



Diocese of Norwich  
Education and  
Academies Trust

# Churchside Federation

## Grievance Procedure

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<b>Person Responsible:</b>	<b>Human Resources Director</b>

## **Our Christian Ethos and Values**

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as “the Trust”), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

### **Overall accountabilities and roles**

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust’s policies.

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## 1. Policy Statement

- 1.1 The Trust are committed to adopting policies and procedures to encourage a positive working environment, and we recognise that there may be occasions when employees have concerns, problems or complaints in connection with their employment that they wish to resolve.
- 1.2 This Procedure provides a framework to be used by employees to raise concerns, and to be used by managers when seeking to work with employees to address and resolve them. It aims to ensure that any grievance raised is dealt with in a consistent, prompt and supportive manner; it has been developed with due regard to the Equality Act 2010 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

## 2. Scope

- 2.1 This Procedure applies to all teaching and non-teaching staff employed to work in the Academies and elsewhere in the Trust. It is to be used to manage individual grievances or disputes and is not to be applied in relation to collective disputes, which are grievances raised on behalf of two or more employees by a representative of a recognised trade union.
- 2.2 Examples of concerns that an employee may have and which this Procedure can be used to address are the application of terms and conditions of employment, health and safety, relationships at work, new working practices, their working environment, organisational change, bullying, harassment or discrimination.
- 2.3 Concerns do not need to be referred to or be labelled by an employee as being a grievance, in order for it to be recognised by the Academy or the Trust Central Team that the concerns may amount to a grievance to be managed in accordance with this Procedure.
- 2.4 Matters which are **excluded** from being dealt with under this Procedure are:
  - a) Matters already dealt with under this Procedure where the Procedure has been exhausted and there has been no material change to the grievance.
  - b) Matters relating to pay which are to be managed in accordance with the Pay Policy.
  - c) Matters connected with the management of employee attendance, ill health capability, performance or conduct, which are to be managed in accordance with the applicable procedures.
  - d) Matters over which the employer has no control.
  - e) Collective disputes.
  - f) Grievances raised by former employees; professional HR advice should be sought in the event that an employee under a period of notice or former employee raises a grievance.
- 2.5 This Procedure is to be used to manage allegations in connection with that Policy on a formal basis, unless the circumstances are such that allegations have been referred straight to be managed under the Disciplinary Procedures.
- 2.6 Where an employee has concerns in respect of something that they may have witnessed at

work, which does not amount to individual grievance that is within the scope of this Procedure to address, it may be appropriate for them to consider raising their concerns under the Speak Up Policy and Procedure.

**All Trust staff have a duty to immediately report any concerns that they may have in relation to the safeguarding of children and young people, and must follow the Child Protection Policy and Statement of procedures for dealing with allegations made against / low-level concerns raised in relation to staff, including supply teachers, volunteers and contractors.**

2.7 Copies of all policies and procedures referenced above can be accessed from the Central HR Office.

### **3. Principles**

3.1 In the first instance employees should seek to resolve any concerns informally, as near as possible to their point of origin and without delay.

3.2 Where there has been a delay between the matters giving rise to the grievance taking place and the grievance being raised, this may limit the scope of the action that can be taken to seek to investigate and resolve the grievance, and could prevent a grievance from being able to proceed.

3.3 Where informal attempts to resolve matters have not been successful or where the concerns are such that attempts at informal resolution may not be appropriate, an employee may raise a grievance under this Procedure.

3.4 Employees who wish to raise a formal grievance must set out in writing the reasons for their grievance and the resolution they are seeking. Any grievance cannot proceed to be considered under this Procedure unless the grounds for the grievance and the resolution being sought are clear.

3.5 Aggrieved employees and those responsible for managing the process set out in this Procedure must ensure that there are no unreasonable delays in the process. The timescales in the Procedure will be adhered to and only extended in exceptional circumstances, or in line with the requirements of any investigation taking place. In this event the employee will be notified in writing of any unavoidable delays and the revised timescales that will apply.

3.6 Any person/s in respect of whom a grievance is raised is entitled to be made aware of the existence of and content of the grievance, and the name of the person who has raised the concern/s. The timing of the subject/s being notified will normally be discussed with the aggrieved employee at the First Formal Hearing, and may be determined by a need to gather information before they are notified.

3.7 Employees must observe their duties and responsibilities in respect of confidentiality at each stage of this Procedure.

- 3.8 It is recognised that the management of matters under this Procedure can be a stressful and upsetting experience for the parties concerned. Throughout the process the Trust will be able to offer appropriate support, which may include access to mediation, counselling or Occupational Health, and making reasonable adjustments for employees, and any person supporting them who have a disability.
- 3.9 Employees have the right to be accompanied by a trade union representative or work colleague at any informal or formal stage of the Procedure, and are encouraged to seek advice and support from their trade union at all stages.
- 3.10 Where the employee's trade union representative or work colleague is unavailable on the day scheduled for a Hearing, the Hearing will be rescheduled, provided that the employee proposes an alternative date and time within 5 working days of the scheduled date.
- 3.11 If an employee fails to attend a Hearing, the Hearing will generally be re-scheduled only once. The employee will be required to provide valid reasons for non-attendance. If the employee is still unable to attend a rescheduled Hearing, the Hearing will go ahead in their absence and decisions will be made on the basis of the information available at the time.
- 3.12 Employees who in good faith raise a grievance in respect of discrimination will be protected from victimisation.
- 3.13 If an employee is found to have raised a malicious or vexatious grievance, this will be considered a matter of conduct which will be managed in accordance with the Disciplinary Procedure.

Where an employee whose attendance, ill health or performance is being managed, or they are subject to disciplinary or capability proceedings, and they raise a grievance which is not appropriate for management under the applicable procedures; except in exceptional circumstances, the process under this Procedure will run concurrently with the continuing management of the employee under the applicable procedures.

Throughout the process professional HR advice will be sought by the managers, Headteacher and members of the Trust Team responsible for managing each aspect of the grievance process.

- 3.14 Throughout the process all colleagues will treat each other with dignity and respect.

An outline process chart for this Procedure is set out in Appendix A, which should be read in conjunction with the full Procedure.

#### **4. Procedure: Informal Stage**

- 4.1 In the first instance employees should seek to resolve any concerns as near as possible to their point of origin, and without delay.

This means that if an employee is unhappy about treatment they have received or about an aspect of their work, they should initially discuss this with the individual(s) concerned. If this is not possible due to the nature of the grievance or fails to resolve the situation, the employee should discuss matters with their immediate line manager on an informal basis who will seek to address and resolve any concerns.

If the concerns relate to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Headteacher or a member of the Trust Central Team, the employee should approach the Trust Chief Executive Officer (CEO). Where the concerns relate to the CEO, the employee should approach the Chair of the Trust.

- 4.2 The manager with whom any concerns have been raised should seek to work with the employee to resolve them on an informal basis. In circumstances where the concerns raised are so serious that they do not appear to lend themselves to informal resolution, the manager must discuss the appropriate course of action to be taken with a HR professional or appropriate senior manager.

## **5. Procedure: Formal Stage 1**

- 5.1 Where it has not been possible to resolve matters under the informal procedure, the aggrieved employee should submit a formal written notice of the grievance to their immediate line manager.

If the concerns relate to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Headteacher or a member of the Trust Central Team, the employee should submit the notice to the Trust CEO who will manage the grievance or will nominate a suitable member of the Trust Central Team or Human Resources Team to be the responsible manager. Where the concerns relate to the CEO, the employee should approach the Chair of the Trust.

- 5.2 The written notice must clearly state the grounds for the grievance and the resolution the employee is seeking. As the written notice will form the basis for the subsequent Hearing and investigations, any relevant information should be included. This may include the dates and times on which events have taken place, the names of any relevant witnesses and copies of any relevant documentation that the employee has access to. If the nature of the grievance is unclear or insufficient information is provided, clarification will be sought before any Hearing takes place.

Where an employee requires any support or reasonable adjustments to enable them to submit their grievance in writing, their trade union or a fellow employee will be able to provide assistance, but in doing so must not substitute their views for that of the employee.

- 5.3 On receipt of the written notice the responsible manager will normally arrange to meet with the employee to discuss their grievance and the resolution that they are seeking. The invitation to meet will be received by the employee within five working days of the submission of their grievance; they have the right to be accompanied at this first Hearing by a work colleague or trade union representative, and should be given at least five working days' notice of the Hearing. If however arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.

5.4 The purpose of the Hearing will be to reach an amicable solution through discussion. Depending upon the nature and complexity of the case there are a number of potential outcomes that may result from the Hearing. These may include:

- The grievance being upheld rejected or resolved.
- An adjournment to enable a full investigation to take place and any witnesses to be interviewed.
- An adjournment to enable the subject/s of the grievance to be invited to join a reconvened Hearing.
- A decision that the matter should be referred to be managed in accordance with the Academy's Disciplinary Procedure.
- A decision that mediation will be explored as a way forwards.

This list is not exhaustive.

5.5 The employee will receive written confirmation of the outcomes of the Hearing within five working days, and will be advised of the applicable timescales for the actions agreed.

5.6 The timing of the subject/s being notified of the grievance will normally be discussed with the aggrieved employee at the First Formal Hearing, and may be determined by a need to gather information before they are notified. Wherever possible the subject/s will be notified following the First Formal Hearing.

5.7 Where the grievance has been rejected at the first Hearing, the employee will have the right to appeal against this finding at Stage 2 of this Formal Procedure.

5.8 Where an investigation is required an impartial Investigating Officer may be appointed to carry out the investigation. This can occur at any stage of the formal process where it is considered necessary. The Investigating Officer will compile a report containing a summary of their findings, and on the basis of the report the next steps to be taken will be discussed with the employee. Investigations will normally be completed within 15 working days, but where this will not be possible due to the nature of the case or delays beyond the Trust's control, the employee will be notified in writing of the reasons for the delay and the revised anticipated timescale.

5.9 At any stage, where a decision is taken to reconvene the Hearing to enable the person/s who are the subject of the grievance to be invited to join, both the aggrieved employee and the subject/s will have the right to be accompanied at the Hearing by a work colleague or trade union representative, and should be given at least five working days' notice of the reconvened Hearing. If however arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.

5.10 At the reconvened Hearing, both the aggrieved employee and the subject/s will be given the opportunity to call witnesses and present evidence. The names and positions of witnesses, the reasons for calling them and any documentation to be considered, must be provided to the responsible manager at least three working days prior to the Hearing, or as soon as possible



where shorter timescales have been agreed.

- 5.11 Where an investigation has taken place or a Hearing has been reconvened, both the aggrieved employee and the subject/s of the grievance will receive written confirmation of the outcome within five working days of the outcome being determined.
- 5.12 If the aggrieved employee is dissatisfied with the outcome of Stage 1, they may submit a formal appeal to be considered under Stage 2 of the Formal Procedure.

## **6. Procedure: Formal Stage 2 – First Appeal**

- 6.1 Where an employee wishes to appeal against the outcome of Formal Stage 1 of the Procedure, they must submit the grounds for their appeal in writing to the responsible manager who determined the outcome of Stage 1. The appeal must be received within five working days of the employee's receipt of the letter confirming the outcome of Stage 1, and must clearly state the grounds for appeal and the resolution that they are seeking.

If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before any Appeal Hearing takes place.

- 6.2 On receipt of the Stage 2 appeal the responsible manager will arrange for the employee's appeal to be heard by the Headteacher; where the Headteacher managed Stage 1 of the process or where the concerns related to them, the responsible manager will arrange for the appeal to be heard by a member of the Trust Central Team.
- 6.3 The employee will receive an invitation to attend the First Appeal Hearing within ten working days of the submission of their appeal; they have the right to be accompanied at the Hearing by a work colleague or trade union representative, and should be given at least five working days' notice of the Hearing. If however arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.
- 6.4 The subject/s of the grievance will be notified that the aggrieved employee has exercised their right to appeal against the outcome of Stage 1.
- 6.5 The remit of the First Appeal Hearing will be to consider the outcome of Formal Stage 1 of the process, and the manager responsible for managing Stage 1 will attend to present their decision/s and the reason/s for them. As such it will not be a re-hearing, but in the event that relevant new evidence comes to light which, with good reason, was not available at the time at which the outcomes of Stage 1 were determined, the Headteacher or Central Team member may decide to consider the new evidence.
- 6.6 In this event it may be necessary to allow the employee and the manager responsible for Stage 1 of the process to call witnesses or to provide documentation. The names and positions of witnesses, the reasons for calling them and any documentation to be considered, must be provided to the Headteacher or Central Team member at least three working days prior to the

First Appeal Hearing, or as soon as possible where shorter timescales have been agreed.

- 6.7 The procedure to be followed at the First Appeal Hearing is set out in Appendix C. In response to the employee's appeal the Headteacher or Central Team member may uphold the appeal and determine that alternative action is to be taken, may uphold the decision/s made at Stage 1 and reject the appeal, or may determine that an alternative outcome is appropriate.
- 6.8 Both the aggrieved employee and the subject/s of the grievance will receive written confirmation of the outcome of the first appeal within five working days of the outcome of the Hearing being determined.
- 6.9 If the aggrieved employee is dissatisfied with the outcome of Stage 2, they may submit a final appeal to be considered under Stage 3 of the Formal Procedure.

## **7. Procedure: Formal Stage 3 – Final Appeal**

- 7.1 Where an employee wishes to appeal against the outcome of Formal Stage 2 of the Procedure, they must submit the grounds for their final appeal in writing to the Principal or Panel who determined the outcome of Stage 2. The final appeal must be received within five working days of the employee's receipt of the letter confirming the outcome of Stage 2, and must clearly state the grounds for appeal and the resolution that they are seeking.

If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before any Final Appeal Hearing takes place.

- 7.2 On receipt of the Stage 3 appeal the person responsible for chairing the Stage 2 First Appeal Hearing, will make arrangements for the employee's appeal to be heard by a Panel consisting of at least two members of the Trust Central Team who have not previously been involved in the process.
- 7.3 The employee will receive an invitation to attend the Final Appeal Hearing within ten working days of the submission of their final appeal; they have the right to be accompanied at the Hearing by a work colleague or trade union representative, and should be given at least five working days' notice of the Hearing. If however arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.
- 7.4 The subject/s of the grievance will be notified that the aggrieved employee has exercised their right to appeal against the outcome of Stage 2.
- 7.5 The remit of the Final Appeal Hearing will be to consider the outcome of Formal Stage 2 of the process, and the Chair of the Stage 2 Appeal Hearing will attend to present their/ the Panel's decision/s and the reason/s for them. As such it will not be a re-hearing and there should be no reason for witnesses to be called or for the consideration of new evidence.
- 7.6 The procedure to be followed at the Final Appeal Hearing is set out in Appendix C. In response to

the employee's appeal the Panel may uphold the appeal and determine that alternative action is to be taken, may uphold the decision/s made at Stage 1 and reject the appeal, or may determine that an alternative outcome is appropriate.

- 7.7 Both the aggrieved employee and the subject/s of the grievance will receive written confirmation of the outcome of the final appeal within five working days of the outcome of the Hearing being determined.
- 7.8 The decision at Stage 3 of the process is final and there is no further right to appeal.

## Appendix A – Grievance Process Chart

### Informal Stage

Employee to seek to resolve concerns informally, near as possible to point of origin and without delay- With the individual(s) concerned, or where not possible or fails to resolve, discuss with immediate line manager (or next appropriate level of management where concerns relate to line manager).

**Manager to work with employee to resolve**

Where concerns remain unresolved

### Formal Stage 1

Employee submits formal written notice of grievance to **immediate line manager** (or next appropriate level of management where concerns relate to line manager). Clearly state grounds for grievance and resolution sought, include details e.g dates, times, names of witnesses, copies of documents. **Within 5 working days employee receives invitation to meet to discuss way forwards.**

### First Formal Hearing

Employee can be accompanied by colleague or trade union rep'. **To be given at least 5 working days' notice.** (can mutually agree shorter timescale) Aim to reach amicable solution.

#### Possible outcomes (not exhaustive)

- Grievance upheld rejected or resolved.
- Adjournment - full investigation / witnesses to be interviewed.
- Adjournment – subject/s of grievance to be invited to join reconvened Hearing.
- Referral to be managed under Academy's Disciplinary Procedure.
- Explore mediation as a way forwards.

#### After Hearing

- Employee to receive written **confirmation of outcomes within 5 working days with timescales for actions agreed.**
- Subject/s of grievance to be made aware unless need to gather information beforehand
- If aggrieved employee is dissatisfied with outcome of Stage 1, they may submit a formal appeal to Stage 2.

Where concerns remain unresolved

### Formal Stage 2 – First Appeal

Employee submits written grounds for appeal to responsible manager who determined outcome of Stage 1. **Appeal must be received within 5 working days of employee's receipt of letter confirming outcome of Stage 1**, clearly stating grounds for appeal and resolution sought. Responsible manager arranges for appeal to be heard by Headteacher; where Headteacher managed Stage 1 or where the concerns related to them, appeal to be heard by a member of the Trust Central Team. **Within 10 working days employee receives invitation to First Appeal Hearing.**

### First Appeal Hearing

Employee can be accompanied by colleague or trade union rep'. **To be given at least 5 working days' notice.** (can mutually agree shorter timescale) Remit to consider the outcome of Stage 1. Manager responsible for managing Stage 1 attends to present their decision/s and reason/s for them.

**Possible outcomes (not exhaustive)**

- Appeal upheld and alternative action to be taken.
- Decision/s made at Stage 1 upheld, appeal rejected.
- Alternative outcome appropriate.

- Both the aggrieved employee and the subject/s of the grievance to receive **written confirmation of outcome of the first appeal within 5 working days of outcome of Hearing being determined.**
- If aggrieved employee is dissatisfied with outcome of Stage 2, they may submit a final appeal to Stage 3.

**Where concerns remain unresolved**

**Formal Stage 3 – Final Appeal**

Employee submits written grounds for appeal to Headteacher or Panel who determined outcome of Stage 2. **Appeal must be received within five working days of employee’s receipt of letter confirming outcome of Stage 2**, clearly stating grounds for appeal and resolution sought. Headteacher or Chair of Panel arranges for final appeal to be heard by Panel not previously involved in the process. **Within 10 working days employee receives invitation to Final Appeal Hearing.**

**Final Appeal Hearing**

Employee can be accompanied by colleague or trade union rep’. **To be given at least 5 working days’ notice.** (can mutually agree shorter timescale) Remit to consider the outcome of Stage 2. Chair of Stage 2 Appeal Hearing attends to present their/ the Panel’s decision/s and the reason/s for them.

**Possible outcomes (not exhaustive)**

- Appeal upheld and alternative action to be taken
- Decision/s made at Stage 2 upheld, appeal rejected.
- Alternative outcome appropriate .

- Both the aggrieved employee and the subject/s of the grievance to receive **written confirmation of outcome of the first appeal within 5 working days of outcome of Hearing being determined.**

**The decision at Stage 3 of the process is final; there is no further right to appeal.**

At any point in the process it may be determined that mediation should be explored or that an independent investigation should be commissioned.

## **Appendix B - Procedure to be followed at Stage 2 First Appeal Hearing**

- 1.** Introductions and housekeeping
- 2.** Chair to explain the purpose of the Hearing, the format for the Hearing and the potential outcomes.
- 3.** Any person present may request an adjournment.
- 4.** The aggrieved employee will be invited to present the grounds for their appeal, and may be accompanied by a work colleague or trade union representative. Witnesses may be called where new evidence has become available if agreed in accordance with the Grievance Procedure.
- 5.** The manager (or Chair of the Stage 1 Panel) who determined the outcome of Stage 1 may ask questions of the employee and any witnesses they may call.
- 6.** The Headteacher, or where applicable the Panel, and their Adviser may ask questions of the employee and any witnesses they may call.
- 7.** The manager (or Chair of the Stage 1 Panel) who determined the outcome of Stage 1 will be invited to present their decision/s and the reason/s for them.
- 8.** The employee and their representative may ask questions of the manager (or Chair of the Stage 1 Panel).
- 9.** The Headteacher, or where applicable a member of the Trust Central Team, and their Adviser may ask questions of the manager (or Chair of the Stage 1 Panel).
- 10.** The manager (or Chair of the Stage 1 Panel) will be invited to make a concluding statement.
- 11.** The employee and their representative will be invited to make a concluding statement.
- 12.** The Hearing will adjourn and all parties will withdraw with the exception of the Headteacher, or where applicable a member of the Trust Central Team, and their Adviser.
- 13.** Where it is possible for a decision to be made within a reasonable timescale, the Hearing will be reconvened and the decision communicated to the employee along with their right to appeal.

The decision will be confirmed in writing within five working days of the Hearing taking place, or where a longer period of time is required to make a decision, the Hearing will close and the outcome will be communicated to the employee within five working days of the decision being made.

## **Appendix C - Procedure to be followed at Stage 3 Final Appeal Hearing**

- 1.** Introductions and housekeeping
- 2.** Chair to explain the purpose of the Hearing, the format for the Hearing and the potential outcomes.
- 3.** Any person present may request an adjournment.
- 4.** The aggrieved employee will be invited to present the grounds for their final appeal, and may be accompanied by a work colleague or trade union representative.
- 5.** The Headteacher or Chair of the Stage 2 Panel that determined the outcome of Stage 2 may ask questions of the employee.
- 6.** The Panel and their Adviser may ask questions of the employee.
- 7.** The Headteacher or Chair of the Stage 2 Panel that determined the outcome of Stage 2 will be invited to present their decision/s and the reason/s for them.
- 8.** The employee and their representative may ask questions of the Headteacher or Chair of the Stage 2 Panel.
- 9.** The Panel and their Adviser may ask questions of the Headteacher or Chair of the Stage 2 Panel
- 10.** The Headteacher or Chair of the Stage 2 Panel will be invited to make a concluding statement.
- 11.** The employee and their representative will be invited to make a concluding statement.
- 12.** The Hearing will adjourn and all parties will withdraw with the exception of the Panel and their Adviser.
- 13.** Where it is possible for a decision to be made within a reasonable timescale, the Hearing will be reconvened and the decision communicated to the employee.

The decision will be confirmed in writing within five working days of the Hearing taking place, or where a longer period of time is required to make a decision, the Hearing will close and the outcome will be communicated to the employee within five working days of the decision being made.

The decision at Stage 3 of the process is final there is no further right to appeal.