



GRIEVANCE PROCEDURE

SERVE CHALLENGE EMPOWER

Document Control

Member Academies:	Beamont Collegiate Academy (BCA) Bridgewater High School (BHS) Broomfields Junior School (BRO) Great Sankey Primary School (GSP) Meadowside Community Primary and Nursery School (MEA) Padgate Academy (PAD) Penketh High School (PHS) Penketh South Primary School (PSP) Priestley College (PRI) Sir Thomas Boteler Church of England High School (STB)
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Version	Date	Action
1	5/10/2018	Approved by trust Board and JCNC
2	6/2/2019	CET/JCNC approval – Padgate Academy included
3	12/12/2018	Broomfields Junior School and Meadowside Community Primary added as member academies.
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1. INTRODUCTION

- 1.1 This procedure is intended to apply to any employee of The Challenge Academy Trust, who may have a grievance about their work, working environment or working relationships which they wish to raise and have addressed.
- 1.2 This procedure is aimed at resolving grievances fairly and speedily before they develop into major problems or collective disputes. Many problems can be resolved in the course of the daily working environment but where this is not possible, the staged procedure as laid out below, will be applied. The procedure will be available to individual employees or groups of employees who may share a grievance.
- 1.3 The procedure can be used flexibly, and by mutual agreement of all parties. Time limits may be modified or stages in the procedure dispensed with in order to settle the matter quickly.
- 1.4 Grievances within the Trust can arise from a variety of sources. They can arise among members of teaching staff, support staff or from a Principal/Headteacher. They can involve trustees, governors or the administration of individual academies, colleges or schools therein. Therefore, the format for the resolution of the grievance may vary, dependent upon the nature of the complaint.
- 1.5 The Trust/Academy will seek to ensure that grievances (individual and/or collective) are resolved as quickly as possible and as close to the source as possible to ensure minimal stress for the complainant and any other parties. Line managers have a responsibility to respond positively to any complaints. A grievance should be raised without unreasonable delay after the incident to which it relates, and within 3 months of the incident occurring.
- 1.6 Employees have a right to be accompanied at each stage of the procedure by a trade union representative or work colleague and will be informed of this in writing at any formal stages.
- 1.7 Employees may raise a grievance during a disciplinary process. The disciplinary process may be temporarily suspended in order to deal with the grievance but where the grievance is associated to the circumstances of the case being investigated, it will not be addressed using the Grievance Procedure. The issues raised will be considered as part of the response from the employee under the Disciplinary Procedure.
- 1.8 Records shall be kept confidentially detailing the nature of the grievance raised, the Trust's response, any action taken and the reasons for it.
- 1.9 If the grievance is about another employee, and an investigation is required, the respondent will be provided with a copy of the grievance that has been made against them in order for them to be able to respond appropriately.
- 1.10 Employees may not raise a grievance anonymously as this impedes consideration of the case.

- 1.11 Recordings of conversations, meetings or proceedings should not be taken without the agreement of all parties present. Such recordings, where they are undertaken without consent and subsequently shared with others and/or presented as evidence, may constitute a breach of data protection law and confidentiality. In these circumstances a referral may be made to the Information Commissioners Office. Such actions may also constitute an act of gross misconduct under the disciplinary procedure.
- 1.12 The Trust recognises that the grievance process can be very difficult for the respondent, as well as the person making the complaint. The Trust is committed to supporting employees who may be the subject of a complaint. They will receive regular updates on progress and will be advised of anticipated timescales by an appropriate manager.
- 1.13 Reference is made throughout this procedure to the employee's immediate line manager though this could be a line manager, Headteacher/Principal/CEO or member of a Governing Body/Trust Board.

2. SCOPE OF THE PROCEDURE

- 2.1 A grievance can be raised under a number of different topics as referenced in section 1. All relevant complaints will be considered under this procedure.
- 2.2 This procedure does not apply in the following circumstances:
- (i) Where an employee is subject to formal disciplinary action or action under the Trust's Managing Employee Performance and Managing Attendance procedures - any grievance raised, relating to the circumstances of the case, will not be considered under this Grievance Procedure. These issues will be considered as part of the response from the employee under the procedure being followed at the time. Where the complaint is not related e.g., a dignity at work matter, this will be considered separately under this procedure.
 - (ii) Where issues arise over matters outside the control of the Trust, e.g., taxation, National Insurance, and pension matters.
 - (iii) Where the complaint relates to an established policy or procedural issue.
- The Trust reserves the right to deem that a written response is appropriate for these instances.
- 2.3 Where the grievance relates to a change, for example to terms and conditions of employment, the status quo should prevail until the decision at the Formal Stage Two hearing.
- 2.4 Where an employee pursues a grievance in good faith, which is not upheld following an investigation, no action will be taken. If, however, an employee pursues a grievance that is shown to be for malicious or vexatious motives, disciplinary action may be taken.

3. THE PROCEDURE

A. Grievances raised by staff other than the Principal/Headteacher/CEO

3.1 The Informal Resolution: Stage One

- (i) A grievance can be settled at any stage of the procedure but ideally should be resolved at the informal stage. Employees are encouraged to use this route in the first instance.
- (ii) Where a member of staff has a grievance, which involves either another member of staff, head of department, Principal/Headteacher, CEO or Governing Body, they should first of all endeavour to resolve the matter by mutual agreement with the person involved, or in discussion with an appropriate manager.
- (iii) The timescale for reaching a resolution to an employee's grievance at the informal stage should be within ten working days of the grievance being raised.
- (iv) In order to resolve a grievance informally, the parties to the grievance may, by mutual agreement, consult other members of staff, Chair of Governors and representatives of Trade Unions, as may be appropriate.
- (v) Any notes taken from meetings will be signed by all parties concerned, to confirm that they represent an accurate record of discussions undertaken. (See 8.3 for further advice).

3.2 The Formal Resolution: Stage Two

Employees are advised to pursue informal resolution before making a formal complaint.

- (i) Where the matter has not been resolved at the informal stage, then the employee concerned should submit a formal written notice of the grievance to the Principal/Headteacher, for consideration by themselves or other senior manager whom the Principal/Headteacher may nominate.
- (ii) Where the grievance concerns the Principal/Headteacher or CEO, either as a respondent or where they have been involved in the informal stage, then the formal notice of the grievance should be submitted to the Chair of Governors or Chair of The Trust Board as appropriate who will nominate appropriate Governors/Trustees to hear the employee's grievance.
- (iii) The grievance must be stated in writing, using the Formal Grievance Form, highlighting the reason for the grievance, what response (if any) was given during the informal process and why this was considered to be unsatisfactory by the employee. If possible, the grievance should also state the proposed remedies sought by the complainant.
- (iv) Formal complaints should normally be made within 10 working days of the outcome of the informal stage or within three months of the concern first being identified, where this could not be raised informally.
- (v) Once received, the Principal/Headteacher should write to the employee within three working days to confirm receipt and advise upon the next steps.

Consideration (following discussion with Human Resources) should be given as to whether the informal process has been exhausted or whether to convene a Formal Grievance Hearing for a senior manager to consider and respond to the concerns being raised.

- (vi) The hearing should be held within twenty working days of receipt of the submitted grievance. The purpose of the hearing is for the senior manager (Presiding Officer) to consider the complaint and reach an outcome. The employee has the right to be accompanied at the meeting by a colleague or trade union representative. A representative from Human Resources may also attend, at the request of the Presiding Officer, to give advice related to procedural issues.
- (vii) The Presiding Officer and the employee should seek to resolve the grievance at this hearing. Possible outcomes may be:
 - The Presiding Officer moves the matter back to the informal stage.
 - The Presiding Officer will notify the complainant and the manager involved at Stage 1 of this outcome in writing, within 5 working days of the hearing.
 - The Presiding Officer upholds or rejects the grievance.
 - The Presiding Officer will notify complainant of the outcome in writing, within 5 working days of the hearing.
 - The Presiding Officer requires further information as to the particulars of the complaint and commissions an investigation.
 - The Presiding Officer will notify complainant of the outcome in writing, within 5 working days of the hearing. The investigation should commence and be concluded without unreasonable delay. Upon receipt of the investigator's report, the Presiding Officer will reconvene the hearing and give a decision on an outcome. This will be confirmed in writing within 5 working days.
- (viii) The complainant shall have the right of appeal against the outcome of the Stage Two process. This must be set out in the outcome letter from the Presiding Officer.

3.3 The Appeal Stage: Stage Three

- (i) If the employee remains dissatisfied, the matter will then be dealt with by an Appeals Committee of the Governing Body (or Trust Board where the grievance relates to central Trust employees). Any appeal should be submitted in writing, to the Chair of the Governing Body / Trust Board, within ten working days of receipt of the Stage Two outcome letter.
- (ii) The complainant should clearly set out the reasons why they are still dissatisfied at this stage, giving details of why they feel that the process has been flawed or where they feel that the evidence does not support the decision made at Stage Two. The complainant's desired outcomes should also be set out.

- (iii) The Appeal Hearing should take place no later than 20 working days after receipt of the written appeal. The complainant should be given at least 5 working days notice of the date, time and venue of the hearing. They will have the right to be accompanied by a trade union representative or a workplace colleague. The Appeal Panel may be advised on procedural matters by a representative of the Human Resources Service.
- (iv) The purpose of the appeal is to consider whether the process of the Stage Two hearing was fair and/or whether the outcome(s) were reasonable. There should be no reassessment of the case, other than where the process followed has been fundamentally flawed.
- (v) The Stage Two Presiding Officer should submit a formal written report to the Appeals Committee, together with all relevant documents they considered in reaching their outcome. There is no requirement for the Stage Two Presiding Officer to attend the Appeal Hearing.
- (vi) Where possible, the decision of the outcome of the appeal should be confirmed at the hearing and should be confirmed in writing within five working days of the meeting. If further clarification or action is required, the parties will be notified of the decision as soon as practically possible. The decision of the Appeal Panel is final and there will be no further right of appeal.

B. Grievances raised by the Principal/Headteacher/Trust CEO

3.4 The Informal Resolution: Stage One

- (i) Where a Principal/Headteacher/the CEO has a grievance, they should first of all endeavour to resolve the matter by direct approach to the appropriate person or body
- (ii) The other principles set out in 3.1 will apply in this process.

3.5 The Formal Resolution: Stage Two

- (i) Where the grievance remains unresolved the complainant (if a Principal/Headteacher) should submit a formal written notice of the grievance to the CEO or, if the respondent to the grievance or the complainant themselves is the CEO, the Chair of the Trust Board. The complainant should be entitled to be accompanied by a representative of the teachers' organisation(s) or Trade Union concerned.
- (ii) The grievance should be acknowledged in writing within three working days and a hearing should be held within twenty working days of receipt of the submitted grievance.
- (iii) The other principles set out in 3.2 will apply in this process.

3.6 The Appeal Stage: Stage Three

- (i) If the employee remains dissatisfied, the matter will then be dealt with by an Appeals Committee of the Trust Board. Any appeal should be submitted in writing, to the Chair of the Trust Board, within ten working days of receipt of the Stage Two outcome letter.
- (ii) The other principals set out in 3.3 will apply in this process.

4. COLLECTIVE GRIEVANCES

- 4.1 Where a grievance is raised by more than one employee, the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance. The group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form. One form should be submitted but must be signed by all employees.
- 4.2 The principles of this procedure will also apply to collective grievances, although where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The Trust/Academy will determine the appropriate mechanism to be followed in each case.
- 4.3 The decision of the Trustee/Governor's Appeals Panel will be the final employer response to the grievance.

Failure to agree following negotiations.

- 4.4 In instances where the exhaustion of this framework results in a failure to agree, the matter may be declared as being in dispute and the procedure may be extended to include the involvement of the Joint Secretaries of the Joint Regional Council for conciliation. This can be at the request of either side but requires the agreement of both. This extension does not apply to individual grievances.
- 4.5 In exceptional circumstances, failure to resolve a collective grievance through the Joint Secretaries may be referred to ACAS for conciliation and possible arbitration. Involvement of ACAS is optional and must be subject to agreement from both the Trust and the Trade Unions. Trade Union representatives are advised to inform their Regional Officers that it is their intention to seek either conciliation or arbitration.

5. TRADE UNION GRIEVANCES

- 5.1 A Trade Union representative can raise a collective grievance on behalf of the workforce where the issues are organisational or concerning a general application affecting some or all categories of employees. There is no requirement for employees to sign a grievance form in these circumstances.

6. POST EMPLOYMENT PROCEDURE

- 6.1 Where grievances are received from ex-employees, a written response will be provided. This will apply to any grievance from employees who have left the Trust's employment, regardless of whether or not the grievance was commenced prior to the date of termination.

7. WITHDRAWING A GREIVANCE

- 7.1 If an employee decides to withdraw a grievance at any stage during the procedure, the complainant should advise the manager of the reason for the decision. Whilst in the majority of cases the Trust/Academy will respect the rights of the employee to withdraw the grievance, there may be instances where the concern impacts on our duty of care towards others and in certain circumstances, the School may, independently of the grievance, decide to investigate and take action.

8. GUIDANCE ON THE USE OF THE PROCEDURE

- 8.1 Before deciding to embark on making a Grievance, a person needs to consider very carefully, what they wish to gain from initiating the Grievance Procedure. There is a need for all parties involved in a grievance to recognise that it can be very upsetting for all concerned and can make "normal" working relationships difficult to maintain. It is essential that individuals try to empathise with how others are feeling, even if they do not agree with what they are saying/claiming. Those who use the procedure for the first time or who are uncertain how to interpret any aspect of this procedure, should arrange to meet with the relevant individual from the Human Resources Service for confidential advice and guidance.
- 8.2 Grievances can be stressful for all parties concerned and every effort should be made to resolve matters quickly. All timelines should be adhered to and if meetings are proving difficult to arrange, then advice/help should be sought from the relevant HR/Personnel team or from a senior manager, to ensure that delays do not occur. This can be particularly difficult in instances of sickness absence of key individuals, in which case HR/Personnel may be aware of a likely return to work date. In the case of the summer break, every effort should be made to resolve matters in advance, but if this means "speeding up" timescales in Stage 2, then approval must be sought and given from all parties concerned.
- 8.3 It is not uncommon during a grievance for all parties to find it difficult to agree every detail of what was said at meetings. To avoid this becoming an issue of further dispute or delaying proceedings when this happens, it is suggested that the minutes of a meeting are provided to all parties with track changes, to enable individuals to record their amendments and, if required in the future, others can see what all parties felt had been the discussions/outcomes of the meeting. One or more party may decide that they cannot sign the minutes. This does not invalidate the minutes.

9. Appendix A: Formal Grievance Form

FORMAL GRIEVANCE FORM

STRICTLY PRIVATE AND CONFIDENTIAL

PERSONAL DETAILS

NAME

ADDRESS

CONTACT NO.

JOB TITLE

PLACE OF WORK

LINE MANAGER

NATURE OF COMPLAINT

1. Please explain the nature of your grievance, being explicit with examples, dates and times of issues and events.

*(If this is a collective complaint, this should include the **shared** issues experienced by **all** complainants)*

Individual Grievance

☐

Collective Grievance

☐

If Dignity at Work complaint, please complete 2, 3 and 4

2. Please state the name and job title of the employee and their relationship to you, e.g. work colleague, line manager.
3. Please explain the behaviour that you consider to be inappropriate. As precisely as you can, provide dates, times and places where this took place.

4. Please provide the names of any witnesses. State their job title and contact number if you know this information.

INFORMAL ACTION

5. Please state what informal action has been taken. Indicate dates, times and people involved.
6. If you have been unable to take informal action, please state why.

RESOLUTION

7. Please explain the outcome you are seeking from the grievance process.

NOMINATED REPRESENTATIVE (FOR COLLECTIVE COMPLAINTS, WHERE APPLICABLE)

8. Please provide the name of your nominated representative.

DECLARATION

(If this is a collective complaint, all complainants must sign the declaration to confirm their agreement to the contents. Where a nominated representative is identified, the declaration is agreement for the representative to act on the complainant's behalf)

SIGNED:

DATE:

10. Appendix B: Grievance Appeal Form

GRIEVANCE APPEAL FORM

STRICTLY PRIVATE AND CONFIDENTIAL

PERSONAL DETAILS

NAME

ADDRESS

CONTACT NO.

JOB TITLE

PLACE OF WORK

LINE MANAGER

NATURE OF APPEAL

1. Please indicate the nature of your appeal.

DATE OF FORMAL GRIEVANCE HEARING

SENIOR MANAGER WHO HEARD THE GRIEVANCE

OUTCOME OF THE HEARING

GROUND OFS OF APPEAL

2. Please provide details regarding the grounds for your appeal, including any new evidence that you consider relevant to the case.

RESOLUTION

3. Please explain the outcome you are seeking from the grievance process.

NOMINATED REPRESENTATIVE (FOR COLLECTIVE GRIEVANCES, WHERE APPLICABLE)

4. Please provide the name of your nominated representative.

DECLARATION

(If this is a collective complaint, all complainants must sign the declaration to confirm their agreement to the contents. Where a nominated representative is identified, the declaration is agreement for the representative to act on the complainant's behalf)

SIGNED: _____

DATE: _____