



THE ST. BART'S  
**ACADEMY**  
— TRUST —

# Grievance Procedure

**Date of Procedure: May 2017**  
Version 2



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## 1.0 Introduction

- 1.1. The purpose of this policy is to give all employees working in schools and centrally employed teachers, a means to resolve complaints or grievances relating to their employment and has been designed to ensure that these are dealt with and resolved quickly, fairly and as closely as possible to the point of origin. This helps to prevent minor disagreements developing into more serious disputes.
- 1.2 This procedure has been adopted by the St. Bart's Multi-Academy Trust and is committed to the fair and equitable treatment of all staff following consultation with the teachers' associations and support staff trade unions.
- 1.3 Should the Governing Board wish to make changes to this policy, the required consultation must be undertaken with the recognised Trade Unions.
- 1.4 This procedure does not apply to those matters for which other established complaint/appeal arrangements are in place. These include but are not limited to;
  - Disciplinary Action
  - Action taken under capability
  - Supporting attendance procedures
  - Pay and Grading
  - The performance management process
  - Recruitment and Selection
  - Redundancy

## 2.0 Principles

- 2.1 It should be emphasised that the underpinning principle of this process is that employees should, wherever possible, seek to make a concerted effort to resolve their differences informally in the first instance without recourse to formal procedures. Such informal resolutions generally enable colleagues to resume productive and professional working relationships by finding mutually acceptable solutions to workplace problems and issues. Every attempt will be made to deal with the grievance promptly and at the lowest possible level.
- 2.2 It is a legal requirement to ensure that these procedures are made known to all staff (for example it would be good practice for a copy to be displayed on the staff room notice board).
- 2.3 At all stages of the process, confidentiality must be maintained and respected by all parties involved in the process.
- 2.4 Formal grievance procedures are designed to provide a fair, transparent and systematic way of investigating and resolving grievances.
- 2.5 Both parties to a formal grievance are entitled to be accompanied by a Trade Union Representative or work colleague.

- 2.6 For the purpose of the formal procedure, the term grievance means a complaint meeting the following requirements:
- 2.6.1 The grievance must be specific to the individual employee and relate to their employment.
- 2.6.2 The grievance must be substantial in the sense that, if the facts were as stated by the employee, it would be reasonable to conclude that significant grounds for complaint existed.
- 2.6.3 The grievance must involve a complaint about unfairness, e.g. where an employee complains that he/she has been deprived of some benefit to which he/she is entitled, or, has been treated in a biased manner or has been induced to do something by a misrepresentation. A grievance is not established simply because an employee disagrees with a decision that has been taken.
- 2.6.4 Resolution or redress should be reasonable and be realistic.
- 2.7 In some cases, and where the informal process has been unsuccessful independent mediation can be an alternative to resorting to the formal stage of the process, particularly with problems involving working relationships.
- 2.8 Written records of any grievance that is dealt with should be kept. Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. Records should include:
- The nature of the grievance raised.
  - A copy of the written grievance.
  - The school's response.
  - Decision and actions taken.
  - The reason for the actions taken.
  - Whether an appeal was lodged.
  - The outcome of the appeal.
  - Subsequent developments.
- 2.9 Management notes should be taken at all grievance meetings. The employee raising the grievance and the employee, who has had the grievance raised about them, should be asked to sign the notes from their own meetings. Witnesses should be informed that their statements/meeting notes may be disclosed to all parties concerned.
- 2.10 A 24 hour independent confidential counselling service is available for employees. The Dove Service can be contacted on. 01782 683155, Employees may also wish to consult their professional association/trade union and/or the teacher support line on 08000 562561.

### **3.0 Scope of Procedure**

- 3.1 **Former Employees** - it is important that the Principal/Line Manager seeks advice from HR Consultancy if a former employee within three months of their leave date raises a grievance.

- 3.2 The Grievance Procedure should only be applied to substantial unresolved concerns as provided for in section 2 and should be raised as soon as possible after the event about which the complaint is being made.
- 3.3 An employee must raise their grievance within 3 months of the event occurring, or final event to a sequence of events. Any grievance not raised within this period will be considered out of time, unless there are exceptional circumstances, e.g. sickness absence.
- 3.4 Whilst this procedure applies even if employment ends prior to the grievance procedure being invoked, if both parties agree, a modified grievance procedure will be applied i.e. the grievance is clearly set out in writing to the school providing specific detail and information regarding the grievance and a written response is sent to the individual. The school may at its discretion, decline to deal with grievances which relate to matters which occurred more than three months before the grievance was raised.
- 3.5 **Current Employees within Schools**, an employee's grievance will be dealt with differently depending on the nature of the grievance and/or who it is about.

To decide which procedure to use, please consult the following table:  <b>Who is the grievance about?</b>	<b>Nature of the Grievance</b>  (See section 1 for exceptions)	<b>Which grievance procedure will/may be used?</b>
Any employee of the school (not the Principal)	Any matter	Standard School Procedure <b>(Please refer now to section 4)</b>
A collective grievance about a school or a single collective grievance across a number of schools	Any matter	Standard School Procedure <b>(Please refer now to section 4)</b>
The Principal	Any matter	Principal Grievance Procedure <b>(Please refer now to section 5)</b>

## **4.0 Standard School Procedure**

### **4.1 Informal Discussion**

#### **Individual Grievance**

- 4.1.1 When the employee's grievance is about a colleague, and the employee feels able, the employee should approach the other member of staff concerned to see whether the grievance can be resolved by informal discussion. Most concerns can usually be resolved in this way.
- 4.1.2 Where an employee is aggrieved about any other matter relating to their employment, the appropriate course of action, in the first instance, is for the employee to discuss their concerns with their Principal. At this stage the meeting should ideally be as informal as possible. Should an employee request to be accompanied by their trade union or work colleague at this initial stage, this will not unreasonably be refused. It may not always be necessary for employees to be represented at the initial stage of the procedure but it is important to note that trade union representatives have an important role to play in resolving matters throughout the various stages of the procedure.
- 4.1.3 Where, after every effort has been made, the grievance cannot be resolved informally it can be raised under the formal grievance procedure.

#### **Collective Grievance**

- 4.1.4 Where more than one individual raises the same grievance to the Principal this will normally be dealt with as a single collective grievance rather than as a number of individual complaints. In such cases either the trade union or other work based representative can raise the matter informally on behalf of all those employees involved and can represent them through the various stages of this procedure.
- 4.1.5 Similarly, if the grievance relates to issues across a number of schools the grievance will be dealt with as a collective grievance rather than individual complaints. The trade unions or other work based representatives must raise the matter informally in the first instance on the basis of a collective grievance. Should grievances on behalf of employees be raised separately by the trade unions or work based representatives the schools will reserve the right as appropriate to treat the grievance as a collective grievance by informing those trade unions or work based representatives, that they can represent the employees collectively through the stages of this procedure. Similarly, Principals of each respective school will form a panel advised by HR to informally address the concerns as a collective response relevant to their schools.
- 4.1.6 Where a grievance is brought on behalf of more than one person, the trade union or work based representative must ensure that they have the express consent to bring the grievance on behalf of the people concerned (if less than 20 employees). This information must be made available to the school where the person is employed. The information should be disclosed within five working days of any such request.
- 4.1.7 In exceptional circumstances, where there is a failure to resolve a collective grievance, conciliation may be sought from external agencies

with the agreement of both parties. Trade Union representatives are advised to inform their Regional Officers where conciliation is sought.

## 4.2 Formal Stage

### Stage One

#### Individual grievance

- 4.2.1 If the employee remains dissatisfied in terms of the outcome from the informal stage of the grievance, they should submit this in writing and send to the Principal. The grievance should clearly set out the facts, dates and those involved in as much detail as possible; the objective of raising the grievance should be identified by the employee, together with the decisions they wish to seek as an outcome.
- 4.2.2 The Principal will write (where possible within 5 working days of receipt of the grievance) to invite the employee to a meeting to discuss the matter formally. The Principal will notify the employee in writing of the employee's right to be represented at the meeting. In all cases every effort should be made for the meeting to be held within 10 working days of receipt of the individual's written grievance. (This should be conducted personally by the Principal or through a nominated representative).
- 4.2.3 All information that is to be presented at the meeting should be provided to the Principal and their HR advisor, at least 3 working days before the meeting is to take place. This is to help ensure that the Principal has a full understanding of the issues being discussed. In exceptional circumstances information can be submitted on the day of the meeting; however this is at the discretion of the Principal. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.
- 4.2.4 The employee or representative will have the opportunity at the meeting to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Principal to resolve the matter at this stage.
- 4.2.5 The employee is entitled to be represented at the meeting, if they wish, by either a trade union representative or a colleague. The trade union representative or colleague should be allowed to address the meeting, to present 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 meeting. The trade union representative or colleague does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the Principal from explaining their case.
- 4.2.6 In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into, before discussing it further.
- 4.2.7 After the meeting the Principal will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any

action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

### **Collective grievance**

- 4.2.8 In the cases of a collective grievance the trade union representatives or work based representatives shall submit this in writing to the Principal. Where the grievance relates to an issue/s across a number of schools a panel of nominated Principals will be convened. The panel will consist of one Principal from each respective school.
- 4.2.9 Where the collective grievance is about a particular school, the relevant Principal will investigate. The requirements set out in 4.2.1 to 4.2.7 will be the same. Trade unions or work based colleagues will be required to meet the requirements of setting out the grievance in accordance to the aforementioned paragraphs.
- 4.2.10 The Principal/Panel of Principals should respond to the grievance in writing to the respective parties, where possible within ten working days explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

## **4.3 Stage Two (Appeal)**

### **Individual Grievance**

- 4.3.1 If the employee remains dissatisfied they can appeal to their Chair of Governors within 10 working days of the date of the written response at the Formal Stage.
- 4.3.2 You must be appealing against either:
- The finding that your grievance was not upheld where the evidence does not support this finding.
  - The fact that you don't feel the correct procedure was followed.
  - The fact that new evidence has come to light that would change the outcome.
  - The outcome is inconsistent with how others have been treated.
- 4.3.3 The appeal must be made in writing and addressed to the Chair of Governors confirming the grounds of the appeal.
- 4.3.4 The Appeal will be heard by the Appeals Committee. The Chair of this Committee, will then invite the employee to attend a further meeting to appeal against the decision. The employee will be notified in writing of their right to be accompanied at the meeting.
- 4.3.5 In all cases, every effort should be made for the appeal hearing to be held within 10 working days of receipt of the individual's written appeal.

- 4.3.6 The Principal will also be invited in order to explain the decisions arrived at the original grievance. Normally, a representative from HR will be in attendance at the appeal hearing to advise the Appeals Committee.
- 4.3.7 All information that is to be presented at the appeal hearing should be provided at least 3 working days before the meeting is to take place.
- 4.3.8 Employees have the same right to be represented at appeal hearings as at the Formal Stage.
- 4.3.9 Following the appeal hearing, the Chair of the Appeal Committee will respond to the appeal in writing, where possible within 5 working days, either upholding the appeal or turning down the appeal and thus supporting the original grievance decision. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.
- 4.3.10 The letter will give reasons for the decision and, where the appeal is upheld, explain in what respect the original grievance decision has been varied, and what action, if any, will be taken to attempt to resolve the grievance.
- 4.3.11 The decision taken at the appeal stage on the matter will be deemed final.

### **Collective Grievance**

- 4.3.12 If any party is dissatisfied with the outcome of the Principal/ Panel of Principals investigation of the grievance, either party may collectively request an appeal hearing. The panel will be appointed for the purpose of convening an Appeals Committee. Where the grievance appeal relates to a collective issue across schools a panel of governors will be convened to include a nominated representative of the Governing Board from each respective school.

For the purposes of a collective grievance about a specific school the panel will consist of three nominated governors from the Governing Board. In such circumstances the format in Appendix 2 – Procedure for Governors' Appeal Meeting will be followed and a chair will be nominated by the appeals panel.

- 4.3.13 The parties should prepare a written statement of their views incorporating a clear statement of the nature and the grounds of the appeal. This should be based on the findings of the Stage 1 outcome and the reasons for being dissatisfied with the results of the outcome. A response to the appeal will be written by the Chair of the Governors Appeal Panel.
- 4.3.14 The decision of the Appeals Committee must be communicated in writing. With regard to this procedure, the Appeal Committee decision is final.

## 5.0 Principal Grievance Procedure

### 5.1 Informal Stage

- 5.1.1 Where the grievance is about the Principal and the employee feels able to, the employee should approach the Principal to see whether the grievance can be resolved by informal discussion most concerns can usually be resolved in this way. Should the employee request to be accompanied by their trade union or work colleague at this initial stage, this will not unreasonably be refused. It may not always be necessary for employees to be represented at the initial stages of the procedure but it is important to note that trade union representatives have an important role to play in resolving matters throughout the various stages of the procedure. Principals should ensure that they keep records of the grievance raised and the action taken. These records should be treated as confidential and should be kept no longer than necessary in accordance with the Data Protection Act 1998.
- 5.1.2 Where the employee wishes to do so the grievance can be brought to the Chair of Governors attention who can arrange to resolve the matter informally.
- 5.1.3 Where, after every effort has been made, the grievance cannot be resolved informally it can be raised under the formal grievance procedure.

### 5.2. Formal Stage

#### Stage One

- 5.2.1 Where the employee's grievance is with the Principal and has not been resolved by informal action, the grievance needs to be submitted in writing to the Chair of Governors. The grievance must set out fully the nature of the grievance in writing clearly explaining the events, dates, facts and details of any witnesses where possible, it should also state the desired resolution the employee seeks. This information should be sent to the Chair of Governors of the school. A copy of the grievance must be given to the Principal.
- 5.2.2 Within ten working days, the Chair of Governors of the School must discuss the matter with Human Resources who will advise on the process. The Chair of Governors will appoint an individual governor at the school to hear the grievance, or another external third party to hear the matter. To request the assistance of a Local Authority Officer the Chair of Governors should write to the Assistant Director Learning Services.
- 5.2.3 The nominated Officer should initiate a meeting with the aggrieved employee without unreasonable delay and should:
- Write (where possible, within 5 working days) to invite the employee to a meeting to discuss the matter formally and notify the employee in writing of the employees right to be represented at the meeting. In all cases, every effort should be made for the meeting to be held within 10 working days of receipt of the individual's written grievance.

- All information that is to be presented at the meeting should be provided to the Governor and their HR advisor, at least 3 working days before the meeting is to take place. This is to help ensure that the hearing Governor has a full understanding of the issues being discussed. In exceptional circumstances information can be submitted on the day of the meeting; however this is at the discretion of the hearing Governor. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.
- The employee or representative will have the opportunity at the meeting to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Governor to resolve the matter at this stage.
- The employee is entitled to be represented at the meeting, if they wish, by either a colleague or trade union representative. The trade union representative or colleague should be allowed to address the meeting, to present 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 meeting. The trade union representative or colleague does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the Principal from explaining their case.
- In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into, before discussing it further.
- After the meeting the Governor/LA Officer/External third party will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

5.2.4 Copies of the response should be forwarded to the employee and the Principal about whom the grievance has been made.

### **Stage Two (Appeal)**

5.2.5 If the employee is dissatisfied they can appeal to the Trust Board Appeals Committee within 10 working days of the written response at the Formal Stage. (Refer to Appendix 2 – Procedure for Governors' Appeal Meeting).

5.2.6 The Appeal will be heard by the Appeals Committee who will invite the employee to attend a further meeting to appeal against the decision. The employee will be notified in writing of their right to be accompanied at the meeting

5.2.7 In all cases, every effort should be made for the appeal hearing to be held within 10 working days of receipt of the individual's written appeal.

5.2.8 The Governor will also be invited in order to deal with any issues raised concerning the conduct of the original grievance. Normally, a representative from HR will be in attendance at the appeal hearing to advise the Appeals Committee.

5.2.9 All information that is to be presented at the appeal hearing should be provided at least 3 working days before the meeting is to take place.

5.9.10 Employees have the same right to be represented at appeal hearings as at the Formal Stage.

5.9.11 Following the appeal hearing, the Chair of the Appeal Committee will respond to the appeal in writing, where possible within 5 working days, either upholding the appeal or turning down the appeal and thus supporting the original grievance decision. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

5.9.12 The letter will give reasons for the decision and, where the appeal is upheld, explain in what respect the original grievance decision has been varied, and what action, if any, will be taken to attempt to resolve the grievance.

5.9.13 The decision taken at the appeal stage on the matter will be deemed final.

## **6.0 Managing The Process During Absence**

6.1 In the interests of progress for all parties, the grievance may continue to be heard during absence following consultation with Occupational Health and the employee concerned or their representative.

6.2 If an employee is not fit to attend meetings concerning their grievance consideration will be given to the employee being allowed to send a representative or make written representations instead, or the matter being delayed until the employee is fit to attend.

## **7.0 Review Of This Procedure**

7.1 This procedure will be reviewed at regular intervals and any changes deemed necessary will be made following full consultation with Trade Unions.

If, during the course of a disciplinary procedure, a grievance is raised which is related to the case, consideration may be given to suspending the procedure for a short period whilst the grievance is considered.

7.2 This policy will be monitored to ensure consistency of application and adherence to Equalities legislation.

## Appendix 1 – Procedure for Governors' Appeal Meeting

1. Introductions by Chair; explanation of procedure
2. Appellant, or their representative, to state his/her grounds for appeal.
3. Original hearing officer may ask questions of the appellant or their representative
4. Members of the Appeal Committee and representatives of the Assistant Director of Learning Services may ask questions of the appellant or their representative
5. Original hearing officer to state how they made their original decision.
6. Members of the Appeal Committee may ask questions of the original hearing officer
7. Appellant (or representative) may ask questions of original hearing officer.
8. Appellant or their representative, to sum up case.
9. The original hearing officer to sum up case
10. Parties retire.
11. Appeals Committee to consider the case and notify the parties of their decision. This may be conveyed at the conclusion of the Appeal hearing and then confirmed in writing, or confirmed in writing at a later date by the Committee.

*The above procedure should be varied to reflect the process and parties to the grievance used within this procedure as reflected in the relevant process identified in previously.*

*The process may be varied by agreement of all parties.*

## Appendix 2 - Grievances About Specific Individuals

- 1.1 Where grievances have been made about named employees, employees are entitled to be informed as soon as possible that a grievance has been made about them, and they will be provided with details of the complaint, (unless in exceptional circumstances where it could interfere with the procedure).
- 1.2 Should there be a concern that working relationships may become difficult whilst the issue is being resolved, it should be discussed with HR, in order to determine what measures can be taken to attempt to relieve these difficulties and ensure fairness to both parties during the process.
- 1.3 Care needs to be taken that any employee raising a grievance does not suffer any detriment as a result. Likewise any employee raising a grievance should not suffer victimisation, retribution or exclusion as a result of raising a grievance. Where appropriate, a stress risk assessment may be undertaken to ensure suitable support is provided.
- 1.4 Wherever possible the outcome of the grievance will be notified to the employee about whom the grievance is made on the same day as it is notified to the employee raising the grievance.

## Appendix 3 - Formal Grievance Notification Form

FORMAL GRIEVANCE NOTIFICATION FORM	
<b>Employee's Name:</b>	
<b>Academy</b>	
<b>Name of Line Manager:</b>	
<b>Trade Union Representative:</b>	
<b>Name of person who will accompany you:</b>	
<b>Name and job title of the employee(s) about whom the grievance is raised (if appropriate)</b>	
<p><b>Please provide details of your grievance providing as much detail as possible particularly dates, times , locations as appropriate ( Continue on a separate sheet if necessary)</b></p> <div style="height: 100px;"></div>	
<b>Witnesses to the above (name and job title):</b>	
<p><b>Please provide details of any attempts to resolve the matter informally and the reason for dissatisfaction with the informal process (if appropriate):</b></p> <div style="height: 100px;"></div>	
<p><b>Please state the outcome you are seeking.</b></p> <div style="height: 100px;"></div>	
<b>Signed (employee):</b>	
<b>Date:</b>	



THE ST. BART'S  
**ACADEMY**  
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