

GRIEVANCE / COMPLAINTS POLICY & PROCEDURE FOR STAFF

Lead	HR Manager
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GRIEVANCE / COMPLAINTS POLICY & PROCEDURE FOR STAFF

1. Introduction

The Collegiate Trust (the Trust) is a partnership of academies in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**. This policy provides a key mechanism that informs our wider *Trust Improvement Strategy*.

1.1 Aims of this Policy & Procedure

1.1.1 The aim of this *Grievance / Complaints Policy & Procedure* (the *procedure*) is to achieve fair and equitable treatment for all employees of *The Collegiate Trust* (the Trust) in relation to the management of grievances in the workplace. The procedure applies to all employees of the Trust. This procedure does not form part of any employee's contract of employment and it may be amended at any time.

1.1.2 Whilst this procedure requires that employees submit a written notice of *grievance / complaint* (a *grievance*) in order to have the matter dealt with formally, (see Appendix 1), a grievance can be expressed in other informal ways, for example, verbally. It is important to recognise and deal with any potential grievances and seek clarification from the employee as to whether they wish to take their complaint through this procedure.

1.1.3 The procedure may be used for grievances:

- between colleagues where there is no line management relationship
- between an employee and management, including the line manager, senior leader, Trust executive team.

1.1.4 The procedure may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

1.1.5 The procedure **cannot** be used for complaints regarding:

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- pay
- performance capability / performance appraisal
- harassment and bullying or
- whistleblowing (unless the employee is directly affected by the matter in question or where the employee believes they may have been victimised for an act of whistleblowing)

These are all covered by separate procedures.

1.1.6 An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal / complaint heard under any other policy. This procedure cannot be used to lodge a complaint about the outcome of any other formal procedure, which has its own appeal process.

2. Principles

2.1 This procedure is designed to help Principals, Local Governing Bodies (LGBs), staff and the Trust resolve individual or collective grievances by:

- affording the employee the opportunity of putting their case should they have a complaint which they are unable to resolve through regular communication with their line manager
- fostering good relationships between Trust and Academy leaders and staff by encouraging the speedy and effective resolution of grievances
- resolving grievances as near as possible to their point of origin in an atmosphere of trust and confidentiality.

2.2 This procedure should be freely accessible to all staff and a copy should be given to the parties at the outset of the formal stages.

2.3 Reasonable consideration will be given to facilitating adjustments required in accordance with the *Equality Act 2010*, for example frequent breaks or to facilitate assistance with the completion of the formal notification of grievance (Appendix 1).

3. Levels in the Grievance Procedure

3.1 Informal Level

3.1.1 Most grievances can be resolved quickly and informally through discussion. If an employee has a grievance that involves another member(s) of staff, s/he should endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of another appropriate manager, who may be a senior member of staff in the Academy. If the grievance is about the line manager, s/he should speak informally to a more senior manager. In the case of central Trust staff, if the grievance is about the line manager s/he should speak to the CEO. If the grievance is about the CEO, s/he should contact the *Chair of the Trust Board*. This allows for problems to be resolved quickly and normal working relationships to resume. Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced.

3.1.2 During the *Informal Level*, it may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of an impartial mediator. The Trust's *HR Manager (HRM)* will advise on this.

3.2 Formal Level

3.2.1 Should it not be possible to resolve a grievance informally, an employee may choose to move to **Stage 1** of the **Formal Level** of the procedure.

3.2.2 Stage 1

3.2.2.1 The employee should usually have exhausted the *Informal Level* of this procedure to move to the *Formal Level*. S/he must complete the *Employee's Notification of Grievance*, included as Appendix 1, and submit this to the Academy Principal; in the event of the grievance being against the Principal, it should be submitted to the CEO at admin@tct-academies.org. For central Trust staff, this notification should be submitted to the CEO; in the event of the grievance being against the CEO, it should be submitted to the *Chair of the Trust* via the *Governance Manager* at sara.scott@tct-academies.org. This notification should usually be submitted within eight weeks of the issue giving rise to the grievance. Should an *Employee's Notification of Grievance* be submitted to any other colleague, manager, Governor or Director it should immediately be forwarded to the individual identified above. The Academy Principal, CEO or Chair of the Trust as appropriate is referred to as the *recipient of the grievance* in this context throughout this procedure.

3.2.2.2 The *recipient of the grievance* will appoint an *Investigating Officer (IO)* to investigate the grievance by meeting with and interviewing the employee raising the grievance, the employee(s)

against whom the grievance is being raised, any identified witnesses. Within 20 working days of the submission of the grievance, the IO will provide a written report to the *recipient of the grievance* outlining:

- i. a summary of the investigation
- ii. an opinion on the validity of the grievance
- iii. a proposal on a resolution

This will also be copied to the employee raising the grievance and the employee(s) against whom the grievance is raised. Both will be asked to submit any comments on this report to the *recipient of the grievance* within 5 working days.

3.2.2.3 Within 10 working days of the submission of the report by the IO, the *recipient of the grievance* will review the report, along with any further comments, and decide on whether to uphold the grievance and to decide on an outcome, or to reject the grievance. The reasons for upholding or rejecting the grievance will be outlined fully and will be communicated in writing to all parties in a *Decision Letter*.

3.2.2.4 The employee raising the grievance (only in the event that the grievance is rejected), or the employee(s) against whom the grievance has been raised (only in the event that the grievance is upheld), may choose to appeal against the decision in Stage 1 and move to the **Stage 2 (Appeal)**.

3.2.3 Stage 2

3.2.3.1 To appeal against a Stage 1 decision, the colleague(s) must submit a *Notification of Appeal against Stage 1 Grievance Decision*, included here as Appendix 2, which should be accompanied by the *Decision Letter* from Stage 1. This must be within 5 working days of the date of the *Decision Letter* and must outline the reasons why the employee believes the Stage 1 decision to be incorrect.

3.2.3.2 The *Governance Manager* will arrange a panel of 3 to hear this *Stage 2 (Appeal)*; this panel will be formed of Governors from the relevant LGB and / or Directors from the Trust Board. If the grievance involves the CEO, this panel will be made up of up to 3 Directors who have not been involved in any way with the earlier parts of this procedure. This panel should aim to meet within 15 working days of the submission of the *Notification of Appeal*, with all parties given 5 working days' notice of the meeting. In the event of insufficient governors being available for the LGB, colleagues from other LGBs within the Trust will be called upon.

3.2.3.3 The agenda for a *Stage 2 (Appeal)* meeting is given at Appendix 3. The function of this meeting is to review the decision of the *recipient of the grievance* in Stage 1. Therefore, this latter person is required to attend; s/he may choose to be accompanied by the IO. The employee submitting the appeal may choose to attend and has the right to be accompanied at this meeting. No further witnesses will be called at this meeting.

3.2.3.4 The decision of the *Stage 2 (Appeal)* meeting is final, and no further recourse is possible within the Trust. Within 5 working days of this meeting, the Chair of the panel will write to all parties outlining the decision of the panel with reasons. There are 3 possible outcomes:

- i. The appeal is upheld. In this instance the panel will also decide on a subsequent course of action.
- ii. The appeal is rejected.
- iii. The panel has further questions. In this case the panel will appoint its own IO and reconvene within 20 working days with further information and with the same

attendance. This further information will be shared with all parties at least 5 days in advance of the reconvened meeting. The panel will then announce its final decision – *upheld* or *rejected* – within a further 5 working days.

4. Related Issues

- 4.1 If an employee raises a grievance after disciplinary proceedings have started against them, the *recipient of the grievance* will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated, they can be heard separately.
- 4.2 Where a group of employees take out a grievance regarding the same subject matter, this will be heard using the process above in Section 3 i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a professional association / trade union representative(s).
- 4.3 All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The *recipient of the grievance* will not consider any frivolous or vexatious grievances or any repeat complaints to which a response has already been made. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.
- 4.4 If a Principal, Chair of LGB, CEO or Chair of the Board of Trustees receives a letter of resignation from an employee that includes what appears to be a grievance, s/he should write to the employee and ask them whether they would like to progress a grievance. An issue raised in an exit interview or leavers' questionnaire might constitute a grievance. If a manager has any concerns about the content of a resignation, exit interview or leaver's questionnaire advice should be sought from the COO.
- 4.5 Employees have the right to be accompanied by a certified professional association / trade union official at a formal meeting with the IO and at any *Stage 2 (Appeal)* meeting. Employees are responsible for arranging their own representation. Employees may not be represented by a person who may prejudice the fairness of the grievance process or who may have a conflict of interests, e.g. an individual who may be a witness to the grievance, or a direct report to the colleague against whom the grievance has been brought.

This form should be completed by an employee to begin the *Formal Level* of the **Grievance / Complaints Policy & Procedure for Staff** as outlined in *Section 3.2.2* of the procedure. In submitting this notification, you are confirming that you have exhausted the *Informal Level* of the procedure outlined in *Section 3.1*.

Name:	Place of Work:
Post:	Department / Team:
The name of the employee(s) against whom the grievance is raised:	
Please outline the nature of your grievance: <i>This should include a full description of the complaint, relevant facts, dates, and names of individuals involved.</i>	
Please outline the actions you have taken to resolve your grievance through the <i>Informal Level</i> of this procedure:	
What outcomes are you seeking in raising this grievance? <i>Eg. an apology</i>	
Have you informed your professional association / trade union representative? YES / NO <i>(please delete)</i> If YES: i. Do you wish your representative to receive correspondence? YES / NO <i>(please delete)</i> ii. Please provide the name and professional email address for your representative	
Signed:	Date:

- *If you work in an Academy, this form should now be submitted to the Academy Principal. If the grievance is against the Principal, it should be submitted to the CEO.*
- *If you work in the central Trust team, this form should be submitted to the CEO.*
- *If this grievance is against the CEO, this form should be submitted to the Chair of the Trust.*

This form should be completed by an employee in order to begin the *Stage 2 (Appeal)* process of the *Formal Level* of the **Grievance / Complaints Policy & Procedure for Staff** as outlined in *Section 3.2.3* of the procedure. Please attach to this form a copy of the *Employee’ Notification of Grievance* and *Decision Letter* from Stage 1 of this procedure.

Name:	Place of Work:
Post:	Department / Team:
<p>I was the originator of the original grievance.</p> <p>The original grievance was raised against me.</p> <p><i>(please delete one of the above statements)</i></p>	
<p>Please outline the reasons the <i>Decision Letter</i> has come to the wrong conclusion: <i>You should be clear in not just disagreeing with the Decision Letter, but in identifying why the outcome is incorrect, whether there is evidence that you previously presented but which has not been considered, whether there are witnesses you proposed but have not been considered etc.</i></p>	
<p>What outcomes are you seeking by initiating this <i>Stage 2 (Appeal)</i>?</p>	
<p>Have you informed your professional association / trade union representative?</p> <p>YES / NO <i>(please delete)</i></p> <p>If YES:</p> <p>i. Do you wish your representative to receive correspondence?</p> <p>YES / NO <i>(please delete)</i></p> <p>ii. Please provide the name and professional email address for your representative</p>	
Signed:	Date:

- You should now submit this form to the HR Manager.

APPENDIX 3

Agenda & Procedure for Stage 2 (Appeal) Meeting

Formal Level - Stage 2

The purpose of this Stage 2 (Appeal) Meeting is to review and test out the decision and the *Decision Letter* of the *recipient of the grievance* in Stage 1 of the *Formal Level* of this procedure.

Attendance

Panel

- Governor / Director
- Governor / Director
- Governor / Director

Governance Manager

Recipient of Grievance

This should be the Academy Principal, CEO or Chair of the Trust, who will also have been the author of the Decision Letter which concluded Stage 1. This person may choose to be accompanied by the original IO.

Appellant

This will either be the employee who submitted a Stage 1 grievance which was rejected, or the employee against whom the Stage 1 grievance was brought, and which was upheld.

Appellant's Representative

Agenda

1. Introductions and welcomes
2. Explanation of process and roles of attendees
3. Statement by original *recipient of grievance*, to cover:
 - a. Investigation of the grievance
 - b. Considerations in making decision
 - c. Any other factors
4. Questions to the *recipient of the grievance* from the panel
5. Questions to the recipient of the grievance from the appellant
6. Statement by the appellant, to cover:
 - a. Relevant evidence previously submitted but not considered
 - b. Explanation of why the *Decision Letter* is incorrect
 - c. Any other factors
7. Questions to the appellant from the panel
8. Questions to the appellant from the *recipient of the grievance*
9. Closing statements:
 - a. Recipient of grievance
 - b. Appellant

All parties other than the panel and *Governance Manager* will leave. The decision of this panel will then be made under the outcomes set out in *Section 3.2.3.4* of this procedure.