



Diocese of Salisbury  
Academy Trust

## **GRIEVANCE PROCEDURE FOR TEACHING AND SUPPORT STAFF IN Diocese of Salisbury Academy Trust**

This model procedure will apply to both teaching and non-teaching staff working in

**For adoption and implementation from**

**Approved**

**Amended after HR circulation**

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## 1. Policy Statement

- 1.1 The Diocese Salisbury Academy Trust (DSAT) has a statutory obligation to adopt formal policies and procedures for dealing with staff conduct and discipline (School Staffing (England) Regulations 2003), and for giving staff opportunities to seek redress of any grievances relating to their employment.
- 1.2 This procedure is designed to enable any such grievances raised to be resolved quickly and to minimise any prospect of long-term damage to relationships at any DSAT Academy. DSAT aims to ensure consistent and fair treatment for all its employees and for matters to be dealt with speedily.
- 1.3 This policy will be made available on request or alternative formats upon request.
- 1.4
- 1.5 HR should be consulted at each stage of the process and will assist in the process and preparation of all letters and hearing packs relating to this process.

## 2. Application of Procedure

- 2.1 This procedure is based on Sections 35(8) and 36(8) of the Education Act 2002, and the ACAS Code of Practice on Disciplinary and Grievance Procedures 2009. It applies to and is designed to help and encourage employees within DSAT Academies.
- 2.2 The procedure should be used by employees who consider the Academy has failed to adequately apply their rights arising from their contract of employment, conditions of service or statutory entitlements.
- 2.3 This procedure does not apply where there are matters of:
  - a. **grievances** that can be settled informally with the individual's line manager during the course of everyday working relationships;
  - b. **group grievances** - matters raised by a group of staff (for which a collective disputes procedure is to be made available)
  - c. **discipline** which is dealt with under a separate procedure;
  - d. **competency or capability** for which there is a separate;
  - e. **ill health** for which there is a separate procedure;
  - f. **bullying, harassment, discrimination and/or victimisation** which are dealt with in the first instance, under the Dignity at Work Policy;
  - g. employment **raised by ex-employees** after their service with the Academy has ended;
  - h. **whistle blowing** for which there is a separate procedure;

**2.4** This Procedure also does not apply where the matter is outside of the Academies's control. For example:

- a. Issues regarding statutory adjustments to pay and allowances (e.g. national insurance, income tax, pension scheme).
- b. Personal matters not directly related to employment. In these cases an employee should contact their Line Manager who may be able to assist.

**2.5** An employee may, if they wish, be accompanied or represented throughout the process at each stage by a work colleague or designated Trade Union/Professional Association Official. However, this right does not extend to friends/family or professional persons such as solicitors and barristers.

### **3. Informal resolution**

**3.1** Employees should aim to settle most grievances informally with their line manager/supervisor, Principal or Executive Principal. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

### **4. Mediation**

**4.1** Voluntary mediation may be available at any stage of this procedure if it is felt appropriate. It is a decision for the Academy (in conjunction with Principal, Executive Principal and LAB) and individuals involved as to whether mediation is an appropriate method of resolving the dispute. If all parties agree to use mediation, then this Grievance Procedure will be temporarily suspended. A decision about whether to continue with the Grievance Procedure at the stage where it was suspended will be made by all parties once mediation has taken place.

Please see the DSAT HR Grievance Toolkit, Appendix 2 point 2 for more information about mediation.

### **5. Stage 1 – Raising a grievance**

**5.1** If an employee would like their grievance dealt with formally they must inform the Principal (or Executive Principal if the allegations refer to the Principal) in writing stating the reason for their grievance and what outcomes are being sought.

**5.2** If the grievance is regarding the Executive Principal, the Grievance Notification form should be sent to the DSAT Board. If the grievance is being raised by the Executive Principal, the Grievance Notification form should be sent to the DSAT Board.

### **6. Stage 1 – Grievance Meeting**

- 6.1** Within 10 working days of receipt of the grievance, the Principal, Executive Principal or LAB will arrange a meeting with the employee. The time, date and venue of the meeting will be confirmed in writing and will advise the member of staff of their right to be accompanied by Trade Union Representative or a current workplace colleague, but not a family member or relative not acting in a professional capacity.
- 6.2** The Academy will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The Academy needs to be informed of requirements at least 48 hours before the meeting.
- 6.3** If the employee's representative/person accompanying them cannot attend on a proposed date, the employee can seek to arrange another date as long as it is reasonable and is not more than 5 working days after the original date set.
- 6.4** Notes of the meeting will be taken by a suitable person as arranged by the Academy or LAB and are retained as confidential to the members of the panel. Copies of the notes on the outcome only will be circulated to all parties as soon after the meeting as practicable. The note taker does not take any other part in the formal process.
- 6.5** An exchange of all documents expected to be referred to at the meeting should take place 5 working days before the meeting.
- 6.6** The meeting referred to in paragraph 6.1 may be adjourned if an investigation is deemed appropriate. In these circumstances, the Principal or Executive Principal or LAB shall appoint an Investigating Officer. Timescales of the investigation will be explained to the employee. Wherever possible, the meeting outlined in paragraph 6.1 will be re-convened within 10 working days of the conclusion of the investigation.
- 6.7** The meeting referred to in paragraph 6.1 may also be adjourned for a short period before a decision is taken even if there is no need for an investigation. This allows time for reflection and proper consideration of an employee's grievance.
- 6.8** When a conclusion is reached, the Principal, Executive Principal or LAB will confirm the outcome in writing within 5 working days of the meeting referred to in paragraph 6.1 to the employee and the subject of the grievance, including the following information:

  - a. whether the grievance has been upheld, either fully or in part;
  - b. if the grievance is not upheld, the reasons for this;
  - c. any actions that are to be taken to resolve the grievance;
  - d. how any actions will be monitored and reviewed;
  - e. the employee's right to appeal.

## **7. Witnesses**

7.1 If witnesses are called to give evidence their identity will be disclosed to the other party in advance, unless exceptional circumstances prevent this e.g. where anonymity is to be preserved.

7.2 The other party will receive advance copies of written witness statements to which reference will be made at the hearing

## **8. Failure by the Employee to Attend**

**8.1** An employee who cannot attend a meeting should inform the Principal, Executive Principal or LAB in advance whenever possible.

**8.2** If the employee fails to attend through circumstances beyond their control e.g. illness, the Principal, Executive Principal or LAB should rearrange the meeting to another date taking into account the reason. The Principal, Executive Principal or LAB may request for any sickness absence to be supported by a medical certificate.

**8.3** A decision to proceed may be taken in the employee's absence if they fail to attend the rearranged meeting without good reason or the matter may be closed if it is not possible to proceed without the employee's input. The employee should be notified of these possibilities in advance.

## **9. Stage 2 – Raising an Appeal**

**9.1** If the employee is dissatisfied with the outcome of the grievance meeting, written notification must be given to the clerk to the LAB. This notification must be submitted within 5 working days of receipt of the written outcome of the grievance meeting and give specific reasons for the appeal and what outcomes are being sought.

**9.2** 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.

## **10. Stage 2 – Appeal meeting**

**10.1** On receipt of the appeal letter, the Clerk to the LAB will arrange an Appeal meeting. The time, date and venue of the meeting will be confirmed in writing as well as the right to be accompanied at the meeting by a workplace colleague or trade union representative but not family member or relative. giving at least 10 working days notice. Wherever possible, the meeting will be arranged within 10 working days of receipt of the appeal letter or as soon as possible thereafter.

**10.2** The Academy will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The Academy needs to be informed of requirements at least 48 hours before the meeting.

**10.3** If the employee's representative / person accompanying them cannot attend on a proposed date, the employee can seek to arrange another date as long as it is reasonable and is not more than 5 working days after the original date set.

**10.4** Notes of the meeting should be taken by the Clerk to the LAB or another suitable person as arranged by the LAB and are retained as confidential to the members of the panel. Copies of the notes on the outcome only will be circulated to all parties as soon after the meeting as practicable. The note taker does not take any other part in the formal process.

**10.5** A copy of the Grievance Hearing Appeal pack will be distributed to members of the appeal committee at least 5 working days before the appeal hearing.

**10.6** The committee's decision will be given verbally to all parties and confirmed in writing by the chair of the appeals committee, wherever possible, within 5 working days of the meeting. The letter will include the following information:

- a. whether the grievance has been upheld, either fully or in part;
- b. if the grievance is not upheld, the reasons for this;
- b. any actions that is to be taken to resolve the grievance;
- c. how any actions will be monitored and reviewed

**10.7** The panel's decision shall be final.

## **11. Written records**

**11.1.** A record of the documentation relating to the case will be retained and will include:

- a. the complaint / problem against the employee
- b. what was decided and actions taken
- c. the reason for the actions
- d. any grievances raised during the disciplinary process
- e. whether an appeal was lodged
- f. the outcome of the appeal
- g. subsequent relevant developments
- h. notes of any formal meetings

**11.2.** Records will be treated as confidential and be kept in accordance with the Data Protection Act 1998 so that an employee has the right to request and have access to relevant information but, in certain circumstances (for example to protect a witness) the School may consider it appropriate to withhold some information.

## **12. Raising a grievance during a disciplinary process**

**12.1** Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. A discussion will therefore take place between the Principal, Executive Principal or LAB, HR Officer and the employee (normally through their trade union representative or directly if they are not represented) about whether or not the disciplinary procedure should be suspended so that the grievance issues can be dealt with separately under the grievance procedure or whether the grievance should be raised by the employee at relevant disciplinary interviews, hearing or appeal.

**12.2** Suspending the disciplinary procedure would normally take place when:

- a. The grievance relates to a conflict of interest that the investigator is alleged to have
- b. Bias is alleged in the conduct of the disciplinary meeting
- c. There is an allegation that management have been selective in the evidence they have supplied to the investigator
- d. There is possible discrimination.