



PEAK EDGE

ACADEMY TRUST

INDIVIDUAL GRIEVANCE POLICY AND PROCEDURE

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SECTION 1 POLICY

This procedure provides for individual employees to raise significant and specific concerns about their employment or treatment at work. It is not anticipated that it should be necessary to use this procedure for day to day issues of relationships, working arrangements etc which can be dealt with, through normal supervisory channels, Where an employee chooses to raise a concern as a grievance it will be considered as such.

1.1 PRINCIPLES

- 1.1.1 The Trustee Board expects employees to seek to avoid the need for formal grievance processes wherever possible by ensuring constructive and reasonable responses to the resolution of problems.
- 1.1.2 The Headteacher (or CEO¹ where applicable) will ensure clear communication lines are established to enable employees to raise their concerns and have these considered within a reasonable timescale.
- 1.1.3 The CEO¹, Headteachers and Trustees will ensure that grievance processes are managed within the reasonable timescales identified in the procedure wherever possible.
- 1.1.4 Complaints will be dealt with as speedily as possible and at the lowest level. The CEO¹, Headteacher and Trustees will deal with employee complaints equitably.
- 1.1.5 An employee will have the right to be accompanied by a Trade Union Representative or other chosen representative employed by Peak Edge at the grievance and appeal hearing.
- 1.1.6 When exercising the right to be accompanied by a Trade Union Representative or other representative of their choice, what is reasonable will depend on the individual circumstances of the case. The employee with their trade union will determine who that representative will be, it would not however normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.
- 1.1.7 Employees will have a responsibility to ensure that issues raised through this grievance procedure are reasonable.

¹ CEO in this instance means either the CEO or a representative chosen by the CEO

- 1.1.8 HR representatives will provide appropriate and sound professional advice, guidance and support on the application of policies and procedures, points of law and case management to assist managers, the headteacher and governors in the resolution of grievances.

1.2 SCOPE

- 1.2.1 This procedure is available to all Trust employees.
- 1.2.2 Trust policy decisions and changes required by legislation will not be the subject of grievance processes, however grievances can be raised where there are concerns about how legislative changes have been interpreted/implemented.
- 1.2.3 This procedure will not apply to those issues of pay or conditions of employment which are the subject of National, Regional or Local Collective Agreement unless the grievance concerns alleged failure to observe the agreements
- 1.2.4 This procedure is not to be used in cases where the grievance has arisen out of other formal procedures (e.g. Discipline, Capability, Collective Dispute, Redundancy Dismissal, Dignity and Respect), where there is scope for the concern to be raised within that procedure or its appeal arrangements. Where other relevant routes have been exhausted or do not provide scope to address the concerns a grievance can be raised if this is the most appropriate route.

1.3 APPLICATION

- 1.3.1 In all circumstances a grievance will be raised at the lowest appropriate level.
- 1.3.2 There will generally be 3 opportunities to resolve the matter.
- | | |
|--------------------------|---|
| Informal Stage | - Supervisor/ Manager |
| Grievance Hearing | - Headteacher (or CEO ¹ /Trustees if applicable) |
| Appeal | - CEO ¹ (or Trustees or independent panel if applicable) |

The grievance will be managed by an appropriate manager or school leader at each stage. If the grievance relates to the Headteacher, the CEO¹ will consider the grievance. For appeals, if the CEO has investigated, either Trustees or an independent panel will be used. If the grievance relates to the CEO, Trustees will consider the grievance.

- 1.3.3 When a formal grievance is lodged, the Manager/Headteacher/CEO¹ may or may not continue the practice, agreement or arrangement that is the subject of the grievance pending the outcome of the grievance. There may be justifiable service reasons for not continuing the previous practice, agreement or arrangement, where this is the case the Manager/Headteacher/CEO¹ will confirm the reasons for the change in writing to the employee prior to proceeding, and these will be submitted in the grievance hearing.

Where the existing practice, agreement or arrangement is to continue pending the outcome of the grievance, this will not normally exceed a maximum period of 1 month to allow the procedure to be exhausted.

- 1.3.4 Where the employee (or representative) is concerned that the reasonable timescales provided for in the procedure are not being achieved the employee/representative may refer the matter to the relevant Manager who will be responsible for ensuring that appropriate progress is made, this may include referring the issue to the next level.
- 1.3.6 A working day shall be taken to mean those days during the school's year with the exclusion of public holidays, when employees would normally attend for duty. However, in some circumstances where it is in all parties' interests to resolve the grievance quickly, where all parties are in agreement meetings may take place on week days during school closure periods.
- 1.3.7 Wherever possible a grievance should be dealt with before an employee leaves employment. However if an ex-employee has a grievance they should raise this in writing as soon as possible after leaving employment and a written response should be provided, ideally within 28 days. Ex-employees should lodge their grievance within 3 months of leaving their employment.

SECTION 2 PROCEDURE

2.1 Notification of employee grievance

Employee makes the manager/headteacher/CEO aware of grievance about their employment/treatment at work and submits Individual Grievance form to them outlining

- their complaint
- outcome they are seeking
- whether they wish to be accompanied by a trade union representative/Peak Edge colleague (if requesting a grievance hearing/appeal)

The manager should make every effort to resolve informally and respond to the employee's grievance with a view to resolving the matter as speedily as possible.

Most grievances will be heard at an Informal stage however if an employee feels that their complaint is sufficiently serious they can lodge a request for a Grievance Hearing without first progressing through the Informal Stage.

2.2 Informal Stage: Supervisor/ Manager Level

In the first instance an employee will discuss their grievance informally with their Supervisor/Manager who will be responsible for making every effort to respond to the employee to resolve the matter as speedily as possible. However, the employee may choose to move straight into the formal stages of the grievance procedure if they wish. The Supervisor/Manager is responsible for keeping a written and dated record of the concerns raised by the employee, the main points discussed and the outcomes and resolution made in response to the concerns. Any evidence collected as part of an investigation will also be held.

Whilst this is not a formal stage of the grievance procedure, if both parties are in agreement that the attendance of a trade union representative would be useful to provide support to the employee this can be permitted.

2.2.1 In attendance

- Employee
- Manager

2.2.2 Process

The employee should be invited to talk through the grievance and how they would like it to be resolved.

The manager will keep a record of the meeting, verify information presented by the employee and undertake any investigation.

Following the meeting the manager should provide a copy of the written record to the employee.

2.2.3 Possible outcomes

The possible outcomes are:

- (i) the grievance is resolved
- (ii) an adjournment is required to allow an investigation to take place, the manager will advise the employee of likely timescales for reconvening the meeting.
- (iii) the grievance is not upheld and the employee is advised of their right to request a formal grievance hearing.

2.3 Grievance Hearing: Headteacher/CEO¹ (or CEO/Trustee)

If an employee's grievance cannot be resolved informally at the Supervisor/Manager level the employee may raise a formal grievance in writing with the Headteacher/CEO (or CEO/Trustee), stating the reason for the grievance.

Prior to the meeting the Manager should verify the facts and actions raised in the individual grievance notification and collate any appropriate information.

The Headteacher/CEO¹ (or CEO/Trustee) will seek to hear the grievance within 10 working days and attempt to resolve the matter whilst ensuring that at all times the needs of the school are adequately met. The Supervisor/Manager will present a response to the grievance and respond to questions.

Following an adjournment to give full consideration to the facts presented, the Headteacher/CEO¹ (or CEO/Trustee) will confirm their decision in writing within 3 working days.

If the matter is not resolved at the Grievance Hearing an employee may appeal to the CEO (or Chair of Trustees). The employee should write to the CEO (or Chair of Trustees) within 10 working days of the letter (confirming the decision of the Grievance Hearing), stating the reasons for appealing the decision.

2.3.1 In attendance

- Employee (and their representative if required)

- Manager
- Headteacher/CEO¹ or CEO/Trustee members (and HR representative if required)
- Witnesses (may be called if they have a relevant contribution to make to the consideration of the case)

2.3.2 Process

The employee should talk through the reason for and details of the grievance and how they would like it to be resolved.

Where witnesses are used they will be called by the employee's side at the appropriate time to give evidence, they can be questioned by those present and should then withdraw.

The Manager/Headteacher/CEO¹ (CEO/Trustee) responding to the grievance will have the opportunity to ask questions of the employee, followed by the Headteacher/CEO¹ (CEO/Trustee) and HR representative hearing the grievance.

The Manager/Headteacher/CEO¹ (CEO/Trustee) will respond and present appropriate information/evidence.

Where witnesses are used they will be called by the Manager/CEO¹ (CEO/Trustee) at the appropriate time to give evidence, they can be questioned by those present and should then withdraw.

The employee (or representative) will have the opportunity of asking other questions followed by the CEO/Trustee Panel (or CEO/Trustee) and HR representative hearing the Grievance.

The parties will have the opportunity of summing up: the Manager/Headteacher/CEO¹ (CEO/Trustee) first, followed by the employee (or representative) and the parties will then withdraw while the Headteacher/CEO¹ (CEO/Trustee) considers the information presented.

If points of uncertainty are identified during these deliberations or clarification is required from the parties, both sides will be recalled.

The parties will be called back into the meeting either to hear the decision or be informed of how they will be notified of the decision. The decision will be confirmed in writing to the parties within 3 days of the meeting.

The employee representative can support the employee, address the hearing, present information, ask questions, respond on behalf of the employee to any views expressed at the meeting, confer with the worker during the hearing and sum up but should not answer questions on behalf of the employee. They should not address the hearing if the employee does not wish them to do so or prevent the employer from explaining their case.

The Headteacher/CEO¹ (CEO/Trustee) will keep a record of the meeting, verify information presented by the employee and undertake any investigation.

2.3.3 Possible Outcomes

The possible outcomes of the Grievance Hearing are:

- (i) the grievance is resolved
- (ii) an adjournment is required to allow for an investigation to take place and an indication given regarding timescale for reconvening the meeting.
- (iii) the grievance is not upheld and the employee is advised of his/her right to appeal.

2.4 Appeal: To CEO¹ (or Trustees/Independent Panel)

Following the Grievance hearing the employee may wish to proceed to a Grievance Appeal Hearing. The employee would formally request this by completing Individual Grievance form – Grievance Appeal (see Appendix 1) and submit this to the CEO (or Chair of Trustees) within 10 working days of the letter confirming the decision of the grievance hearing.

The appeal should be heard by a CEO (or Trustee/Independent Panel) designated to hear the grievance or, when the complaint is about the CEO it should be heard by a Trustee panel of up to 3 Trustees. If the CEO investigated the grievance in 2.3 above, the appeal should be heard by a panel of up to 3 Trustees or an Independent Panel when this is not possible.

The CEO (or Trustees) will seek to hear the appeal within 10 working days and attempt to resolve the issue whilst ensuring that at all times the needs of the service are adequately met. The appeal can be heard by a Trustee designated to hear the grievance or by a Trustee appeal panel of up to 3 Trustees. The employee will present their grievance and the Headteacher/CEO will present their response, both will respond to questions from the Trustee/s hearing the appeal.

2.4.1 In attendance

- Employee (and their representative if required)
- CEO/Trustee/Trustee panel hearing the appeal
- Headteacher/CEO¹ or CEO/Trustee (and HR representative if required)
- Witnesses (may be called if they have a relevant contribution to make to the consideration of the case)

2.4.2 Process

This is the final stage of the process and the decision at the Appeal Hearing is final. The process is the same as for the Grievance Hearing.

The CEO (or Trustee/Trustee panel) panel will consider the information presented. The parties will be called back into the meeting either to hear the decision or be informed of how they will be notified of the decision.

The decision will be confirmed in writing to the parties within 3 days of the meeting.

2.4.3 Possible Outcomes

The possible outcomes of the Appeal Hearing are:

- (i) the grievance is resolved
- (ii) the grievance is not upheld
- (iii) parts of the grievance are resolved and parts are not – recommended actions may also be given

SECTION 3 - APPENDICES

INDIVIDUAL GRIEVANCE FORM

Date

Dear

I wish to request a Grievance Hearing in accordance with the Trust's grievance procedure.

My complaint is:
(include details of actions taken, who took those actions, the date the actions occurred)

My reason for requesting a Grievance Hearing is:

The outcome I am seeking is:

I would like to be accompanied by my trade union representative/Peak Edge colleague who is:

Yours sincerely

Signed

INDIVIDUAL GRIEVANCE FORM – APPEAL HEARING

Date

Dear

I wish to request an Appeal Hearing in accordance with the Trust's grievance procedure.

The outcome of my Grievance Hearing was:

My complaint is:

(include details of actions taken, who took those actions, the date the actions occurred)

My reason for requesting an Appeal Hearing is:

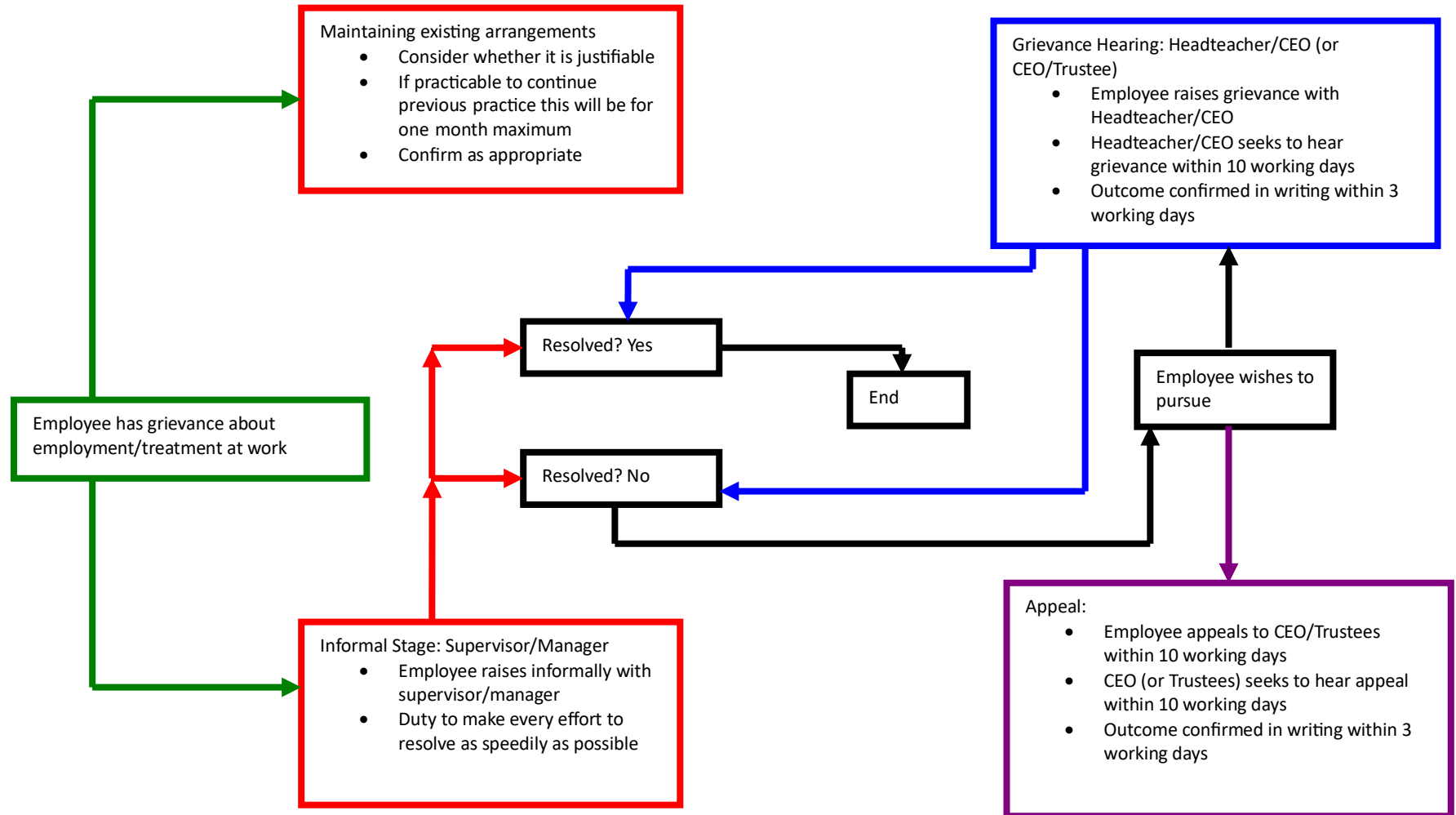
The outcome I am seeking is:

I would like to be accompanied by my trade union representative/Peak Edge colleague who is:

Yours sincerely

Signed

Appendix 2: Individual Grievance Procedure Flowchart



Appendix 3: MODEL LETTER INVITING TO A INFORMAL STAGE MEETING

Dear

Further to your letter dated (insert date) raising a grievance under (insert name of school) grievance procedure and the Employment Act 2008, I am writing to confirm that you are invited to attend a meeting at the Informal Stage of the Grievance Procedure. I am enclosing a copy of the Procedure for your information.

This meeting will be held on (date) at (time) in (venue).

*You are entitled to be represented at the meeting by either your trade union representative or colleague. At the meeting the following people will be present: (list names and descriptors i.e. post title/ note taker etc).

The main areas of concern that you have raised, which will be discussed are:

1. ???
2. ???(Insert concerns. Of course there may be more than 3)
3. ???

Please find enclosed the format that will be followed at the hearing.

If you or your trade union/employee representative is unable to attend this meeting, please inform me immediately and I will attempt to rearrange the meeting within 10 working days. If you have any queries please do not hesitate to contact me.

Yours sincerely

Appendix 4: MODEL LETTER INVITING TO A GRIEVANCE/APPEAL HEARING

Dear

Further to your letter dated (insert date) raising a grievance under (insert name of school) grievance procedure and the Employment Act 2008, I am writing to confirm that you are invited to attend a Grievance Hearing/Appeal Hearing*. I am enclosing a copy of the Procedure for your information.

This hearing/appeal will be held on (date) at (time) in (venue).

You are entitled to be represented at the meeting by either your trade union representative or colleague. At the meeting the following people will be present: (list names).

The main areas of concern that you have raised, which will be discussed are:

4. ???
5. ???(Insert concerns. Of course there may be more than 3)
6. ???

You will be informed in writing of the outcome of your grievance within three working days after the hearing.

*If you wish to pursue the matter further following this hearing, you must write to (insert name of next level manager) setting out your intention to appeal within five working days of receipt of the outcome letter. **Delete this paragraph when inviting to an appeal hearing.**

If you or your trade union/employee representative is unable to attend this meeting, please inform me immediately and I will attempt to rearrange the meeting within 10 working days. If you have any queries please do not hesitate to contact me.

Yours sincerely

Appendix 5: MODEL LETTER ADVISING OF THE OUTCOME OF THE GRIEVANCE/APPEAL HEARING

Dear

I write to confirm the outcome of your Grievance Hearing/decision of the Appeal Panel following the Grievance/Appeal Hearing on.....

The Grievance/Appeal Hearing was heard by #. You were represented by #, your Trade Union Representative.

Careful note was taken of the points made in support of your complaint by you and your Trade Union Representative, #. The points made by #, your Manager/Headteacher in response to your complaint were also considered. After giving your complaint very serious consideration, I have decided #.

*If you wish to pursue the matter further following this hearing, you must write to (insert name of next level manager) setting out your intention to appeal within ten working days of receipt of the outcome letter.

Yours sincerely