



# Grievance Procedure

## September 2023

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<b>1</b>	<b>Purpose and scope.....</b>	<b>3</b>
<b>2</b>	<b>USING THE GRIEVANCE PROCEDURE.....</b>	<b>3</b>
<b>3</b>	<b>RAISING GRIEVANCES INFORMALLY .....</b>	<b>4</b>
<b>4</b>	<b>RAISING GRIEVANCES FORMALLY.....</b>	<b>5</b>
<b>5</b>	<b>APPEAL.....</b>	<b>7</b>
<b>6</b>	<b>SUPPORT FOR THOSE INVOLVED.....</b>	<b>8</b>

# GRIEVANCE POLICY

## 1 PURPOSE AND SCOPE

- 1.1 Derby Diocesan Academy Trust ("the Trust", "DDAT") is committed to ensuring all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.
- 1.2 Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.
- 1.3 The primary focus of managers and employees raising a grievance should be on resolving the issue informally, where possible, without the need for reference to the formal procedure.
- 1.4 This procedure applies to all employees within the Trust.
- 1.5 The procedure makes reference to an individual dealing with or hearing the grievance, this may include but is not limited to, the Line Manager, Headteacher / Executive Headteacher, Chair of Governors, CEO or Chair of the Trustees as appropriate.
- 1.6 This policy does not form part of any employee's contract of employment and DDAT may amend it at any time following consultation with the recognised Trade Unions. It has been implemented following consultation with all recognised Trade Unions.

## 2 USING THE GRIEVANCE PROCEDURE

- 2.1 A grievance is a concern, problem or complaint which is raised by an employee or a group of employees as a collective dispute. Issues that could cause grievances may include (but are not limited to):
  - 2.1.1 Terms and conditions of employment;
  - 2.1.2 Health and safety;
  - 2.1.3 Work relations;
  - 2.1.4 Bullying and harassment;
  - 2.1.5 Working environment;
  - 2.1.6 Organisational change;
  - 2.1.7 Discrimination.

- 2.2 The Grievance Procedure should not be used:
- 2.2.1 To complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under DDAT's Disciplinary Policy.
  - 2.2.2 Where there is a specific policy dealing with the issue (for example, the Anti-harassment and Bullying Policy if you believe you have been the victim of bullying and harassment) the Trust will apply the use of the appropriate policy or procedure and inform those concerned.
  - 2.2.3 Regarding issues which are the subject of collective negotiation or consultation with the Trade Unions.
  - 2.2.4 If the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another policy or procedure the Trust will apply the use of the appropriate policy or procedure and inform those concerned.
  - 2.2.5 Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
  - 2.2.6 In relation to the grading of a post.
- 2.3 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related they may be dealt with concurrently or combined, as appropriate.
- 2.4 Mediation (which is a voluntary process where the mediator helps the two parties in dispute to attempt to reach an agreement), may be considered at any stage of the Grievance Procedure, but particularly where every effort to resolve the grievance informally has been made and it might possibly produce an acceptable outcome without the need for formal stages of the Grievance Procedure.

### **3 RAISING GRIEVANCES INFORMALLY**

- 3.1 Employees and managers should aim to resolve a grievance by discussing it informally before proceeding to a formal written grievance statement (however employees to have the right to raise a grievance formally at any time). Initially, an employee should raise a grievance with their Line Manager. If the employee feels unable to speak to their Line Manager (e.g. because the grievance relates to them) then the

employee should speak to an appropriate member of the Senior Leadership Team, Headteacher / Executive Headteacher, Chair of Governors, the DDAT HR team, or the Chair of the Trustees if the grievance is against the CEO.

- 3.2 Where a grievance involves another employee, an attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind the employees' overall responsibility to work co-operatively with colleagues in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way if possible.

#### **4 RAISING GRIEVANCES FORMALLY**

- 4.1 A formal grievance can be raised where the individual feels the informal process is not appropriate or should the matter not be resolved to the satisfaction of the complainant by informal discussion. The complaint should be referred to the Line Manager / Headteacher / Executive Headteacher or the Chair of the Trustees if the grievance is against the CEO in writing, detailing the following information:

- Full name and post title;
- A summary of the facts of the grievance;
- Dates and times of any incidents, in order;
- Details of any witnesses or supporting evidence;
- Details of what efforts the employee and others have made to resolve the complaint;
- Details of who will accompany the employee to the grievance meeting; and
- Details of what resolution/outcome the employee would like.

- 4.2 In the event that the complaint is against the Line Manager/Headteacher/Executive Headteacher or the CEO (or the Headteacher / Executive Headteacher / Line Manager / CEO has dealt with the grievance at the informal stage), the complaint should be sent in writing to the Chair of Governors or Chair of the Trustees in cases against the CEO who in turn should notify the DDAT HR team.

- 4.3 In the event of the aggrieved person being the Headteacher / Executive Headteacher / CEO or Line Manager, and it has not been possible to resolve the matter at the informal first stage, it will be referred to the Chair of the Governing Body / Chair of the Trustees who will seek to resolve the grievance personally with the support of the DDAT HR team.

- 4.4 The individual hearing the grievance will reply to the grievance letter normally within 10 working days of receiving the letter by inviting the employee to a formal meeting to consider the grievance. The formal meeting will usually be held within 15 working days) of the grievance reply letter being sent to the employee (unless further time is required because, for example, further investigation of the grievance is needed).
- 4.5 Where the Line Manager / Headteacher / Executive Headteacher / Chair of Governors / Chair of the Trustees has played an active part in trying to facilitate an informal resolution, before the implementation of the formal stage, then they will arrange for a panel of three directors' nominees to hear the case and the Line Manager / Headteacher / Executive Headteacher / Chair of Governors / Chair of the Trustees may be present to provide the background to the case.
- 4.6 Where the Line Manager / Headteacher / Executive Headteacher / Chair of Governors / CEO have not been involved in any prior consideration of the grievance then they may hear the case. They are advised to consider involving two further directors' nominee to join them in hearing the case, particularly where the matter is complex or has wider implications. HR advice and guidance will be available to the person(s) hearing the case.
- 4.7 The manager who dealt with the grievance at the informal stage may be asked to provide any relevant written information and/or attend the hearing.
- 4.8 Any employee who is the subject of the grievance may be invited to attend the meeting as deemed appropriate by the panel depending on the circumstances. They will usually, where possible, be provided with at least 10 working days' notice of the hearing They will receive all documentation relevant to their involvement usually within 5 working days of the meeting.
- 4.9 The employee raising the grievance has the right to be accompanied to the meeting by a colleague or trade union representative. The employee must inform the appropriate individual hearing the grievance who their chosen companion is at least 5 working days before the meeting.
- 4.10 The purpose of the meeting is to give the employee opportunity to explain their grievance and to seek a resolution. The employee should be prepared to explain their case and to make clear the action they seek to resolve the grievance. Their companion may make representations on their behalf but should not answer questions on their behalf. The employee may talk privately to their companion at any time.
- 4.11 It may be necessary for the Trust to carry out an investigation into the grievance. The amount of investigation will depend on the nature of the

allegations and will vary from case to case. It may involve interviewing and taking statements from relevant individuals or witnesses and or reviewing relevant documents. In line with the ACAS Code of Practice there will not be a requirement to call witnesses to attend a hearing, nor is there scope for the employee to question witnesses directly. The investigation will usually be carried out by an investigating officer appointed by the Trust. The individual who has raised the grievance will be expected to co-operate fully and promptly with any investigation. It may be that an investigation is needed before holding a grievance meeting where the Trust considers this appropriate. In other cases, the Trust may hold a grievance meeting before deciding what (if any) investigation to carry out.

- 4.12 If the employee's chosen companion is not able to make the meeting time that has been scheduled and is not available for more than 5 working days afterwards, the Trust may ask the employee to choose someone else.
- 4.13 In some cases, an adjournment to the meeting may be necessary to investigate further and the Trust might hold further meetings that it considers appropriate. Such meetings will be arranged without unreasonable delay.
- 4.14 The individual hearing the grievance will issue a letter confirming the outcome usually within 10 working days of the meeting. The letter should include an explanation of what action will be taken, or an explanation that no action will be taken, along with the reasons for this. The outcomes are as follows:
  - 4.14.1 Upheld
  - 4.14.2 Partially upheld
  - 4.14.3 Not upheld
- 4.15 The employee will be informed of the right of appeal. Any individual who has previously dealt with the grievance must be excluded from being a member of any subsequent appeal panel related to the grievance.

## **5 APPEAL**

- 5.1 Where a grievance has not been resolved to the aggrieved employee's satisfaction, the employee can submit a formal written notice of appeal within 10 working days of receipt of the written outcome to the DDAT HR team who will forward it onto the appropriate appeals panel. The full grounds of their appeal should be clearly set out within the appeal letter. You can raise an appeal if you feel:
  - 5.1.1 The outcome is too severe
  - 5.1.2 The outcome is wrong

- 5.1.3 Any part of the disciplinary or grievance procedure was wrong or unfair
- 5.1.4 You have new evidence to show
- 5.2 The Trust will usually respond to the letter of appeal within 10 working days of receipt, inviting the employee to attend an appeal hearing.
- 5.3 The employee will usually be given at least 10 working days' notice of the date of the appeal hearing and will be informed of their right to be accompanied by either a trade union representative or colleague.
- 5.4 Any employee who is the subject of the grievance may also be informed of the appeal hearing if appropriate and invited to attend the appeal hearing as agreed by the appeal panel, depending on the circumstances. They also have the right to be accompanied.
- 5.5 The appeal panel shall hear the appeal. The appeal panel shall comprise of three independent directors' nominee members. If the Chair of Trustees has already been involved, the Vice Chair will be selected.
- 5.6 The individual or panel who heard the grievance will prepare a written statement for the appeal. If the employee seeks to rely on any documents, these must be provided to the appeal panel. All documents relevant to the appeal, and on which either party seeks to rely, shall usually be provided to the appropriate parties at least 5 working days prior to the appeal hearing (or other timeframe agreed by the parties).
- 5.7 The outcome of the appeal panel is final and there shall be no other right of appeal.
- 5.8 The appeal panel will confirm the outcome and detail of the appeal panel's decision in writing which should be sent within 10 working days of the appeal hearing.
- 5.9 The appeal panel may wish to adjourn the hearing to investigate further matters raised or to consider an outcome, and if so, they will inform the employee of the appropriate timescales and when it is likely the outcome will be communicated.

## **6 SUPPORT FOR THOSE INVOLVED**

- 6.1 Support may be gained through the schools Employee Assist Programme e.g. Schools Advisory Service or via Education Support: [Education Support, supporting teachers and education staff](#). Support can also be accessed via the Mental Health First Aiders either in school or via the Central Team.

*An Equality Impact Assessment has been completed for this policy.*