



## GRIEVANCE POLICY

*for adoption by all CDAT schools*

This policy is informed by the Christian values which are the basis for all of CDAT's work and any actions taken under this policy will reflect this.

*'Blessed are those who act justly, who always do what is right'*

*Psalm 106:3*

Approved by	Date	Review Schedule	Date of next review
Trust Board	24 September 2024	Every three years	September 2027

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## 1. Introduction

In line with its Christian vision and mission, CDAT is committed to creating a positive working environment for all employees. However, it is recognised, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of his or her employment. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure will be available.

## 2. Purpose

This policy aims to:

- Enable any employee to have a legitimate grievance heard
- Resolve grievances quickly and equitably
- Determine grievances as close to their source as possible
- Encourage a harmonious working environment
- Promote sound employment practice

## 3. Scope

This procedure applies to all employees of CDAT. It is not a substitute for good employment practices, and every effort should be made by all parties to resolve grievances in a fair and just manner at the earliest opportunity without invoking this procedure.

Where the procedure has been invoked all parties should still make every effort to ensure the grievance is resolved in a fair and just manner.

## 4. Equal Opportunities

The grievance procedure must always be applied fairly and in accordance with employment law and CDAT Equality of Opportunity Statement.

## 5. Links with other policies

Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct, then this will be handled in accordance with CDAT's Disciplinary Policy.

## 6. Responsibilities

- 6.1 The Headteacher has overall responsibility for the internal organisation, control and management of the policy in the school.
- 6.2 CDAT, through its appointed HR adviser, will advise and support the Headteacher with HR issues.
- 6.3 CDAT will deal with all grievances relating to the Headteacher and can choose to deal with grievances related to other staff in accordance with advice from the HR adviser. CDAT will endeavour to address all grievances raised by the Headteacher to the central team, subject to advice from the HR adviser.

## 7. General Principles

- 7.1 It is anticipated that the majority of grievances can be resolved informally with the person or persons concerned. This procedure sets out the process for grievances to be considered where this is not possible or the grievance is unresolved.
- 7.2 CDAT is committed to resolving each stage of the procedure as soon as reasonably practicable, taking into account the need to investigate any grievance fairly and adequately and considering any constraints arising from staff availability.
- 7.3 Subject to prior notification and agreement, the timeframes outlined within this policy can be extended where there are complex issues, or a significant number of interviews and/or detailed investigation is required.
- 7.4 An employee has the right to be accompanied at any grievance hearing at any stage of the formal procedure by a relevant representative or a trade union/workplace colleague.
- 7.5 The fact that an employee has invoked the grievance procedure will not (in the absence of exceptional circumstances) preclude CDAT from instituting, continuing with or concluding any disciplinary, sickness and absence or capability proceedings.
- 7.6 All reasonable steps will be taken to maintain confidentiality but employees must appreciate that grievances cannot always be investigated on an entirely confidential basis.

7.7 Where school holidays intervene, CDAT will make every effort to notify the employee of the outcome of any hearing within seven working days, but to a maximum of 21 working days. There may need to be an extension to this during the longer summer holidays.

# Procedure

## 8. Informal Stage

- 8.1 An employee should first raise their concerns with their immediate line manager. If an employee does not feel able to approach their line manager, or feels that such an approach has failed to resolve their concerns, or if the grievance relates to the employee's immediate Line Manager they should raise their concerns with a member of the Senior Leadership Team (SLT). If the grievance relates to a member of the SLT they should raise their concerns with the Headteacher. If the grievance relates to the Headteacher, or is raised by the Headteacher, they should raise their concerns with the CDAT Chief Executive.
- 8.2 The formal stage of the grievance procedure may be invoked at any time.
- 8.3 The manager will normally meet the employee to discuss the grievance at the earliest opportunity, but usually within 5 working days of receipt of the complaint. The outcome of this discussion will be communicated to the employee within a further 5 working days of this meeting, normally orally. The line manager should keep a mutually agreed written record of this matter.
- 8.4 Agreement by both parties to participate in mediation will always be encouraged so that a resolution/understanding can be found. Mediation will always be led by a trained mediator. Mediation is the process by which an impartial third party assists people in a dispute to explore and understand their differences and if possible, to settle them. Whilst mediation is normally used at the informal stage of the procedure, where appropriate, mediation may be used at any stage of the procedure.
- 8.5 If the employee feels that the matter has not been resolved, they may wish to lodge a formal grievance.

## 9. Formal Stage

### Step One – Notification of grievance and investigation

- 9.1 If the informal stage fails to achieve a satisfactory resolution, or the informal grievance procedure is inappropriate, or where the manager has failed to respond to the employee's concerns, the next step is for the employee to complete a grievance pro- forma (stage 1) template (Appendix 1) and send to the Headteacher, or the CEO c/o the CDAT office in cases involving the Headteacher, giving full details of the grievance.
- 9.2 The Headteacher, or the Trust, is responsible for appointing an investigating officer where necessary. The investigating officer should be impartial and should have no previous substantial involvement with the grievance.
- 9.3 Care should be taken to ensure that the investigating officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the disciplinary procedure.
- 9.4 The investigating officer must investigate the grievance as soon as possible. During their investigation the investigating officer should ensure strict confidentiality to protect the rights of the parties involved.
- 9.5 The investigation process must be completed as quickly as possible, ensuring that all sides have the opportunity to present their comments.

## 10. Step Two – Grievance Hearing

- 10.1 Where a grievance hearing is required, the Headteacher or the Trust will write to the employee giving details; the hearing will normally take place within 15 working days of receipt of the grievance.
- 10.2 A representative from the Trust and/or the external HR provider will attend the hearing to advise on procedural matters and matters of precedent. The employee will be entitled to be accompanied by a trade union representative or work colleague.
- 10.3 The Headteacher, or person identified by the Headteacher, or the Trust will hear the grievance. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decisions of the panel but not to produce a verbatim record.
- 10.4 The format of the hearing will be decided by the Chair, taking into account the needs of those involved and any confidentiality issues. The employee should be allowed to present their case, explain their grievance and suggest how they think it should be settled. The investigating officer has the responsibility of presenting all sides of the complaint, individuals and any respondent may be called to the hearing for clarification purposes and to ensure understanding. If the person conducting the hearing reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary, the meeting should be adjourned and reconvened. If more information is needed to make the decision, the employee will be informed in writing and given the new timescales.
- 10.5 The decision will be communicated to the employee within 5 working day of the hearing. The employee must be notified of their right to appeal within 10 working days of the decision.
- 10.6 The decisions normally open to the person hearing the grievance, are as follows:
  - That the grievance is upheld, either in full or part in which case, either:
  - A mutually agreeable resolution may be identified for all parties.
  - The respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken.
  - The Disciplinary Procedure may be invoked.
  - That the grievance is not upheld.
- 10.7 The Chair may recommend mediation by a suitable third party in order to ensure effective working relationships.
- 10.8 If following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done by completing the grievance appeal form in Appendix 2 and returned to the Headteacher (or of CDAT if the grievance was against the Headteacher), within 10 working days of receipt of the decision.

## 11. Step Three – Appeal

11.1 Appeals will be heard by the appeals committee. Appeals against grievance decisions will usually be considered in relation to one or more of the following grounds:

- The procedure – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
- The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- The proposed action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.

11.2 The Clerk to the committee will write to the employee, giving details of the appeal hearing, which will normally take place within 15 working days of receipt of the employee's appeal. The letter must inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

11.3 A panel, usually comprised of three members of the school's Local Governing Body who have not previously been involved in the case will hear the appeal, which will focus on specific reasons for not accepting the previous decision and will not be a re-hearing. The appeal hearing may be attended by a representative from CDAT and an HR adviser. For all meetings a note taker will attend to take minutes of proceedings.

11.4 The format of the appeal hearing will be decided by the Chair, taking into account the needs of those involved and any confidentiality issues. A written report will be provided to the panel in advance, together with all relevant documents. All parties concerned should be allowed to make submissions to the panel. Any documents must be provided 5 days before the appeal hearing to be considered.

11.5 The Chair will communicate the decision, which will be final, in writing to the employee within 5 working days of the appeal hearing.

## 12. Record Keeping

12.1 Headteachers and Panels must keep written records of formal meetings relating to the grievance. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file. Information regarding grievances may be removed from personnel files on written request, after six months.

12.2 Records should include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal

## Other Situations

### 13. Collective Grievances

13.1 In circumstances where a grievance is raised by or on behalf of more than one person, the details of the grievance must be set out in writing using the form provided in Appendix 1 and signed by all who are party to the grievance. The employees may nominate one person to represent the group, who may be accompanied by the trade union representative or work colleague. This will be treated as a single grievance.

13.2 In situations of collective grievances, timescales may be unable to be adhered to, and therefore all the parties should agree to revised timescales at the beginning of the procedure, and every effort made to commit to them.

13.3 In seeking to resolve collective grievances, mediation should be used before the formal stage is instigated.



#### **14. Multiple Grievances by an Individual**

Where an individual raises multiple grievances relating to different issues, the Trust reserves the right to deal with the different matters at a single Grievance Hearing, if appropriate, to avoid duplication of procedure and aid prompt resolution.

#### **15. False or Vexatious Grievances**

The Trust will take cases of false or vexatious grievances very seriously. The disciplinary procedure will be invoked where it is clear that an employee has made a false, vexatious or malicious claim against another employee.

#### **16. Grievances Against Third Parties**

16.1 Employees may raise issues about matters not entirely within the control of the school or the Trust.

These should be treated in the same way as grievances within the Trust with the appropriate person investigating as far as possible and taking action if required.

16.2 We will make it clear to third parties that grievances are taken seriously and action will be taken to protect our employees.

#### **17. Grievances Raised During the Course of the Disciplinary Procedure**

Where an employee raises a grievance during the disciplinary process, that is relevant to the matter concerned, the disciplinary process can be temporarily held in abeyance until the outcome of the grievance is known. However, it may be possible to deal with the two concurrently.

#### **18. Support from External Sources**

In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure.

#### **19. Former Employees**

Where an employee leaves the school and subsequently wishes to make a complaint, he/she should do so in writing within 14 days of the termination of his/her employment. The School reserves the right to deal with such complaints in writing. There is no right of appeal.

#### **20. Grievance Raised Against a Member of the Central Team**

Where a school employee raises a grievance against a member of the central team, this should follow the normal procedure but the Board/CEO will deal with the grievance.

#### **21. Time Limits**

The employee should lodge any grievance promptly or within 30 working days of the most recent incident/issue. If the grievance is lodged after this time the Trust is not required to take further action.

#### **22. Review**

This policy and the procedures contained within it will be reviewed at least every three years in the light of operating experience and/or changes in legislation or case law.

**Grievance pro-forma (Formal Stage)**

This form should be completed by the employee raising the grievance and returned to the Headteacher (or the CDAT CEO if the dispute is about the Headteacher). This form should normally be returned within 15 working days of the dispute or incident taking place

<b>Your Name:</b>	
<b>Your Job Title:</b>	
<b>Your School:</b>	
<b>Have you raised this dispute informally? With whom?</b>	
<b>I wish to be supported by a Trade Union</b> <span style="float: right;"><b>Yes / No</b></span> <b>My Trade Union is:</b> <b>My Representative is:</b>	
<b>Please provide the main details of your dispute below and include the following information:</b> <ul style="list-style-type: none"> <li>- <i>What is the dispute against? (e.g. a decision? who made the decision?)</i></li> <li>- <i>Why are you unhappy?</i></li> <li>- <i>What would be your preferred outcome?</i></li> <li>- <i>Are there any witnesses that could support your case? What are their names?</i></li> </ul>	
<b>Employee Signature:</b>	
<b>Date:</b>	

## Appendix 2



## Grievance Appeal pro-forma

This form should be completed by the employee raising the appeal over a grievance decision. The form should be returned within 10 working days of the decision.

Your Name:	
Your Job Title:	
Your School:	
I wish to be supported by a Trade Union <span style="float: right;">Yes / No</span>	
My Trade Union is:	
My Representative is:	
Date of decision letter:	
Reason for Appeal: I wish to appeal because <i>(tick one or more)</i> :	
The decision was too harsh	
The correct procedures were not followed	
New evidence has come to light	
The decision was unsound	
Other	
I intend to call witnesses <span style="float: right;">Yes / No</span>	
If you intend to call witnesses, please provide their names:	
Employee Signature:	
Date:	
<b>Summary of details of appeal:</b> <i>Whatever the reason for the appeal, you should give details to support it in the space below, which can be continued on to the back of the form. If you do not complete this section, your appeal may be dismissed in accordance with the provisions of the appeals procedure. You are not expected to put your full case on this form – a summary of the relevant points will suffice</i>	

