



## Grievance Policy

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# HISP Multi Academy Trust

## Grievance Policy

### 1. Introduction

The Trust believes that all employees should be treated fairly and with respect. The purpose of this policy and procedure is to ensure that any member of staff who feels aggrieved about the way they have been treated is given an opportunity to have their grievance heard and where possible resolved. Employees are encouraged to raise any concerns they have informally and at the earliest possible opportunity to aid prompt and easier resolution. Where it has not been possible to resolve a concern informally, or where a matter is not appropriate for informal resolution, the issue should be raised through the formal procedure.

This procedure seeks at all stages to identify possible ways of resolving the employee's concerns. This should be in consultation with the employee and manager and in line with current policy and working practices and should be conducted sensitively and confidentially. Conciliation services should be considered at all stages of this procedure and discussed with the relevant parties as appropriate.

### 2. Scope

This policy applies to:	<ul style="list-style-type: none"><li>• Teachers including leadership, upper pay range, main pay range and unqualified</li><li>• Support staff</li><li>• Employees who are in their probationary period</li><li>• Teachers in their statutory induction period</li></ul>
This policy does not apply to:	<ul style="list-style-type: none"><li>• Volunteers</li><li>• Contractors</li><li>• Agency workers</li></ul>

### 3. Key Principles and Definitions

**Grievance** A grievance is a concern, problem or complaint regarding the way in which the employee feels they have been treated by the Trust or managers acting on behalf of the Trust.

Grievances may be concerned with a wide range of issues, including work allocation, working environments and conditions, opportunities for career development or the way the employee has been managed.

Grievances raised by an employee while subject to a disciplinary process should be raised as an issue in the course of the disciplinary proceeding. Where an employee is dissatisfied with any disciplinary action against them it should be dealt with as an appeal under the disciplinary procedure. In exceptional circumstances consideration will be given to suspending the disciplinary process and using this procedure, whether or not this is agreed will be a decision for the Headteacher or governors and the decision will be communicated to the employee.

This procedure does not apply to the following matters for which other procedures have been agreed. This includes:

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- Collective disputes in respect of negotiation or consultation
- Salary grading reviews
- Selection for redundancy
- Bullying and harassment/dignity at work

A procedure for handling collective grievances can be found at Appendix One.

### **Confidentiality**

It is expected that all parties involved in the grievance process will maintain confidentiality as appropriate. This is both within and outside of the Trust (including social media).

If any party does not maintain confidentiality further action may be taken under the Managing Misconduct policy.

### **Right of representation**

Employees have the right to be accompanied by a work colleague or trade union representative at all meetings or hearings under this procedure.

While there is no statutory right to be accompanied at informal meetings by a Trade Union representative or a colleague employed by the Trust this will not be unreasonably refused if the employee requests it.

Where there is a statutory right to be accompanied and the employee's chosen companion is unavailable on the day scheduled for the meetings or appeal hearing, the meeting will be rescheduled once, provided that an alternative date is agreed within five working days of the scheduled date.

A companion may present the employee's case, sum up, respond on behalf of the employee to any views expressed and confer with the employee during the meeting but they may not answer questions on behalf of the employee.

## **4. Key Considerations**

- 4.1 All grievances should be examined carefully, whether or not the grievance is presented in writing, and be dealt with as quickly as possible. However, formal grievances under the grievance procedure should be submitted in writing.
- 4.2 Grievances are as much about the feelings and emotions of an individual as they are about a set of facts. A grievance is unlikely to be "resolved" by any process that simply determines whether the aggrieved is right or wrong.
- 4.3 It will be important for the process to address the specific grievance, provide an opportunity for that individual to express their feelings, be listened to and have their feelings acknowledged. It is unlikely that any compromise solution will be achieved until these feelings have been expressed.

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- 4.4 Whilst disputes between fellow employees i.e. those who are not in a line management relationship fall within the definition of a grievance, they are often best resolved through conciliation. If at any stage, a manager/Headteacher believes a case could be resolved through conciliation, this will be subject to the agreement of the parties involved.
- 4.5 For grievances that are lodged whilst the employee is still employed by the Trust, and where the process continues following the employee's exit from the school, this procedure should be followed.
- 4.6 If a grievance is raised by an individual who is no longer employed by the Trust, the former employee should set out the grievance in writing no later than 3 weeks after their employment has ended. The grievance will be investigated and a written response to the grievance will be given to the former employee.
- 4.7 Under normal circumstances, where a grievance has been received more than 3 weeks after the employment has ended, the Trust is under no obligation to respond.
- 4.8 Former employees will not normally have a right of appeal beyond any written response, where this has been provided by a school.

## 5. Policy stages

### 5.1. Informal stage

- 5.1.1. All parties are expected to make use of the informal stage of this procedure. However, in exceptional circumstances an employee is entitled to lodge a formal grievance without utilising the informal stage.
- 5.1.2. An employee with a grievance should normally first raise the issue(s) informally with their line manager. This can be submitted verbally, via email or in writing. The employee should make it clear in any correspondence that the grievance is being raised at an informal level.
- 5.1.3. Managers are expected to deal with all informal grievances raised, taking into consideration the exceptions listed under section 2 of this policy. If the grievance relates directly to the employee's line manager, the employee should raise the issue informally with their second line manager (the line manager's manager).
- 5.1.4. If a number of employees are raising similar concerns, the Collective Grievance Procedure contained in Appendix One of this document should be followed.
- 5.1.5. There is no statutory right to be accompanied at the informal meeting. However, the employee may seek advice from their professional association or trade union representative and any request to be accompanied will not be unreasonably refused.
- 5.1.6. The relevant manager should arrange to meet with the employee as soon as practicable after the complaint is raised but normally within 7 working days. At this meeting the nature of the grievance should be discussed and any other relevant information that may allow the grievance to be resolved at this informal stage.

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Further investigation may be needed in order to resolve the grievance at this informal stage.

### Outcome of informal stage

- Possible outcomes at the informal stage may include, but are not limited to conciliation, informal discussion with all parties, identified training or supervisory needs.
- There should be a written record of the discussions and outcome at the informal stage.
- The outcome of the informal meeting should be shared verbally with the employee concerned. This should include details of the next stage of the procedure if the employee feels that the informal stage has not satisfactorily resolved their grievance.

### 5.2. Formal stage

5.2.1. If it has not been possible, or not appropriate, to resolve an employee's complaint through the informal process the employee must put their grievance in writing. The letter should be dated and sent to their line manager.

5.2.2. Where their line manager is the subject of the complaint, and it is not appropriate for them to deal with the matter, it should be sent to their line manager's manager.

5.2.3. On receipt of the formal grievance, a decision will be made about who is best placed to manage the complaint. The responsible manager will consider what, if any investigation may be necessary to establish the facts of the situation. The manager may need to gather information such as policies or procedures and may need speak to other relevant individuals.

5.2.4. The responsible manager will arrange to meet with the employee as soon as practical and usually within 10 working days. The meeting will be to understand the complaint in more detail and consider what action can be taken to resolve the matter. Where appropriate the meeting may need to be adjourned to allow further investigations to take place.

5.2.5. Following the meeting, the employee will be informed of the outcome and any action that the school proposes to take because of the complaint. This will be confirmed in writing usually within 10 working days of the meeting.

### 5.3. Appeal

5.3.1. If the employee is dissatisfied with the outcome of the grievance meeting/investigation, they should write to the Head of HR within 10 working days of receipt of the confirmation letter stating the grounds of their appeal.

5.3.2. An appeal hearing will be arranged as soon as practical and usually within 10 working days of receipt of the appeal letter.

5.3.3. The appeal will be heard by a more senior manager than the manager who conducted the investigation or by an appeals panel.

5.3.4. The panel or appeal manager will consider the grounds of appeal, the facts of the situation and assess whether or not the conclusion reached and actions taken as an

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outcome of the grievance were appropriate in the circumstances. In order to do this they will consider:

- Any information gathered as part of the investigation/meeting with the employee
- Whether there is anyone else they need to speak to
- If there is any other information that they need

Following the meeting, the employee will be informed of the outcome and any action that the school proposes to take because of the complaint. This will be confirmed in writing usually within 10 working days of the appeal meeting.

The outcome of the appeal stage will be final.

### **6. Withdrawing a complaint**

It is up to the employee as to whether or not they wish to pursue a personal grievance. If the employee does retract a complaint, this must be confirmed in writing. The Trust will consider whether any of the issues raised should be followed up and that need to be addressed using appropriate policies and procedures to do so.

The Trust will seek to establish the reason why the complaint has been withdrawn. Should this be due to the employee's concerns that they may be subject to intimidation or less favourable treatment, the Trust will discuss with the employee whether there are steps that could be taken to enable him or her to pursue the grievance.

The Trust will deal with any intimidation resulting from the raising of a grievance as a serious disciplinary issue.

### **7. Recurrent Grievances**

If an issue has already been fully and properly addressed through the grievance procedure, and any agreed resolutions have been actioned, it is not open to the employee to restart the procedure in respect of the same issue. However, care must be taken to ensure that new issues that have emerged since the original procedure was initiated are properly addressed.

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### Appendix 1: Collective Grievance Procedure (excluding formal disputes)

Where a grievance is received on behalf of a group of employees – collective grievance - individual(s) will be identified from within the group of employees who have raised the grievance, to act on behalf of the group at any formal meeting held. A representative of a recognised professional association/trade union may raise a grievance on behalf of two or more members.

The collective grievance procedure will mirror that of an individual grievance as follows;

<b>Informal Stage</b>	Informal grievance raised with line manager
<b>Stage 1 Formal Grievance</b>	Formal grievance raised with line manager or second line manager
<b>Stage 2 Appeal</b>	Appeal raised with Senior Manager/appeals panel

The employee(s) have the right to be accompanied at all formal stages of the grievance procedure. Where members of the group who have lodged the grievance belong to different professional associations or trade unions, it may be appropriate to allow more than one representative to accompany these individuals at the formal stages of the procedure.

Those arranging the hearing of the grievance will ensure that the nominated spokesperson(s) are accepted by the larger aggrieved group and that the group has access to any information concerning formal meetings, as well as the outcomes.