




Grievance Policy

November 2023

Signed (Chair of Trustees):	
Date:	November 2023
Date of Review:	November 2024

The Arbor Academy Trust reviews this policy annually. The Trustees may, however, review the policy earlier than this, if the Government introduces new regulations, or if the Trust receives recommendations on how the policy might be improved. This document is also available in other formats e.g. e-mail and enlarged print version, on request to the School Offices and is displayed on the schools' websites.

1. INTRODUCTION

- 1.1 Under Schedules 16 and 17 of the School Standards and Framework Work Act 1998, it is the responsibility of the Trust Board as the employer to establish procedures for giving staff opportunities for seeking redress of any grievance relating to their employment.
- 1.2 This Procedure follows the guidance contained within the ACAS Code of Practice for Disciplinary and Grievance Procedures (September 2000). Its purpose is to enable staff to raise issues with management about their work including decisions taken by managers or the actions of their colleagues that may affect them. The procedure is not punitive but is intended to resolve any such grievances as quickly and as fairly as possible and at the lowest relevant level.
- 1.3 The Procedure is open to any member of staff who has a complaint about his/her working conditions of employment within the trust including the interpretation and application of national agreements and policies.
- 1.4 An attempt by informal means or the use of a brokerage and mediation service could enable expedient resolutions to be made.
- 1.5 It is recognised that many matters that become the subject of a formal grievance arise from simple misunderstandings. Therefore, it is incumbent upon the employer and the employee (but particularly individual managers) to strive to make their actions, instructions and requirements clear.
- 1.6 Managers should act in a way that allows employees to feel confident that they will be treated fairly and be available to respond to questions and explain the reasons for their actions. Similarly, it is the responsibility of employees not to pursue frivolous matters through the procedure or to use it to frustrate legitimate management action or instructions. To do so could lead to disciplinary action.
- 1.7 Where the grievance is against the Chief Executive or Executive Principal the matter should be raised via the Chair of the Trust Board in the first instance. If the grievance is against the Head of School the matter should be raised with the Chair of the Local Governing Board.

The Procedure is **not** available or applicable to:

- a grievance matter over which the Trust management has no control
- a grievance where the relevant complainant, manager or member of staff has left the trust's employment
- a grievance about instructions given by management based on the reasonable expectations of the employee's defined duties
- delay proceedings once the employee has been notified of any formal investigation or hearings under the Disciplinary, Capability or this Procedure etc.
- restart the Procedure within 12 months of the completion of action in respect of the same or a similar grievance
- any salary, job evaluation, disciplinary or redundancy issues for which a separate appeal procedure applies
- the application of the premature retirement, pension and redundancy schemes
- any personal matter not directly related to the employee's employment or conditions of service

- complaints about the Trust's statutory responsibilities as an employer
- parental complaints in relation to the delivery of the National Curriculum etc.
- collective disputes or matters which are properly the subject of collective bargaining between the Trust Board and trade unions.

- 1.8 It will be for the person carrying out the investigation to decide how this should be done in accordance with the circumstances of the case and it may be necessary to extend deadlines in order to investigate matters fully. The Procedure should normally be operated incrementally but shall, with the agreement of both parties, permit progression to the latter stages of the process when appropriate. The grievance should be raised in writing if it has not been resolved at an informal stage. The written grievance should be clear, concise, and suggest remedies to enable expedient solutions to be implemented if grievances are found after investigation to warrant remedy.
- 1.9 In accordance with principals of natural justice, an individual who is the subject of a grievance under this procedure will be informed, by the person assigned to investigate the matter, as soon as possible that a complaint has been raised against them and provided with a copy in order to respond.

2. INFORMAL STAGE

- 2.1 It is expected that employees and line managers will make every effort to try and resolve issues on an informal basis as soon as they arise.
- 2.2 If an individual has a complaint about his/her employment, they should raise the issue(s) with their immediate line manager (or if the issue(s) concerns the line manager, to the next senior manager) in the first instance.
- 2.3 The manager should discuss the issue(s) with the employee, who may be accompanied by a union representative or colleague, and provide an oral or written response within 10 working days. The manager will be entitled to assistance from the Trust's Human Resources Manager.

3. FORMAL STAGES

- 3.1 If it is not possible to resolve the grievance at the Informal Stage, the employee is entitled to proceed to the Formal Stage. A record will be taken of all meetings under the Formal Stage of the Procedure.
- 3.2 The employee may be represented by a union representative or colleague and the investigating manager by an adviser or representative at all meetings throughout the Formal Stages.
- 3.3 Where the grievance is against the Head of School, the complaint will be investigated by either an individual local governor or a panel of up to three local governors instead of the "manager" in the Procedure. At this stage it is essential for advice to be sought from the Trust's Human Resources Manager.

Stage 1

The employee must notify their immediate line manager (or if the issue(s) concern the line manager, the next senior manager) in writing within 10 working days of the date of the receipt of the informal response that they wish to proceed to the Formal Stage, setting out the grievance and explaining why the attempts to resolve it have been unsatisfactory.

The manager should meet with the employee within 10 working days to discuss the grievance. The manager will then investigate the matter as appropriate and provide a written response within 10 working days. If it is not possible to investigate the matter fully within this time, the employee should be notified and told when a response may be expected. (See Appendices for draft letters)

Stage 2

If it is not possible to resolve the grievance at Stage 1, the employee is entitled to proceed to Stage 2 where the matter will be investigated by the Head of School or another senior manager.

The employee must notify the Head of School (or if the issue(s) concern the Head of School, the Executive Principal) in writing within 10 working days of the date of the receipt of the formal response at Stage 1 that they wish to proceed to Stage 2, setting out the grievance and why the attempts to resolve it have been unsatisfactory

The Head of School or senior manager should meet with the employee within 10 working days to discuss the grievance. The Head of School or senior manager will investigate the matter as appropriate and provide a response within 10 working days. If it is not possible to investigate the matter fully within this time, the employee should be notified and told when a response may be expected.

Stage 3

If it is not possible to resolve the grievance through the Formal Stages 1 and 2, there will be a right of appeal to a panel appointed by the Trust Board. The employee must notify the Executive Principal in writing within 10 working days of the date of receipt of the formal response at Stage 2 that they wish to appeal, setting out the grievance and why the attempts to resolve this have been unsatisfactory.

The appeal will be heard by a sub-committee comprising not fewer than three members appointed by the Trust Board. The decision of the Appeal Panel is final and will be notified to the employee in writing.

GRIEVANCE PROCEDURE GUIDANCE NOTES

1 General

This is not a punitive process but is intended to *resolve* any work place grievance as quickly and as fairly as possible and at the lowest possible level. The emphasis is on resolving issues to enable staff to continue working together in the best interests of the Trust. Managers and staff are expected to try and resolve issues as they arise and only if this is not possible, should there be recourse to the Formal Stages. At the same time, employees need to be realistic as to their expectations as to how to resolve grievances especially when there may be genuine misunderstandings or differences of opinion.

2 The Role of the Trust Board and Local Governing Board

Both the Trust Board and Local Governing Board of schools with delegated budgets have responsibilities for the staff employed there and especially, for disciplinary and grievance matters. At the request of the Trust, a Traded HR Service may provide support and advice, including a brokerage service etc., but cannot intervene or investigate complaints on behalf of school employees.

3 Grievance Brokerage

There are occasions where the airing of a grievance with an outside party present may help to resolve the matter before it reaches the formal stages. This is completely voluntary and requires the agreement of the employee, the person against whom the grievance has been raised and the Head of School (or if the complaint concerns the Head of School, the Executive Principal). If either party would like to try to resolve the grievance through the brokerage process, they should approach the Head of School (or Executive Principal) in the first instance.

4 Employee Representation

ACAS recommends that most complaints are best resolved informally and that the first stage should allow the line manager to try and resolve the grievance without the involvement of any representative. The employee has a statutory right to be accompanied at a grievance hearing by a single companion who is either a fellow worker or a full time or lay trade union official which will include all meetings under the Formal Stages. The use of solicitors and barristers etc. is not permitted.

5 Investigations

It is for the manager to decide the appropriate way to investigate complaints. This may involve separate or joint discussion, consideration of written submissions by either side, questioning of background facts, interviewing witnesses and commissioning reports etc. A copy of the notes of meetings should be given to the individual concerned.

Both parties should be allowed to produce copies of documentation they consider relevant but secret recordings of meetings or telephone conversations will not be regarded as admissible evidence. Witnesses must be informed that they may be required to attend at any hearing and that their statements, which should be signed and dated, will be made available to the other party.

If the grievance concerns a peripatetic employee or staff working at the trust, the manager should ask the employing Department to investigate the matter and provide them with a written response. If during the course of the investigation it is found that a disciplinary offence may have been committed, any further action should be taken in accordance with that procedure.

6 Records

Records should be kept detailing the nature of the grievance, the employers' response, any action taken and the reasons for this. These should be kept confidential and retained in accordance with the provisions of the GDPR 2018.

Please Note:

Legal representation during HR meetings is not permitted. The Trust does not give consent to legal representation during any internal HR processes, meetings or hearings. We only recognise Trade Union representation or a colleague as a support for staff during these types of meetings and hearings.

The Trust does not give consent or allow for meetings/hearings to be recorded at any stage, of any HR policies or process, where meetings and hearings take place. An independent minute taker will be present to take a detailed note of the meeting / hearing and the employee will be given an opportunity to comment on these minutes after they have been distributed.