THE SOCIETAS TRUST



Grievance Policy and Procedure

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Reviewed and Agreed by	The Directors' Board
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As an organisation, The Societas Trust believes that it is important that colleagues have the facility to raise any grievances relating to their employment and that these are dealt with promptly, fairly, consistently and without unnecessary delay. The purpose of this policy and procedure is to give you the opportunity to raise grievances either informally or formally.

Any reference to 'the employer' refers to The Societas Trust (the Trust).
The 'appropriate level of authority' will be determined according to the employer's scheme of delegation. This policy applies to all employees, referred to in this policy as colleagues and should also be read in conjunction with the Trust's Investigation and Formal Meeting procedures. The terms Trust and Academy are interchangeable.

The policy and procedure is also for immediate adoption by local governing boards for application to all colleagues employed in relevant schools and Academies.

The procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply once you have left employment with the employer.

1. General Principles

1.1 A grievance is a concern, problem or complaint that a colleague raises with the employer.

1.2 This procedure cannot be used as an additional means of appeal against a decision or sanction under another policy.

1.3 If you raise a grievance, or support someone in raising their grievance, you will be protected from detriment and will not be victimised or placed at any disadvantage as a result of raising or supporting a grievance.

1.4 If your grievance is proven to be knowingly malicious or vexatious, you will be subject to disciplinary action and formal action may be taken against you in line with the Disciplinary Policy and Procedure.

1.5 You can use this procedure either on your own or collectively with colleagues, otherwise known as a collective grievance.

1.6 The Trust is committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure where necessary.

2. Link with Other Policies and Procedures

The employer has various procedures for dealing with complaints, it may be that the grievance procedure is not the most appropriate to address your complaint. If the employer believes that is the case, you will be notified in writing.

2.1 Confidential Reporting (Whistleblowing) Policy and Procedure

If your complaint relates to possible malpractice, wrongdoing or illegal activities which you wish to report, the complaint should be made in accordance with the employer's Whistleblowing policy and procedure. However you may also raise the matter as a grievance under this procedure if you feel that you have been directly affected by the matter in question or believe you have been treated less favourably for raising the matter.

2.2 Disciplinary/Performance Improvement Policy

Where you raise a grievance during disciplinary/performance management proceedings

- The disciplinary/performance management proceedings may be temporarily suspended in order to deal with the grievance or
- The grievance and disciplinary/performance management may be run concurrently where they are related

2.3 Complaints related to pay and or grading

There are separate policies and procedures for dealing with complaints about grading or job evaluation. These processes are detailed in the Pay Policy.

3. Managers Responsibility

3.1 All managers should:

- Comply with the requirements set out in this policy and procedure and wherever reasonably possible observe the time scales
- Ensure that they treat the process as confidential
- Promote and operate the grievance policy and consider any grievances fairly and thoroughly
- Try to resolve the grievance without delay
- Where appropriate, ensure that mediation is explored and offered to parties as a way of resolving the grievance before it reaches the formal stages
- Create and maintain a good working environment while the grievance is being handled

- Personally support all parties affected by the grievance
- Ensure that notes are kept and shared with the parties as appropriate

4. Status Quo

4.1 For the purposes of this procedure, 'status quo' means the working arrangements or practices in place immediately before the event causing the grievance.

4.2 The status quo will apply (except where working practices are dangerous, where there would be a breach of statute, or where there would be a significant impact on colleagues welfare) until the issue has been resolved or the formal stages of the procedure have been completed.

5. Right to be Accompanied

5.1 You have the right to be accompanied by a companion at any meeting as part of the grievance procedure. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union.

5.2 The companion is allowed to address the meeting, to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer with you during the meeting; however, they cannot respond to questions posed to you.

5.3 Under this procedure, you do not have the right to be accompanied by anyone else (such as a spouse, partner or other family member, or legal representative) apart from those people already referred to above.

5.4 It would not normally be reasonable for you to insist on being accompanied by a companion whose presence would in the opinion of the employer prejudice the meeting nor might it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if a suitable and willing colleague was available.

5.5 Where appropriate, eligible colleagues, for example those with disabilities or language barriers, may have the attendance of an additional appropriate support person, such as an interpreter.

6. The Grievance Stages

6.1 Stage 1 - Informal Procedure

The Trust has access to qualified facilitators and/or mediators and employees should consider this before instigating the informal grievance procedure.

Many issues or concerns can be dealt with on an informal basis, outside of the formal grievance procedure through discussion with your line manager and we would encourage this. You should make it clear to your manager that you are raising your grievance informally and you should clarify what outcome you are seeking. You must give your manager 10 working days to deal with your complaint informally.

6.1.1 If your complaint is about your line manager then you can discuss the matter with your headteacher in the first instance. No action will normally be taken unless agreed with you first.

6.1.2 If your complaint is about your Head Teacher and / or any member of the Local Governing Board, then you should contact the Chief Executive Officer to discuss the matter in the first instance. No action will normally be taken unless agreed with you first. If your complaint is about the Chief Executive Officer or any member of the Trust Board, you should contact the Chair of the Trust Board in the first instance.

6.2 **Stage 2 – The Formal Procedure**

If your grievance has not been resolved informally or you feel that the informal process is not appropriate, then you can raise the matter formally. To do this, you (or your companion) must put your complaint in writing to your line manager making it clear that you wish to raise the matter as a grievance. If the grievance concerns your line manager, then you should send your grievance to your headteacher. If your grievance concerns your Head Teacher and / or any member of the Local Governing Board, then you should send your grievance to the Chief Executive Officer – ceo@societastrust.org.uk

6.2.1 Your complaint should explain the basis of your grievance, and it will be helpful to include any relevant dates, facts and any thoughts you may have on the outcome you are seeking.

6.2.2 If you choose to follow the formal route, on receipt of the grievance the manager will:

- arrange a meeting with you to discuss the grievance
- ensure the meeting is in private
- respect your confidentiality
- take notes of your grievance at the meeting
- carefully consider all the points raised and agree with you any steps or actions to try and resolve the grievance.

6.2.3 Where reasonably practicable, the meeting will be held within 10 working days of receipt of the written grievance and sooner where the grievance is related to harassment or bullying.

6.2.4 Depending on your grievance, your complaint may need to be investigated and the meeting may need to be adjourned. A further meeting will be arranged with you following the investigation. You will be kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible, in line with the Investigations Procedure.

6.2.5 Once your grievance has been considered the manager in receipt will usually write to you with the outcome within 10 working days. You will also be advised of your right of appeal should you be dissatisfied with the decision and to whom your appeal should be made.

6.3 **Stage 3 – The Appeal**

If you are not satisfied with the outcome at stage 2, you may appeal the decision. Your appeal must be in writing and set out the grounds of your appeal in line with the list below and include all the information you wish to rely on at the appeal meeting. You must send your appeal to the Chief Executive Officer[1] / Chair of the Directors' Board[2] within 5 working days of the date you received the letter notifying you of the grievance decision.

6.3.1 You must be appealing against either:

- the finding that your grievance was not upheld where the evidence does not support this finding
- the fact that you feel the correct procedure was not followed
- the fact the new evidence has come to light that would change the outcome
- the outcome is inconsistent with how others have been treated

6.3.2 You will be invited to the meeting in writing in accordance with the Formal Meeting/Hearing/appeal Procedure. You will be given reasonable notice of the appeal meeting and any suggestions you have for resolving the grievance. You have the right to be accompanied at the appeal meeting by your companion.

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[1] In schools and Academies the appeal hearing should be conducted by a Panel of Local Board Governors

[2] Where the grievance concerns the head teacher, the appellant should write to the Chair of the Directors' Board. The appeal hearing should then be conducted by a Panel of Trust Board Directors

6.4 **Outcome**

The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The Chief Executive Officer will either recall the colleague to the appeal hearing or will write to the colleague confirming their decision. The appeal outcome will usually be confirmed in writing within 10 working days of the appeal hearing. There is no further right of appeal.

In some circumstances and with the agreement of both parties the employer may agree to appoint an independent mediator or conciliator which may include ACAS or another person acceptable to both parties.

7. Records

7.1 At the end of each formal stage of the grievance procedure, the manager hearing the case will send you written confirmation of the decision, usually within 10 working days following the meeting. The letter will record the outcome and any terms of any agreement reached in resolving the grievance/dispute. At stage 2 the letter will also explain who you can appeal to if you are still not satisfied.

7.2 A copy of the outcome letter and any formal meeting notes will remain on your personnel file.

8. Ex-employees

The Trust may decide to hear an ex-employees grievance, using a shortened procedure, especially where concerns are raised that may affect other employees.

9. Effective Date

9.1 This procedure was adopted by the employer after consultation with the Trade Unions.

9.2 The Chief Executive Officer will periodically review this procedure following changes in employment law and in consultation with the JCNC.