



Grievance Policy Engage MAT

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Grievance Policy

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1. Principles

- 1.1 Grievances are concerns, problems or complaints that employees raise with their employers.
- 1.2 The Engage Trust aims to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course.
- 1.3 Grievances will be dealt with in a confidential manner minimising the number of people involved.
- 1.4 Employees will aim to settle most grievances informally with their line manager wherever possible.
- 1.5 Before moving to the formal grievance procedure, both the school and the employee will first consider using a mediator to help resolve the problem.
- 1.6 Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.
- 1.7 Managers and employees will act consistently.

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- 1.8 Headteacher/CEO will carry out any necessary investigations to establish the facts of the case.
- 1.9 The Engage Trust will allow employees and Headteacher to be accompanied at any formal meeting.
- 1.10 The Engage Trust will allow an employee to appeal against any formal decision made.
- 1.11 The Engage Trust will keep written records of all grievances.
- 1.12 The Engage Trust expects all employees to comply with their obligations under equality legislation and ensure that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion.
- 1.13 Headteacher and Governors will seek guidance from the CEO when applying this policy.

2. Scope

- 2.1 This grievance procedure applies to all employees, both teaching and support staff. A single individual should only use this procedure.
- 2.2 Appendix A governs all matters, which have been delegated to the Governing Body of the schools. Where a grievance concerns a matter, which is decided, by the Board then this should be referred to the Board – See Appendix A.
- 2.3 Grievances relating to remuneration should be dealt with under the School's Pay and Performance Management Appeal Procedure.

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- 2.4 Grievances relating to harassment and bullying should be dealt with under the School's Dignity at Work Procedure
- 2.5 If an employee wishes to raise an issue in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage the Engage Trust's Whistleblowing Policy and Procedure may be more appropriate.

3. Legal requirements

- 3.1 The way in which a grievance will be dealt with is governed by the policy and procedure adopted by the Engage Trust and follows best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures issued under section 199 of the Trade Union & Relations (Consolidation) Act 1992 which came into effect on 6 April 2009 and the ACAS guide to handling discipline and grievances at work.
- 3.2 A failure to follow the ACAS code does not in itself make a person or organisation liable to proceedings. However, Employment Tribunals will take the Code into account when considering relevant cases and can adjust awards by up to 25% for unreasonable failure to comply with the Code. Awards can be adjusted up or down e.g. if the tribunal believes the school has acted unreasonably they can award 25% more, or conversely, if they believe the employee has unreasonably failed to follow the guidance in the code they can reduce the award by 25%.
- 3.3 An employee's Written Terms and Conditions of Employment must specify the person to whom a worker should go with a grievance. This will normally be the Headteacher. If the grievance is against the Headteacher, it will normally be the CEO.
- 3.4 Under *The School Staffing (England) Regulations 2009*, the Engage Trust Board must establish procedures by which employees may seek redress for any grievance relating to their work at the school.

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- 3.5 All Engage Trust employees have a statutory right to be accompanied by a companion of their choice – a colleague or trade union representative – at any formal grievance meeting.

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1. The informal procedure and mediation

- 1.1 If an employee has a grievance to do with work, or with the people s/he works with, there should be a first attempt to resolve the issue by making a direct approach to the other person involved. In many cases, it is possible for an employee to make direct contact, to make someone aware of a problem and to agree a solution informally.

If the employee cannot resolve the matter through this approach, the next step is to raise it with the immediate line manager, through an informal meeting at which any concerns are raised and examined through discussion. The employee can be accompanied or represented at this meeting by a companion (a work colleague or trade union representative).

- 1.2 At that meeting, the employee should clearly outline their own view of the problem and explain to the manager what they consider a suitable resolution to the matter. After the informal meeting, the manager should give a reply, verbally, as soon as possible. The initial response will be given within five working days but further discussion may be needed to resolve the problem.

In some circumstances, the immediate line manager does not have the authority to resolve the grievance and he/she may need to refer it directly to the Headteacher. Flexibility around timescales is often appropriate when trying to resolve informal grievances, particularly where it concerns interpersonal conflict between two or more employees.

- 1.3 If the employee is not satisfied with the manager's reply, or if he/she feels unable to talk to the immediate line manager, then he/she should talk to the Headteacher. If the grievance relates to the Headteacher and the employee is not satisfied with the Head teacher's reply, or if the employee feels unable to discuss it with the Headteacher, then the employee should discuss the grievance with the CEO.
- 1.4 If the grievance is against the Headteacher the word 'Headteacher' should be replaced by 'CEO' throughout the remainder of this section. If the grievance is

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against the CEO, Chair of Board should replace the word throughout the remainder of this section.

- 1.5 If an employee other than the Headteacher has a grievance against a governor, the employee should raise the matter initially with the Headteacher who will discuss it with the Chair of Governors and agree a mechanism for informal resolution. If an employee has a grievance against the Chair of Governors, the employee should initially raise it with the Headteacher, who will seek to agree a mechanism for informal resolution, taking advice from CEO where required.
- 1.6 If a Headteacher has a grievance against a governor, he/she should raise the matter with the Chair of Governors. If the grievance includes the Chair of Governors, the Headteacher should refer it to the Trust Administrator. The Trust Administrator should seek guidance from the Board on a mechanism for informal resolution, which may involve facilitation by a board member.
- 1.7 If it is not possible to resolve the grievance through these initial discussions, it may be appropriate for the Headteacher or Chair of Governors to nominate someone to mediate with the aim of achieving a solution and conciliation. If mediation is to be used, it should take place before the formal procedure commences.

2. Using mediation to resolve a grievance

- 2.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.
- 2.2 A mediator does not have to be someone specially trained for the task, but they should have the necessary skills to facilitate a discussion between two people who

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may have different views about a situation. Mediators may be employees from within the school, the Board or they may be from an external mediation provider, in which case, there may be a cost.

- 2.3 There are no fixed rules for when mediation is appropriate but it can be used:
- for conflict involving colleagues of a similar job or grade, or between a line manager and their employees
 - at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves
 - to rebuild relationships after a formal dispute has been resolved
 - to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.
- 2.4 Grievances most obviously lend themselves to the possibility of mediation.

3. Cases unsuitable for mediation

- 3.1 Mediation may not be suitable if:
- used as a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation
 - it is used by a manager to avoid their managerial responsibilities
 - a decision about right or wrong is needed, for example where there is possible criminal activity
 - the individual bringing a discrimination or harassment case wants it investigated
 - the parties do not have the power to settle the issue
 - one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

4. The formal procedure

- 4.1 If an employee has not been able to resolve the grievance by talking informally with the manager or Headteacher, Chair of Governors, or through mediation, then s/he should, without unreasonable delay, prepare a written statement of the grievance and submit this in line with the following:

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- If the grievance is against a colleague other than the Headteacher, the statement of grievance should be submitted to the Headteacher.
- If the grievance is against the Headteacher, the statement of grievance should be submitted to the CEO
- If the grievance is against the CEO, the statement of grievance should be submitted to Chair of Board.
- If the grievance is against an individual Governor, the statement of grievance should be submitted to the Chair of Governors.
- If the grievance is against the Chair of Governors, a Governors' Committee or the whole Governing Body, the statement of grievance should be submitted to the Trust Administrator who will take advice from the Board.

The statement should explain the nature of the grievance, including details of what the employee has done to try and resolve the matter informally, and what the employee considers a satisfactory outcome to the matter. It is essential that there is a clear statement about the grievance, in order that it can be properly examined

- 4.2 As appropriate, the Headteacher, CEO, Chair of Governors or Trust Administrator will identify a panel of Governors/Directors (Grievance Committee) to hear the grievance and work with the parties to achieve a resolution. The Grievance Committee would normally consist of three members although in some circumstances, where agreed between the parties, a panel of two may be permitted.

4.3 Step 1 – Statement of grievance and response

- 4.3.1 Once a statement of grievance has been received by the Headteacher, CEO, Chair of Governors or Trust Administrator, as appropriate (see above), that person will then share the statement of grievance with the person against whom the grievance is lodged.

The individual against whom the grievance is lodged then prepares a statement of response to the grievance. An appropriate timescale should be set for this stage of the process to ensure there is no unreasonable delay. However, the complexity of the situation will determine what is reasonable. If the matter has been considered at the informal stage of the procedure, a note of the steps taken to try to resolve the matter informally will also be required.

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4.3.2 If further information is needed in order to respond to the grievance, the meeting outlined below may be postponed while a full investigation is carried out. If such an investigation is considered necessary, both parties will be kept informed.

4.4 Step 2 – Meeting

4.4.1 The Trust Administrator will liaise with the Grievance Committee to make the necessary arrangements and invite the individual with a grievance to a meeting as soon as possible. The meeting would ideally take place within ten days of receipt of the statement of response, but this will depend on the availability of panel members, the companion (if the individual chooses to be accompanied) and others who need to attend. The employee will receive a copy of the statement of response and any other relevant documents to be considered at the meeting at least five days in advance of the meeting. The Grievance Committee will be issued with a copy of the statement of grievance, the statement in response, and any other supporting documentation provided by either party.

4.4.2 At the meeting, the employee has the chance to explain the grievance and his/her suggestions for resolving it. The employee has the right to be accompanied by a companion (ie. a trade union representative or work colleague) at this meeting.

4.4.3 The Grievance Committee will be advised by a senior member of the Board and the Headteacher may be accompanied and advised by an HR Consultant.

4.4.4 At the start of the meeting the Committee will consider whether it is more appropriate to meet with the employee separately from the other party, or may seek agreement from both parties for a joint meeting.

4.4.5 The agenda for a joint meeting will be as follows below. The term “Headteacher” has been used below, but is of course replaceable with any other person against whom the grievance is lodged.

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4.4.6 The Chair of the Committee will arrange introductions and set out how the meeting will be conducted. The Chair will outline the Committee's understanding of the grievance, as notified in the statement of grievance.

- The employee will be asked to present the case and to answer questions from governors, the Headteacher and their advisers.
- The employee can call upon named witnesses to provide information and answer questions if appropriate.
- The Headteacher will present his/her case and answer questions.
- The Headteacher can call upon named witnesses to provide information and answer questions if appropriate.
- The employee makes a closing statement, followed by the closing statement of the Headteacher.

The Committee will then adjourn the meeting while they consider the information provided and how the grievance might be resolved. If practicable, the Committee will invite both parties back to the meeting on the same day to sum up the main points, and to outline what action, if any, they feel is necessary and try to achieve an agreed resolution.

4.5 Step 3 – Confirmation of outcome

4.5.1 The Chair of the panel will write to the employee within five working days of the meeting, with the decision of the panel and the reasons behind the decision. If the grievance is not upheld, there is a right of appeal against that decision.

4.6 Step 4 - Appeal

4.6.1 If the employee is not accepting of the Committee's decision, s/he has the right of appeal to another panel of governors. The members of the Appeal Committee will not have been involved in the first decision. Where an employee wishes to lodge an appeal against the decision of the Grievance Committee, they should, within ten working days of receiving written confirmation of the outcome, write to the Clerk to Governors setting out the grounds for appeal and enclosing any documents to be taken into account. F307a illustrates a Statement of appeal against decision of Grievance Committee. The employee and the Headteacher will then be invited to

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another meeting, which will normally take place within fifteen working days of receipt of appeal. The employee has the right to be accompanied by a companion to the appeal meeting.

4.6.2 The format for the meeting will follow that outlined in paragraph 4.4.6 above.

4.6.3 The Appeal Committee will consider the outcome from the first Grievance Committee hearing. They will listen to the grounds for appeal and consider any further statements provided by the Headteacher or others involved.

4.6.4 The decision of the Appeal Committee is final and the Chair of the Appeal Committee will write to the employee within five working days to confirm this and to share the outcome of the meeting. The Appeal Committee will give the reasons behind the decision made.