



Grievance Policy November 2016

The Local Governing Body of [NAME] Academy adopted this policy on [DATE].
It will be reviewed annually, by the Trust Personnel Committee no later than 30 November 2017

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Introduction

This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

This policy has been developed taking into account the requirements of both education and employment legislation and recognises the guidance set out in the ACAS Code of Practice in force at the date of adoption of this policy. The policy provides a fair method of dealing with grievances within the Trust/Academy.

This policy is not intended to be used for pay or grading appeals which will be dealt with under the Trust Pay Policy.

The Principal or their appointed representative, supported by the Trust HR Manager will be responsible for managing the procedures. Reference to the Principal includes the Chief Executive Officer (CEO) and the senior leader responsible for the Academy, as applicable, taking into account the management structure of the Academy.

Any employee having a grievance related to their employment must follow this policy. The Trust/Academy will not consider any grievances raised outside of this policy. Unless there are exceptional circumstances a grievance cannot be raised if the event or issues complained of occurred more than 3 months ago.

Every effort will be made to deal with the grievance as speedily as possible however some cases may take time to investigate given their complexity. Where this is envisaged, the time limits given below may be extended.

No grievance will be considered solely on the grounds that other formal action is being taken against an employee, nor can this policy be used to frustrate action already being taken under other Trust policies, for example discipline, capability or attendance.

Grievances concerning the Principal, Executive Principal or the CEO will be managed in the case of the Principal or Executive Principal by the CEO or in the case of the CEO by the Chair of the Trust Board.

Guidance on managing grievance procedures is available from the Trust HR Manager who must be consulted before commencing these procedures.

Stage One (informal)

Most grievances can be resolved quickly and informally through discussion with the appropriate line manager. The employee should therefore, in the first instance, discuss the grievance with their line manager indicating their preferred resolution.

Stage Two Grievance Meeting (formal)

If the employee remains dissatisfied they should submit a formal written notice of the grievance setting out fully the nature of the complaint, including any relevant facts, dates and names of individuals involved (see attached pro-forma) to the Principal. This should include an indication of the resolution to the grievance.

A grievance meeting will be arranged, normally within five working days of receiving the grievance. The employee may be accompanied by a companion who may be a colleague or trade union representative.

The Principal or their appointed representative will seek to resolve the problem in consultation with other employees, including the respondent and trade union representatives, as appropriate. The meeting may be adjourned to carry out further investigations, after which the meeting may need to be reconvened. The Principal or their appointed representative will then respond in writing to the grievance within 5 working days. If the employee is dissatisfied with the response they are entitled to move on to Stage Three of the procedure.

Stage Three – Appeal (formal)

If the grievance remains unresolved, employees may make an appeal in writing within five working days of the date of the written confirmation of the outcome, stating fully the grounds of their appeal.

The protocol outlined below will be followed to hear any appeals where the appeal is on the grounds that the meeting was procedurally flawed. In other cases, the Principal where they have not conducted the stage two meeting, CEO, Executive Principal, other appointed representative or appeal governor(s) may review the original decision based on the paperwork and the contents of the appeal.

Appeals heard will be arranged without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion apply as with the hearing. Notes will be taken and a copy sent to the employee.

The appeal will be dealt with impartially and, wherever possible, by individuals who have not previously been involved in the case.

The employee will be given the opportunity to send any written submission or evidence to the individuals hearing the appeal, which should be received by them at least three days before the hearing for consideration prior to the hearing. If no submission is received, the employee will not be able to introduce one at the hearing.

The employee will be informed in writing of the results of the appeal as soon as possible. There is no further right of appeal under this or other Academy/Trust policy.

Appeal Meeting Protocol

The panel will normally consist of between one and three members. The chair of the panel introduces those present and confirms that all parties have the relevant paperwork and that no adjustments are necessary.

The case shall be conducted as follows.

- The employee (or his/her companion) to put his/her case in the presence of the respondent, including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The respondent (or his/her advisor) to have the opportunity to ask questions on the evidence given by the employee and witnesses, as they are called.
- Member(s) of the panel hearing the case to have the opportunity to ask questions on the evidence given by or on behalf of the employee and witnesses, as they are called.
- The respondent (or his/her advisor) to answer the case in the presence of the employee and his/her representative including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The employee (or his/her companion) to have the opportunity to ask questions on the evidence given by the respondent and witnesses, as they are called.
- Member(s) of the panel hearing the case to have the opportunity to ask questions on the evidence given by or on behalf of the respondent and witnesses, as they are called.
- The employee (or their companion) and then the respondent (or their advisor) to have the opportunity to sum up their cases, if they so wish, without the introduction of new material.
- The respondent and the employee together with any companion/advisor to withdraw.
- The panel (with any adviser(s)) to deliberate in private, only recalling the respondent and the employee and any representatives to clarify any points of uncertainty on any evidence already given.
- The decision of the panel will be notified to both parties as soon as possible in accordance with the policy.

General Principles Underlying This Policy

Confidentiality

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. Details of the matter must only be disclosed on a "need to know" basis.

Information about the procedures will be placed on file, along with a record of the outcome and of any notes or other documents compiled during the process and marked as confidential. These will be processed in accordance with the Academy's Data Protection Policy.

Breach of confidentiality may give rise to disciplinary action under the Trust Disciplinary Policy.

Consistency of Treatment and Fairness

The Spencer Academies Trust and Local Governing Body are committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Delegation

The Scheme of Delegation sets out the rules in respect of the delegation of functions by Trust Directors, CEO, Local Governing Bodies, Principals or other senior leader responsible for the Academy.

Sickness

If long term sickness absence appears to have been triggered by the commencement of the grievance procedure, the case will be dealt with in accordance with the Academy's Attendance Management Policy and will be referred immediately to the occupational health service to assess the employee's health and fitness for continued employment and the appropriateness or otherwise of continuing with formal procedures. In some cases, it may be appropriate for procedures to continue during a period of sickness absence.

Monitoring and Evaluation

The Chief Executive Officer, Local Governing Body and Principal will monitor the operation and effectiveness of the Academy's grievance procedures.

Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) has been completed in relation to this policy.

Grievance Notification Form

Employees are encouraged to seek a remedy through informal discussion. Where this does not result in a resolution of the grievance this form is for use by employees to record their grievance in order to avoid any misunderstanding and provides for a written response at the formal stage of the procedure and forms part of the documentation should it be necessary to move to Stage 3 of the procedure.

Please submit in duplicate – one copy will be returned to you with the response duly completed. Use a continuation sheet if necessary.

To be completed by the employee.

Statement of grievance:

Preferred resolution:

Name:

Signature:

Designation:

Date: