



GRIEVANCE POLICY & PROCEDURE

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AMAT Executive Head**

Policy prepared by Cheshire East HR Consultancy, (CE Model policy 21) September 2020

**Presented for approval at the
AMAT Standards Committee Meeting
on July 7th 2021 and subsequently approved and
adopted on the same date.**

**Chair of AMAT Standards Committee -
Mr Peter Cox**

Signature:

A handwritten signature in blue ink, appearing to be 'Peter Cox', written over a light blue circular background.

Date: 07/07/2021

Scope

This policy has been consulted on with relevant Cheshire East trade union representatives and is recommended to all School and Academies who buy back the Education HR Consultancy Package through ChESS.

Where Schools/Academies do not adopt this policy they need to ensure that any policy that they do adopt has been subject to consultation with recognised trade unions.

POLICY STATEMENT

The purpose of this policy is to set out AMAT's standards on how we will approach and resolve general issues or grievances that may arise in the workplace. Grievances are concerns, problems or complaints that employees raise with their employers. From time to time, people working in any organisation may have problems or concerns about their work, working environment or conditions that they wish to be addressed. We believe that it is in everyone's interests to resolve problems before they can develop into major difficulties for all concerned.

Where the work problem relates to bullying, harassment or victimisation, you should refer to the Dignity at Work Policy. For all other, general, work-related issues, the Grievance Policy should be followed. General grievances might include the following:

- Terms and conditions of employment
- Health and safety matters
- New working practices
- Working environment
- Organisational change
- *This list is not exhaustive.*

This policy explains:

- What you can expect from the Trust/School and what the Trust/School expects of you.
- How to raise and deal with an issue informally in the first instance.
- How to pursue a formal grievance if informal action has not resolved the issue.
- Your rights under that process, including the right to be accompanied and the right to a fair hearing.

WHAT YOU CAN EXPECT FROM THE SCHOOL

We will:

- Provide an environment where you feel comfortable in discussing concerns and have the opportunity to raise problems with your Headteacher/manager.
- Offer access to trained, accredited Mediators where Mediation may help to provide a resolution.
- Provide the means for you to formally raise a grievance where it has not proved possible to resolve the issue informally or through mediation.
- Ensure that matters are dealt with promptly at every stage.
- Ensure that matters raised are fully investigated and that those involved have the opportunity to put their side of the story before any decision is made.
- Treat people fairly and consistently, irrespective of their position in the organisation.

WHAT THE SCHOOL EXPECTS OF YOU

We expect you to:

- Wherever possible, seek to resolve matters informally in the first instance, for example by discussing the matter privately with the colleague concerned.
- Be prepared to be honest and upfront about your concerns and co-operate in seeking to arrive at a solution.
- Submit your grievance in writing where you wish to pursue it on a formal basis. You can, of course, ask someone to help you with this.

ALTERNATIVE ROUTES

A number of the Trust's/School's policies (e.g. Disciplinary, Capability, Sickness Absence etc.) carry their own separate rights of appeal. In these circumstances, the relevant appeals process should be followed. This Grievance Policy should not be used to avoid or supplement those processes.

The following are also dealt with more appropriately under alternative policies and procedures:

- Issues relating to bullying, harassment or victimisation which should be dealt with under AMAT's Dignity at Work policy.
- Major concerns within the Trust/School that fall outside the scope of other procedures, e.g. conduct which is an offence or breach of a legal obligation, damage to the environment and possible fraud/corruption. These should be raised and dealt with under AMAT'S Whistleblowing Policy.

DEALING WITH GRIEVANCES INFORMALLY

Many grievances can be resolved quickly and informally through day to day discussions between you and your manager. If you have a specific concern or problem you should:

- Request to meet with and speak to your Headteacher/ line manager.
- Explain what the issue is and, most importantly, what the outcome that you are seeking to achieve is.

You may, if you wish, also provide information in writing. Your Headteacher/ line manager will arrange to meet with you at the earliest opportunity but, wherever possible, within 5 working days of your request. At the meeting your Headteacher/ line manager will consider carefully the points you have raised and discuss with you how to best resolve the matter. Your Headteacher/ line manager may need to make further enquiries or seek advice following your discussion but, wherever possible, should aim to let you have a decision within 20 working days of the meeting.

Where your grievance relates to a decision made by your Headteacher, you should approach your Chair of Governor's.

Trying to resolve the matter informally may often be the best and quickest solution. However it may not be successful in all cases or you may feel that you are not able to deal with the problem in this way, in which case you may want to consider the alternative options of either Mediation or else making a formal complaint.

WHAT IS MEDIATION?

Sometimes it can be helpful to involve an independent third party or Mediator to help resolve the grievance. Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs.

Mediation is a voluntary process whereby the Mediator helps two or more people in dispute to attempt to reach an agreement. It can only take place where all the parties involved agree to do so. Any agreement comes from those in dispute, not from the Mediator. The Mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the Mediation what they should do. The Mediator is in charge of the process of seeking to resolve the problem but not decide the outcome.

Mediation may not be suitable if:

- Used as a first resort – ideally people should consider speaking to each other directly before they seek a solution via mediation.
- A decision about right or wrong is needed, for example where there is possible criminal activity.
- The person with a grievance wants it investigated.
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

If you think that mediation may provide a suitable option to resolve a grievance, you should speak to your Headteacher/ line manager in the first instance.

If the other party declines the invitation to participate in mediation, you will be informed of this. You may then wish to consider the option of making a formal grievance.

DATA PROTECTION

The Trust/School processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's/School's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School's disciplinary procedure.

FORMAL GRIEVANCE PROCEDURE

You may raise a formal grievance where:

- Informal action or mediation does not result in the grievance being resolved.
- You are dissatisfied with the informal action taken.
- Your Headteacher/ line manager agrees that, because the nature of your grievance, it cannot be dealt with informally.

If you wish to make a formal grievance, you must do so in writing by completing form GR1 (see Appendix 1) and sending this to your Headteacher/line manager/Chair of Governor's/Trustees (if the grievance relates to the Headteacher/Executive Headteacher) who will acknowledge your complaint within 5 working days of receipt. You must also indicate the outcome that you are seeking, in order to resolve your grievance.

Your Headteacher/line manager/Chair of Governors/Trustees may look into your grievance themselves or they may ask a colleague/member of the Governing Body/Trustee to do this on their behalf. An independent person will be appointed as the Investigating Officer who will undertake any necessary fact finding and will present this information to the Commissioning Manager. A formal Grievance Hearing will be arranged to allow you to put forward your case and provide any information you think is relevant. You may be accompanied by a companion at the Grievance Hearing. Your companion may be a fellow worker, a trade union representative or an official employed by a trade union. Your companion will, if you wish, be able to present your case; sum up your case; and respond on your behalf to any view expressed at the hearing. He/she will also be allowed to confer with you during the hearing. However, he/she will not be able to answer questions on your behalf. A written note will be taken during any meetings that are arranged as part of this process.

If you advise us that you have any disability related needs that need to be considered to enable you to participate in such a meeting, then we will make any reasonable adjustments that are necessary, to enable you to do so.

Following the meeting, the Hearing Manager will give you a decision in writing. You should receive a decision within 30 working days of receipt of your original complaint. Exceptionally, there may be circumstances where it may be necessary to extend this timescale, for example where the parties involved are on leave or the scale of the investigation requires a significant amount of fact finding. In these circumstances the Hearing Manager will keep you updated on a regular basis (at least fortnightly) of the progress of the investigation and the revised timescale for completion.

APPEALS

If you are dissatisfied with the outcome of the Hearing Manager's findings, you have the right of appeal. If you wish to appeal against the outcome of the investigation, you must do so in writing within 10 working days of receipt of the letter confirming the decision and send this to your Chair of Governor's/Trustees in the first instance (or Vice Chair if the grievance was formally heard by the Chair)..

To be progressed an appeal must have proper grounds that should normally relate to one of the following:

- There has been a serious shortfall in the procedure e.g. a full and fair investigation of the facts was not carried out or
- New evidence, not available during the original investigation, has emerged or
- The decision/conclusion reached by the Hearing Manager is wholly unreasonable, having regard to the evidence presented.

Appeals will be heard by the Governing/Trust Board's Appeals panel. It is recommended that a Grievance Appeals Panel consists of 3 members of the Governing/Trust Board (although this is not a statutory requirement) who have had no previous involvement with the process. They will aim to hear it within 30 working days following the receipt of your appeal. Their decision will be final.

The same procedure will apply if you have a grievance against a member of the Governing/Trust Board or the full Governing/Trust Board. Only the Governing/Trust Body can hear a grievance against itself unless they have entered into a formal collaboration arrangement with another Governing/Trust Board, as detailed in the School Governance Collaboration Regulations, and have agreed terms of reference to include handling grievances.

MONITORING AND REVIEW

The guidance set out in this document is non-contractual and does not form part of the terms and conditions of your employment. We will monitor this policy to ensure that it is operating fairly, consistently and effectively. The policy will be reviewed in the light of operating experience and/or changes in legislation.

Prepared by: Education HR Consultancy

Date: September 2020

Reason: The Policy has been re-written to provide greater clarity on the process. The time scales for dealing with a grievance have been updated.

Review date: September 2022

Appendix 1

FORM GR1

This form should only be used where you wish to make a formal complaint under AMAT's Grievance policy. Please send the completed form to your Head of Service.

Name	
School Name	
Name of Headteacher/Line Manager	
Trade Union (if a member)	
Details of complaint. Please include below: • details of your grievance • details of the outcome you are seeking (attach a separate sheet or any supporting documentary evidence, if necessary)	

Signature _____ Date: _____