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Grievance Policy & Procedure

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1. Terms of Reference

- 1.1 This document is to be used by all staff employed by Pathfinder Schools, this is inclusive of both Academy/School based and centrally employed staff. This policy does not apply to agency workers, contractors or consultants.
- 1.2 For Colleagues who have transferred into Pathfinder Schools via TUPE, where enhanced pre-existing terms apply through Local Authority Policies, these will take precedence as appropriate. This does not apply to colleagues who have subsequently been issued with new contracts of employment, further to new or amended appointments with Pathfinder Schools.
- 1.3 All policies and guidance referred to in Pathfinder Schools policies are available upon request from the School/Academy HR Representative.

2. Definitions

- 2.1 **Headteacher** also refers to any other title used to identify the Headteacher i.e. Principal/Executive Headteacher
- 2.2 **Employee** refers to any member of staff employed to work within Pathfinder Schools.
- 2.3 **Senior Manager** refers to a member of the Senior Leadership Team or a Senior Manager part of the Central Team.

- 2.4 **Line Manager** refers to the person who is responsible for managing the employee raising the grievance.
- 2.5 **Companion** refers to a person chosen by the employee to accompany them to meetings, the Companion shall be a trade union representative or an appropriate workplace colleague. If the choice of workplace representative is deemed unsuitable, for example, if the representative has a conflict of interest, an employee may be asked to choose someone else. Employees do not have the right to be accompanied by relatives, friends or legal advisers unless they also meet the criteria above. The role of a Companion is to support employees and assist them in putting their point across. They can address Meetings/Hearings/Committees and ask questions, but they are not permitted to answer questions on the behalf of the employee.
- 2.6 **An Appeal Committee** may be convened to hear an appeal where the grievance has not been resolved to the employee's satisfaction. The appeal will be heard by an Appeal Committee, the number of members on the Appeal Committee will not be less than three. The panel members must not have taken part in the initial grievance, or have had any previous involvement in the case. Nor should they be in a position to have bias or reasonably perceived bias against the individual who raised the grievance. The Committee may be advised by an internal or external HR advisor.

3. Introduction

- 3.1 The purpose of the policy is to provide a framework within which employees can raise grievances and managers can deal with those grievances in an appropriate manner. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- 3.2 A grievance is a complaint by an employee about actions which their employer or other employees have taken or are contemplating taking in relation to them. The types of complaints that may be dealt with under the Grievance Policy are (but not limited to):
- Application of policies or procedures
 - Equal opportunities, including promotion and training
 - Working environment
 - Working relationships
- 3.3 Where a grievance relates to a matter covered by another procedure for example pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure.
- 3.4 The grievance procedure may not be used to raise complaints about dismissal or disciplinary action. An employee who is dissatisfied with a disciplinary sanction or dismissal should submit an appeal under the disciplinary procedure.

- 3.5 All grievances should be handled in a timely manner. The timescales within this policy are recommended timescales only. If it is not possible to respond within these timescales, the parties involved must be told why and when a resolution /outcome can be expected.
- 3.6 Unless in exceptional circumstances, a formal grievance should be raised by an employee within three months of the event giving rise to the grievance.
- 3.7 All grievances received will be assumed to have been made in good faith. Where it becomes apparent that vexatious or malicious grievances have been made without a genuine basis, this will be treated as a serious issue and may be referred for consideration under the Disciplinary Procedure. Whilst such cases may be considered to be gross misconduct employees should be reassured that disciplinary action would not apply simply because a grievance they submitted was not upheld. There would need to be strong evidence that a grievance was vexatious or malicious before recourse to the disciplinary policy.
- 3.8 This procedure does not form part of any employee's contract of employment and it may be amended at any time.
- 3.9 This policy and procedure complies with the ACAS Code of Practice.

4. Equality & Diversity

- 4.1 This policy is operated in accordance with Pathfinder Schools Equality and Diversity Policy. Pathfinder Schools are committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure shall be monitored in accordance with the Equality Act 2010.

5. Confidentiality

- 5.1 All individuals involved in a grievance have a responsibility to act professionally, Information shared or obtained during the management of a grievance will be treated sensitively. Confidentiality will be preserved as far as is appropriate.
- 5.2 Any individual involved in a grievance who fails to respect the confidentiality of the process and shares information inappropriately may be subject to disciplinary action.

6. General Data Protection 2018 (GDPR) & Maintenance of grievance records

- 6.1 All grievance related documentation will be managed as personal data and only shared where it is appropriate to do so. All paperwork relating to the grievance will be stored confidentially by the Academy/School or Trust. In certain circumstances all records of the case may have to be fully disclosed for example, at an employment tribunal.
- 6.2 Our Privacy Notice describes how Pathfinder Schools collects and uses personal information about their employees during and after employment, in accordance with the General Data Protection Regulations (GDPR) 2018. If you require further details as to how your personal data is processed, we ask that you refer to the Privacy Notice, which is incorporated into this policy by reference only.

7. Mediation

- 7.1 Mediation can play an important role in resolving problems between employees. Mediation is an informal, voluntary process, which can be used to resolve disagreements in the workplace.
- 7.2 Mediation can be used at any stage of the grievance process, once an agreement has been reached to pursue mediation, formal procedures are halted whilst the mediation route is pursued.
- 7.3 If mediation is unsuccessful, the process will revert to the stage reached prior to mediation.

8. Stages of the Grievance Procedure

8.1 Stage 1: Raising grievances Informally

Most grievances can be resolved quickly and informally through discussion. If an employee feels unable to speak to the person causing the grievance, then the employee should speak informally to their line manager.

If the employee's grievance is against their line manager, the grievance may be referred directly to their manager's manager, or directly to Stage 2.

Where the informal process has not resolved the matter satisfactorily, the employee should follow the formal procedure.

8.2 Stage 2: Formal Grievances

Where the employee feels that their grievance has not been resolved informally, the grievance should be submitted in writing using the Notification of Grievance Form (Appendix 1), with any relevant evidence attached. The appropriate staff member to address grievances is outlined in Appendix 2.

Arrangements will be made to meet the employee to hear the grievance as soon as possible, normally within 5 working days, even if it is only an interim reply pending further investigation. The individual hearing the grievance may be accompanied by an internal or external HR Advisor. The employee is entitled to be accompanied to the meeting by a Companion, (see terms of reference).

Where the employee's Companion is unable to attend on the proposed date, the employee or employer can propose an alternative date that is reasonable and is not more than 5 working days after the original date proposed, unless mutually agreed otherwise. Where the Companion is not available for more than 5 working days afterwards, the employee may be required to seek alternative representation.

The individual/s named in the grievance should not attend or be involved in the grievance meeting.

It may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the complaint/s and

will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents. Where this is the case the employee will be notified and will be informed of the likely duration of the investigation

During the grievance meeting the employee should be provided with the opportunity to state their grievance and to explain how they would like the matter to be resolved.

During formal meetings a note taker will be present to record minutes, these will be shared with the employee no later than five working days after the meeting. The employee will be provided with the opportunity to review the content and request amendments based on factual accuracy.

Within five working days of the grievance meeting the employee will be provided with an outcome letter. The outcome letter will include the reason for the decision and any further action that will be taken to resolve the grievance.

If the employee is not satisfied with the outcome, they may appeal the decision following the appeal process outlined in Stage 3.

8.3 Stage 3: Grievance Appeal

If the grievance has not been resolved to the employee's satisfaction at Stage 2 they may appeal in writing, within 10 working days of receiving the written confirmation of the original decision. Appeals should be sent in writing to the employee's normal place of work under confidential cover.

The purpose of the appeal is to review the decision made at Stage 2 of the formal process, to consider any procedural errors and any new evidence that was not previously available.

The appeal will normally be heard as soon as possible and in normal circumstances within 10 working days after receipt of the appeal.

Appeals will be heard by a committee which will consist of a minimum of three members, those involved in the decision making process will have had no previous involvement with the grievance. The Appeal Committee may be accompanied by a HR advisor; the employee may be accompanied by a Companion.

Where the employee's Companion is unable to attend on the proposed date, the employee can propose an alternative date that is reasonable and is not more than 5 working days after the original date proposed, unless mutually agreed otherwise. Where the Companion is not available for more than 5 working days afterwards, the employee may be required to seek alternative representation.

The Appeal Committee will confirm its final decision in writing, usually within five working days of the decision. This is the end of the procedure and there is no further right of appeal.

9. Withdrawing a grievance

If at any point the employee who has instigated the grievance procedure wishes to withdraw their grievance, they should confirm this in writing and submit this to the same individual they originally submitted the grievance letter to.

10. Grievances resulting in disciplinary action

If a grievance results in disciplinary proceedings against another employee, these will be handled in accordance with the disciplinary procedure. The employee raising the grievance has no right to influence or be informed of the outcome of disciplinary proceedings. However, the employee raising the grievance may be called as a witness to any disciplinary hearing which may subsequently occur.

11. Grievances from staff leavers

The grievance policy will not be used to deal with complaints made after an employee has left the Trust, these will be managed under the Complaints Policy. However, if a grievance is already being progressed and the employee leaves whilst the grievance is unresolved, the standard grievance procedure should still be followed where practicably possible, in order to try and resolve the issue.



Appendix 1 –Grievance notification form

This form should be used to submit a grievance in accordance with Stage 2 of the formal grievance procedure, employees are advised to retain a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write (continue on a separate page if necessary)

Name:
Job title:
Workplace location:
Please detail below the nature of your grievance, please include all relevant facts, dates and names of people involved and any witnesses.
When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?

What action has been taken to address your grievance through the informal stage of the procedure?

What steps or action do you want to be taken as a remedy for your grievance?

If you are member, have you informed your trade union or professional association representative?	YES/NO (Please circle)
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If yes: do you wish the representative to receive correspondence?	YES/NO (Please circle)
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If yes: please identify the representative and provide their contact details.	Name: Contact number: Email address:
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NOTE: General Data Protection Regulation (GDPR) 2018 When completed, this form may contain sensitive personal data as defined by Data Protection Act 2018 (DPA 2018). It must be kept secure and confidential.

Appendix 2 Roles & Responsibilities

The table below outlines the suggested level of responsibility to manage stages of the Grievance Process. This may vary dependant on the staff members in the workforce, for further assistance in assigning roles please contact the Pathfinder Schools HR Manager.

Where the same staff level is identified as being responsible for different stages, this should be fulfilled by a different individual and should represent a point of escalation.

Key

- Tier 1- Trust Members
- Tier 2-Trust Board Directors
- Tier 3- Local Governing Body members-effective school or supported school/CEO
- Tier 4- Headteacher/Executive Headteacher/CEO
- Tier 5-Senior Manager –Member of the Senior Leadership Team-Deputy Headteacher/Assistant Headteacher/central team staff senior manager
- Tier 6- Line Manager

Employee/group the grievance relates to	Stage 1	Stage 2	Stage 3-Appeal Committee
CEO	TIER 2	TIER 2	TIER 2/1
Headteacher	TIER 3	TIER 3/2	TIER 3/2
All other employees Academy/School and Central based.	TIER 6	TIER 5/4	TIER 4/3

Appendix 3 Grievance Appeal Hearing Agenda

1. Introductions & arrangements

The Chair will make introductions, ensuring all attendees have been identified. The Chair will run through the agenda and confirm that all attendees have been provided with the relevant formal documentation. Arrangements for requesting an adjournment will be communicated along with any other practical or procedural expectations that attendees should be aware of.

2. Nature of the complaint

The Chair will summarise the formal grievance and the grounds of appeal confirmed by the employee in their letter of appeal.

3. Presentation by the employee

The employee and/or their representative presents their appeal case and calls any witnesses. Witnesses can be questioned by the employee/their representative, management representative/their HR advisor/ the Committee/their HR advisor, and then re-examined by the employee/their representative before they exit the hearing).

4. Questions by the management representative

The management case representative/their HR advisor may question the employee.

5. Questions by the Committee

The Committee/their HR advisor may ask questions of the employee.

6. Presentation of the management case

The management representative (usually the individual who originally heard the grievance) presents the management case and calls any witnesses. Witnesses may be questioned by the employee/their representative, the Committee members, their HR advisor and then re-examined by the management representative before they exit the hearing.

7. Questions by the employee

The employee/and or representative may question the individual representing the management case.

8. Questions by the Committee

The Committee may ask questions of the management representative.

9. Final statement by the employee

The employee/their representative may make a final statement if they wish to.

10. Final statement by the management representative

The management case representative may make a final statement if they wish to.

11. Notification of how the outcome will be communicated

The Chair of the Committee will explain to the employee and the management representative how the outcome of the hearing will be communicated to them, including an indication of when this is likely to be.

12. Withdrawal

Both parties withdraw to allow the Committee to come to a decision, the HR advisor may remain. Both parties may be asked to remain available in the case that the Chair/Committee need to clarify any points.

Appendix 4 Grievance Procedure process flow

