



## Windsor Academy Trust

<b>Grievance Policy</b>	
<b>Responsible Committee:</b>	Windsor Academy Trust, Board of Directors
<b>Date revised by Board of Directors:</b>	22 March 2018
<b>Next review date:</b>	March 2020

## **1. Introduction**

1.1 The purpose of this policy is to give all employees employed by Windsor Academy Trust (WAT) a means to resolve concerns, problems or complaints relating to their employment.

1.2 Definitions:

Chief Executive means the Chief Executive of WAT.

Headteacher refers to all or any of the Executive Headteachers, Headteachers, Head of Schools at all or any of the academies within WAT.

Leadership Team refers to any member of the Leadership Group as defined by the School Teachers' Pay and Conditions Document, or a senior member of staff with responsibility for support staff.

Local Advisory Body (LAB) is a key mechanism for local accountability for each academy.

Board of Directors/Directors means the Directors of WAT.

Companion refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

1.3 Roles and Responsibilities

The following roles and responsibilities will usually apply during this policy but may be varied or adapted to meet the circumstances as determined by the Chair of the Board of Directors (or their deputy):

Grievance Officer means: either a member of the Leadership Team, the Headteacher, the Chief Executive (for the Headteacher and Executive team) and a Director or Directors nominated by the Chair of the Board (for the Chief Executive).

Appeals Panel means: the Chief Executive, a Director or panel of up to three Directors.

## **2. General Principles**

2.1 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 The procedure applies to all employees at WAT, including, full and part-time, permanent and temporary employees. If it is a Headteacher/Chief Executive who has a grievance then the Chief Executive/Chair of Directors is the person to whom the Headteacher/Chief Executive refers to as his/her immediate line manager at Stage 2. If the grievance is not resolved at that stage, the matter should be referred to Stage 3, the Appeals panel, which will be made up of a panel of three Directors.

2.3 If individual Directors are the subject of the grievance, such person(s) shall not sit with the Appeals Panel but may attend to present his/her case.

- 2.4 A grievance is a complaint by an employee about any aspect of his/her employment such as:
- a) Terms and conditions of employment.
  - b) Health and safety.
  - c) Work relations.
  - d) Bullying and harassment
  - e) New working practices.
  - f) Working environment.
  - g) Organisational change.
  - h) Discrimination
  - i) Pay (except where dealt with under the Pay Policy).
- 2.5 The grievance must be one that lies within the power of management and governors of WAT to resolve, e.g. it must not be a grievance about matters determined by legislation or collective agreements. Where another policy is used to address the grievance then the grievance procedure is not available in addition.
- 2.6 A grievance arising from dismissal or disciplinary action is to be resolved by appeal within the relevant policy. The grievance procedure is **not** available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who is/are the decision makers of the disciplinary issue.
- 2.7 Where an employee raises a grievance during any existing process or procedure (i.e. Disciplinary) 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. Headteachers will have discretion to decide which option is appropriate, in all circumstances.
- 2.8 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.
- 2.9 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.
- 2.10 Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits. The employee must co-operate fully and promptly in any investigation.
- 2.11 At any stage of the procedure the Grievance Officer or Appeals Panel may wish to refer to an external adviser for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal hearing within the Grievance Procedure. Such conciliation is without prejudice to the position of both parties in the procedure.
- 2.12 The Grievance Officer or Appeals Panel may wish to take advice from the Trust's HR provider before considering a grievance.
- 2.13 This procedure does not form part of any employee's contract of employment and it may be amended at any time.

### **3. Stages of the Grievance Procedure**

#### **3.1 Stage 1: Raising Grievances Informally**

The employee should raise the grievance with the person causing the grievance in the first instance. If the grievance cannot be resolved directly, or the employee feels unable to raise it directly then the employee should personally present the grievance, either orally or in writing, to his/her immediate line manager. The line manager should give a reply as soon as possible, within a calendar week, even if it is only an interim reply.

If the employee's grievance is against the line manager personally, the grievance may be referred direct to Stage 2 but it would be reasonable to let the line manager know this move is intended. If the immediate line manager is the Headteacher or Chief Executive then the employee may go direct to Stage 2 but it would be reasonable to let the Headteacher/Chief Executive know this move is intended.

#### **3.2 Stage 2: Formal Grievance Hearing**

If the employee is not satisfied with the reply by his/her line manager (who is not the Headteacher), the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher who will appoint a Grievance Officer. The employee should use the Notification of Grievance Form (Appendix A) to state the grounds of their grievance and the remedy that is being sought. A formal grievance will not usually be heard at Stage 2 unless Stage 1 has been attempted.

The Grievance Officer will normally meet the employee to hear the grievance and reply as soon as possible, within two calendar weeks, even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a companion at any meeting to discuss the grievance and must tell the Grievance Officer who their chosen companion is, in good time before the meeting(s).

The Grievance Officer may be accompanied by another employee, or the Trust's HR provider. If it is necessary for the Grievance Officer to attempt conciliation between two or more employees at this stage, each employee may be accompanied by a "companion" at any meeting.

An investigation may be started/undertaken before a grievance hearing is held where this is considered appropriate. In other cases a grievance hearing may be held before deciding what investigation (if any) to carry out. If appropriate and/or necessary, in those cases a further grievance hearing may be held with the employee after the investigation and before a decision is reached. The outcome of the hearing will be confirmed in writing.

If the Grievance Officer is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome then the employee may appeal to the Appeal Committee of the Board of Directors at Stage 3.

Where the grievance is against the Headteacher or Chief Executive, Stage 2 shall be heard by the Chief Executive or a Director in accordance with the above procedure.

#### **3.3 Stage 3: Formal Grievance Appeal Hearing**

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 5 working days of receiving the written confirmation of the original decision. 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.

An Appeal Panel of not less than two Directors shall be convened as soon as practicably possible after receipt of the appeal letter. The Appeals Panel may have a HR adviser attend, who may also be involved in its private deliberations. The HR adviser shall not have a vote in the decision of the Appeals Panel. The employee may be accompanied by a companion.

The Appeals Panel shall decide the procedure by which it will hear the grievance which will allow all parties to present their cases. The Appeals Panel shall advise all parties, prior to the start of the hearing, of the procedure it intends to follow.

The Appeals Panel will confirm its final decision in writing, as soon as reasonably possible after the appeal hearing. The Appeals Panel's decision is final and there is no further right of appeal.

## Appendix A - Employee's Notification of Grievance

This form should be used to submit a grievance in accordance with Stage 2 of this Grievance Procedure. 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 (continue on separate page if necessary):

2.1. The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses.

2.2. When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?

2.3. What action has been taken on your grievance at the informal stage (Stage 1)?

2.4. What steps or action(s) do you want to be taken as a remedy for your grievance?

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_