



South East Cornwall Multi Academy Regional Trust

Grievance Policy

Date	Changes
3/9/17	Original draft circulated to LGCs and Trust Board
26/3/18	All SMART-Trust policies which unions requested further consultation on were removed from sites and previous policies reinstated to enable establishment of a JCNC and a fresh round of consultation
14/12/18	Updated draft circulated
13/03/19	Copy sent to senior staff, unions, LGC, legal and Trust Board inviting comments
01/05/19	Consultation with unions in JCNC meeting at Liskeard
17/06/19	Recommended by People Committee for approval by Trust Board
22/07/19	Approved by Trust Board

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Current Status: Approved by Trust Board

Review Date: Spring 2020

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Introduction

This policy aims to provide a fair and consistent framework for:

dealing with complaints made by staff (grievances).

It will cover the majority of such cases, although in some cases particular procedures will be more appropriate, such as the SMART's policy for **Whistleblowing**. Performance issues should be dealt with in accordance with the policies on **Appraisals and Capability**. It applies to all employees, including the CEO and Headteachers.

Statutory guidance is contained in the ACAS Code of Practice on Disciplinary and Grievance Procedures ("the ACAS Code"). This policy aims to adhere to that and other ACAS guidance, where applicable.

The Trust Board has delegated to the CEO and Headteachers of the schools the authority to conduct grievance proceedings in all cases save for those in which the proceedings relate to the conduct of the CEO. Investigations are a systematic way of ensuring fair treatment. Every effort is made to ensure sensitivity and confidentiality is respected to avoid the need for any formal action where possible.

For simplicity, this policy uses "you" throughout for the person accused or the person who has raised the complaint, and "we" for the Trust.

This policy is non-contractual and so does not form part of your contract of employment.

Equality Statement

We are committed to equality of treatment for all employees as set out in our policy framework. This commitment extends to ensuring that all those involved in any form of disciplinary or grievance proceedings will be sufficiently trained to carry out their role in terms of:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it.

Grievance Procedure

Grievances are complaints, concerns, or problems raised by you, relating to your employment. The procedures outlined below can be used when:

- You have a grievance with a work colleague;
- You have a grievance with your manager or another member of the leadership team, including the CEO, Headteacher, local governor or Trustee;

Grievances may include:

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

Other matters, such as pay or the outcome of your annual appraisal will normally be dealt with under our policies on Pay and Appraisal.

Informal Procedure

Resolving grievances is essential in ensuring a healthy and motivated workforce. Ideally, grievances can be resolved quickly and informally through open communication with your line manager, Headteacher or the CEO. In that way it is easier for all concerned to continue working together effectively in the future. If you are unable to speak to your manager (e.g. because the complaint concerns your manager), you should speak informally to a more senior manager, which could be the Headteacher, CEO, Chair of Governors or Chair of the Trust Board.

If this informal process does not resolve the issue or is not appropriate, staff should follow the formal procedure below. A record should be made of the grievance and any informal resolution measures which have been attempted/put in place.

Formal Procedure

If you think that informal procedures cannot or have not resolved your grievance you can initiate formal procedures. If you raise a grievance after disciplinary proceedings have started against you, we may consider suspending the disciplinary period for a short time to consider the implications of the grievance on the disciplinary proceedings.

The formal procedure will progress as outlined below and in the flow chart at the end of this section:

Written Grievance

You should submit your concerns in writing in a document clearly labelled formal grievance. The grievance should set out the nature of the complaint to include any relevant facts, dates, and names of individuals involved so that it can be investigated.

The written grievance should be handed or emailed to the Headteacher or the CEO. Where the Headteacher is the subject of the grievance, the form should go to the CEO. Where the CEO is the subject of the grievance, the form should go to the Trust Board Clerk who will ensure it is dealt with by the Chair of the Trust Board. Where the Local Governing Committee or Trust Board is the subject of the grievance, you are encouraged to consult with the CEO before approaching the Trust Board Clerk. The CEO is then required to seek legal advice regarding the appropriate course of action.

Grievance Meeting

The person holding the grievance meeting (the Headteacher, CEO or Chair) will arrange a grievance meeting via the Trust Board Clerk, normally within 5 working days of receiving the written grievance.

You have the right to bring a trade union representative or a work colleague to the formal grievance meeting or appeal meeting under this procedure. You should tell the person holding the grievance meeting who your chosen Union representative or work colleague is in good time before the meeting.

The person holding the grievance meeting (the Headteacher, CEO or Chair) will hear from the parties involved, separately if appropriate, and review any relevant documentation. The person may adjourn the meeting or defer a decision until they are satisfied that they have thoroughly reviewed all the evidence and taken into account all relevant factors.

In some cases, it may be necessary for investigations to be carried out into the grievance. The meeting may be adjourned to carry out these investigations, or an investigation may be conducted before the grievance meeting if appropriate. The nature of the investigation will depend on the complaint; it may involve interviewing you, a witness or witnesses, or reviewing relevant documents.

Grievance Outcome

You will usually be notified in writing of the decision and the reasons for the outcome within five working days. The outcome will include notification of any further action we intend to take to resolve the grievance. You will be informed of your right to appeal against the outcome. You will be informed if your grievance has been Upheld, Partially Upheld or not Upheld.

Appeal

If you are not satisfied with the outcome you can appeal by writing to the Chair of the Local Governing Committee, the Trust Board Clerk (or Chair of the Trust Board if appropriate) within 5 working days of the decision, stating in detail the grounds. You will be provided with the investigation report and appendices on receipt of your appeal and in good time before the meeting. An appeal meeting will be held as soon as practicable and will be dealt with impartially by a more senior manager not previously involved. Where the CEO or Headteacher made the decision, a panel of local governors or trustees who have not been previously involved will hold the appeal meeting.

You submit a written grievance to Headteacher, CEO or Trust Board Clerk.



Within 5 working days you are contacted to either arrange a grievance meeting or be notified that a confidential investigation will be taking place.



Your grievance will be concluded as soon as is practical but in order to be fully considered there may be a number of steps. For example, a meeting, an investigation then a concluding meeting.



5 working days from the final meeting relating to the grievance you will be informed in writing if your grievance has been partly upheld, not upheld or upheld and what actions will arise from it.



You have the right to appeal against this decision to the Chair of the Local Governing Committee (if your grievance was dealt with by the Headteacher), Trust Board Clerk or Chair of Trust Board (if appropriate).