



## Summit Learning Trust

### Grievance Procedure

<b>Approved by:</b>	People & Resource Committee	<b>Date:</b> November 2019
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<b>Monitoring &amp; Review</b>	To be monitored by individual Principals and their Leadership teams, and the Director of HR	
<b>Links</b>	Equality; Staff disciplinary; Complaints Procedure (for former employees)	
<b>Staff responsible</b>	Director of HR	

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## 1. Introduction

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.

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

## 2. Scope and aims

This policy applies to all employees in schools and academies. This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

In this procedure, where the Principal is raising the grievance, or the grievance is against the Principal, all reference to the Principal in this document should be replaced with Education Director.

## 3. Definitions of Grievance

A grievance is a concern, problem or complaint raised with the school/College/Trust by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination or work relations. This policy does not cover issues raised by people who are not employed by the school, as this would fall under our complaints procedure.

## 4. 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. **Appendix A** provides a flow chart of the process for guidance.

### Stage 1 - Informal Grievance

Most grievances can be resolved quickly and informally through discussion. If an employee has a grievance that involves another member(s) of staff, he/she should, first of all, endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of the appropriate manager. If the grievance is about their line manager, he/she should speak informally to a more senior manager or Principal. In the case of Trust central office staff, if the grievance is about the line manager he/she should speak to the CEO. If the grievance is about the CEO, he/she should contact the Chair of the Board of Trustees. This allows for problems to be resolved quickly and normal working relationships to resume.

The manager should seek to resolve the problem, provide an explanation and, if necessary, seek advice or information from other sources, e.g. HR. In any event, the employee should be informed of the decision within 5 working days of having the meeting with their manager.

Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced.

During the informal stage, it may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of an impartial mediator, and HR will advise on this.

### Stage 2 - Formal Grievance

Where informal discussions fail to resolve the grievance, or for more serious matters, the employee should put a formal grievance in writing requesting for the grievance to be considered under the formal procedure. If the subject of the grievance is the line manager, the employee should submit the written grievance to an alternative, preferably senior, manager.

The formal grievance form at **Appendix B** should be used to submit a formal grievance. 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.

Upon receipt of a grievance, an investigating officer will be appointed. This will be an independent individual with no prior knowledge of the complaint.

Following the receipt of a formal grievance from an employee, the investigating officer will arrange to meet with the employee within 10 working days of the grievance being raised. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and witnesses and/or reviewing relevant documents.

It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting. This should be in sufficient time to enable full consideration of the material. Both parties have the right to be accompanied by a trade union representative or work colleague

The investigating officer should ensure that a note taker attends the hearing in order to record the main points and actions.

Separate meetings with each of the parties involved may be held if this is deemed more appropriate. The investigating manager considering the grievance will decide who should be present at any meeting.

The purpose of the grievance meeting is for the employee to explain their grievance and how it may be resolved. The decision will be reached as soon as reasonably practicable and usually within five working days of the final grievance meeting.

### **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 Director of HR 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 grounds 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 appeal will be heard by an appeal panel comprising of three people; a Trustee and two members of the Trust Leadership Team i.e. Principal/ Executive Director, who have not previously been involved in the case. The appeal chairperson will be advised by a member of the Trust HR Team.

The Investigating officer 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.

Following the two parties presenting their case, the panel will make a decision which can be to:

- a. Uphold/or hold in part 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.

## **5. 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.

## **6. Collective Grievances**

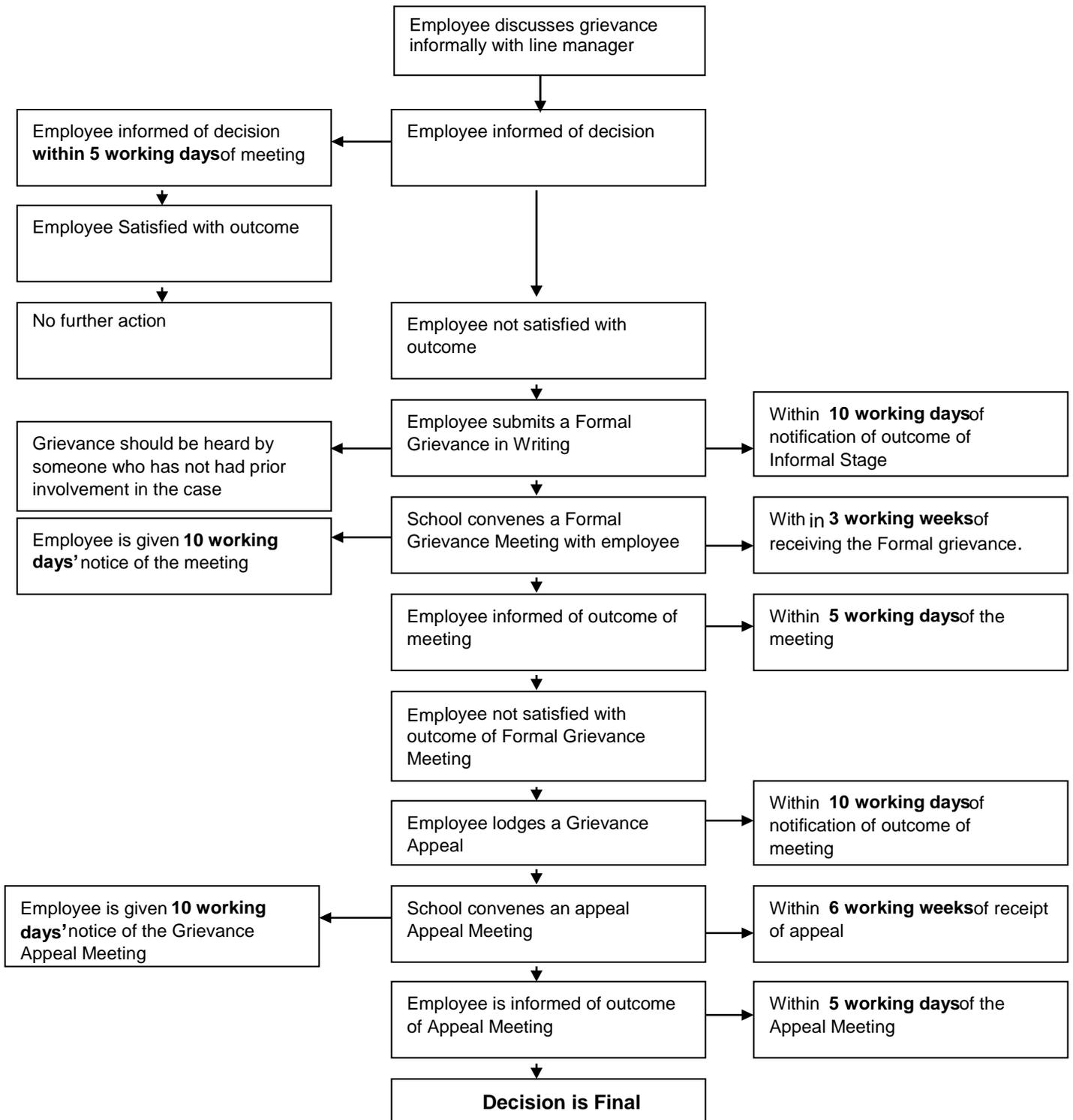
Where a group of employees take out a grievance regarding the same subject matter, this will be heard using the process above under Stage 2 i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a professional association/trade union representative(s).

## **7. Vexatious, malicious and frivolous grievances**

All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Principal, Chair of the Local Governing Body, CEO or Chair of the Board of Trustees, as appropriate will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.

# APPENDIX A

## Grievance Process Flowchart Guidance





**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 your line manager/Principal. If the grievance is against your line manager/Principal, it should be sent to the next level of authority e.g., Chair of Governors