



# Grievance Procedure

EKC Schools Trust

Approval Date: March 2020

Next Approval: September 2020

**PROCEDURES:****1 Scope and purpose**

1. This procedure shall apply to all employees of the EKC Schools Trust. The procedure aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible. It is the Trust's policy to find a solution to individual grievances as early in the procedure as possible.

**2 General principles**

2.1 An employee has the right to be accompanied at formal grievance meetings by a representative of a trade union or workplace colleague of their choice, subject to a reasonable request being made. (Please refer to the Notes Section for more information and guidance on the role of the companion).

2.2 Headteachers and Executive Staff are required to familiarise themselves with the grievance procedure.

2.3 Every effort will be made to resolve the grievance at the informal stage.

2.4 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.

2.5 If the grievance is against the Headteacher or another senior post holder, it should be sent to the Clerk to the Governing Body, and will be heard by a member or a committee of the Governing Body.

2.6 At all stages of the procedure consideration will be given to record meetings to ensure accuracy of records. Although minutes may be taken.

2.7 Grievances raised whilst someone is subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

**3 Stage 1 - Informal Procedure**

3.1 If an employee has a grievance relating to his/her employment, the matter should be raised initially with the Headteacher. The grievance should be raised orally in the first instance. In the event that the grievance relates to the Headteacher, the grievance should be referred to the Chair of the Governors.

3.2 The manager will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. They shall enquire into the grievance and will discuss it with the employee. A written record of the discussion and the outcome will be provided within 10 working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.

3.3 If the matter is very serious or in other circumstances where the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.

#### **4 Stage 2 – Formal Procedure**

4.1 If the employee feels that the matter has not been resolved through informal discussion, or in the event that paragraph 3.3 applies, the grievance should be formalised and put in writing.

4.2 The grievance should provide full details of the complaint and should be addressed to the Headteacher.

4.3 The Headteacher will meet with the member of staff who has raised the grievance to establish the detail and as well as any desired outcome. This is to help ensure a satisfactory resolution is viable and the expectations of the process are understood.

4.4 The Headteacher will, as soon as possible, arrange a grievance meeting ideally within 10 working days of receipt of the written grievance.

4.5 The employee may be accompanied at the meeting by a trade union representative or School workplace colleague (Please refer to the Notes Section for guidance on the role of the companion). The School should remind the employee of the right to be accompanied prior to a grievance meeting. Before the meeting, the employee should tell the Headteacher who they have chosen to be a companion.

4.6 If the grievance involves another employee, the Headteacher may require the attendance of that employee or any other employees who may be able to provide relevant information. If the employee wishes to call relevant witnesses to the meeting, they should advise the Headteacher of this in advance of the meeting. The employee will be informed prior to the meeting if the Headteacher intends to call relevant witnesses.

4.7 At the meeting the employee or their companion will be given the opportunity to explain the nature of the grievance, submit verbal/written evidence and call appropriate witnesses.

4.8 The Headteacher hearing the grievance will consider all of the matters raised at the meeting and undertake all reasonable investigations into the grievance.

4.9 The Headteacher's decision will be communicated in writing to the employee as soon as reasonably practicable following the meeting; ideally within five working days of the meeting. The letter to the employee will outline, where appropriate, what action the Headteacher intends to take to resolve the grievance, and will also inform them of the right to appeal. Where the decision is to not uphold the grievance, the Headteacher will explain the reasons for this in the letter. Any other parties involved in the grievance will also be appropriately informed of the outcome. If the grievance is made against the Headteacher the same procedure will follow, led by the Chair of Governors. Where appropriate, the Chair of Governors may request support from the CEO.

## 5 Stage 3 - Appeal

5.1 If the grievance is not resolved to the satisfaction of the employee at Stage 2, he or she may appeal. Any such appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Chair of Governors within 10 working days of receipt of the decision reached at Stage 2.

5.2 The CEO or Trust will, within 10 working days of receipt of the written appeal, invite the employee to an appeal meeting, which will be chaired by the CEO, who has not been involved in the grievance process in question so far. The employee will be entitled to be accompanied at the appeal meeting by a trade union representative or Trust workplace colleague (Please refer to the Notes Section for guidance on the role of the companion).

5.3 The CEO will consider the appeal and may be supplied with all of the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the CEO may require the attendance of that employee at the appeal meeting, or any other employees who may be able to provide relevant information.

5.4 The appeal decision will be provided in writing within 10 working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. Such decision will be final.

### Notes relating to the grievance procedure

**If the grievance is against the Headteacher, at this stage the appeal should be sent to the CEO. If the CEO has been involved at Stage 2, this should be sent to the Chair of Trustees.**

### Section 3 - Representation

Employees have the statutory right to be accompanied by a School workplace colleague or trade union representative, or an official employed by a trade union where they are invited by the employer to attend a grievance meeting and when they make a reasonable request to be so accompanied.

To exercise the statutory right to be accompanied, an employee must make a reasonable request. What is reasonable will depend on the circumstances of each individual case, however, the employee should consider the practicalities of the arrangements e.g. someone who is suitable, willing and able on site, rather than someone from a geographically remote region. A request to be accompanied does not have to be in writing or within a certain time frame, however, the employee should provide enough time for the employer to deal with the companion's attendance at the meeting. The request should also be made in a way to ensure their request is clearly understood, by letting the employer know in advance the name of the companion where possible, and whether they are a fellow worker or trade union official or representative.

It would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting.

If an employee's chosen companion is not available at the time proposed by the employer, the employer must postpone the hearing to a time proposed by the worker, provided that the alternative time is both reasonable and not more than five working days after the date

originally proposed.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.

#### **DATA PROTECTION**

Under the terms of the Data Protection Act 2018, staff have the right to view what is recorded about them and may request their personal data under the terms of a Subject Access Request. However, in cases where a witness involved in a grievance does not wish to be identified and does not give consent for their statement/data to be shared, EKC School Trust reserves the right to withhold this information. Where other witnesses give their consent but the personal data of a non-consenting witness cannot be redacted to the extent of protecting the identity of that witness, all witness statements may be withheld. This practice is acceptable under the terms of the Data Protection Act and the ACAS Code of Practice on Disciplinary and Grievance Procedures.