



GRIEVANCE PROCEDURE

Approved by: Cumbria Education Trust Board

Date: 22 June 2016

Review Date: To be reviewed annually and updated as required following changes in legislation

Owner: Human Resources Manager, Cumbria Education Trust

Introduction

1. There are issues that can cause grievances in school and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation.
2. Where your grievance relates to a matter covered by another procedure for example pay, bullying, harassment, probation or whistleblowing, then the matter will be dealt with accordance with the relevant procedure or policy.
3. It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.
4. The Trust will strive to prevent you from being victimised as a result of the grievance or any subsequent investigation/management action. However, if your grievance is frivolous, vexatious or malicious, or without justification, it could lead to disciplinary action against you.
5. You cannot use this procedure to raise grievances about an event or events that occurred more than three months ago, unless in the following exceptional circumstances:
 - You can show in a harassment or discrimination grievance that the events were directly related to the current incident that has led to your grievance/complaint
 - You were unable to raise your grievance until you had returned to work after a lengthy absence which took you out with the time frame above.
6. This procedure applies to all employees regardless of length of service. It does not form part of any employee's contract of employment and we may amend it at any time.
7. This Grievance procedure cannot be used as an extra appeal in respect of:
 - Capability Procedure
 - Redundancy selection
 - Pay and grading
 - Disciplinary dismissal or disciplinary sanctions
 - Sickness absence
 - Probation

USING THIS PROCEDURE

STAGE 1 Informal stage

1. If you have a grievance you should raise it informally (either orally or in writing) with
 - your Headteacher, or your line manager, or the Executive Headteacher if the grievance is against the Headteacher, or Chair of the Trust Board if the grievance is against the Executive Headteacher, or
 - the perpetrator, that is the person who is perceived to be upsetting you, making you feel aggrieved, or
 - your trade union representative.

You do not have the right to be accompanied by your trade union representative at this stage but you are encouraged to seek their guidance.

2. You should advise your manager by email or letter that you have a grievance, which you are attempting to resolve informally.
3. You may ask (in writing – by email or letter) that an informal meeting takes place with your manager to discuss the nature of the grievance and the steps you have taken or are taking to seek to resolve the grievance. You should state clearly what remedy you are seeking to resolve your grievance.
4. If you are successful in resolving the grievance, you should notify your manager by email or letter.
5. If the grievance cannot be resolved informally or you do not consider that informal resolution will be possible, you can request that it is considered under “stage 2” below as a formal grievance. In this event, you should use the Employee’s Notification of Grievances Form (Appendix A) to state your grievance and the remedy you are seeking. The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates and names of individuals involved. In some situations, we may ask you to provide further information. You may seek assistance from your trade union representative to do this. If you wish to submit written evidence in support of your grievance, include it with the form.
6. You should send the completed Employee’s Notification of Grievance Form (Appendix A) to your manager. If your grievance relates to your manager, send it to the Headteacher, or the Executive Headteacher if the grievance is against the Headteacher, or Chair of the Trust Board if the grievance is against the Executive Headteacher.

STAGE 2 Formal Stage

1. On receipt of the Employee’s Notification of Grievance Form (Appendix A), depending on who your grievance relates to, the appropriate designated Senior Manager will invite you to a meeting to enable you to explain your case and to consider how to deal with your grievance taking account of: -
 - The nature of your grievance and your explanation of this
 - What have you done so far to resolve the issue?
 - Have you clearly identified a potential resolution on your completed Employee’s Notification of Grievance Form (If you have not you will be asked

- to do so)?
- Does your grievance require any immediate action to be taken?

You can be supported by your trade union representative or a work colleague at this meeting.

2. The aim of the meeting is to find a way forward. Success is far more likely if a potential solution can be identified and agreed. Your manager will consider the options set out below, and will inform you of the way they intend to resolve the matter:

Options for the Senior Designated Manager

- (i) take any appropriate immediate action to resolve the grievance;
 - (ii) speak to the subject (perpetrator) of your grievance and/or other parties involved on your behalf.
 - (iii) decide (with your agreement) that both sides should meet further to discuss the issue.
 - (iv) call in a third person (for example an HR Adviser or a mediator) to help resolve the problem. Before this starts a commitment to accept mediation will be required from everyone involved, otherwise it will not work. If mediation does not resolve your grievance, the stage 2 grievance procedure will resume to find an alternative resolution.
 - (v) advise you, and any third parties, that a formal investigation will be required. We may initiate an investigation before holding a grievance meeting where we consider this appropriate. Your manager will advise you in writing of the arrangements for the investigation, which should normally commence within 15 working days of receipt of the Notification of Grievance Form (Appendix A). You can be supported by your trade union representative or a work colleague at the investigation meeting.
3. Once the Chair of the Trust Board, Executive Headteacher, your headteacher or manager has taken the appropriate action and made their decision on your grievance, they will confirm the outcome to you in writing, normally within 28 working days of receiving your Notification of Grievance Form (Appendix A), setting out
 - a. Whether your grievance has been upheld, either fully or in part;
 - b. what action they have decided to take to resolve your grievance;
 - c. your right of appeal under this procedure.
 4. Although the projected timescale for notification of the outcome is within 28 days of the Notification of Grievance Form (Appendix A) being received by the Chair of the Trust Board, Executive Headteacher, your headteacher or manager, grievances frequently take longer to resolve, owing to the complexity of grievance issues, the time required to obtain evidence and scheduling the availability of all involved.
 5. Once the conclusion is reached, the Chair of the Trust Board, Executive Headteacher, your Headteacher or manager will inform you, and the subject of the grievance of their decision, and any follow-up action which may be required. This written notification will include your right of appeal.

STAGE 3 - Appeal

If the grievance has not been resolved to your satisfaction you may appeal in writing, setting out

the grounds of your appeal, within ten working days of receiving the written confirmation of the decision. You must do this in writing to the Clerk to the Trust Board.

1. Your appeal will be heard by a Panel of the Trust Board who have not been directly involved in the matters connected with this grievance to date. The panel will elect a chair.
2. The purpose of the appeal will be to:
 - a. review the reasonableness of the original decision and, if necessary, determine an alternative outcome (if the original decision is unreasonable and/or if it would resolve the grievance).
 - b. consider whether the procedure has been followed correctly.

3. Appeals Procedure

- You or your trade union representative or work place colleague, will state the grounds for appeal and call witnesses you feel will support your position. A different grievance or grievances cannot be raised at this stage. If any new evidence relating to your original grievance is raised at the appeal, which is considered by the panel to be material to the outcome, the panel may determine to continue with the hearing and consider these matters as part of the hearing or to adjourn the hearing to enable these matters to be considered by both parties. The hearing will then be reconvened for another date.
- You and your witnesses may be cross-questioned by the presenting manager or their representative, (the manager who made the original decision) and the appeal panel to obtain further clarification.
- The presenting manager may respond and may call witnesses.
- The presenting manager and any witnesses may be cross-questioned by you or your representative and the appeal panel.
- Both parties may sum up evidence - firstly the presenting manager and then you or your representative.
- The appeal panel will adjourn to consider the outcome.

4. Outcomes available to the panel are:

- a) To uphold the appeal in full and propose an appropriate way forward;
- b) To uphold the appeal in part and propose an appropriate way forward;
- c) To reject the appeal and propose an appropriate way forward, if necessary.

5. The decision and the reasons for coming to the conclusion will be confirmed in writing usually within 5 working days to you and at the Trust's discretion and as appropriate, to any other parties named in your Notification of Grievance Form (Appendix A). This is the end of the procedure and of the appeal hearing. There is no further appeal.

COUNTER CLAIMS

Should you raise a grievance about formal managerial action being taken against you, the Chair

of the Trust Board, Executive Headteacher, Headteacher or manager who receives a counter claim will consider and decide upon the following course of action/options: -

- i. agree that the counter claim should be considered simultaneously with the formal action already being taken, which means that you will be able to refer to it as part of your defence; or
- ii. determine that the nature of the "counter claim" means that the formal action will be deferred pending an investigation into your lodged grievance. After this investigation is completed, the Chair of the Trust Board, Executive Headteacher, your Headteacher or manager may recommence the formal action taking into account the findings from the investigation; or
- iii. postpone the formal action, to allow the grievance to be considered first, returning to the formal action thereafter, as appropriate.

The Chair of the Trust Board, Executive Headteacher, your Headteacher or manager will take HR advice before deciding which course of action should be taken. If the manager or headteacher concerned is implicated in the counter claim, the Executive Headteacher or Chair of the Trust Board may decide to nominate a different manager or a member of the Trust Board or Local Advisory Board to consider the complaint. (Note: a counter claim does not mean that the formal action will be set aside or discontinued).

A counter claim may also be lodged against you by the alleged perpetrator of the problem. The Chair of the Trust Board, Executive Headteacher, Headteacher or manager must respond to the counter claim and should decide which of the above "options" they wish to follow. They must notify both parties that a counter claim has been received.

APPENDIX A

EMPLOYEE'S NOTIFICATION OF GRIEVANCE

This form should be used to submit a grievance in accordance with Stage 2 of the formal Grievance Procedure, adopted by the Trust Board.

You (with advice from your trade union representative if appropriate) should complete the form and hand it directly to the appropriate manager or email him/her with the subject title 'personal, private and confidential-addressee only'. You are advised to keep a copy.

1. Name:

Post held:

2. Describe briefly

2.1 The nature of your grievance (continue on a separate page if necessary)

2.2 When did you first raise your grievance, and with whom?

2.3 What action has been taken on your grievance at the informal stage (Stage 1)?

2.4 What steps or action do you want to be taken as a remedy for your grievance?

3. Has your trade union or professional association representative been informed? YES/NO
- If YES: (a) do you wish the representative to receive correspondence? YES/NO
- (b) please identify the representative and where/how he/she may be contacted.
Please include an email address and telephone number

Printed name:

Signed:

Date: