

Heartlands Community Trust

Grievance Procedure

Circulated for consultation:	Employees: 07/02/20 to 26/02/20	Unions: 07/02/20 to 26/02/20
Approved By	HCT Board:	10 March 2020
Signed	 Simon Garrill Headteacher And Chief Executive Officer	 Jeff Twentyman Chair of Directors

1. Terms of Reference

1.1. For all employees employed by the Governing Body of Heartlands Community Trust.

1.2. Definitions:

“Head of School” also refers to any other title used to identify the Head of School, where appropriate, or other senior manager delegated to deal with the matter by the Head of School.

“Companion” refers to a person chosen by the employee to accompany them, who shall be a trade union representative or a workplace colleague.

“Appeal Committee” is normally made up of the CEO/Executive Headteacher and two governors. If it is not appropriate for the CEO/Executive Headteacher, due to previous involvement in the issue or be the subject of the grievance, then the “Appeal Committee” will be made up of three governors.

2. General Principles

- 2.1. There are a number of issues that can cause grievances at work and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation. The aim of this procedure is to enable an employee to have their grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- 2.2. The option of mediation to resolve the grievance can be considered at any stage of the grievance and if not considered earlier must be considered during stage 2 or a reason provided as to why it is inappropriate. Mediation is a process where the parties discuss their disputes with the assistance of an impartial third person who assists them in reaching an agreement.
- 2.3. Where two or more colleagues have identical grievances and want to raise the matter together under the same grievance procedure then the matter will be dealt with as a collective grievance. Colleagues raising a collective grievance must agree (without any pressure being exerted on employees to join the collective process) to engage in one process. Participating colleagues will only be entitled to one meeting at stages 1 and 2 of the procedure and one appeal, if applicable. If all colleagues do not voluntarily agree to this arrangement, or if the grievances are not identical, then the grievances will be dealt with on an individual basis.
- 2.4. Where the grievance relates to a matter covered by another procedure, for example, pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure. Issues that are the subject of collective negotiation will not be considered under the grievance procedure.

- 2.5. Where an employee raises a grievance during any existing process or procedure, that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. Management will have discretion to decide which option is appropriate, in all circumstances.
- 2.6. The procedure applies to all employees, including the CEO/Executive Headteacher, Head of School, members of the leadership team, full and part-time, permanent and temporary employees. If it is the Head of School who has a grievance then the CEO/Executive Headteacher is the person to whom the Head of School refers to as their immediate line manager at stage 2. If the Head of School's grievance is not resolved at that stage, the matter should be referred to stage 3. If individual governors are the subject of the grievance, such person/s shall not sit with the Appeal Committee, but may attend the Governors' Appeal Meeting to present their case. If it is the CEO/Executive Headteacher who has a grievance then the Chair of the Board is the person to whom the CEO/Executive Headteacher refers to as their immediate line manager at stage 2. If the Head of School's grievance is not resolved at that stage, the matter should be referred to stage 3. If individual governors are the subject of the grievance, such person/s shall not sit with the Appeal Committee but may attend the Governors' Appeal Meeting to present their case.
- 2.7. If the Head of School is the subject of the grievance the matter should be referred to the CEO/Executive Headteacher at Stage 2 of the process, and a Governor Appeal Panel at Stage 3. If the CEO/Executive Headteacher is the subject of the grievance the matter should be referred to a Governor Panel at Stage 2 and a separate Governor Appeal Panel at Stage 3.
- 2.8. An employee who is a member of a trade union may consult that trade union's representative before invoking the grievance procedure, but the employee should normally raise the problem personally with the immediate line manager before involving their trade union representative. Where a collective grievance is raised and all participants are members of the same trade union, the union representative can raise the grievance on their members' behalf should they all be in agreement. Where there are different unions representing each participant, they must nominate one union representative if, they cannot agree it must be dealt with as individual grievances.
- 2.9. The grievance procedure is confidential. Those participating in it must not disclose the nature of the grievance or the outcome to any person who is not a party to the process. The only exceptions are when those involved: need to seek appropriate union or legal advice; and/or if required to do so by law; and/or to a member of immediate family. Managers, governors and investigating officers must remind all employees at any meetings, hearings or in correspondence, of their obligation to maintain confidentiality. If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the grievance, this may lead to disciplinary action under the Trust's Disciplinary Procedure
- 2.10. Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 2.11. Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

- 2.12. Hearings should take place during an employee's normal working hours wherever possible. It is expected that employees will make all reasonable efforts to attend hearing, in order that their grievance can be resolved speedily. Employees cannot be required to attend a grievance hearing outside their normal contractual working hours or teachers' directed time. If an employee is requested and is willing to do so, in order to resolve matters quickly, time off in lieu or paid overtime for attendance outside their normal contractual hours may be given.
- 2.13. At any stage of the procedure, the Head of School and/or governors may refer to an adviser external to the School for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the position of both parties in the procedure.
- 2.14. The Head of School and/or senior managers and/or governors may wish to take advice from the School's HR Adviser before considering a grievance.
- 2.15. This procedure has been implemented following consultation with Trade Unions.

3. Stages of the Grievance Procedure

3.1. Stage 1: Raising Grievances Informally

- 3.1.1. Most grievances can be resolved quickly and informally through discussion. If an 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.
- 3.1.2. If the employee's grievance is against the line manager personally, the grievance may be referred directly to stage 2, but it would normally be reasonable to inform the line manager of this intention.

3.2. Stage 2: Formal Grievances

- 3.2.1. If the employee is not satisfied their concerns have been addressed informally, the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher. The employee should use the 'Notification of Grievance Form' (Appendix A) to state the grounds of their grievance and the remedy that is being sought. For collective grievances only one 'Notification of Grievance Form' should be filled out and agreed/signed by participating employees.
- 3.2.2. The Headteacher will normally meet the employee to hear the grievance and reply as soon as possible, normally within 10 working days, even if it is only an interim reply pending further investigation. The Headteacher may be accompanied by another employee or the School's HR Adviser.
- 3.2.3. An employee may bring a companion (see terms of reference) to any formal grievance meeting or appeal meeting under this stage 2. An employee must tell the person holding the meeting who their chosen companion is, in good time before the meeting.
- 3.2.4. The option of mediation to resolve the grievance can be considered at any stage of the grievance and if not considered earlier must be considered during stage 2 or a reason provided as to why it is inappropriate.

- 3.2.5. 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.
- 3.2.6. 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.
- 3.2.7. It may be necessary to carry out an investigation into the grievance. 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.
- 3.2.8. 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.
- 3.2.9. 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.
- 3.2.10. The Headteacher will write to the employee, following the grievance meeting, to inform the employee of the outcome of the grievance and any further action that will be taken to resolve it.
- 3.2.11. If the employee raising the grievance is not satisfied with the outcome then the employee may appeal in accordance with stage 3 below.

3.3. Stage 3: Grievance Appeal

- 3.3.1. If the grievance has not been resolved to the employee's satisfaction they may appeal in writing, to the Clerk of Governors, setting out the grounds of their appeal, within 10 working days of receiving the written confirmation of the original decision. The employee must detail how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.
- 3.3.2. The appeal will normally be heard as soon as possible after receipt of the appeal letter, by an Appeal Committee of one or more governors, convened by the Clerk to Governors.
- 3.3.3. The Appeal Committee may have an HR adviser 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.
- 3.3.4. The Appeal Committee will confirm its final decision in writing, as soon as reasonably possible after the appeal meeting. This is the end of the procedure and there is no further right of appeal.

3.4. Grievances raised by Former employees

3.4.1. In the event that a grievance is received after an employee's leaving date, while this procedure will not apply, the grievance should be considered and responded to in writing, to avoid any claims against the Trust.

Appendix A: Employees Notification of Grievance

This form should be used to submit a grievance in accordance with stage 2 of the formal grievance procedure, adopted by Heartlands Community Trust Board.

Send the completed 'Employee's Notification of Grievance Form' (Appendix A) to your line manager.

If your grievance relates to your line manager, send it to the Head of School.

If your grievance relates to your Head of School then send it to the CEO/Executive Headteacher (or another governor if the grievance is against the Chair).

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.

Name/s	
Post/s held:	
The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses. (continue on a separate page if necessary)	
When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?	

What action has been taken on your grievance at the informal stage (stage 1)?

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What ideally would you like to happen to resolve your grievance?

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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:

Representative name:	
Representative email:	
Representative address:	
Representative phone number:	

Printed name:	
Signed:	
Date:	