The

MAST

Academy Trust

Policy	Staff grievance policy		
Owner	Melanie Humphreys – The Mast Executive Administrator		
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Approver	Martyn Jones	**Signature**	Martyn Jones

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Objective of Policy
To provide guidance on the policy of raising a staff grievance and the resolution process.

Version Control	
Version Number	Summary of amends from previous version
2.0	Review and appropriate updates since last version, front cover amends.

Sign off requirements	
Approvers	Position
Chair of trustees ratification	Martyn Jones
Local LGB adoption approval	Chair of Governors per LGB
Reviewers	Position
Natasha Greenough	CEO The MAST
Trust representative	
Unions consulted (if applicable)	Representative
ASCL	

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1 Introduction

This policy and its associated procedure is intended as a guide to best practice only and therefore does not have contractual effect except for those elements required by statute. This policy and procedure including any time limits may be changed from time to time by the Trust and without prior notice and where this occurs the most recent version will take priority.

2 Purpose

The aim of this policy and procedure is to help resolve employee grievances as fairly and quickly as possible. Whilst grievance matters should be handled without unreasonable delay the time limits referred to in the course of this procedure are given as guidance and may be varied by consent between employee and manager or as necessary for the Trust to implement the procedure.

The Trust believes that wherever possible concerns, complaints or issues should be resolved informally between an employee and their line manager or a work colleague. Many problems can be raised and settled during the course of everyday work without the need to escalate to the formal process. However, where this is not the case the Trust encourages its employees to use this policy and procedure to enable the grievance to be heard and resolved as quickly as possible.

The following policies can be found in separate policy documents:

- Staff attendance
- Staff conduct and disciplinary
- Staff absence management
- Staff capability

3 Informal Process

If an employee has a concern, complaint or issue with any aspect of their employment then they should in the first instance discuss this informally with their line manager. If the complaint relates to that manager the employee can discuss the matter informally with the Headteacher. If the grievance is against the Headteacher this can be with the CEO of The Mast Academy.

Both the line manager and employee should sit down and discuss the concern and what outcome the employee is seeking. The line manager must provide a response to the employee with a copy to the Headteacher within 5 working days of this discussion however, if further investigation and more time is required the line manager should inform the employee and provide a reasonable time scale for when they will provide a final response.

If the employee is not satisfied with the response, mediation may be considered as an option for resolving the issue.

4 Mediation

This is a meeting where both parties would discuss their issues in the presence of a mutually agreed mediator. The purpose of the meeting is to identify the main issues and steer the discussions in a positive direction with the overall aim being to reach an outcome that is agreeable by both parties.

5 Formal Process

The formal grievance procedure is as follows: -

If an employee believes that their concern/complaint/issue has not been resolved satisfactorily through the informal process, they are able to raise the matter formally in writing to the Headteacher (unless the complaint relates to this individual in which case the Chair of Governors would be contacted). This should be done without unreasonable delay, outlining the nature of their grievance, what outcome they are seeking and /or how they think it should be resolved.

Where practical and within 10 working days from the date on the grievance letter, the Headteacher will arrange and confirm in writing details of a grievance hearing and who will be in attendance.

6 Grievance Hearing

Grievance hearings provide the employee with the opportunity to explain and discuss the grounds for their grievance, what informal methods have been used to resolve the situation and what outcome they are seeking and/or how they think it should be resolved. The employee is entitled to be accompanied at any grievance hearing and at any further related meetings by a work colleague or trade union representative of their choice (the companion). The hearing can be postponed at the employees request for up to 5 working days if their chosen companion is unable to attend on the date set.

The role of the companion is to support the employee during the formal process. The companion is permitted to address the hearing to put forward and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not however have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

The Grievance Manager will be the Headteacher or Senior Leader of the Academy. If the grievance is about the Headteacher or the Senior Leader, then the employee should raise their dispute with the Chair of Governors.

7 Grievance Outcome

To ensure time is available for reflection and for any further investigations, the grievance outcome will not usually be given at the grievance hearing, any decision made will be confirmed to the employee in writing by way of a grievance outcome letter.

Where possible the outcome of the grievance will be confirmed in writing to the employee within 10 working days of the grievance hearing. Where it is not possible to respond within this timescale, the employee will be advised of the delay and given an explanation as to the reason(s) for the Trust not meeting this timescale. The employee will be advised of any further investigations that are required (if appropriate) and a proposed timescale for when an outcome decision can be expected.

This outcome letter will inform the employee of the grievance manager's decision, the reasons for upholding or not upholding the grievance (including where appropriate the action the Trust intends to take to resolve the grievance). In addition, the employee will be advised of their right of appeal.

8 Appeals

An employee may appeal against the outcome of their grievance by providing written notice of their grounds for appeal. Any appeal should be made in writing within 5 working days of receipt of the letter confirming the grievance outcome and should be forwarded to the Chair of Governors with a copy to the Headteacher. If the employee does not provide sufficient information within their grounds of appeal letter, the Trust reserves the right to ask the employee to provide further details before any appeal hearing is arranged. Where the Chair of Governors has been involved in the first formal review then the grievance will be sent to the Chair of the Board of Trustees for review.

Upon receipt of any appeal the employee will be formally invited by letter to an appeal hearing with a Governing Body Appeals panel and advised of their right to be accompanied by a work colleague or trade union representative.

Appeal hearings should be held where possible within 15 working days of receipt of the employee's written notice of appeal, with 10 working days' notice from the date the letter of required attendance. The Appeal panel is obliged to consider representations made by the employee, the employee's companion and those of the manager who conducted the grievance hearing. The Appeal panel must then decide whether to uphold the grievance based on the representations together with any subsequent facts that have come to light.

The Appeal panel conducting the hearing will normally confirm their decision in writing to the employee within 10 working days of the appeal hearing. The decision at the appeal is final; the employee cannot re-appeal at this stage.

9 Record Keeping

Records will be kept by the school detailing the nature of the grievance that has been raised, the manager's response and/or any action that has been taken (including the reasons for it). These records will be retained in accordance with the Trust's Data Protection Policy.

Appendix 1

Frequently asked questions

What is a Grievance?

A grievance can constitute anything that concerns an employee and/or makes them unhappy and/or dissatisfied with their role, responsibilities, terms and conditions and their working environment.

Does an individual have to be employed by the Trust to make a Grievance?

An individual has to be employed and/or have been employed by the Trust to raise a grievance.

How can a Grievance be raised?

Any grievance should be raised informally in the first instance with the line manager. If an employee is not satisfied with the outcome at this point they are able to raise a formal grievance in writing. The letter must state the basis for the employee's complaint and should, if possible be accompanied by any supporting evidence or documentation and indicate the outcome/solution the employee is seeking.

An employee has sent an email with a concern, does this constitute a Grievance?

Any verbal and/or written correspondence from an employee where a concern and/or issue with any aspect of their employment has been raised should be treated as a grievance and be dealt with through the grievance policy and procedure.

Does a line manager have to follow the full Grievance procedure if the Grievance seems trivial?

If an informal or formal grievance is raised, then it must be dealt with in line with this policy and procedure regardless of whether a manager believes the matter to be trivial in its nature. It is important to remember that any issue that has made an employee unhappy or uncomfortable enough to raise a grievance must be treated with respect and be taken seriously.

Can any witness attend a Grievance hearing?

An employee is entitled to be accompanied at a grievance hearing by a work colleague or trade union representative. These are the only people that can accompany an employee at a hearing.

There is no duty to accept a request to accompany an employee at a hearing and no pressure should be put on an individual who does not want to assist or act as a companion.

It is recommended that the grievance manager takes a management representative to any grievance hearing, this makes it easier for the grievance manager to concentrate on the actual discussions taking place and allows for an impartial witness to all discussions that take place. The selection of a management representative should take into consideration the potential sensitivity of the grievance, confidentiality and/or any conflicts of interests.

Can a decision be given at the Grievance hearing?

If a grievance manager believes that they have all the necessary information at their disposal to make a decision at the hearing, then providing an appropriate adjournment takes place they may deliver the outcome at that time directly to the employee. This outcome will then be confirmed in writing.

What happens if a decision relating to a grievance is delivered but the employee is still not satisfied? Do they have the right to appeal?

All employees have one right of appeal. They will be informed of the outcome to any grievance hearing in an outcome letter which will detail who they should appeal to and how to appeal.

Can an employee use the Grievance process to appeal against a Disciplinary decision?

The grievance policy and its associated procedure should not be used for appeals against disciplinary outcomes, the disciplinary appeals procedure is available for this.

An employee has raised a Grievance during a Disciplinary, what process should be followed?

Depending on the circumstances and the nature of the grievance, it is possible that an investigation may be required and the disciplinary may be temporarily suspended for a short period of time in order to deal with the grievance.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. However, in most cases the disciplinary manager should continue with the disciplinary process as normal with a different manager being appointed to hear the grievance separately.

What happens if a Grievance is raised after the termination of an employee?

The Trust encourages employees to raise any concerns they have directly with their line manager or a member of the Senior Leader Team at any point during their employment. However, if this is not possible and the employee wishes to raise a grievance after their employment has ceased (this must be submitted within 3 months of their termination date) and/or a grievance has been raised but not concluded prior to their employment ceasing then the Trust can: -

- Follow the Trust grievance procedure

OR

- Agree (in writing) that the employee's grievance will be considered without holding a meeting.

In the event that an agreement is reached whereby a meeting should not be held then the employee should, if they have not already done so submit the grievance in writing outlining the grievance and their grounds for raising it. At this stage it is the role of the line manager to consider and reply in written format their decision with the normal timescales detailed in this policy and procedure. It is important to remember that an ex-employee has no right of appeal during this process.

What happens if a group of employees wish to raise the same grievance and feel it can be dealt with collectively?

Where a group of employees wish to raise the same grievance and feel that it can be dealt with collectively, they may opt to appoint a spokesperson for the group. The procedure will be followed as for individual grievances and all communications will pass through the appointed spokesperson. It will be for the spokesperson to communicate with the rest of the group about the progress of the case. In such cases, it is not necessary for all those involved to be present at meetings and appropriate representative numbers should be agreed at each stage. To initiate a collective grievance, the issue should be raised with the manager responsible for all the employees concerned and the procedure will start at that level.