

Staff Grievance Policy

VERSION CONTROL SHEET

POLICY NAME: Staff Grievance Policy

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CONTENTS:

1	Introduction
2	Definition of a grievance
3	In scope
4	Out of scope
5	Principles
6	Informal procedure
7	Formal procedure
8	Procedure for people who have left employment
9	Keeping records
10	Support for employees
11	Further guidance

INTRODUCTION

Mayflower Community Academy understands that on occasions, employees may want to raise a grievance related to their employment. This policy is to encourage communication between employees and their Headteacher* to ensure that problems arising during employment can be expressed and quickly resolved.

Most grievances will be resolved through informal discussions with Headteachers. Employees are therefore expected to approach their Headteacher with any concerns they have related to their employment.

Employees raising a grievance should be able to do so without fear of victimisation. All those involved in a grievance have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously will be subject to disciplinary action.

All cases will be dealt with in a non-discriminatory and consistent way. The Investigating Officer and the Chair of the Grievance Hearing will be responsible for ensuring this.

The employee has the right to be accompanied by a work colleague or represented by a trade union official during all stages of the procedure.

Mayflower Community Academy may vary its Grievance Policy and/or Grievance Procedure Guide, where it is appropriate to do so, and to comply with its statutory duty.

* Reference to Headteacher could also mean Principal, member of SMT or line manager

DEFINITION OF A GRIEVANCE

A grievance is a complaint made by an employee about an action which Mayflower Community Academy has taken, or is contemplating taking, in relation to their work.

Grievances can relate to:

- terms and conditions of employment
- health and safety
- difficult working relationships
- bullying and harassment
- new working practices
- working environment
- discrimination/unfair treatment

This list is not exhaustive.

IN SCOPE

Mayflower Community Academy Grievance Policy applies to all academy employees.

OUT OF SCOPE

The Grievance Policy does not apply in the following cases:

- Where alternative appeal processes exist.

- Where the employee has not submitted their grievance following legislative requirements.
- Where the case has already been heard and there is no new evidence.
- If the matter relates to a collective dispute. A collective dispute should be raised by the Trade Union formally in writing to the Assistant Director of HR.
- Where the matter relates to the application of conditions of service laid down by PCC arising from national provincial or local agreements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.

PRINCIPLES

Grievances will be handled as quickly and as fairly as possible and informal grievances will be resolved by the Headteacher. Timescales specified will apply unless varied by agreement between both parties.

If the grievance relates to bullying, harassment, discrimination, or victimisation, please refer to the Anti-Bullying and Harassment Policy.

INFORMAL PROCEDURE

Employees should discuss their concerns in the first instance with their Headteacher. If they are unable to approach their Headteacher, then they can informally approach the Chair of Governors.

The Headteacher will seek to resolve the grievance on an informal basis, taking advice if necessary, from other parties. The Headteacher and employee will work together to resolve the problem. Once resolved, the Headteacher will make a note of the outcome on the employee's file.

If a grievance cannot be resolved via informal discussions, the formal procedure may then be used.

FORMAL PROCEDURE

7.1 Statement of Grievance

An employee who wishes to raise a formal grievance should put their grievance formally, in writing without unreasonable delay, to their Headteacher specifying the nature of their grievance. Where the grievance is about their Headteacher, the grievance should be forwarded direct to the Chair of Governors.

The employee should indicate, as part of their formal written statement, what solution they seek.

7.2 Investigation

An investigation will be undertaken. The appointment of an Investigating Officer should ensure they can act impartially and have no conflict of interest.

7.3 Grievance Hearing

Hearings may be conducted by either the Headteacher/Principal or a panel of governors, except in cases where the Headteacher/Principal is the:

- Investigating Officer
- Witness to the investigation
- Subject of the complaint

When a hearing must be conducted by a panel of governors

The Headteacher will write to the employee with a date for a Hearing, normally within 10 working days, of the investigation being completed. If the grievance raised is against the Headteacher the Clerk to Governors will arrange for a panel of governors to meet to hear the grievance.

If the Headteacher has been the Investigating Officer, the matter will be referred to a panel of governors.

The employee should take all reasonable steps to attend the Grievance Hearing.

If the employee is unable to attend the Grievance Hearing and can provide reasonable grounds for not being available, an alternative date will be arranged, normally within 5 working days. If the reasons are medical, then a medical certificate will need to be submitted by the employee.

Failure to attend without reasonable justification will be investigated and appropriate action taken.

The employee has the right to be accompanied by a work colleague, represented by a trade union official or professional representative.

At the Grievance Hearing the employee will be given an opportunity to discuss their grievance.

After the Hearing, the Chairperson will write to confirm the outcome of the grievance, normally within five working days. Employees have the right to appeal.

7.4 Appeal

If the employee wishes to appeal, they must formally write to the Headteacher/Chair of Governors confirming their grounds for appeal. This must be received within 5 days of receiving written confirmation of the outcome of the Grievance Hearing.

The Appeal Hearing is the final stage of the procedure.

PROCEDURE FOR PEOPLE WHO HAVE LEFT EMPLOYMENT

Wherever possible a complaint should be dealt with before an employee leaves employment. However, an employee who has left employment and wishes to raise a grievance should write to their Headteacher, setting out their complaint as soon as possible after leaving employment, preferably within two weeks. Where the complaint is about their Headteacher, the complaint should be sent to the Chair of Governors.

The Headteacher/Chair of Governors will respond in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

KEEPING RECORDS

Written records will be kept in accordance with Mayflower Community Academy 'Retention and Disposition Schedule' and the Data Protection Act 1998. Records should include:

- The nature of the grievance
- A copy of the written grievance
- The Headteacher or governors' response

- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Subsequent developments

All records will be treated as confidential. Copies of notes will be given to the employee. In certain circumstances, for example to protect a witness, Mayflower Community Academy might withhold some information. If witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed. Confidentiality of the employees' identity therefore cannot be guaranteed.

SUPPORT AVAILABLE FOR EMPLOYEES

Employees can approach their Headteacher or Schools HR Adviser for support. In some cases, a referral may be made to the Occupational Health Unit for counselling. Alternatively, employees who are a member of a Trade Union may wish to contact their Trade Union Official or professional representative.

FURTHER GUIDANCE

If you would like further guidance on how to handle a grievance, please refer to the current Grievance Procedure Guide, or your Schools HR Adviser.