

Grievance Procedure

This procedure sets out the process for dealing with employee grievances

The procedure was approved by the Trust Board of Directors on 20 March 2018 and will be reviewed annually.

1. Introduction

- 1.1 This Policy provides for individual employees to raise grievances related to their employment. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible. This Policy has been developed to comply with the ACAS code of Practice, Disciplinary and Grievance processes. The grievance procedure must always be applied fairly and in accordance with the Trust's Equal Opportunities Policy as well as the Equality Act 2010 and all relevant employment law. Consilium Academies are committed to ensuring that all their employees are treated with dignity and respect and all disputes are being resolved in a timely manner.
- 1.2 A grievance is a concern, problem or complaint that an employee may have about their work, working conditions or relationships with colleagues, that they may wish to discuss with management. This procedure provides a mechanism by which employees can raise complaints and for these to be dealt with in a fair, timely and consistent manner.
- 1.3 The trust are committed to treating seriously any allegations relating to potential discrimination on the grounds of race, gender, disability, sexual orientation, age, religion, trade union membership and family care responsibilities, and ensuring a full and thorough investigation where such allegations are made.
- 1.4 This procedure is intended to follow best practice in line with the ACAS Code of Practice on Discipline and Grievance and to comply with the Equality Act 2010.
- 1.5 This procedure is applicable to all staff employed by Consilium Academies and is designed to deal with either individual grievances complaints relating to employment, or collective complaints. Collective grievances can be raised either by a trade union representative (under either the auspices of the Burgundy book for Teachers or the Green book for support staff) or a member of staff nominated to do so by those raising the complaint.
- 1.6 There is a separate policy to deal with all dignity at work issues involving alleged incidents of harassment, bullying or victimisation. This policy deals with any other concerns, problems or complaints relating to employment matters, such as:
 - terms and conditions of employment;
 - health and safety;
 - work relations;
 - bullying and harassment;
 - new working practices;
 - working environment;
 - organisational change;
 - discrimination
- 1.7 Reasonable adjustments to this policy will be made upon request where this is required to accommodate an individual's needs in relation to a disability.
- 1.8 The remit of this policy does not include issues related to pay and grading or disciplinary matters for which separate policies/procedures exist (unless these policies have been misapplied).
- 1.9 The employee has the right to representation at all formal stages of this procedure and this includes the right to be accompanied by a trade union representative or colleague.

Reasonable requests for representation by a trade union representative or a work colleague at the informal stage may also be accommodated at the discretion of the manager investigating the complaint. No other person may accompany the employee at any stage of the process.

- 1.10 Every effort will be made to comply with the timescales outlined in this procedure however it is recognised that on occasion these may need to be modified within a reasonable timeframe dependent on the nature of the complaint. Timescales may also be modified by mutual consent. While the procedure should be completed as promptly as practical, it also needs to be sufficiently thorough to be fair and reasonable.
- 1.11 It is recognised that support may be required for all employees involved in a complaint, regardless of whether they are raising a grievance or the grievance is about them. Support can be provided by the employee's trade union representative. Where appropriate additional support can be provided by named school staff or through Occupational Health. This will be discussed and agreed with individuals (and their representatives).
- 1.12 Grievance complaints will be treated seriously and dealt with in the utmost confidence. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.
- 1.13 Where it is concluded by the investigating officer that a complaint is malicious, i.e. without foundation and made with a deliberate intention of having action taken against another employee, this will also be treated seriously. In such cases consideration may be given to dealing with the complainant in line with the trusts disciplinary procedure.
- 1.14 Employees should be aware that where a headteacher or manager is legitimately discharging their management responsibilities and/or trust policies properly and reasonably, this does not constitute harassment, bullying or victimisation. Examples of legitimate management intervention may include reasonable and appropriate:
 - allocation of work
 - setting of time limits and standards of work
 - monitoring of performance of individual workers
 - application of the disciplinary procedure
- 1.15 Throughout all stages it is important to be clear as to the nature of the complaint and the outcome which the employee wants management to consider.

Status Quo

The working arrangements at the time the grievance is raised will be maintained during the process or until the matter is resolved. Specifically, the working arrangements which were in place prior to the dispute arising should be maintained until the matter is either resolved or the process is exhausted. Management reserves the right to vary this provision where it is considered that the maintenance of the "status quo" might be detrimental to the health, safety and welfare of employees, students or members of the public.

2. Informal process

- 2.1 With any grievance the focus should always be on resolution at the informal stage. Employees are expected to exhaust the informal stage of the policy prior to submitting a formal grievance.

- 2.2 The aim of the informal stage is to establish the nature of the issue, be clear about the employee's desired outcome and share information in an attempt to resolve the matter by mutual agreement with all parties involved.
- 2.3 Where an employee has a complaint which involves another employee, manager or headteacher the employee should first of all try to resolve the matter by mutual agreement with the person involved. This may be with the support of their line manager or with an appropriate senior manager.
- 2.4 If an employee feels that they can not discuss the complaint with the person involved, or the complaint is of a procedural nature, the complaint should be discussed in the first instance with a line manager or the headteacher. Where the complaint concerns the headteacher it should be raised initially with the chair of governors, who will nominate an appropriate governor to address the complaint at the informal stage.
- 2.5 If the complaint is not resolved through the informal process, the formal process may be invoked. In certain circumstances where the nature of the complaint is so serious, the formal process of the procedure may be invoked straight away.
- 2.6 Where a headteacher has a grievance, they should first of all endeavour to resolve the matter by mutual agreement with the person involved. If this is not possible then the headteacher should discuss this with the chair of governors or another appropriate governor. The headteacher may also discuss this with a senior member of staff from the central trust. If the complaint is not resolved through the informal process, the formal process may be invoked. In certain circumstances where the nature of the complaint is so serious the formal process may be invoked straight away.

3. The formal process

- 3.1 An employee should raise a grievance within 3 months of the last incident taking place relating to the grievance.
- 3.2 Where the employee believes the matter has not been resolved at the informal stage, they must set out the complaint in writing using the form at appendix 1, indicating why they feel it has not been resolved, and send a copy to the Headteacher (for school based employees), the Chair of Governors (for Headteachers or if the grievance concerns the Headteacher) or a senior manager from the trust (for central trust employees). The Chair of Governors may nominate a governor to investigate the formal grievance or they may undertake the investigation themselves depending on the circumstances. Consilium Academies reserve the right to appoint an investigation officer from within the wider trust to carry out the formal investigation if this is deemed appropriate.
- 3.3 Following receipt of the completed formal complaint form the headteacher/appointed governor/senior manager will:
 - acknowledge its receipt, in writing, within five working days (example letter appendix 2)
 - give an invitation to hold a meeting with the employee within 10 working days; and
 - inform the employee of their right to be accompanied by a trade union representative or work based colleague.
- 3.4 A mutually agreed date and time will be arranged for the meeting.

- 3.5 All parties must make every effort to attend the meeting in line with the timescales set out in this policy but where a chosen companion is unable to attend, the meeting will be rescheduled within 5 working days.
- 3.6 Following the meeting the headteacher/governor/senior manager shall aim to write to the employee within 10 working days with the findings and recommendations, including any action that will be taken to resolve the complaint. Where further investigation/information may be required the timescales may be extended by mutual agreement between all parties.
- 3.7 The employee may appeal against the formal outcome which will then be dealt with by a panel of the governing body or another senior manager from the trust with no previous involvement. Consilium Academies reserve the right to appoint an employee from within the wider trust to hear the appeal if this is deemed appropriate.

4. Appeal

- 4.1 The employee must complete the appeal complaint form within 5 days of receiving the outcome from the formal meeting (appeal complaint form appendix 3). This must clearly set out the grounds for appeal, the elements of the original complaint the employee remains aggrieved with and the remedy sought. The appeal complaint form will be sent out with the letter confirming the outcome at stage 2.
- 4.2 Following the meeting, the appeals panel/senior manager will write to the employee within 10 working days with their findings and recommendations, including any action to be taken.
- 4.4 The decision of the appeals panel/senior manager hearing the appeal is final.
- 4.5 Where a specific grievance has been dealt with under the formal procedure the same grievance cannot be raised again at a later date unless new evidence comes to light which constitutes an escalation or continuation of the issue. This provision applies even where an employee feels the grievance has not been resolved to their satisfaction, following appeal.

5. Malicious complaints

- 5.1 Having conducted an investigation, the investigating manager may conclude that that the complaint was malicious. That is, that the complaint was entirely false and made with the deliberate intention of having action taken against another employee. In these circumstances, consideration may be given to dealing with the complainant in line with the disciplinary procedure.

6. Monitoring, Evaluation and Review

- 6.1 Consilium Academies will review the implementation and effectiveness of this policy on an annual basis, including monitoring against protected characteristics in the Equality Act. This review will be conducted by the central operational team and will be supported by school partners across the trust.

This information will be collated and shared with trade unions.

- 6.2 **Record Keeping** - It is important that accurate and detailed records are kept throughout the process, including information relating to any initial informal process. In particular records should include:

- the nature of the grievance
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged and the corresponding documents
- the outcome of the appeal
- any subsequent developments

Copies of meeting records must be given to the employees concerned, including copies of any formal minutes that may have been taken and should normally be provided within 5 working days of any meeting, other than in exceptional circumstances.

Records should be held in a secure and confidential manner and kept no longer than necessary in accordance with the Data Protection Act 1998. GDPR regulations will be incorporated into this process on inception and the Trust consent and data storage procedure will be applied.