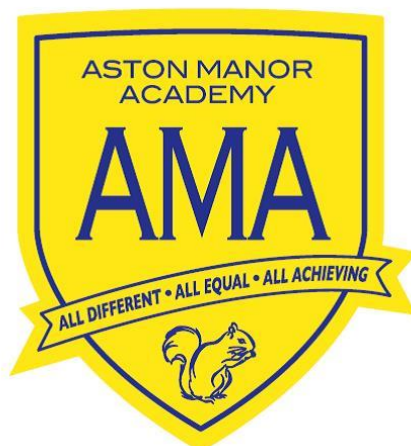


EQUITAS ACADEMIES TRUST



Chilwell Croft
Academy

GRIEVANCE PROCEDURE

Review Date: November 2018
To be Reviewed: November 2020
Agreed: F & GP Board
Policy Lead: Zoe Donnelly

GRIEVANCE PROCEDURE

1. POLICY STATEMENT

It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- Terms and conditions of employment;
- Health and safety;
- Work relations;
- New working practices;
- Working environment;
- Organisational change, and
- Discrimination.

This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The Trust may also vary application of this procedure, including any time scales for action, as appropriate.

2. WHO IS COVERED BY THE PROCEDURE?

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. USING THIS PROCEDURE

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

The Trust operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the

matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

Initial Assessment of Grievance

The Trust will make an initial assessment of the cogency and potential seriousness of any grievance when it is submitted before significant resources are allocated to deal with the grievance through the formal procedure. The Trust reserves the right not to allow the pursuit of grievances that are frivolous or vexatious, or that merely repeat complaints that have already been made and dealt with.

Where the Trust's initial assessment of your grievance shows it to be essentially concerned with a trivial issues, we will discuss the matter informally with you to determine whether or not there is a real need to pursue the matter through the formal grievance procedure.

The initial assessment of your grievance will be undertaken by the HR Manager.

Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

4. RAISING GRIEVANCES INFORMALLY – STEP 1

We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager or Headteacher. We would always aim to resolve your grievance informally where possible following the initial assessment of grievance as outlined above. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Headteacher or another senior manager. If this does not resolve the issue, you should follow the formal procedure below.

5. FORMAL WRITTEN GRIEVANCES – STEP 2

If your grievance cannot be resolved informally you should put it in writing and submit it to the HR Manager indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Headteacher / Executive Director, it should be submitted to the Chair of Trust Board via the Clerk to Trust Board.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

6. INVESTIGATIONS

In some cases it may be necessary for us to carry out an investigation into your grievance. The nature and scope of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by the HR Manager or someone else appointed by the Headteacher. In the case of an investigation into a complaint against the Headteacher or Executive Director, the Chair of Trust Board will determine who will carry out the investigation.

You must co-operate fully and promptly in any investigation. This may include informing the investigating officer of the names of any relevant witnesses, disclosing any relevant documents to the investigating officer and attending interviews, as part of the investigation.

The Trust may initiate an investigation before holding a grievance meeting where the Trust considers this appropriate. In other cases grievance meeting may be held before deciding what investigation (if any) is to be carried out. In those cases a further grievance meeting will be held with you after the investigation and before a decision is reached.

7. RIGHT TO BE ACCOMPANIED

You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.

At the meeting, your companion may make representations to the investigating officer and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and, so long as the alternative time is reasonable and within five working days after the original scheduled date, the meeting will be postponed. If your chosen companion will not be available for more than five working days afterwards, you may be asked to choose someone else.

The investigation officer may exercise his or her discretion and allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

8. GRIEVANCE MEETING

The Trust will arrange a grievance meeting, normally within 5 working days of receiving your written grievance.

You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform the investigating officer immediately and efforts will be made, within reason, to agree an alternative time.

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist the investigating officer, on behalf of the Trust, to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

After an initial grievance meeting further investigations may be carried out and further grievance meetings held as considered appropriate. Such meetings will be arranged without unreasonable delay.

The Trust will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. You will also be reminded of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

9. APPEALS – STEP 3

If the grievance has not been resolved to your satisfaction you may appeal in writing to the HR Manager stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

An appeal meeting will be held without unreasonable delay, normally within 15 working days of receiving your written appeal. This will be dealt with impartially by the Local Headteacher or a nominee of his/her choice who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Headteacher has made the decision at the grievance meeting a panel of Trustees will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 7).

The Trust will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

10. FALSE OR MALICIOUS ALLEGATIONS

Should the Trust reasonably believe and conclude that any employee has used this procedure to make deliberately false or malicious allegations; the Trust may treat this as an act of misconduct (potentially gross misconduct) and instigate an investigation in accordance with the disciplinary procedure.

11. REVIEW OF POLICY

This policy is reviewed and amended annually by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

Date of next review: November 2020