

THE EDUCATION VILLAGE ACADEMY TRUST



GRIEVANCE POLICY & PROCEDURE

EVAT Version Control Document

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V1.0	10 November 2021	Marie Roe	Marie Roe	New policy	Board of Trustees	01.12.21
V2.0	25.01.23	Rachel Inchiliffe	Rachel Inchiliffe	Change of delegation schemes	Board of Trustees	
V2.0	09.03.23	Rachel Inchiliffe	Wendy Turpin	Final version following approval	FARRC	03.03.23

Monitoring and review

This policy is reviewed annually by the Policy Owner: **Rachel Inchiliffe**

The scheduled review date for this policy is **March 2024**

Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
 - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **A**mbition and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **T**eamwork
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

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N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both.

Statement of Intent

The Education Village Academy Trust (EVAT, or the Trust) works to develop good, professional relationships between colleagues; however, it is understood that sometimes conflicts may arise. By maintaining open communication, staff members should feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the Trust and its academies aim to:

- Provide a platform for grievances to be processed and handled fairly and consistently
- Constructively resolve grievances in a way that avoids damaging professional relationships
- Enable any employee to have their grievances heard and addressed
- Encourage a harmonious working environment.

Legal Framework

This policy has due regard to all relevant legislation and guidance, including but not limited to the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Equality Act 2010
- ACAS (2015) Code of Practice on Disciplinary and Grievance Procedures.

This policy also operates in conjunction with the Trust's:

- Code of Conduct
- Managing Allegations Against Staff Policy
- GDPR Data Protection Policy
- Whistleblowing Policy
- Equality, Diversity and Inclusion Policy
- Disciplinary Policy and Procedure
- Pay Policy.

Scope of the Policy

This policy and its procedures apply to all Trust employees, including the Chief Executive Officer (CEO) and the Executive Leadership Team.

When to raise a grievance

Grievances can be raised when employees have issues with the following (note - the list is not exhaustive):

- Terms and conditions of their employment
- Health and safety within the Trust or individual academies
- Work relationships
- Bullying or harassment
- Working practices
- Organisational changes
- Discrimination.

Staff will be aware of the difference between this policy and the Trust's Whistleblowing Policy and will ensure that they report concerns and grievances appropriately.

This policy does not apply to:

- Personal disagreements between employees that are not connected with their duties within the Trust or its academies
- Restarting grievances that have since been closed unless the facts of the matter have changed. If there has been a change in facts, this policy should be followed
- Pay gradings – these are addressed by the Trust's Pay Policy.

If staff members are raising a concern regarding the safeguarding of children or vulnerable adults, the Trust's policies on Child Protection and Safeguarding and Managing Allegations Against Staff and Volunteers should be followed. No further action will be taken in line with this policy until an investigation implemented under either or both of those Trust policies is complete.

How to raise a grievance

Staff members will raise any initial grievances with their line manager and People Team by writing a letter outlining their grievance. The line manager will conduct an informal meeting with the staff member raising the grievance.

Pending the nature of the grievance – these can be investigated by other members of Executive Leadership Team, COO or CEO. Grievances will be looked at on a case by case basis for the purposes of investigation / resolution on advice from the People Team.

Initial grievances will be raised within **sixty days** of the incident that led to the grievance. If staff members raise a grievance outside of this timeframe, the Trust will take no further action. This is because, the longer the time that elapses between the

incident that led to the grievance and the grievance being raised, the more difficult it will be to establish the facts. Only in exceptional circumstances will the timescale be varied and only when both the Trust and the staff member agree on the appropriate timescale.

Collective grievance

Where a complaint is raised by a group of staff members about a matter related to their employment, the case should be presented by one Trade Union representative.

Where several staff members are not a member of a Trade Union and they wish to raise the same grievance, lodging their complaint as a group, they are required to submit individual statements about their grievance.

If each of the complaints is raised as a formal grievance, and as long as the issue is of a similar nature in each case, they will be dealt with in one hearing through the Trust's grievance procedures.

Outcomes of collective complaints will be advised to each individual on a personal basis.

Initial Handling of a grievance

All information processed during a grievance will be kept in accordance with the Data Protection Policy.

Staff members have the right to be accompanied at all stages of a formal procedure and may choose to bring a companion to the information stages. The staff member's companion will be either a:

- Colleague (who does not have a conflict of interest)
- Trade Union official

Companions will not:

- Answer questions on the staff member's behalf
- Address the hearing if the staff member does not want them to
- Pose a conflict of interest to the grievance being raised
- Prevent the employee from explaining their case.

When arranging meetings, the Trust will provide adequate time for the staff member and their companion to prepare.

The Informal Stage

Staff members will first submit their grievance to their line manager so the grievance can progress through the informal stage. Line managers will inform the

Principal/COO and the People Team that an informal grievance has been raised. At this stage, the identities of those involved should be kept confidential.

The purpose of the informal stage is to resolve the issue in an open, honest and positive way, to avoid escalation to the formal stage.

The informal meeting will take place within **five working days** of the grievance being raised. The line manager will arrange a time for an informal meeting and the staff member will be informed of this in writing. If the staff member is unable to attend, the line manager will arrange another suitable time.

In the informal meeting, the line manager will determine:

- What the staff member is concerned about
- What outcome the staff member is seeking
- Whether further meetings are required and if escalation to the formal stage is required

The line manager will keep notes during the informal meeting and the staff member will be provided with the notes immediately. At the end of the informal meeting, the line manager will agree what action will be taken to achieve the appropriate outcome and by when. The line manager will provide the staff member with a written outcome letter within five working days of the meeting. A copy of these notes and outcome letter will be saved on the employee's personal file.

If the grievance relates to another staff member, that staff member will be informed in writing within five working days of the meeting and the line manager will hold a separate meeting with them to explain. The identity of the person raising the grievance will not be provided to any other staff member.

If the working relationship between staff members for which the grievance is concerned is breaking down, the line manager will consider whether seeking assistance from the Principal/COO or the People Team is appropriate.

If a resolution cannot be found during the informal stage, the employee raising the grievance may be advised to escalate the matter to a formal grievance. Details of the formal grievance should be provided in writing and should be provided no later than **ten working days** from the date the informal meeting took place.

Grievance hearing – formal stage

The staff member will write a statement of the grievance, which will include:

- A brief description of the events that led to the grievance, including names and dates
- An account of how the events made the staff member feel
- What actions the staff member has taken to resolve the grievance
- The outcomes the staff member is hoping for.

Line managers will provide the written statement to the Principal/COO, who will advise the People Team. Staff members will be advised to keep a copy of their written statement. Once the Principal/COO receives the written statement, they will, in liaison with the People Team, invite the staff member to a formal meeting within **ten working days**.

If the staff member or their companion is unable to attend the scheduled meeting, a suitable alternative date will be arranged. If the staff member is unable or unwilling to attend the meeting without good reason, the Principal/COO and People Team will decide based on the available evidence.

The Principal/COO will lead the meeting and they will ensure the staff member has the opportunity to explain their grievance. The Principal/COO will attempt to resolve the grievance at this meeting, as long as no investigations are required, e.g. no fact finding is required. The Principal/COO will take minutes during the formal stage meeting. A note taker may also be present to support the Principal/COO if the resource is available and it is appropriate to do so. The minutes will be kept confidential and safe, in line with the Data Protection Policy. An electronic version of the minutes will be shared with the staff member within one working day. The staff member will be asked to sign and date the document as a true record. A copy of which will be saved on the employee's personal file.

If no resolution can take place during the formal stage meeting, an investigation will take place and a further meeting will be held within **fifteen working days**.

Grievance investigation

The Principal/COO (or the CEO in the case of a grievance against a Principal/COO) the matter should be referred to the Chair of the Board of Trustees, who will appoint an investigating officer. This investigator may be an independent external investigator.

- A fact-finding investigation
- A full investigation

The Principal/COO will determine which type of investigation is required on a case-by-case basis. Following the initial formal meeting, the Principal/COO may need to conduct a fact-finding investigation before resolving the grievance. Fact-finding investigations will be conducted in a professional, timely and non-intrusive manner. These investigations may involve interviews with line managers and email searches.

The investigation officer will not be responsible for determining the outcome of the grievance – this responsibility lies in line with the scheme of delegation.

Grievance outcome meeting

Once the investigation report has been received, a grievance outcome meeting will be arranged, to which the staff members concerned and their companions will be invited. At this meeting, staff members will be given an opportunity to answer any questions arising from the investigation.

At the grievance meeting, the chair may decide to invite witnesses e.g. the investigation officer to answer questions. The chair and staff members concerned will also be permitted to ask witnesses questions. Staff members will also be permitted to invite witnesses to this meeting.

Once all the information has been presented, the chair will adjourn the meeting to make their decision. The chair will consider each side of the grievance and make a decision – this will be recorded in the outcome letter. The outcomes possible following a grievance outcome meeting are as follows:

- The grievance is upheld in full
- The grievance is rejected in full
- The grievance is partially upheld e.g. there is validity to some of the grievance
- Mediation

A partially upheld outcome will not be used as an outcome when a decision cannot be made. Sometimes, mediation may be used as an outcome. This will involve all parties collaborating to find an acceptable outcome.

The chair will write an outcome letter **within five working days** of the formal grievance meeting and provide a copy of this to the staff members concerned. The letter will include information on:

- The chosen outcome
- The reasons for the decision
- Any facts the Principal/COO has ascertained in coming to their decision
- Any recommendations or agreed actions to take
- The employee's right to appeal the decision.

If it is necessary and appropriate to take disciplinary action, the Principal/COO, CEO and Trustees (if appropriate) will meet to determine the appropriate action in line with the Disciplinary Policy and Procedure. Disciplinary action will be proportionate and may include, but not be limited to the following actions:

- Re-training
- Letter of Management advice
- Written warning (First/Final)
- Suspension with pay
- Termination of employment.

Gross misconduct may result in the staff member's contract of employment being terminated.

Where a grievance is raised against a staff member during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. However, where the grievance and disciplinary cases are related, the disciplinary procedure should not be unnecessarily delayed and the Trust may deal with both issues concurrently.

Appeals

Where employees wish to appeal the outcome of a grievance, they are entitled to do so within **five working days** of receiving the outcome letter.

To raise an appeal, staff members will submit their appeal in writing to the named contact on the grievance outcome letter.

The appeal should state specifically why the employee feels the formal grievance resolution is unsatisfactory and what outcome they're seeking.

- The appeal will be acknowledged within five working days
- An appeal meeting will be arranged within ten working days
- The investigation officer will be invited to the meeting

The appeal will be heard by an appeal panel and a representative from the People Team will be in attendance to provide advice and guidance to the Appeals Panel. The Appeal Panel will comprise of a minimum of two Board Members.

The staff member will be given a minimum of five working days to prepare. The staff member will also:

- Be given the opportunity to explain their case at the meeting
- Be permitted to bring a companion
- Not introduce new grounds for raising their concern.

When the panel has heard all of the information, including the rationale for the original judgement, they will make a decision on the outcome. Decisions possible include one of the following:

- The appeal is upheld and the panel decides to implement the resolution proposed by the employee
- The appeal is upheld and the panel decides to implement an alternative resolution
- The appeal is dismissed and the decision of the original hearing is accepted by the panel.

The outcome decision will be provided to the staff member in a written letter within **five working days** of the appeal meeting. The panel's decision will be final and will be the end of the process.

Malicious grievances

Disciplinary action may be taken against staff members making malicious grievances. Bullying, harassment or victimisation will not be tolerated.

All staff members will be made aware of the Trust's Code of Conduct and will act in accordance with it. All staff members will adhere to the Equality, Diversity and Inclusion Policy.

Former staff members

In cases where a former staff member raises a grievance after employment has terminated, the Trust is not obliged to follow this policy.

Records

Records of meetings and discussions relating to the grievance should be written during or as soon after the event as possible, to ensure accuracy. Written records should be circulated to all parties to allow for amendments and clarifications as required.

All records relating to grievances, should be retained and used in accordance with the GDPR 2018 and other data protection legislation.

Monitoring and review

The COO and Trust Board will review this policy on an annual basis. The next scheduled review date for this policy is December 2023.

Any changes made to this policy will be communicated to all employees immediately.

Public Sector Equality Act

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, marriage and civil partnership, sex and sexual orientation.