



## The Robert Carre Trust

### Staff Grievance Procedure

#### 1. Policy statement

- 1.1 It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 Issues that may cause grievances include:
- (a) terms and conditions of employment;
  - (b) health and safety;
  - (c) work relations;
  - (d) new working practices;
  - (e) working environment;
  - (f) organisational change; and
  - (g) discrimination.
- 1.3 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.
- 1.4 The policy has been implemented following consultation with staff and recognised trade unions.

#### 2. Who is covered by the procedure?

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

#### 3. Responsibilities

- 3.1 The Robert Carre Trust will make and maintain a Grievance Policy and Procedures.

The Robert Carre Trust has delegated to the Executive Headteacher / Head of School the responsibility for dealing with staff grievances (when the Executive Headteacher / Head of School has a grievance, the matter will be dealt with by the Chair of the Local Governing Body, or if appropriate, by another nominated governor).

The Executive Headteacher / Head of School also has the power to delegate responsibility for dealing with grievances to appropriate line managers or members of the Senior Team if the grievance is about a line manager.

- 3.2 **The Local Governing Body** will appoint an Appeal Panel to hear any appeals from the Headteacher's decisions. This will not involve Staff Governors.

Otherwise governors will play no part in the investigation of a grievance.

- 3.3 The **Executive Headteacher / Head of School** has the responsibility for managing the procedures and for resolving grievances as far as is reasonably practicable. The Executive Headteacher / Head of School must ensure that the procedures are known to all staff.

The Executive Headteacher / Head of School has the delegated power to require appropriate line managers to resolve grievances and disputes in the first instance, and to pass the matter to the Executive Headteacher / Head of School if it has proved impossible to resolve satisfactorily.

The Executive Headteacher / Head of School must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. He must advise the employee that he/she may be accompanied by a school colleague, trade union representative or friend at the meeting (outlined in step 2 below).

The Executive Headteacher / Head of School must ensure that any decision regarding the grievance is communicated to the employee, wherever possible, at the end of the meeting, and confirmed in writing within 5 working days. The letter must also confirm to the employee their right to appeal to the Executive Headteacher. In the case of the Executive Headteacher the appeal will be to the Trust. In the case of the Head of School, the appeal will be to the Local Governing Body

- 3.4 The appropriate **line managers** have the responsibility for ensuring that any grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the procedures and conduct any investigation in a sensitive and considerate manner.

If it proves impossible to resolve a grievance satisfactorily he/she can refer the matter to the Headteacher.

- 3.5 The **employee** has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring a school colleague, trade union representative or friend to any meeting, but not a close relative.

- 3.6 The Trust expects that employees will also set out with the intention of settling the dispute as speedily as possible.

- 3.7 Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager.

- 3.8 If the dispute cannot be resolved informally the employee must follow the formal procedures.

#### 4. **Using this procedure**

- 4.1 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Staff Disciplinary Procedure and you will be informed if this is the case.

- 4.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Staff Disciplinary Procedure.
- 4.3 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 4.4 The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 4.5 This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of the Trade Union **or** other representative body. These will be dealt with as appropriate to the facts of the case.
- 4.6 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 4.7 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.
- 4.8 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

## **5. Confidentiality and data protection**

- 5.1 It is the aim of the Robert Carre Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 5.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.
- 5.3 During any action, including any decisions taken under this procedure, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Staff Privacy Notice, our Records Management Policy and in line with the requirements of (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until it is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998.

## **6. Raising grievances informally – Step 1**

- 6.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager. We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Executive Headteacher/ Head of School. If this does not resolve the issue, you should follow the formal procedure below.

## **7. Formal written grievances – Step 2**

- 7.1 If your grievance cannot be resolved informally you should put it in writing and submit it to the Executive Headteacher/ Head of School indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Executive Headteacher/ Head of School it should be submitted to the Chair of the Local Governing Body of the appropriate school
- 7.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

## **8. Investigations**

- 8.1 In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by a senior leader. In the case of an investigation into a complaint against the Executive Headteacher / Head of School the Chair of the Local Governing Body will determine who will carry out the investigation.
- 8.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 8.3 The employer may initiate an investigation before holding a grievance meeting where the employer considers this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

## **9. Right to be accompanied**

- 9.1 You may bring a companion to any grievance meeting or appeal meeting under this procedure. It should not be a relative or legal representative. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
- 9.2 Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.
- 9.3 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- 9.4 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.5 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 9.6 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

## **10. Grievance meeting**

- 10.1 The employer will arrange a grievance meeting, normally within 5 working days of receiving your written grievance.
- 10.2 You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 10.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- 10.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 10.5 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

## **11. Appeals – Step 3**

- 11.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Executive Headteacher stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 11.2 We will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the Executive Headteacher if s/he has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Executive Headteacher has made the decision at the grievance meeting a panel of governors will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 8.)
- 11.3 The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **12. Review of policy**

- 12.1 This policy is reviewed and amended every two years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **13. Confidentiality**

In order to preserve the rules of the natural justice for all parties, the Executive Headteacher and Governors must ensure that matters relating to any disputes are not discussed outside the meetings called expressly to consider the matters.

## **14. Equal Opportunities**

In all the procedures all parties must take into account the school's Equal Opportunities Policy and to ensure that there is no discrimination on the grounds of sex, race, disability, sexual orientation, religion and belief, nor age.

## **15. Related Policies**

Staff Discipline Policy  
Staff Code of Conduct  
Whistleblowing Policy

Date Protection Policy

**13. Appendices**

1. Appeal Panels

**Ratified at the meeting of the Board on 12 September 2018**

**Next Review Due: September 2020 (2 Years)**

### Appeal Panels

The Local Governing Body will appoint an Appeal Panel of three members. The Local Governing Body's Appeal Panel must hear any appeal within five working days of the appeal being received. The Panel must consider evidence from all relevant parties, and must allow all parties to be heard at the meeting.

The members of the Panel should ensure that they have not been involved in any prior stages of the grievance procedure. They must declare any prior involvement and pay no further role.

The Panel may call for expert advice wherever appropriate.

The Panel must retire to make its decision, which may be in the form of a recommendation if appropriate. The Panel can announce its decision at the end of the meeting, or later, but written confirmation of the decision must be sent to all parties within five working days.

### Conduct of the Appeal Hearing

The grievance will be set out by the employee or representative. Any relevant witnesses or witness statements may be considered, and expert advice can be sought if appropriate.

The Panel will then ask the Executive Headteacher /Head of School to explain his/her decision and to offer any evidence.

The employee (or companion) may ask questions of the Headteacher and any witnesses.

At any point the Panel members can ask questions of all parties.

The Panel will finally ask the employee (or representative) to sum up on behalf of the employee.

At the end of the meeting the Panel will consider its decision without any other party being present (except where a clerk may be present for the purpose of taking minutes).

### Adjournment

The Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained the Panel will specify the nature of that information.

All parties may ask for an adjournment for the purpose of consultation.

Any adjournment will normally be for a specified time.

### Witness Statements

If witness statements have been obtained during the course of any investigation all parties must be given copies of them at least five working days before the hearing. A shorter period may be agreed by the parties. Where there is a request to preserve the anonymity of a witness the Local Authority should be consulted **before any decision is made**.

### Witnesses

Either side may introduce witnesses to the meeting with the Executive Headteacher or Appeal Panel hearing, but must notify all relevant parties at least two working days beforehand that they intend to do so.

### **Rights of the Employee's Companion**

The employee's companion should not be a close relative or partner of the employee who has brought the grievance. The employee's companion has the right to:

- address the hearing, putting the employee's case;
- sum up the case;
- respond on the employee's behalf to any views expressed at the hearing; and
- confer with employee during the hearing.

The companion may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The companion may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.