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ESTEEM MULTI-ACADEMY TRUST

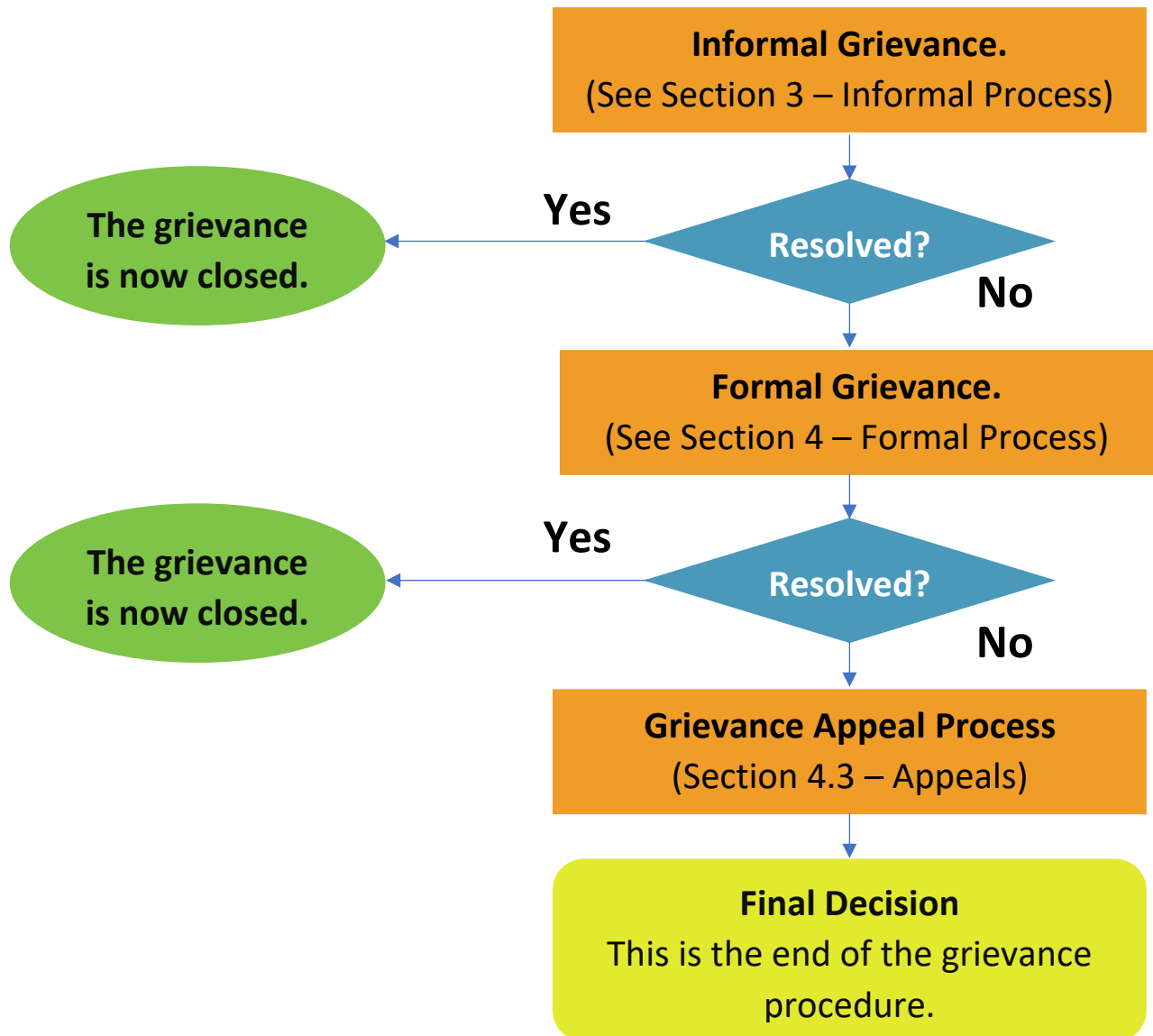
GRIEVANCE POLICY

Contents

Grievance Flowchart	2
1 About This Procedure	3
2 General Principles	3
3 Informal Process	3
4. Formal Process	4
4.1 Step 1: Written Grievance	4
4.2 Step 2: Meeting	4
4.3 Step 3: Appeals	5
5 Mediation Service	5
6 Exclusions	5
7 The Headteacher	6
Appendix 1 – Formal Grievance Pro-forma	7
Appendix 2 - Procedure of Appeal Meeting	8

Grievance Flowchart

Grievance: Employee has a personal complaint over something believed to be wrong or unfair.



1 About This Procedure

- 1.1 We believe that it is important that colleagues have the facility to raise any grievances relating to their employment and that these are dealt with promptly, fairly, consistently and without delay. The purpose of this policy and procedure is to give you the opportunity to raise grievances either informally or formally.
- 1.2 Most grievances can be resolved quickly and informally through discussion with your Line Manager. If this does not resolve the problem, you should initiate the formal procedure set out below.
- 1.3 This procedure applies to all employees regardless of length of service.
- 1.4 This procedure does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.
- 1.5 Timeframes in this policy are for guidance purposes only and may be extended depending upon circumstances. If timeframes will be longer than those stated, we will aim to provide you with an alternative timeframe to ensure you are fully informed during each stage of the process.
- 1.6 We reserve the right to engage a third party (external) to manage informal or formal grievances subject to CEO/Trustees approval.

2 General Principles

- 2.1 A grievance is a concern, problem or complaint that a colleague raises with the Academy Trust. If your grievance relates to bullying or harassment in accordance with the Dignity at Work – Protection from Harassment, Bullying and Victimisation Policy, then you must use that policy and procedure to address it.
- 2.2 This procedure cannot be used as an additional means of appeal against a decision or sanction under another policy.
- 2.3 If you raise a grievance, or support someone in raising their grievance, you will be protected from detriment and will not be victimised or placed at any disadvantage as a result of raising or supporting a grievance.
- 2.4 If your grievance is proven to be knowingly malicious (intending or intended to do harm) or vexatious (causing or tending to cause annoyance, frustration, or worry) you may be subject to disciplinary action and formal action may be taken against you in line with the Disciplinary Procedure.
- 2.5 You can use this procedure either on your own or collectively with colleagues, otherwise known as a Collective Grievance.
- 2.6 We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure where necessary and in line with our equal opportunities policy.

3 Informal Process

- 3.1 Many issues or concerns can be dealt with on an informal basis, outside of the formal grievance procedure through discussion with your Line Manager and we would encourage this. You should make it clear to your Manager that you are raising your grievance informally and you should clarify what outcome you are seeking. You must give your Manager reasonable time to deal with your complaint informally.

- 3.2 If your complaint is about your Line Manager, then you can discuss the matter with a member of the Senior Leadership Team (SLT) in the first instance. No action will normally be taken unless agreed with you first.
- 3.3 Should the matter not be resolved to your satisfaction, the complaint should be referred to the Headteacher for attention. This action would commence the formal process (see section 4). The matter may appropriately be referred also to your recognised professional Association or Trade Union to allow representations to be made on your behalf.
- 3.4 In the event the complaint is against the Headteacher the complaint should be sent in writing to a Nominated Governor, via the Chair of Governors.

4. Formal Process

4.1 Step 1: Written Grievance

- 4.1.1 If your grievance has not been resolved informally or you feel that the informal process is not appropriate, then you can raise the matter formally. You should put your grievance in writing and submit it to your Line Manager. If your grievance concerns your Line Manager, you may submit it to the Headteacher. Please complete the Pro-forma in Appendix 1 or use this to guide you to write your formal grievance.
- 4.1.2 In the event the Headteacher has dealt with the grievance at the informal stage, the complaint should be sent in writing to the Esteem HR Team (HR@esteemat.co.uk). Where there is another senior leader available who has had no involvement in the grievance, the Headteacher/HR will ask them to meet the employee as soon as possible to listen to their complaint and assess whether there is still scope for reaching a resolution without recourse to the full formal procedure.
- 4.1.3 The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.
- 4.1.4 If you choose to follow the formal route, on receipt of the grievance your Line Manager will:
 - arrange a meeting with you to discuss the grievance
 - ensure the meeting is in private
 - respect your confidentiality
 - take notes of your grievance at the meeting and provide you with a copy
 - carefully consider all the points raised and agree with you any steps or actions to try and resolve the grievance.

4.2 Step 2: Meeting

- 4.2.1 We will arrange a grievance meeting, normally within 15 working days of receiving your written grievance. You should make every effort to attend.
- 4.2.2 You may bring a companion to the grievance meeting if you make a reasonable request in advance and tell us the name of your chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as your companion.
- 4.2.3 If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.
- 4.2.4 Depending on your grievance, your complaint may need to be investigated. You will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible.

- 4.2.5 We will write to you, within an agreed timeframe (usually within 15 working days of the last grievance meeting), to confirm our decision and notify you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal.
- 4.2.6 A copy of the outcome letter and any formal meeting notes will remain on your personnel file.

4.3 Step 3: Appeals

- 4.3.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the CEO, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 4.3.2 You must be appealing against either:
- the finding that your grievance was not upheld where the evidence does not support this finding
 - the fact that you don't feel the correct procedure was followed
 - the fact that new evidence has come to light that would change the outcome
 - the outcome is inconsistent with how others have been treated
- 4.3.3 We will hold an appeal meeting, normally within 10 working days of receiving the appeal. This will be dealt with impartially by another appropriate person directed by the CEO, who has not previously been involved in the case (see Appendix 2).
- 4.3.4 You will have a right to bring a companion (see section. 4.2.2)
- 4.3.5 We will confirm our final decision in writing, usually within 5 working days of the appeal hearing. There is no further right of appeal.
- 4.3.6 A copy of the decision letter and any formal meeting notes will remain on your personnel file.

5 Mediation Service

- 5.1 Mediation is a confidential process that seeks to help colleagues resolve disputes in the workplace. Mediation is an informal process where colleagues involved in a dispute or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.
- 5.2 Mediation can be used at any point in the procedures, for example where, other informal approaches have been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and it can only be used when both parties agree to take part. There is no penalty or detriment if you choose not to participate in a mediation process.
- 5.3 If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager must contact HR as soon as possible so that a mediator can be arranged.
- 5.4 If you go through mediation and it is not successful, you can then go through the formal grievance procedure.
- 5.5 If you have raised a grievance and decide to pursue mediation, the grievance may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal grievance will be closed.

6 Exclusions

- 6.1 The Grievance procedure will not apply:
- 6.1.1 Where there is specific, School procedures to address the issues, e.g., Confidential Reporting Code, etc.

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- 6.1.2 Whistleblowing – Qualifying whistleblowing disclosures are disclosures of information where the employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:
- 6.1.2.1 A criminal offence
 - 6.1.2.2 The breach of a legal obligation
 - 6.1.2.3 A miscarriage of justice
 - 6.1.2.4 A danger to the health and safety of any individual
 - 6.1.2.5 Damage to the environment
 - 6.1.2.6 Deliberate attempt to conceal any of the above.
- 6.1.3 To collective disputes.
- 6.1.4 To issues, which are the subject of collective negotiation or consultation with the Trade Unions.
- 6.1.5 If the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process.
- 6.1.6 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.
- 6.1.7 In relation to an incident which happened more than 3 months previously. Where a grievance includes a series of incidents or a continuing act, earlier evidence may be considered on the basis of reasonableness.
- 6.1.8 In relation to the grading of a post.
- 6.1.9 Former Employees where the grievance was raised after their leave date. Please see Esteem complaints policy.

7 The Headteacher

- 7.1 In the event of the aggrieved person being the Headteacher, if it is not possible to resolve the matter at the informal stage, it will be referred to a nominated member of the Board of Trustees who will seek to resolve the grievance through the formal procedure (4.2.1-4.2.6) and who may also, by mutual agreement, seek support from the Chief Operating Officer (COO).
- 7.2 Oral submissions may be received from representatives of recognised trade unions or associations on behalf of the parties involved. The matter will be dealt with within five working days.
- 7.3 Where it has not been possible to resolve the Grievance through the above procedure, the Headteacher should submit an appeal to the Chair of Trustees Who will determine the grievance in accordance with steps highlighted between section 4.3.1 and 4.3.6.

Appendix 1 – Formal Grievance Pro-forma

This proforma can be used to progress all individual grievances where the formal procedure is to be invoked.

EMPLOYEE NAME	ESTEEM MAT ACADEMY
Have your concerns been raised informally? ☐ YES ☐ NO	
DETAILS OF EVENT(S) LEADING TO GRIEVANCE	
Date, Time & Location of Event(s)	Witnesses (If Applicable)
ACCOUNT OF EVENT	
Provide a detailed account of the event(s). Please include the names of any additional persons involved.	
VIOLATIONS	
Please list any policies, procedures or guidelines you believe have been violated in the event(s) described above.	
PROPOSED SOLUTION	
Please retain a copy for your own records. As the grievant, your signature below indicates that the information you have provided in this form is truthful.	

EMPLOYEE SIGNATURE		
	DATE:	

Appendix 2 - Procedure of Appeal Meeting

1. The employee shall be given at least 10 working days' notice in writing of the date, time and place of the hearing and will have a right to bring a companion (see section. 4.2.2). The employee shall be able to call witnesses and to present the documents relevant to his/her defence.
2. Copies of all documents to be relied upon at the hearing shall be submitted to the appropriate designated appeal person and the parties concerned at least 5 working days prior to the date of the hearing.
3. The person who managed the formal grievance response to put the case in the presence of the employee and to call witnesses.
4. The employee to have the opportunity to ask questions of the formal grievance responder on the evidence given by any witness whom they may call.
5. The designated appeal person to ask questions of the formal grievance responder and witnesses.
6. The employee to put their case in the presence of the formal grievance responder and designated appeal person and to call such witnesses as they wish.
7. Formal Grievance responder to ask questions of the employee and their witnesses.
8. Designated appeal person to ask questions of the employee and their witnesses.
9. All witnesses will withdraw at this point.
10. The formal grievance responder and the employee to have the opportunity to sum up their case if they so wish.
11. Both the formal grievance responder and the employee withdraw (meeting adjourned).
12. Designated appeal person to deliberate only recalling the formal grievance responder and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point given rise to doubt.
13. Designated appeal person will reconvene the meeting and recall both the employee and that formal grievance responder to announce their decision.

14. Designated appeal person to confirm their decision is final and their in no further right of appeal. Written confirmation of the outcome will usually be provided within 5 working days of this meeting.