



ST. MARY'S  
ACADEMY TRUST

# **St. Mary's Academy Trust Grievance and Appeals Procedure**

**Date agreed by HR Committee:** November 2022

**Date to be reviewed by:** November 2024

## **1. Purpose and Scope**

- 1.1 The purpose of the procedure address and where possible resolve a problem/concern employees may have about their work, working conditions, or relationships with colleagues. This procedure applies to all employees.
- 1.2 Employees should aim to settle most grievances informally with their line manager. However, where issues/concerns are unable to be resolved in this way, employees should use this procedure at the informal grievance stage.
- 1.3 Employees should utilise this procedure where they are unhappy about the treatment they have received and consider the organisation to have failed to adequately apply their rights.
- 1.4 Employees have the right to inform their Trade Union (if relevant) in case the matter proceeds to a formal grievance.

## **2. Key Principles**

- 2.1 Grievances should be raised by an employee(s) within 3 months of the incident/issue taking place.
- 2.2 The CEO should be informed who will identify an appropriate manager/governor/committee member, who is not subject to the grievance to deal with the grievance promptly. In exceptional circumstances time may be extended to allow an investigation of the facts.
- 2.3 In all instances, advice in respect of the investigation should be sought from HR.
- 2.4 There will be matters outside of the control of the Trust and the scope of the procedure that cannot be addressed via the Grievance Procedure:
  - Statutory adjustments to pay and allowances for instance, NI, Income Tax and Pension Scheme.
  - Personal matters not directly related to employment. Employees may wish to discuss these with their Headteacher and request a referral to Yorkshire Psychotherapy.
- 2.5 There are some issues which the procedure is unable to deal with and other HR procedures should be utilised i.e., the disciplinary procedure, capability procedure, managing attendance procedure, job evaluation scheme, dignity at work procedure (this will follow the grievance process in relation to any formal investigations carried out), right to request flexible working, and recruitment and selection procedure.

2.6 An employee may, during a disciplinary process, raise a grievance. Where the grievance is related to a disciplinary case, it is appropriate that both matters are dealt with at the same time in one meeting. However, it is advised that another manager/governor/committee member is allocated responsibility for investigating the disciplinary aspect of the case. In instances where the grievance has no relationship to the disciplinary matter then both procedures may be dealt with concurrently.

2.7 An employee is entitled to be accompanied throughout the process at each meeting by a work colleague, a Trade Union representative, or an official employed by a Trade Union. However, this right does not extend to friends, family, or professional persons such as solicitors and barristers.

2.8 Collective Grievances - Where two or more employees raise an identical grievance the employees may agree to have them addressed in the same grievance process. The employees may be represented throughout this process by a Trade Union representative, one nominated employee, or address the meeting individually. Collective grievances will follow the same process as an individual employee grievance.

2.9 The employee(s) should state in their grievance what outcome they seek to achieve.

### **3. Mediation**

3.1 In some cases, the Deputy CEO or Headteacher may suggest mediation to assist in resolving issues and concerns.

3.2 This is a voluntary process and can be effective when used to resolve minor issues, concerns, or misunderstandings which are being dealt with at the informal action stage, or before matters escalate.

3.3 Please contact HR for further guidance about the mediation process and how it can be accessed.

### **4. Assessment of the Initial Issue or Concern**

4.1 When the issue, or concern is raised with the Deputy CEO or Headteacher, it is recommended that an overview of the situation is undertaken promptly so a decision can be made on whether they can address the issues or concerns informally.

4.2 The CEO/Headteacher will: -

- Speak to the employee concerned.
- Speak to any witnesses.
- Ensure other evidence is considered, i.e., documentary evidence etc.

4.3 Following the initial investigation, it is advised that the CEO/Headteacher provides a summary of their findings and agrees/shares with the individual who submitted the grievance the appropriate course of action:

- The issues/concerns being dealt with via a discussion amongst the parties involved.
- Mediation should all parties agree.
- An investigation is necessary to establish facts. Details of the grievance will be forwarded to HR and the CEO for an independent Investigator to be identified at an appropriate level.

4.4 The Investigator appointed to undertake the investigation should be of an appropriate managerial level, an appropriate governor, or a committee member who has had no prior involvement in the case and must not be an individual who is named in the grievance.

## **5. Formal Grievance**

5.1 Where the grievance is of such a serious nature that an informal process cannot be followed, the employee is required to submit their issues or concerns in writing to their Headteacher (or the Deputy Chief Executive if the issue is about the Headteacher) by completing a Grievance Notification Form (GN1). This should include as much detail as possible about the issues or concerns raised and the outcome the employee is seeking as remedy of the situation. This should be sent to the Investigating Officer immediately on receipt.

5.2 HR will send within 5 days of receipt, written acknowledgement of receipt and detail who the Investigating Officer will be with contact details.

5.3 The investigation must be carried out without unreasonable delay. The Investigator appointed to undertake the investigation should be of an appropriate level and have had no prior involvement in the case and must not be an individual who is named in the grievance. The remit of the Investigating Officer is to ascertain the appropriate evidence whilst maintaining an unbiased position. This usually requires the holding of management investigatory meetings with the employee and where appropriate witnesses.

5.4 The Investigating Officer will be advised and supported by HR. Following completion of the management investigation, the Investigator should feedback their findings to the employee and if they agree with the points raised, appropriate remedial action will be agreed.

5.5 If the Investigating Officer has not found evidence to substantiate the grievance, they should arrange a formal grievance meeting as follows: -

## **6. Initiating the Formal Grievance Meeting**

6.1 Notify the employee in writing of date, time and location of the formal meeting and details of panel members.

6.2 Send the employee all documentation the Investigating Officer intends to refer to during the meeting, along with an overview of the case. These will be provided to the employee/representative no less than 10 working days in advance of the date of the meeting.

6.3 The employee/representative must also provide the Investigating Officer and panel members with copies of all documents which they intend to rely on together with an overview of their case no less than 5 working days in advance of the date of the meeting.

6.4 If the employee's representative is unable to attend on the specified date, the employee may request that the meeting be postponed. They may then offer a reasonable alternative date without unreasonable delay, ideally within 5 working days of the original date. This will only be accommodated once. Where the employee is unable to attend the rescheduled meeting without justifiable reason then Management will assume the employee no longer wishes to progress their grievance.

6.5 The Panel conducting the Grievance Meeting will consist of:

- 3 members of the appropriate Committee have not been involved in the investigation and are impartial to the process.

6.6 Consider whether any reasonable adjustments are necessary for either the employee, their representative or panel members.

6.7 Where applicable there should be an equal number on the panel for the grievance meetings and appeal meetings.

## **7. Grievance Meeting**

7.1 A recommended protocol for use when an employee wishes to attend a grievance meeting can be obtained from HR.

7.2 It is expected that all witnesses attend the meeting to be questioned. However, in some circumstances it may be impracticable or unacceptable for the witness to be present at the meeting and in which case a copy of the signed written statement may be provided. Where witnesses are unable to attend, the circumstances for their non-attendance should be assessed, and other methods may be utilised to ensure their evidence is heard i.e. written questions, video links etc. These alternative methods should be discussed on a case by case basis with HR. Witnesses can be accompanied but not represented by a Trade Union representative or Professional Association Representative or work colleague.

7.3 It is expected that the Panel will fully consider the evidence and decide whether to uphold none/some/all elements of the grievance and then consider and make any necessary recommendations. These should be noted on the Grievance Procedure Action Plan available from HR.

7.4 The decision should normally be given verbally to the employee at the conclusion of the meeting and confirmed in writing, within 5 working days. However, in exceptional circumstances it may be necessary, with the employee's agreement, to communicate the outcome in writing rather than verbally. All parties should be advised of any changes to the method of communication and extension to timescales at the closure of the meeting.

7.5 Where external witnesses do not attend for whatever reason, it is for the panel to determine the weight placed on the evidence presented in the witness statement.

## **8. Right of Appeal**

- 8.1 Employees have the right to appeal at any of the formal stages to a panel of at least 3 who have not been involved in the case or decision connected with the grievance procedure.
- 8.2 An employee who wishes to appeal against the decision following a grievance meeting should inform the Chair of the Grievance Panel, setting out in writing, the grounds for their appeal and the resolution the employee wishes to achieve. This should be submitted within 10 working days of receipt of the letter notifying them of the decision of the grievance panel. Arrangements should then be made for the Appeal Meeting.
- 8.3 The Chair of the Grievance Panel will pass the grievance to the CEO and appropriate arrangements will be made for the Appeal Meeting.
- 8.4 The rights of the employee and the procedure for convening an appeal shall be the same as for the initial Grievance Meeting.
- 8.5 The appeal shall be a full re-hearing of the case and can include new evidence applicable to the issues/concerns raised but NOT relating to any new issues/concerns.
- 8.6 It is recommended that the Investigator should make arrangements for the meeting and inform the employee in writing, giving 10 working days' notice, of the requirement to attend the Appeal Meeting.
- 8.7 A recommended protocol for use at the Appeal Meeting can be obtained from HR.
- 8.8 The decision should normally be given verbally to the employee at the conclusion of the meeting and confirmed in writing, within 5 working days. However, in exceptional circumstances it may be necessary with the employee's agreement to communicate the outcome in writing rather than verbally. All parties should be advised of any changes to the method of communication and extension to timescales at the closure of the meeting.
- 8.9 The Appeal Panel may confirm or revoke the original outcome.

## **9. Grievances Received Immediately Prior to Employment Terminating**

- 9.1 The employee may submit a formal grievance immediately prior to termination of their employment. The grievance must be in writing and could relate to issue(s) relating to their employment possibly detailed within their resignation letter. Pre-termination grievances should be dealt with in accordance with the formal grievance procedure above.
- 9.2 It is recommended that a grievance investigation is undertaken, and the employee offered either a written response or formal meeting to be held where possible before their last date of employment.

## **10. Grievances after Employment has Ended**

- 10.1 If an employee raises a formal grievance after leaving their employment, the Chief Executive and HR must decide whether a grievance investigation is undertaken.
- 10.2 If a grievance investigation is undertaken, the matter will be dealt with in accordance with the Trust's Grievance Procedure.
- 10.3 It is the decision of the Chief Executive and HR as to whether to inform the former employee of the outcome and this will be based on the nature of the Grievance.

## **11. Completing the Grievance Process**

- 11.1 On conclusion of the case:
  - The Grievance Procedure Action Plan should be completed where appropriate identifying any recommendations.
  - A copy of the Plan, when the actions are complete, should be placed on the employees personal file.
  - The Investigating Officer must ensure that all documents/evidence relating to the investigation are filed securely.

## **12. Data Impact Assessment**

- 12.1 At all stages of this procedure data obtained will be used only for the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

## **13. Equality and Diversity Impact Assessment**

- 13.1 This policy has been impact assessed by the HR Committee, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.