



**South Manchester  
Learning Trust**

**TRUST WIDE POLICY**

**STAFF GRIEVANCE  
POLICY**

**Date of Board Approval: 20 February 2019**

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## INTRODUCTION

- 1) The Authority, following consultation with the recognised Trade Unions and Headteacher's, are advising that this grievance procedure be recommended for adoption by Academy Trust Boards. In order to ensure that the procedure is fair and effective it is recommended that it be applied in all instances where a grievance matter is raised.
- 2) It is recognised that grievances may arise in a variety of forms. It is hoped that, wherever possible, grievances can be settled informally, without recourse to the formal stage of the procedure.
- 3) This procedure does not apply to salary issues including the pay and grading of posts, income tax, national insurance, pension schemes, or in place of a formal stage, or an appeal process, within another Schools HR Procedure.
- 4) The aggrieved employee has the right to be accompanied by a trade union representative or a work colleague of his/her choice, if he/she wishes but by no-one else, at all formal stages of the procedure.
- 5) If the employee is disabled, the manager will make reasonable adjustments to any provisions, criteria or practices associated with following the Grievance Procedure that may affect the employee.
- 6) This recommended procedure is subject to the provision of relevant Education Acts. It is recommended to apply to all staff in schools, where adopted by the Trust Board.
- 7) Throughout this document any reference made to a Manager can be defined as a Headteacher, Chair of Governors or a member of staff delegated by the Headteacher or Chair of Governors to hear the grievance.
- 8) This procedure shall apply equally to Headteacher's who have a grievance as it applies to other members of staff.
- 9) For grievance purposes, where a school based member of staff has a grievance against a LA officer the LA Grievance Procedure will be applied.
- 10) For grievance purposes, where a member of staff within the LA has a grievance against a member of staff of the school, the schools Grievance Procedure will be applied.
- 11) A group of employees with the same grievance may raise the matter as a collective grievance under this procedure, provided that it is not more appropriate to use the Joint Consultation Framework (i.e. a grievance relating to the application of existing arrangements should be raised through this procedure, rather than the Joint Consultation Framework which would address proposed changes to existing arrangements).
- 12) Employees are advised to consult their Trade Union representatives at any stage of the procedure.
- 13) Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and reasons for it. These records should be kept confidential and retained in accordance with GDPR 2018. Throughout the grievance process, documentation will be shared with the employee where that is appropriate.

- 14) It should be noted that where an employee becomes sick during the course of a grievance, or submits a grievance while off sick, resolution of the grievance is likely to contribute to their recovery. Efforts to resolve the issues raised should therefore, where possible, and in conjunction with advice from Occupational Health, continue during the period of sickness absence.
- 15) HR regularly review all the policies and procedures they recommend to ensure there are no negative equality impacts. If you need to access this policy in a different format, you can do this by contacting your school HR Manager.

#### **A. INFORMAL STAGE**

- 1) Where an individual member of staff has a grievance, s/he should first of all attempt to resolve that grievance informally through discussions with their line manager, or with the other party if the grievance relates to the actions of another employee.
- 2) The line manager, if it is deemed appropriate, may feel it necessary to discuss the grievance with the Headteacher in order to resolve the issue.
- 3) Informal resolution will involve the Headteacher where the grievance relates to the actions of another employee. Informal discussions and/or meetings with both individuals, and / or discussions with HR will take place.

#### **B. FORMAL STAGE**

- 1) If the member of staff's grievance cannot be resolved at the informal stage then s/he should submit a completed Grievance Form to the Headteacher (or the Chair of the Governors/ CEO if the Grievance is with the Head). The Grievance should set out the full details of the grievance, advising what steps have already been taken to resolve the issue informally, what resolution is sought, along with any supporting documentation relevant to the grievance. This should be copied to any other person(s) concerned.
- 2) On receipt of the formal grievance, the Headteacher / Chair of Governors will arrange a hearing, normally within 10 working days, with the aggrieved employee, or with both parties if the grievance relates to the actions of another employee, An HR representative can be in attendance to support this hearing if appropriate. The employee is entitled to be accompanied by a Trade Union or a work colleague at the hearing. The hearing will be conducted in accordance with the procedure set out in Appendix A.
- 3) The outcome of the formal grievance hearing will be communicated to the aggrieved person and the other person(s), if the grievance relates to the actions of someone else, in writing, normally within 5 working days of the hearing, along with their right of appeal against the decision if the employee continues to be aggrieved.
- 4) In potentially complex cases, where the complainant does not feel able to attend a meeting with the respondent, or where an investigation may be required to establish the facts, the Headteacher, following consultation with the Chair of Governors, or the Chair of Governors, may appoint an appropriate and experienced individual from within the school to conduct the investigation. If appropriate they can be supported by an HR representative, or another suitably experienced person. The investigation should include meetings with all parties. Where an investigation has been undertaken, a meeting will be held with the complainant to outline the findings and any recommendations from the investigation and to give them the right of appeal.

Alternatively, in agreement with the complainant, the outcome can be confirmed in writing and the right to appeal against the decision given.

- 5) If the employee continues to feel aggrieved, they should submit their appeal within 10 working days of receipt of the letter outlining the decision of the grievance hearing. Additional evidence/information submitted at a later date will only be considered in exceptional cases and with the agreement of all parties.
- 6) The Appeals Committee of the governing body will normally meet within 15 working days of the member of staffs' letter advising appeal, being received. Governors who were involved in the grievance hearing will not be part of any subsequent panel.
- 7) The Appeal will be conducted in accordance with the provisions set out in Appendix B.
- 8) The decision of the Appeals Committee will represent the final stage of the procedure.
- 9) Where a grievance has been heard in accordance with this procedure, the member of staff cannot submit further grievances on the same topic. This provision seeks to ensure that the same grievance is not resubmitted if it is not upheld.
- 10) An HR Advisor may be invited to attend the formal grievance stage of the procedure for the purpose of giving advice to the management representative in accordance with the procedure outlined within Appendix A, or the appropriate Committee of the Governing Body in accordance with the procedure outlined within Appendix B.

## APPENDIX A

### GRIEVANCE HEARING

1. Not less than 5 working days in advance of the hearing a written statement of case, documentary evidence and list of witnesses (if applicable) will be submitted to the Headteacher / Nominated Person/Chair of Governors by the complainant, and respondent where the grievance relates to another employee. The written statements must outline the steps taken to try and resolve the grievance and, in the case of the complainant, what resolution is sought.
2. The complainant and the respondent may be accompanied at the hearing by a Trade Union Representative or work colleague of his/her choice, if he/she wishes, but by no-one else.
3. The Headteacher / Nominated Person/Chair of Governors may be advised by an HR Advisor.
4. The undermentioned procedure will be followed at the grievance hearing (note that where an investigation has been undertaken, the investigating officer will also be present to outline their findings and recommendations at an appropriate point in the hearing, and questions may be asked from all parties):-
  - I. The complainant or their representative will outline the grievance.
  - II. The complainant to call witnesses where applicable.
  - III. The line manager / respondent, where appropriate, may ask questions of the complainant and witnesses.
  - IV. The Headteacher / Nominated Person/Chair of Governors may ask questions of the complainant and witnesses.
  - V. The line manager / respondent where appropriate, or their representative will respond to the complainant's grievance.
  - VI. The line manager / respondent to call witnesses.
  - VII. The complainant may ask questions of the respondent and witnesses.
  - VIII. The Headteacher / Nominated Person/Chair of Governors may ask questions of the line manager / respondent and witnesses.
  - IX. Withdrawal of witnesses.
  - X. Both parties where appropriate to summarise their cases.
  - XI. All parties to withdraw whilst the Headteacher / Nominated Person/Chair of Governors deliberates.
5. The persons conducting the hearing may adjourn the proceedings at any time if this appears necessary or desirable.
6. The Headteacher / Nominated Person / Chair of Governors with only the HR Advisor present will deliberate in private, only recalling the parties to clarify points of uncertainty on the evidence already given. If recall is necessary, all parties will return.
7. The Headteacher / Nominated Person / Chair of Governors will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing, or in writing, within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.
8. For the purpose of the hearing, the decision of the Headteacher / Nominated Person/ Chair of Governors as to what matters are of relevance to the proceedings will be final.

## APPENDIX B

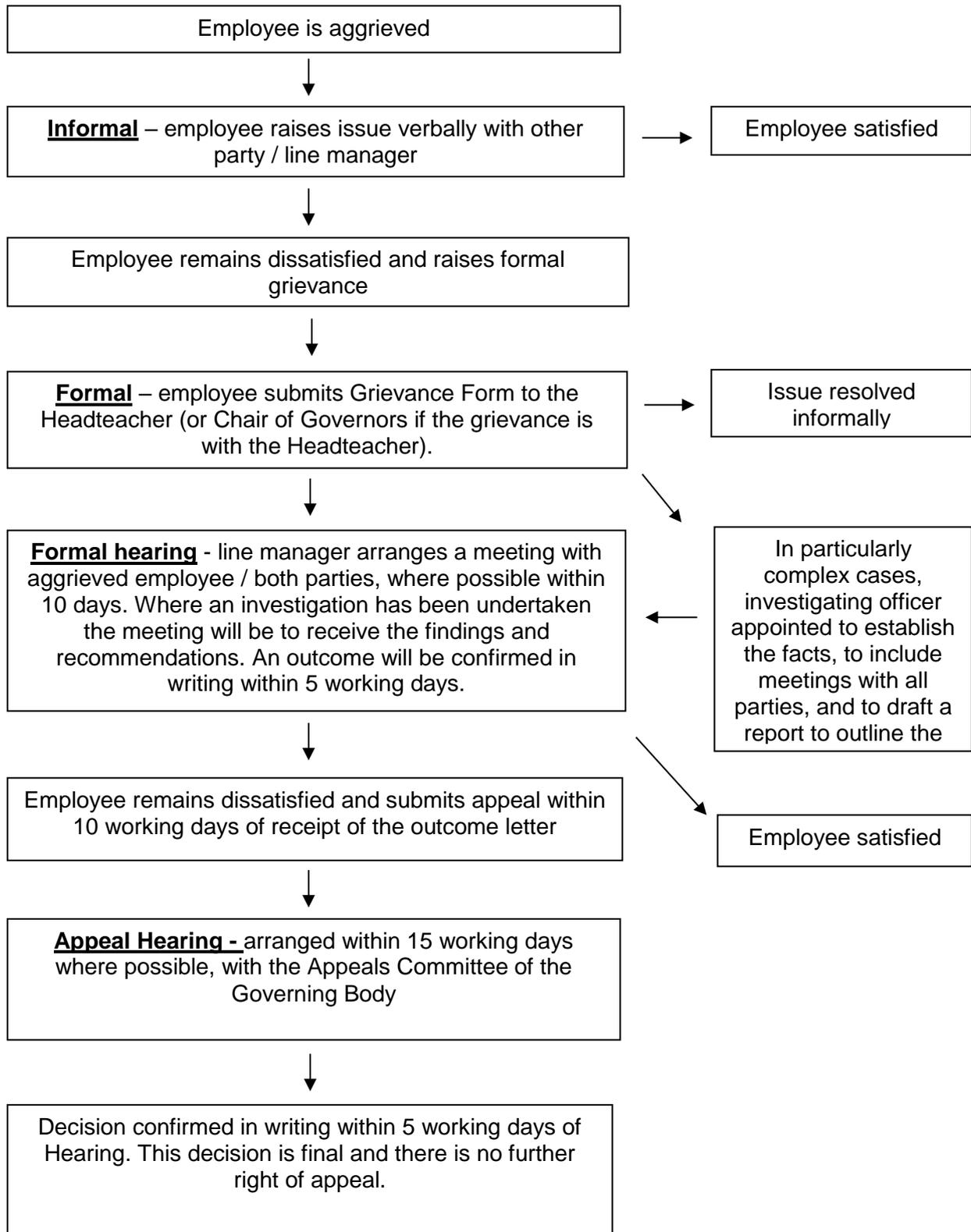
### **APPEAL HEARING AGAINST THE DECISION OF THE HEADTEACHER / NOMINATED PERSON / CHAIR OF GOVERNORS**

1. The Committee will not normally consist of less than 3 members of the school's Governing Body (excluding any members of staff of the school). Where this is not reasonably practicable, the Committee may consist of two members (excluding members of staff of the school).
2. The complainant on submission of their appeal should provide a written statement of case, documentary evidence and a list of witnesses (if applicable), to the designated Clerk of the relevant Committee.
3. On receipt of notification of appeal the clerk will inform the decision maker of the original grievance hearing that an appeal has been lodged. The clerk will also request from the decision maker submissions of written statement of case, documentary evidence and list of witnesses (if applicable) normally within 10 working days of notification.
4. The clerk will normally arrange the appeal hearing within 15 working days from receipt of the appeal.
5. A copy of the order of proceedings and all relevant documentation will be distributed by the Clerk to all parties involved in the appeal hearing, normally 5 working days prior to the hearing.
6. The relevant committee may be advised by an HR Advisor.
7. The complainant and respondent may be accompanied at the hearing by a Trade Union Representative or fellow employee of his/her choice, if he/she wishes, but by no-one else.
8. The under mentioned procedure will be followed at the grievance appeal hearing:-
  - I. The complainant or their representative will outline the grievance appeal.
  - II. The complainant to call witnesses, where appropriate.
  - III. The decision maker of the original hearing may ask questions of the complainant and witnesses.
  - IV. The Appeal Committee may ask questions of the complainant and witnesses.
  - V. The decision maker of the original hearing will respond to the complainant's grievance.
  - VI. The decision maker of the original hearing to call witnesses, where appropriate.
  - VII. The complainant may ask questions of the decision maker of the original hearing and witnesses.
  - VIII. The Appeal Committee may ask questions of the decision maker of the original hearing and witnesses.
  - IX. Withdrawal of witnesses.
  - X. Both parties to summarise their case.
  - XI. All parties to withdraw whilst the Appeals Committee deliberates.
9. The Appeals Committee may adjourn the proceedings at any time if this appears necessary or desirable.

10. The Appeals Committee with only the HR Advisor present, will deliberate in private, only recalling the complainant (and his/her representative) and the decision maker of the original hearing, to clarify points of uncertainty on the evidence already given. If recall is necessary, both parties will return.
11. The Chair of the Appeals Committee will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing or in writing within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.
12. For the purpose of the hearing, the decision of the Chair of the Appeals Committee as to what matters are of relevance to the proceedings will be final.

APPENDIX C

FLOWCHART



**MODEL LETTER 1 - Letter to complainant inviting to grievance hearing / appeal hearing**

**CONFIDENTIAL**

Dear

**Formal Grievance Hearing / Appeal Hearing**

I am writing to inform you that a hearing / appeal hearing before the Headteacher / Chair of Governors / Committee of Governors has been arranged in connection with your formal grievance relating to \_\_\_\_\_.

The date for the hearing / appeal hearing is \_\_\_\_\_.

In connection with the grievance, both parties where applicable are required to submit any documentation and a list of witnesses to be called, no later than 5 working days in advance of the hearing for my attention at the above address.

A copy of the Grievance Procedure is attached for your information, which also contains the order of proceedings for the hearing. You are entitled to be represented at the hearing by a Trade Union representative or work colleague and no-one else.

An additional copy of this letter and the relevant documents are attached for you to pass to your representative as you wish.

Yours sincerely

Headteacher/Chair of Governors

**MODEL LETTER 2 - Letter to respondent to invite to the Grievance Hearing**

**CONFIDENTIAL**

Dear

**Formal Grievance Hearing**

I am writing to inform you that a hearing before the Headteacher / Chair of Governors has been arranged in connection with a grievance raised against you by \_\_\_\_\_ relating to \_\_\_\_\_.

The date for the hearing is \_\_\_\_\_.

In connection with the grievance, both parties are required to submit any documentation and a list of witnesses to be called, no later than 5 working days in advance of the hearing for my attention at the above address.

A copy of the Grievance Procedure is attached for your information, which also sets out the order of proceedings for the hearing. You are entitled to be represented at the hearing by a Trade Union Representative or work colleague and no-one else.

An additional copy of this letter and the relevant documents are attached for you to pass to your representative as you wish.

Yours sincerely

Headteacher/Chair of Governors

**MODEL LETTER 3 - Grievance Outcome Letter – Upheld**

**CONFIDENTIAL**

Dear

**Formal Grievance Hearing Outcome**

Further to the formal grievance hearing that you attended on (date) accompanied by your Trade Union Representative, I am writing to confirm my decision as the person nominated to hear your grievance.

I have concluded, following consideration of all the information presented, that your grievance be upheld.

I have reached this decision based on the following reasons;

My decision is therefore that your grievance is upheld and I make the following recommendations in relation to it:

Yours sincerely

Headteacher/Chair of Governors

## **MODEL LETTER 4 - Grievance Outcome Letter – not upheld**

### **CONFIDENTIAL**

Dear

#### **Formal Grievance Hearing Outcome**

Further to the formal grievance hearing that you attended on (date) accompanied by your Trade Union Representative, I am writing to confirm my decision as the person nominated to hear your grievance.

I have concluded, following consideration of all the information presented that your grievance has not been upheld.

I have reached this decision based on the following reasons;

My decision is therefore that your grievance is not upheld.

You are entitled to appeal against my decision and if you wish to do so, you should notify the Clerk to the Governors within ten working days of receipt of this letter. Please include the name and address of any person(s) who will be representing you at an appeal hearing.

Yours sincerely

Headteacher/Chair of Governors

**MODEL LETTER 5 - Invite to attend Grievance Appeal Committee (Governors)**

**CONFIDENTIAL**

Dear

**Grievance Appeal Committee**

I write to invite you to attend a meeting of the Grievance Appeals Committee which has been arranged to hear a grievance submitted by \_\_\_\_\_.

The hearing will take place on \_\_\_\_\_ at \_\_\_\_ at \_\_\_\_\_.

An officer from HR will support you at the meeting.

A copy of the Grievance Procedure is attached for your information, which includes the order of proceedings for the hearing.

Yours sincerely

Clerk to the Governors

**MODEL LETTER 6 - Grievance Appeal Outcome Letter – Upheld**

**CONFIDENTIAL**

Dear

**Formal Grievance Appeal Hearing Outcome**

Further to the formal grievance appeal hearing that you attended on (date) accompanied by your Trade Union Representative, I am writing to confirm the decision of the Governing Appeals Committee, which included \_\_\_\_\_, \_\_\_\_\_ and myself.

The panel have concluded, following consideration of all the information presented, that your appeal be upheld.

The panel have reached this decision based on the following reasons;

The decision is therefore that your appeal is upheld and the panel make the following recommendations in relation to it:

This decision is final.

Yours sincerely

Chair of the Governors Appeal Committee

**MODEL LETTER 7 - Grievance Appeal Outcome Letter – not upheld**

**CONFIDENTIAL**

Dear

**Formal Grievance Appeal Hearing Outcome**

Further to the formal grievance appeal hearing that you attended on (date) accompanied by your Trade Union Representative, I am writing to confirm the decision of the Governors Appeal Committee which included \_\_\_\_\_, \_\_\_\_\_ and myself.

The panel have concluded, following consideration of all the information presented, that your grievance appeal has not been upheld.

The panel have reached this decision based on the following reasons;

The decision is therefore that your grievance appeal is not upheld.

This decision is final.

Yours sincerely

Chair of the Governors Appeal Committee