

## DEMAT Grievance Procedure

In the development of this policy consideration has been given to Equality and Diversity and Data Protection.

### Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We do not discriminate against staff based on age, race, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, gender, gender reassignment, gender identity, marriage and civil partnership status, pregnancy and maternity, sexual orientation, disability, socio- economic background or any other inappropriate distinction or characteristic covered by the Equality Act 2010.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers, contractors.

### Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

	Version	Date
Date of EPM Model Policy used as a baseline by DEMAT	1	September 2018
Date approved by the DEMAT Personnel Committee	2	November 2018
Date on which the DEMAT consulted with the unions	2	October 2018
Effective date as determined by DEMAT	2	December 2018
Policy to be reviewed annually from date last approved by DEMAT Personnel Committee		October 2020

For all questions in relation to this policy please contact the DEMAT HR Manager on 01353 656760 or contact the HR team at: [HRteam@demat.org.uk](mailto:HRteam@demat.org.uk)

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### Definitions

“Headteacher” also refers to any other title used to identify the Headteacher where appropriate.

“Senior Manager” refers to any Senior Manager within DEMAT. This may be either a Director/Senior Manager from the Shared Services Team or within a constituent academy.

“Employee” refers to any member of staff, namely teaching, support and central team staff employed to work within DEMAT.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

“Adviser” refers to any DEMAT Officer duly appointed to the role by the CEO.

“Appeal Committee” refers to the group of people that may be convened to hear an appeal against a written warning or dismissal.

In cases relating to employees within the DEMAT shared service team, the term ‘Chair of Governor’ or ‘Governor’ to be replaced by DEMAT Senior Manager. The CEO may exercise discretion in appointing a Senior Manager to deal with school-based grievance issues, depending on circumstances (e.g. impartiality, capacity to carry out a prompt investigation/hearing).

### Application of the Policy

This policy is to be used by all employees employed by the Diocese of Ely Multi-Academy Trust (DEMAT). The above definitions are included for reference purposes for both School and Central Team staff to enable clarity and transparency when applying this policy.

## 1. General Principles

- 1.1. There are a number of issues that can cause grievances at work 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. The aim of this procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- 1.2. Where the grievance relates to a matter covered by another procedure for example pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure.
- 1.3. Where an employee raises a grievance during any existing process or procedure that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. Management will have discretion to decide which option is appropriate, in all circumstances.
- 1.4. The procedure applies to all employees including the Headteacher and members of the leadership team, full and part-time, permanent and temporary employees. If it is the Headteacher who has a grievance, then the Director of School Improvement is the person to whom the Headteacher should refer to at Stage 2. If the Headteacher's grievance is not resolved at that stage, the matter should be referred to Stage 3. If individual governors are the subject of the grievance, such person(s) shall not sit with the Appeal Committee but may attend the Appeal Meeting to present their case.
- 1.5. This procedure does not form part of any employee's contract of employment and it may be amended at any time. Where appropriate, the policy will be consulted on with recognised trade unions.
- 1.6. An employee who is a member of a trade union may consult their union representative or raise the issue informally with their immediate line manager before seeking to raise the matter formally.
- 1.7. Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them promptly and in a timely manner. There should be no attempt to block an employee's wish to raise the grievance at a higher level.

- 1.8. Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.
- 1.9. At any stage of the procedure the Headteacher and/or senior manager from the DEMAT Executive may refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the position of both parties in the procedure.
- 1.10. The Headteacher and/or senior manager may wish to take advice from the Trust HR Manager before considering a grievance.

## **2. Stages of the Grievance Procedure**

### **2.1. Stage 1: Raising Grievances Informally**

Most grievances can be resolved quickly and informally through discussion. If an employee feels unable to speak to the person causing the grievance, then the employee should speak informally to their immediate line manager. If this does not resolve the issue, the employee should follow the formal procedure below.

If the employee's grievance is against the line manager personally, the grievance may be referred directly to Stage 2.

### **2.2. Stage 2: Formal Grievances**

If the employee is not satisfied their concerns have been addressed informally, the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher or their line manager/senior manager within the DEMAT Shared Services Team. The Employee should use the Notification of Grievance Form (Appendix A) to state the grounds of their grievance and the remedy that is being sought.

The Headteacher/senior manager will normally meet the employee to hear the grievance and reply as soon as possible, normally within 5 working days, even if it is only an interim reply pending further investigation. The Headteacher may be accompanied by another employee, or the Trust HR Manager.

An employee may bring a Companion (see terms of reference) to any formal grievance meeting or appeal meeting under this Stage 2. An employee must tell the person holding the meeting who their chosen Companion is, in good time before the meeting.

At any grievance meeting or appeal meeting, an employee's Companion may make representations and ask questions, but should not answer questions on the employee's behalf.

If an employee's chosen Companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative Companion.

It may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the complaints and will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents.

The employee must co-operate fully and promptly in any investigation. This may include informing those handling the investigation of the names of any relevant witnesses, disclosing any relevant documents and attending interviews.

An investigation may be started before a grievance meeting is held where this is considered appropriate. In other cases a grievance meeting may be held before deciding what investigation (if any) to carry out. If appropriate and/or necessary, in those cases a further grievance meeting may be held with the employee after the investigation and before a decision is reached. This approach may sometimes be deemed appropriate if the Notification of Grievance Form has identified significant detail which can be reviewed in advance to assist in the discussion or, if there is to be a delay (e.g. due to school closure periods) and therefore to conduct the investigation will ensure the matter continues to be dealt with in a timely manner, minimising delays.

The Headteacher will write to the employee, following the grievance meeting, to inform the employee of the outcome of the grievance and any further action that will be taken to resolve it.

If the employee raising the grievance is not satisfied with the outcome then the employee may appeal in accordance with Stage 3 below.

### 2.3. Stage 3: Grievance Appeal

If the grievance has not been resolved to the employee's satisfaction they may appeal in writing, to the chair of the local governing body, setting out the grounds of their appeal, within 5 working days of receiving the written confirmation of the original decision. The employee must detail how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.

The appeal will normally be heard as soon as possible after receipt of the appeal letter, by an Appeal Committee of one or more people, convened by chair of the local governing body.

The Appeal Committee may have an HR adviser attend the meeting who may also be involved in its private deliberations but whom will be involved in an advisory capacity only. The HR adviser, who should not have had any previous involvement in dealing with the grievance, shall not have a vote in the decision of the Appeal Committee.

The Appeal Committee will confirm its final decision in writing, as soon as reasonably possible after the appeal meeting. This is the end of the procedure and there is no further right of appeal.

## Appendix A

### Employee Notification of Grievance

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

Send the completed Employee's Notification of Grievance Form (Appendix A) to your Line Manager. If your grievance relates to your Line Manager, send it to the Headteacher. If your grievance relates to your Headteacher or the Chair then send it to the Director of School Improvement at DEMAT. If you are a member of the shared services team then send it to the DEMAT HR Manager. You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

1. Name: \_\_\_\_\_

Post held: \_\_\_\_\_

2. Describe briefly:

2.1. The nature of your grievance. Please include all relevant evidence including facts, dates and names of people involved and any witnesses. (continue on a separate page if necessary)

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

2.3. Is this a one-off issue or part of a chain of events?

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

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

3. If you are member, have you informed your trade union or professional association representative? YES/NO
- If yes: do you wish the representative to receive correspondence? YES/NO
- If yes: please identify the representative and provide email and postal addresses and telephone number YES/NO

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_