs to be held outside of the employee's working time, this should be by mutual agreement.
- On occasions either party may request an extension to the time limits to investigate or to consider options that may resolve the matter. Such extensions should be mutually agreed and not unreasonably refused by either party.
- Where the grievance is against another member of staff, that employee is entitled to know the

nature of any allegations made against them and be allowed the opportunity to respond to the allegations.

- False or malicious grievances that have little or no substance may result in disciplinary action being taken against the employee raising the grievance.
- The grievance procedure should not be used by employees to deal with concerns they may have in relation to issues outside of their employment relationship with the schools within the Trust.

#### 4. Definition of Grievance

According to Acas "Grievances are concerns, problems or complaints that employees raise with their employers" about their work, working conditions, or relationships with work colleagues and may cover the following, although this list is not exhaustive:-

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational change
- Discrimination
- Bullying and harassment

#### 5. Procedure

In order to effectively deal with a grievance it is important that the basis of the grievance is clearly understood, and the desired outcome is stated by the employee at the start of the procedure so that it can be considered during the process. Grievances should be dealt with in a timely basis and should be raised within 2 days of the incident occurring. However, it is recognised that there may be circumstances outside the 2 day recommendation and these will be dealt with on a case by case basis.

##### 5.1 Stage 1: Informal Grievance

Employees should, in the first instance, raise the grievance with their line manager through discussion to attempt to resolve the concern. If the grievance is against the line manager, the employee should approach a member of the School Leadership Team.

When stating their grievance, the employee should keep to the facts and avoid language which may be considered insulting or abusive unless asked to give verbatim quotes of what was said.

The manager should seek to resolve the problem, provide an explanation and, if necessary, seek advice from the Trust HR Manager.

The outcome of the initial grievance meeting and agreed next steps, if any, should be given in writing **within 5 working days** of the date that the grievance was raised.

##### 5.2 Stage 2: Formal Grievance

Where informal discussions fail to resolve the grievance, or for more serious matters, the employee should complete the Formal Grievance Form (Appendix 1) and send it to the Trust HR Manager to put a formal grievance in writing, requesting for the grievance to be considered under the formal procedure. Where an attempt has been made to resolve the grievance informally, a request to consider it under the formal procedure must be made within **10 working days** of notification of the outcome of the informal stage.

If an employee raises concerns but does not put them in writing, schools may, in reasonable circumstances, choose to take matters forward through the formal procedure in an effort to resolve the matter and bring it to a conclusion.

The grievance at this stage should be heard by a member of the School Leadership Team (designated manager) who has not previously been involved with the matter in any way i.e., it should not be the same person who dealt with the grievance at the Informal Stage.

Following the receipt of a formal grievance from an employee, the designated manager will arrange to meet with the employee within **3 working weeks** of receiving the grievance. The employee will be given **10**

**working days' notice** of the meeting and they will have the right to be accompanied by a trade union representative or work colleague.

### Preparing for the Formal Grievance meeting

Prior to the meeting the designated manager should consider:-

- Arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said.
- Finding out whether similar grievances have been raised before and how they have been resolved and any follow-up action that may have been necessary. This allows for consistency.
- Whether to offer independent mediation dependant on the nature of the grievance.

### During the Formal Grievance meeting

During the meeting the designated manager should:

- Remember that a grievance meeting is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution.
- Invite the employee to re-state their grievance and how they would like to see it resolved.
- Consider adjourning the meeting if it is necessary to investigate any new facts which may arise.
- Sum up the main points of the grievance.
- Inform the employee when they might reasonably expect a response if one cannot be made at the time.

The designated manager will inform the employee in writing of their decision and the reasons on which it is based and any action that is to be taken, and the employee's right of appeal within **5 working days** of the meeting. A copy of this response must be placed on the employee's personal file.

The designated manager should ensure that any action taken as a measure to resolve the grievance is monitored and reviewed, as appropriate, to ensure that it deals effectively with the issues.

### 5.3 Stage 3: Grievance Appeal Meeting

If the employee is not satisfied with the outcome of the formal grievance meeting, they will be entitled to appeal against the decision. The appeal must be in writing and sent to the Trust HR Manager within **10 working days'** from the date of notification of the decision from the Stage 2 meeting.

In submitting their appeal, the employee should provide a written statement detailing the reasons for the appeal i.e., the reasons why the decision at Stage 2 was considered to be wrong, plus any supporting information and a copy of the original grievance.

The Trust HR Manager should arrange a meeting of the Appeal Committee within **6 working weeks** of receipt of the written appeal. The Appeal Committee will consist of 3 governors who have not previously been involved in the case, and who are not staff governors and, ideally, not parent governors. Where relevant a Trustee will be invited to be a member of the appeal committee. The designated manager who conducted the Stage 2 Formal Grievance Meeting will be required to prepare a management statement of the case and present the management case at the Grievance Appeal Meeting.

### Preparation for the Grievance Appeal meeting

Prior to the meeting the Trust HR Manager should:-

- Arrange for a copy of the management statement, other supporting evidence and a copy of the letter to the employee to be sent to members of the Appeal Committee.
- Inform the employee of the appeal meeting in writing attaching the management statement of the case and any other supporting evidence to be considered. The employee should be given **10 working days'** notice of the meeting. The employee will have the right to be accompanied at the meeting by a trade union representative or a work colleague.

### During the Grievance Appeal Meeting

At the meeting:

- The employee or their representative will present the case.
- The panel and the designated manager may ask questions of the employee relating to their statement.
- The designated manager will present the case.
- The panel, the employee and their representative may ask questions of the designated manager relating to the designated manager's statement.
- Following the two parties presenting their case, the panel will make a decision which can be to:
  - a) Uphold the appeal setting out how the matter is to be resolved.
  - b) Suggest ways of seeking/facilitating joint resolution
  - c) Not uphold the appeal

The employee and the designated manager will be informed of the decision and the reasons for it in writing within **5 working days** of the Grievance Appeal Meeting.

## **6. Overlapping Grievance and Disciplinary Cases**

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.

## **7. Role of the Companion**

Employees have a statutory right to be accompanied, regardless of length of service, by a trade union representative or a work colleague at a formal grievance meeting and any subsequent appeal meeting. If the companion is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the hearing and also time to familiarise themselves with the case and confer with the employee before and after the hearing.

A companion has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting

A companion does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish him/her to do so
- Prevent the Investigating Officer from explaining his/her case

Given the importance of the companion's role, it is good practice to allow them to ask questions and participate as fully as possible.

## **8. Keeping Written Records**

It is important, and in the interests of both the school and the employee, to keep written records during the grievance process. Records should include:-

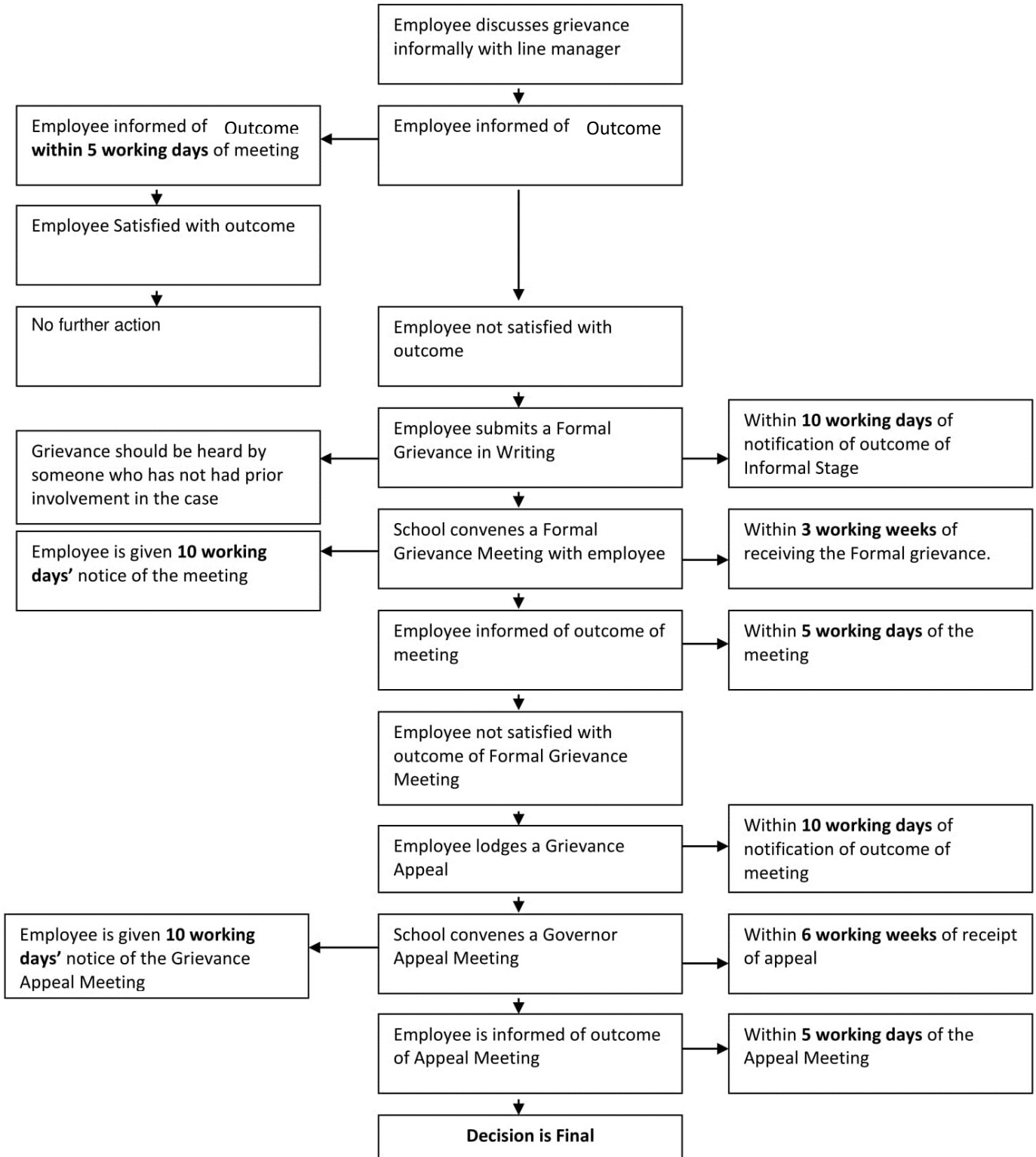
- The nature of the grievance
- What was decided and actions taken
- The reasons for the decision and actions taken
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments

Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. The notes should be kept for no less than six months and no more than 12 months from the end of the process.

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Copies of the meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the school may wish to withhold some information.

Grievance Process Flow Chart





**Formal Grievance Form**

This form should be completed to raise a formal grievance.

<b>Employee's details</b>	
Name:	Job Title:
School:	School:
Preferred Email Address:	
<b>Representative's details</b>	
Name:	Contact Number:
Union / organisation (if applicable) <input type="checkbox"/> :	

**Date of Grievance** (if applicable):

**Grievance:**

*Please describe your grievance. This will be the basis of your grievance throughout the procedure. It may be added to if agreed with the manager hearing the grievance at Stage 2. Any changes must be documented.*

*(extend as necessary)*

**Outcome:**

*Please indicate the outcome that you are seeking to redress your grievance. This should be specific and can include a range of options.*

*(extend as necessary)*

.....  
**Employee's signature**

.....  
**Date**

**This form must be sent to the Trust HR Manager. Please note if the grievance is against the Headteacher or School as a whole, it will be sent to the Chair of Governors.**