Diocese of Norwich Education and Academies Trust

Grievance Procedure

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Our Christian Ethos and Values

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Headteacher. The Principal / Headteacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

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1. Policy Statement

The Trust is committed to adopting policies and procedures to encourage a positive working environment, and we recognise that there may be occasions when employees have concerns, problems or complaints in connection with their employment that they wish to resolve.

This Procedure provides a framework to be used by employees to raise concerns, and to be used by managers when seeking to work with employees to address and resolve them. It aims to ensure that any grievance raised is dealt with in a consistent, prompt and supportive manner; it has been developed with due regard to the Equality Act 2010 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

2. Scope

2.1 This Procedure applies to all teaching and non-teaching staff employed to work in the Academies and elsewhere in the Trust.

2.2 Examples of concerns that an employee may have and which this Procedure can be used to address are the application of terms and conditions of employment, health and safety, relationships at work, new working practices, their working environment, organisational change, bullying, harassment or discrimination.

2.3 Concerns do not need to be referred to or be labelled by an employee as being a grievance, in order for it to be recognised by the Academy or the Trust Central Team that the concerns may amount to a grievance to be managed in accordance with this Procedure.

2.4 Matters which are **excluded** from being dealt with under this Procedure are:

i) Matters already dealt with under this Procedure where the Procedure has been exhausted and there has been no material change to the grievance.
ii) Matters relating to pay which are to be managed in accordance with the Pay Policy.
iii) Matters connected with the management of employee attendance, ill health capability, performance or conduct, which are to be managed in accordance with the applicable procedures.
iv) Matters over which the employer has no control.

2.5 This Procedure is to be used to manage allegations in connection with the Policy on a formal basis, unless the circumstances are such that allegations have been referred straight to be managed under the Disciplinary Procedures.

2.6 Where an employee has concerns in respect of something that they may have witnessed at work, which does not amount to individual grievance that is within the scope of this Procedure to address, it may be appropriate for them to consider raising their concerns under the Speak Up Policy and Procedure.

All Trust staff have a duty to immediately report any concerns that they may have in relation to the safeguarding of children and young people, and must follow the Child

Protection Policy and Statement of procedures for dealing with allegations made against / low-level concerns raised in relation to staff, including supply teachers, volunteers and contractors.

2.7 Copies of all policies and procedures referenced above can be accessed from the Central HR Office.

3. Principles

3.1 In the first instance employees should seek to resolve any concerns informally, as near as possible to their point of origin and without delay.

3.2 Where there has been a delay between the matters giving rise to the grievance taking place and the grievance being raised, this may limit the scope of the action that can be taken to seek to investigate and resolve the grievance, and could prevent a grievance from being able to proceed.

3.3 Where informal attempts to resolve matters have not been successful or where the concerns are such that attempts at informal resolution may not be appropriate, an employee may raise a grievance under this Procedure.

3.4 Employees who wish to raise a formal grievance must set out in writing the reasons for their grievance and the resolution they are seeking. Any grievance cannot proceed to be considered under this Procedure unless the grounds for the grievance and the resolution being sought are clear.

3.5 Aggrieved employees and those responsible for managing the process set out in this Procedure must ensure that there are no unreasonable delays in the process. The timescales in the Procedure will be adhered to and only extended in exceptional circumstances, or in line with the requirements of any investigation taking place. In this event the employee will be notified in writing of any unavoidable delays and the revised timescales that will apply.

3.6 Any person/s in respect of whom a grievance is raised is entitled to be made aware of the existence of and content of the grievance, and the name of the person who has raised the concern/s. The timing of the subject/s being notified will normally be discussed with the aggrieved employee and may be determined by a need to gather information before they are notified.

3.7 Employees must observe their duties and responsibilities in respect of confidentiality at each stage of this Procedure.

3.8 It is recognised that the management of matters under this Procedure can be a stressful and upsetting experience for the parties concerned. Throughout the process the Trust will be able to offer appropriate support, which may include access to mediation, Trust's employee assistance provider or Occupational Health, and making reasonable adjustments for employees, and any person supporting them who have a disability.

3.9 Employees have the right to be accompanied by a trade union representative or work colleague at any informal or formal stage of the Procedure and are encouraged to seek advice and support from their trade union at all stages.

3.10 Where the employee's trade union representative or work colleague is unavailable on the day scheduled for a formal meeting/hearing, the meeting/hearing will be rescheduled, provided that the employee proposes an alternative date and time within 5 working days of the scheduled date.

3.11 If an employee fails to attend a formal meeting/hearing, the meeting/hearing will generally be re-scheduled only once. The employee will be required to provide valid reasons for non-attendance. If the employee is still unable to attend a rescheduled meeting/hearing, the meeting/hearing will go ahead in their absence and decisions will be made on the basis of the information available at the time.

3.12 Employees who in good faith raise a grievance in respect of discrimination will be protected from victimisation.

3.13 If an employee is found to have raised a malicious or vexatious grievance, this will be considered a matter of conduct which will be managed in accordance with the Disciplinary Procedure.

Where an employee whose attendance, ill health or performance is being managed, or they are subject to disciplinary or capability proceedings, and they raise a grievance which is not appropriate for management under the applicable procedures; except in exceptional circumstances, the process under this Procedure will run concurrently with the continuing management of the employee under the applicable procedures.

Throughout the process professional HR advice will be sought by the managers, Headteacher and members of the Trust Team responsible for managing each aspect of the grievance process.

3.14 Throughout the process all colleagues will treat each other with dignity and respect.

An outline process chart for this Procedure is set out in Appendix 1, which should be read in conjunction with the full Procedure.

4. Informal Resolution

4.1 In the first instance employees should seek to resolve any concerns as near as possible to their point of origin, and without delay.

This means that if an employee is unhappy about treatment they have received or about an aspect of their work, they should initially discuss this with the individual(s) concerned. If this is not possible due to the nature of the grievance or fails to resolve the situation, the employee should discuss matters with their immediate line manager on an informal basis who will seek to address and resolve any concerns.

During the informal resolution, it may be appropriate to consider mediation. Mediation is a confidential process that seeks to help employees resolve disputes in the workplace. Mediation is an informal process where employees involved in a dispute or whose working relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meetings with the other party, in the presence of a mediator.

Mediation is not a 'first resort' process to rely on, because the organisation encourages and expects employees to talk to the other party or their line manager early on about any concerns that they might have.

If both parties agree to engage in the mediation process as a way of resolving their issues, then the commissioning manager must contact the HR Team in the first instance.

If the concerns relate to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Headteacher or a member of the Trust Central Team, the employee should approach the Trust Chief Executive Officer (CEO). Where the concerns relate to the CEO, the employee should approach the Chair of the Trust.

4.2 The manager with whom any concerns have been raised should seek to work with the employee to resolve them on an informal basis. In circumstances where the concerns raised are so serious that they do not appear to lend themselves to informal resolution, the manager must discuss the appropriate course of action to be taken with the HR Team or appropriate senior manager.

5. Procedure: Stage 1 – Informal Procedure

5.1 Many issues or concerns can be dealt with on an informal basis, outside of the formal grievance procedure through discussion and we would encourage this. Employees should make it clear to their line manager that they are raising a grievance informally and they should clarify clearly the outcome that they are seeking. Employees must give their line manager reasonable time to deal with their complaint informally.

If the concerns relate to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Headteacher or a member of the Trust Central Team, the employee should submit the notice to the Trust CEO who will manage the grievance or will nominate a suitable member of the Trust Central Team or Human Resources Team to be the responsible manager. Where the concerns relate to the CEO, the employee should approach the Chair of the Trust.

If a grievance has been raised and mediation is pursued, the grievance may be paused while the mediation takes place. If the issue is resolved informally or through mediation, the grievance will be closed.

The manager with whom any concerns have been raised should seek to work with the employee to resolve them on an informal basis. In circumstances where the concerns raised are so serious that they do not appear to lend themselves to informal resolution, the manager must discuss the appropriate course of action to be taken with a HR Team or appropriate senior manager. In all cases HR advice should be sought.

Line managers will then meet with the employee to discuss the next steps available to them under the grievance procedure.

6. Procedure: Formal Stage 2

6.1 If an employee who has raised a grievance and it has not been resolved informally or they feel that the informal process is not appropriate, then they can raise the matter formally. To raise a formal grievance an employee must put their grievance in writing on the form provided as appendix 2 of this procedure, no other way of raising a formal grievance will be accepted.

If the grievance relates to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Headteacher or a member of the Trust Central Team, the employee should submit the notice to the Trust CEO who will manage the grievance or will nominate a suitable member of the Trust Central Team or Human Resources Team to be the responsible manager. Where the concerns relate to the CEO, the employee should approach the Chair of the Trust.

The complaint should explain the basis of the grievance, providing as much information as possible including any relevant dates, facts, evidence and what outcome the employee is seeking.

If an employee chooses to raise a formal grievance, on receipt of the grievance the investigating manager will:

i) Arrange a meeting with the employee to discuss the grievance;
ii) Ensure the meeting is in private
iii) Respect confidentiality
iv) Take notes of the grievance at the meeting
v) Carefully consider all the points raised and agree with any next steps or actions to try and resolve the grievance.

Where reasonably practicable, the meeting will be held within 10 working days of receipt of the written grievance.

Depending on the grievance, it may need to be investigated further and the meeting may need to be adjourned to allow for the investigation to take place. The employee will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible.

Once the grievance has been considered the employee will be provided with the outcome in writing within 5 working days. The employee will be advised of their right to appeal should they be dissatisfied with the decision and to whom an appeal should be made.

7. Procedure: Stage 3 – The Appeal

7.1 If any employee is not satisfied with the outcome at Stage 2, they may appeal the decision. The appeal must be made in writing and set our clearly the grounds of the appeal in line with the list below and include all information that the employee wishes to rely on at the appeal meeting. The employee must send the appeal to the person detailed in the outcome letter

within 5 working days of the date the employee received the letter notifying the employee of the grievance decision. An appeal panel will be convened.

The employee must be appealing against either:

i) The finding that their grievance was not upheld where the evidence does not support this finding;
ii) The fact that the employee does not feel that the procedure was followed;
iii) The fact that new evidence has come to light that would change the outcome;
iv) The outcome is inconsistent with how others have been treated.

The employee will be invited to the appeal meeting in writing and will be given at least 5 working days' notice of the appeal meeting to consider the employees appeal and any suggestions that they have for resolving the grievance. The employee has the right to be accompanied at the appeal meeting by a member of a recognised Trade Union or work colleague.

The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The appeal panel chair will either recall the employee to the appeal meeting to provide them with the outcome verbally or may just provide the outcome in writing. The appeal outcome will be confirmed in writing within 5 working days of the appeal meeting. There is no further right of appeal.

A copy of any outcome letters and any formal meeting notes will remain on an employees personal file.

8. Collective Grievances

8.1 The Trust acknowledges that provisions of the ACAS Code on grievance procedures do not apply to grievances raised on behalf of two or more employees, by a representative of a recognised trade union or other appropriate workplace colleagues and therefore the Trust provides for these grievances to be handled in accordance with this section of the grievance procedure adopted by the Trust, although the relevant stages referred to above will still apply.

8.2 If more than one employee within the Trust raises an identical grievance the Grievance Manager shall draw their attention to this section of the procedure and, if the employees have not already nominated a representative or representatives, invite them to do so and to proceed with a collective grievance. If any of the employees decline that invitation and asks for their grievance to be heard separately as an individual grievance, the person in receipt of the grievance shall consider and decide on that request, having regard to the circumstances giving rise to the grievance on the part of that employee.

9. Nominated Representatives for collective grievances

9.1 Employees wishing to pursue a collective grievance should nominate individual(s) known as "nominated representatives" to represent their interests throughout the process. Nominated representatives may be another employee in the Trust and/or a recognised trade union official and will be responsible for representing the interests of all employees who are party to the collective grievance, including presenting the case on their behalf at meetings and hearings.

10. Informal Resolution with collective grievances

10.1 The Trust encourages employees to resolve grievances in an informal manner and without recourse to the formal grievance procedure wherever possible. Employees who consider that they have a collective grievance are therefore encouraged to follow the guidance on informal resolution set out in section 5 of this procedure.

11. Formal Resolution of collective grievances

11.1 Once the relevant employees have nominated a representative or representatives and wish to proceed to formal resolution of their collective grievance, the representative(s) should prepare a written statement (using the form provided as appendix 2 of this procedure) setting out that grievance and arrange for that statement to be signed by all employees who are party to the grievance (alternatively, employees may sign separate copies of the statement and forward those copies to their nominated representative(s)).

11.2 The formal grievance should be sent to the headteacher (unless the grievance is about the headteacher, in which case it should be passed to the CEO; or if the grievance is against the CEO it should be passed to the Chair of Trustees; grievance against member of the Central Team, other than the CEO should be submitted to the CEO). If for any reason, the members of staff feel uncomfortable raising a formal grievance about a headteacher with the CEO, they should take advice from their trade union representative. In very serious cases, a criminal offence may be alleged and the member of staff may also wish to report matters directly to the police.

The written statement should include:

- The names, job titles and contact details of all employees wishing to raise the grievance.
- The name and contact details of the nominated representative(s).
- Details of the grievance including explicit examples, dates and times of issues and events giving rise to the collective grievance, where possible provide evidence.
- Details of how they would like the grievance to be resolved.
- Confirmation that each employee has voluntarily consented to invoke the collective grievance procedure.
- Confirmation that each employee understands that the grievance will give each employee the right to only one collective grievance hearing, one identical outcome and (if applicable) one appeal hearing and appeal outcome.
- The signatures of all relevant employees to whom the grievance.
- The date.

12. Formal Collective Grievance Meeting, Investigation and Appeal

12.1 Arrangements for formal collective grievance meetings, including investigations where agreed, will follow the formal procedure as above in section 6, except that correspondence will be between the person in receipt of the written grievance and the nominated representative(s) rather than the employees. Prior to the grievance meeting, the nominated representatives must inform the clerk to the governing body / trustees of the names of the employees attending the meeting and any witnesses they wish to attend.

12.2 The results of any investigation will be shared with the nominated representative(s) on behalf of the employees.

12.3 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those employees who are withdrawing from the process and those wishing to pursue the appeal. In the event of more than one employee wishing to appeal, the nominated representative(s) will be responsible for submitting the appeal in writing to the clerk to the governing body / trust board in accordance with the procedure for appealing in the case of individual grievances (section 7) and the correspondence will be between the clerk and the nominated representative(s). If only one employee wishes to appeal, the individual grievance procedure will apply.

12.4 Following the appeal hearing, the nominated representative(s) will be informed of the outcome within ten working days. The outcome of this hearing will be final.

13. Failure to Agree Following Negotiation (collective grievances)

13.1 In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance procedure being exhausted. If a dispute is declared, the matter may be referred for conciliation in accordance with section 14 below.

14. Collective Disputes

14.1 The Burgundy Book provides a "model procedure to facilitate the resolution of collective disputes between teachers and a school governing body". That procedure "is complementary to the school's grievance procedure; it is not an alternative." It defines a collective dispute as arising "from a difference between the governing body and all, or at least a substantial number of, teachers at the school. The school's own collective disputes procedure applies only to those matters which fall within the purview of the governing body." For the purposes of this process, the "school governing body" is the Trust. The Trust accepts that this procedure for teachers should apply equally to support staff. The Trust notes that recognised unions representing teachers and support staff may advise their members on a collective dispute, even when their members do not form a substantial proportion of the total number of employees at the school.

14.2 The Burgundy Book states that the "prime objective is to reduce the possibility of disputes arising between teaching staff and the governing body. That is best achieved by the establishment of agreed, standing arrangements at the school for regular consultation between staff and the governing body." In the Trust we have instigated a Joint Consultative Committee with the recognised trade unions to support consultations and discussions.

14.3 Mediation may also be appropriate at this stage provided that the complainants and the person allegedly causing the unacceptable treatment or behaviour express a mutual desire to attempt it and the mediator believes that the situation lends itself to this process. Mediators should be trained, accredited and impartial with experience of resolving disputes.

15. Grievances from Former Employees

15.1 Wherever possible, a grievance should be raised by an employee and dealt with before an employee leaves employment.

15.2 The ACAS Code of practice on disciplinary and grievance procedures does not expressly state that it applies to grievances raised by employees who have left the organisation and therefore while it does not require employers to hear or consider grievances from former employees it may be viewed as good practice by an Employment Tribunal for them to do so.

Therefore, provided that a former employee sets out their grievance and the basis for it in writing within 20 working days (other than in exceptional circumstances) of ceasing to be employed by the Trust, the headteacher or, where the headteacher is the subject of the grievance, the CEO (when the CEO is the subject of the grievance this should be the Chair of Trustees, where it is a member of the Central Team this will be the CEO), will:

- Acknowledge receipt of the grievance within 10 working days of receipt.
- Where possible, invite the employee to a meeting to hear their grievance.
- Investigate any issues raised on the basis of the letter received as soon as practicable after receipt of the grievance.
- Respond in writing to the employee outlining the findings of the investigation and stating if any of the allegations in the grievance had been upheld.
- If the former employee is dissatisfied with the outcome of the investigation into their formal grievance, they have the right to appeal against that decision. The appeal process will be heard by an appeal panel.

15.3 If appropriate, the Trust can offer the former employee, or the former employee may request a two-stage process and the Trust will respond only in writing and therefore a grievance hearing would not take place.

Appendix 1 – Employee Grievance Process Chart

Informal Resolution

Employee advises concerns, as near as possible to point of origin and without delay

with the individual(s) concerned, or where not possible or fails to resolve, discuss with immediate line manager (or next appropriate level of management where concerns relate to line manager).

Where concerns remain unresolved

Stage 1 – Informal Procedure

Where is has not been possible to resolve the concerns through informal resolution, the employee may request to raise an informal grievance with their immediate line manager (or next appropriate level of management where concerns relate to line manager). The line manager will arrange to meet with the employee to discuss their concerns at which point mediation may be considered. The line manager may need to undertake an investigation following the informal meeting with the employee. Line managers should seek support and advice from the HR team and then arrange to meet with the employee again to discuss the next steps with an aim to resolve the informal grievance.

Manager to work with employee to resolve

Stage 2 – Formal Procedure

Employee submits their formal grievance in writing providing as much information as possible, including dates, evidence and the resolution that they are seeking. A formal grievance meeting will be held within 10 working days of the written appeal receipt, any delay to the arrangement will be communicated to the employee along with the reason for the delay. The employee will be provided with the outcome within 5 working days of the meeting. The appeal will be advised of their right to appeal and to who they address their appeal to in the Stage 2 outcome letter within 10 working days of receiving the outcome letter.

Stage 3 – The Appeal

The employee must submit their written appeal within 10 working days of receiving the Stage 2 outcome letter. An appeal panel will be convened. The employee will be provided with 5 working days' notice of the appeal panel meeting. The outcome may be provided verbally by the appeal panel or the outcome may just be provided in writing within 5 working days of the appeal panel meeting.

Possible outcomes (not exhaustive)

- Decision/s made at Stage 2 are upheld (fully or partially)
- Decision/s made at stage 2 are overturned (fully or partially)
- Decision/s made at stage 2 – the panel apply a different resolution (fully or partially)

Appendix 2 – Notification of Formal Grievance form

Submitted by:	**Name:**	
	Job Title:	
	Academy:	

1. I wish to raise
   - ☐ an individual grievance
   - ☐ a collective grievance

2. I wish to formally complain about the behaviour, conduct or decisions of:
   - ☐ Staff (other than the Headteacher)
   - ☐ Headteacher
   - ☐ Trust Central Team

3. The details of my complaint are (where possible please identify dates, times and names):

4. I have attempted to resolve my grievance informally by:

5. In considering my grievance, I ask you to consider speaking to the following:

6. In considering my grievance, I ask you to look at the following attached documents:

7. In considering my grievance, I ask you to look for the following documents:

8. The outcome I am seeking to resolve this grievance is:

9. During the period in which you investigate my grievance, I would like you to consider taking the following steps (if any):

10. I consider that my grievance includes a complaint that I am subject to discrimination, bullying or harassment in the following way(s):

11. I consider that my grievance includes a complaint that raises a child protection issue in the following way(s):

I have read the Trust's Grievance Policy and am aware that false, malicious or vexatious grievances may result in disciplinary action against me for gross misconduct.

Signed: **Print Name:** **Date:**