



Grievance Procedure

Approval Body:	MST Board
Approval Date:	June 2020
Implementation Date:	June 2020
Review Date:	As Necessary – October 2020 Tower Hamlets are carrying out a substantial review of this policy over the summer. This will need to be reviewed again in line with this.
Policy Version:	3

Version Control

Version	Reviewed	Changes since last version
1	Existing	<ul style="list-style-type: none">• Upon Conversion of the Trust agreed to adopt London Borough of Tower Hamlets Policy
2	June2019	<ul style="list-style-type: none">• Updated based on Tower Hamlets Changes
3	June 2020	Minor changes to refer to legislation.

Upon Conversion of the Trust agreed to adopt London Borough of Tower Hamlets Policy

1. GENERAL

This procedure applies to all employees of the Trust.

It is an agreed procedure by which individual grievances can be determined in a fair and equitable manner as close to their source as possible. Please refer to 'Scope of the Procedure' for guidance on what issues may or may not be determined under this procedure.

It should be stressed that the Grievance Procedure is not a substitute for sound employment practices, and employees and managers alike are strongly encouraged to try and resolve grievance situations before they reach the formal stages of this procedure.

Where a grievance is against the Headteacher, the CEO will carry out the informal investigation and the Chair of Governors will conduct the formal hearing stage of the procedure. In such instances, the employee's right of appeal will be to the Chair of the Mulberry Schools Trust Board.

2. AIMS OF THE PROCEDURE

- (a) To determine individual grievances relating to employment quickly and equitably;
- (b) To enable any employee to have their grievance heard by management and seek appropriate redress;
- (c) To determine individual grievances as close to their source as possible;
- (d) To promote sound employment practices and encourage a harmonious working environment.

3. SCOPE OF THE PROCEDURE

(please note that this list is not intended to be exhaustive)

- Working conditions/conditions of service, eg. unequal distribution of project work.
- Duties of an employee, eg. duties which could result in undermining the position of an individual within the school, regular requests to carry out duties that are not commensurate with the grade of the postholder.
- Victimisation – an individual feels that they have been treated oppressively in revenge; harassment not covered by the school's anti-harassment procedure.
- Salary/grading issues arising from job applications, job interviews or non-appointment.
- The procedure can be used for individual and collective grievances, but must not be used for matters which should more properly be discussed within normal joint consultative machinery that has been agreed with Trade Unions.

4. EXCLUDED FROM THE PROCEDURE

- Day to day issues should normally be resolved through dialogue between employees and their manager. Most issues can be resolved in this way, sometimes by acknowledging that although a matter may have created annoyance, it can be

best handled by simply talking it through. This procedure only comes into play when the employee is not satisfied with the outcome of the dialogue with their manager.

- Personal disagreements between individuals not connected with their duties/roles within the school.
- Matters which are normally subject to national conditions of service or local agreement.
- Issues which are the subject of any other school Human Resources procedures.
- Assimilation decisions.
- Schools policies and procedures amended by collective agreement.
- Income tax, national insurance, superannuation, pensions or gratuities.
- Complaints that might be covered by the Public Interest Disclosure Act 1998 (whistle blowing complaints)

5. EQUAL OPPORTUNITIES CONSIDERATIONS

This policy has been drafted in line with the Equalities Act (2010). There are equalities implications involved when any employment procedure is applied. Application of the Grievance Procedure may have particular implications for the multi-cultural workforce employed by the Trust.

In order to establish whether any single person or group of employees is being treated less favourably than others, it is important that all action taken under this procedure is monitored in line with the Trust's commitment to monitoring Equality and Diversity

If details are not already available, employees may be asked to provide information (e.g. about their ethnic origin) to enable the Trust to review any real or perceived imbalances.

Special Considerations

- Records must be kept detailing the nature of the grievance, the response, any actions taken and the reasons for them.
- If an employee raises a grievance about the line manager during the course of a disciplinary case or similar, the grievance should be raised directly with the Headteacher. The Headteacher will then decide whether in the circumstances it may be appropriate to suspend the disciplinary procedure for a short period of time until the grievance can be considered. Consideration will also be given to bringing in another manager to deal with the disciplinary case etc.
- Employees who abuse the grievance resolution procedure by making complaints that are false and made in bad faith will be liable for disciplinary action.
- Confidentiality will be given the utmost importance at all stages of the procedure.

6. THE PROCEDURE

(Please note that timescales referred to in the procedure may be varied by mutual agreement.)

6.1 Informal Stage

An employee should initially raise their grievance verbally with their immediate manager. In the event that the grievance relates to the employee's immediate manager, or to the Headteacher, the next stage of the grievance procedure may be invoked immediately.

The manager will:-

- Record the issues of concern and check with the employee that this record is accurate.
- Investigate the issue as appropriate.
- Convene a meeting with the employee to explore possible resolutions to the grievance. This will normally be done within 10 working days of the registration of the grievance.
- Meet with the employee to communicate the decision on the grievance within 5 working days of the meeting describing the action which they propose to take and the timescale.

If, following the informal stage, the employee remains aggrieved, or where the manager has failed to respond to the employee's concerns despite a written request to do so, they may progress to the next stage of the procedure. This must be done by writing to the Headteacher (or to the Grievance Committee in cases involving the Headteacher), giving full details of the complaint, and the redress required within 5 working days of notification of the immediate manager's decision.

6.2 Formal Hearing

If the action taken as a result of the first stage does not resolve the grievance from the employee's point of view, or if no action is taken or reply received the employee can raise the matter by submitting a written statement to the Headteacher.

The written statement must set out:-

- The full details of the grievance
- Why the employee is dissatisfied with the response the informal stage of the procedure and
- What the employee thinks would be a satisfactory remedy

The written statement must be submitted within 5 working days of receipt of a written reply from the line manager who handled the informal stage of the procedure.

The Headteacher will notify the CEO of this and will write to the employee, giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance.

The Headteacher (or a nominated deputy) will hear the grievance. The Director of HR may also attend to advise the Headteacher on procedural matters and matters of precedent. The employee will be advised in writing by the Headteacher before the hearing of their right to be accompanied by a trade union representative or work colleague.

The Headteacher will normally conduct preliminary investigations prior to the hearing, but may also decide to adjourn the hearing (for up to 5 working days) in order to conduct further investigations.

The Headteacher will communicate their decision in writing to the employee within 5 working days of the hearing. The employee must be notified of their right to appeal.

If, following this stage, the employee still feels their grievance remains unresolved, then they may proceed to the next stage of the procedure - the appeal stage. This must be done by writing to the Chair of Governors (giving full details of the complaint and, they feel it remains unresolved, and what the employee feels would be a satisfactory remedy) within 10 working days of receipt of the Headteacher's decision.

6.3 Appeal

The Chair of Governors will discuss the matter with the CEO and then write to the employee, giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal. The employee will be advised in writing of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

The Chair of Governors will hear the appeal. The Director of HR and CEO will also attend to advise the Chair of Governors on procedural matters and matters of precedent.

The Chair will communicate their decision, which will be final, in writing to the employee within 5 working days of the appeal hearing. This decision must be communicated to the Governing Body, the CEO and to the Trust Board.