

**The Heath Family (NW) Multi Academy Trust
Grievance Policy**

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Custodian title & e-mail address	Craig Parkinson, Chief Operating Officer, The Heath Family (NW) MAT cparkinson@theheathfamily.org.uk

As with all of its policies, The Heath Family (North West) would always advocate that any staff member considering this policy seeks the advice of their Professional Association/Trade Union if they have any doubts as to its implementation. Such contact will likely increase the effective use of this policy as a result.

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1 SCOPE AND PURPOSE

- 1.1 It is the policy of the Heath Family (NW) 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 raised, hold a meeting to discuss it with the employee, inform them in writing of the outcome, and give a right of appeal if they 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 the employee 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 an employee's 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 (NW) 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 an employee referring to matters more than three months old in relation to a grievance which is otherwise live).
- 1.3 This policy should be read in conjunction with the Trust Anti-Harassment and Anti-Bullying Policy.
- 1.4 This procedure may be used to appeal against any decision taken under pay policy although such a step would be dealt with at Stage 2 of this policy.
- 1.5 The Heath Family (NW) Multi Academy Trust delegate their authority in the manner set out in this procedure.
- 1.6 The primary purpose of this procedure is to resolve current grievances.
- 1.7 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.8 The Heath Family (NW) Multi Academy Trust's focus is on the remedial steps required to resolve a grievance.
- 1.9 The Heath Family (NW) Multi Academy Trust shall not normally seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.
- 1.10 In this policy references to personnel/bodies are to the personnel/bodies present within the School at which the particular member of staff reviewing the policy is engaged

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2 WHO IS COVERED BY THE POLICY

- 2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as employees in this policy).
- 2.2 It does not apply to agency staff and self-employed contractors.

3 WHO IS RESPONSIBLE FOR IMPLEMENTING THIS POLICY

- 3.1 The Heath Family (NW) 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 (NW) Multi Academy Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal/Head of School.
- 3.2 The School 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

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

5 INFORMAL RESOLUTION

- 5.1 Before raising a formal grievance under this procedure, an employee should try to resolve the matter informally either through their line manager / School Senior Leadership Team member or, where possible, with the other party. If this does not resolve the issue, an employee should follow the formal procedure below.

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:

Your grievance relates to	Stage 1 (Grievance) Manager	Stage 2 (Appeal) Manager
Pupils, parents or staff (other than the Principal/Head of School)	The Principal/Head of School	Chair of Governors or another non-staff Governor nominated by the Chair of Governors
The Principal/Head of School	Chief Executive Officer of the Trust	Trust Director Appeal Panel appointed by the Chair of The Trust Board
A Governor/Trust Director (other than the Chair of Governors/Chair of the Trust Board)	The Chair of Governors/Chair of the Trust Board	Governor/Trust Director Appeal Panel appointed by the Chair of Governors/Chair of The Trust Board

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The Chair of Governors/Chair of the Trust Board/Chief Executive Officer (or a group of Governors/Trust Directors including the Chair of Governors/Chair of the Trust Board)	The Vice Chair of Governors/Vice Chair of the Trust Board/Chief Operating Officer or another non-staff Governor/Trust Director (other than the Chair of Governors/Chair of the Trust Board/Chief Executive Officer) nominated by the Clerk to Governors/Trust Directors	Governor/Directors' Appeal Panel appointed by the Vice Chair of Governors/Vice Chair of the Trust Board/Chief Operating Officer (or the Clerk to Governors/Trust Directors if the matter relates to the Vice Chair of Governors/Vice Chair of the Trust Board/Chief Operating Officer)
The whole body of Governors/Trust Directors	A panel of Governors/Trust Directors	Governor/Trust Director's Appeal Panel

This may be subject to change depending on the circumstances of the case. Where appropriate, grievance managers may be sourced from another school within the Trust so as to provide a greater layer of separation from a matter being raised.

7 FORMAL GRIEVANCE

7.1 Stage 1 (Grievance)

- 7.1.1 If an employee has not been able to resolve a problem through informal discussions, they should submit a formal grievance to their line manager or the Principal/Head of School.
- 7.1.2 A Grievance Manager should be appointed.
- 7.1.3 The Grievance Manager will arrange to meet with the employee as soon as possible to discuss the grievance and the steps needed to investigate the concerns raised. 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 (Appeal)

- 7.2.1 If an employee is not satisfied with the Stage 1 Grievance Manager's response, they can appeal by sending a letter of appeal to the Principal/Head of School/Chair of Governors within five working days of the response being sent to you.
- 7.2.2 The Principal/Head of School/Chair of Governors will formally appoint a different Grievance Manager for Stage 2, following (wherever possible) the guidance in Paragraph 6 above.
- 7.2.3 The Stage 2 Grievance Manager will arrange for a meeting with the employee as soon as possible, but normally within ten working days.

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- 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 GOVERNOR/TRUST DIRECTORS PANEL USED IN STAGE 2 (APPEALS)

- 8.1 Where a Governor/Trust Directors' Panel is formed for Stage 2 (Appeal) of a Grievance, the panel shall comprise two or three non-staff Governor/Trust Directors not previously involved in the matter.
- 8.2 In the event that there are insufficient numbers of Governor/Trust Directors available to participate in the Panel, the Chair of Governors/Chair of the Trust Board or Vice-Chair of Governors/the Trust Board as appropriate may appoint associate members.

9 RIGHT TO BE ACCOMPANIED

- 9.1 An employee who has presented a formal grievance can be accompanied at any meetings under this procedure by a companion who must be either a willing work colleague not involved in the subject matter of the grievance and/or an accredited trade union representative of a union recognised by The Heath Family (NW) Multi Academy Trust.
- 9.2 An employee must let the relevant Manager know who their companion will be at least one working day before the relevant meeting.
- 9.3 If an employee has any particular need, for example, a disability which causes them a substantial disadvantage, adjustments may be made to the procedure to allow them to participate and in limited circumstances this may include allowing them to be accompanied by someone else other than is listed in paragraph 9.1.
- 9.4 A companion can address the meeting in order to:
- 9.4.1 put forward the employee's case
 - 9.4.2 sum up the employee's case
 - 9.4.3 respond on employee's behalf to any view expressed at the meeting.
- 9.5 The companion can also confer with the employee during the meeting.
- 9.6 The companion has no right to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the employee from explaining their case.
- 9.7 Where an employee has identified their companion to the relevant Manager and the companion 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 School/Trust to a date or time agreed with the companion 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 employees must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis.
- 10.2 A grievance raised could result in the instigation of disciplinary action in respect of another employee. To protect the confidentiality of that process, the School/Trust may not be able to inform the employee of

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the fact of the disciplinary process or of the disciplinary action which has been taken as a result of the grievance.

10.3 An employee 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 an employee is allowed to approach a prospective companion or their trade union representative).

10.4 At the conclusion of the grievance and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Governors/Trust Directors at a full meeting of Governors/Trust Board as a confidential item.

11 TIMING OF MEETINGS

11.1 Meetings under this procedure may:

11.1.1 need to be held when the employee is timetabled to teach.

11.1.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.

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

11.1.4 not be held on days on which an employee would not ordinarily work.

11.2 Meetings may take place in the absence of an employee in the event they are not able to attend a scheduled meeting and it is considered appropriate by the Trust to do so in the relevant circumstances.

12 VENUE FOR MEETINGS

12.1 If a grievance raises sensitive issues, the Grievance Manager may hold the meeting off the School/Trust site.

13 INDEPENDENT MEDIATION

13.1 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

14.1 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

15.1 Employees 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 (NW) Multi Academy Trust's Whistleblowing Policy for further details). An employee will not be allowed to raise the same matter under both procedures.