



## Grievance Policy

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“Learning together; to be the best we can be”

## 1. Scope and Purpose

- 1.1. In any organisation employees will from time to time have concerns regarding their work, working relationships or the working environment. Mostly such concerns are resolved through discussions with the employee's line manager. Attempts should always be made to resolve matters where possible by informal approaches. If, however, an employee considers that his or her concerns have not been addressed adequately s/he may raise a grievance under the following procedure. The procedure aims to ensure that where a problem is identified it is examined quickly. This procedure applies to all employees.
- 1.2. The procedure meets the Nexus Multi Academy Trust's obligations in accordance with the Employment Act 2002 (Disputes Resolution) Regulations 2004.
- 1.3. Any allegation of wrongdoing relating to a criminal offence should be raised immediately with the Headteacher, Chief Executive Officer (if the allegation involves the Headteacher) or the Chair of Directors (if the allegation involves the Chief Executive Officer) via the MAT's Confidential Reporting and Whistleblowing Policy.

## 2. Application and General Principles

- 2.1. The following procedure applies to grievances by individual employees concerning their employment. In circumstances where a grievance applies to more than one employee, it may be appropriate for the matter to be dealt with through a collective grievance (with the consent of the employees raising a grievance) using this procedure.
- 2.2. This policy will be applied without any distinction as to gender, age, sexual orientation, race, ethnic or national origin, religion or religious belief or disability.
- 2.3. At every stage of this procedure an employee may be accompanied by a trade union representative or a work colleague. If, at any stage of the

procedure, the complainant is invited to a meeting on a date when their chosen companion is not available, the complainant may request a postponement but must propose a suitable alternative date which is within a reasonable time after the original date that is agreeable to management.

- 2.4. The time limits within the procedure are designed to ensure that grievances are addressed promptly but may be amended in exceptional circumstances by agreement of both parties.
- 2.5. Any employee who has a grievance relating to their employment has a right to express it and the following procedure should be used for all types of grievance except those relating to:
  - Income Tax, National Insurance and other statutory deductions from pay.
  - Pension Schemes.
  - Disciplinary Matters.
  - Matters relating to the grading of the post held.
- 2.6. Employees are encouraged to raise grievances and will not suffer any detriment for doing so. If a grievance is found to be malicious or to have been made in bad faith, however, then a culpable individual may be subject to the organisation's disciplinary procedure.
- 2.7. If you have any queries about the operation of this procedure or about which procedure applies in particular circumstances, please contact the school leadership team.

## 3. Informal Stage

- 3.1. An employee should first discuss any grievance with their immediate line manager. If the grievance is against the line manager the matter should be raised with a more senior manager.
- 3.2. The line manager will undertake to respond fully to the complaint as quickly as possible and every effort will be made to resolve the grievance through informal discussion. Where matters are not handled in a timely manner, the employee may exercise their right to move to the formal stage of the procedure.

- 3.3. At this stage, other options, such as mediation, to help resolve the issue may be identified and followed if agreed by both parties.

## 4. Formal Stage 1

- 4.1. If an employee feels that the matter has not been resolved through informal discussions s/he should consult with her/his staff representative with a view to putting the grievance in writing. The grievance should be submitted in writing to the Headteacher through the employee with whom the problem has been previously discussed and a copy retained by the employee and their representative.
- 4.2. In the case of a complaint against or connected with the Headteacher the complaint should be sent to the Chief Executive Officer.
- 4.3. The Headteacher will acknowledge receipt of the grievance within 10 working days, together with confirmation as to what will happen next. For example, the complainant should be advised as to whether an investigation will take place, who will be involved and an indication of the expected timescales. In serious cases or where the complainant's health and wellbeing is affected, steps should be taken immediately irrespective of the nature of the complaint.
- 4.4. The timescales outlined above will be adhered to wherever possible. Where there is a legitimate reason, either party can request that the other agrees to an extension of the permitted timescale, e.g. the need for further investigation or the lack of availability of a witnesses.
- 4.5. At this point, variations to the procedure can be agreed by all parties concerned to suit the particular circumstances of the case.
- 4.6. Should it be decided that an investigation should take place, the Headteacher should appoint a suitable senior leader from the school or another school within the Trust to investigate the grievance and if necessary, consult with the Trust's Human Resources Consultant. The investigation should be conducted in line with the Trust's guidance on workplace investigations.

- 4.7. If additional time is needed to enable a full and detailed investigation of the issues raised the employee should be informed in writing and be given a date when a decision will be reached.
- 4.8. A meeting should be held following an investigation into the grievance in order to hear the grievance.
- 4.9. The Headteacher will, as soon as possible, confirm any decision in writing. Where the complaint is about the Headteacher, the Chief Executive Officer will undertake this role.
- 4.10. When arranging meetings, managers should take in to account the translation and interpretation needs of the individual. This procedure can be made available in other languages and formats on request. In relation to disabled employees consideration should be given to access to buildings and offices and any appropriate equipment required.
- 4.11. Where an investigation into the grievance is not required, the hearing at Formal Stage 1 will be conducted in the following order:
- Introductions;
  - Presentation of case by the complainant or representative supported by any witnesses or evidence;
  - Questions by the Line Manager (if present) and the Headteacher hearing the grievance;
  - Response by the complainant or representative;
  - Questions by the complainant and/or representative and the Headteacher hearing the grievance;
  - The Headteacher hearing the grievance may request other employees to attend the meeting to give evidence where appropriate;
  - Summing up by the Line Manager and the complainant and/or representative of their respective perspectives;
  - The Headteacher will adjourn the meeting to consider the evidence presented;
  - Response by the Headteacher hearing the grievance.
- 4.12. Where an investigation into the grievance is required, the grievance hearing at Formal Stage 1 will be conducted in the following order:

- Introductions;
- Presentation of the investigation findings by the appointed investigating school leader;
- Questions by the complainant and/or representative and the Headteacher hearing the grievance;
- Presentation of case by complainant or representative supported by any witnesses or evidence;
- Questions by the investigating senior leader and the Headteacher hearing the grievance;
- Summing up by the investigating Senior Leader and the complainant and/or representative;
- The Headteacher will adjourn the meeting to consider the evidence presented;
- Response by the Headteacher hearing the grievance.

4.13. Where the complainant is the Headteacher or another reportee of the Chief Executive Officer and the Chief Executive Officer is the subject of the complaint, then the panel meeting will be chaired by a Director of the Trust Board other than the Chair or the Vice Chair. Correspondence should be submitted to the Chair of the Trust Board, who will ensure an impartial Director is appointed to oversee the process.

## 5. Formal Stage 2

5.1. If the matter is not resolved at formal stage 1, the employee may appeal against the decision within 7 calendar days of being notified. Any appeal must be made in writing to the Chief Executive and must give specifically the reasons and grounds for the appeal.

5.2. The grievance hearing will be conducted in the following order:

- Introductions;
- Presentation of case by complainant or representative supported by any witnesses or evidence;
- Questions by the stage 1 deciding Headteacher and the Chief Executive Officer hearing the grievance;
- Presentation of case by the stage 1 deciding Headteacher supported by any witnesses or evidence;

- Questions by the complainant and/or representative and the Chief Executive Officer hearing the grievance;
- Summing up by the stage 1 deciding Headteacher and the complainant and/or representative;
- The Chief Executive Officer will adjourn the meeting to consider the evidence presented;
- Response by the Chief Executive Officer hearing the grievance.

5.3. Following the meeting, the Chief Executive Officer will, as soon as possible, confirm any decision in writing.

5.4. Where the complainant is the Headteacher or another reportee of the Chief Executive Officer and the Chief Executive Officer is the subject of the complaint, then the stage 2 panel meeting will be chaired by either the Chair or the Vice Chair of the Trust Board. Correspondence should be submitted to the Chair of the Trust Board, who will personally oversee this part of the process.

## 6. Stage 3 – Appeals

6.1. In those cases where the employee is not satisfied at stage 2, the employee may appeal to the Chair of the Trust Board directly within 7 calendar days of being notified, for the grievance to be heard and considered by them. Any appeal must give specifically the reasons and grounds for the appeal.

6.2. The matter will end following consideration by the Chair of the Trust Board and a committee of Directors not previously involved in any previous stage of the grievance procedure.

6.3. The procedure to be followed at an appeal hearing in front of Directors of the Trust can be found in Appendix A.

6.4. Where the complainant is the Headteacher or another reportee of the Chief Executive Officer and the Chief Executive Officer is the subject of the complaint, then the stage 3 panel will be constituted by Members of the Trust who have had no previous involvement in the proceeding stages.

Correspondence should be submitted to the Clerk of the Trust Board, who will work with Members to identify a named liaison.

## 7. Modified Grievance Procedure

7.1. In situations where the employee (complainant) has already left employment and the grievance procedure has not been started or completed before the last day of the employee's employment, the modified statutory grievance procedure may apply.

7.2. Use of the modified grievance procedure must be agreed in writing between the Trust and the former employee.

7.3. Two step Modified Grievance procedure:

- The complainant must send a written statement of grievance to the Chief Executive Officer who will liaise with the appropriate Headteacher.
- The Headteacher will respond to the complainant in writing, answering the points raised.
- In the event that the complaint is about the Headteacher, then the Chief Executive Officer will either investigate and respond or identify a suitable other senior leader to undertake the investigation and provide a response.
- In the event the complaint is about the Chief Executive Officer, the complaint should be submitted to the Clerk of the Trust Board, for review by the Trust Board Chair. The Trust Board chair will then respond or identify a suitable other senior leader to undertake the investigation and provide a response.

7.4. There is no right of appeal against the decision of the responding leader.

## 8. Records



- 8.1. Formal correspondence relating to the grievance and the subsequent outcome, including any agreed actions, should be retained confidentially (in a sealed envelope) on the employee's personal file.

## Appendix A: Procedure for conducting grievance appeals in front of Trust Directors or Members

1. The panel of Directors or Members must ensure that a Chair is appointed to the panel, who will oversee introductions and ensure the meeting complies with this protocol and is kept professional, suitably concise, and open.
2. The aggrieved employee (or her/his representative) shall state their grievance and be entitled to introduce evidence or witnesses to support her/his case.
3. The Chief Executive Officer and/or her/his representative shall then have the opportunity to ask questions of the employee and/or employee's representative and witness.
4. The Chief Executive Officer (or her/his representative) shall then state the position relating to the grievance and be entitled to introduce any relevant evidence or witnesses in support of her/his decision.
5. The aggrieved employee (or her/his representative) shall then have the opportunity to ask questions of the Chief Executive Officer (or her/his representative) and witnesses.
6. The Directors or Members shall then have the opportunity to ask questions of both the employee, (or her/his representative) and witnesses, the Chief Executive Officer (or her/his representatives) and witnesses.
7. The Chief Executive Officer (or her/his representative) shall be asked whether she/he has anything further to add relevant to the matter before the grievance is considered and to be given the opportunity to sum up her/his case.
8. The aggrieved employee (or her/his representative) shall be asked whether she/he has anything further to add relevant to her/his grievance before its consideration and to be given the opportunity to sum up her/his case.

9. Both parties will retire and Directors or Members will consider the grievance. The Trust's Human Resources and/or Legal Advisor(s) or their representative will remain to give advice to Directors/Members as required and the Directors/Members will have the right to call on other appropriate employees of the Trust for advice if necessary.
10. In the event of Directors or Members wishing to seek further clarification on any point from one or other party, both parties shall be recalled for that purpose.
11. Following its deliberation the Chair will recall both parties and will convey the decision of the Directors or Members to the parties concerned. The decision will be confirmed, in writing, by the Chair of the panel within seven days.