Centurion
MULTI-ACADEMY TRUST

Grievance Procedure

Document Control

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1 INTRODUCTION

The procedure complies with the ACAS Code of Practice on Disciplinary and Grievance Procedures. The purpose of this procedure is to enable an individual employee or group of employees to raise a concern, problem or complaint about their employment on a timely basis and for the Trust to deal with this fairly, consistently and speedily to minimise any conflict or disruption in the workplace.

This procedure is not contractual and does not create contractual obligations upon Centurion Multi Academy Trust (the Academy Trust) but has been reviewed and approved by the Board of Trustees. All staff should read, understand and adhere to the Procedure and seek guidance and information from the HR provider as required.

2 SCOPE AND APPLICATION

The policy should be considered in conjunction with the Trust's Dignity at Work Policy.

All references throughout the procedure to "employee" in the context of an individual grievance should also be taken to refer to "employees" in the context of a group grievance.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

Grievance - a complaint by an individual employee (or group of employees) about a matter related to their employment, for example:

- Terms and conditions of employment
- Health and Safety
- Work Relations
- Bullying and Harassment
- New Working Practices
- Working environment
- Organisational change
- Discrimination

Any written complaint from an employee relating to their employment should be considered under this policy and procedure.

Collective Grievance – a complaint by a group of employees about a matter related to their employment (see examples above). Where there is a collective grievance the case for the employees should be presented by one Trade Union Official.

This policy does not apply to personal disagreements between employees or pay gradings addressed by Standard Teachers Pay and Conditions document.

3 BOARD OF TRUSTEE RESPONSIBILITIES

The Board of Trustees has overall responsibility for ensuring that there are appropriate procedures in place for staff to follow if they have a grievance or complaint about their employment and that all staff are aware of them.

The Board of Trustees has delegated certain authorities to the Local Governing Boards (LGB/AEB) of each schools under the Multi-Academy Trust's Scheme of Delegation. The management of staff within the Trust (excepting the Executive/Head Teacher and Head of School) is a delegated responsibility.

The use of AEB or Trustees to hear a grievance should be limited to ensure a sufficient number of impartial AEB or Trustees are available to consider any appeal.

4 RIGHT TO BE ACCOMPANIED

At every stage in the procedure, the employee, and any person against whom a complaint is made, may be accompanied by a Trade Union representative or work colleague, who does not have a conflict of interest. If the chosen representative cannot attend on the proposed date, an alternative date will be agreed. This will not normally be more than five working days after the date originally proposed by the employer. Both parties must ensure there are no unreasonable delays to the process.

The representative may participate in meetings in support of the employee, but may not answer questions on their behalf.

When arranging a meeting, the Trust should be conscious of the need of the employee and of his/her representative, to be given adequate time to prepare the case.

5 SUPPORT

It is recognised that raising a complaint at work can be a very difficult time both for the employees involved and their colleagues, whether it is tackled informally or formally. The Trust is committed to supporting all members of staff and will ensure that additional support is provided as requested, for example through the Counselling or Occupational Health Service, where appropriate.

When employees choose to raise a grievance, it is recommended that they first contact their Trade Union or other representative for advice at the outset.

6 GRIEVANCE PROCEDURE

6.1 Stage 1: Informal Resolution

Employees should aim to resolve most grievances informally, through discussion, if possible. This allows for problems to be resolved quickly and effectively. Employees should try to resolve their grievance in the first instance by:

If the employee feels unable to speak to the person causing the grievance, then the employee should speak informally to their immediate line manager. If this does not resolve the issue, the employee should follow the formal procedure below.

If the employee's grievance is against the line manager personally, the grievance may be referred directly to stage two, but it would normally be reasonable for the employee to inform the line manager of this intention.

Where the matter has not been resolved informally or the matter is more serious and the informal stage is not appropriate, the employee should use the formal grievance procedure below.

6.1.1 Mediation

This is a meeting where a trained independent mediator can help both parties raise issues of concern, assist with understanding the issues and help both parties plan a way of working together effectively in the future. This can only happen if both parties agree. There is usually a cost to the Trust in arranging mediation.

If either party is unhappy with the particular method, at any stage, they may adopt the use of one of the alternative methods. If informal methods fail to resolve the situation the employee may wish to pursue a formal complaint and should allow sufficient time for all parties to reflect on the matter and to try to reach an agreeable way forward. If Managers are involved in the process thus far, they should be considering if there are ways in which a resolution can be found with advice from HR.

People often become defensive and relationships can become more strained when going through the grievance process, which can lead to further tensions and additional stress. For these reasons it is recommended that every effort be made to try and sort things out informally as soon as possible.

If the grievance is not resolved at the informal stage, the employee may then progress the grievance to a Formal Grievance which they should submit in writing.

6.2 Stage 2: Formal Grievance

6.2.1 Grievance in writing

If the employee is not satisfied their concerns have been addressed informally, the employee should put their grievance in writing on a Staff Grievance Form (Appendix B) explaining in full the reasons for it and how they would like the grievance to be resolved. This should be sent to their line manager or, if the grievance is against their line manager, to the Head Teacher, or for central office staff to their manager / Chief Executive Officer as appropriate. This will be processed in accordance with confidentiality and GDPR/Data Protection Policy.

(The arrangements that apply if the grievance is against the Head Teacher or Chief Executive Officer/Board of Trustees are set out in section 7).

6.2.2 Receipt of grievance

The receipt of the Staff Grievance Form should be acknowledged in writing within 5 working days (or 7 consecutive days out of term time).

6.2.3 Formal meeting

The Headteacher, CEO or Delegated Person will normally meet the employee to hear the grievance and reply as soon as possible. The Headteacher, CEO or Delegated Person may be accompanied by the Trust's HR Advisor(s).

Where possible give 5 working days' notice (7 consecutive days out of term time) in writing of the meeting, explain the main purpose of the meeting and the right to be accompanied by a trade union representative or work colleague. A reply, even if only an interim reply pending further investigation will be issued as soon as possible, usually within 10 working days.

An employee must tell the person holding the meeting who their chosen companion is, in good time before the meeting. At any grievance meeting or appeal meeting, an employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative companion.

The employee should bring along any evidence or supporting documents to support their case; and should identify the name (s) of anyone who witnessed the incident (s) in question (or provide the names of those people who the employee thinks may need to be interviewed and why).

Having identified the issues and grievances raised, the Head Teacher, CEO or Delegated Person must assess the complexity and extent of the investigation required, within 15 days of receipt of the grievance. If appropriate, the Head Teacher, CEO or Delegated Person will act as the investigating officer. In the case of complex investigations or conflicts of interest of any kind, it may be necessary to designate a separate person of appropriate stature and experience, to carry out an investigation. The Head Teacher, CEO or Delegated Person must give the employee an indication of the approximate timescale and when they expect to be able to respond to the grievance. Should there be any unexpected delay, the employee needs to be kept informed.

The amount of any investigation required will depend on the nature of the complaints and will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents. The employee must co-operate fully and promptly in any investigation. This may include informing those handling the investigation of the names of any relevant witnesses, disclosing any relevant documents, and attending interviews.

An investigation may be started before a grievance meeting is held where this is considered appropriate. In other cases, a grievance meeting may be held before deciding what investigation (if any) to carry out. If appropriate and/or necessary, in those cases a further grievance meeting may be held with the employee after the investigation and before a decision is reached.

All investigation meetings will be minuted and shared with the Investigating Officer, and with the employee who was involved in the meeting e.g. the employee who raised the grievance or the employee the grievance was against or a witness. The minutes should be shared within 5 working days. The employee will be able to review the minutes to make sure they represent what was said in the meeting and suggest any amendments. Any amendments would be reviewed by the Investigating Officer.

6.2.4 Making a Decision

Following the formal meeting and completed investigations (where applicable), the Head Teacher, CEO or Delegated Person / must inform the employee in writing of the outcome of the grievance, the reasons behind the decision and, where the grievance is upheld, any action to be taken to resolve the grievance. If the decision is to fully or partially reject the grievance, the letter must set out the employee's right to submit an appeal to the chair of Local Governors or for central office staff the Chair of the Board of Trustees within 5 working days (7 consecutive days out of term time) of receiving the grievance outcome.

The Head Teacher, CEO or Delegated Person must ensure that the outcome of any formal grievance raised by a current employee is entered into Manager Self Service (MSS) for the purposes of equalities monitoring once any appeal process has been exhausted.

If the employee raising the grievance is not satisfied with the outcome, then the employee may appeal in accordance with stage 3 below.

6.3 Stage 3: Grievance Appeal

If the grievance has not been resolved to the employee's satisfaction, they may appeal in writing within 5 working days of receiving the written confirmation of the original decision. The employee must submit the Grievance Appeal Notification Form (Appendix C) to the Chair of the LGB, Chief Executive Officer or, for central office staff, to the Chair of the Board of Trustees. The employee must state clearly and in detail their grounds of appeal, how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.

6.3.1 Appeal Panel

A letter acknowledging receipt of the appeal will be sent within five working days wherever reasonably possible. The appeal will normally be heard as soon as possible after receipt of the Grievance Appeal Notification Form (Appendix C) by three Trustees or 3 members of the Local Governing Body.

The employee has the right to be accompanied by a trade union representative or work colleague at an appeal hearing and will be given 5 working days' notice in writing.

6.3.2 Holding an Appeals panel

Any papers that the management representative or employee wishes to refer to at the hearing should be circulated to the appeals panel at least 3 working days (or 5 consecutive days out of term time) prior to the hearing. Any new written evidence not previously provided for the grievance meeting by management or the employee must be circulated to all parties prior to the appeal. Guidance on the format of an appeal hearing can be found in Appendix D.

The Appeal Committee may have an HR adviser, from the Trust's HR provider, attend the meeting who may also be involved in its private deliberations. The HR adviser, who should not have had any previous involvement in dealing with the grievance, shall not have a vote in the decision of the Appeal Committee.

All appeal hearing will be minuted and shared with the Investigating Officer, Appeal Committee and with the employee who raised the grievance. The minutes should be shared within 5 working days. The employee will be able to review the minutes to make sure they represent what was said in the hearing and suggest any amendments. Any amendments would be reviewed by the Appeal Committee.

6.3.3 Decision of Appeals panel

The decision of the appeals panel will be confirmed in writing to the employee (and their representative) as soon as reasonably possible after the appeal meeting. This is the end of the procedure and there is no further right of appeal.

7 GRIEVANCE AGAINST THE HEAD TEACHER/ LOCAL GOVERNING BOARD OR WHERE THE HEADTEACHER HAS A GRIEVANCE

Where an employee has a grievance against the Exec/Head Teacher or Local Governing Board or the Exec/Head Teacher has a grievance, the complaint should be submitted in writing to the Chair of Trustees or CEO. The Chair of Trustees/CEO should either investigate the grievance themselves or nominate a fellow Trustee to conduct the investigation. Subsequent to the investigation, a formal meeting will be held under accordance with process and procedure in para 4.2.3 (Stage 2, Formal meeting). If the Exec/Head Teacher's complaint is against the Chair of the Local Governors, the grievance should be raised with the Vice-chair. Appeals will be heard by a panel of Trustees that does not include the Trustee who conducted the investigation or the Trustees who are the subject of the grievance.

8 GRIEVANCE AGAINST THE CHIEF EXECUTIVE OFFICER/ BOARD OF TRUSTEES OR WHERE THE CHIEF EXECUTIVE HAS A GRIEVANCE

Where an employee has a grievance against the Chief Executive Officer or Board of Trustees body or the Chief Executive Officer has a grievance, the complaint should be submitted in writing to the Chair of the Board of Trustees. The Chair of the Board of Trustees should either investigate the grievance themselves or nominate a fellow Trustee to conduct the investigation. Subsequent to the investigation, a formal meeting will be held under accordance with process and procedure in para 4.2.3 (Stage 2, Formal meeting). If the Chief Executive Officer's complaint is against the Chair of the Board of Trustees, the grievance should be raised with the Vice-chair. Appeals will be heard by a panel of Trustees that does not include the Trustees who conducted the investigation or the Trustee(s) who are the subject of the grievance.

9 FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

If an employee raises a grievance they know to be false, vexatious or malicious, it may constitute a disciplinary offence that may lead to the dismissal of the employee under the Disciplinary Policy.

10 CHILD PROTECTION

Where such matters arise as a result of a grievance, they will need to be investigated under Child Protection/Safeguarding procedures. Relevant cases will also be referred to the Local Authority Designated Officer (LADO).

11 OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

If it becomes evident during any stage of the grievance process that a potential disciplinary issue is involved, the Grievance Policy will be suspended and the matter dealt with under the school's Disciplinary Policy.

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended temporarily in order to deal with the grievance. However, where the grievance and disciplinary cases are related, the disciplinary procedure should not be unnecessarily delayed and the Trust may deal with both issues concurrently.

12 FORMER EMPLOYEES

In cases where a (former) employee raises a grievance after employment has terminated, the Trust is not obliged to follow this policy.

In some cases, the Trust may feel it appropriate to engage in dialogue with the former employee (i.e. to write to the employee to answer the points raised) to try and resolve the issue. However, this does not require use of the formal procedure with a right of appeal.

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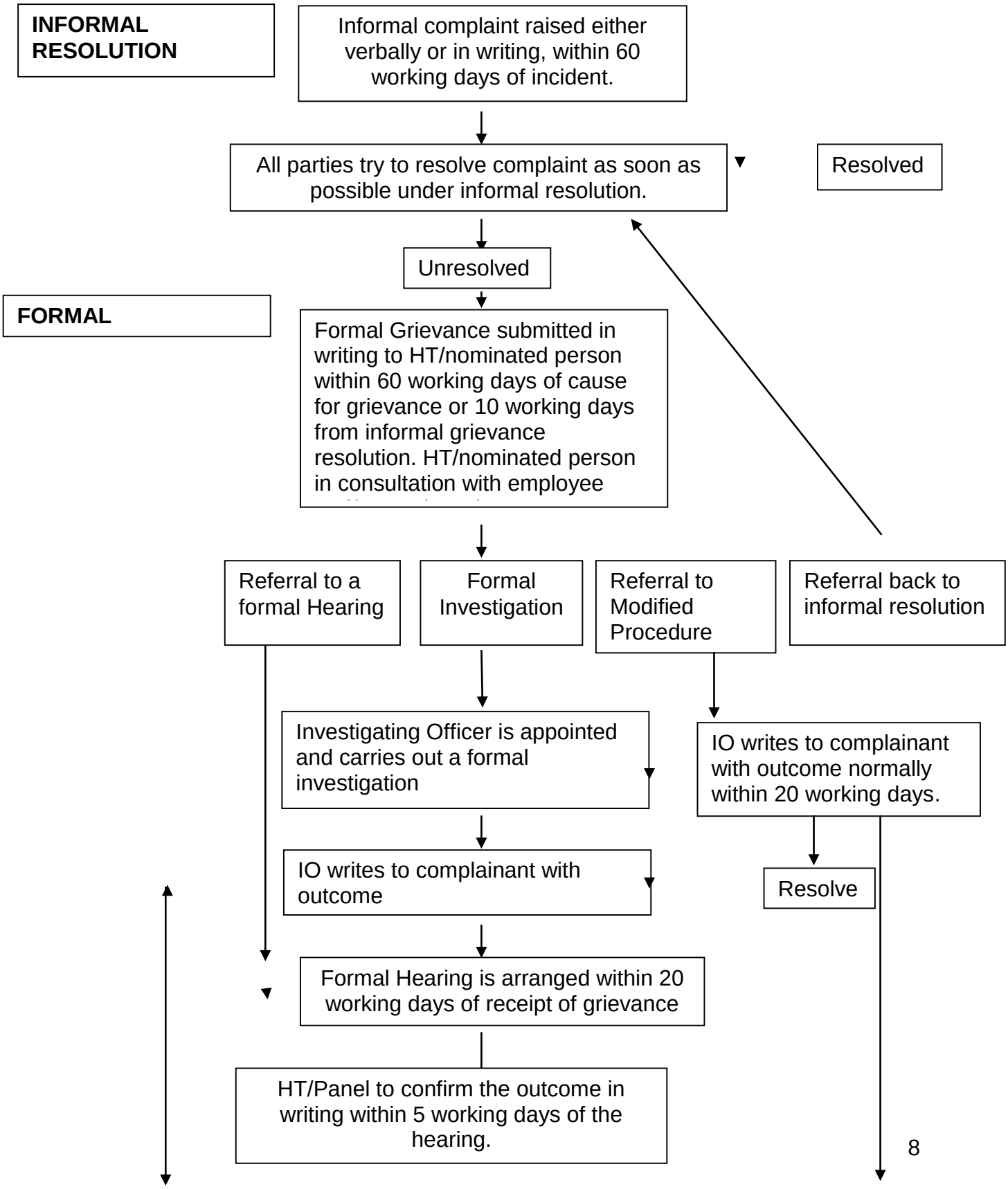
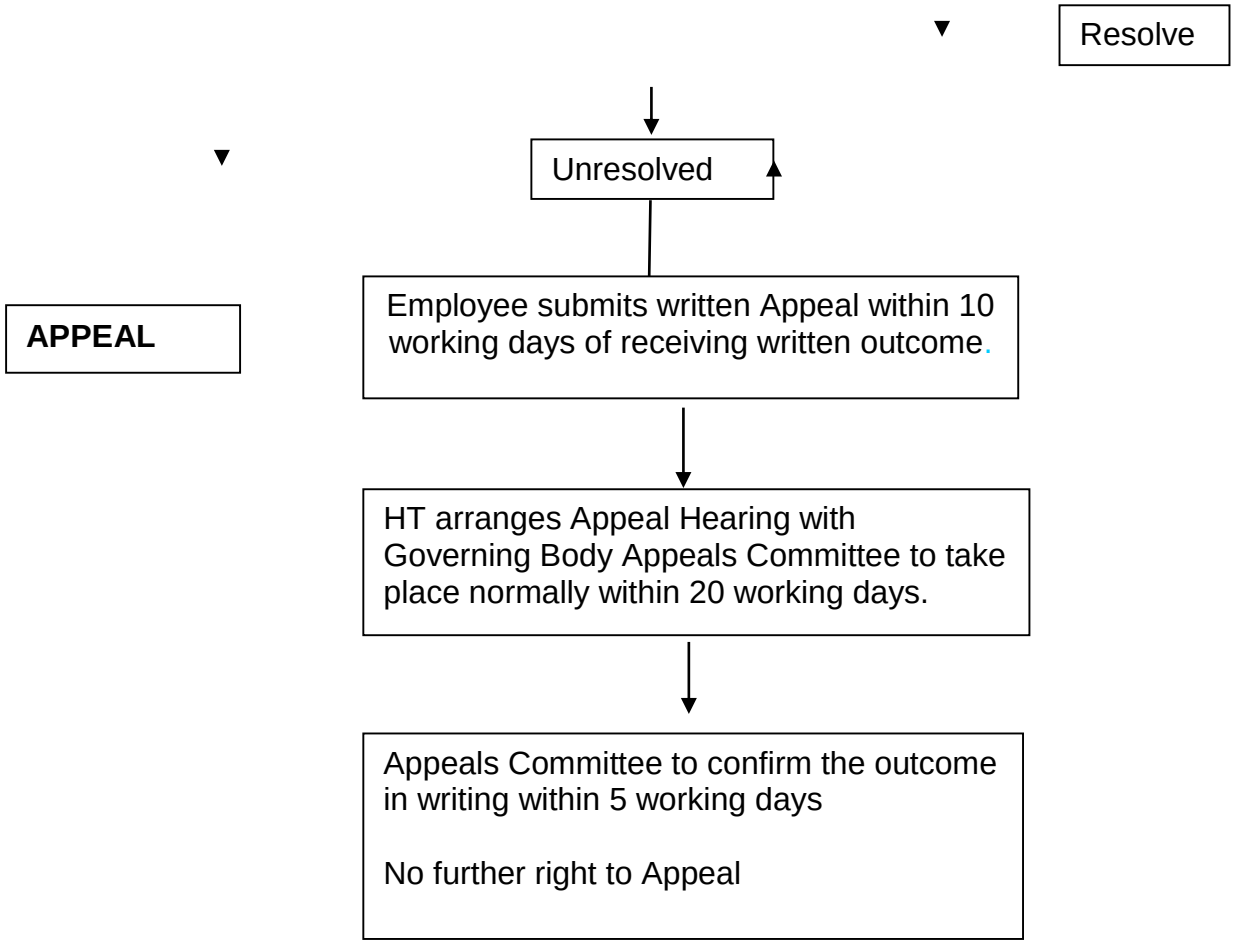
13 RECORDS

All personal information is managed in accordance with the UK GDPR and Data Protection Act 2018. Records are retained in line with the retention schedule within the Trust Information Management Policy, and as summarised in the Trust Workforce Privacy Notice. Where information is a special category (for example where it relates to racial/ethnic origin, or trade union membership) it is managed with additional care and security. All processing conditions (and lawful basis for processing) are detailed in the Trust Information Asset register as per Article 6 of the UK GDPR, including separate conditions (under Article 9 of the UK GDPR) where information is special category.

Appendix A **GRIEVANCE PROCEDURE FLOWCHART**




Resolve
Unresolved
APPEAL
Employee submits written Appeal within 10 working days of receiving written outcome.
HT arranges Appeal Hearing with Governing Body Appeals Committee to take place normally within 20 working days.
Appeals Committee to confirm the outcome in writing within 5 working days
No further right to Appeal

Stage 2 of Grievance Procedure

Appendix B

Notification of Formal Grievance

This form should be used to submit a grievance in accordance with stage 2 of the formal grievance procedure. Send the completed 'Notification of Formal Grievance' (Appendix B) to your line manager. If your grievance relates to your line manager, send it to the Headteacher. If your grievance relates to your Headteacher then send it to the Chair of Trustees or CEO.

You are advised to keep a copy.

Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

Submitted by	Name:	
	Job Title:	
	Location	

1	Please specify who your complaint is against or to what it relates?
2	Please write the details of your grievance here (where possible, please identify dates, times and names)

Stage 2 of Grievance Procedure

Appendix B

Notification of Formal Grievance

3	Have you attempted to resolve your grievance informally with anyone? If yes, please specify to who, when and what action was taken. If no, please state why.
4	In considering my grievance, I ask you to consider speaking to the following:

Stage 2 of Grievance Procedure

Appendix B

Notification of Formal Grievance

5	In considering my grievance, I ask you to look at the following attached documents:
6	In considering my grievance, I ask you to look for the following documents:

Stage 2 of Grievance Procedure

Appendix B

Notification of Formal Grievance

7	The outcome I am seeking to resolve this grievance is:
8	During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):
9	My grievance does/does not* include a complaint that I am subject to discrimination, bullying or harassment.
10	My grievance does/does not* include a complaint that raises a child protection issue.

If you are a member, have you informed your trade union or professional association representative? Yes or No

If yes: do you wish the representative to receive correspondence? Yes or No

If yes: please identify the representative and provide email and postal addresses and telephone number:

Signed…… Date……..

Appendix C

Grievance Appeal Form

(Stage Three of the Procedure)

Submitted by	Name:	
	Job Title:	
	Location	

1	I wish to formally appeal against the Stage 2 decision under the grievance procedure and attached my original grievance form
2	I disagree with the Stage 2 decision because:

Signed…… Date……..

Grievance Procedure

Appendix D

Suggested Format of Grievance Appeal Hearing

The normal format of a grievance appeal hearing is described below. The chair of the hearing has discretion to vary the order of proceedings.

Requests for a brief adjournment of the hearing by any party should not be unreasonably refused.

1 Introduction

The chair introduces the person(s) to whom hearing the grievance appeal has been delegated], asks others in attendance to introduce themselves, explain the order of proceedings and checks that everyone has the relevant documents.

2 Employee Case

- **Statement of case:** The employee (or their representative) puts forward any relevant points that they wish to bring to the attention of the chair (and any panel members). This should include the grounds of the grievance appeal, the reasons for it and what resolution is being sought.

- **Presentation of witnesses:** If the employee or their representative wish to present witnesses they may do so at this point. All parties shall have the opportunity to ask questions of witnesses. This begins with the employee or their representative, followed by the management representative and finally the chair (and any panel members). Witnesses will only remain at the hearing for so long as they are giving evidence or being questioned.

- **Questions to employee:** All parties will have the opportunity to ask questions of the employee. This begins with the management representative and finally the chair (and any panel members).

3 Management Case

- **Statement of case:** The management representative puts forward any relevant points that they wish to bring to the attention of the delegated person(s).

- **Presentation of witnesses:** If the management representative wishes to present witnesses they may do so at this point. All parties shall have the opportunity to ask questions of witnesses. This begins with the management representative followed by the employee and/or their representative and finally the chair (and any panel members). Witnesses

will only remain at the hearing for so long as they are giving evidence or being questioned.

- **Questions to the management representative:** All parties will have the opportunity to ask questions of the management representative. This begins with the employee and/or their representative and finally the chair (and any panel members).

4 Questions to both sides from delegated person(s) and adviser

The delegated person(s) and their adviser may ask questions of both parties.

5 Summing up by Employee (or Representative)

The employee or their representative should provide a summary of their case, highlighting the key points that they wish the chair (and any panel members) to consider.

6 Summing up by Management Representative

The management representative should provide a summary of their case, highlighting the key points that they wish the chair (and any panel members) to consider.

7 Adjournment

The chair (and any panel members) will consider in private the information put forward at the hearing and reach a decision.

8 Decision

Where practical the parties should be informed of the decision directly by the chair of the hearing. This must be subsequently confirmed in writing with sufficient detail to enable all parties to understand the decision and the reasons for it.

There is no further right of appeal.