



# Plymouth CAST

Multi Academy Trust, Diocese of Plymouth

## Grievance Policy and Procedure

Guidance on the application of this policy can be obtained from Plymouth CAST HR

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Policy adopted by Plymouth CAST Board of Directors at the meeting dated:  
19<sup>th</sup> July 2017

Signed

A handwritten signature in black ink, appearing to read 'Sarah Duke'.

(Chair)

Review Cycle: Annual

Next Review Date: July 2018

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## 1. Introduction

- 1.1. Plymouth CAST is committed to creating a positive working environment and encourages open communication. The aim is to maintain constructive relationships and find mutually acceptable solutions to workplace problems. In the majority of cases, concerns can be resolved quickly and informally, but when this is not possible this formal policy is available which closely follows the Advisory Conciliation and Arbitration Service (ACAS) Guidance and meets the requirements of the Employment Act 2002 (Statutory Dispute Resolution Procedures).
- 1.2. Generally, a grievance can be raised by an individual about any matter concerning their employment or about how conditions of service are applied to them. However, some matters might be dealt with under separate arrangements. The following are common concerns that may be resolved through the Grievance Policy:
  - 1.2.1. Terms and conditions of employment
  - 1.2.2. Health and Safety
  - 1.2.3. Work relations
  - 1.2.4. New working practices
  - 1.2.5. Working environment
  - 1.2.6. Organisational change
  - 1.2.7. Discrimination
- 1.3. The following matters are excluded from this Grievance Policy because there are alternative policies or procedures for resolving them:
  - 1.3.1. Concerns about pay (Pay Policy)
  - 1.3.2. Fraud, corruption and malpractice (Whistleblowing Policy)
  - 1.3.3. Selection for redeployment and redundancy (Redundancy Policy)
  - 1.3.4. Matters of discipline and capability (Disciplinary and Capability Policies)
  - 1.3.5. Bullying and harassment (Acceptable Behaviour Policy)
  - 1.3.6. Absence (Managing Attendance Policy)

## 2. Purpose

- 2.1. This policy aims to:
  - 2.1.1. Enable any employee to have a grievance heard
  - 2.1.2. Resolve grievances quickly and equitably
  - 2.1.3. Resolve grievances as close to their source as possible
  - 2.1.4. Encourage a harmonious and dignified working environment

### **3. Scope**

- 3.1. This policy applies to all employees directly employed by Plymouth CAST. 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 without invoking this procedure.

### **4. Equal Opportunities**

- 4.1. The Grievance Policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy.

### **5. Responsibilities**

- 5.1. At individual Academy level, the day to day operation of each Plymouth CAST school is the responsibility of each Local Governing Body and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to ensure that the legal obligations of Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.
- 5.2. It is the School Improvement Officer's responsibility to work closely with the Local Governing Body and management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. School Improvement Officers will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 5.3. It is the role of Plymouth CAST HR to provide clear HR policies and procedures and where appropriate guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.
- 5.4. Appendix 1 provides examples of Delegated Responsibilities and Panel Formations.
- 5.5. Management and employee representatives who may be involved in grievance matters should be trained and competent for the task. They should be familiar with the provisions of the Grievance Policy, and know how to conduct or represent at grievance hearings.
- 5.6. School Improvement Officers and HR should be informed about matters which might lead to a formal procedure. For any panel hearing the school must ensure an HR Adviser is aware and in attendance.

- 5.7 At any stage in this procedure, an employee has the right to request representation from their trade union representative or work colleague in any discussions or meetings relating to a grievance. Employees are encouraged to contact their trade union representative at the earliest opportunity for guidance. Where an employee wishes to have representation, the employee should let the Chair of the grievance panel know as soon as possible. Every effort should be made to accommodate the employee's companion, including the rescheduling of a grievance hearing if the original date is not suitable.

## 6. Timing

- 6.1. To ensure that grievance matters are dealt with effectively this procedure specifies the timescales that should normally apply. However, in **exceptional circumstances** and where there is a valid reason to do so, timescales can be varied **by mutual agreement**. It is management's responsibility to ensure that the timescale for each stage of the procedure is agreed before commencement. For school based staff and those working term-time, school closure periods do not necessarily need to halt the procedure and it may be advisable to continue where this is clearly having a negative impact on the employee's wellbeing. However, for the procedure to continue during periods of school closure all parties need to be in mutual agreement and employees must not be pressurised into proceeding. Employees must be paid at their appropriate rate of pay when attending meetings outside of their contracted hours. Employees are encouraged to take advice from their trade union representative in such circumstances.
- 6.2. Every effort should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged without undue delay.
- 6.3. Employees are encouraged to consult with their trade union representative early, where they may be subject to grievance proceedings.

## 7. Informal Stage

- 7.1. An employee should first raise a grievance (see Appendix 2 for a flow chart of the informal stage) orally with their immediate manager. If the employee feels unable to raise the grievance with their immediate manager, they should raise the matter informally with another appropriate person, i.e. Head teacher, or another senior manager.
- 7.2. The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the grievance. A decision will be communicated to the employee within a further 5 working days of this meeting, normally orally. The manager should keep a written record of the matter.
- 7.3. Where an employee wishes to raise a grievance informally, this approach should be welcomed, as in many cases treating it informally can lead to a more effective solution.

- 7.4. An individual wishing to lodge a formal grievance letter should do so as soon as possible after the event which gave rise to the grievance and without unreasonable delay.

## 8. Formal stage

### 8.1. Step one – Notification of grievance

8.1.1. If the employee remains aggrieved, 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 write to the Head teacher, or the Chair of Governors in cases involving the Head teacher, giving full details of the grievance and how they see the matter being resolved without unreasonable delay (see Appendix 3 for a flow chart of the formal stage).

8.1.2. The person in receipt of the grievance is responsible for appointing an Investigating Officer to cases which are considered to be particularly complex or sensitive. The Investigating Officer should be impartial and should have had no previous substantial involvement with the grievance. The HR Adviser must be informed prior to the start of any investigation.

8.1.3. Care should be taken to ensure that the Investigating Officer will not be a disciplinary procedure decision-maker, in case the grievance is serious and becomes subject to the disciplinary procedure.

8.1.4. The Investigating Officer must investigate the grievance as soon as possible. If the Investigating Officer cannot investigate it personally within such a timescale, it should be assigned to another individual who is trained and competent to do so. During the investigation the Investigating Officer should ensure that strict confidentiality protects the rights of the parties involved.

8.1.5. The investigation process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all parties have the opportunity to present their account.

### 8.2. Step Two – Grievance Hearing

8.2.1. A grievance panel will be appointed – see Appendix 1.

8.2.2. The Chair of the grievance panel, or another appointed person, will write to the employee giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance letter.

8.2.3. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable.

8.2.4. The grievance panel will hear the grievance. (See Appendix 4 for grievance hearing structure). For all meetings a note taker will attend. It is their

role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record.

8.2.5. Where a grievance is against the Head teacher, a Governor other than the Chair of Governors will normally conduct the grievance hearing. In such instances the employee's right of appeal will normally be to the Chair of Governors.

8.2.6. The employee should be allowed to explain their grievance and say how they think it should be settled. If the panel reaches a point where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get advice or conduct further investigations. Any adjournment will normally be for up to 5 working days.

8.2.7. The decision, and where appropriate, the action to be taken to resolve the grievance, will be communicated to the employee and his/her representative, in writing, within 5 working days of the hearing. The employee must be notified, in writing, of their right to appeal and of their right to be accompanied by a trade union representative or a work colleague or at any appeal hearing. They must also be told who to address their appeal to.

8.2.8. The decisions normally open to the grievance panel, are as follows:

- That the grievance is upheld;
- That the grievance is partially upheld
- That the grievance is not upheld

8.3. In cases where the grievance is upheld and the grievance was against another employee(s) this may lead to, either of the following:

8.3.1. The Disciplinary Procedure may be invoked or

8.3.2. the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or

8.3.3. a mutually agreeable resolution may be identified for all parties

8.3.4. The Chair may recommend mediation by an appropriate third party in order to improve the working relationship

8.4. In other cases a review of systems and procedures may be required.

8.4.1. If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done in writing to the stated person within 10 working days of receipt of the decision.

8.5. Step three - Appeal

8.5.1. Appeals against grievance decisions will be considered by an appeal panel (see appendix 1) 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

8.5.2. The Chair of the grievance appeal panel, or another appointed person 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.

8.5.3. The appeal panel, comprised of members 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. It will not be a re-hearing and a note-taker will attend. An HR Adviser will attend all panel hearings.

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

### **9. Record keeping**

- 9.1. Full notes must be kept of the proceedings given that there may be a need to produce the documentation used in arriving at the decision, both at any subsequent internal appeal and in the event of a claim to an Employment Tribunal.
- 9.2. A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made.
- 9.3. The investigator(s) will ensure there is a full and comprehensive file of the procedure which should include all statements, records and evidence. At the end of the procedure the file should be passed to the Head teacher / Clerk to Governors who should ensure that it is stored confidentially (corporate files for the central support team must be returned to HR for filing).
- 9.4. All records will be kept confidentially and retained in accordance with the Data Protection Act (1998).
- 9.5. Employees may also wish to keep records of events to support their case.

### **10. Special Situations**

#### 10.1. Collective Grievances

10.1.1. 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 and signed by all who are party to the grievance. The employees may nominate one person to represent the group, in most cases this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union.



10.1.2. Where the group are represented by one trade union it may be appropriate for the problem to be resolved through the collective agreements between the appropriate trade union and Plymouth CAST.

## 10.2. External sources of help

10.2.1. In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator, such as a trained mediator, might be able to help resolve the problem. This intervention should be initiated in consultation with Plymouth CAST HR. Mediation will only take place with the agreement of all of the employees concerned.

## 10.3. Grievances raised during the course of the disciplinary procedure

10.3.1. Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee should raise the grievance in accordance with this procedure.

10.3.2. The ACAS code states that where an employee raises a grievance during a disciplinary process, the employer may temporarily suspend the disciplinary process in order to deal with the grievance. Furthermore where the grievance and disciplinary issues are related, it may be appropriate to deal with them concurrently.

10.3.3. Depending on the nature of the grievance, consideration may be given to bringing in another manager from the Plymouth CAST network to continue hearing the disciplinary case.

## 11. Review

11.1. This content of this procedure may be subject to revision from time to time following consultation with the recognised trade unions.

11.2. History of policy changes.

Date	Page	Details of the change	Agreed by
19.07.2017	All	Board Approval for adoption	CAST Board

- 11.3. Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in July 2018 or when legislation changes or operational reasons arise.

## Appendix 1. Responsibilities and Panel Formation

### 1. Responsibilities

- 1.1. It is the responsibility of the school's management team and Governing Body to manage their school within the framework of Plymouth CAST's policies and procedures.
- 1.2. In schools the Head teacher, or most senior member of the school, has overall responsibility for the management of employees in their school. They should ensure that staff with line management responsibilities are equipped with the relevant knowledge and training to manage staff effectively and appropriately.
- 1.3. The CEO has overall responsibility for the management of Plymouth CAST's central support staff through the management structure in place.

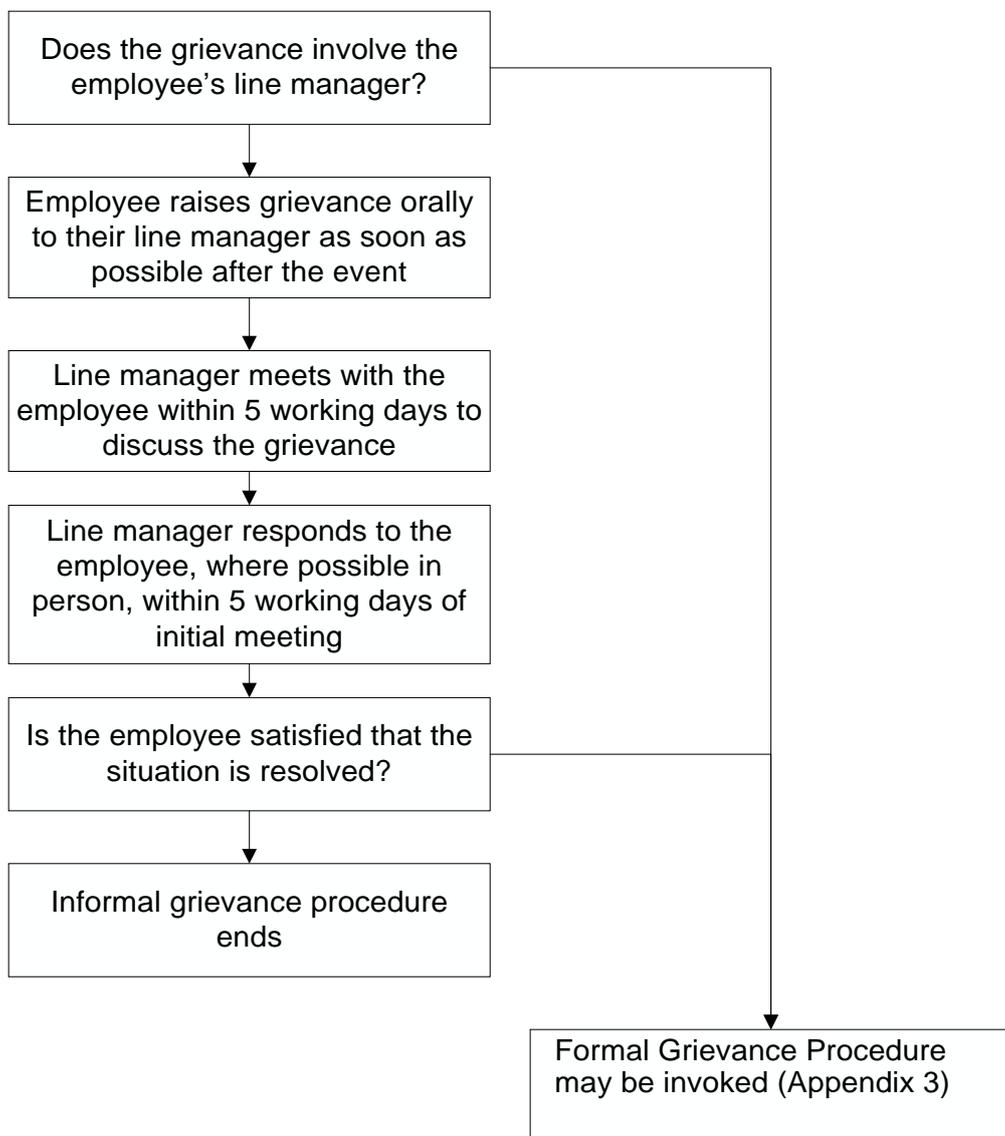
### 2. Support

- 2.1. Plymouth CAST provides professional support and advice on the effective implementation of any procedure through the School Improvement Officers and HR, who should be informed of all cases requiring a formal procedure. A local HR Adviser will be in attendance for all panel hearings.

### 3. Panel Formation

- 3.1. An appropriate panel will be formed for any formal hearing, at which the employee will have the right to be accompanied by a trade union representative or work colleague.
- 3.2. The panel will comprise of 3 members who will appoint one of their number as Chair. The composition of the panel will be discussed and agreed with the school's local HR Adviser in accordance with the circumstances. The panel could comprise of a combination of:
  - 3.2.1. Senior member(s) of a management team (e.g. Head teacher, Deputy Head, Head of Subject or Key Stage Leaders, a member of the Plymouth CAST central management team)
  - 3.2.2. Members from another local Governing Body (in schools only). The Chair of Governors may be reserved for participation in any appeal panel
  - 3.2.3. Member(s) from Plymouth CAST's Board of Directors
4. This will provide greater flexibility, impartiality and support to small schools and Plymouth CAST's central support team.
5. Consideration should also be given to appointing investigating officers and panel members from across Plymouth CAST's network.

**Appendix 2. Informal Grievance Procedure**



**Appendix 3. Formal Grievance Procedure**

