

The Oval School



Grievance Policy and Procedures

Date Ratified: *MARCH 2017*

Signed by: *C.C. Hayes*

On behalf of School Governors

Signed by:

Headteacher *R. Chahal*

Review Date: *MARCH 2019*

drb Ignite Multi Academy Trust Mission Statement

One Vision The drb Ignite Multi Academy Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures. To this end our mission is to give every child learning experiences that excite them and give them the power to begin to shape their own lives.

One Aim drb Ignite Multi Academy Trust will ensure that all pupils achieve the highest standard of educational outcomes regardless of circumstances or background.

Rationale

Grievances are concerns, problems or complaints that employees raise with their employers. (Paragraph 1 2009 ACAS Code of Practice) All employees have a right to know how their grievances will be resolved. requires the school grievance procedures to promote fairness and consistency in the treatment of individual employees, and reflect the relevant policy on equal opportunities and avoidance of discrimination.

The procedures will be followed when dealing with a grievance or dispute in relation to an individual's employment. It will not generally be applied to collective disputes which are dealt with under a separate procedure. Allegations of harassment will also be dealt with under a separate procedure.

The policy and procedures aim to ensure that:

- the procedures are known by all employees;
- any employee can raise grievances and issues in respect of their employment within the school;
- grievances are dealt with promptly and in a fair and supportive manner; and as near as possible to the point of origin;
- a fair appeal procedure is available.

Policy statement

Scope

The procedure applies to all employees of the school.

The procedure excludes matters relating to:

- Appeals against grading
- Discipline and Dismissal
- Harassment
- Matters over which the school has no control

The grievance procedure will not be available to employees who:

- have been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter;
- have been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns, or is connected with, that matter or the arrangements for that interview or hearing;

Also the procedure will not be available to employees who have grievances which:

- are matters of principle;
- fail to comply with the relevant time limits in the procedure, unless management and the employee (or their representative) concur in advance to a particular time limit being waived;
- attempt to restart the grievance procedure in respect of a grievance which has been heard and resolved under the procedure within six months of that hearing, unless the grievance is about actions which have taken place after the earlier grievance was decided upon.

The Nature of Grievance

Grievances can arise from a variety of sources and it is important for members of the Trust to recognise that many potential problems and difficulties can be, and are better, resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.

Responsibilities

The Board of Trustees

The Board of Trustees will make and maintain a Grievance Policy and Procedures.

The Board of Trustees has delegated to the Head teacher at each academy the responsibility for dealing with staff grievances. (When the Head teacher has a grievance or the grievance is against the Head teacher, the matter will be dealt with by the Chair, or if appropriate by another nominated director.) The Head teacher also has the power to delegate responsibility for dealing with grievances to appropriate line managers at the informal stage. Should the grievance become formal the Head teacher may appoint an Investigating Officer to act on his/her behalf, however, the decision to uphold/not uphold the grievance will lie with the Head teacher.

The Board of Trustees will appoint an Appeal Panel to hear any appeals arising from the decision. Otherwise trustees will play no part in the grievance procedures.

The Head teacher

The Head teacher has the responsibility for managing the procedures and for resolving grievances as far as is reasonably practicable. The Head teacher must ensure that the procedures are known to all staff.



The Head teacher has the delegated power to require appropriate line managers to resolve grievances and disputes in the first instance, and to pass the matter to the Head teacher if it has proved impossible to resolve satisfactorily.

When the grievance has been formally raised with the Head teacher he/she may appoint an Investigating Officer to act on his/her behalf. It will be made clear to the employee that the responsibility for the decision lies with the Head teacher.

The Head teacher/Investigating Officer must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. The Head teacher/Investigating Officer must advise the employee, in writing, that he/she may be accompanied by a trade union representative or school colleague at the grievance meeting.

The Head teacher must ensure that any decision regarding the grievance is communicated to the employee, wherever possible, at the end of the meeting and confirmed in writing within 5 working days. The letter must also confirm to the employee their right to appeal to The Board of Trustees and to be accompanied by a trade union representative or school colleague at the appeal meeting.

Investigating Officer

The Investigating Officer will investigate the grievance at the request of the Head teacher. He/she will carry out a thorough investigation, after which he/she will make findings and recommendations. The Investigating Officer does not have the authority to make decisions unless he/she is investigating a grievance against the Head teacher or raised by the Head teacher and that authority has been delegated by The Board of Trustees.

During the course of the investigation, the Investigating Officer may be supported by the Trust's HR Lead Officer.

Line Managers

The appropriate line managers have the responsibility for ensuring that any informal grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the procedures and conduct any investigation in a sensitive and considerate manner. The line manager is expected to inform the Head teacher that a grievance has been raised and is being dealt with informally. The line manager must reply orally to the employee as soon as possible and no later than 2 working days after the informal grievance is raised. If it proves impossible to resolve a grievance satisfactorily the line manager can refer the matter to the Head teacher with the consent of the complainant.

Confidentiality

In order to preserve the rules of the natural justice for all parties, the Head teacher/Investigating Officer and directors must ensure that matters relating to any disputes are not discussed outside the meetings called expressly to consider the matters.

Rights of the Employee's Companion:

The employee's Trade Union representative/School colleague has the right to:

- address the hearing, putting the employee's case;
- sum up the case;
- respond on the employee's behalf to any views expressed at the hearing • confer with employee during the hearing.

The Trade Union representative/School colleague may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The Trade Union representative/School colleague may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.

Appeal Panel

The Board of Trustees will appoint an Appeal Panel of three members at its inaugural meeting each year. The Board of Director's Appeal Panel must hear any appeal within 10 working days of the appeal being received. The Panel must consider evidence from all relevant parties, and must allow all parties to be heard at the meeting.

The members of the Panel should ensure that they have not been involved in any prior stages of the grievance procedure. They must declare any prior involvement and play no further role.

The Panel may call for expert advice wherever appropriate. The Panel must retire to make its decision, which may be in the form of a recommendation if appropriate. The Panel can announce its decision at the end of the meeting, or later, but written confirmation of the decision must be sent to all parties within 5 working days.

The Employee

Employees must first discuss a grievance on the relevant subject with their line manager, as soon as possible and no later than 2 months of the event giving rise to the grievance unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager. The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring Trade Union representative or a school colleague to any meeting.

The Board of Trustees expects that employees will also set out with the intention of settling the dispute as speedily as possible.

Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager.

If the dispute cannot be resolved informally the employee must follow the formal procedures. See management guide for step-by-step process. If the employee is not satisfied with the final decision he/she has a right of appeal to the Board of Director's Appeal Panel.



Right of Appeal

The aggrieved employee has the right to appeal to an Appeal Panel of the Board of Directors, in writing, within 10 working days of receiving written notification of the decision. The appeal should take place within 10 working days of the receipt of the written notification of an appeal. Copies of all relevant documents will be provided 5 working days in advance of the meeting to all parties involved.

The aggrieved party is entitled to be accompanied by a Trade Union representative/School colleague and will be given an opportunity to present their case to the Panel. The Head teacher/Investigating Officer may be accompanied by a Human Resources Officer of the Trust for the purposes of advice.

The decision, or recommendations, of the Panel will be given to all parties at the end of the meeting, or as soon as possible thereafter, and confirmed in writing within 5 working days. There is no further right of appeal and the findings of the Appeal Panel will be binding on all parties.

Equal Opportunities:

In all the procedures all parties must take into account the trust's equal opportunities policy and to ensure that there is no discrimination on the grounds of sex, race, disability, sexual orientation, religion and belief, nor age.

Monitoring and review	The Board of Trustees will review the policy every two years and after any formal disciplinary action has been taken.
Links	Staff Code of Conduct Staff Disciplinary Procedure
Staff responsible	Board of Trustees Headteachers of all academy schools
Committee responsible	Board of Trustees
Date approved	
Review date*	

*Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next MAT Board meeting.

