



# St Edmundsbury and Ipswich

## Diocesan Multi Academy Trust

### GRIEVANCE POLICY

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# POLICY FOR ALL STAFF

## 1. Introduction

- 1.1 Grievances are concerns, problems or complaints which employees raise with their employers. These may be about any aspect of their work, treatment that they have received, or relationships with colleagues. The purpose of this policy is to ensure that complaints are dealt with swiftly, fairly and consistently.
- 1.2 This policy applies to all employees of the St Edmundsbury and Ipswich Diocesan Multi-Academy Trust ('the Trust'), including those who are centrally employed and not working within a school. It does not apply to individuals working within the Trust under contract arrangements with external providers.

## 2 Scope, definitions and exclusions

- 2.1 This policy will be used when dealing with complaints of bullying and/or harassment.
- 2.2 Employees shall not use this policy for matters of a disciplinary and/or capability nature, including any appeal.
- 2.3 This policy shall not apply to complaints of professional malpractice, wrongdoing or criminal activity. Employees are required to raise any such complaint immediately in accordance with the Trust's Whistleblowing Policy.
- 2.4 Complaints specifically covered by an alternative Trust policy shall be excluded from this policy, for example, appeals against pay decisions (addressed within the Trust's Pay Policy).
- 2.5 Complaints raised by an individual after their employment has ended are excluded from this policy. This does not include grievances raised, but not concluded, prior to an individual's employment ending. In such circumstances, the individual will be asked whether they wish to continue with the grievance process.
- 2.6 In this policy, a 'working day' means a day on which a school is open.

## 3 Responsibilities

- 3.1 Any complaint raised under this policy should be made in good faith.
- 3.2 Any grievance must be raised in a timely manner without undue delay. In usual circumstances a grievance that is raised due to an event that occurred more than six months previously will not be considered. In exceptional circumstances a grievance may be considered where, for example, there is evidence that a grievance relating to a recent event(s) is clearly linked to a series of events that may have begun more than six months ago.
- 3.3 Any complaint found to have been made for malicious, false or similar reasons may give rise to disciplinary action. All employees are expected to co-operate in the implementation of this policy and the accompanying Harassment and Bullying Policy (where applicable) both of which are intended to secure fair and reasonable treatment and equality of opportunity for all employees. In particular, it is the responsibility of all employees to:

- ensure their behaviour does not include any inappropriate unwanted conduct
- treat fellow employees, pupils and visitors with respect and dignity
- raise matters of grievance without unreasonable delay
- report incidents of harassment or bullying either personally experienced or witnessed, immediately to the appropriate line manager
- make written notes (with dates and names of any witnesses) of incidents, harassment or bullying experienced or witnessed
- ensure confidentiality is maintained at all times. Any breach of confidentiality may be considered under the Disciplinary Policy

#### **4 Raising and resolving complaints informally**

- 4.1 Many complaints can be resolved informally and quickly. There is an expectation that in most cases, employees will seek to explore informal resolution of their complaint, without unreasonable delay, before pursuing the formal grievance process in paragraph 5.
- 4.2 In all other cases, the employee should approach their line manager, or the Headteacher (or in the case of centrally employed staff, the Chief Executive Officer) in order to explore resolution of a complaint. Headteachers/Chief Executive Officer may delegate an employee's complaint to a senior member of staff, as appropriate.
- 4.3 Where the complaint involves the Headteacher, the employee should approach the Chair of the Local Governing Body. Similarly, where the complaint involves the Chief Executive Officer, the employee should approach the Chair of the Trust's Board of Directors.
- 4.4 Where a Headteacher has a complaint of their own, this should be raised with the Chair of the Local Governing Body, save where the complaint involves one or all members of the Local Governing Body, when the Headteacher shall approach the Chair of the Trust's Board of Directors. Where the Chief Executive Officer has a complaint of their own, this should be raised with the Chair of the Board of Directors.
- 4.5 The individual who receives the complaint shall try to resolve it informally with the party/parties concerned wherever possible. Where the complaint relates to a dispute between employees, it may be appropriate to involve a trained mediator with the various parties' agreement.

#### **5 Raising a formal grievance**

- 5.1 Where an employee considers that their complaint has not been satisfactorily resolved by informal means, a grievance should be prepared in writing without unreasonable delay. The grievance should state what steps have already been taken to resolve the complaint and set out the employee's view as to how their grievance can be resolved.
- 5.2 An employee should submit their grievance, together with any supporting documentation, to their line manager, or the Headteacher (or in the case of centrally employed staff, the Chief Executive Officer). Where a grievance involves the Headteacher, an employee should address their grievance to the Chair of the Local Governing Body. For centrally employed staff where a grievance involves the Chief Executive Office, an employee should address their grievance to the Chair of the Trust's Board of Directors.
- 5.3 In most cases, an employee's grievance will be heard by the Headteacher or the Hearings Committee of the Local Governing Body, as appropriate (for centrally employed staff, the Chief Executive Officer or a panel of Directors). Any appeal against the outcome of a grievance shall be submitted to the individual or Chair of the panel who heard the original grievance and a panel (of the Local Governing Body or Board of Directors, as appropriate) shall then be convened to hear the employee's appeal.

- 5.4 Where a Headteacher submits a grievance, this should be addressed to the Chair of the Local Governing Body, save where the grievance involves one or all members of the Local Governing Body, when the Headteacher shall address their grievance to the Chair of the Trust's Board of Directors. Where the Chief Executive Officer submits a grievance, this should be addressed to the Chair of the Board of Directors.
- 5.5 In most cases, a Headteacher's grievance will be heard by the Hearings Committee of the Local Governing Body and a separate panel (of the Local Governing Body) would be convened to hear any appeal. Any grievance raised by the Chief Executive Officer will be heard by a panel of the Board of Directors and any subsequent appeal shall be heard by a different panel of the Board of Directors.

## **6 Investigation**

- 6.1 In some cases it may be necessary to investigate an employee's grievance. The extent to which a grievance will be investigated will depend upon the nature of the allegations and will vary from case to case. Investigations may involve interviewing or obtaining statements from the employee and any witnesses, in addition to collating and reviewing additional evidence. The investigation may be conducted by an individual appointed by the person who receives the grievance. Where an investigation is not deemed necessary but some minor additional enquires would assist to clarify matters these enquiries may be undertaken by the hearing manager or members of the panel hearing the grievance.
- 6.2 The employee must co-operate fully and promptly in any investigation, including attending interviews, providing details of witnesses and disclosing relevant documents.

## **7 Grievance hearing**

- 7.1 Upon receiving the formal written grievance, the relevant person should acknowledge receipt of the grievance in writing. The relevant person must convene a formal grievance hearing meeting as soon as possible and without undue delay. It is expected that all parties encourage prompt action regarding meetings, decisions, and communications regarding this matter. A grievance hearing shall usually be arranged within 10 working days of the employee's written grievance being received.
- 7.2 It is the responsibility of the individual who receives an employee's grievance (provided this individual is identified as being the correct person within this policy) to make arrangements for the grievance hearing.
- 7.3 The hearing will be conducted in a manner which allows the employee to explain the grievance and how it might be resolved.
- 7.4 At the hearing the employee is entitled to be accompanied by a trade union representative or a workplace colleague. The person accompanying will be allowed to address the hearing in order to help state the employee's case, they do not have the right to answer questions on the employee's behalf.
- 7.5 A decision may be given at the end of the hearing, and in any event will be confirmed in writing to the employee within 10 working days (except where an investigation or additional enquiries are deemed necessary). Where a grievance is upheld in whole or in part, the written decision may also contain details of the action to be taken in order to resolve the grievance.
- 7.6 In some cases it may be necessary to adjourn the process pending an investigation and/or to allow for detailed consideration of the grievance/any recommendations for action. In such circumstances the employee will be kept informed regarding the process.

- 7.7 Where potential misconduct and/or capability concerns of an employee(s) are identified through this process, Headteachers will consider the appropriateness of addressing matters under the Trust's Disciplinary and/or Capability Procedure.

## **8 Outcome (if investigation of additional enquires undertaken)**

- 8.1 Following the completion of additional enquiries or a formal investigation into a grievance, the hearing manager or chair of the hearings panel may invite the aggrieved employee to an Outcome Meeting to deliver the findings of the investigation into the grievance. Alternatively, the outcome may be communicated in writing.
- 8.2 The employee may be accompanied at this meeting by a union representative or work colleague.
- 8.3 The purpose of this meeting is to deliver the outcome of the additional enquiries or investigation into the grievance raised by the employee. The employee and/or their representative may ask questions at the meeting but the meeting is not a platform to rehear the grievance, reopen the investigation or hear any new complaint(s) (the scope of the grievance investigation will have been agreed at the original Grievance Hearing Meeting).
- 8.4 The hearing manager or panel will decide and inform the employee whether their grievance has been upheld, partially upheld, or not upheld, considering the evidence obtained from the investigation or additional enquiries into the grievance. This will be confirmed in writing to the employee within 10 working days of any subsequent meeting occurring. Recommendations for resolutions where appropriate may also be discussed. It is the responsibility of the hearing manager or chair of panel to follow up and ensure any recommendations are implemented.
- 8.5 The employee will be advised of their right of appeal if they do not agree with the outcome. The decision, along with the rationale for the decision, and any recommendations for resolutions, will be confirmed to the employee in writing following the meeting. The letter will also detail the employee's right of appeal

## **9 Right of appeal**

- 9.1 If an employee feels that their grievance has not been satisfactorily resolved, they may appeal against the decision. A written notice of appeal should be submitted, setting out the grounds on which the decision is disputed within 10 working days of the date of written outcome. An appeal hearing shall be arranged, usually within 10 working days of receipt of the written notice of appeal.
- 9.2 New evidence may be admissible for an appeal, providing that it is submitted at least a week before the appeal hearing. The hearing will usually take the same format as the formal grievance hearing at paragraph 6 above. An employee has the same right to be accompanied.
- 9.3 An appeal decision will be confirmed in writing to an employee usually within two weeks of the date of the hearing, unless further investigation or similar is required. The decision made at the appeal is final and the employee is not permitted to raise a further grievance concerning the same matter.

## **10 Collective grievances**

- 10.1 A collective grievance arises where a group of staff feel aggrieved about the same issue. In these circumstances employees will be asked if they would like to have the grievance considered collectively and if so, whether they would like to nominate one employee as a spokesperson. When a grievance is dealt with collectively it cannot then be raised individually by the same employees. The process for managing a collective grievance is the same as for an individual.