

Padbury Church of England School

Grievance Policy and Procedure

Policy level	1 <u>ODBST Trustee Policy</u> Owned and applicable at ODBST Board level
	2 <u>ODBST Statutory and Mandatory Policy</u> All schools must adopt these policies with local amendment strongly discouraged. These policies are centrally amended and binding on LGBs from the date of Board approval. They must be displayed on the School's website. Approval for all proposed local amendments must be sought from the ODBST Governance Lead prior to Local Governing Body resolution.
Other related ODBST policies and procedures:	ODBST Anti Bullying and Anti-Harassment at Work Policy
Committee responsible:	Trust Board
Approved by:	Trust Board
Date Approved:	14 th July 2021
Date for Next Review:	July 2024

In reviewing this policy the Trust Board has had regards to the Equality act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged

1. INTRODUCTION

This document sets out ODBST's Grievance Policy and provides a structured 3 Stage procedure comprising of:

- Informal
- Formal – Stage 1
- Formal Appeal - Stage 2 (conclusion of the formal grievance process)

This policy enables employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient Trust operation.

An expectation of this policy is that before employees invoke the formal stage of this procedure, they first of all attempt to resolve their complaint through implementation of the Informal process. Managers are strongly encouraged to try to resolve grievances informally, which may include the use of mediation.

A grievance may be considered to be a complaint by an employee about the action, which their employer (or another employee) has taken or is contemplating taking in relation to them. A grievance could be regarded as any one of the following:

- Terms and conditions of employment
- Working hours
- Unfair treatment
- Health and safety
- Working relationships
- Harassment or bullying

Note: This list is not exhaustive nor is it an attempt to give a definition of a grievance.

This policy does not apply to the following categories:

- Employees appealing against a dismissal/disciplinary decision. This is dealt with through the appropriate appeals procedure.
- Whistleblowing Complaints. These are dealt with under the ODBST Whistle Blowing Policy and Procedure.

This policy is not intended for employees to raise a grievance about Trust policies, although it may be used to make a complaint about the way the Trust's policies and procedures may have been applied.

Application of the Policy

The policy and procedure set out in this document applies to all ODBST employees.

Where a grievance concerns the Chief Executive of ODBST, the employee should raise their concern with the Chair of the Trustee Board. Where a grievance concerns a Headteacher, the employee should raise their concern with the Chair of Governors.

If a grievance is raised by an employee against the Chair of Governors/Chair of Trustees, or any other member of the Governing Body/Board, this should be dealt with through the Grievance Policy and will be heard by an Employee Grievance Committee.

1. ROLES AND RESPONSIBILITIES

Both managers and employees have a responsibility within this procedure. Participants in this process shall be respectful of one another and refrain from using language that could be perceived as insulting, offensive or abusive or intimidating. Any person found to have breached the terms of this policy may be subject to action under the Trust's Conduct and Discipline procedures.

Managers will:

- Ensure that all employees are made aware of the Grievance Policy and how to access it.

- Try to resolve all issues informally before they become formal grievances.
- Respond promptly and without unreasonable delay to try to resolve any informal and formal grievances.
- Ensure the grievance procedures are followed correctly, seeking advice from the HR team when they are unsure.
- Treat all grievances seriously, dealing with each one consistently and sensitively ensuring fairness and equality whilst maintaining confidentiality at all times.
- Where appropriate, ensure that the aggrieved employee is aware of the option to use mediation before they invoke the formal process.

Employees will:

- Work with the manager to genuinely seek resolution.
- Try to resolve all issues informally, before implementing the formal procedure under Stage 1.
- Co-operate fully with any investigation.
- Comply with all reasonable management instructions whilst their grievance is being progressed.
- Not raise a grievance maliciously.
- Maintain confidentiality throughout and on conclusion of the process.

Where required, the Trust Board or the Governing Body will:

- Set up an Employee Grievance Committee which would normally comprise of 3 Governors for school based employees or 3 Trustees for central team members.

2. GENERAL PRINCIPLES

The policy and procedure contained within this document is founded on the following principles:

- To enable genuine grievances to be resolved quickly and consistently across the Trust in order to maintain good working relationships.
- To resolve grievances informally before implementing the formal process.
- To ensure that the issues raised by an employee in their grievance are investigated fairly, thoroughly and promptly, and that the outcome is confirmed in writing without unreasonable delay.
- To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others. Inappropriate use of the policy may result in the employee who has raised the grievance being subject to disciplinary action.
- A grievance can be closed at any point during the process, if the aggrieved employee is in agreement.
- Grievances will be dealt with on a case by case basis, and where the aggrieved employee is agreeable, it may be beneficial to deviate from the process to achieve a satisfactory resolution to the grievance. Authorisation for any deviation from the grievance procedure must be obtained from the ODBST HR Manager.
- Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

3. RIGHT TO BE ACCOMPANIED

The aggrieved employee has the right to be accompanied by a Trade Union representative or work colleague at any formal grievance meetings.

The manager may at their discretion allow the employee to bring a companion who is not a colleague or trade union representative (for example, a member of the employee's family) where this will help overcome a particular difficulty caused by disability, or where the employee has a difficulty understanding English.

In certain circumstances where it is requested, it may be appropriate for the person against whom the allegation has been made to be accompanied by a Trade Union representative or work colleague at any formal grievance meetings. This should be considered on a case by case basis and the manager should seek advice from the ODBST HR team before making a decision.

Employees should be aware that their personal information including possible sensitive information will be shared with their nominated representative unless their permission to do so is formally withheld.

4. MEDIATION

There may be situations where, with mutual agreement, mediation may be considered to be appropriate. The manager considering the grievance may recommend the use of a mediator to the employees' direct line manager, who shall make the final decision on whether funding for mediation can be provided.

5. COLLECTIVE GRIEVANCES

If a collective grievance arises, involving a group of employees within the same department/school, relating to the same issue, this may be dealt with through this policy and the group of staff may nominate up to 2 spokespersons to represent their case. The spokespersons have the right to be accompanied by a Trade Union representative or work colleague.

Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently, with each person giving details of their grievance. A joint letter or letters that are identical will not be accepted.

As long as the issue is the same in each case, it will be necessary to hold only one meeting at each stage with the spokesperson(s).

6. INFORMAL APPROACHES TO RESOLVING GRIEVANCES

In the first instance employees are encouraged to discuss the issue with their line manager to see if the matter can be resolved informally and without invoking the formal grievance procedure. Where the grievance concerns the Chief Executive of the Trust, the employee should raise their concern with the Chair of the Trustee Board. Where the grievance concerns the Headteacher, the employee should raise their concern to the Chair of Governors. Where the grievance concerns the Chair of the Trustee Board, the employee should initially raise their concern with the Vice Chair of the Trustee Board. Where the grievance concerns the Chair of Governors, the employee should initially raise their concern with the Vice Chair of the Governing Body.

If an employee believes they are being harassed or bullied then they should refer to the Anti-Harassment and Anti-Bullying at Work Policy.

Managers should be aware of, and be prepared to explore, alternative methods of resolving complaints that arise by discussing the issue and considering possible solutions with the employee. For instance, it may be appropriate to consider mediation as part of the informal process.

If the employee is dissatisfied with the outcome of the informal process, they may opt to raise it formally under Stage 1 of the Formal Grievance Procedure in accordance with paragraph 8 below.

7. FORMAL GRIEVANCE PROCEDURE – STAGE 1

The aggrieved employee should complete the Stage 1 Formal Grievance Form (Appendix 1) or use alternative written communication to register a formal grievance.

On receipt of a formal grievance, the manager/Headteacher will meet with the employee normally within 10 school days to investigate and clarify the details of the grievance, gather any relevant documentation and to clarify the

outcome the employee is seeking. Where the grievance concerns the Chief Executive of ODBST, the Chair of Trustees or another appointed Trustee will hear the grievance. Where the grievance concerns the Headteacher, the Chair of Governors or another appointed governor will hear the grievance. Where the grievance concerns the Chair of Trustees or Chair of Governors, an Employee Grievance Committee will hear the grievance.

The purpose of this/these meeting(s) will be for the manager/Headteacher to consider the facts and make their determination concerning the grievance. A note taker and/or HR representative may also attend these meetings.

The employee has the right to be accompanied by their trade union representative or work colleague at these meetings.

8. APPOINTMENT OF AN INVESTIGATING OFFICER

In some cases, it may be necessary for the manager to appoint an Investigating Officer. This will depend upon the nature and complexity of the grievance. Where an Investigating Officer is appointed, they are responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint. The Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes.

If further allegations or information come to light during the course of the investigation, the manager must be informed.

9. FORMAL GRIEVANCE APPEAL HEARING STAGE AND CONCLUSION OF THE GRIEVANCE PROCESS – STAGE 2

If the employee is dissatisfied with the decision resulting from Stage 1 of the formal grievance procedure, then they may appeal the grievance decision.

Appeals under Stage 2 should be heard by the Employee Grievance Committee, a panel of Trustees or, Governors and accompanied by a member of the ODBST Human Resources team.

Where appropriate, an Investigating Officer may be commissioned by the Chair of the Employee Grievance Committee, to carry out the investigation and submit a report prior to the appeal meeting. Guidance on this may be found at point 9 above. The Investigating Officer should have had no prior direct involvement with the case.

The purpose of the Appeal Hearing will be to consider the reasons why the employee is dissatisfied with the outcome of the formal Stage 1 process and to hear the case. The employee will have the opportunity to explain their appeal grounds and submit information to support their claim. The appeal must relate to the original grievance and only matters included at Stage 1 can be included in the appeal. The appeal hearing will normally be held within 10 school days of receiving the appeal.

The decision will be conveyed to the employee in writing by the Chair of the Employee Grievance Committee promptly and without unreasonable delay. **The grievance appeal decision is final**, the employee has no further right of appeal and will not be permitted to submit a further grievance on the same facts upon which a decision has been taken.

10. FURTHER GUIDANCE

Formal advice and guidance is available from the ODBST Human Resources Team.

Appendix 1 – Please refer to the grievance policy for more information

Formal Grievance Form

Employee name:	
Employee ID:	
School:	
Date form completed:	
What evidence has been provided?	

Dear..... (Name of Line Manager/Head Teacher/Chair of Governors/Chair of Trustees/,

I am writing to raise a formal grievance.

I have a problem/complaint* with/about.....(give details – delete as appropriate).

I have evidence in the form of..... (give details of appropriate).

I would be grateful if you could let me know when I can meet you to talk about my grievance. I would like to be accompanied at the meeting by..... (name).

Yours sincerely,

.....(your name)