

GRIEVANCE PROCEDURE

Date of issue: 01/02/2020

1. Purpose

- 1.1 This procedure has been developed in accordance with the ACAS Code of Practice, its purpose is to:
- enable all employees who feel aggrieved about any aspect of their employment to have the matter dealt with as quickly and effectively as possible;
 - to promote fairness and consistency in the process by which grievances are considered.

2. Scope

- 2.1 This procedure applies to all those employed by The Two Counties Trust (The Trust).
- 2.2 This procedure does not apply in the following circumstances:
- where there are specific procedures to address the issue, for example the Anti Bullying and Harassment Procedure.
 - to collective disputes.
 - to issues which are the subject of collective negotiation or consultation with the Trade Unions.
 - if the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure.
 - where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
 - to an incident which happened more than 3 months previously unless there are extenuating circumstances which prevented the grievance being raised earlier, for example a period of absence. Where a grievance includes a series of incidents or a continuing act, earlier evidence may be considered on the basis of reasonableness.

3. General principles

- 3.1 All employees should work in an environment in which they are comfortable. However, from time to time Individuals may experience situations and circumstances which give rise to difficulties.
- 3.2 This procedure is designed to settle grievances and concerns as near as possible to the point of origin with the intention of resolving disputes by direct contact with managers. The prime focus for managers and employees should be on resolving the issue informally, without the need for reference to the formal procedure.
- 3.3 Managers and employees should approach grievances constructively and as quickly as possible. Managers should not delay meetings, making decisions or confirmation of those decisions.
- 3.4 There may be occasions when matters investigated as part of a grievance may, in appropriate circumstances, lead to and be used as part of disciplinary proceedings.
- 3.5 Employees have a right to be accompanied by a trade union representative or work colleague at formal meetings within this procedure, furthermore employees may wish to discuss their grievance at an early stage with a trade union representative who may raise the matter informally on an employee's behalf.
- 3.6 Employees will be allowed full opportunity to explain their grievance, and any employee against whom a grievance is lodged will be allowed full opportunity to respond.
- 3.7 Under this procedure, the status quo shall normally apply to normal working arrangements pending the resolution of the grievance subject to relevant legislation safeguarding requirements, the safety of staff or students or the efficiency of the service.
- 3.8 Mediation should be considered as a means to resolve concerns where accessible and appropriate.
- 3.9 In the event of a grievance against the Governing Body / Trust Board or Committee of the Local Governing Body / Trust Board, for instance subsequent to an appointment, the matter should be raised in the first instance with the Headteacher (LGB) or the CEO of the Trust (Trust Board).
- 3.10 In the interests of ensuring that matters are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance and if it is not practicable to adhere to these time limits, they may be amended.



4. Informal procedure

- 4.1 The majority of issues can be resolved informally and directly with the person involved and as such every effort should be made to resolve difficulties through this route.
- 4.2 If an employee has a grievance they should normally raise it informally in the first instance verbally with their manager.
- 4.3 If the grievance concerns the manager, the employee should raise the matter with the next appropriate senior manager. If it is difficult for the individual to address the situation themselves, they may refer the matter to a trade union representative.
- 4.4 The person considering the informal grievance will take the steps which they consider necessary to resolve the matter as quickly as possible and inform the employee of their decision. They will meet with the employee, listen and clarify issues. If the grievance concerns another employee, the manager will raise the complaint with the other person and secure their response. The manager will seek a resolution and provide feedback to all parties.
- 4.5 If an employee is not satisfied with the outcome at this stage as the matter has not been resolved, they may then progress to the formal procedure.

5. Formal procedure

- 5.1 To bring a grievance formally, the employee should prepare a written statement containing their name and post title, a description of their grievance including relevant facts, dates and names of individuals involved, how they have attempted to resolve matters and what they are seeking to achieve and send this to the Headteacher (schools) / CEO of the Trust (central team).
- 5.2 In the event that the complaint is against the Headteacher /CEO, or the Headteacher/ CEO dealt with grievance at the informal stage, the complaint should be sent to the Chair of Governors / Trustees.
- 5.3 For the remainder of this procedure the term 'Headteacher' should be interchanged with 'CEO/ Chair of Governors / Chair of Trustees' as required.
- 5.4 The Headteacher will acknowledge the grievance within 5 working days of receipt and will normally invite the employee to a formal hearing to consider the complaint, however for more complex grievances an investigation may be required first and the Headteacher will appoint a suitable Investigating Officer to complete this activity. An investigation should normally be completed within 10 working days of receipt of the formal grievance. If there is to be a delay the employee will be informed of the likely completion date.
- 5.5 Whether or not an investigation is required, the employee will be provided with 10 working days' notice of a grievance hearing and they will be informed of their right to be accompanied by a trade union representative or work colleague at the hearing.
- 5.6 The Headteacher will also write to anyone who is the subject of the grievance to inform them of the circumstances, where relevant that they will be contacted as part of an investigation and in due course to attend the grievance hearing. 10 working days' notice of the hearing date will be provided and the notification will also confirm the right to be accompanied by a trade union representative or work colleague at the hearing. Those who are the subject of the grievance will also receive a copy of the formal grievance and the investigation report where applicable, and will be informed that this information is confidential and should not be shared with colleagues.
- 5.7 The grievance hearing will be heard by the Headteacher or alternatively a panel of up to three Governors / Trustees (Staff Governors may not be panel members) where the Headteacher was involved in the complaint or was involved in the informal procedure.
- 5.8 The manager who dealt with the grievance at the informal stage will be asked to send any relevant information to the Headteacher and may be asked to attend the hearing. If the matter progresses to an investigation, the Investigating Officer will attend and present their findings.
- 5.9 All invited parties are required to attend the meeting and in the event that an individual refuses to attend without good reason, the issue may be dealt with in their absence.
- 5.10 Where the employee or their representative is unable to attend a hearing for good reason, steps will be taken to re-arrange the hearing to a mutually convenient date, usually within 5 working days of the original date. If an employee or their representative fails to attend again without good reason, the hearing will take place and a decision will be made.



6. Decision

- 6.1 Normally outcomes will fall into one of the following categories:
- the grievance is upheld in full
 - the grievance is upheld in part
 - on the basis of the evidence provided, the grievance is not substantiated
- 6.2 The employee will normally be informed of the decision and remedy (if applicable) at the end of the meeting. In some cases an adjournment may be necessary.
- 6.3 The outcome from the hearing will be communicated to all affected parties in writing within 5 working days of the decision being made. The employee will be informed of their right of appeal.

7. Appeals

- 7.1 If an employee feels that their grievance has not been dealt with satisfactorily at the end of the formal procedure, they may appeal.
- 7.2 It is expected that grounds for appeal would normally fall into two areas:
- The process and procedures followed as part of the original meeting are contested.
 - the decision reached was incorrect given the evidence
- 7.3 It is recognised that there may be other grounds for an appeal and these can be submitted, however, the appeal will focus on elements with which the employee is not satisfied and a full re-hearing of the original grievance will not occur unless there has been a failure of process.
- 7.4 Any appeal should be made in writing to the Headteacher and should include the grounds for the appeal. This should be received no later than 10 working days from the date of notification of the original outcome.
- 7.5 At least 10 working days' notice will be given of an appeal hearing.
- 7.6 Appeals will be heard by a panel of up to 3 governors / Trustees (the Grievance Sub- Committee) who have not previously been involved in the case or staff governors.
- 7.7 Any employee who is the subject of the grievance will also be informed of the appeal hearing and will receive a copy of the appeal. If the appeal relates to the substance of the case then the subject of a grievance will have the right to attend whole, or part, of the hearing.
- 7.8 If the appeal focuses on how the investigation was carried out or the actions proposed as a result of the findings at a previous stage, then any employee who is named in the case may not be required to attend.
- 7.9 The Headteacher will prepare a written statement as soon as possible for the Grievance Sub- Committee.
- 7.10 At the hearing the employee should use the grounds of appeal as set out in the appeal letter to establish their case.
- 7.11 The decision of the Grievance Sub-Committee will be confirmed in writing within 5 working days with no further right of appeal.

8. Arrangements for the Headteacher

- 8.1 In the event of the aggrieved person being the Headteacher and if it is not possible to resolve the matter at the informal stage, then it will be referred to a nominated member of the Governing Body who will seek to resolve the grievance through a meeting with the Headteacher.
- 8.2 Where it has not been possible to resolve the grievance through the above procedure, the Headteacher should submit a formal and full written notice of the grievance to a Grievance Sub-Committee (via the Chair of Governors) within 10 working days of being notified of the outcome of the informal procedure. The nominated Governor will make a written statement to the Grievance Sub-Committee.
- 8.3 The Grievance Sub-Committee will determine the outcome and their decision is final.

9. Overlapping grievance and disciplinary cases

- 9.1 There may be occasions where an employee raises a grievance that is related to a disciplinary case. In such cases it may be appropriate to deal with both issues concurrently as outlined in the ACAS Code of Practice,



as such if an employee raises a grievance during any stage of the disciplinary process and this relates to the disciplinary matter in question, they will normally present their grievance as part of their case under the disciplinary procedure.

10. Confidentiality

- 10.1 All employees must treat as confidential any information communicated to them in connection with a grievance.
- 10.2 All correspondence and documentation related to this procedure will be kept confidential and will be maintained in an appropriate system of record keeping.
- 10.3 All parties involved in this procedure must not make electronic recordings of any meetings conducted under this procedure.

11. Grievances post-employment

- 11.1 This procedure is used for grievances which arise during the course of employment and it is not applicable, nor will it be used, in respect of complaints or grievances raised by ex-employees. In these cases the former employee may be invited to engage in an informal dialogue in order to resolve their complaint.

12. General Data Protection Regulation

- 12.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

