

Grievance Policy

All Salford Academy Trust
Staff



1. Introduction

1.1 Salford Academy Trust are committed to ensuring that all their employees are treated with dignity and respect and all disputes are being resolved in a timely manner.

1.2 It is the Salford Academy Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment in a fair, timely and consistent manner.

1.3 The trust are committed to treating seriously any allegations relating to potential discrimination on the grounds of race, gender, disability, sexual orientation, age, religion, trade union membership and family care responsibilities, and ensuring a full and thorough investigation where such allegations are made.

1.4 The policy complies with the Advisory Conciliation and Arbitration Service (ACAS) Code of Practice and the Equality Act 2010.

1.5 This policy is applicable to all staff employed by Salford Academy Trust and is designed to deal with either individual grievances or collective complaints. Collective grievances can be raised either by a trade union representative or a member of staff nominated to do so by those raising the complaint and will be dealt in line with the processes outlined below in this policy.

1.6 Reasonable adjustments to this policy will be made upon request where this is required to accommodate an individual's needs in relation to a disability.

1.7 The remit of this policy does not include issues related to pay and grading or disciplinary matters for which separate policies/procedures exist.

1.8 Where the employee makes the Trust aware that they have a complaint, the Trust will investigate any formal grievance raised, hold a meeting to discuss it with the employee, inform the employee in writing of the outcome and give the employee a right of appeal if they are not satisfied.

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- work relations;
- new working practices;
- working environment;
- organisational change;
- Discrimination.

2. Scope and Purpose of Policy

2.1 This procedure is intended to apply to any employee who may have a grievance about their work, working environment or working relationships which they wish to raise and have addressed. This procedure is aimed at resolving grievances fairly and speedily before they develop into major problems or collective disputes

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

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

2.4 The employee has the right to representation at all formal stages of this procedure to be accompanied by a trade union representative or colleague. Reasonable requests for representation by a trade union representative or a work colleague at the informal stage may also be accommodated at the discretion of the manager investigating the complaint. No other person may accompany the employee at any stage of the process.

2.5 Timescales contained in this policy can be amended by mutual consent. Every effort will be made to comply with the timescales outlined in this policy however it is recognised that on occasion these may need to be modified within a reasonable timeframe dependent on the nature of the complaint and it would be with the agreement of all parties.

2.6 Throughout all stages it is important to be clear as to the nature of the complaint and the outcome which the employee wants management to consider.

2.7 It will also be treated seriously where it is concluded by the investigating manager that a complaint is malicious, i.e. without foundation and made with a deliberate intention of having action taken against another employee. In such cases consideration may be given to dealing with the complainant in line with the trusts disciplinary procedure.

2.8 Employees should be aware that where a Principal or manager is legitimately discharging their management responsibilities/school policies properly and reasonably, this does not constitute harassment, bullying or victimisation. Examples of legitimate management intervention may include:

- the allocation of work
- setting time limits and standards of work
- monitoring performance of individual workers
- application of the disciplinary procedure

2.9 There is a separate Dignity at Work Policy, Anti-harassment and Bullying Policy that may be useful if an employee believes they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

2.10 The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where employees are directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, they may raise the matter under this grievance procedure.

2.11 Written grievances will be placed on the employee's 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 the Data Protection Act 2010/GDPR.

2.12 Grievance complaints will be treated seriously and dealt with in the utmost confidence. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

2.13 It is the aim of Salford Academy Trust to deal with matters relating to grievances sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them.

3. Stage 1 – Informal Process

3.1 The aim of the informal process is to establish the nature of the complaint, the desired outcome, and share information by mutual agreement in an attempt to address the concerns raised. All employees will be expected to exhaust the informal stage of the policy.

3.2 Where an employee has a complaint which involves another employee, the Principal or the governing body, the employee should first of all try to resolve the matter by mutual agreement with the person involved. This may be with the support of their line manager or with an appropriate senior manager. Workplace mediation may be recommended to resolve the matter and all employees will be expected to co-operate.

3.3 If an employee feels that they can not discuss the complaint with the person involved, or the complaint is of a procedural nature, the complaint should be discussed in the first instance with a line manager or the Principal.

3.4 If an employee feels that they can not discuss the complaint with the person involved, or the complaint is of a procedural nature, the complaint should be discussed in the first instance with a line manager or the Principal. Where the complaint concerns the Principal it should be raised initially with the chair of governors, who will nominate an appropriate governor to address the complaint at the informal stage.

3.5 If the complaint is not resolved through the informal process, the formal process may be invoked. In certain circumstances where the nature of the complaint is so serious, the formal process of the procedure may be invoked straight away or it may be conducted under another procedure for example the disciplinary procedure.

3.6 Where a Principal has a grievance, they should first of all endeavour to resolve the matter by mutual agreement with the person involved. If this is not possible then the Principal should discuss this with the chair of governors or another appropriate governor/committee member.

4. Stage 2 - Formal Process

4.1 Where the employee believes the matter has not been resolved at the informal stage, they must set out the complaint in writing indicating why they feel this has not been resolved and send a copy to the Principal for consideration (formal complaint form - appendix 1) This should be completed within 10 working days of the outcome of the informal stage.

4.2 The Principal may nominate a governor to investigate the formal grievance or they may undertake the investigation themselves depending on the circumstances. Salford Academy Trust reserve the right to appoint an employee from within the wider trust to carry out the formal investigation if this is deemed appropriate.

4.3 Where a complaint concerns the Principal or they have been involved at the informal stage, the employee must set out the complaint in writing indicating why they feel that this has not been resolved informally and send a copy to the CEO of Salford Academy Trust who will nominate an appropriate a governor/committee member to deal with the complaint, supported by human resources (formal complaint form - appendix 1). This complaint form should be completed within 10 working days of the outcome of the informal stage.

If the grievance concerns are raised by the Principal it should be submitted to the CEO of Salford Academy Trust. If the grievance is in relation to the CEO of Salford Academy Trust, it should be submitted to the Chair of the Salford Academy Trust Board.

4.4 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask the employee to provide further information. The employee should also state what their desired outcome would be to resolve the situation.

Following receipt of the completed formal complaint form, the Principal will:

- Acknowledge its receipt, in writing, within 5 working days (Appendix B).
- Issue an invitation to hold a meeting with the employee within 10 working days and
- Inform the employee of their right to be accompanied by a trade union representative or work based colleague.

4.5 All parties must make every effort to attend the meeting in line with the timescales set out in this policy but where a chosen companion is unable to attend, the meeting will be rescheduled within 5 working days.

4.6 Following the meeting the Principal/governor/committee member shall aim to write to the employee within 5 working days with the findings and recommendations, including any action that will be taken to resolve the complaint. Where further investigation/information may be required the timescales may be extended by mutual agreement between all parties.

4.7 The employee may appeal against the formal outcome which will then be dealt with by a panel of the governing body or another senior manager from the trust with no previous involvement. Salford Academy Trust reserve the right to appoint an employee from within the wider trust to hear the appeal if this is deemed appropriate.

5. Stage 3 – Appeal

5.1 The employee must complete the appeal complaint form within 5 working days of receiving the outcome from the formal meeting (appeal complaint form – appendix 3). This must clearly set out the grounds for appeal, the elements of the original complaint

the employee remains aggrieved with and the remedy sought.

5.2 The appeal will be dealt with impartially by the Principal if they have not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Principal has made the decision at the grievance meeting, the appeal meeting will be chaired by a panel of the Local Governing Body and/or CEO of the Salford Academy Trust representatives.

5.3 Following the meeting, the appeals panel/senior manager will write to the employee within 5 working days with their findings and recommendations, including any action to be taken

5.4 The decision of the appeals panel/senior manager hearing the appeal is final.

6. Malicious Complaints

Having conducted an investigation, the investigating manager may conclude that the complaint was malicious. That is, that the complaint was entirely false and made with the deliberate intention of having action taken against another employee. In these circumstances, consideration may be given to dealing with the complainant in line with the disciplinary procedure.

7. Impact of Sickness

In the event that an employee is sick on the date of an arranged grievance meeting, then the meeting will be re-arranged without undue delay. An employee on long term sick is not prevented from attending a grievance meeting. However, if they are not well enough to do so, the grievance meeting may take place in the employee's absence as a last resort once all the other options have been explored including making reasonable adjustments. In such cases, the employee would be given the opportunity to submit further written information for consideration.

8. Policy Review

This policy is reviewed every two years (unless there is a change in employment law of practice) by Salford Academy Trust in consultation with the recognised trade unions. Salford Academy Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

DOCUMENT STATUS

<u>Version</u>	<u>Date</u>	<u>Action</u>	<u>Approved by JCC</u>		<u>Approved by</u>
			<u>Signature</u>	<u>Date</u>	<u>Signature</u>
1.1	February 2018	New policy	JCC	15/03/18	Board 27/03/18

This Policy has been impact assesses to ensure that it does not have an adverse effect on race, gender or disability equality

Appendix 1 – stage 2 formal grievance complaint form

Name:	Payroll number:
Job title:	School:
Signature:	Date:

Details of the Grievance. Please describe specifically the grievance and include any relevant details such as name of person you are raising the grievance about, any relevant information you are referring to, dates of relevant incidents etc.

Informal Stage. Please describe how you have tried to resolve your grievance informally and the outcome of this stage. Alternatively, please set out why you consider that the grievance cannot be dealt with informally.

Outcome of your Grievance. Please set out how you think the grievance can be resolved.

Notes on completion:

- You can extend each box or attach additional sheets to this document if you require more space, however, please ensure you have included information relating to all 3 sections.
- When complete, sign and date this form and forward it to your either; the Principal (for school based employees), the Chair of Governors (for Principal or if the grievance concerns the Principal) or a senior manager from the trust (for central trust employees).
- You should retain a copy of your statement for your information.

Appendix 2 – acknowledgement letter

Private and confidential

Name

Address

Date

Formal complaint

I would like to confirm that I have received notification from you of your wish to invoke Stage 2 of the grievance/dignity at work policy.

In accordance with the procedure, a meeting will now be arranged with yourself within the next 10 working days. You are entitled to be accompanied at this meeting by your trade union representative or a colleague.

I will contact you to arrange this meeting as soon as possible.

Yours sincerely

Name

Position

Appendix 3 – appeal complaint form

Name:	Payroll number:
Job title:	School:
Signature:	Date:

Grounds for appeal. Please detail the grounds for your appeal including the elements of your original complaint that you remain aggrieved with.

Suggestions for resolution of your complaint. Please detail how you feel your complaint could be resolved.

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for the user to provide information or a statement.

Notes on completion:

- You can extend each box or attach additional sheets to this document if you require more space, however, please ensure you have included information relating to both sections.
- When complete, sign and date this form and forward it to your either; the Chair of Governors (for school based employees) or a senior manager from the trust (for central trust employees).
- You should retain a copy of your statement for your information.