



## The Nene Education Trust GRIEVANCE PROCEDURE

### POLICY NUMBER HR6

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|-----------------------|--|
| Key Manager           | <b>H R Director</b>  |
| Ratified by Directors | <b>February 2019</b>   |
| Review Dates:         | <b>Winter 2022</b>   |
| Location of Policy:   | <b><a href="#">Trust</a> Intranet</b>                                |
| Access to Policy:     | <b>Open</b>  |
| Policy Context:       | <b>This Policy applies to all staff of the Nene Education Trust.</b> |

#### Revision History

| <b>Revision Date</b> | <b>Description</b> | <b>Sections Affected</b>          | <b>Revised By</b> | <b>Approved By</b> |
|----------------------|--------------------|-----------------------------------|-------------------|--------------------|
| 13/02/2019           | Annual Reivew      | Whole policy and Trust references | H R Director      | H R Committee      |
| Winter 2022          |                    |                                   |                   |                    |
|                      |                    |                                   |                   |                    |

#### **Aims of the Nene Education Trust**

### 1. Terms of Reference

- 1.1 This procedure applies to all employees of the Nene Education Trust.
- 1.2 Definitions:
- 1.3 "Principal" also refers to the CEO, Chair of the Trustees or any other senior manager delegated to deal with the matter as Grievance Officer.
- 1.4 "Companion" refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

## 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 any employee to have his/her 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 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.
- 2.3 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.
- 2.4 This procedure applies to all employees of the Trust including the CEO, Principal and members of the Central Services team, full and part-time, permanent and temporary employees.
- 2.5 If individual Trustees/governors are the subject of the grievance, the employee should raise the matter initially with the Principal/CEO. The CEO will liaise with the Chair of Trustees to agree a mechanism for informal resolution. If the grievance is not resolved at the informal stage, it may move to the formal procedure. The Trustees/governors involved shall not sit on the Appeal Committee but may attend the Trustees/governors' Appeal Meeting to present his/her case.
- 2.6 This procedure does not form part of any employee's contract of employment and it may be amended at any time.
- 2.7 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 his/her trade union representative.

- 2.8 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.
- 2.9 Employees should recognise that an investigation might be necessary which may delay the process beyond normal time limits.
- 2.10 The Principal can seek advice from the HR Director at any stage of the procedure before considering a grievance and should do so at the formal stage. On occasions, it may be appropriate to 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.
- 2.11 All record relating to grievances should be stored confidentially and securely on the individual's personal file, and in accordance with the Data Protection Act 2018. No duplicate records should be kept. Records should be retained for six years after employment ceases, after which time they must be destroyed as confidential waste. If an employee wishes for a record to be removed sooner, they can submit a request in writing for consideration. The employee may also wish to keep records of events to support their case.

### 3. Stages of the Grievance Procedure

#### Stage 1: Raising Grievances Informally

- 3.1 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 his/her immediate line manager. If this does not resolve the issue, the employee should follow the formal procedure below.
- 3.2 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.

#### 4. Stage 2: Formal Grievances

- 4.1 If the employee is not satisfied his/her concerns have been addressed informally, the employee should submit their grievance in writing as detailed below, using the Notification of Grievance Form (Appendix A) to state the grounds of their grievance and the remedy that is being sought.
- 4.2 Grievances should be directed:
  - to the Principal for all academy based staff
  - to the CEO for Principals and the Central Services team
  - to the Chair of the Trustees if the CEO.
- 4.3 Where the Principal/CEO has been involved in attempt to resolve the issue informally to the extent that taking the role of Grievance Officer would not be deemed appropriate, the role of Grievance Officer will be passed up the Trust's line management structure.
- 4.4 The Principal 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 Principal may be accompanied by another employee, or a member of the Trust's HR team.
- 4.5 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.
- 4.6 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 unless specific arrangements have been agreed.
- 4.7 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 to avoid delaying the meeting indefinitely.
- 4.8 It may be necessary to carry out an investigation into the grievance. The amount and length of 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.

- 4.9 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.
- 4.10 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.
- 4.11 At the meeting, the Principal will introduce those present (where appropriate), outline how the meeting will be conducted and their understanding of the grievance, invite the employee to present their case and set out their suggestions for a resolution.
- 4.12 Once the discussion is concluded, the Principal will adjourn the meeting to consider the information provided and how the grievance might be resolved.
- 4.13 The Principal 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.
- 4.14 If the employee raising the grievance is not satisfied with the outcome then the employee may appeal in accordance with Stage 3 below.

## 5. Stage 3: Grievance Appeal

- 5.1 If the grievance has not been resolved to the employee's satisfaction they may appeal in writing, setting out the grounds of their appeal, within 10 working days of receiving the written confirmation of the original decision. Appeals should be sent:
  - to the Clerk to Governors for academy based staff
  - to the Clerk to the Trust Board for the CEO, Principals and Central Services team

- 5.2 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.
- 5.3 The appeal will normally be heard as soon as possible after receipt of the appeal letter, by an Appeal Committee of one or more Trustees or governors as applicable, convened by the Clerk to Trust Board/Governors.
- 5.4 The appeal meeting will normally take place within 15 working days of receipt of the appeal. The employee has the right to be accompanied by a companion to the meeting. It is likely that the Principal would also be required to attend.
- 5.5 The Appeal Committee may have the HR Director or an HR Adviser (if the HR Director has had prior involvement in the case) attend the meeting who may also be involved in its private deliberations. The HR Adviser (including the HR Director), should not have had any previous involvement in dealing with the grievance and shall not have a vote in the decision of the Appeal Committee.
- 5.6 Before reaching a decision on the appeal, the Appeal Committee will consider the outcome of the formal grievance meeting, will listen to the grounds for the appeal and consider any further statements provided.
- 5.7 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.
- 5.8 The grievance and related papers will be stored on the file of the employee who raised the grievance.
- 5.9 This procedure does not form part of any employee's contract of employment and it may be amended at any time.

## Appendix A

### Employee's Notification of Grievance

This form should be used to submit a grievance in accordance with Stage 2 of the formal Grievance Procedure, adopted by the Governing Body.

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 Principal. If your grievance relates to your Principal then send it to the Chair of Governors (or other 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.

**1. Name:**

**Post held:** .

**2. Describe briefly:**

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)? |
| <br><br><br><br><br><br><br><br><br><br>                                      |
| What steps or action do you want to be taken as a remedy for your grievance?  |
| <br><br><br><br><br><br><br><br><br><br>                                      |

If you are member, have you informed your trade union or professional association representative? YES/NO

If yes: do you wish the representative to receive correspondence? YES/NO

If yes: please identify the representative and provide email and postal addresses and telephone number YES/NO

Printed Name:

Signed:

Date: