

# Manor Hall Academy Trust



## GRIEVANCE POLICY & PROCEDURE

Responsibility for monitoring and reviewing this policy lies with the Central Trust Team and Directors. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications and consulted on with unions.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Headteacher and LAB.

Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revisions.

|                         |                   |
|-------------------------|-------------------|
| Consulted with the JCNC | Date month / year |
|-------------------------|-------------------|

| Date      | Version | Reason For Change   | Overview of Changes Made  | Source         |
|-----------|---------|---------------------|---|----------------|
| 11/12/20  | 1       | Scheduled Review    | 7.2.2 Inform CEO  | Directors      |
| Spring 21 | 1       | Review cycle change | Change of review date   | Directors      |
| 13/10/21  | 1       | Review Cycle        | Reformat, addition of highlighted sections in 1 / 4 / 8 / 9   | Directors      |
| Autumn 22 | 2       | Review Cycle        | Consultation with the JCNC unions and bring into one policy.<br><br>Bring in line with formal meetings procedures and also consideration to central team scenarios. | HR / directors |
| Autumn 23 | 3       | Review Cycle        | To take into account advice from Insight HR, professional advice from the Trust's HR Officer and to reformat  | HR             |

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## 1. Introduction

As an organisation, Manor Hall Academy Trust 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, without fear of victimisation and repercussion. Further to ensure that all grievances are dealt with fairly and consistently.

We also actively support and encourage staff to undertake training on how to handle grievances and would suggest that these are sourced via the National Collage Platform or Acas - [www.acas.org.uk/webinars](http://www.acas.org.uk/webinars).

Any reference to 'the employer' refers to Manor Hall Academy Trust. The 'appropriate level of authority' should be determined according to the Trust's Scheme of Delegation.

This policy applies to employees, regardless of length of service, but does not form part of the contract of employment and may be amended from time to time and in consultation with the recognised trade unions.

We are required to set out grievance procedures under general employment law and as best practice base the procedures on the [disciplinary and grievance code of practice from Acas.](#)"

## 2. General Principles

- 2.1 A grievance is a concern, problem or complaint that a colleague raises with the employer. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination, or work relations.
- 2.2 If your grievance relates to bullying or harassment in accordance with the Harassment and Bullying policy, then you must use this grievance procedure to address it.
- 2.3 This procedure cannot be used as an additional means of appeal against a decision or sanction under another policy.
- 2.4 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.
- 2.5 If your grievance is proven to be knowingly malicious or vexatious, you will be subject to disciplinary action and formal action may be taken against you in line with the Disciplinary Policy and Procedure.
- 2.6 You can use this procedure either on your own or collectively with others, otherwise known as a collective grievance. Where there is a collective grievance, the details must be set out in writing and signed by all who are party to the grievance. The case for the employees should be presented by

one representative for the group. One representative from each trade union has the right to be in attendance at any hearing.

2.7 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.

2.8 Where grievances are raised regarding other employees, they (the 'person(s) complained about') will have the opportunity to respond to the complaints/grievance(s) raised by the aggrieved employee(s) via the investigation process.

### **3. Link with Other Policies and Procedures**

The employer has various procedures for dealing with complaints, it may be that the grievance procedure is not the most appropriate to address your complaint.

#### **3.1 Whistleblowing Policy**

If your complaint relates to possible malpractice, wrongdoing or illegal activities which you wish to report, the complaint should be made in accordance with the employer's Whistleblowing policy and procedure, which can be found on Parago. However, you may also raise the matter as a grievance under this procedure if you feel that you have been directly affected by the matter in question or believe you have been treated less favourably for raising the matter.

#### **3.2 Disciplinary/Performance Improvement Policy**

Where you raise a grievance during disciplinary/performance management/improvement proceedings;

- The disciplinary/performance improvement proceedings may be temporarily suspended in order to deal with the grievance or
- The grievance and disciplinary/performance improvement may be run concurrently where they are related

#### **3.3 Complaints related to pay and or grading**

There are separate policies and procedures for dealing with complaints about grading or job evaluation, these processes are detailed in the Grading Policy and the Pay Policy, which can be found on Parago.

#### **3.4 Complaining about the school in another capacity**

This policy is for matters which relate your employment. Therefore should you have a complain about the school in your personal capacity, for example as a parent who is complaining about an area concerning your child's education at the same school, then you should use the complaints procedure.

## **4. Roles and Responsibilities**

There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles for all circumstances. However, the following guidelines may be useful and should be considered alongside the Trust's Scheme of Delegation (which can be obtained via the Headteacher or Trust Central Offices).

The Trust has a duty of care to employees. The wellbeing and mental health of any employees involved in such processes, either as the aggrieved employee, the person(s) complained about or potential witnesses should be considered and appropriate support signposted at every opportunity.

### **4.1 The line manager**

Provided they are not the subject of the grievance; the line manager will normally be the first point of contact for the employee raising a grievance. If the grievance is regarding the employee's line manager, the employee should raise the grievance with their line manager's manager.

### **4.2 The headteacher or a senior leader, (Deciding Manager)**

Provided they are not the subject of the grievance, the headteacher or a member of the senior leadership team (SLT) will consider the grievance at the formal stage.

### **4.3 Chair of Local Advisory Board (LAB) (Deciding Manager)**

Where the headteacher is the subject of the grievance, the chair of the Local Advisory Board, will be responsible for appointing an appropriate governor who has not been directly involved in the grievance to act as a Deciding Manager.

### **4.4 Committee/ Panel of Governors (Deciding Managers)**

The headteacher (or appointed LAB member if the headteacher is the subject of the grievance) will appoint a grievance panel consisting of a minimum of three people with no prior knowledge of the grievance. These people will be separate from the investigating officer and will be chaired by an independent individual.

### **4.5 Chair of Directors (Deciding Managers)**

If the CEO or a is the subject of the grievance, the chair of the directors, will be responsible for appointing an appropriate director who has not been directly involved in the grievance to act as Deciding Manager.

### **4.6 CEO (Deciding Managers)**

If a member of a LAB or COO / CFO / DCEO is the subject of the grievance, the CEO, will be responsible for appointing an appropriate director who has not been directly involved in the grievance to act as Deciding Manager.

### **4.7 All managers should:**

- Comply with the requirements set out in this policy and procedure and observe the time requirements

- Ensure that at all times they treat the process as confidential
- Promote and operate the grievance policy and consider any grievances fairly and thoroughly
- Try to resolve the grievance without delay
- Where appropriate, ensure that mediation has been explored and offered to parties as a way of resolving the grievance before it reaches the formal stages
- Create and maintain a good working environment while the grievance is being handled
- Personally support all parties affected by the grievance and sign post them to relevant support (e.g. ThinkWell, Occupational Health, medical practitioners)
- Ensure that notes are kept and shared with the parties as appropriate

## **5. Status Quo**

- 5.1 For the purposes of this procedure, 'status quo' means the working arrangements or practices in place immediately before the event causing the grievance.
- 5.2 The status quo will apply (except where working practices are dangerous, where there would be a breach of statute, or where there would be a significant impact on colleague's welfare) until the issue has been resolved or the formal stages of the procedure have been completed.

## **6. Mediation Service**

- 6.1 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.
- 6.2 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.
- 6.3 If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager should contact the Trust's HR provider so that a mediator can be arranged.
- 6.4 If you go through mediation and it is not successful, you can then go through the formal grievance procedure.

- 6.5 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.

## **7. Right to be Accompanied**

- 7.1 You have the right to be accompanied by a companion at any formal meeting as part of the grievance procedure (Stage 2, Stage 3 and Appeal), including where you are a potential witness during an investigation. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union.
- 7.2 The companion is allowed to address the meeting, to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer with you during the meeting.
- 7.3 Under this procedure, you do not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative) apart from those people already referred to above.
- 7.4 It would not normally be reasonable for you to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 7.5 Where appropriate, eligible colleagues, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

## **8. The Grievance Stages**

### **8.1 Stage 1 - Informal Procedure**

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 where possible 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.

- 8.1.1 If your complaint is about your line manager then you can discuss the matter with your manager's manager in the first instance. No action will normally be taken unless agreed with you first.

### **8.2 Stage 2 – The Formal Procedure**

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. To do this, you (or your companion) must put your complaint in writing to your line manager making it clear that you wish to raise the matter as a grievance. Please see a template in Appendix 1 to assist with this process. If the grievance concerns your line manager, then you should send your grievance to your manager's manager.

*In line with 2.7 - Where grievances are raised regarding other employees, they (the 'person(s) complained about') will have the opportunity to respond to the complaints/ grievance(s) raised by the aggrieved employee(s) via the investigation process.*

- 8.2.1 Your complaint should explain the basis of your grievance, and it will be helpful to include any relevant dates, facts and any thoughts you may have on the outcome you are seeking.
- 8.2.2 If you choose to follow the formal route, on receipt of the grievance your line manager/ the Deciding 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
  - carefully consider all the points raised and agree with you any steps or actions to try and resolve the grievance.
- 8.2.3 Where reasonably practicable, the meeting will be held within **10 working days** of receipt of the written grievance.
- 8.2.4 Depending on your grievance, your complaint may need to be investigated and the meeting may need to be adjourned. A further meeting will be arranged with you following the investigation. You will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible, in line with the Investigations Procedure.
- 8.2.5 Once your grievance has been considered the Deciding Manager will write to you with the outcome within 5 working days, however if this timescale is not able to be met the colleague will be contacted with a reasonable timescale which can be agreed by both parties. You will also be advised of your right of appeal should you be dissatisfied with the decision and to whom your appeal should be made.

### 8.3 **Stage 3 – The Appeal**

If you are not satisfied with the outcome at stage 2, you may appeal the decision. Your appeal must be in writing and set out the grounds of your appeal in line with the list below and include all the information you wish to rely on at the appeal meeting. You must send your appeal to the Appeal Deciding Manager<sup>1</sup> within **5 working days** of the date you received the letter notifying you of the grievance decision.

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<sup>1</sup> At Manor Hall Academy Trust the appeal hearing should be conducted by a Panel of LAB members if the grievance is from an employee/ employees based within an Academy. Refer to the Scheme of Delegation for other scenarios.

8.3.1 An appeal is not designed to re-hear the matter but to examine the grounds of appeal. 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 the new evidence has come to light that would change the outcome
- the outcome is inconsistent with how others have been treated

8.3.2 You will be invited to the meeting in writing in accordance with the Formal Meeting Procedure. You will be given at least **10 working days'** notice of the appeal meeting to consider your appeal and any suggestions you have for resolving the grievance.

#### 8.4 **Outcome**

The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The Appeal Deciding Manager will either recall the colleague to the appeal hearing or will write to the colleague confirming their decision. The appeal outcome will be confirmed in writing within **5 working days** of the appeal hearing, where possible. There is no further right of appeal.

In some circumstances and with the agreement of both parties the employer Manor Hall Academy Trust may agree to appoint an independent mediator or conciliator which may include ACAS or another person acceptable to both parties.

### 9. **Records**

9.1 Minutes will be kept of all formal meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

9.2 A copy of the outcome letter and any formal meeting notes will remain on your personnel file for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

9.3 Notes pertaining to informal resolutions and discussions may also be retained, for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

## Appendix 1: staff grievance notification form

|   |                   |
|---|-------------------|
| Name:   | School/ Location: |
| Post held:  | Department:       |
| Describe the nature of your grievance, including:<br>A full description of your grievance<br>Relevant evidence, such as facts, dates and names of individuals involved    |                   |
| Please state the following:   |                   |
| The date on which you first raised your grievance, and with whom  |                   |
| The action taken in respect of your grievance at the informal stage   |                   |
| The outcomes you are seeking and the actions you would like taken to resolve the situation  |                   |
| Whether you would like to explore a resolution through mediation  |                   |
| Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name and position |                   |
| Signed:   | Dated:            |