



# Spa Education Trust

## Grievance Procedures

### 1. INTRODUCTION

Schedule 16 of the school Standards and Framework Act 1998 provides that, for community schools, the regulation of conduct at the school and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment, shall be under the control of the governing body. Schedule 17 contains a similar provision for voluntary and foundation schools. Spa Education Trust operates under the same conditions.

This procedure allows for individual employees to raise concerns related to their employment including matters relating to the trust and its members. Where an application is received from a group of employees with the **same** complaint, this grievance will be progressed jointly. The aim of the procedure is to resolve individual grievances in an equitable way, as quickly and as close to the source of the grievance. For the sake of clarity the interpretation of this procedure is ultimately a matter for the Board of Trustees.

### 2. SCOPE

This grievance procedure applies to all staff who are permanent or fixed – term employees within the establishment of the trust, whether full-time or part-time, in teaching or support posts, including Headteachers and Deputies. The Executive Headteacher and Headteachers should use their discretion on whether to apply the procedures to long term contractors.

The staff grievance procedure deals with staff complaints, matters of alleged discrimination, harassment or victimisation of employees.

The grievance procedure is *not* used for the following matters: -

- Matters covered by collective bargaining arrangements between the trust and Trade Unions;
- Redundancy. Appeals on redundancy will be dealt with via the Reorganisation, Redeployment and Redundancy Procedure.
- Disciplinary and capability issues, including appeals.

In addition, employees may not simply complain about the trust's established procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.

Appeals against staff grading or pay awards are better dealt with by the trust's pay policy appeal system.

### **3. GRIEVANCE AFTER TERMINATION OF EMPLOYMENT**

The staff grievance procedure will continue to apply after the termination of employment. A modified procedure (two -step) grievance procedure may be applied in circumstances where the standard grievance procedure would otherwise apply but where the employment has ended and either:

- the employer was not aware of the grievance before the employment ended;
- or
- if the employer was so aware, the standard grievance procedure had not started
- or
- had not been completed by the time the employment ended;
- and
- the parties must have agreed in writing that the modified, rather than the standard, grievance procedure shall apply.

Step One:

The employee must set down in writing the nature of the alleged grievance and send the written complaint to the employer.

Step Two:

The employer must set out his or her response in writing and send it to the employee.

The modified procedure is applicable in such cases as it would be unreasonable to oblige the parties to follow the standard procedure, including attending meetings, where there is no ongoing employment relationship and the parties have no interest in following the procedures, and where they are in mutual agreement on this point. It should be conducted without unreasonable delay.

### **4. PARTICIPANTS & RESPONSIBILITIES**

The trust's personnel policies should set out those with powers to hear grievances. The people responsible are normally: -

Stage 1 - the local manager who is usually the Headteacher, or nominated representative.

Stage 2 - at least three trustees, normally from the staffing/personnel committee.

If the grievance relates to the employee's immediate line manager, the Headteacher will decide on the appropriate manager to hear stage 1.

The trust must nominate a trustee to hear grievances at Stage 1 against the Headteacher or Local Governor.

Throughout the procedure no person is authorised to adjudicate where he or she have considered the case or represented either party at an earlier stage, or where their prior involvement prejudices objectivity.

### **5. REPRESENTATION**

Throughout the process both parties to a grievance may be represented by a recognised trade union representative or by a work colleague. For avoidance of doubt a Headteacher will not be entitled to representation when acting in the role of investigator.

The trade union representative or work colleague may also address the meeting and confer with the employee, but may not answer questions on their behalf.

The employee should make their own arrangements to be represented or accompanied. Where the employee's chosen Trade Union representative or colleague is not available at the proposed time and date, the employee 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.

It is good practice for a mutually agreed time to be arranged for meetings.

## **6. TIMING**

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 by management. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.

## **7. PRELIMINARY INFORMAL PROCESS**

Most routine complaints and grievances are best resolved informally in discussion with the employee's line manager. This can often lead to a speedy resolution of the problem.

Even if the employee submits a grievance under the formal procedure, or even if the matter is specifically excluded, managers should try to resolve the underlying problem as part of good management practice and not merely take a strictly procedure approach.

In certain circumstances it may, with mutual agreement, be helpful to seek external advice or assistance. An external facilitator may be able to resolve the problem.

Where the grievance cannot be resolved informally then it should be referred to the formal procedure.

## **8. FORMAL GRIEVANCE PROCEDURE - STAGE 1**

The employee should put the grievance in writing to the Headteacher, using the recognised pro-forma, shown in Appendix 1.

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 just and equitable reason for the delay.

A reasonable amount of detail should be given on the pro-forma. It is not sufficient to put generalisations e.g. "I wish to complain about victimisation". The nature of the grievance should be explained such as what is alleged to have occurred by whom and when. The employee should state what outcome he/she seeks by raising a formal complaint.

The Headteacher or nominee / trustee should hear the case within 10 working days. Both parties will be entitled to attend and with representation. All documentation and names of witnesses will be

distributed at least 3 working days before the hearing. The employee should be informed of the outcome, in writing, normally within 5 working days. If the grievance is not upheld, the employee must be informed of the right to take the grievance to a stage 2 hearing.

## **9. FORMAL GRIEVANCE PROCEDURE - STAGE 2**

If the employee is dissatisfied with the response at stage 1, she/he should notify the manager who heard the grievance at stage 1, within 5 working days from receipt of the response to the grievance at stage 1. The notification must be confirmed in writing, using the pro forma shown in Appendix 1, giving detailed reasons for wishing to progress to stage 2. This must give specific grounds such as why the employee is not satisfied with the outcome at stage 1 and what outcomes they are seeking at stage 2.

The manager will then submit the written notification of the employee's intention to take the grievance to stage 2 to the clerk of the trust, with any relevant documentation from stage 1.

The grievance will be heard by at least three trustees, normally from the Operations Committee, with advice from the trust's personnel service provider as necessary. The panel will hear within 15 working days.

The panel's decision will be final.

## **10. CONDUCTING STAFF GRIEVANCE HEARINGS**

Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

Panel chairs should:

- introduce members of the panel and ask others present to do the same
- check everyone has the same papers
- explain the way the meeting will be structured, including any time constraints
- provide opportunity for comments and clarification before commencement of meeting.
- advise that should it become necessary to adjourn the meeting a target timescale for this will be agreed at the meeting

The procedure should be as follows:

- the employee will introduce their submission, explain the relevance to the complaint and why they are dissatisfied with the stage 1 outcome
- the panel may ask questions during or after the employee's presentation
- the employee may present witnesses who may be questioned by the panel and the respondent
- the respondent and / or representative to the grievance may ask questions at the end of the presentation
- the respondent and / or representative will respond and the panel may ask questions during or after the presentation
- the employee (or representative) may ask questions at the end of the presentation

- both parties will have the opportunity to sum up beginning with the employee bringing the grievance
- the panel will have a final opportunity to clarify any points.
- the panel will then adjourn the hearing to consider the complaint. All parties except the panel and anyone advising will then withdraw

**11. PANEL DELIBERATIONS**

The Panel will consider what was said by all parties together with any written submissions.

If the panel are confident that they have sufficient information to reach a decision then the decision should normally be given verbally to all parties and in any event confirmed in writing within 5 working days.

The panel’s decision will be final.

**12. RECORD KEEPING**

It is important that accurate and contemporaneous records are kept throughout the process, including any initial informal process.

Records should be held in a secure and confidential manner. Often the issues raised by an employee are particularly sensitive and it is essential that information is shared on a need to know basis only.

**This model procedure has been agreed by the recognized trade unions and supersedes all previous Grievance Procedures.**

**Signed..... Date 13<sup>th</sup> December 2021**  
**Chair of Trustees**

**Signed..... Date: 13<sup>th</sup> December 2021**  
**Executive Headteacher**



Appendix 1

**GRIEVANCE PROCEDURE PRO FORMA**

This form is designed for all stages of the procedure  
PLEASE PRINT INFORMATION

NAME:	TRADE UNION:
PAY NO:	REPRESENTATIVE'S NAME:
DESIGNATION:	
DEPT:	CONTACT ADDRESS
SCHOOL:	
WORK TEL NO.:	

PART ONE - please continue on a separate sheet if necessary

NATURE OF THE GRIEVANCE
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Once completed send to your Line Manager or immediate Supervisor who will hear and determine your grievance.

RESPONSE BY MANAGER FOLLOWING INTERVIEW
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Local Manager to hear and respond within 10 working days of receipt of Stage 1 notification by the employee.

PART TWO - Please continue on a separate sheet if necessary

I wish to record that I am dissatisfied with the Stage 1 response for the following reasons:

Once completed to be given to the line manager who heard the grievance at Stage 1. WITHIN 5 WORKING DAYS of receiving the Stage 1 response.

The interview to be held and the response to be given WITHIN 15 WORKING DAYS of receipt of Stage 2 notification by the employee.

SPA EDUCATION TRUST GRIEVANCE PANEL DECISION FOLLOWING CONSIDERATION OF THE GRIEVANCE

The grievance will be heard within 15 WORKING DAYS AND a written response given in a further 5 WORKING DAYS.