



# Chiltern Way Academy

Turning Futures Around

## **GRIEVANCE POLICY**

**Responsibility for this policy (job title): CEO**

**Trustees' committee with responsibility for its review: FGB**

**Approved: 13/01/2021**

**Next Review Date: Spring 2024**

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## 1. INTRODUCTION

1.1 This document sets out the Academy's Grievance Policy and provides a structured 3 Stage procedure comprising of:

- Informal
- Formal – Stage 1
- Formal Appeal - Stage 2 (conclusion of the formal grievance process)

1.2 This policy enables 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 schools operation.

1.3 An expectation of this policy is that before employees invoke the formal stage of this procedure they first of all attempt to resolve their complaint through implementation of the Informal process. Managers are strongly encouraged to try to resolve grievances informally, which may include the use of mediation.

1.4 A grievance may be considered to be a complaint by an employee about the action, which their employer (or another employee) has taken or is contemplating taking in relation to them. A grievance could be regarded as any one of the following:

- Terms and conditions of employment
- Working hours
- Unfair treatment
- Health and safety
- Working relationships
- Harassment or bullying

**N.B. This list is not exhaustive nor is it an attempt to give a definition of a grievance.**

1.5 This policy does not apply to the following categories:

- a. Employees appealing against a dismissal/disciplinary decision. This is dealt with through the appropriate appeals procedure.
- b. Whistleblowing Complaints. These are dealt with under the Academy's Whistle Blowing Policy.

1.6 This policy is not intended for employees to raise a grievance about Academy policy, although it may be used to make a complaint about the way the Academy's policies and procedures may have been applied.

## **2. SCOPE**

- 2.1 The policy and procedure set out in this document applies to all Teachers on Teachers pay and conditions and Academy employees employed under the terms of Bucks Pay Employment Conditions.
- 2.2 Where a grievance concerns a CEO, the employee should raise their concern with the Chair of Trustees.
- 2.3 If a grievance is raised by an employee against the Chair of Trustees, or any other member of the Trust Board, this should be dealt with through the Grievance Policy and will be heard by an Employee Grievance Committee.

## **3. ROLES AND RESPONSIBILITIES**

- 3.1 Both managers and employees have a responsibility within this procedure. Participants in this process shall be respectful of one another and refrain from using language that could be perceived as insulting, offensive or abusive or intimidating. Any person found to have breached the terms of this policy may be subject to action under the Academy's Conduct and Discipline procedures.
- 3.2 Managers will:
  - a. Ensure that teachers and employees are made aware of the Grievance Policy and how to access it.
  - b. Try to resolve all issues informally before they become formal grievances.
  - c. Respond promptly and without unreasonable delay to try to resolve any informal and formal grievances.
  - d. Ensure the grievance procedures are followed correctly, seeking advice from the HR Service Desk when they are unsure.
  - e. Treat all grievances seriously, dealing with each one consistently and sensitively ensuring fairness and equality whilst maintaining confidentiality at all times.
  - f. Ensure that the aggrieved employee is aware of the option to use mediation before they invoke the formal process.
- 3.3 Employees will:
  - a. Work with the manager to genuinely seek resolution.
  - b. Try to resolve all issues informally, before implementing the formal procedure under Stage 1.
  - c. Co-operate fully with any investigation.

- d. Comply with all reasonable management instructions whilst their grievance is being progressed.
- e. Not raise a grievance maliciously.
- f. Maintain confidentiality throughout and on conclusion of the process.

3.4 The Trust Board will:

- a. Set up an Employee Grievance Committee which would normally comprise of 3 trustees.

#### **4. PRINCIPLES**

4.1 The policy and procedure contained within this document is founded on the following principles:

- a. To enable genuine grievances to be resolved quickly and consistently across the Academy in order to maintain good working relationships.
- b. To resolve grievances informally before implementing the formal process.
- c. To ensure that the issues raised by an employee in their grievance are investigated fairly, thoroughly and promptly, and that the outcome is confirmed in writing without unreasonable delay.
- d. To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- e. All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others. Inappropriate use of the policy may result in the employee who has raised the grievance being subject to disciplinary action.
- f. A grievance can be closed at any point during the process, if the aggrieved employee is in agreement.
- g. Grievances will be dealt with on a case by case basis, and where the aggrieved employee is agreeable, it may be beneficial to deviate from the process to achieve a satisfactory resolution to the grievance. Authorisation for any deviation from the grievance procedure must be obtained from the appropriate Senior HR Representative.
- h. Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership,

maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

## **5. RIGHT TO BE ACCOMPANIED**

- 5.1 The aggrieved employee has the right to be accompanied by a Trade Union representative or work colleague at any formal grievance meetings.
- 5.2 The manager may at their discretion allow the employee to bring a companion who is not a colleague or trade union representative (for example, a member of the employee's family) where this will help overcome a particular difficulty caused by disability, or where the employee has a difficulty understanding English.
- 5.3 In certain circumstances where it is requested, it may be appropriate for the person against whom the allegation has been made to be accompanied by a Trade Union representative or work colleague at any formal grievance meetings. This should be considered on a case by case basis and the manager should seek advice from HR before making a decision.
- 5.4 Employees should be aware that their personal information including possible sensitive information will be shared with their nominated representative unless their permission to do so is formally withheld.

## **6. MEDIATION**

- 6.1 There may be situations where, with mutual agreement, mediation may be considered to be appropriate. The manager considering the grievance may recommend the use of a mediator to the CEO who shall make the final decision on whether funding for mediation can be provided.

## **7. COLLECTIVE GRIEVANCES**

- 7.1 If a collective grievance arises, involving a group of employees within the same school, relating to the same issue, this may be dealt with through this policy and the group of staff may nominate up to 2 spokespersons to represent their case. The spokespersons have the right to be accompanied by a Trade Union representative or work colleague.

- 7.2 Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently, with each person giving details of their grievance. A joint letter or letters that are identical will not be accepted.
- 7.3 As long as the issue is the same in each case, it will be necessary to hold only one meeting at each stage with the spokesperson(s).

## **8. INFORMAL APPROACHES TO RESOLVING GRIEVANCES**

- 8.1 In the first instance employees are encouraged to discuss the issue with their line manager to see if the matter can be resolved informally and without invoking the formal grievance procedure. Where the grievance concerns the CEO, the employee should raise their concern with the Chair of Trustees. Where the grievance concerns the Chair of Trustees, the employee should initially raise their concern with the Vice Chair of Trustees.
- 8.2 If an employee believes they are being harassed or bullied then they should refer to the Anti-Harassment and Anti-Bullying at Work Policy for Schools.
- 8.3 Managers should be aware of, and be prepared to explore alternative methods of resolving complaints that arise by discussing the issue and considering possible solutions with the employee. For instance, it may be appropriate to consider mediation as part of the informal process.
- 8.4 If the employee is dissatisfied with the outcome of the informal process, they may opt to raise it formally under Stage 1 of the Formal Grievance Procedure in accordance with paragraph 9 below.

## **9. FORMAL GRIEVANCE PROCEDURE – STAGE 1**

- 9.1 The aggrieved employee should complete the Stage 1 Formal Grievance Form (Appendix 2 in the Toolkit) to register a formal grievance.
- 9.2 On receipt of a formal grievance, the Headteacher (or Chair of Trustees if the grievance is by or against the CEO or other appropriate officer as advised at 8.1) will meet with the employee to investigate and clarify the details of the grievance, gather any relevant documentation and to clarify the outcome the employee is seeking.

- 9.3 The purpose of this/these meeting(s) will be for the manager/Headteacher or Chair of Trustees to consider the facts and make their determination concerning the grievance. A note taker will also attend these meetings.
- 9.4 The employee has the right to be accompanied by their trade union representative or work colleague at these meetings.
- 9.5 Please see further guidance in section 9 of the Grievance Toolkit for Schools.

## **10. APPOINTMENT OF AN INVESTIGATING OFFICER**

- 10.1 In some cases it may be necessary for the manager to appoint an Investigating Officer. This will depend upon the nature and complexity of the grievance. Where an Investigating Officer is appointed they are responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint. The Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes.
- 10.2 If further allegations or information come to light during the course of the investigation, the manager must be informed.

## **11. FORMAL GRIEVANCE APPEAL HEARING STAGE AND CONCLUSION OF THE GRIEVANCE PROCESS – STAGE 2**

- 11.1 If the employee is dissatisfied with the decision resulting from Stage 1 of the formal grievance procedure then they may appeal the grievance decision.
- 11.2 Appeals under Stage 2 should be heard by the Employee Grievance Committee, a panel of 3 trustees, and accompanied by a representative from Human Resources where the grievance is more complex.
- 11.3 Where appropriate, an Investigating Officer may be commissioned by the Chair of the Employee Grievance Committee, to carry out the investigation and submit a report prior to the appeal meeting. Guidance on this may be found at 10. above. The Investigating Officer should have had no prior direct involvement with the case.
- 11.4 The purpose of the Appeal Hearing will be to consider the reasons why the employee is dissatisfied with the outcome of the formal Stage 1 process and to hear the case. The employee will have the



opportunity to explain their appeal grounds and submit information to support their claim. The appeal must relate to the original grievance and only matters included at Stage 1 can be included in the appeal.

- 11.5 The decision will be conveyed to the employee in writing by the Chair of the Employee Grievance Committee promptly and without unreasonable delay. **The grievance appeal decision is final**, the employee has no further right of appeal and will not be permitted to submit a further grievance on the same facts upon which a decision has been taken.

## **12. FURTHER GUIDANCE**

- 12.1 Further guidance is contained in the Grievance Toolkit for Schools for all parties involved during the grievance process.
- 12.2 The toolkit is updated on a regular basis. Headteachers should ensure that they refer to the most up to date copy on the intranet and not a previous printed version.
- 12.3 Formal advice and guidance is available from the HR provider.