

Shireland Collegiate Academy Trust Policy

Grievance Procedure

2020

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Policy Availability	Trust Staff Portal
Officer Responsible	HR Director of the Trust

The Trust, all Academies within the Trust and Shireland Learning Limited must comply with this policy.

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Grievance Procedure

This Policy applies to all employees of Shireland Collegiate Academy Trust.

It is Shireland Collegiate Academy Trust's policy to ensure that employees with a grievance relating to their employment are able to use this procedure to resolve grievances quickly, fairly and as close as possible to the point of origin.

Grievances are complaints, concerns or problems raised by an employee relating to their employment. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with their Principal/Manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance and the outcome they are seeking.

The procedures outlined below can be used when:

- An employee has a grievance with a colleague
- An employee has a grievance with their manager or another member of the leadership team, including the Principal or members of the SPC.

Grievances can be about issues including:

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

The procedures outlined in this policy should not be used for:

- Grievances about termination of employment
- Grievances about national insurance, income tax or pensions
- Grievances about pay or performance management (Appraisal)
- Grievances related to whistleblowing

These are covered by separate procedures which can be found on the Trust HR portal. (disciplinary, probation, fixed term working, appraisal and public interest disclosure).

The timescales set out in this procedure may be altered by mutual agreement for operational or availability reasons.

The Trust is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

Complaints of harassment, bullying or discrimination

We recognise that harassment and victimisation is unlawful under the Equality Act 2010. As such, harassment, or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable and will not be tolerated.

Bullying is understood to be targeted and persistent offensive, intimidating, malicious or insulting behaviour and can include the abuse or misuse of power to undermine, humiliate, denigrate, or injure the recipient.

If an employee feels they are being harassed/bullied the alleged harasser/bully must be approached and told to stop the unwanted behaviour prior to entering the Informal Stage. If an employee feels they are unable to approach the alleged/harasser themselves, they can ask for support from a colleague or line manager who can approach the alleged harasser/bully on behalf of the employee

Informal Procedure

The wellbeing of Trust employees is very important, and we strive for an environment in which employees are confident that any grievances can be resolved quickly and informally through open communication with their line manager or Principal. Employees are encouraged to seek an informal resolution. If they are unable to speak to their manager (e.g. because the complaint concerns their manager), they should speak informally to a more senior manager, which could be the Principal. Staff have the right to approach their trade union for support.

If this does not resolve the issue or is not appropriate, staff should follow the formal procedure below.

Formal Procedure

A Complaint must be lodged within 3 months of the incident to which it relates unless there are exceptional circumstances it will not be considered outside of this time scale. In cases of harassment, bullying or discrimination incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months.

Where an employee thinks that informal procedures cannot or have not resolved their grievance, they can initiate formal procedures. These will progress as outlined below:

- The employee should inform their Principal/Manager or if the Principal/Manager is the subject of the grievance the HR Director, of the grievance and the basis for it in writing using the Grievance form (Appendix 1) and identify the outcome they are seeking. Where the Principal/Manager is the subject of the grievance the HR

Director will arrange for it to be passed to a member of the Trust Strategy Team.

- A senior member of staff will be asked to investigate the grievance, an initial meeting will be held involving the member of staff with the grievance and investigating manager to discuss the grievance and context.
- On conclusion of the investigation, which will normally be within 15 working days of the meeting a report of the findings will be submitted to the Principal who will hold the grievance meeting.
- An employee has the right to bring a companion (a trade union representative or a colleague) to the formal grievance meeting or appeal meeting under this procedure. Employees should tell the person holding the grievance meeting who their chosen companion is in good time before the meeting. If the employee's companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place. If the alternative time is reasonable and within five working days after the original scheduled date, then the meeting will be postponed and rearranged to that date. At the meeting, your companion may make representations 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.
- The person holding the meeting will hear evidence from the parties involved 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.
- All parties involved will usually be notified in writing of the outcome and the reasons for the decision within five working days. There may be circumstances in which it is considered inappropriate for all those involved to receive the full notification.

Appeals

The individual who has brought the grievance can appeal by writing to the HR Director within ten working days of the decision, stating in detail the grounds. 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 Principal made the decision, a member of the Trust Strategy Team will hold the appeal meeting, where a member of the Trust Strategy Team made the decision the CEO will hold appeal meeting. The grievance will be re-heard on condition that:

- there is new evidence
- new grievances will not be added.

The decision of the person hearing the appeal is final.

Overlapping grievance and disciplinary issues

If an employee raises a grievance after disciplinary proceedings have started against them, the school will consider suspending the disciplinary period for a short time to consider the implications of the grievance on the disciplinary proceedings. If the grievance and disciplinary issues are unrelated then they can be heard separately. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Collective Grievances

If two or more employees have identical grievances and all wish them to be addressed in the same grievance process, staff members can raise a collective grievance via this procedure. All employees must agree (without any pressure being exerted on staff members to join the collective process) to do this.

If the employees raising the collective grievance are all members of the same trade union, their trade union representative can raise the grievance on their behalf. Alternatively, employees can agree to nominate one employee to act on behalf of everyone.

Collective grievances will be managed in accordance with the procedure set out above.

If, following the collective grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

Appendix 1 Notification of Grievance Form

Strictly Confidential

Once received the grievance will be addressed and dealt with under the Trust's grievance policy and procedure.

Name of Employee:
Job Title:
Location:
Name of manager to whom the grievance is raised:
Job Title:

Details of Grievance

Please explain the nature of your grievance below, including as much detail as possible regarding dates, times, people involved etc.

Employee Signature:
Date:

Appendix 2 Grievance Appeal Form

This form is to be completed by an employee who wishes to lodge an appeal to the outcome of a grievance procedure.

When completed please submit this form to the Human Resources Director.

Strictly Confidential

<p>Name of Employee:</p> <p>Job Title:</p> <p>Location:</p> <p>Date of grievance outcome letter:</p> <p>Declaration: I confirm that I wish to appeal the outcome of my recent grievance. I understand that the outcome of the appeal is the final outcome and I have no further right of appeal.</p>

Details of Appeal

Please explain the nature of your appeal including any new information you have which may affect the original outcome. Please also include details of your desired outcome.

<p>Employee Signature:</p>
<p>Date:</p>