



## Grievance Policy and Procedure

This policy is applicable to our current schools, Khalsa Secondary Academy (KSA), ATAM and The Khalsa Academy Wolverhampton and for any further schools we open.

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# Table of Contents

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1. INTRODUCTION .....	3
2. SCOPE .....	3
3. ROLES AND RESPONSIBILITIES.....	3
4. PRINCIPLES .....	4
5. WHAT COULD CONSTITUTE A GRIEVANCE? .....	5
6. EXCLUSIONS.....	6
7. USING THE GRIEVANCE POLICY .....	6
8. COLLECTIVE GRIEVANCES .....	7
9. INFORMAL APPROACHES TO RESOLVING A GRIEVANCE .....	7
10. FORMAL STAGES OF THE GRIEVANCE PROCEDURE.....	7
10.4 Investigation.....	8
10.5 Stage 1.....	9
10.6 Stage 2: Appeal to Board of Directors .....	10
11. Notification to attend a grievance hearing.....	10
12. RIGHT TO BE ACCOMPANIED .....	11
13. GRIEVANCE HEARINGS.....	11
14. CONFIRMATION OF THE OUTCOME OF THE GRIEVANCE .....	12
15. GRIEVANCES RAISED AFTER AN EMPLOYEE HAS LEFT THE ORGANISATION.....	12
16. MULTIPLE GRIEVANCES / GRIEVANCES RAISED DURING THE COURSE OF A DISCIPLINARY PROCESS.....	12
17. CONFIDENTIALITY .....	13
18. RECORDS.....	13

## 1. INTRODUCTION

The Directors of Khalsa Academies Trust are committed to ensuring that the highest standards are maintained at the school both in the provision of education to pupils and in every other aspect of the running of the school.

This policy applies to all employees. It does not apply to agency workers or self-employed contractors. This procedure is to be used to deal with issues of misconduct. Separate procedures exist to deal with matters of unsatisfactory performance and absence due to ill health.

This document sets out the Trust's grievance policy and provides a structured mechanism for employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient Academy's operation.

The Trust will closely monitor any grievance brought their attention on a quarterly basis and the number of cases.

This policy is compliant with current legislation and the ACAS Code of Practice.

The Equality Act 2010 harmonises and replaces previous equality legislation and extends protection for all protected characteristics to ensure consistency. Under this legislation, protected characteristics are:

- age;
- disability;
- race;
- sex;
- religion or belief;
- gender reassignment;
- sexual orientation;
- pregnancy and maternity; and
- marriage or civil partnership.

## 2. SCOPE

2.1 This policy and procedure set out in this document applies to all staff employed at the Academy.

2.2 If a grievance is raised by an employee against the Headteacher or LAB member then will be addressed by the Trust's Board of Directors.

## 3. ROLES AND RESPONSIBILITIES

3.1 Both managers and employees have a responsibility within this procedure.

3.2 Managers will:

- Try to resolve all issues informally before they become formal grievances.

- Ensure the grievance procedures are followed correctly, seeking advice from HR where they are unsure.
- Treat all grievances seriously, dealing with each one fairly, consistently and sensitively.
- Address any grievances promptly and within the given timelines.
- Where appropriate, consider alternative working arrangements with the aggrieved employee where it is not possible, or appropriate, for the employee to continue to work as before (see point 3.3 below).

### 3.3 Employees will:

- Work with the manager to genuinely seek resolution.
- Co-operate with any investigation.
- Wherever possible try to raise the grievance informally.
- Comply with all reasonable management instructions whilst their grievance is being progressed.

## 4. PRINCIPLES

4.1 The policy and procedure contained within this document are founded on the following principles:

- To enable grievances to be resolved quickly and consistently across the Academy school in order to maintain good working relationships.
- Where the circumstances are appropriate, and/or both parties agree, allow grievances to be dealt with through the informal process.
- To ensure that any employee raising a grievance is given a fair hearing, their issues are investigated thoroughly, and that the outcome is confirmed in writing.
- To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- To ensure that any witnesses are protected against detriment and dismissal as a result of acting as a witness during a grievance hearing.
- To ensure that any representative or work colleague is protected against detriment and dismissal in respect of his/her action in accompanying the employee and for addressing or seeking to address the hearing.
- Not to discriminate against any individual in the application of this policy and procedure on prohibited grounds e.g. on grounds of sex, race, trade union activities, disability, age, sexual orientation, trans-gender, part-time work status or religious belief.

Any allegations that refer to bullying/harassment will be initially addressed under this procedure but could invoke the application of disciplinary procedures instead.

Any allegations that are of a discriminatory nature will be investigated under the Trust's Disciplinary procedure.

## 5. WHAT COULD CONSTITUTE A GRIEVANCE?

5.1 A grievance is defined in legislation as “a complaint by an employee about action, which his employer has taken or is contemplating taking in relation to him.” A grievance could be regarding any of the following:

- Terms and conditions of employment
- Working conditions
- Working hours
- Unfair treatment
- Health and safety
- Work relations
- Equal opportunities
- A breach of statutory employment rights
- Where an employee feels that a condition of employment has been incorrectly used against them

### **General work issues**

For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.

### **Bullying**

This is behaviour that is offensive, intimidating, malicious, insulting and the misuse of power. It is behaviour that has created working conditions or an environment that is hostile, degrading and/or humiliating and that a reasonable person could justifiably complain about.

### **Harassment**

This is unwanted behaviour which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees can complain of behaviour they find offensive even if it is not directed at them.

Harassment differs from bullying in that it specifically refers to unwanted behaviour in relation to a protected characteristic.

### **Victimisation**

This occurs where a person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against or in some other way intimidating them.

N.B. This list is not exhaustive nor is it an attempt to give a definition of a grievance.

## 6. EXCLUSIONS

6.1 This policy does not apply to the following categories:

- Employees appealing against a dismissal/disciplinary decision. This is dealt with through the disciplinary appeal procedure.
- Employees appealing against a job evaluation/grading. This is dealt with through the job evaluation appeal procedure.
- Whistleblowing Complaints. These are dealt with under the Code of Conduct
- Statutory pension provision. This is dealt with under the Internal Disputes Procedure.

6.2 This policy is not intended for employees to raise a grievance about Academy policy, although it may be used to make a complaint about the way the Academy's policies and procedures may have been applied.

## 7. USING THE GRIEVANCE POLICY

7.1 All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others. Inappropriate use of the policy may result in the employee who has raised the grievance being subject to disciplinary action.

7.2 An expectation of this policy is that before individuals invoke the formal stages of this procedure, they first attempt to resolve their complaint informally by discussing their complaint with their line manager, or another suitable person.

7.3 With regards to performance management, an employee may wish to raise a grievance about the way the performance management is handled by their manager, which may include any complaint regarding bullying or harassment. However, it is not expected that the Grievance Policy will be used solely because the manager is seeking to performance manage an employee, and the employee disagrees with this decision.

7.4 If the grievance concerns an employee's line manager, the employee should raise their concern with the next level of management. Where the grievance is initially raised with the Headteacher then if the matter progresses to Stage 2 then that appeal should be made to the Trust Board. Where the grievance concerns the Headteacher, the employee should raise their concern with the Trust Board. Where the grievance concerns a LAB member then the employee should raise their concern with the Trust Board.

## 8. COLLECTIVE GRIEVANCES

- 8.1 If a collective grievance arises, involving a group of employees within the same Academy, but relating to the same issue, this may be dealt with through this policy and the group of staff may nominate a spokesperson to represent their case.
- 8.2 Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently, with each person giving details of their grievance. A joint letter, or letters that are identical will not be accepted.
- 8.3 As long as the issue is the same in each case, it will be necessary to hold only one hearing at each stage.

## 9. INFORMAL APPROACHES TO RESOLVING A GRIEVANCE

- 9.1 The employee may choose and is encouraged to discuss the issue with their line manager (or their line manager's manager where the grievance concerns the line manager) to see if the matter can be resolved informally and without invoking the formal grievance procedure. Employees should try to take the informal route initially as this approach benefits both parties, often resulting in a quicker and more satisfactory resolution.
- 9.2 An informal grievance should normally be raised within a reasonable timescale (no more than 3 months) after the act or decision complained of or the last act or decision if the complaint relates to a series of linked events.
- 9.3 The immediate line manager can resolve many of the issues at work informally as part of their day-to-day management responsibilities. It may be beneficial for both parties to explore the informal route to encourage them to communicate and agree a way of working together for the future.
- 9.4 Managers should be aware of, and be prepared to explore, alternative methods of resolving any complaints that arise by discussing the issue and examining a range of possible solutions with the employee.
- 9.5 Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties in order that working relationships can be maintained.

## 10. FORMAL STAGES OF THE GRIEVANCE PROCEDURE

- 10.1 Registering a formal Grievance, the **aggrieved employee** should normally raise their grievance in writing to their line manager (or appropriate other, as detailed in 7.4). This is known as a Statement of Grievance. Employees may submit their grievance using the Grievance Form 2, which is provided for assistance only.

10.2 A grievance should be raised as soon as possible after an event or incident but no later than 3 months of the incident taking place.

10.3 The written grievance should include the following information:

- The nature of the grievance – what is alleged to have occurred, by whom and when
- The reason for dissatisfaction with the informal solution (if appropriate)
- The remedy the employee is seeking
- Any witnesses to the matters complained about.

The grievance should refer to specific issues rather than generalisations. An employee may wish to seek assistance from a work colleague or Trade Union Representative with regards to formulating the written grievance.

## **10.4 Investigation**

10.4.1 In some cases it may be necessary to appoint an Investigating Officer. This will depend on the nature and complexity of the grievance. Where an Investigating Officer is appointed he or she is responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint. Ordinarily the Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes.

10.4.2 An Investigation Officer may be appointed at any stage of the formal grievance procedure where it is deemed necessary or appropriate in the circumstances. The employee can be accompanied by a trade union rep or work companion. However, an individual accompanying the employee must not be someone whose presence would prejudice the meeting.

10.4.3 If further allegations or information come to light during the course of the investigation, the Headteacher/CEO must be informed. The Investigation Officer should always keep the Headteacher/CEO informed of any new developments that may come to light throughout the course of the investigation.

### **Employee who is the subject of grievance**

Where a grievance is raised against another employee, the Headteacher/CEO should generally start by talking privately to the employee to alert them to the fact that a concern has been raised by a fellow employee.

Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative.

During the grievance investigation meeting, the Investigating Officer will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

### **Role of Witnesses**

In some circumstances, the Investigating Officer will be required to interview witnesses. Every effort should be made to avoid disclosing any confidential information unnecessarily by the Investigating Officer; however, the confidentiality of any witness cannot be guaranteed.

Where the Investigating Officer feels it is necessary to meet witnesses, they should also write to invite them to a meeting. The Investigating Officer must think carefully about who to interview as a witness, bearing in mind the need to show a balanced investigation. Where particular witnesses are chosen from a group, the Investigating Officer must ensure that they have applied a clear and robust method of identifying which individuals to meet with.

The Investigating Officer must make a note of why each person was interviewed and what their relationship is to the investigation. The Investigating Officer should also record any decision not to interview a witness, together with the reason why the witness was not interviewed.

Where witnesses are involved in the investigation, the Investigating Officer must ensure that they explain the need to complete the investigation confidentially and that they must not discuss the details with colleagues. The meaning of 'confidential' should be explained clearly to those interviewed; in this context it means that whilst the interview is held in a confidential setting the subsequent statement may be read as part of the formal procedures.

## **10.5 Stage 1**

On receipt of the grievance, the Investigation Officer will arrange a meeting with the employee, within a reasonable period of time, to discuss the details of the grievance, gather any relevant documentation and to discuss the outcome that the employee is seeking.

At this meeting, the employee has a right to be accompanied by their trade union representative or work colleague.

- The Investigation Officer will normally also meet with the person who is the subject of the grievance (the respondent) to ascertain their version of events and any background to the concern that has been raised.
- Following the investigation, a report will be produced and a recommendation made to the Headteacher/CEO. The employee will be notified of the outcome within a reasonable period of time.

- If the employee is dissatisfied with the outcome at Stage 1, they may opt to take the matter to stage 2 by writing to the HR Manager of the Trust within 5 working days of the date of the decision letter at Stage 1.

## 10.6 Stage 2: Appeal to Board of Directors

- The Clerk to the Governing Body (or appropriate other as detailed at 7.4) will arrange for the appeal to be heard by the Board of Directors a panel of 3 Directors, giving at least 10 working days' written notice to all parties required to attend the hearing. This notice provision may be varied with agreement of the aggrieved and the respondent.
- An HR representative may also attend in an advisory capacity.
- At this hearing, the employee has a right to be accompanied by their trade union representative or work colleague.
- The documentation that is required for a hearing, known as the 'bundle', is compiled by the Investigating Officer in conjunction with the Human Resources Officer and the involved parties. The bundle must be circulated to all parties at least 5 working days before the hearing. The bundle should only contain documentation relevant to the grievance.
- At this stage, the employee will be notified that the outcome is final and that this is the end of the appeal process,

10.7 The aim would be to complete the whole grievance procedure within six months from the date of the original statement of grievance. However, in more complex cases this timescale may be longer.

## 11. NOTIFICATION TO ATTEND A GRIEVANCE HEARING

11.1 The Panel will arrange for a grievance hearing to take place promptly but allowing for at least 10 working days' written notice.

11.2 The letter will advise the employee of the following:

- The location, date and time of the proposed grievance hearing
- The employee's right to be accompanied
- The identity of the Panel
- Any relevant paperwork, including a copy of the Grievance Policy

11.3 The aggrieved employee and the IO are required confirm their attendance in writing and to supply the Panel with all the relevant documentation, which they intend to rely on at the hearing. Additionally, the aggrieved employee is required to confirm the following in writing: a. Their employee representative b. The names of any witness who are likely to be called at Stage 2, this information must be provided at least 5 working days prior to the hearing.

11.4 Where possible, the Panel will agree the date of the meeting with the employee and their Trade Union Representative or work colleague. However, it may be necessary to settle on a date without agreement. The employee is under a duty to take all reasonable steps to attend the hearing but if the employee's work colleague or Trade Union Representative cannot attend on the proposed date, the employee can suggest another date so long as it does not create unreasonable delay.

11.5 When an employee fails to attend a grievance hearing due to sickness, or another valid reason, the Panel will reschedule the Hearing. If the employee is still unable to attend, the Hearing will go ahead in their absence, based on the information in the Grievance Statement and any subsequent investigation. A decision will be made on this basis.

11.6 When an employee fails to attend a grievance hearing, or does not respond to the invitation to the grievance hearing, with no good reason, the Panel will attempt to reschedule another meeting. However, should this second attempt result again in non-attendance without good reason, or failure to respond to the invitation, then the Academy at this point is no longer legally obliged to consider the grievance and may end the process at this point.

## 12. RIGHT TO BE ACCOMPANIED

12.1 At any grievance or appeal hearing the employee has the right to be accompanied by a representative of their choice. The representative may be an accredited union representative or work colleague but not a friend, family member or legal representative, except in exceptional circumstances.

12.2 The Academy will not meet any of the costs associated with the attendance of the representative at a grievance hearing beyond granting paid time off to a representative who is employed by the Academy.

## 13. GRIEVANCE HEARINGS

13.1 In general terms the following format will be adopted:

- The Panel will introduce those present and outline the procedure.
- The employee, or their representative, will present their case and call witnesses and explain any documentary evidence
- The Investigating Officer may ask questions of the employee and/or their witnesses.
- Panel may put questions to the employee and witnesses
  
- The Investigating Officer will present their case and be given the opportunity to respond to the grievance that has been raised and call on any witnesses.
- The aggrieved employee may ask questions of the Investigating Officer and/or their witnesses
- The Panel may put questions to the IO and their witnesses
  
- The Panel will consider the grievance and reply to the employee, normally giving the decision within 5 working days. In the event that the Panel is unable to give a decision within 5 working days, they will notify the employee with an explanation for the delay.

- If the Panel feels it is necessary for further investigation to be undertaken by the Investigating Officer, the Hearing will be adjourned. The Investigating Officer will undertake further investigation as a matter of priority and the Panel will rearrange the Hearing. The grievance will then be considered and a decision given to the employee normally within 5 working days of the last Hearing.

## 14. CONFIRMATION OF THE OUTCOME OF THE GRIEVANCE

14.1 Whether or not the employee and the IO have been informed of the outcome of the grievance hearing orally at its conclusion, both the employee and the IO will be notified of the outcome of the grievance hearing in writing. Written notification will normally be within 5 working days, of the date of the hearing, and will include:

The outcome of the grievance hearing

- The reasons for the decision made
- Inform the employee that the decision is final and that this is the end of the grievance procedure

14.2 The outcome of the grievance can be either substantiated OR unsubstantiated. If the grievance is substantiated, further advice should be sought from HR in respect of the way forward.

## 15. GRIEVANCES RAISED AFTER AN EMPLOYEE HAS LEFT THE ORGANISATION

15.1 In instances where a grievance is raised after an employee has left the employment of the Trust, the ACAS Code of Practice should be followed. More information on the ACAS Code of Practice can be found at [www.acas.org.uk](http://www.acas.org.uk). HR advice should be sought.

## 16. MULTIPLE GRIEVANCES / GRIEVANCES RAISED DURING THE COURSE OF A DISCIPLINARY PROCESS

16.1 Where an employee has raised multiple overlapping grievances, or where a grievance has been raised either prior to or during a capability or disciplinary hearing about any aspect of the disciplinary process, a multi-purpose meeting may be held to avoid unnecessary repetition or delay in the proceedings. In this instance, no further or separate action is required under the Academy's grievance procedure.

16.2 If the multi-purpose meeting format is used, it should be made clear to all parties that this format is being used and that both the grievance and the capability/disciplinary is being addressed at the same meeting.

## 17. CONFIDENTIALITY

- 17.1 It is expected that all parties involved in the grievance process will maintain strict confidentiality throughout all stages of the grievance process by ensuring that only the people who need to know have access to details of the case (with the exception of any legal obligations requiring action from the Academy, e.g. in health and safety matters).

## 18. RECORDS

- 18.1 In the event that they request a copy, the formal meeting/hearing minutes should be given to the aggrieved employee who attended the meeting.
- 18.2 All notes must be stored safely as an Employment Tribunal may request full disclosure of all notes.
- 18.3 All notes taken and correspondence produced during all of the steps of the grievance procedure should be kept by the Manager/Principal. The letter detailing the outcome of the grievance will be placed on the personal file of the employee who raised the grievance and kept for a period of 12 months after the resolution of the grievance.
- 18.4 All written documentation will be kept in accordance with the Data Protection Act 1998 & GDPR.

## 19 MONITORING AND REVIEW

- 19.1 The Trustees of Khalsa Academies Trust have the responsibility to ensure that the Head teacher and Senior Leaders implement this policy consistently.
- 19.2 However, all staff are responsible for keeping themselves informed of the policies and procedures.
- 19.3 This policy will be reviewed every two years, or earlier, if necessary.

## FORMAL GRIEVANCE FORM

<b>Full Name:</b>	<b>School:</b>
<b>Post Title:</b>	
<b>You should always try to resolve your grievance informally first.</b>	
<b>Please state the nature of your grievance (continue on separate sheet if necessary):</b>	
<b>I have taken the following informal steps to resolve the problem before invoking the formal grievance procedure:-</b>	
<b>Grievance raised informally with:</b>	
<b>What action has been taken to resolve issue:</b>	
<b>Why are you unhappy with the outcome?</b>	
<b>What solution are you seeking?</b>	
<b>Please list any witnesses who are likely to testify for you, should it come to a hearing.</b>	
<b>Signed:.....</b>	
<b>Date: .....</b>	

Appendix 1