

The Cam Academy Trust STAFF GRIEVANCE POLICY	
To be read in conjunction with the Trust Disciplinary Policy, Whistleblowing Policy and School Bullying & Harassment Policies.	
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1. Introduction

The Trust expects all staff to maintain appropriate standards of behaviour and performance. This policy sets out the procedure that will be followed when grievances arise.

There are a number of issues that can cause grievances at work and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation. The aim of this procedure is to enable an employee to have their 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.

Where two or more colleagues have identical grievances and want to raise the matter together under the same grievance procedure then the matter will be dealt with as a collective grievance. Colleagues raising a collective grievance must agree (without any pressure being exerted on employees to join the collective process) to engage in one process. Participating colleagues will only be entitled to one meeting at both stages of the procedure and one appeal, if applicable. If all colleagues do not voluntarily agree to this arrangement, or if the grievances are not identical, then the grievances will be dealt with on an individual basis.

Where the grievance relates to a matter covered by another procedure, for example, pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure. Issues that are the subject of collective negotiation will not be considered under the grievance procedure.

Where an employee raises a grievance during any existing process or procedure, 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. Management will have discretion to decide which option is appropriate, in all circumstances.

The Trust has delegated the responsibility for dealing with employee disputes and grievances to the Headteacher. In the event of a grievance concerning the Headteacher/Principal, this matter should be delegated to the Chair of Local Governing Body. The Chief Executive for the Trust should be informed of any grievance made against a Headteacher/Principal and advice sought from the Trust HR Manager.

This procedure does not form part of any employee's contract of employment, and it may be amended at any time.

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 informally with the immediate line manager before involving their trade union representative. Where a collective grievance is raised and all participants are members of the same trade union, the union representative can raise the grievance on their members' behalf should they all be in agreement. Where there are different unions representing each participant, they must nominate one union representative if, they cannot agree it must be dealt with as individual grievances.

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.

Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

This procedure has been compiled in accordance with the requirements of both education and employment law, in particular the detail set out in the Dispute Resolution Regulations 2004 that brought into force the appropriate sections of the Employment Act 2008 and in the School Staffing (England) regulations 2009.

Note: In the event of a grievance concerning the Headteacher/Principal, all references to the Headteacher/Principal in this document, should be replaced by that of the Chair of the Local Governing Body.

2. Purpose

The procedure sets out the way in which employee disputes or grievances should be managed to ensure fairness and consistency in the treatment of all staff. It is also a way in which standards within the school can be adhered to and creates a fair way to manage situations where these standards are not met. An equality impact assessment will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by this policy or associated practice.

The procedure is not just a means of resolving employee relations issues, but also a means of creating a culture of respect and dignity for all working at or visiting the Trust and its schools. Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.

This policy does not apply to agency staff or self-employed contractors who will be covered by the relevant procedure of their employer. However, the Trust has a responsibility to ensure that its employees are not subjected to unacceptable behaviour by contractors or service providers, any concerns of this nature should be discussed initially with the employee's line managers, who can then escalate this as appropriate.

3. Support Contacts

If the matter relates to a colleague or contract/ service provider in the first instance we would encourage the aggrieved member of staff to speak to the person concerned directly about the concerns they have, if this is not possible then to their line manager. They should do this at the earliest opportunity. If it is not possible to resolve the issue at this point then the individual can seek further advice from the following sources, these contacts can also be used by the line manager receiving the complaint:

- The schools Headteacher
- The HR representative at your School or the Trust HR Manager.
- A trade union representative
- The free 24-hour confidential employee counselling service- 0300 000 2082 (quoting The Cam Academy Trust as the employer)

4. Resolving grievance issues informally

Where possible the member of staff should endeavour to resolve the grievance directly with the person concerned. If the member of staff does not feel able to do this, they are encouraged to discuss the problem informally with their line manager to seek resolution. If the matter relates to their line manager, they should speak to the Headteacher of the School.

In some circumstance's mediation can be used to help resolve workplace issues. Mediation is an impartial method for the resolution of conflicts and disputes. Mediation assists in clarifying the issues involved in the case and exploring options for resolution, the process is voluntary and confidential. Mediation can be used at any stage during the process and will result in suspension of the grievance procedure, pending the outcome. Such conciliation is without prejudice to the position of both parties in the procedure.

Any proposed agreed informal actions will be confirmed in writing. It may be appropriate to set a review date to see how effective the agreed actions have been.

5. Formal Grievance Procedure

If the employee is not satisfied that their concerns have been addressed informally, the employee should

submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher. The employee should use the 'Notification of Grievance Form' (Appendix 1) to state the grounds of their grievance and the remedy that is being sought. For collective grievances only one 'Notification of Grievance Form' should be filled out and agreed/signed by participating employees.

On receipt of this form the Headteacher will arrange for a pre-hearing review (see section 6) or a full investigation to be undertaken (see section 9 & 10). A pre-hearing review should take place within 10 working days of the grievance letter being received allowing 5 days notice to facilitate representation and enable the employee to seek any support that may be necessary.

If an investigation is required it should be carried out as promptly as possible but the amount of time to investigate will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents and may need longer dependent on the availability of people involved and the complexity of the investigation. If the investigation is protracted, the employee will be kept informed of progress.

The employee must co-operate fully and promptly in any investigation. This may include informing those handling the investigation of the names of any relevant witnesses, disclosing any relevant documents and attending interviews.

The Headteacher should also make the person against whom the grievance is raised aware of the grievance and the key points within this, they should be given a copy of the grievance and any supporting documentation. In the situation of a pre-hearing or formal hearing the individual should be made aware that they can provide a statement and any relevant papers in response to the grievance. They also have the right to be accompanied by a union representative or work colleague at a formal grievance meeting. An employee must tell the person holding the meeting who their chosen companion is, in good time before the meeting.

If the employee raising the grievance is not satisfied with the outcome, then the employee may appeal this decision.

Employees who genuinely raise grievances are assured that the Trust is committed to enabling concerns or grievances to be raised without fear of victimisation or reprisal. The Trust also has a duty to protect individuals from harassment that may take the form of grievances submitted vexatiously, maliciously or without substance. Grievances of this nature will be investigated under the Trust's disciplinary policy.

6. Pre-hearing Review

This meeting should take place with the Headteacher within 10 working days of receipt of the grievance letter. The member of staff may be accompanied at this meeting by a trade union representative or colleague. 5 days notice should be given to facilitate representation and enable the employee to seek any support that may be necessary.

The Headteacher, through meeting with the member of staff, should seek to fully understand the employees concerns and discuss possible resolutions with them. The Headteacher may need to speak to others identified as part of the grievance. The Headteacher will write to the employee within 5 working days, to inform them of the outcome of the grievance and any further action that will be taken to resolve it.

If the member of staff is dissatisfied with the response, they will need to inform the Headteacher in writing,

giving reasons for their dissatisfaction. A formal hearing will then be arranged.

Note: The Headteacher may decide that the matter needs further investigation and may appoint an appropriate and suitably trained Investigating Officer at this point, this is likely to be necessary in complex cases involving a number of complaints and/or parties being identified.

7. Formal Hearing

A hearing will be set up with the Chair of the Local Governing Body and two other governors who have not previously been involved in this case. The HR representative or Clerk of the Local Governing Body will make arrangements for this, where possible this should take place within 15 working days of the employees response to the pre-hearing decision or the formal investigation concluding.

Any witness statements, investigation reports or other evidence gathered by the investigating manager should be passed to the HR representative so that these can be included in documents for the hearing.

The guidance below details how a hearing should be conducted.

7.1 Invitation to hearing

The employee will be given at least 10 working days' notice in writing of the time, date and place of the hearing. The aggrieved employee and accused employee should be informed that they can submit any relevant evidence, this should normally be received 5 days before the formal hearing.

If the trade union representative/colleague is unable to attend on the date proposed the employee can offer an alternative time and date. Normally only one postponement on these grounds will be permitted.

7.2 Preparation for the hearing

Prior to the hearing taking place the employee should be:

- Sent two copies of all documents to be considered by the panel at the hearing, the second copy being provided for the use of his/her representative.
- Informed of the names and status of all witnesses that will be called to the hearing to give evidence.
- Asked to acknowledge receipt of the letter and say whether he/she will attend the hearing, accompanied or otherwise.

The accused employee and panel members should also be given copies of papers to be considered at the hearing.

Prior to the hearing the panel should ensure that they understand the procedure for the hearing itself and that they have read the documents or other evidence to be considered at the hearing.

Adjustments should be out in place to ensure that the employee and all parties are able to fully take part in the hearing and are not disadvantaged in any way.

7.3 Structure of the Hearing

The procedure to be followed at the hearing will be as follows:

- The Headteacher or Chair of the Local Governing Body will explain the procedure to be followed during the hearing and introduce themselves. They will also introduce other parties attending the hearing.
- The aggrieved member of staff should describe their grievance and should call any pre-arranged witnesses to give evidence. After presenting the employees case to the governors, the witnesses shall be discharged, subject to the right to recall by any party.
- If there is an individual who is the target of the grievance, this person should be given the opportunity to ask any relevant and pertinent questions of the aggrieved party and witnesses. Governors may also ask questions at this point. The target of the grievance should also be allowed then to make a statement in response if they wish to.
- The aggrieved party should be given an opportunity to ask any relevant and pertinent questions in response. Governors may also ask questions at this point.
- If the Headteacher or Governors recall a witness, the member of staff (together with his/her representative) and Headteacher or other appropriate person shall be present during the further questioning.
- The Chair and members of the panel ask any remaining questions of clarification.
- The aggrieved person or representative may make closing statements if they wish to.
- Upon completion of all evidence the aggrieved employee, the accused employee and their representatives will retire whilst the Headteacher or panel consider their decision.
- Once the deliberations have been concluded the absent parties will be invited to return to the hearing and the decision conveyed to them verbally. The employee will also be reminded of his/her right to appeal, if appropriate.
- Where deliberation is likely to take some time the Headteacher or Chair should inform the employee and their representative of any decision within 24 hours.

Note:

It should be noted that while the employee's representative has the statutory right to address the hearing, they do not have the statutory right to answer questions on the employee's behalf.

At any time during the proceedings, either side may request an adjournment for a reasonable period to allow consultation.

Should any issues arise during the hearing, which the Headteacher or Chair warrants as sufficiently serious as to fall outside their consideration, then they may adjourn the hearing.

The Headteacher or Governors may be accompanied at all times by a HR adviser and note taker.

8. Grievance & Disciplinary Action

Any concerns that an employee has regarding disciplinary action being taken against them should be raised in response to the disciplinary action (see the Trust Disciplinary Policy) and will normally be considered within that procedure.

Where a grievance has been raised prior to the date of a disciplinary incident or an allegation the grievance will normally be dealt with first. There may be exceptions to this if the disciplinary allegation is of a sufficiently serious nature to warrant dismissal or a risk around matters such as

health and safety.

Any grievance raised by an employee who is already subject to a disciplinary process, which does not relate to the grievance, will normally be heard on completion of the disciplinary procedure.

9. Conducting the investigation and appointing an Investigating Officer

The Investigating Officer should be a colleague who is able to carry out the investigation in an objective way, without any conflict of interest in relation to the individual or related incidents.

The Investigating Officer could be someone employed within the School or another school within the Trust. There may be rare circumstances where an external investigator may need to be appointed, this may be required where the investigation is of a specialist nature or it is impossible to resolve internal conflict of interest issues

If an Investigating Officer is appointed, they will need to be given any existing evidence relating to the investigation.

They will need to meet with the aggrieved member of staff raising the grievance first. The member of staff should be given at least 5 working days formal notification of the meeting, this may be less if the aggrieved member of staff agrees and circumstances are appropriate. They will also need to meet with the subject/s of the grievance and any other involved parties.

The Investigating Officer can be supported at the investigation meeting by HR or a note taker. Notes or statements from investigation meetings will need to be reviewed and signed by the employee concerned, any comments or change will be tracked against the original text. Notes should be shared with the employee within 5 working days.

The Investigating Officer will need to submit any statements or evidence to the HR representative or Clerk of the Local Governing Body so that these can be included in papers for the hearing. In more complex cases it may be appropriate for the Investigating Officer to complete an investigation report, a template for this can be found in Appendix 2.

10. Outcomes from the grievance process

The outcome to a grievance pre-hearing or formal hearing will be that the grievance is upheld or not upheld, in some cases it may be appropriate that some elements of the complaint are upheld, and others are not.

It is important that in the letter to the aggrieved member of staff the outcome is clear along with the reasons supporting the outcome. The outcome will also need to be communicated to the subject/s of the grievance.

It may also be appropriate that recommendations or actions are suggested as an outcome of the grievance, these could include the following:

- Mediation involving the parties concerned
- Changes to working practices or procedures
- Changes to the physical working environment or location

- Counselling for any of the parties involved
- Training and development for any of the parties involved

This is not an exhaustive list and other recommendations may be appropriate dependent on the nature of the case.

11. Confidentiality

Confidentiality and discretion should be maintained by all parties, this is particularly important in grievance situations as this is likely to impact on the ability to reconcile relationships going forward. Any breach of confidentiality will be treated as a serious disciplinary offence.

In accordance with GDPR and the Data Protection Act 2018, any notes and records of matters relating to the grievance will be handled confidentially and will be stored securely.

Records of grievance action must be kept, and these will set out the nature of any unsatisfactory conduct, the actions taken and the reasons, whether an appeal was lodged, its outcome, and any relevant correspondence. Any records will be stored securely.

12. Appeals

Appeals must be submitted in writing to the Headteacher or Trust HR Manager no later than 10 working days after the receipt of the decision in writing.

Appeal hearings may be a review of the decision made at the Grievance Hearing or a re-hearing. Employees must be specific about the grounds of the appeal as these will form the agenda for the Appeal Hearing and may determine who should be present.

If an appeal is submitted on the basis of seeking a re-hearing this must be clearly stated and indicate the reasons why.

Appeals may be raised on any grounds including:

- **procedure** - a failure to follow procedure at the Grievance hearing;
- **the decision** - the evidence did not support the conclusion reached;
- **any proposed action** - was inappropriate given the circumstances of the case;
- **new evidence** - which has come to light and was not available at the Grievance hearing.

The complainant should also outline the remedy or outcome sought.

The Appeal will be heard by a panel comprising of three members who have not previously been involved in the case. This panel will be appointed by the Trust HR Manager, dependent on the circumstances of the case this could be School or Trust governors or other senior members of staff within the Trust.

The complainant should be given a minimum of 10 working day's advance notice of the time, date and place of the appeal hearing once it is scheduled. They should be advised that they are entitled to be accompanied by a representative or colleague. The complainant should notify the Appeal Chair of any new witnesses they wish to appear at the Appeal hearing at least 5 working days before the hearing date.

Appeal Hearing Procedure

At the start of the Appeal Hearing the Chair of the appeal panel will explain the purpose of the meeting, how it will be conducted, and the action which may be taken as a result of the hearing.

Depending on the circumstances, the Chair who heard the formal grievance may be requested to attend in order to outline the reasoning behind their original decision.

The employee (or their representative) will be asked to explain their grounds of appeal including any new evidence they may wish to introduce. In the event of new witnesses being presented all parties will have the opportunity to question them. At the end of the hearing the employee (or their representative) should have the opportunity to summarise the case.

A decision on the appeal should be given after due consideration to all the evidence presented. It may not be possible to come to a decision on the day of the hearing but should be given as soon as possible. The result of the appeal will be notified to the complainant in writing no later than 5 working days after the decision, this decision is final.

13. Modified Grievance procedure for ex-employees

Any grievances raised by a previous employee of the Trust should be registered within 3 months of their last day of employment. The aggrieved employee should set out their grievance in writing to the Headteacher of the school at which they were employed and copy this to the Trust HR Manager. The letter should state the detail of the grievance with reference to dates, times, the person/s involved and any witnesses. They should detail any actions they have taken so far to remedy the situation, also the outcome or remedy they are seeking. Any relevant documents should be included.

On receipt a suitable person will be identified to consider the case. The aggrieved employee will receive a written response to their grievance within 20 working days of receiving their initial grievance. The decision from this process will be final.



Appendix 1: Employees Notification of Grievance

This form should be used to submit a grievance in accordance with the formal stage of the grievance procedure.

Send the completed 'Employee's Notification of Grievance Form' (Appendix 1) to your line manager.

If your grievance relates to your line manager, send it to the Headteacher.

If your grievance relates to your Headteacher then send it to the Chair of Local Governing Body (or another governor if the grievance is against the Chair).

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.

Name/s	
Post/s held:	
The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses. (continue on a separate page if necessary)	
When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?	

What action has been taken on your grievance at the informal stage?

--

What steps or action do you want to be taken as a remedy for your grievance?

--

If you are a member, have you informed your trade union or professional association representative? Yes or No

If yes: do you wish the representative to receive correspondence? Yes or No

If yes: please identify the representative and provide email and postal addresses and telephone number:

Representative name:	
Representative email:	
Representative address:	
Representative phone number:	

Printed name:	
Signed:	
Date:	

Appendix 2: Confidential Investigation Report

CONFIDENTIAL INVESTIGATION REPORT- _____ School/ Village College	
Allegation/Issue	
Name/Designation of employee who has raised the complaint (if appropriate)	<Name, Job title>
Investigator(s)	<Name 1, Job title, Department>,
HR Support/Link	<Name, Job title, contact number>

**This template report format/content is for guidance purposes only and may be changed to reflect the individual circumstances/needs of a case.*

Background
<p><i>Identify how the situation came to light; what actions have already been taken prior to the investigation commencing; what communications have taken place.</i></p> <p><i>Provide brief details of the key people that will form part of the investigation</i></p> <p><i>Note if there are any specific changes in place to allow the investigation to take place i.e. changes to work location, change to team or line manager etc.</i></p>
Executive Summary (Optional - delete if appropriate)
<p><i>This may be suitable for complex investigations and should provide a brief summary of the main findings/conclusions.</i></p>
Remit of Investigation
<p><i>Define remit of investigation, i.e. what allegations/concerns were identified as in need of investigation (provide concise bullet points list of these which will be expanded upon in "Findings" section).</i></p> <p><i>State policy under which the investigation was carried out (e.g. Disciplinary Policy, Grievance Policy etc.)</i></p>
Investigation Process
<p><i>Explain how the investigation progressed, including reasons for decisions which were made and the direction the investigation went including:</i></p> <p><i>A brief description of the method(s) used to gather information.</i></p> <p><i>Use table template 'Appendix 1' to record what interviews/statements were undertaken, when, and their appendix number within the bundled of evidence</i></p> <p><i>If the investigator has not interviewed all individuals suggested by the 'subject' of the investigation the decision should be recorded in this section (including reasons e.g. character reference only).</i></p> <p><i>A timetable of events. (Detailing any delays in the investigations).</i></p>
Findings

Provide a summary of the findings and observations:

Present the findings separately for each issue of concern in turn, by confirming the facts established by the investigation, identifying the sequence of events, cross-referencing any documentation and highlighting any mitigating factors e.g. lack of procedural guidance, management action or expected documentation and any other actions / behaviours which may have compounded or aggravated the situation

Avoid using vast extracts from statements - only quote directly from the statements where it is necessary. It is the investigator's responsibility to analyse all the statements and draw out all corroborative evidence. Interviewees are not always articulate during interviews and the investigator should therefore use their own words to concisely convey the findings.

If the evidence is inconclusive or there is no evidence to substantiate an allegation - say so. Is there evidence to support the allegations - it is also the investigator's responsibility to explain how significant the evidence is - this should come across throughout the report.

Note any specific actions that demonstrate a breach of policy or standards of conduct/performance that did not meet those normally expected.

Refer back to the agreed remit of investigation, ensuring that you cover all the points.

Conclusion

NOTE: *When reviewing the evidence, investigators need to aim to demonstrate a reasonable belief as to what happened, based on their assessment of the evidence available. The standard of proof for internal investigations and any subsequent disciplinary hearing or grievance meeting is based on the "balance of probabilities", i.e. that on the basis of the evidence it was more probable than not that the alleged misconduct was committed. Investigators are not required to demonstrate beyond reasonable doubt, unlike in criminal investigations, but do need to act reasonably on behalf of the employer.*

For each allegation/concern/issue provide an overall fact-based opinion on a) whether there is any evidence to support the allegations and b) the strength of the evidence.

Support the conclusions with the strongest evidence without repeating the text in the main body of the report (where possible) - the conclusions should be clear and concise.

Identify to the reader the strengths and weaknesses in the evidence - emphasizing the importance of any issues and where evidence can be open to different interpretation / scenarios.

Draw out key facts which demonstrate particular breaches of policy e.g. Code of Conduct, Harassment, Financial Regulations, service policies & procedures etc.

If there are any special circumstances/mitigating factors, ensure that they are clear within the conclusions and it is important to explain their significance.

Recommendations

Dependent on the nature of the investigation and findings there maybe a number of recommendations that need to be made. The Investigating Officer will need make a recommendation on whether there are grounds for a formal hearing.

They may also make recommendation on other steps that could be taken to resolve issues identified. This could include mediation, counselling support, training or on-going managerial support for an individual or parties involved in the incident or investigation.

Appendices

Chronology of events; witness statements; investigatory interview notes; job documents; organisational structure; medical advice etc.

Signed by Investigating Officer

Date

Appendix 3: Grievance Flowchart

