

The Samworth Church Academy

**GRIEVANCE PROCEDURE**

**1 Introduction**

- 1.1 If a member of staff raises a grievance related to their employment, we aim to resolve it equitably, quickly and as close to source as possible.

**2 Scope**

- 2.1 This procedure deals only with complaints and allegations of discrimination or victimisation from staff we employ directly.
- 2.2 There are separate procedures to deal with disciplinary and capability issues, and allegations of harassment. These are set out in our Staff Disciplinary Procedure, Capability Procedure and Harassment Procedure respectively.

**3 Grievance after Termination of Contract**

- 3.1 The procedure is intended to benefit staff who are in current employment. Where the contract is terminated, the grievance will only continue if it concerns matters that survive the termination of contract.

**4 Participants & Responsibilities**

- 4.1 The Principal decides who is responsible for hearing a grievance at Stage 1 of the formal procedure, except where the Principal is the respondent or one of the respondents, in which case the Chair of the Governing Body selects a Governor to be responsible for hearing the grievance. The person nominated cannot be the respondent (the person against whom the complaint is made) or a person who has considered the case or represented either party at an earlier stage, or whose prior involvement may prejudice their objectivity.
- 4.2 The Principal (or where the Principal is the respondent, the Chair of Governors) will normally hear grievances at Stage 2 of the formal procedure. However, there may be circumstances where the Principal or Chair of Governors decides that it would be more appropriate for another senior member of staff or Governor to hear a grievance at Stage 2.

**5 Representation**

- 5.1 Throughout the process, both the complainant (the person making the complaint) and the respondent may be accompanied by a friend, colleague or other representative. They should make their own arrangements for this.
- 5.2 Where the chosen representative is not available at the proposed time and date, they may propose an alternative time. If this suggestion is reasonable and falls within 5 working days of the original date, the meeting must be postponed to that date and time.
- 5.3 It is good practice for a mutually agreed time to be arranged for meetings.
- 5.4 The representative may address the meeting and confer with the employee but may not answer questions on their behalf. The representative may, however, ask questions of the Chair, the other party and any witnesses.

## **6 Timing**

- 6.1 Grievances should normally be conducted within the timescales laid down in the procedure. However, where there is a valid reason to do so, timescales can be varied with the approval of the Principal or Chair of Governors. The complainant should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays do not normally exceed 10 working days.

## **7 Preliminary informal process**

- 7.1 Most routine complaints and grievances are best resolved informally in discussion with the complainant's line manager. This can often lead to a speedy resolution of the problem.
- 7.2 In all circumstances, even where the complainant submits a grievance under the formal procedure without first raising the complaint with their line manager, managers should try to resolve the underlying problem informally as part of good management practice and not rely upon a formal procedure.
- 7.3 In certain circumstances it may, with mutual agreement, be helpful to seek external advice or assistance. An outsider may be able to resolve the problem.
- 7.4 If the grievance cannot be resolved informally, it should be referred to the formal procedure.

## **8 Formal grievance procedure - Stage 1**

- 8.1 The complainant should put the grievance in writing to the Principal, using the Stage 1 Grievance Form provided in Appendix 1.
- 8.2 A formal grievance should normally be submitted no later than 25 working days after the act or omission complained of, or no later than 25 working days after the last act or omission in a series of linked events, unless there is a good reason for the delay.
- 8.3 A reasonable amount of detail should be given on the form. The nature of the grievance should be described, indicating what is alleged to have occurred, by whom and when. The complainant should state what outcome they seek by raising the formal complaint.
- 8.4 The person responsible for hearing the grievance should arrange a hearing within 10 working days of receipt of the Grievance Form.
- 8.5 The person responsible may choose to nominate up to two other persons who have not previously been involved in hearing the grievance, to assist in hearing the grievance and considering the evidence.
- 8.6 Both complainant and respondent are entitled to attend and to be accompanied by a representative. All documentation and the names of any witnesses should be distributed at least 3 working days before the hearing.
- 8.7 The person responsible for hearing the grievance should inform the complainant and the respondent in writing of the outcome of the hearing together with a summary of the reasons within 5 working days. If the grievance is not upheld, the complainant will be informed of the right to take the grievance to a Stage 2 hearing.

## **9 Formal grievance procedure - Stage 2**

- 9.1 If the complainant is dissatisfied with the response at Stage 1, they should notify the Principal within 5 working days of receipt of the outcome to the grievance at Stage 1. This notification should be made using the Stage 2 Grievance Form provided in Appendix 2. The complainant must give a specific reason(s) why they are dissatisfied with the Stage 1 outcome.
- 9.2 The Principal will notify the Chair of the Governing Body that a Stage 2 Grievance Form has been received and the name of the complainant.
- 9.3 At Stage 2 the Principal is responsible for hearing the grievance or, where the Principal is the respondent, it is the Chair of Governors. They may choose to nominate up to two other persons not previously involved at Stage 1 and impartial towards the grievance, the complainant and the respondent, to assist in hearing the grievance and considering the evidence.
- 9.4 The person responsible should make arrangements for the hearing to take place within 15 working days of the Principal's receipt of the Stage 2 Grievance Form.
- 9.5 Both complainant and respondent are entitled to attend and to be accompanied by a representative. All documentation and the names of any witnesses should be distributed at least 3 working days before the hearing.
- 9.6 The decision of the person responsible for hearing the grievance will be final. They should inform the complainant in writing of the outcome of the hearing together with a summary of the reasons within 5 working days. The Chair of the Governing Body should also be notified of the outcome.

## **10 Procedure at Hearings**

- 10.1 Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality in order to ensure that the participants' views are fully explored.
- 10.2 At the start of the hearing, the Chair (the person responsible for hearing the grievance) should:
  - i check that everyone has the appropriate papers;
  - ii explain the way that the meeting will be structured, including any time constraints;
  - iii provide an opportunity for comments and clarification before commencement of the meeting;
  - iv advise that should it become necessary to adjourn the meeting, a target timescale for this will be agreed at the meeting.
- 10.3 The Chair should ensure the following procedure is observed:
  - i The complainant or their representative should introduce their submission, explaining the reason for their complaint (at Stage 2, the complainant or their representative should also explain why they are dissatisfied with the Stage 1 outcome).
  - ii The Chair and if present the Chair's assistants may ask questions during or after the presentation by the complainant or their representative.
  - iii The respondent to the grievance or their representative may ask questions at the end of the presentation.
  - iv The complainant may present and question witnesses who may also be questioned by the Chair, the Chair's assistants, the respondent or the respondent's representative.

- v The respondent or their representative should then respond to the complaint.
- vi The Chair and the Chair's assistants may ask questions during or after the presentation by the respondent or their representative.
- vii The complainant or their representative may ask questions at the end of the presentation.
- viii Both parties should be given the opportunity to sum up, beginning with the complainant or their representative.
- ix The Chair and the Chair's assistants have a final opportunity to clarify any points.
- x The Chair should then adjourn the hearing to consider the complaint. All parties except the Chair and the Chair's assistants should withdraw.
- xi The Chair should consider the evidence presented, including what was said by all parties together with any written submissions. The Chair's assistants may offer advice to the Chair.
- xii If the Chair is confident that there is sufficient evidence to reach a decision, then the decision may be given orally to both parties. The decision, with reasons, should be confirmed in writing within 5 working days.

## **11 Record keeping**

- 11.1 It is important that accurate and contemporaneous records are kept throughout the process, including any initial informal process.
- 11.2 Records should be held in a secure and confidential manner.

## **12 Other Associated Policies**

- 12.1 This policy is associated with the following:
  - i. Staff Disciplinary Procedure
  - ii. Capability Procedure
  - iii. Harassment Procedure

## **13 Monitoring, Evaluation and Review**

- 13.1 The policy will be promoted and published throughout the Academy.
- 13.2 The Governing Body will review it within two years and assess its implementation and effectiveness.

*June 2015*

**Appendix 1**

**Grievance Form – Stage 1**

**Name of Complainant:**

*Nature of the grievance. Please include dates and times of incidents.*

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Please continue on a separate sheet if necessary. Once completed, send this form to the Principal who will arrange for your grievance to be heard.*

**Date Received by Principal:** \_\_\_\_\_ **Date of Hearing:** \_\_\_\_\_

**Appendix 2**

**Grievance Form – Stage 2**

**Name of Complainant:**

**Date Stage 1 Submitted**

**Date Stage 1 Heard**

***I am dissatisfied with the outcome of the above grievance and would like a Stage 2 Hearing for the following reasons:***

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Please continue on a separate sheet if necessary. Once completed, send this form to the Principal who will arrange for your grievance to be heard.*

**Date Received by Principal:** \_\_\_\_\_ **Date of Hearing:** \_\_\_\_\_