



STAFF GRIEVANCE PROCEDURE FOR RUSH COMMON SCHOOL

1 Introduction

- a) In this policy as in all documents of Rush Common Academy Trust (“RCAT”) any reference to Governors of Rush Common School or Trustees of Rush Common Academy Trust is a reference to The Board of Directors of Rush Common Academy Trust and any reference to the headteacher of Rush Common School is a reference to the Chief Executive Officer of RCAT.
- b) It is the aim of RCAT to address concerns with regard to an individual’s employment quickly and without need for reference to a formal procedure. However it is recognised that this is not always possible. The aim of the procedure set out below is to enable employees of Rush Common Academy Trust to raise concerns about their own employment where an informal resolution has not been possible.
- c) If an employee is not satisfied with the outcome at stages 1 to 3 of the grievance procedure below (“the procedure”), s/he has the right to pursue his or her grievance to the next stage. Employees who have raised grievances will be treated fairly at all times before, during and after the grievance hearing(s).
- d) If an employee wants to raise a concern about other aspects of Rush Common School’s or RCAT’s operations, the appropriate route is likely to be following RCAT’s Whistleblowing policy.

2. APPOINTMENT OF A GRIEVANCE COMMITTEE

The Board of Directors will appoint a sub-committee (“the grievance committee”) of at least 2 directors to deal with any grievance which has not been resolved by the headteacher or concerns the headteacher and has not been resolved informally at stages 1-3 of the procedure (i.e. at stage 4 of the procedure) and will appoint a further subcommittee (“the grievance appeal subcommittee”) of at least 3 directors (who are not the same directors as those who were on the grievance committee) to hear appeals against the outcome of any grievance (stage 5 of the procedure). These committees will not include the headteacher or any director with a personal interest in the grievance.

3. Raising Concerns about your Employment

- a) RCAT aims to promote good employee relations by encouraging employees to raise concerns about matters affecting their employment at an early stage. As a general principle you should raise concerns about matters affecting your employment first with the person you believe is causing you concern and, if this does not resolve the matter, next with your usual manager. S/he will treat these concerns seriously and deal with them promptly.
- b) RCAT recognises that in some circumstances it may be inappropriate for you to approach your usual manager with your concern. A number of alternative routes may be appropriate depending on the nature of the concern (e.g. a more senior manager, a HR advisor or a director).
- c) If you are the headteacher the usual route will be to the Chair of RCAT unless s/he is already involved, in which case it would be appropriate to approach another director.
- d) You may choose to be supported and accompanied by your Trade Union or professional association representative or a friend who should normally be a work colleague, at any step.
- e) You should notify your manager within three months of any event which gives rise to a grievance. A grievance which is not notified within this timescale will be disregarded unless you can provide a good reason why it should still be considered. One example of a “good reason” could be a lengthy period of sickness absence. Another could be where you feel that a number of events over a period of time have had a cumulative impact on you and it is only the most recent one which is within the three month time limit; your manager or directors of RCAT may then agree that earlier incidents may also be taken into account.

4. The Grievance Procedure in Operation

a) General Note

The purpose of this procedure is to address employee grievances. In presenting your concern you should identify (a) what your concern is (b) how you are disadvantaged and (c) what redress you are requesting. The purpose of the procedure is not to instigate disciplinary action against any other employee. If, as a result of this procedure, it appears necessary to investigate the actions of another employee, the committee or the individual hearing the grievance could recommend that a disciplinary investigation take place.

b) Step 1

If you have a concern about the behaviour of a colleague or any action or omission by a colleague, you should first try to resolve it informally with that individual.

c) Step 2

If you have failed to resolve your concern under Step 1, you should then discuss it informally with your usual line manager as soon as possible (unless the exceptions in paragraph 3 above apply where the guidance set out there should be followed. S/he may

need to consult or involve other employees and/or managers in order to try to resolve your concern. S/he will respond to you as soon as possible, and normally within 10 working days where reasonably practicable. If this is not possible for example because relevant people who need to be consulted are themselves absent you will be informed of the delay and given an indication of when you will be notified of the outcome which will be as close to the timescale set out above as possible.

You should note that this procedure aims to ensure that concerns are addressed promptly so that there is an opportunity for appropriate action to be taken. A concern that has not been notified to your manager within three months of the events which gave rise to it, without good reason, may be disregarded.

d) Step 3

If you still feel that your concern has not been addressed or you do not receive a response within the agreed timescale, you should inform your manager (or other appropriate person set out above) in writing, within fifteen working days (unless there is good reason why this cannot be done, for example because of sickness absence).

Your manager will then arrange a meeting at an early date with the headteacher or her/his representative. The aim of this meeting will be to resolve outstanding issues. Where the headteacher has already been involved or the grievance is about the headteacher, the meeting will be with the Chair of Directors, or another Director nominated for this purpose by RCAT. Where appropriate, and with the agreement of both parties to the grievance, an external mediator may be brought in.

e) Step 4

If you still feel your concern has not been resolved, or if your manager fails to carry out the actions set out in Step 2, you may request a hearing before a committee of the directors ("the grievance committee" referred to above.) This committee should consist of two directors appointed by the Board of Directors to act on their behalf. The headteacher or any director with a personal interest in the grievance will not serve on the committee. The committee may request the attendance of the headteacher (where s/he has not already been party to the grievance) or an external advisor to provide advice to the committee where this is felt appropriate. The meeting will be convened as soon as possible but all parties will receive at least five working days' notice of the date of the hearing unless agreed otherwise by mutual consent. This is to allow time for you to arrange suitable representation and for anyone against whom an allegation is made to seek representation if they wish it and to allow time for written evidence to be circulated well beforehand. Any reasonable request about unavailable dates for attending hearing will be considered.

f) Step 5

You may appeal against any outcome of this hearing, to an appeal committee of the directors (" the Grievance Appeal Committee"), which will consist of at least 3 directors none of whom shall have been on the original grievance committee or involved earlier in the grievance and will not include the headteacher. If you wish to appeal, you should do so

within ten working days of receiving written notification of the decision of the panel. It will be necessary to give reasons in writing as to why you wish to appeal. Examples could be:

- faults in procedure;
- new evidence which was not available at the first hearing;
- a perverse decision.

See Annex 1 for procedure for conducting such an appeal

The meeting of the Grievance Appeal Committee will be convened as soon as possible but all parties will receive at least five working days' notice of the date of the appeal hearing for reasons set out above unless agreed otherwise by mutual consent.

The decision of the Grievance Appeal Committee is final.

5. Additional Notes

- a) If an employee wants to raise a concern about the alleged behaviour of someone who is not employed by RCAT, they should do so in writing to the headteacher. Where it is concluded that action is necessary the complaint will be passed on the relevant organisation for investigation under its own complaints procedures.
- b) Wherever possible, a concern should be dealt with before an employee leaves employment. However, in cases where the process has not been started at the point at which the employee leaves, the former employee should write to the board of directors setting out the grievance as soon as possible and not later than three months after leaving employment. The board of directors must respond in writing within twenty eight days of receiving the letter. It is not necessary to follow the full procedure in these cases but the grievance must be investigated thoroughly. The directors could investigate the complaint, appoint a grievance committee and delegate the investigation to them to investigate the complaint, form a judgment and respond formally and in writing.
- c) The Directors must ensure that appropriate support is given both to the employee raising the grievance and to any employee against whom allegations have been made under this procedure and that both parties are kept fully informed of progress.
- d) Where an employee makes more than one grievance complaint the Board of Directors has the right to decide that an individual employee is a "vexatious litigant" for the purposes of this policy and further grievances under this policy will not be allowed from her/him. Such a decision will be made only after advice has been sought from appropriate professional advisors. Such a decision will not affect the legal rights of the employee or former employee.

6. Employment Tribunal

Using this procedure does not affect your right to refer issues to an Employment Tribunal which has time limits for bringing a claim. Your right to do so may be affected if you do not first raise the grievance, in writing, with RCAT and then wait a further 28 days before presenting the tribunal claim.

7. Other Relevant Procedures

Other procedures which may be relevant are available from your headteacher. They are also published on the school website. They include the Pay Policy, Anti Bullying Policy, Health and Safety Policy, Whistleblowing Policy.

Review of this policy

The Board of Directors, through its Human Resources Committee, review the Policy every three years. It may however review the Policy earlier than this if the government produces new regulations, or if it receives recommendations on how the Policy might be improved.

Reviewed by the Human Resources Committee, approved by the Board of Directors of RCAT on 21 October 2015

Signed: C Wilmshurst

(Chair of Board of Directors)

Signed : L Youngman

(Headteacher)

Date for Review: October 2018

Annex 1

Model Grievance Procedure

Guidance regarding Conduct of Stage 4 and 5 Hearings by Grievance committee and Grievance appeal committee and procedures relating to them.

Evidence at hearings

1. All parties will have an opportunity to challenge any evidence which is being used so it is essential that all written evidence is made available beforehand, preferably a week before the hearing. If new evidence appears at the last moment, an adjournment of the hearing may be necessary. Hearsay evidence (i.e. evidence which relies on quotation from a third party who cannot give evidence in person or by written statement) should not be used.
2. Anonymous evidence will not be used. The only exceptions to this will be (a) where the allegations are serious and can be verified through independent investigation or (b) if a potential witness has a real fear, reasonably held, that s/he will suffer substantial detriment if they were to sign his/her statement.
3. Statements can be obtained from children under 16 only with the agreement of the parent or guardian, who should be given the opportunity to be present when the evidence is being collected. However, there could be an exception where children are witnesses to an incident and their version of events needs to be obtained as quickly as possible before memory fades and before they have discussed it with others. In this case, if parents cannot be informed immediately, the children will be asked to make their statements in the presence of a second adult whose express responsibility it is to look after their best interests. Their parents will be advised as soon as possible afterwards. Children will not be called to give evidence to a hearing in person.

Conduct of hearings

Note: for the purposes of this procedure the reference to “Chair” refers to the director requested to chair this meeting, it does not refer to the Chair of the Board of Directors

1. The Chair introduces those present.
2. The Chair invites the person raising the concern (the applicant) or her/his representative to introduce her/his case statement, to make any relevant comment on any written material and to bring forward any witnesses or witness statements.
3. The Chair invites the management representative to address questions to the applicant or her/his representative on the submissions made on behalf of the applicant, and to question any witnesses.

4. The Chair invites the management representative to introduce the management side's written observations, to make any relevant comment on the submissions made on behalf of the applicant and to bring forward any witnesses or witness statements.
5. The Chair invites the applicant or her/his representative to address questions to the management's representative on the management submission and to question any witnesses.
6. The Chair invites the members of the panel to address questions to the representatives of either party. The opportunity is given to the representatives of either party to address to the Chair any comment arising from the question or on the reply given.
7. The Chair invites the management representative to summarise the management case. No new evidence can be presented at this stage.
8. The Chair invites the applicant or her/his representative to summarise the case for the applicant. No new evidence can be presented at this stage.
9. The Chair then asks both the parties to withdraw while the committee gives consideration to the case. If the committee needs to clarify any point with one or both of the parties, both parties should be recalled.
10. The Chair will call back both parties either to announce the decision of the committee, or to advise that a decision will be communicated in writing, usually within three working days.

Non attendance at hearings

If the complainant does not attend the hearing it will be adjourned and another date set and the employee will be notified. If the employee does not attend the adjourned hearing and has no reasonable excuse for not attending it will be assumed that s/he no longer wishes to pursue the grievance and it will be closed.