



DIOCESE OF SOUTHWELL
& NOTTINGHAM
MULTI ACADEMY TRUST

DIOCESE OF SOUTHWELL AND NOTTINGHAM MULTI ACADEMY TRUST

GRIEVANCE POLICY

This policy should be read in conjunction with the following SNMAT policies as well as any relevant local academy policies:

Harassment and Bullying Policy

Policy:	Grievance Policy
Approved by:	SNMAT Board of Directors
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VERSION CONTROL			
VERSION	DATE	AUTHOR	CHANGES
1		RS & CP	New Policy

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1 Introduction

- 1.1 The Trust is committed to ensuring that the employment arrangements meet the highest standards of fairness and statutory entitlements in employment. We seek to build a workplace environment where colleagues are treated fairly and can work with dignity and respect.
- 1.2 It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly, consistently and promptly. We believe that the fair and effective resolution of staff concerns is beneficial to harmonious working, job satisfaction, productivity and ultimately the effective education of our pupils.
- 1.3 The Academy/Trust recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex, sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary the procedures set out in this policy, including any time limits, as appropriate in any case in agreement with the employee.
- 1.5 This policy has been formally adopted by the SNMAT Board of Directors, in consultation with the recognised trade unions.

2 Confidentiality and Data Protection

- 2.1 It is the aim of the Academy/Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 2.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure without the agreement of all parties involved.
- 2.3 During any action, including any decisions taken under this procedure, the Academy/Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Data Protection Policy and in line with the requirements and in line with the requirements of the **Data**

Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

3 Scope

3.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This procedure deals with grievances at work, examples include:

- terms and conditions of employment;
- health and safety;
- work relations;
- new working practices;
- working environment;

3.2 The Trust believes that all employees should have the right to raise concerns regarding their employment.

3.3 If a grievance relates to bullying, harassment or discrimination there is a separate Harassment and Bullying Policy. The Harassment and Bullying Policy should be used where a member of staff believes they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

3.4 This procedure should not be used to complain about pay or performance management outcomes, dismissal or disciplinary action or the outcomes of other procedures where there are relevant appeal procedures in place.

3.5 In terms of 'whistleblowing' there is a Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.

3.6 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

3.7 All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern - no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Where staff wish to raise or report a low level concern, they should refer to the Managing Allegations policy in the first instance.

4 General Principles

- 4.1 This policy provides a means by which employees can resolve grievances relating to their employment
- 4.2 It is advisable that an employee should raise any grievance as soon as reasonably possible, as waiting too long may affect the ability to gather evidence or assist in addressing the issue effectively.
- 4.3 Any manager responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible.
- 4.4 It should be recognised that during a grievance an investigation may be necessary which may delay the process beyond normal time limits. Employees will be kept informed if there is a delay.
- 4.5 Collective grievances can be made where there are two or more employees with the same grievance (see section 9).
- 4.6 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the SNMAT Disciplinary Procedure if appropriate, and an employee will be informed if this is the case (see section 10).
- 4.7 Where an employee raises a grievance during an existing process, that process will ordinarily be paused in order to deal with the grievance. Where a grievance and existing process are related it may be appropriate to deal with both issues concurrently.
- 4.8 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.
- 4.9 Everyone involved in the process is entitled to be treated calmly and with respect. The Academy/Trust will not tolerate abusive or insulting behaviour from

anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the SNMAT Disciplinary Policy.

- 4.10 It may be that the employee that raises a Grievance does not find out the outcome of the investigation.
- 4.11 All employees have access to confidential counselling through Health Assured, details are available on request. For further information and access the Employee Assistance Programme please contact your Academy or the Trust HR Team.

5 Responsibilities under this procedure

- 5.1 When dealing with a grievance, it is important to establish at the outset who will undertake the necessary roles and responsibilities under this procedure. This must then be communicated to all parties to avoid any misunderstandings or possible conflicts of interest.
- 5.2 The manager dealing with a grievance will:
 - Make all members of staff aware of the policy and ensure their compliance
 - Deal with all issues in a timely, serious and sensitive manner
 - Maintain confidentiality when dealing with cases and ensure that a written record is kept of all informal and formal meetings and discussions
 - Make every effort to resolve complaints informally by discussion between the employee and the appropriate level of management; the resolution of employee complaints should form part of everyday informal managerial action
- 5.3 The Investigating Officer will:
 - Be responsible for conducting a formal investigation into the grievance and presenting findings to the Grievance and Appeals Panel
 - When investigating concentrate on the fundamental issues of the complaint and should avoid a full investigation into every issue raised by the complainant.
 - Be impartial and not implicated with the grievance in any way.
- 5.4 Employees will:
 - Be mindful of their own behaviour and treat others with dignity and respect
 - Try to resolve problems informally by discussion with colleagues and/or management
 - Raise any concerns, queries and problems immediately to the appropriate line manager
 - Ensure confidentiality is maintained at all times.

5.5 The Trust HR Team will:

- Provide appropriate support to schools in applying the provisions of this procedure
- Act as advisers to the hearing and appeal panels

6 Grievances involving Headteacher/Principal

6.1 Grievances raised by the Headteacher/Principal

The procedure to address a Headteacher/Principal grievance complaint mirror those in the standard procedures. However, the role of the Headteacher/Principal in the standard procedures will need to be taken by the Chair of Governors or a Trust Director. The procedure outlined in appendix 1 should be followed.

6.2 Grievances raised against the Headteacher/Principal

If a grievance is raised against the Headteacher/Principal then the matter will be dealt with by the Chair of Governors or a Trust Director, following the standard procedures.

7 Right to be Accompanied

- 7.1 You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting. It is advisable to be accompanied by a Trade Union Representative.
- 7.2 Should you choose to bring a companion to a meeting, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.
- 7.3 At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- 7.4 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.

8 The Grievance Procedure

We would always aim to resolve any grievance informally where possible and employees are encouraged to seek informal resolution.

Advice should be sought from the Trust HR Team who will provide guidance and support throughout the process.

Throughout this section the employee making the complaint may be termed the 'complainant'.

8.1 Stage 1: Informal Grievance

Every effort should be made to resolve complaints informally by discussion between the complainant and the appropriate level of management. This can often lead to a speedy resolution of the problem.

If the complainant feels unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to the Headteacher/Principal or another senior manager. The Headteacher/Principal or other senior manager should acknowledge the complaint and inform the employee whom the Grievance has been raised against that a complaint has been raised against them.

The aim at this informal stage, is for the manager, to gain a full understanding of the complaint and discuss strategies for resolving the issue. The manager will have a meeting with the complainant with the principal objective being to facilitate an agreed resolution to the particular dispute, so it will be important for a positive and sustained effort to be made by all parties to try and reach such an agreement. The complainant will also be asked to explain the remedy they are seeking to assist with a resolution.

The manager involved will note the key issues explored at the meeting and any agreed actions to be taken which should be circulated to all parties involved.

It may be agreed that the nature of the grievance is such that the involvement of a third party (i.e. another senior leader/external advisor with counselling or mediation skills) might assist in resolving the matter. The use of a third party to help mediate or facilitate a solution is dependent on the agreement of all persons affected by the grievance. Any mediation should be conducted over an agreed timescale after which the situation will be reviewed and a decision made as to whether the matter is resolved.

If it is not possible to resolve the issue through the informal process or mediation the complainant should then submit details of their formal grievance in writing to the Headteacher/Principal, see section 8.2.

8.2 Stage 2: Formal Grievance

If your grievance cannot be resolved informally you should complete the Notification of Grievance Form (appendix B) to state, the grounds of the grievance and the remedy that is being sought and submit it to the Headteacher/Principal indicating that it is a formal grievance within 10 working days of the informal outcome or completion of the mediation process.

To enable the process to move ahead swiftly and resolve the grievance at an early stage, it should normally be appropriate for a Headteacher/Principal to be the Grievance Hearing Manager and hear the case at Stage Two of the procedure, even where they have been involved in discussions at the informal stage of the procedure. This is because the Headteacher/Principal could reach a different conclusion, in the light of further evidence arising from an investigation.

If mediation hasn't been considered at the informal stage, the involvement of a third party (i.e. another senior leader/external advisor with counselling or mediation skills) in assisting to resolve the matter may be agreed. The use of a third party to help mediate or facilitate a solution is dependent on the agreement of all persons affected by the grievance. Any mediation should be conducted over an agreed timescale after which the situation will be reviewed and a decision made as to whether the matter is resolved.

8.2.1 Investigations

In some cases, it may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will be carried out by an appropriate senior manager who will be appointed by the Headteacher/Principal.

In a smaller academy it may be that the Headteacher will be the investigation manager and a Headteacher/Principal from another Trust academy is appointed to hear the grievance.

An investigation meeting may be initiated before holding a formal grievance meeting where it is considered appropriate. In other cases, a formal grievance meeting may be held before deciding what investigation (if any) to carry out. In those cases, a further formal grievance meeting will be held with the complainant after investigations are concluded. The appropriate manager should agree and refine with the complainant, the fundamental issues of the complaint, rather than proceed unnecessarily with a full and detailed investigation into every issue raised by the complainant.

All employees involved must co-operate fully and promptly in any investigation. This may include informing the investigating officer of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

The manager investigating should prepare a formal written grievance report for the Stage 2 formal hearing, the standard template for this is available from the Trust HR Team.

To investigate the grievance the investigating officer may need to:

- Ensure that all parties are provided with a copy of the grievance procedure
- Ensure that the employee has provided a full written notification of the formal grievance complaint within the stated timescale (within 5 days from receipt of the outcome of the informal stage)
- Where necessary, arrange a further separate meeting with the employee that raises a grievance to discuss in detail the reason for the complaint and to clarify the main issues for investigation
- Interview other members of staff as witnesses to the grievance
- Ensure any member of staff being interviewed as part of the investigation is aware that they have the right to be accompanied by a Trade Union representative or colleague.
- Ensure that all witnesses agree and understand that their evidence and their interview is conditional on their agreement to this information being made available to the Grievance Panel and that they may be required to explain in their witness statement/evidence by giving evidence in person at a formal hearing or meeting of the governing body.
- Take full notes of any investigatory interviews and share with the person making the statement who will be asked to confirm that they represent an accurate account or indicate an amendments they would wish to make within 10 working days. The employee will need to sign the notes to confirm they are an accurate representation.
- Ensure all statements are signed.
- Maintain confidentiality.

8.2.2 Formal Grievance meeting

A formal grievance meeting will normally be arranged within 10 working days of receiving the written grievance, or as soon as is practicable. This takes into account the minimum of 10 working days' notice of a formal grievance meeting which must be given in writing to the complainant.

Where a formal investigation needs to be conducted, prior to the formal grievance meeting taking place, the timescales may change and should be agreed with all parties.

At the formal grievance meeting the complainant and/or Trade Union Representative will explain their grievance and how they think it should be resolved and the Investigating Officer will present the investigation report to the Grievance Hearing Manager. The Grievance Hearing Manager will ask questions of both parties to assist them in reaching a decision based on the available evidence and the representations made. The Trust HR Team should also attend to advise as appropriate.

After a formal grievance meeting it could still be necessary to carry out further investigations and hold a further grievance meeting as considered appropriate. Such meetings will be arranged without unreasonable delay.

There are a number of possible outcomes of the Stage 2 formal grievance meeting:

- a) A decision to uphold the grievance, based on further exploration of the complaint. This will mean that the arrangement must be made for the employee's desired remedy to become effective or alternative strategies are agreed to resolve the dispute.
- b) A decision that, following full consideration under Stage 2 of the procedure, the grievance is unsubstantiated. The written outcome sent to the employee, should, therefore, include details of the employee's rights to invoke Stage three of the Grievance Procedure should their Grievance not be resolved.

If the decision is to fully or partly uphold the grievance, this will normally involve arrangements being made either for the employees' desired remedy to become effective or for alternative resolutions to be agreed and implemented. The Grievance Hearing Manager may also wish to consider whether there are other implications arising from the case e.g. whether it would be appropriate to consider disciplinary proceedings and/or procedures etc.

The decision and any remedy will normally be conveyed verbally to the employee at the end of the meeting, where complex issues are being addressed it may be necessary to reconvene within an agreed timescale to conclude their deliberations. Once the verbal decision has been given, it will be confirmed in writing normally within 3 working days giving the right of appeal to the complainant if they consider that their grievance has not been remedied. It may not be appropriate for the complainant to be told of all the outcomes from the accused employee.

8.3 Appeals – Stage 3

If the grievance has not been resolved to the complainant's satisfaction, they may appeal in writing to the appropriate manager stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given. The employee must detail how they consider the grievance procedure has not been applied correctly, and/or how the outcome was not reasonable or proportionate.

The appeal will normally be heard as soon as possible, without unreasonable delay, after receipt of the appeal letter. The appeal will be heard by an Appeal Panel which can consist of 3 people either governors from local governing bodies and/or senior leaders who have had no previous involvement with the case.

Information relevant to the resolution of the grievance complaint, including investigation reports, written submissions, correspondence, or other papers relevant to the grievance, should be circulated to all parties no later than 5 working days before the appeal hearing.

The hearing will be conducted in line with the order of events shown in appendix 3.

The appeal outcome will normally be conveyed verbally to the employee at the end of the meeting, where complex issues are being addressed it may be necessary for the Appeal Panel to reconvene within an agreed timescale to conclude their deliberations. Once the verbal decision has been given, it will be confirmed in writing normally within 3 working days.

The appeal process is the last stage of the grievance procedure and the decision is final.

9.0 Collective Grievances

- 9.1 If an employee and another employee (or more than two) have identical grievances and all wish them to be addressed in the same grievance process, they can raise a collective grievance via this grievance procedure. All employees must agree (without any pressure being exerted on staff members to join the collective process) to do this.
- 9.2 If all colleagues do not entirely voluntarily agree to this arrangement or if the grievances are not identical, the Academy/Trust will arrange to hear the grievances on an individual basis.
- 9.3 If the employees are all members of the same trade union, your trade union representative can (if agreed by everyone) raise the grievance on your behalf. Alternatively, the employees can agree to nominate one person to act on behalf of everyone.
- 9.4 The collective grievance will be managed in accordance with the procedure above. However, a collective grievance statement should also:
 - Identify each employee who wish to raise the grievance;
 - Identify any nominated trade union representative or colleague to represent you all;
 - State that all employees have voluntarily consented to use the collective grievance procedure;
 - Confirm that all employees understand that the grievance will give each person the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.
- 9.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

10 Disciplinary Proceedings

In the event a grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Academy/Trust instigating the SNMAT disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure. There is no automatic right to notify the outcome of the grievance to other parties.

11 Review of policy

This policy is reviewed annually by the Trust in consultation with the recognised trade unions. The application and outcomes of this policy will be monitored to ensure it is working effectively.

Appendix 1 – Headteacher/Principal raising a grievance

Stage One – Informal Procedure

Where a Headteacher/Principal has a grievance, they should first endeavour to resolve the matter informally by direct approach to the person concerned. They may, bring a companion to any grievance meeting or appeal meeting. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting. It is advisable to be accompanied by a Trade Union Representative. They may also choose, at this informal stage, to inform the Chair of Governors or a Trust Director, depending on the nature of the complaint.

Stage Two – Formal Grievance Meeting

If the grievance is still unresolved, the Headteacher/Principal may, within 10 working days, notify the Chair of Governors or a Trust Director as appropriate, giving full details of their grievance and desired outcome in writing using the Notification of Grievance Form (appendix B). A Formal Grievance meeting will then need to be convened in line with the grievance procedures and an investigatory officer appointed if appropriate.

The Grievance should be heard by the Chair of Governors or a Trust Director as appropriate. A Trust HR team member should be invited to attend in an advisory role as appropriate. The decision of the Stage Two Grievance Meeting should be confirmed in writing within 3 working days.

Stage Three - Governors' Appeal Hearing

If the Headteacher/Principal remains dissatisfied with the outcome of the Stage Two Meeting, they may lodge an appeal in writing within 5 working days of the receipt of written notification of that decision. An Appeal Hearing will then need to be convened in line with the school grievance procedures. The appeal notification from the Headteacher/Principal should reaffirm the nature of the grievance complaint, the remedies sought and specify the grounds for appeal against the initial decision reached at Stage Two.

The Appeal Panel should comprise 3 governors from local governing bodies or senior leaders who have had no prior involvement in the case. Again, a Trust HR team member should be invited to attend in an advisory role. The decision of the appeals committee should be confirmed in writing within 3 working days and is final and binding under this procedure.

Appendix 2

Notification of Grievance

We recommend that this form is used to submit a grievance in accordance with the SNMAT Grievance Policy.

Please send the completed form to your line manager. If your grievance relates to your line manager then please send this to the Head Teacher/Principal. If your Grievance relates to the Head Teacher/Principal, then please send this to the Chair of Governors.

You are advised to keep a copy of this form. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about.

Name:	
Job Role:	

Describe the nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses.

When did you first raise your grievance, and with whom? Is this a one-off issue or

part of a chain of events?

What action has been taken on your grievance at the informal stage (Stage 1)?

What steps or action do you want to be taken as a remedy for your grievance?

If you are a member, have you informed your trade union or professional association representative?	
If yes, do you wish the representative to receive correspondence?	
If yes, please provide contact details for the trade union representative.	

Name:	
Signed:	
Date:	

Appendix 3

Order of Events for Stage 3 Appeal Meeting

- 1.** Hearing Manager presents the case.
- 2.** Questions from employee and/or employee representative.
- 3.** Questions from the Panel.
- 4.** Employee (or representative) presents their case.
- 5.** Questions from Hearing Manager.
- 6.** Questions from the Panel.
- 7.** Hearing Manager sums up.
- 8.** Employee (or representative) sums up.
- 9.** Both parties withdraw.
- 10.** Panel decision.
- 11.** All parties reconvene. Decision given.
- 12.** Decision confirmed in writing by panel within 3 working days.