



**TRENT
ACADEMIES**
GROUP

Grievance Policy and Procedure

Document Owner:	M Beaumont
Review Date:	January 2019

1. Policy Statement

- I. This policy and procedure provides for individual employees to raise grievances related to their employment. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- II. A grievance is a complaint by an employee about any aspect of his/her employment. Grievances include complaints of victimisation, discrimination or other unfair treatment by the Academy or its employees.

2. Scope

- I. The policy and procedure applies to all members of the Trent Academies Group staff, including the Executive Headteacher, Headteachers and other full and part-time, permanent and temporary employees but not to contractor/ agency employees.
- II. This policy and procedure is not to be used for complaints regarding the Group or its schools/academies application of the *Pay Policy*, *Staff Disciplinary Policy and Procedure* or *Capability Policy and Procedure* including appeals.
- III. There is a separate *Harassment Policy and Procedure* which should be used in the first instance to deal with any allegation of harassment. The procedure may not be used for complaints that lie outside the power of the Trent Academies Group to resolve, for instance relating to legislation, regulation or collective agreement

3. Purpose

- I. The aim of this policy and procedure is to enable any member of staff to have his/her grievance heard and to seek redress where appropriate.
- II. At any stage of the procedure the Headteacher, and/or Chair of Governors may wish to refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal hearing provided for within this policy and procedure. Such conciliation is without prejudice to the position of both parties in the procedure

4. Representation

- I. Throughout the process both the complainant (the person making the complaint) and the respondent may be accompanied by a friend, colleague or other representative.
- II. The complainant and respondent should make their own arrangements to be accompanied by a representative. Where the chosen representative is not available at the proposed time and date, they may propose an alternative time. If this suggestion is reasonable and falls within 5 working days of the original date, the meeting should be postponed to that date and time.
- III. The representative may address the meeting and confer with the employee but may not answer questions on their behalf. The representative may, however, ask questions of the Chair, the other party and any witnesses.

5. Timing

- I. Grievance investigations should be conducted without any unnecessary delay and normally well within the timescales specified. However, where there is a valid reason to do so, timescales can be varied with the approval of the Headteacher, or Chair of Governors. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not exceed 10 working days without good reason.

6. Preliminary Informal Procedure

- I. Most routine complaints and grievances are best resolved informally in discussion with the

complainant's line manager. This can often lead to a speedy resolution of the problem.

- II. In all circumstances, even where the complainant submits a grievance under the formal procedure without first raising the complaint with their line manager, managers should try to resolve the underlying problem informally as part of good management practice and not rely upon a strictly procedural approach.
- III. Where the line manager cannot help to resolve matters or where the grievance is against the line manager, it may be appropriate for a senior member of staff to meet with the complainant and the colleague against whom they are complaining individually and/or together to determine whether the matters can be resolved informally or through mediation/conciliation.
- IV. In certain circumstances and by mutual agreement, the advice or services of an external conciliator may be sought to help resolve the problem.
- V. The HR Director will support and advise on the process.
- VI. Where the grievance cannot be resolved informally, then it should be referred to Stage 1 of the formal procedure.

7. Formal Procedure – Stage 1

The complainant should put the grievance in writing to the Headteacher, using the Stage 1 Grievance Form (see Appendix A).

- i. A formal grievance should be submitted in writing using the Academy's Grievance Form no later than 25 working days after the act or omission complained of, or no later than 25 working days after the last act or omission in a series of linked events, unless there is a good reason for the delay.
- ii. As much detail as possible should be provided on the form. The nature of the grievance should be described, indicating what is alleged to have occurred, by whom and when. The complainant should state what outcome they seek by raising the formal complaint.
- iii. The Headteacher should nominate a member of staff to be responsible for investigating the issues raised.
- iv. Once full investigation has taken place the Headteacher will determine whether it is appropriate for a hearing to take place and will nominate a senior member of staff to chair the hearing, except where the Headteacher, is the respondent or one of the respondents, in which case the Chair of Governors should nominate a governor who is not an employee to be responsible for chairing the hearing. The Hearing Chair may not be the respondent (the person against whom the complaint is made) or a person who has considered the case or represented either party at an earlier stage, or where their prior involvement is likely to prejudice their objectivity.
- v. The HR Director will support and advise on the process.
- vi. The Hearing Chair should arrange for the hearing to take place within fifteen working days of the receipt of the investigation outcome.
- vii. The Hearing Chair may choose to nominate up to two other persons who have not previously been involved in hearing the grievance and impartial towards the grievance, the complainant and the respondent, to assist in hearing the grievance, considering the evidence and reaching a decision.
- viii. Both complainant and respondent are entitled to attend the hearing and to be accompanied by a representative.
- ix. At least five working days before the hearing, both parties should provide the Hearing Chair with the names of all witnesses and copies of all documents to be referred to during the hearing. The Hearing Chair should arrange for copies to be distributed to the other party at least three working days before the hearing.
- x. The Hearing Chair should inform the complainant and the respondent in writing of the outcome of the hearing together with a summary of the reasons for the decision within five working days. If the grievance is not upheld, the complainant should be informed of their right to appeal by calling for a Stage 2 hearing.

8. Formal Procedure – Stage 2 (Appeal)

If the complainant is dissatisfied with the response at Stage 1, they should notify the Headteacher, within 5 working days of receiving written notice of the outcome using the Group's Stage 2 Grievance Form (see Appendix B). The complainant must specify one or more reasons why they are dissatisfied with the Stage 1 outcome.

- I. At the earliest opportunity, the Headteacher should notify the Chair of Governors that a Stage 2 Grievance Form has been received together with the name of the complainant.
- II. The Headteacher, (or where the Headteacher, is the respondent, the Chair of Governors) will normally be responsible for chairing the hearing. However, there may be circumstances where the Headteacher or Chair of Governors decides for good reason that another senior member of staff or Governor should be nominated to chair it.
- III. The HR Director will support and advise on the process.
- IV. The Appeal Hearing Chair may choose to nominate up to two other governors to help in hearing the grievance, considering the evidence and reaching a decision. No governor may be nominated who has previously been involved in hearing the grievance or who may not be impartial towards the grievance, the complainant and the respondent.
- V. The Appeal Hearing Chair should arrange for the hearing to take place within fifteen working days of the receipt of the Stage 2 Grievance Form.
- VI. Both complainant and respondent are entitled to attend the hearing and to be accompanied by a representative. The names of all witnesses and documents to be used by complainant and respondent during the hearing should be provided to the Appeal Hearing Chair at least five working days before the hearing and the Appeal Hearing Chair should arrange for copies to be distributed to the other party at least three working days before the hearing.
- VII. The decision of the Appeal Hearing Chair will be final. They should inform the complainant and the respondent in writing of the outcome of the hearing together with a summary of the reasons for the decision within five working days. The Chair of Governors should also be notified of the outcome as soon as possible.

9. Procedure at Hearing and Appeal Hearing

- I. The Chair should seek to achieve a balance between structured formality and cordial informality in order to ensure that both participants' views are fully explored and all the evidence is made available to the hearing.
- II. The HR Director may attend the hearing in an advisory capacity.
- III. At the start of the hearing, the Chair should:
 - check that everyone has the appropriate papers
 - explain the way that the meeting will be structured, including any time constraints
 - provide an opportunity for comments and clarification before commencement of the meeting
 - advise that should it become necessary to adjourn the meeting, a target timescale for this will be agreed at the meeting
 - The Chair should ensure the following procedure is observed:
 - The complainant or their representative should give details of their complaint. At Stage 2, the complainant or their representative should also explain why they are dissatisfied with the Stage 1 outcome.
 - The Chair and, if present, other governors may ask questions during or after the presentation by the complainant or their representative.
 - The respondent or their representative may ask questions at the end of the presentation.
 - The complainant may present and question witnesses who may also be questioned by the Chair, other governors, the respondent or the respondent's representative.
 - The respondent or their representative should then respond to the complaint.
 - The Chair and, if present, other governors, may ask questions during or after the presentation by the

respondent or their representative.

- The complainant or their representative may ask questions at the end of the presentation.
- The respondent may present and question witnesses who may also be questioned by the Chair, the other governors, the complainant or the complainant's representative.
- Both parties should be given the opportunity to sum up (but not to introduce new evidence), beginning with the complainant or their representative.
- The Chair and the governors have a final opportunity to ask further questions to clarify any matter.
- The Chair should then adjourn the hearing to consider the complaint. All parties except the Chair and the governors should withdraw.

IV. The HR Director may be called upon to advise the panel.

V. The Chair and governors should consider the evidence presented, including what was said by all parties together with any written submissions.

VI. In exceptional circumstances, if the governors believe there is insufficient evidence to reach a decision, they may arrange for a second full hearing to take place following further investigation.

VII. Once the decision has reached the Chair may communicate it orally to both parties at the conclusion of the hearing.

10. Decision

- I. If the Chair decides to uphold the grievance this may include a decision or recommendation on how the issue can best be resolved and the grievance remedied to the satisfaction of the complainant.
- II. If the Hearing Chair decides to uphold the grievance and also decides that it is a matter of a serious nature, the Staff Disciplinary Policy and Procedure may also be invoked in relation to the respondent.
- III. If, at the Appeal, the Chair decides to dismiss the grievance the decision is final and the matter is concluded.

11. Record Keeping

- I. It is important that accurate and contemporaneous records are kept throughout the process, including details of any initial informal process.
- II. Records should be held in a secure and confidential manner.

Appendix A

Grievance Form – Stage 1

Name of Complainant:

Nature of the grievance. Please include dates and times of incidents.

Please continue on a separate sheet if necessary. Once completed, send this form to the Headteacher who will arrange for your grievance to be heard.

Date

Signed

Date

Date Received

Date of Hearing

Appendix B

Grievance Form – Stage 2

Date of Stage 1 Hearing

Name of Complainant

I am dissatisfied with the outcome of the above grievance and would like a Stage 2 hearing for the following reasons:

Signed
Date Received by Headteacher

Date
Date of Stage 2 Hearing