

Staff Grievance Policy

This policy applies across all partner schools in the Stephen Sutton Multi-Academy Trust (SSMAT). It is available on the SSMAT website and is accessible from our schools' websites.

POLICY APPROVAL and REVIEW

Review date: ***Sept '20***

Approval needed by: ***Trust Board***

Adopted: ***July '18***

Next review date: ***July '22***

1. Introduction / Overview

- 1.1 The Stephen Sutton Multi-Academy Trust (SSMAT) believes that colleagues should be able to raise any grievances relating to their employment and that these matters should be dealt with promptly, fairly, consistently and without delay. The purpose of this policy is to help colleagues to understand how they can raise a grievance, either informally or formally.
- 1.2 In this policy, the 'appropriate level of authority' is determined according to the Trust's Scheme of Delegation and the school's staffing structure. The policy applies to all employees, referred to in this policy as colleagues, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply to colleagues who have left their employment by SSMAT.

2. General Principles

- 2.1 A grievance is a concern, problem or complaint raised by a colleague (or group of colleagues) in relation to the actions of another colleague (or group of colleagues). Where a grievance relates to bullying or harassment, then (in accordance with the Staff Bullying and Harassment Policy) this Staff Grievance Policy is used to address the issue.
- 2.2 This procedure cannot be used as an additional means of appeal against a decision, or as a type of sanction, under another policy.
- 2.3 Where a colleague raises a grievance, or acts in support of someone in raising their grievance, they are protected from detriment and will not be victimised, or placed at any disadvantage, as a result of raising or supporting a grievance.
- 2.4 Where a grievance is proven to be knowingly malicious or vexatious, the colleague(s) responsible is/are subject to disciplinary action and formal action may be taken against them, in line with the Staff Discipline Policy.
- 2.5 Where a group of colleagues use this procedure together, this is known as a 'collective grievance'.
- 2.6 SSMAT and its schools are committed to equality and diversity and will make reasonable adjustments to the application of this policy, where necessary and in line with our Equal Opportunities Policy.

3. Link with Other Policies and Procedures

- 3.1 SSMAT has various procedures for dealing with complaints (see the Trust's Complaints Policy) and it may be that the grievance procedure is not the most appropriate to address a particular complaint.

3.2 Where a complaint relates to possible malpractice, wrongdoing or illegal activities, it should be made in accordance with Trust's Whistleblowing Policy. Nevertheless, the matter may also be raised as a grievance under this procedure, where a colleague considers that they have been directly affected by the matter in question or believes that they have been treated less favourably, as a result of raising the matter.

3.3 Where a grievance is raised during the course of disciplinary or capability proceedings:

- the disciplinary / capability proceedings may be temporarily suspended, in order to deal with the grievance; or
- where they are related, the grievance and disciplinary / capability processes may be run concurrently.

3.4 There are separate policies and procedures for dealing with complaints about grading or job evaluation, these processes are detailed in the Trust's Pay Policy.

4. Responsibility of Managers

4.1 All managers:

- comply with the requirements set out in this policy and procedure and observe the time requirements;
- ensure that, at all times, they treat the process as confidential;
- promote the appropriate use of the policy and consider any grievances fairly and thoroughly;
- try to resolve grievances without delay;
- where appropriate, ensure that mediation has been explored and offered to all parties as a way of resolving grievances, before the formal stage is reached;
- create and maintain a good working environment, while the grievance is being handled;
- personally support all parties affected by the grievance; and
- ensure that notes are kept and shared with the parties, as appropriate.

5. Status Quo

5.1 For the purposes of this policy, 'status quo' refers to the working arrangements and practices in place immediately before the event causing the grievance. The status quo will apply (except where working practices are dangerous, where there would

be a breach of statute, or where there would be a significant impact on colleagues welfare) until the issue has been resolved, or the formal stage of the procedure has been completed.

6. Mediation Service

- 6.1 Mediation is a confidential process that seeks to help colleagues to resolve disputes in the workplace. It is an informal means, through which colleagues involved in a dispute, or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.
- 6.2 Mediation can be used at any point in the grievance procedures, e.g. where other informal approaches have been unsuccessful, or if colleagues do not feel that the formal procedure is the right option. Mediation is a voluntary option and can only be used when both parties agree to take part. There is no penalty, or detriment, for a colleague who chooses not to participate in a mediation process.
- 6.3 If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager must speak to the Headteacher to organize this through the HR provider.
- 6.4 If a colleague engages with mediation, which is not successful, they can still engage with the formal grievance procedure.
- 6.5 Where a colleague has raised a grievance and decided to pursue mediation, the grievance may be paused, while the mediation is taking place. If the issue is resolved informally, or through mediation, the formal grievance will be closed.

7. The Right to be Accompanied

- 7.1 A colleague has the right to be accompanied, by a companion, at any meeting that is held during the grievance procedure. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union. The companion is allowed to address the meeting, to put forward and sum up the colleague's case, respond on their behalf to any views expressed at the meeting and confer with them during the meeting. A colleague does not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative).
- 7.2 It would not normally be reasonable for a colleague to insist on being accompanied by a companion whose presence would prejudice the meeting; and nor would it be reasonable for them to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 7.3 Where appropriate, eligible colleagues, e.g. those with disabilities or language difficulties, may have a supporter or interpreter in attendance.

8. The Stages of the Grievance Procedure

8.1 Stage 1 - Informal Procedure

Many issues or concerns can be dealt with on an informal basis (without the need for formal grievance procedures), through discussion with a colleague's line manager and this is encouraged. A colleague should make it clear to their manager that they are raising their grievance informally and should clarify what outcome they are seeking. The colleague must give their manager reasonable time to deal with their complaint informally. If the complaint is about their line manager, then they should discuss the matter with their manager's manager, in the first instance. No action will normally be taken unless agreed with the colleague first.

8.2 Stage 2 – The Formal Procedure

Where a grievance has not been resolved informally, or a colleague considers that the informal process is not appropriate, they can raise the matter formally. To do this, they (or their companion) must put the complaint in writing to their line manager, making it clear that they wish to raise the matter as a grievance. If the grievance concerns their line manager, then they should send the grievance to their manager's manager. The complaint should explain the basis for the grievance (including, where possible, any relevant dates and other facts) and any thoughts that the colleague may have on the outcome they are seeking.

On receipt of a grievance complaint, a line manager:

- arranges a private meeting with the colleague who has submitted the grievance;
- take notes of the grievance at the meeting, respecting confidentiality; and
- considers all the points raised and agrees, with the colleague, the next actions to try to resolve the grievance.

Where reasonably practicable, the meeting will be held within 10 working days of receipt of the written grievance, but sooner where the grievance is related to harassment or bullying. Depending on the nature of the grievance, the complaint may need to be investigated and the meeting may need to be adjourned. A further meeting with the colleague is arranged, as necessary, following the investigation. The colleague is kept informed of the progress of the investigation, which will be conducted as confidentially and sensitively as possible, in line with the Investigations Procedure.

Once the grievance has been considered, the line manager writes to the colleague with the outcome, within 10 working days. The colleague is also advised of their right of appeal, in the event that they are dissatisfied with the decision, and to whom the appeal should be made.

8.3 Stage 3 – The Appeal

Where a colleague is not satisfied with the outcome of Stage 2, they may appeal the decision. The appeal must be in writing and set out the grounds of the appeal. The appeal should be made on the basis that either:

- the grievance was not upheld but the colleague believes that the evidence does not support this finding;
- the colleague believes that the correct procedure was not followed;
- new evidence has come to light that would change the outcome; or
- the outcome is inconsistent with how others have been treated

All the information to which the colleague will refer at the appeal meeting should be included with the written appeal. The appeal is sent to the Chair of the Appeals Panel within 5 working days of receipt of the letter notifying the colleague of the grievance decision.

The colleague will be invited to the meeting, in writing, in accordance with the Formal Hearing Appeal Procedure. They will be given at least 10 working days' notice to consider their appeal and any suggestions they may have for resolving the grievance. They have the right to be accompanied at the hearing by their companion. In most circumstances, the hearing will be attended by a SSMAT director.

The outcome of the appeal may either be to overturn or to confirm the original decision or to apply a different resolution. The Appeals Panel will either call the colleague back to the appeal hearing, or will write to the colleague confirming their decision. The appeal outcome will be confirmed, in writing, within 10 working days of the appeal hearing. There is no further right of appeal. In some circumstances, and with the agreement of both parties, as an outcome of the hearing, SSMAT may agree to appoint an independent mediator or conciliator.

9. Records

9.1 At the end of each formal stage of the grievance procedure, the person hearing the case sends written confirmation of the decision, within 10 working days following the meeting. The letter records the outcome and the terms of any agreement reached in resolving the grievance. At Stage 2, the letter also indicates to whom a colleague can appeal, if they are not satisfied with the outcome.

9.2 A copy of the outcome letter and any formal meeting notes remain on the colleague's personnel file.

10. Effective Date

10.1 This procedure has been agreed with trade union representatives on 15/04/2013.

10.2 The Trust's HR provider periodically reviews the procedure with the trade unions, following changes in employment law or at the request of the Trust or the Trade Union Consultative Committee.

10.3 An Equality Impact Assessment was carried out on this policy and procedure prior to implementation.

Stuart Jones; Sept '20