

Royal Wootton Bassett Academy Trust

Grievance

Policy & Guidance

RWBAT Responsibility: Esther Newman

Date ratified: 14.10.2020 **Version Number:** 3 **Committee Reviewed:** Standards

Relevant Legislation/Guidance

Code of Practice Acas
Equality Act 2010

Table of Contents

1. Introduction	1
2. Scope.....	1
3. Roles and Responsibilities	2
4. Principles	2
5. Formal Resolution	3
6. Confidentiality	5

1. Introduction

A grievance is defined as a ‘concern, problem or complaint raised within the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying, discrimination or work relations’. This policy does not cover issues raised by people who are not employed by the Trust.

This document sets out the Trust’s grievance policy and provides a structured mechanism for employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient school operation.

2. Scope

The policy and procedure set out in this document applies to all teachers on teacher’s pay and conditions and support staff employed in schools.

If an employee raises a grievance against the Chair of Governors, or any other member of the Governing Body, this should be dealt with through this Grievance Policy and will be heard by a Grievance Panel.

Some issues are best dealt with under specific policies and procedures. These should be used wherever possible by employees and managers. They include:

Organisational Change	Restructure & Redundancy Guidance
Pay and grading	School's Pay Policy
Pension	Pension Regulations
Bullying/Harassment	Acceptable Behaviour Policy

3. Roles and Responsibilities

Both managers and employees have a responsibility within this procedure.

Managers will:

- Try to resolve all issues informally before they become formal grievances
- Ensure the grievance procedures are followed correctly, seeking advice from HR
- Treat all grievances seriously, dealing with each one fairly, consistently and sensitively
- Address any grievances promptly and where possible within any given timelines
- Where appropriate, consider alternative working arrangements with the aggrieved employee where it is not possible, or appropriate, for the employee to continue to work as before
- Respect the need for confidentiality at every stage of the procedure

Employees will:

- Work with the manager to genuinely seek resolution
- Co-operate with any investigation
- Wherever possible try to raise the grievance informally
- Comply with all reasonable management instructions whilst their grievance is being considered
- Respect the need for confidentiality at every stage of the procedure

4. Principles

This procedure will work in accordance with the following principles

Informal Resolution

Employees should, where possible, discuss the grievance or complaint with their immediate manager on an informal basis first. The manager will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to their immediate manager, or if the grievance concerns him or her, the employee should instead talk to the next most senior person or HR.

Where the informal procedure is used, both parties should keep a written record of the meeting including what was discussed and any proposed action.

If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with according to the formal grievance procedure.

Mediation

As an alternative to raising a complaint through the formal grievance procedure or at any stage of the procedure, an employee or the manager may request that the matter is dealt with through mediation. Mediation is voluntary and will only take place with the agreement of both parties. Where mediation is agreed once the formal grievance procedure has been started, the formal procedure will be adjourned whilst the mediation takes place. Either party will have the opportunity to withdraw from the mediation at any stage without prejudice. In the event that no mutually acceptable solution is reached through mediation, the procedure will be reconvened at the point of adjournment.

Right to be Accompanied

At all stages of the grievance procedure, employees will have the right to be accompanied by a trade union representative or a fellow employee. Before any meetings take place the employee should notify the manager whom they have chosen as a companion.

Records

At all formal stages of the procedure, meetings will be recorded in writing and copies made available to employees.

Discrimination

The school will not discriminate on the grounds of sex, disability, age, race, marital status, religion, colour, nationality, ethnic or national origin or because of their sexuality or sexual orientation. At all times during any informal or formal proceedings the school will ensure, where they are aware of any specific requirements, to make any reasonable adjustments to ensure the procedure is fully accessible and understandable to all employees. These adjustments may include:

- Location and timings of meetings
- Alternative formats of all written information
- Equipment such as an induction loop, sign language interpreter
- Appropriate adjustments for people with a learning disability

5. Formal Resolution

If the matter has not been resolved in the informal stages of this procedure, the employee should raise their grievance, preferably in writing, to the Headteacher. Employees may raise their grievance using the Grievance Form in Appendix A.

The written grievance should include the following information:

- The nature of the grievance – what is alleged to have occurred, by whom and when. (This should refer to specific instances rather than generalisations)
- The reason for the dissatisfaction of the informal solution (if appropriate)
- The remedy that the employee is seeking
- Details of any witnesses to the matters complained about

Stage 1 - Written Statement

Put the grievance in writing and send it to HR /line manager. Your HR/line manager will arrange a formal meeting in order to discuss the grievance. You have the right to be accompanied at this meeting by a work colleague or a trade union representative. You will receive a written response to your grievance within 5 working days of the hearing. If you are not satisfied that the matter has been adequately resolved, or if you feel your line manager fails to deal with your written grievance, then Stage 2 of the procedure will apply. The aggrieved employee must first send a written statement detailing the nature of the grievance to the line manager without unreasonable delay (please see appendix A Employee Grievance Form).

Where it is the line manager who is the subject of the grievance, the employee should instead send the written statement to HR or member of the leadership team.

Stage 2 - Grievance Meeting

If you feel that your grievance has not been resolved at stage 1 of the procedure, you should appeal in writing to HR or appropriate member of the leadership team. Upon receiving the written statement the appropriate manager will arrange for a formal meeting to be held in order to discuss the grievance. The formal meeting will be held without unreasonable delay and usually no longer than 5 working days after the statement of grievance is received.

The employer should establish the facts by collecting documents, identify any relevant people to interview and take statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously.

The employee is entitled to be accompanied by a colleague, a suitably certified trade union representative or an official employed by a trade union. The companion may not, however, answer questions on behalf of the employee.

The employee's chosen companion will be able to address the meeting to put or sum up the employee's case as well as confer with the employee during the meeting. They may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish them to do so or prevent the Academy from explaining their case.

The appropriate manager, employee and their companion shall make every effort to attend the meeting. If a meeting has to be rescheduled to accommodate the availability of the parties, it must be rearranged within 5 days of the date of the original meeting.

If possible the employee should explain how they think the grievance could be resolved.

If a full investigation of the matter is required then the meeting should be adjourned to a later date before a decision is taken about how to deal with the employee's grievance.

Stage 3 - Outcome of Meeting

Although the projected timescale for resolution is within 20 working days of the grievance being received by the Headteacher, grievances frequently take much longer to resolve, owing

to problems of obtaining evidence, scheduling the availability of all involved and conflicting priorities. Where the grievance is complex and/or where a formal investigation is commissioned, it may take much longer to reach a conclusion.

Following the meeting and investigation and without unreasonable delay, the appropriate manager shall set out in writing the action they intend to take in order to resolve the grievance (if appropriate).

The appropriate manager shall also inform the employee of their right to appeal if they are not satisfied with the action taken.

Any action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.

Stage 4 - Appeal

Employees have the right to appeal where they feel their grievance has not been satisfactorily resolved.

The request for an appeal must state the grounds for the appeal and should be submitted to the appropriate manager in writing within 5 working days of receiving written confirmation as to the outcome of the grievance meeting.

The appropriate manager will arrange a further meeting to discuss the appeal within a reasonable time of receiving the request for an appeal. The employee will be informed of the time and place of the appeal in advance.

The appeal will be dealt with impartially and, wherever possible, will be chaired by a manager who has not previously been involved in the case and is of increased seniority to the one who dealt with the original grievance.

The employee has the right to be accompanied at the appeal meeting and the outcome of the appeal meeting shall be communicated to the employee in writing within 5 working days. Decisions made at this point are final and the grievance procedure is concluded.

6. Confidentiality

Grievances will be handled with as high a degree of confidentiality as is practicable.

Confidential records of the grievance will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Academy reserves the right to withhold certain information (e.g. to protect a witness).

Special Cases

Where a grievance relates to a disciplinary matter, both can be dealt with concurrently.

Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended so the grievance can be dealt with first. The above procedure shall not be used for collective grievances. A separate procedure can be referred to for issues involving bullying, harassment or whistle blowing.

APPENDIX A

EMPLOYEE GRIEVANCE FORM

Your name	
Job title	

Grievance (please give a full description of your grievance, use this form to help a shared understanding of your grievance and what is needed to put things right)

--

Remedy

We encourage you to say what you think needs to happen to resolve your grievance. You may wish to take advice from your trade union representative on what might be an appropriate remedy. Remember, once the grievance is dealt with, the outcome will be at the discretion of the Headteacher/Manager or the appeal panel and it may not reflect the remedy you have proposed.

Declaration

I confirm that the details above are true and that I have read and understood the Grievances Procedure. I also understand that a copy of this form will usually be given to the people I name in it.

Signature

Date

Handling grievances – an overview

