



# Holbrook Academy

## Grievance Policy

<b>Date Approved</b>	29 <sup>th</sup> March 2023
<b>Signed</b>	N Cordle Chair of F&P Committee
<b>Minuted</b>	29 <sup>th</sup> March 2023 F&P Committee

*This policy takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010. It can be made available in large print or other accessible format if required. It applies wherever staff or volunteers are working with students even where this is away from the Academy, for example at an activity centre or on an educational visit.*

Member of staff with responsibility for this policy.	T Maltby
Governor with responsibility for this policy.	F&P Committee
Policy review date	Spring 2024
What is the purpose of this policy?	To provide clarity for employees on grievance procedures.
What are its headline targets? (using quantitative and qualitative measures)	
How is this policy to be judged as successful?	

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## **1. Introduction**

A grievance is a concern, problem, or complaint that an individual has in relation to their work or the people they work with. The grievance process may also be used when dealing with complaints of bullying and harassment and the Harassment and Bullying Policy should be consulted as appropriate.

The purpose of the Grievance Policy and Procedure is to ensure matters of concern are dealt with thoroughly, fairly, swiftly, and consistently. Employees, their representatives, and managers are required to seek a resolution to any grievance as quickly as possible and within the timeframes set out in this policy.

This policy contains both informal and formal stages.

For the formal stages of the grievance procedure there is a statutory entitlement for the aggrieved employee to be represented by a work colleague or trade union representative.

## **2. Scope**

This policy applies to all teaching and support staff at Holbrook Academy.

An employee working within the Academy but employed by another organisation, should raise any grievance in line with that organisation's Grievance Policy and Procedures.

## **3. Confidentiality**

All grievance proceedings, including details of any investigation and statements relating to it, are confidential to the parties concerned, with the exception of official bodies which have a right to require disclosure of information. The delegated committee of the Governing Body will be notified of the outcome of any formal process, once it has concluded. Any breach of confidentiality may also be considered under the disciplinary policy.

## **4. Exclusions**

This policy does not apply to complaints of professional malpractice, wrongdoing or criminal activity: such complaints should be raised immediately via the Whistleblowing Policy.

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 should be reported to the line manager for appropriate action.

Grievances may be concerned with a wide range of issues, including the allocation of work, the working environment or conditions, the opportunities that an employee has been given for career development or the way in which the employee has been managed. However, issues that are the subject of collective negotiation or consultation with recognised trades unions will not be considered under the Grievance Procedure.

Complaints that an employee may have about any disciplinary action taken against them should be dealt with as an appeal under the Disciplinary Procedure.

Where an employee raises a grievance during a disciplinary process relating to their own conduct, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary are related, it may be appropriate to deal with them concurrently.

Pay and Grading Appeals will be considered under the specific arrangements in place for that purpose.

The grievance policy will not be used to deal with complaints made after employment has ended, for any reason. However, if a grievance has been raised and not concluded before an employee leaves, he or she will be invited to continue with the grievance process.

## **5. Roles and Responsibilities**

Any concern or complaint raised in accordance with this policy must be raised in 'good faith'.

Any grievance should be raised in a timely manner without undue delay. In usual circumstances a grievance that is raised due to an event that occurred more than six months previously will not be considered. The only exceptions will be:

- when there is evidence that a grievance relating to a recent event(s) is clearly linked to a series of events that may have begun more than six months ago
- an acceptable rationale for the delay is presented
- where harassment, bullying or discrimination is alleged in circumstances that made it difficult for the employee to voice their grievance at the time.

Any concern or complaint found to have been raised for malicious, vexatious, false or similar reasons may give cause for disciplinary action to be taken against the complainant(s).

It is expected that employees, their representatives, and managers make every reasonable attempt to resolve a grievance quickly and informally before invoking the formal processes of this policy.

It is also expected that upon raising a grievance, be it informal or formal, the aggrieved party will clearly state their desired outcome and focus on resolution from the beginning of the process.

All employees are expected to co-operate in the implementation of this policy and the accompanying Harassment and Bullying Policy (where applicable) both of which are intended to secure fair and reasonable treatment consistent with the principles of equality of opportunity for all employees.

## **6. Grievance Procedure**

Whether raised at the informal or formal stages of this process, it is important that the employee approaches the right person with their grievance.

Anyone who wishes to raise a concern(s) or complaint(s) under the grievance procedure should speak to the Line manager or Headteacher in the first instance.

If the concern or complaint is about the Headteacher themselves then the individual should speak to the Vice-Chair of Governors in the first instance. Where the Headteacher has an informal grievance of their own, this should be referred to the Chair of Governors.

In exceptional circumstances where the grievance is against the Governing Body and it is not possible for the Headteacher or Governors to address the grievance, with the agreement of all parties, the grievance may be referred to the Director for Children and Young People (or their nominated representative). A meeting of the respective parties will be called in accordance with the timescales set out in this policy.

Refer to flowchart (Appendix 1).

## **7. Informal stage**

Many grievances can be resolved informally and quickly, and there is an expectation that all parties will seek to do this, without unreasonable delay, before formal steps are considered. The relevant person (see paragraph 6 above) receiving the grievance will try to resolve it informally with the party or parties concerned wherever possible.

A meeting must take place as soon as possible upon receipt of an informal grievance and usually within 5 working days of receipt of the grievance.

Where the grievance has been raised due to a dispute between employees, the relevant person may like to consider involving a trained mediator to help resolve the situation (the employees in dispute must all agree to the mediation process for it to be invoked).

There is no statutory right to be accompanied by a Trade Union representative or a colleague at the informal stage of the process, but it may be beneficial to allow this.

## **8. Formal grievance process**

If it has not been possible to resolve the grievance informally, and the aggrieved employee wishes to pursue the matter formally, they should do so in writing (if they have not already done so), without unreasonable delay. The written grievance must be submitted to the relevant person (see 6 above) and clearly state the grounds on which the formal grievance is being raised, what steps have already been taken to resolve the issue(s) along with the resolution(s) the employee is seeking by raising the matter formally.

## **9. Grievance Hearing Meeting**

Upon receiving the formal written grievance, the relevant person (see 6 above) should acknowledge receipt of the grievance in writing. The relevant person must convene a formal grievance hearing meeting as soon as possible and without undue delay. At this stage it is still good practice for the relevant person to make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked. It is expected that all parties encourage prompt action regarding meetings, decisions, and communications regarding this matter. A meeting must be held to hear the employee's grievance and this is usually arranged within 5 working days after receipt of the formal grievance.

The hearing meeting will provide the employee with the opportunity to explain their grievance in full and confirm the resolution they are seeking. The hearing manager or panel hearing the grievance will have the opportunity to question the employee about their grievance and explore the reasons for the grievance and consider any evidence provided in full.

The employee has the statutory right to be accompanied at a formal grievance meeting by a colleague or Trade Union Representative.

In some cases, it may be necessary to adjourn the process to allow for further investigation to take place in order to allow a thorough consideration of the grievance, and to make recommendations for action. If so, the employee will be kept informed regarding the process and the hearing meeting will be reconvened following these investigations. Any such further investigation shall be carried out in the same way as stipulated in sections 10 and 11 below.

Any decision made by the hearing manager / hearing panel must be conveyed to the employee verbally in the first instance, and followed up in writing, summarising the rationale for the decision.

The decision should be clear on whether the grievance is upheld, partially upheld, or not upheld and detail relevant recommendations for resolutions where appropriate. It is the responsibility of the hearing manager/chair of hearings panel to follow up and ensure any recommendations are implemented.

## **10. Investigation**

In some cases, it may be necessary to carry out additional or a more formal investigation into the grievance. The extent of any investigation will depend on the nature of the concern(s)/complaint(s) and any allegations that have been made.

If it is decided at the formal grievance hearing meeting that a formal investigation into the grievance is required, it is good practice to consider the following:-

- Who will conduct the investigation? – this could be the hearing manager/ members of the hearings panel themselves or an independently appointed investigator.
- What will be the scope of the investigation? (be clear exactly what will be investigated).
- A summary of the agreed scope of the investigation (including who will conduct the investigation) should be confirmed in writing so all parties are clear on exactly what is being investigated.

An investigation should be carried out without undue delay and it is expected that all parties and potential witnesses avail themselves in a timely manner to comply with the investigation. The employee raising the grievance may or may not be required to be interviewed as part of the investigation dependant on the circumstances and the discretion of the investigation officer.

If an independent person is appointed to investigate the grievance, they may report their findings and recommended outcomes for the consideration of the person or panel hearing the grievance.

## **11. Outcome**

Following the completion of a formal investigation into a grievance, the hearing manager or chair or the hearings panel may invite the aggrieved employee to an Outcome Meeting to deliver the findings of the investigation into the grievance. Alternatively, the outcome may be communicated in writing.

The employee may be accompanied at this meeting by a union representative or work colleague.

The purpose of this meeting is to deliver the outcome of the investigation into the grievance raised by the employee. The employee and/or their representative may ask questions at the meeting but the meeting is not a platform to rehear the grievance, reopen the investigation or hear any new complaint(s) (the scope of the grievance investigation will have been agreed at the original Grievance Hearing Meeting).

The hearing manager or panel will decide and inform the employee whether their grievance has been upheld, partially upheld, or not upheld, considering the evidence obtained from the investigation into the grievance. Recommendations for resolutions where appropriate may also be discussed. It is the responsibility of the hearing manager or chair of panel to follow up and ensure any recommendations are implemented.

The employee will be advised of their right of appeal if they do not agree with the outcome. The decision, along with the rationale for the decision, and any recommendations for

resolutions, will be confirmed to the employee in writing following the meeting. The letter will also detail the employee's right of appeal.

## **12. Appeal**

The employee has the right to appeal any part of their grievance that they feel has not been satisfactorily resolved. An appeal must be in writing setting out the employee's reasons for disputing the decision. New evidence will not be considered at this stage.

An appeal must be received within 14 calendar days of the date of the outcome letter of the grievance. An appeal hearing will usually be arranged within 5 working days of receipt of the appeal letter. The appeal should be heard by a different person or panel with delegated responsibility to whom heard the original grievance. Following the appeal hearing a final decision will be conveyed to the employee within 5 working days of the hearing and confirmed in writing.

A written response will be issued to the employee normally within ten working days of the date of the grievance meeting, unless further investigation or similar is required. The decision made at the appeal is final. The employee will not be able to raise another grievance about the same matter.

## **13. Further Action**

It is important that arrangements are made to follow up any recommendations and/or actions as required. This can be agreed as part of the grievance outcome to ensure they are implemented as per the decisions.

Where a grievance has been submitted and there is evidence to suggest it is demonstrably vexatious, malicious, or false the school reserves the right to consider appropriate action under the disciplinary process.

## **14. Collective grievances**

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so, whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way, it cannot then be raised by the same employees individually. The collective grievance procedure will follow the same timescales and process as that for individual grievances.

## **15. Monitoring arrangements**

This policy will usually be reviewed annually but can be revised as needed. It will be reviewed by the Finance & Personnel Committee and approved by the full governing board.

## **16. Links with other policies**

This policy links with our policies on:

- Harassment and Bullying
- Staff disciplinary procedures
- Equality
- Whistleblowing policy
- Privacy notice for the school workforce

**Appendix 1 : Grievance Process Flowchart**

