



Houlton
CofE Academy Trust

STAFF

GRIEVANCE

PROCEDURE

Communicating Love; Inspiring
Communities to Flourish

2021

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Review: August 2022

1. Introduction

The Houlton CofE Multi Academy Trust, its schools and governing boards are committed to creating a positive working environment. It is recognised, however, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of his or her employment. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.

Issues that may cause grievances include:

- Pay, terms and conditions of employment
- Health and safety
- Bullying and harassment
- Equal opportunities
- Discrimination.

2. Purpose

This policy aims to:

- Enable any employee to have a legitimate grievance heard
- Resolve grievances quickly and equitably
- Resolve grievances as close to their source as possible
- Encourage a harmonious working environment.

3. Scope

This procedure applies to all Houlton CofE MAT employees. It is not a substitute for good employment practices, and in the first instance every effort should be made by all parties to resolve grievances in a fair and just manner.

4. Equal Opportunities

The Grievance Procedure must always be applied fairly and in accordance with employment law and the Trust's Equal Opportunities Policy.

5. Responsibilities

The Trust board is responsible for maintaining fair, consistent and objective procedures for matters relating to staff grievances.

The CEO/Headteacher has overall responsibility for the internal organisation, control and management of the policy in school.

The members of the SLT (senior leadership team or designated senior manager) have responsibility for the internal organisation, control and management of the policy in their areas of responsibility.

Management and employee representatives who may be involved in grievance matters should be competent for the task. They should be familiar with the provisions of the procedure and know how to conduct or represent at grievance hearings.

6. Timing

Grievance matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.

All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged within five working days.

7. Informal Stage

An employee should first raise a grievance (see appendix 1 for a flow chart of the informal stage) orally with their immediate manager as identified in their contract of employment. The informal stage should be used for all grievances apart from instances where the grievance relates to the employee's immediate manager, a member of the SLT or the CEO/Headteacher.

The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a

further five working days of this meeting, normally orally. The manager should keep a written record of the matter.

An individual wishing to lodge a formal grievance should do so as soon as possible after the event and without unreasonable delay. This should be within 1 month of the event.

8. Formal stage

Step one – Notification of grievance

If the employee remains aggrieved, or the informal grievance procedure is inappropriate, or where the manager has failed to respond to the employee's concerns, the next step is for the employee to write to the CEO/Headteacher, (or the Chair of Trustees in cases involving the Head) giving full details of the complaint and the resolution sought without unreasonable delay (see appendix 2 for a flow chart of the formal stage).

The CEO/Headteacher will acknowledge the grievance and is responsible for appointing an Investigating Officer to cases which are considered to be particularly complex or sensitive. The Investigating Officer should be impartial and should have had no previous substantial involvement with the grievance. Houlton CofE MAT HR support must be consulted prior to the initiation of any investigation.

Care should be taken to ensure that the Investigating Officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the disciplinary procedure.

The Investigating Officer must investigate the complaint as soon as possible. If the Investigating Officer cannot investigate it personally within such a timescale, it should be assigned to another senior member of staff who is competent and able to do so. During their investigation the Investigating Officer should ensure that strict confidentiality protects the rights of all the parties involved.

The investigation process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all sides have the opportunity to present their view.

Step Two – Grievance Hearing

The CEO/Headteacher will write to the employee giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance letter or within 10 working days of completion of the investigation. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date which should be within five working days.

The CEO/Headteacher will hear the grievance (see appendix 3 for structure of the grievance hearing) and may invite advisers as appropriate. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record.

Where a grievance is against the CEO/Headteacher, a Trustee other than the Chair of Trustees will conduct the grievance hearing. In such instances the employee's right of appeal will be to the Chair of Trustee.

The employee should be allowed to explain their complaint and say how they think it should be settled. If the person conducting the hearing reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary, the meeting should be adjourned for up to five working days to get advice or make further investigation.

The decisions normally open to the CEO/Headteacher or Trustee hearing the grievance, are as follows:

- That the grievance is upheld, in which case, either:
 - the Disciplinary Procedure may be invoked
 - or
 - the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken
 - or
 - a mutually agreeable resolution may be identified for all parties

- That the grievance is partially upheld
- That the grievance is not upheld
- The CEO/Headteacher or Trustee may recommend further mediation by an appropriate third party in order to facilitate working relationships.

The decision, and where appropriate, the action intended to resolve the grievance, will be communicated to the employee and representative in writing within five working days of the hearing.

If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done by writing to the CEO/Headteacher (or Chair of Trustees if the grievance was against the Head), within 10 working days of receipt of the decision.

Step three - Appeal

Appeals against grievance decisions will usually be considered by the panel in relation to one or more of the following grounds:

- (i) The procedure – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
- (ii) The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- (iii) The proposed action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case

The CEO/Headteacher will write to the employee, giving details of the appeal hearing, which will normally take place within 15 working days of receipt of the employee's appeal. The letter must inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

The CEO/Headteacher or the Chair of Trustees who has not previously been involved in the case will hear the appeal, which will focus on specific reasons for not accepting the previous

decision and will not be a re-hearing. The panel may invite advisers as appropriate. For all meetings a note taker will attend to take minutes of proceedings.

The CEO/Headteacher or Chair will communicate the decision, which will be final, in writing to the employee within five working days of the appeal hearing.

9. Record keeping

Managers and panels must keep written records of meetings and discussions relating to the grievance. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file. Records should include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal
- Any subsequent developments.

10. Employee Representation

Where allegations are made against an employee, they should be informed of the right to be represented at all meetings and related hearings by a recognised trade union representative or other school colleague.

11. Special Situations

Collective Grievances

In circumstances where a grievance is raised by or on behalf of more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. The employees may nominate one person to represent the group, in most cases

this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union.

Where the group are represented by one trade union it may be appropriate for the problem to be resolved through the collective agreements between the appropriate trade union and the school.

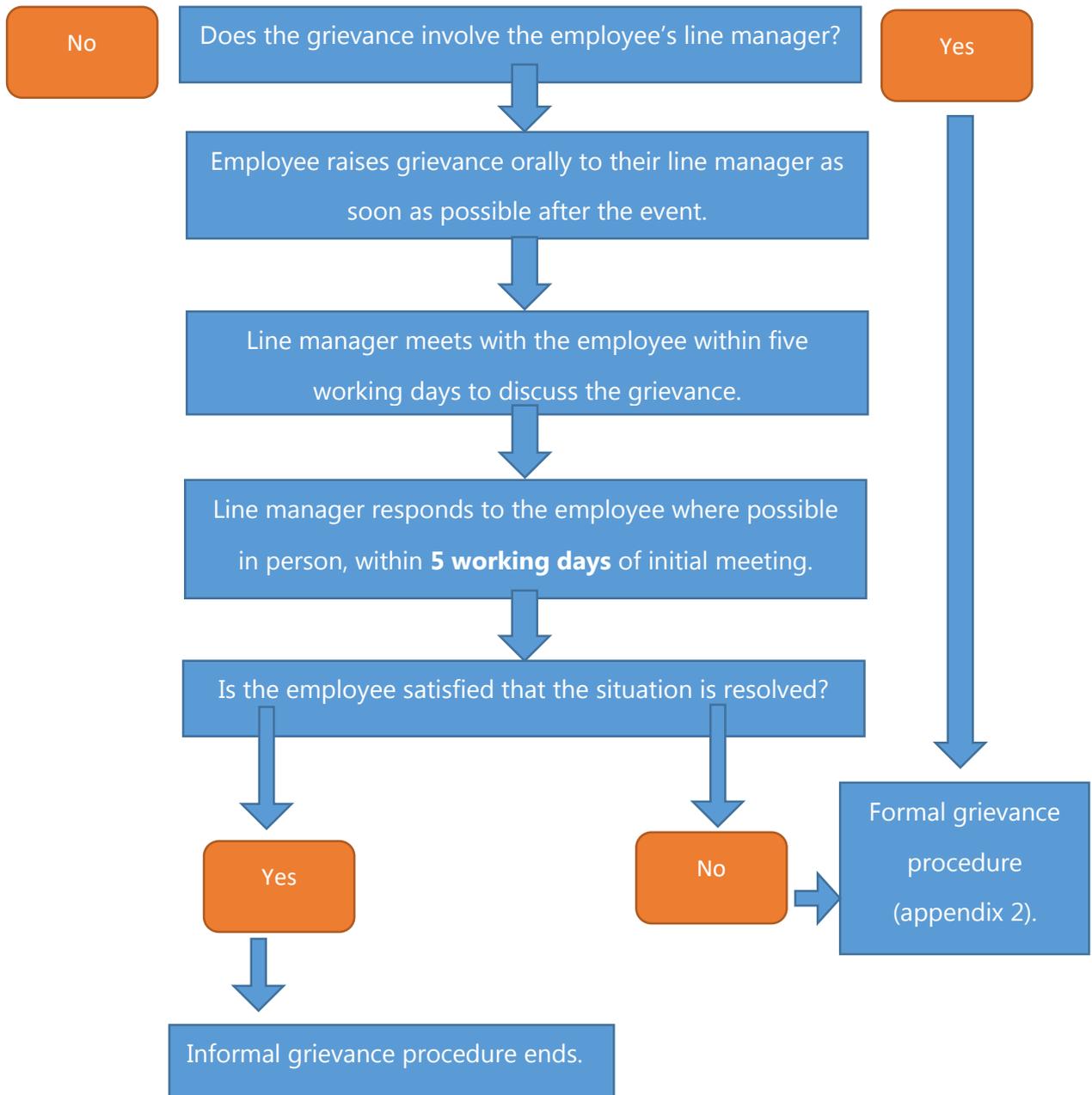
External sources of help

In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the problem. This intervention should be initiated in consultation with HR support.

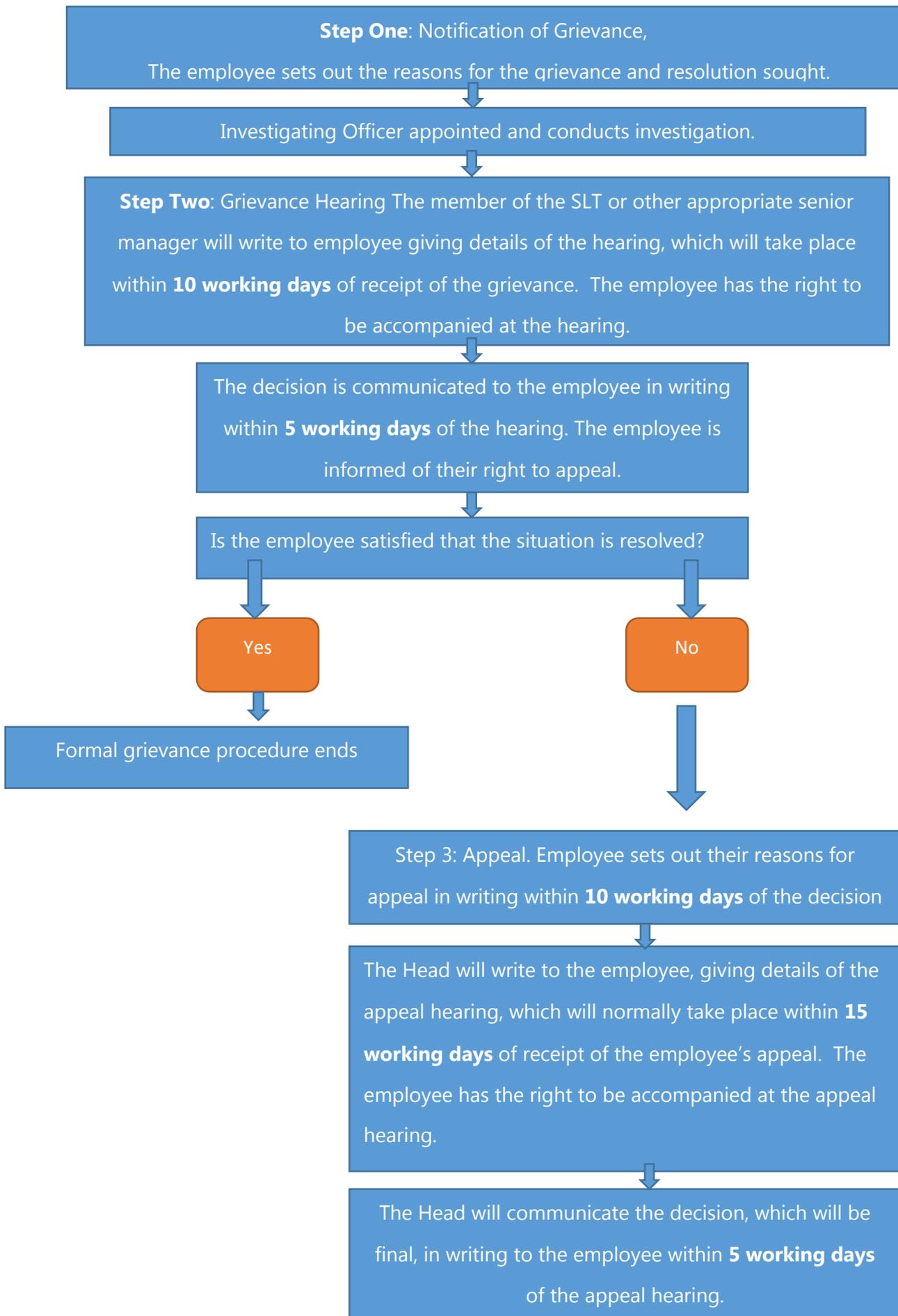
12. When the Grievance Procedure should not be used

Where the school has taken (or has indicated that it is considering taking) disciplinary or capability action against the complainant. If the complainant is unhappy about any disciplinary or capability sanction, the disciplinary/capability appeal process should be used (however, if the complainant has an unrelated grievance, the disciplinary/capability procedure and grievance procedure can run concurrently).

Appendix 1: Informal Grievance Procedure Process



Appendix 2: Formal Grievance Procedure Process



Appendix 3: Grievance Hearing Structure

- Pre-hearing - Appoint Chair

- Step 1: Chair to ensure that all procedural steps have been adhered to.

- Step 2: Chair to ask the employee to present the case (including questions to witnesses)

- Step 3: Subject of the grievance/Investigating Officer may ask points of clarification from the employee. Panel members may ask points of clarification from the employee.

- Step 4: Investigating Officer/subject of the grievance will present case (including questions to witnesses. The employee may ask points of cl (including witnesses, as may the Panel Members

- Step 5: Panel may wish to ask further questions of either side.

- Step 6: Chair to ask the employee and IO/subject of the grievance to make concluding remarks.

- Step 7: Hearing adjourned for the panel to reach a decision.

- Step 8: Chair of panel to confirm the outcome in writing, with reasons and right of appeal information, to employee and representative.