

Policy C4 – Staff Grievance Policy and Procedure

This policy applies to staff at the following academies:

Blackthorns Community Primary Academy

Desmond Anderson Primary Academy

Holmbush Primary Academy

Lindfield Primary Academy

Pound Hill Infant Academy

The Burgess Hill Academy

1. Aim of this policy

- 1.1. The purpose of this policy is to enable individual or collective grievances to be addressed fairly and openly to foster and achieve good working relationships within the trust and each of its academies.
- 1.2. A grievance exists where an individual employee, or group of employees (otherwise known as a collective dispute), feels that they have cause for complaint in relation to their employment. This policy provides a mechanism for dealing with grievances as fairly, quickly and as near as possible to the point of origin.
- 1.3. Please note that this policy applies to all employees of the University of Brighton Academies Trust, regardless of how long they have been employed, their contractual hours and contract type.
- 1.4. A summary of the grievance procedure is included as Annex 1.

2. General

- 2.1. The principle features of this grievance procedure have been defined in accordance with the ACAS Code of Practice and 'Discipline and Grievances at Work' the ACAS guide.
- 2.2. The Staff Grievance Policy should be used for work related issues, such as concerns relating to an employee's own employment, working environment or the application of terms and conditions (excluding pay). It should also be used to address complaints about another employee's behaviour.
- 2.3. The procedure does not normally apply to:
 - (i) Any issue for which a separate procedure is applicable (e.g. Disciplinary, Unacceptable Performance or Teachers Upper Pay Scale pay appeals);
 - (ii) Matters relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, pensions);
 - (iii) Appeals against job gradings at the time of award;
 - (iv) Issues of strategic policy for the organisation;
 - (v) Matters covered by the National Joint Council (NJC) where the Academy has no discretion or authority in the matter;
 - (vi) Complaints raised under the trust's Whistleblowing Policy;
 - (vii) Situations where an employee has ceased to be employed and, since the employment ended, it is no longer reasonably practicable for the employee or the Trust to comply with the requirement of following the procedure. Such requests will be dealt with using the modified grievance procedure which is detailed in the Employment Act 2002.
- 2.4. This policy also provides a mechanism whereby individual employees can raise complaints about behaviour they experience, observe or perceive to be inappropriate, such as discrimination, bullying or harassment.

- 2.5. When stating their grievance, employees should set out clearly in writing what concerns, problems or complaints they have, as well as what outcome they are seeking.
- 2.6. Consideration of an accredited mediator being used to help resolve the grievance issues can take place at any stage of the process.
- 2.7. Advice on the application of the procedure should be sought from the trust's HR department.
- 2.8. For ease of reference throughout this document, the term 'line manager' is used to describe any member of staff responsible for the management and discipline of employees in the trust (eg Principal, Chief Executive, Management Director or Service Director), and the term 'Academy' is used to describe any employment setting in the trust (ie academy or central trust team): the same principles will apply to each situation.

3. Application of the policy for senior managers¹ and principals²

- 3.1. If a senior manager or principal wishes to raise a grievance, they are encouraged to attempt to resolve concerns informally through discussion with the Chief Executive (if a Management Director or a Principal), the Director of School Improvement (if a Principal) or Director of Operational Services (if a Service Director). If they are unable to resolve the Grievance in this way, the principal/senior manager should write to the HR Department who will, in discussion with the Chief Executive, agree a format for a formal procedure.
- 3.2. If a senior manager or principal wishes to raise a behaviour-related grievance in relation to a member of the Board of Directors or a member of an academy's Local Board, they should contact the HR department and the Director of Policy and Governance for advice and/or support to resolve the issue.

4. Links with other policies

- 4.1. Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct, including making false or vexatious complaints about another employee's behaviour, these will be managed in accordance with the trust's Disciplinary Policy.
- 4.2. The trust's Capability Policy will be used where there is evidence that an employee is not meeting the required standards of behaviour.
- 4.3. Serious breaches of the standards of behaviour, for example bullying and/or harassment, will be managed in accordance with the trust's Disciplinary and/or Capability policies (as appropriate) and may lead to dismissal.
- 4.4. Where a line manager is aware that a parent or pupil is harassing an employee, he/she is obliged to take reasonable steps to prevent this from happening again.
- 4.5. If an employee has concerns relating to health and safety, possible fraud and/or corruption, unethical conduct or miscarriages of justice, please see the trust's Whistle Blowing policy.
- 4.6. If an employee has concerns about their grade, they should speak to their Line Manager.

5. Guiding Principles

- 5.1. The role of the Grievance Officer. An employee's Grievance Officer is the person who tries to resolve the employee's formal grievance. In most circumstances, this will be the line manager (see

¹ Chief Executive, Management Director (Director of Development, Director of Operational Services, Director of Policy and Governance or Director of School Improvement) or Service Director

² For the purposes of this document, 'Principal' means Principal, Associate Principal, Executive Principal, Acting Principal or, in the Principal's absence, the most senior teacher who is acting in the role of Principal.

paragraph 2.8). However, if the grievance concerns the line manager, then another Grievance Officer will be appointed by the trust.

- 5.2. Grievances are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages employees to raise issues and try to resolve them with their line manager (informally) and/or their Grievance Officer (formally) in the belief that the sooner these workplace concerns can be resolved, the quicker all parties will be able to resume normal working.
- 5.3. Employees will be given the opportunity to explain their concern, and be listened to, by a line manager with sufficient authority to resolve the issue.
- 5.4. Principals are responsible for applying this procedure in a fair and equitable way. In addition, they are responsible for working with all parties to find a resolution that enables everyone to return to normal working as soon as possible.
- 5.5. Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.
- 5.6. Grievances will be handled promptly, and everyone should balance the need to resolve the issue in a timely fashion, with the need to take sufficient time to investigate and consider issues thoroughly.
- 5.7. All parties involved in a grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect and maintain confidentiality.

6. The informal stage

6.1. *Informal stage of the procedure*

- 6.1.1. Many workplace problems are easily resolved at a local level and in an informal manner. Employees should feel encouraged to bring their concerns to their principal without fear of reprisal or censure.
- 6.1.2. In all but the most serious of grievances, it is strongly encouraged that employees raise a grievance informally first. Raising an informal grievance does not mean that it is not important, rather that an open, honest dialogue may be an easy and appropriate route to solve a concern before it escalates further.
- 6.1.3. Informal grievances are conducted as discussions between the employee and their line manager. The employee may choose, and is encouraged, to invite a companion to this meeting to help them.
- 6.1.4. If the grievance involves the line manager, the employee should still attempt to resolve the grievance informally initially, and should do so by speaking to their appointed Grievance Officer on an informal basis.

6.2. *The meeting*

- 6.2.1. The line manager should seek to understand what the employee is concerned about, what outcome the employee is seeking and whether any further meetings are needed.
- 6.2.2. More than one discussion may be required to achieve a resolution. At the end of the meeting(s), the employee and the principal should agree what actions will be taken to achieve an acceptable outcome, and by when.
- 6.2.3. If the grievance is related to the behaviour of another employee, the person raising the grievance will be informed if action will be taken but not the nature of the action.
- 6.2.4. It is good practice for the principal to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. This note must be shared with the employee.

6.2.5. If the employee and the line manager have been unable to resolve the grievance, the employee may consider raising a formal grievance.

7. The formal stage

7.1. Formal stage of the procedure

7.1.1. For all grievances the following procedure applies and the hearing protocol is set out in Annex 2.

7.1.2. If an employee feels that their line manager has not been able to resolve their concerns adequately through an informal route, then the employee should raise the grievance formally.

7.2. The grievance should be put in writing containing the following;

- (i) What the grievance is, including supporting information/witnesses and what stage of the procedure they are raising the grievance under;
- (ii) Why the employee feels that the matter has not been resolved at a previous stage (if applicable);
- (iii) What outcome the employee is seeking and how the employee thinks that can best be achieved.

Note: To ensure all parties are treated with dignity, language that may be considered insulting or abusive should not be used.

7.3. The grievance must be given to the Grievance Officer:

7.3.1. This is usually the line manager (although in some cases this may be delegated to another senior member of staff). However, if the employee's grievance concerns their grievance officer, they should raise the grievance with the HR department, who will, in conjunction with the Chief Executive, determine a suitable representative to act as the grievance officer on this occasion.

7.3.2. If the grievance relates to a matter that is outside the scope of the line manager (eg a matter relating to trust policy), then the grievance should be referred to the HR Department who, in conjunction with the Chief Executive, will agree a format for a formal procedure.

7.3.3. This should be done with confidentiality, and in consultation with the employee and their companion.

7.3.4. The Grievance Officer will acknowledge the grievance in writing within 5 working days, and will arrange for a meeting to take place within 10 working days of the grievance being raised.

7.4. A grievance meeting must be arranged to discuss the grievance (Stage 1)

7.4.1. The employee should be invited to attend a grievance meeting at a suitable time and place.

7.4.2. The employee may bring a companion to the meeting. If the employee or their companion is unable to attend on this date, a suitable alternative should be agreed upon, preferably within 5 days of the original date.

7.4.3. The Grievance Officer leads the meeting; they will give the employee the opportunity to explain their concerns and say how they think the matter can be resolved.

7.4.4. At this meeting, the Grievance Officer may be able to resolve the grievance. More usually,

they will need to investigate the grievance, and then meet up again with the employee to discuss the outcomes. An investigation must be initiated if the grievance relates to claims of bullying and/or harassment.

7.4.5. This meeting, and subsequent ones, should be conducted with calmness, openness and resolution.

7.4.6. The Grievance Officer will need to keep notes of the meeting, or arrange for a note taker to be present, and share the notes with the employee after the meeting.

7.5. *The grievance will be investigated through one of two types of investigation (Stage 2)*

7.5.1. Simple, fact-finding investigation

- (i) Following the grievance meeting, the Grievance Officer may need to verify certain facts, get copies of documents etc. This can all be carried out by the Grievance Officer to enable a quick resolution of the grievance.

7.5.2. Full investigation

- (i) If the grievance is of a more complex nature, and if witnesses need to be interviewed, then it may be necessary to appoint an Investigating Officer, to investigate the issues raised by the employee. The HR department can advise on when a full investigation is appropriate.
- (ii) The Grievance Officer will appoint a suitably independent and Investigating Officer to carry out a full investigation. The Investigating Officer must be appointed within 5 days of the grievance being referred for an investigation, and ideally concluded within 3 weeks.
- (iii) During the investigation, the Investigating Officer will need to interview the employee concerned, plus other employees whose information will have a bearing on the matter. The employee may be accompanied to this meeting by a colleague.
- (iv) The aim will be for this process to be carried out confidentially and as swiftly as is practicable.
- (v) It is not the duty of the Investigating Officer to make a decision about the employee's grievance. Their role is to ascertain the facts, and then present the facts to the Grievance Officer.
- (vi) The investigation report will be sent to the Grievance Officer. The facts will be presented in writing, and the employee will be sent a copy of the investigation report.

7.6. There will be a grievance meeting following the investigation (Stage 2)

- 7.6.1. Once the investigation has been completed, the Grievance Officer will need to reconvene the grievance meeting. At this meeting, they may ask further questions which have arisen, before moving on to discuss the outcomes.
- 7.6.2. At the meeting, the employee may be accompanied by their companion.
- 7.6.3. The Grievance Officer may choose to invite witnesses, including the Investigating Officer, to the meeting to answer any questions. Both the Grievance Officer and the employee (and their companion) may ask questions of witnesses.
- 7.6.4. The employee will be asked if they want to call witnesses to the grievance meeting (including the Investigating Officer if not called by the Grievance Officer) to provide information to supplement their witness statement.
- 7.6.5. Having heard all the information, the Grievance Officer will adjourn the meeting to consider their response.
- 7.6.6. The possible outcomes following a grievance meeting are as follows:
 - (i) The grievance is upheld in full, or
 - (ii) The grievance is rejected, or
 - (iii) The grievance is partially upheld – ie the Grievance Officer agrees with some of the employee's concerns, but not others.
 - (iv) In addition to the above, the parties can be referred to mediation

7.7. The outcome will be put in writing (Stage 2)

- 7.7.1. The Grievance Officer will confirm the outcome in writing, within 5 working days of the final meeting. In the letter, the Grievance Officer should set out:
 - (i) The outcome – i.e. if the grievance has been upheld, rejected or partially upheld.
 - (ii) The reasons for the decision.
 - (iii) Any facts which the Grievance Officer has ascertained in coming to their decision.
 - (iv) Any recommendations or agreed actions for the parties to take (although the employee does not have the right to know what action will be taken in relation to another employee).
 - (v) The employee's right to appeal the decision, and the timescales involved in so doing.

7.8. The appeal meeting (Stage 3)

- 7.8.1. If an employee wishes to appeal the outcome of a grievance meeting they are entitled to do so within 5 working days of receiving, in writing, the letter following the grievance meeting.
- 7.8.2. To raise an appeal, the employee must write to the Grievance Officer, explaining why they are dissatisfied with the decision. The appeal letter will be passed to the Clerk to the Trust.
- 7.8.3. The Clerk will acknowledge the appeal request in writing within 5 working days, and will liaise with the relevant personnel to arrange for a meeting to take place within a further 10 working days.

- 7.8.4. The Grievance Appeal Panel will consist of a panel of Directors who have had no prior involvement in the case to date and they will be supported by a representative from the HR department.
- 7.8.5. The employee should clearly state why they are not satisfied with the outcome at the formal stage and why the grievance is still an issue.
- 7.8.6. The format of this meeting will be similar to the Stage One meeting. At the appeal meeting the chair will seek to understand:
- (i) The employee's reasons for raising an appeal, and
 - (ii) Their original concerns (the subject of the Grievance)
- 7.8.7. The panel will review the paperwork and will invite the Grievance Officer to the meeting, as a witness, to provide information.
- 7.8.8. Following an adjournment to consider the information that they have heard, the panel will make a decision. The rationale for their decision-making will be recorded in the notes. The possible outcomes are:
- (i) Decision of grievance meeting fully upheld
 - (ii) Decision from grievance meeting overturned, or
 - (iii) Decision from grievance meeting partially upheld.
- 7.8.9. The appeal chair will let the employee know the outcome of the appeal in person at the end of the meeting, and this decision will be confirmed in writing. If the panel are not able to reach a decision on that day, they will explain to the employee when they can expect a decision, and notify the employee of the outcome in writing, normally within 5 working days, providing written reasons for their decisions.
- 7.8.10. This stage of the procedure is the final level of appeal within the trust.

8. General Points

8.1. Timescales

8.1.1. It is in the best interests of all parties to resolve grievances as quickly as possible. Where specific timescales are given in the policy, they can be altered by mutual agreement.

8.2. A staged approach

8.2.1. The grievance procedure will normally be followed in sequence. There is an expectation that attempts will have been made to resolve a grievance informally, before starting the formal procedure.

8.2.2. However, in the case of more serious grievances, the employee can go straight to the formal stage of the procedure (stage 1).

8.3. Right to be accompanied

8.3.1. Employees have the right to be accompanied at all stages of the formal procedure and may choose to bring a companion for support to the informal meeting. The employee's companion can be a work colleague, a full time Trade Union Official or an accredited Trade Union Representative.

8.3.2. Employees will be asked to put the name of their companion in writing, and send it to the Grievance Officer (or Appeal Chair).

8.4. *Witnesses*

8.4.1. If witnesses are called to attend a grievance meeting, including an Investigating Officer, they will be present for the duration of their evidence, and then they will leave the meeting.

8.5. *Record Keeping*

8.5.1. Notes will be made of all formal grievance meetings, and copies given to the employee for information. The responsibility for ensuring that notes are made at grievance meetings lies with the Grievance Officer. The Clerk to the Trust will be responsible for taking notes at appeal meetings, which will be agreed by the Appeal Chair before being sent to the employee.

8.5.2. The note taker should take no part in the discussions about the outcome of the grievance or appeal, other than to record to key points of the discussion.

8.5.3. Records of grievance matters should be treated as confidential and kept securely, and kept in accordance with the Data Protection Act. If any Safeguarding issues have arisen during the grievance, the documentation may need to be passed to the Safeguarding Unit.

8.6. *Overlapping procedures*

8.7. Where an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily put on hold, until the outcome of the grievance is known.

8.8. Where the two procedures are about related issues, it may be possible to deal with the two concurrently. Similarly, where another procedural policy applies, such as the Attendance Management or Capability procedure, it may be possible to cover the essential elements of both procedures at a combined meeting.

8.9. *Employees with Disabilities*

8.9.1. If an employee requires any reasonable adjustments to be made to enable them to fully participate in the process, they should notify their Grievance Officer, or the Clerk to the Governors, as soon as possible.

8.10. *Collective grievances*

8.10.1. This procedure may also be used by groups of employees who have a collective grievance and, if the situation arises, the words 'groups of employees' should be substituted for 'employee' throughout this procedure.

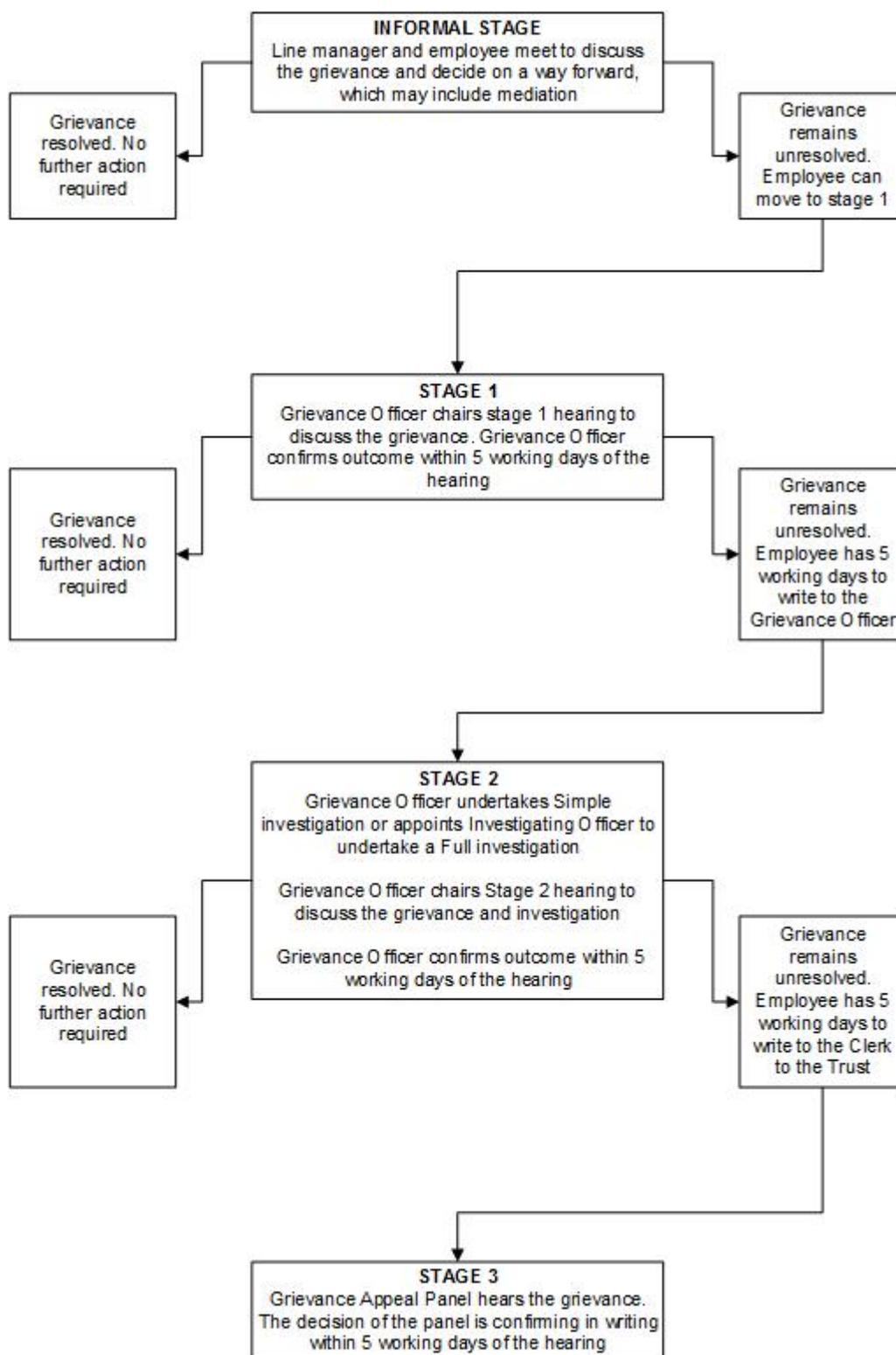
8.10.2. In the case of collective grievances the status quo (i.e. the working practices and agreements which applied at the time of the dispute) would normally operate until this procedure has been exhausted.

8.10.3. When dealing with large groups, representatives of the group, or where suitable a Trade Union representative, will be asked to speak on behalf of the group.

9. Policy status and review

Written by:	HR Manager
Owner:	HR Director
Status:	V1 = APPROVED
Approval date:	V1 = 9/9/16 (Policy Sub-committee; confirmed with unions 8/7/16) Merger editorial changes 1 September 2017
Review Date:	2020/21

Annex 1 - Grievance process flow chart



Annex 2 - Grievance hearing protocol

The Chair will have discretion in the conduct of the proceedings, although the order will normally be as follows:

- The employee (or representative) should put their case forward in the presence of the manager and call such witnesses as s/he wishes.
- The manager will have the opportunity to ask questions of the employee and witnesses on the evidence given by them. Normally such questions should be addressed to the employee at the end of his/her presentation, and to each witness following the submission of their evidence.
- The Chair will have the opportunity to ask questions of the employee and witnesses on the evidence given by them. Normally such questions should be addressed to the employee at the end of his/her case presentation and to each witness following the submission of their evidence. The Chair/Panel may also wish to ask questions of clarification during the presentation of evidence.
- The manager should put his/her response in the presence of the employee and to call such witnesses as s/he wishes.
- The employee (or representative) will have the opportunity to ask questions of the manager and his/her witnesses on the evidence given by them. Normally, such questions should be addressed to the manager at the end of his/her case presentation and to each witness following the submission of their evidence.
- The Chair will have the opportunity to ask questions of the manager and his/her witnesses on the evidence given by them. Normally such questions should be addressed to the manager at the end of his/her response/ presentation and to each witness following the submission of their evidence.
- The employee (or representative) and then the manager will have the opportunity to sum up their cases if they so wish.
- The Chair, with their representative, will then deliberate in private, only recalling the manager and employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return even if only one is concerned with the point giving rise to doubt.