



**Education
Partnership
Trust**

Creating outstanding schools
that transform learning, lives
and communities

GRIEVANCE POLICY

Document Control

This document has been approved for operation within:	All Trust Establishments
Date effective from	March 2020
Date of next review	July 2023
Review period	Three years
Status	Statutory - Trust
Owner	Education Partnership Trust
Version	1

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1.0 PURPOSE

The aim of this policy is to:

- 1.1 Provide a mechanism by which staff can raise matters with regard to their employment with which they are aggrieved;
- 1.2 Enable grievances to be resolved as speedily and effectively as possible.
- 1.3 Maintain a positive working environment and good working relationships to ensure an efficient and motivated workforce.
- 1.4 To work in line with the ACAS Code of Practice.
- 1.5 This policy has been produced following consultation and negotiation with the recognised Trade Unions.

2.0 SCOPE

- 2.1 This policy applies to all school-based workers – both teaching and nonteaching. For ease of reference this policy refers to all ‘workers’ as employees.

3.0 MATTERS OUTSIDE THIS PROCEDURE

- 3.1 The Grievance Policy is entirely separate to the Discipline, Sickness Absence and Competency Policies. The rights of employees under the Grievance Policy shall not be affected by actions taken or proposed actions to be taken, under these other procedures. This policy will not be appropriate however, where other mechanisms/policies exist to deal with the specific issues i.e. an appeal against a disciplinary sanction or a Dignity at work complaint.

4.0 TERMS AND DEFINITIONS

- 4.1 **Management Guidance:** A document that advises managers on the process and procedure and how to handle grievance issues. Standard letters are also available for the various stages of the process.
- 4.2 **Days:** Any reference in this policy means school-working days.
- 4.3 **Right to Representation:** The right to representation applies at all the formal stages of this policy. The right to representation includes a trade union official or colleague; it does not include legal representation. The employee may also be represented at informal meetings if appropriate. The Headteacher may also, when presenting a report in response to a complaint, be represented at meetings.
- 4.4 **Confidentiality:** Grievance proceedings and records are confidential to those persons involved. Schools should be mindful of the requirements of the Data Protection Act/Human Rights Act.
- 4.5 **Management Representative:** This will be the person who is presenting management’s case in response to a grievance. This could be either the Headteacher, nominated SLT Member or nominated Governor where the grievance is against the Headteacher or the Headteacher is raising the grievance.

- 4.6 **Board of Directors Sub Committee:** A committee made up of 3 members of the Board of Directors to consider appeals for grievances against the Governing Body.
- 4.7 **HR:** Human Resources. It is advisable to inform the HR team upon receipt of a grievance (whether formal or informal). HR are also available to provide advice on dealing with such issues so as to ensure that decisions taken are fair and consistent.
- 4.9 **EPT/Trust:** Education Partnership Trust (Employer).
- 4.10 **Trust Representative:** The person nominated by the Trust to act as their representative in giving advice to Governing Bodies and attending stages of the grievance procedure. In terms of employment law and policy/procedural advice this would normally be a member of the HR Team. Dependent upon the complexity of the case a member of the legal team may also provide advice.

5.0 ROLES AND RESPONSIBILITIES

- 5.1 If a person who raises a grievance has a relative/partner living with him/her who is employed at the school, that person will take no part in the consideration of the grievance. Likewise, any other person who may have a pecuniary interest should take no part in the consideration of the grievance.
- 5.2 Any governor who has considered a grievance at any stage should take no part in any resulting Disciplinary case.
- 5.3 EPT Representative – To advise all parties throughout the grievance process.
- 5.4 Management Representative(s) – to investigate and/or present the management case at a hearing.
- 5.5 Headteacher - Their role will vary dependent on the nature of the case and who is involved. It could include carrying out investigations, presenting a management case or hearing a case.
- 5.6 Members of the Governing Body – their role will vary dependant on the nature of the case and who is involved. It could include carrying out investigations, presenting a management case, hearing a case, or hearing an appeal.
- 5.7 Clerk to the Governing Body – The Clerk to the Governors, if present, will take no part in the proceeding, but will remain with the Committee to provide procedural advice. They shall also make available any notes taken of the evidence and will record the Committees decision.
- 5.8 Employee’s Representative – to advise the employee and where appropriate present the case on behalf of the employee at a hearing or appeal hearing.
- 5.9 Note taker – Notes of all formal hearings will be made. It is also recommended that all other meetings are documented, however it will be the relevant school’s responsibility to provide a note taker for this purpose.

6.0 INFORMAL STAGE

- 6.1 When a teacher has a grievance relating to the actions of another member of the staff of the school, the teacher should, first, endeavour to resolve the matter by a personal direct approach to the member of staff concerned. Where such an approach fails or is inappropriate the informal stage should be invoked.

- 6.2 In any normal working environment there are times when employees will raise issues or concerns – often such matters are minor and will be resolved in normal day-to-day communications. In many cases dealing with the concern sympathetically and promptly in the right way is all that is required to remedy the situation.
- 6.3 Employees should aim to resolve most grievances informally with their head teacher or a senior colleague in the first instance.
- 6.4 Where an employee requests an informal meeting to discuss concern(s) this should normally take place within five working days of the request being made.
- 6.5 The Headteacher or senior colleague should seek to resolve the issue informally with the employee.
- 6.6 Ideally, issues can be resolved through a one to one management discussion. Where appropriate, both parties may be accompanied by a representative or workplace colleague.
- 6.7 The employee should be encouraged at all stages to look and review resolution options, and clearly state what resolution and outcomes they wish to achieve. This will allow expectations to be managed and met where appropriate, which potentially enables a prompt response and reply to the grievance.

7.0 FORMAL STAGE – GRIEVANCE MEETING

- 7.1 Where an employee is unhappy with any outcome following the informal stage process, the employee may refer the matter to the next stage of the policy, or Headteacher, if no prior involvement*.
- 7.2 The procedure may, by agreement of the parties concerned, be used where more than one individual has the same grievance for settling a common grievance.
- 7.3 A designated officer will be appointed to meet with the employee: normally within 20 working days of receipt of the written confirmation of Grievance. The meeting may be adjourned for further Investigation to take place where appropriate.
- 7.4 The parties may, where necessary and by mutual agreement, modify the time limits referred to in the Grievance Procedure. In addition, where the procedure is used to consider grading issues, it may be necessary to extend the time limits to enable investigations to be undertaken.
- 7.5 Copies of the written statements of grievance and the Headteacher’s (or nominated officer) response, together with a copy of this grievance policy will be sent to the *Designated officer.
- 7.6 The proceedings of the meeting will be documented in writing and the decision and outcome will be confirmed in writing to all parties concerned within five working days of the conclusion of the meeting and investigation where appropriate. The employee will be advised of their right of appeal.

8.0 APPEAL

- 8.1 Where an employee is unhappy with the decision of the *Designated Officer, they have a right of appeal, which would be to the Appeals Committee. The employee should make their appeal in writing to the Clerk of the Governing Body within 10 working days of the date of the letter confirming the Designated Officer’s decision.

- 8.2 The Appeals Committee to meet with the employee to discuss their appeal. This will normally be within 20 working days of receipt of the written confirmation that the employee wishes to appeal.
- 8.3 The Clerk to the Governors will forward all paperwork considered by the Designated Officer, to the Appeal Committee with the letter confirming arrangements.
- 8.4 Should either side wish to submit further documentation for the Committee to consider this should normally be provided to the Clerk to the Governing Body at least 5 working days prior to the meeting.
N.B. Late disclosure of documents will only be accepted where there is a genuine reason for this. The final decision to allow such documentation will be made by the chair of the Appeals Committee having considered the reasons for their delay.
- 8.5 The Clerk to the Governing Body will document the proceedings of the meeting and will confirm the decision in writing to all parties concerned within five working days of the conclusion of the meeting.
- 8.6 The decision of the Appeals Committee is final.

9.0 GRIEVANCE AGAINST THE GOVERNING BODY

Informal Stage.

- 9.1 Where a grievance relates to the conduct or implementation of the functions of the Governing Body and does not involve any other member of staff, the employee should submit the grievance in writing, initiating the informal stage, to the Clerk to the Governing Body.
- 9.2 The Clerk to the Governing Body will, within 20 working days of receiving the grievance, arrange an informal meeting between the employee and the Chair of the Governing Body to attempt to resolve the grievance.
- 9.3 The Chair of the Governing Body may also, by agreement with the employee(s), consult, in confidence, the chair or relevant committee of the Governing Body. Such consultation would however prevent any further involvement of that person/committee in consideration of that grievance.
- 9.4 Ideally, issues can be resolved through a one to one management discussion. Where appropriate, both parties may be accompanied by a representative or workplace colleague.
- 9.5 The Clerk to the Governing Body will confirm, in writing, the outcome of the meeting including any recommendation for the resolution of the grievance. This will be provided to each party involved normally within 10 working days.
- 9.6 If the grievance is not resolved, the details should not be reported to other directors, at this stage, in order to avoid tainting and to preserve the ability of directors to deal with the matter formally.

Formal Stage

- 9.7 Where the informal stage does not resolve the grievance the employee will have a right to a hearing by a designated officer.
- 9.8 The Designated Officer should not include any governors who have taken part in the informal meeting stage or any employee who is a governor and has an involvement in the matter which is the subject of the grievance. The Designated Officer should be appointed by the Chief Executive of the Education Partnership Trust.

- 9.9 The employee will submit their grievance in writing, setting out the details of their grievance together with any supporting documents to the Clerk to the Governing Body.
- 9.10 The Designated Officer should meet with the employee within 20 working days of the written grievance being received.
- 9.11 All relevant paperwork will be forwarded to the designated officer for consideration.
- 9.12 Should either side wish to submit further documentation for the Designated officer to consider this should normally be provided to the Clerk to the Governing Body at least 5 working days prior to the meeting.

N.B. Late disclosure of documents will only be accepted where there is a genuine reason for this. The final decision to allow such documentation will be made by the designated officer having considered the reasons for their delay.
- 9.13 The proceedings of the meeting will be documented, and the decision and outcome of the meeting will be confirmed in writing to all parties concerned within 5 working days of the conclusion of the meeting. The employee will be advised of their right of appeal.

Appeals

- 9.14 Where an employee is unhappy with the decision of the Designated officer, they have a right of appeal, which would be to the Board of Directors Sub Committee. The employee should make their appeal in writing to the Board of Directors Company Secretary within 10 working days of the date of the letter confirming the decision at the formal stage.
- 9.15 The Company Secretary to the Board of Directors will arrange for the Board of Directors Sub Committee to meet with the employee to discuss their appeal. This will normally be within 20 working days of receipt of the written confirmation that the employee wishes to appeal.
- 9.16 The Company Secretary to the Board of Directors will forward all paperwork considered by the designated officer to the Board of Directors Sub Committee with the letter confirming arrangements.
- 9.17 Should either side wish to submit further documentation for the Committee to consider this should normally be provided to the Company Secretary to the Board of Directors at least 5 working days prior to the meeting.

N.B. Late disclosure of documents will only be accepted where there is a genuine reason for this. The final decision to allow such documentation will be made by the chair of the Board of Directors Sub Committee having considered the reasons for their delay.
- 9.18 The Company Secretary to the Board of Directors will document the proceedings of the meeting and will confirm the decision in writing to all parties concerned within 5 working days of the conclusion of the meeting.
- 9.19 The decision of the Board of Directors Sub Committee is final.
- 9.20 Once the grievance has been resolved, a report will be made to the full Governing Body of the proposal for the resolution and any views expressed.

10.0 GRIEVANCE AGAINST THE TRUST

- 10.1 Where the grievance relates to the functions of the Trust or one of its officers, the employee will submit their grievance in writing to the Chair of the Trust. The Trust should provide a copy of their appropriate Grievance or Complaints procedures to the employee upon request.

11.0 NOTETAKING

- 11.1 At any stage of the grievance procedure it is advised that all parties make their own notes of meetings for future reference. In order to facilitate this, any party can be accompanied by a scribe who will not participate in the meeting.
- 11.2 Notes of all formal meetings will be made, and these will be shared with all relevant parties including trade union representatives. It should be noted that these are not minutes of the meeting and as such will not be shared for agreement. However, should any party disagree with the content of the notes then they should submit a statement outlining the areas of disagreement and these will be held on file with the original notes of the meeting.

12.0 TERMS AND CONDITIONS DURING THE GRIEVANCE PROCESS

- 12.1 During the investigation the status quo with regard to an employee's terms and conditions of employment will remain. For example: Where an employee's complaint is in relation to duties that they have been requested to undertake, until the grievance is resolved, they should, either continue to undertake such duties as are already being undertaken, or, not carry out the duties where those duties being requested have not yet commenced.
- 12.2 Where the carrying out of duties would potentially be in breach of health and safety regulations, these duties should cease immediately and until the grievance is resolved and without prejudice to either party.

14.0 EMPLOYMENT TRIBUNALS

- 14.1 Nothing in this policy restricts employees from exercising their statutory rights under existing employment law. However, employees should be aware that they will not subsequently be able to take a case to an employment tribunal unless they have first raised a grievance in writing and waited a further 28 working days before presenting the tribunal claim. Employees are advised to seek advice from their trade union/teacher associations before exercising their rights.

15.0 GRIEVANCES UNRESOLVED WHEN EMPLOYMENT ENDS.

- 15.1 Wherever possible a grievance should be dealt with before an employee leaves employment. However, where an employee has already left employment, and the School's grievance procedure has not commenced or been completed and where both parties agree in writing, then the ACAS statutory procedure will apply.

16.0 MONITORING AND REVIEW

- 16.1 Human Resources will work with head teachers and governing bodies to monitor the application of this policy. They may review any aspect of the policy in light of changing circumstances at any time, in consultation and negotiation with the trade unions/teacher associations.