

**The Heath Family Multi Academy Trust
Grievance Policy**

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**The Heath Family Multi Academy Trust
Grievance Policy**

1 POLICY STATEMENT

- 1.1 It is the policy of the Heath Family Multi Academy Trust to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 This procedure **cannot** be used to:
- 1.2.1 complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to you whilst that procedure is being followed;
 - 1.2.2 appeal against any formal or informal disciplinary sanction;
 - 1.2.3 appeal against any decision to terminate your employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;
 - 1.2.4 appeal against selection for redundancy;
 - 1.2.5 complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;
 - 1.2.6 complain about any matter which is properly the subject of a statutory consultation process;
 - 1.2.7 complain about matters which have been or should have been brought under the Heath Family Multi Academy Trust's Whistleblowing Policy or
 - 1.2.8 complain about matters which are more than three months old (though this shall not prevent you referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3 This procedure may be used to appeal against any decision taken under pay policy although such step would be dealt with at Stage 2 of this policy.
- 1.4 The Heath Family Multi Academy Trust delegate their authority in the manner set out in this procedure.
- 1.5 The primary purpose of this procedure is to resolve current grievances.

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- 1.6 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.7 The Heath Family Multi Academy Trust's focus is on the remedial steps required to resolve a grievance.
- 1.8 The Heath Family Multi Academy Trust shall not normally seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.

2 WHO'S COVERED

This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees. It does not apply to agency staff and self-employed contractors.

3 PERSONNEL RESPONSIBLE FOR IMPLEMENTING THIS POLICY

- 3.1 The Heath Family Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Heath Family Multi Academy Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head Teacher / Principal.
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 DEFINITIONS

In this policy **working day** means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

5 INFORMAL RESOLUTION

Before raising a formal grievance under this procedure, you should try to resolve the matter informally either through your line manager or, where possible, with the other party.

6 GRIEVANCE MANAGERS

The Grievance Manager where possible should be someone not personally involved in the matter which is the subject of the grievance and will be appointed as follows on the basis of the subject matter of the grievance:

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Your grievance relates to	Stage 1 Grievance Manager	Stage 2 Grievance Manager
Pupils, parents or staff (other than the [Head Teacher/Principal])	The [Head Teacher/Principal]	[Chair of Governors/Chair of Trustees/Chief Executive Officer] or another non-staff [Trustee/Governor/Director] nominated by the Chair
The [Head Teacher/Principal]	The [Chair of Governors/Chair of Trustees/Chief Executive Officer]	[Trustee/Governor/Director]' Appeal Panel appointed by the [Chair of Governors/Chair of Trustees/Chief Executive Officer]
The Executive Principal	Chair of Trustees	Panel appointed by the Chair of Trustees
A [Trustee/Governor/Director] (other than the [Chair of Governors/Chair of Trustees/Chief Executive Officer])	The [Chair of Governors/Chair of Trustees/Chief Executive Officer]	[Trustee/Governor/Director]' Appeal Panel appointed by the [Chair of Governors/Chair of Trustees/Chief Executive Officer]
The [Chair of Governors/Chair of Trustees/Chief Executive Officer] (or a group of [Trustees/Governors/Directors] including the [Chair of Governors/Chair of Trustees/Chief Executive Officer])	The Vice [Chair of Governors/Chair of Trustees/Chief Executive Officer] or another non-staff [Trustee/Governor/Director] (other than the [Chair of Governors/Chair of Trustees/Chief Executive Officer]) nominated by the Clerk to Governors	[Trustee/Governor/Director]'s' Appeal Panel appointed by the Vice-[Chair of Governors/Chair of Trustees/Chief Executive Officer] (or the Clerk to Governors if the matter relates to the Vice-[Chair of Governors/Chair of Trustees/Chief Executive Officer])
The whole body of [Trustee/Governor/Director]	A panel of [Trustee/Governor/Director]	[Trustee/Governor/Director]' Appeal Panel

This may be subject to change depending on the circumstances of the case.

7 FORMAL GRIEVANCE

7.1 Stage 1

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7.1.1 If you have not been able to resolve a problem through informal discussions, you should submit a formal grievance to your line manager or the [Head Teacher/Principal].

7.1.2 A Grievance Manager should be appointed.

7.1.3 The Grievance Manager will arrange to meet with you as soon as possible to discuss your grievance and the steps needed to investigate your concerns. Some investigation may have already been carried out by the Grievance Manager at the time of the Grievance Meeting.

7.1.4 After this meeting, the Grievance Manager will confirm a response in writing.

7.2 Stage 2

7.2.1 If you are not satisfied with the Stage 1 Grievance Manager's response, you can appeal by sending a letter of appeal to the Clerk to Governors within five working days of the response being sent to you.

7.2.2 The Clerk will formally appoint a different Grievance Manager, following (wherever possible) the guidance in Paragraph 3 above.

7.2.3 The Stage 2 Grievance Manager will arrange for a meeting with you as soon as possible, but normally within ten working days.

7.2.4 After this Grievance Meeting, the Stage 2 Grievance Manager will confirm a response in writing. The decision of the Stage 2 Resolution Manager is final and there will be no further right of appeal.

8 [TRUSTEE/GOVERNOR/DIRECTOR]S APPEAL PANEL

8.1 The [Trustee/Governor/Director]s' Appeal Panel shall comprise two or three non-staff [Trustee/Governor/Director]not previously involved in the matter.

8.2 In the event that there are insufficient numbers of [Trustee/Governor/Director] available to participate in the Panel, the [Chair of Governors/Chair of Trustees/Chief Executive Officer] or Vice-Chair of [Trustee/Governor/Director] as appropriate may appoint associate members.

9 WORKPLACE COLLEAGUE

9.1 If you are an employee and have presented a grievance, you can be accompanied at any meetings under this procedure by a willing workplace colleague not involved in the subject matter of your

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grievance and or an accredited trade union representative of a union recognised by the [Trust/Academy/School].

- 9.2 You must let the relevant Manager know who your workplace colleague will be at least one working day before the relevant meeting.
- 9.3 If you have any particular need, for example, a disability which causes you a substantial disadvantage, adjustments may be made to the procedure to allow you to participate and in limited circumstances this may include allowing you be accompanied by someone else other than is listed in clause 6.1.
- 9.4 Your workplace colleague can address the meeting in order to:
- 9.4.1 put your case
 - 9.4.2 sum up your case
 - 9.4.3 respond on your behalf to any view expressed at the meeting.
- 9.5 Your workplace colleague can also confer with you during the meeting.
- 9.6 Your workplace colleague has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 9.7 Where you have identified your workplace colleague to the relevant Manager and he or she has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the relevant Manager will postpone the meeting for no more than five working days from the date set by the [Trust/Academy/School] to a date or time agreed with your workplace colleague provided that it is reasonable.

10 CONFIDENTIALITY AND TRANSPARENCY

- 10.1 Proceedings and records of any grievance will be kept as confidential as possible but you must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 10.2 A grievance you raise could result in the instigation of disciplinary action in respect of another employee and to protect the confidentiality of that process, the [Trust/Academy/School] may not be able to inform you of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of your grievance.

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10.3 You should not disclose the fact of or content of any grievance to any employee or third party without the express consent of the Grievance Manager (except that you are allowed to approach a prospective companion or your trade union representative).

10.4 At the conclusion of your grievance and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff [Trustee/Governor/Director]s at a full meeting of [Trustee/Governor/Director] as a confidential item. This report will not identify you but will identify the content of your complaint so that [Trustee/Governor/Director] are aware of any concerns that are being raised by staff and are assured that processes to resolve concerns are operating effectively.

11 TIMING OF MEETINGS

11.1 Meetings under this procedure may:

11.1.1 need to be held when you were timetabled to teach.

11.1.2 may be held after the end of the school day.

11.1.3 may not be held on days on which would not ordinarily work.

12 VENUE FOR RESOLUTION MEETINGS

If your complaint raises sensitive issues, the Grievance Manager may hold the meeting off the [Trust/Academy/School] site.

13 INDEPENDENT MEDIATION

As part of a resolution of a grievance, a Grievance Manager may propose independent mediation particularly in situations where there are personality clashes between employees.

14 FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

15 PUBLIC INTEREST DISCLOSURES/WHISTLEBLOWING

You should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Heath Family Multi Academy Trust's Whistleblowing Policy for further details). You will not be allowed to raise the same matter under both procedures.