



GRIEVANCE POLICY

1. Introduction & Aims

1.0. It is Hartmore School's policy to ensure that employees with a grievance relating to their employment have easy and straightforward access to a Grievance Policy. This Policy has been framed in order help to resolve grievances as quickly and as fairly as possible. The purpose of the Grievance Policy is to address matters within the school that are of concern to individual members of staff, in order to promote a positive and constructive working environment and working relationships.

1.1. This Grievance Policy details the process to be followed in cases of grievances between colleagues, and colleagues and managers.

1.2. This Grievance Policy is NOT intended to be used to deal with employment disputes and matters that come under the auspices of Hartmore Education Ltd. as a company. Any such matters will be dealt with by the Headteacher, or ultimately by direct appeal to the Board of Directors.

1.2.1. Further, this Grievance Policy is NOT intended to deal with allegations of inappropriate behaviour towards, or involving pupils. Concerns regarding such matters should be dealt with using the Whistleblowing Policy.

1.2.2. Further, this Grievance Policy is only applicable in matters relating to employees of Hartmore School. Issues involving pupils, their family or carers, stakeholders or other visitors (professional or other) are not covered by this Policy. Further, disputes regarding individuals employed by other companies, even in circumstances where close working relationships are required, are not covered by this Policy.

1.2.3. However, individual employees may use this Grievance Policy to deal with issues concerning consultancy staff and contractors. However, this Grievance Policy is not for use by consultancy staff and contractors. Rather, they must put any concerns directly to the Headteacher in writing. Such complaints will be dealt with according the terms of the Complaints Policy.

1.3. This Policy should be read in conjunction with the Disciplinary Policy.

1.4. The aim of this Grievance Policy is to establish a fair, transparent, consistent and effective process for the speedy resolution of grievance matters.

1.5. On occasion, circumstances may arise when an individual employee may feel obligated to complain about another employee (action or omission) and/or their managers, and/or their employer actions. This Grievance Policy provides a vehicle for dealing with such complaints.

1.5.1. In very exceptional circumstances, where the individual is reluctant to pursue a formal complaint through Grievance Policy, but where alleged harassment or other behaviour is deemed so serious in nature (or where the manager is aware there are broader issues of concern around the culture of a team/group of individuals), an investigation may be instigated anyway subsequent agreement of the Directors (and on the advice from the HR Department).

1.5.2. This Grievance Policy provides an open and fair way for people to make known their complaints, to have those complaints considered by the company, and for the company to decide whether to accept or reject the complaint.

1.6. This Grievance Policy is not a vehicle by which members of staff can, in effect, take disciplinary action against their colleagues.



1.7. This Grievance Policy cannot be used to challenge formal outcomes in other procedures which have an appeal process, namely:

- Disciplinary Policy
- Capability Policy
- Managing ill-health and sickness absence
- Procedure for dismissal for some other substantial reason
- Probation Policy

1.8. Where paragraph 1.7 (Exclusions) does not apply, a grievance raised by an employee subject to one or more of the above procedures, will be dealt with in the normal way and in parallel with the other policies.

1.9. The terms of this Grievance Policy only apply to current employees. No one may use this Grievance Policy after they have left the employ of Hartmore Education. However, in circumstances where a Grievance process has already been commenced (but remains unresolved) at the date of the employee's termination (or is submitted immediately prior to termination), Hartmore School will still seek to resolve the grievance by the most appropriate means available. In these circumstances, it will be for *Hartmore Education Ltd.* to determine how to proceed and how far, if at all, to adhere to the strict terms of this Policy.

1.9.1. **Movement between procedures** - If after commencing the procedure, the Headteacher (or delegated deputy) (in conjunction with the HR Department), considers that the case in question should be dealt with under an alternative procedure, the case may be transferred to a different procedure. The employee concerned may also make representations regarding the procedure to be followed. In cases of disagreement the Directors will determine the appropriate procedure to be followed and there shall be no appeal against that decision. Those involved will be informed of the reasons for the movement between procedures.

1.9.2. There may be occasions when, as a consequence of information obtained under one procedure, it is appropriate to initiate action under an alternative procedure.

1.9.3. Investigations that have been undertaken in one procedure may be used as and where appropriate to inform another procedure.

2. Definitions

2.1. This Grievance Policy is designed to resolve such issues between colleagues, and staff and their managers regarding allegations of:

- Bullying
- Racial Discrimination
- Sexual Discrimination
- Disability Discrimination
- Discrimination on the grounds of Sexual Orientation
- Sexual Harassment
- Inappropriate or unreasonable instructions from senior staff/other managers
- Unfair or prejudicial treatment
- Other incidents of inappropriate behaviour

2.2. This Grievance policy is NOT designed to resolve such (alleged) issues as:

- Breaches of Contracts, Terms & Conditions, Job Descriptions, Pay and Remuneration
- Formal Disciplinary Appeals etc. (to be dealt with by direct appeal to the company and/or through the Grievance Policy Allegations of breaches of the Child Protection & Safeguarding Policy
- Disputes between staff not directly involving work or professional matters, or matters that do not directly impact on work or professional matters

3. General Principle

The following principles will apply to the application of this Grievance Policy:

3.1. Informal resolution – Where procedures and circumstances allow an opportunity for informal resolution, this should be considered at as early a stage as possible. This will require the willingness of those involved but should be considered before moving to the formal procedure.

3.2. Right to be accompanied

- **Formal Meetings** - All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure by a single trade union representative or work colleague. The work colleague must be an employee of Hartmore Education Ltd. Employees are expected to make all arrangement for his/her work colleagues to attend meetings and it is expected that adequate time be allowed to arrange representation and for attendance. Where the chosen companion cannot attend on the date proposed, the employee can propose an alternative time and date as long as is within a reasonable timescale, normally 5-working-days of the original date).
- **Informal Meetings** – By agreement, the opportunity to be accompanied may be extended to the informal stage, where this is deemed to be in the interests of an early resolution. If a member of staff wishes to be accompanied at an informal meeting, permission will not be unreasonably withheld.
- **Definition of Representative or Companion** - While legal representation would not normally be consistent with an internal procedure, there may be situations when it may be helpful for either party to be legally represented and, subject to agreement, legal representation may be appropriate. Employees should note that the absence of legal representation will not prejudice their legal rights and they will still have recourse to the provisions of employment law.

3.3. Equality and Diversity - if there are relevant equality or diversity issues that may impact the employee, these should be made known to those involved, and appropriate support provided by Hartmore School. In the case of a disability or language issue, the employee may be accompanied by an appropriate person to provide support.

3.3.1. The Headteacher should check if there are any special arrangements, for example support for a disability that an employee or his/her companion may require, in order to enable them to participate fully in the procedure. Appropriate guidance may be sought from the HR Department. Correspondence in relation to this procedure will invite the employee to inform Hartmore School if they require additional support.

3.4. Confidentiality – All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the company. It might be appropriate, for instance, for a member of staff to discuss a procedure with his/her partner or with a trade union official. Disclosure of information by any of the parties involved might also occur where this is required under law or where there is a circumstance involving duty of care which requires disclosure.

3.4.1. Audio and video recording of meetings is **not** permitted except in exceptional circumstances by prior agreement of all parties.

3.5. Involvement of Human Resources – A member of the HR team will be consulted and will advise on the formal process.

3.6. Timescales - The aim throughout this procedure is to ensure that staff are treated reasonably and in accordance with the principles of fairness and justice. All procedures should be expedited as soon as reasonable while still allowing these principles to be achieved.

- While every endeavour will be made to comply with timescales, due to the complexity and or specific circumstances of a case, timescales may be extended, in such circumstances the individuals will be advised of the reasons for any delay.

3.7. Attendance – If an employee does not attend a meeting convened under this procedure, normally the meeting will be adjourned to establish contact with the employee to ascertain the reason for his/her absence.

- However, where an employee persistently fails to attend a meeting/hearing without good cause, the Headteacher will make a decision the evidence available.

4. How to Make a Grievance

4.1. In the first instance, individuals should be encouraged to discuss ordinary, day-to-day issues informally with their immediate line manager and/or as part of the supervision process.

4.2. Where this action has been unsuccessful, or circumstances make this route inappropriate (for example, if the grievance is against their line manager), the matter should be put in writing to the Headteacher. All grievances must be clearly dated, signed and entitled 'Grievance'. Employees must explain their grievance fully.

4.3. In case of the absence of the Headteacher, a Senior Teacher may deputise, at the discretion of Hartmore Education Ltd.

4.4. In case of a grievance being raised either against the Headteacher, a Director will hear the complaint. It should be noted that where a grievance is taken out against the Headteacher, only a more senior director may hear the grievance.

4.5. Grievances should contain only verifiable facts and evidence. Rumours, gossip, speculation and hearsay will be disregarded. Where there are potential witnesses, they should be named.

4.6. Grievances can only be taken out against named individuals, and not the organisation as a whole, nor part of it. Grievances cannot be taken out against the company as a whole, nor the entire Board of Directors.

4.7. Individuals will receive a written response to their grievance within **10** working days.

4.7.1. If it is necessary to delay the result of the grievance in order to obtain more information, call witnesses etc. the person pursuing the grievance will be informed, and advised as to the reason and likely duration of any delay.

5. Informal Procedures

5.1. Grievances can often be resolved quickly and informally through discussion with managers and there is an expectation that every effort will be made to resolve matters informally. Employees are therefore expected to raise any concerns or issues informally with their immediate manager.

4.2. The Headteacher will discuss an employee's concerns in confidence with him/her, make discreet investigations, as appropriate, and attempt to address his/her concerns fairly and promptly.

5.3. It is the Headteacher's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. This would normally take the form of a summary note of the discussion and its outcome.

5.4. It is expected that an employee will seek to resolve his/her grievance informally in the first instance and will only progress to a formal grievance if the issue cannot be resolved by informal means. Where this has been unsuccessful, or circumstances make this route inappropriate, the matter should then be raised formally through the grievance procedure.

5.5. If the grievance in question is against the Headteacher, then it should be raised with the Director who will seek to resolve the matter informally as appropriate.

6. Formal Procedure

6.1. Stage 1 – Formal Resolution

- If it is not possible to resolve a grievance informally, the employee should raise the matter formally, and without unreasonable delay, by putting his/her grievance in writing to the Headteacher.

- The Headteacher will write to the employee acknowledging receipt of the grievance, normally within **5** working days.
- The Headteacher will invite the employee to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within 10 working days of the written acknowledgement.
- As a result of the initial meeting, the Headteacher may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an impartial and thorough investigation into the background facts or into any allegations made by the employee.

6.2. Investigation

- If an investigation is deemed appropriate, the Headteacher will appoint an investigating officer (or undertake the task themselves). Where the grievance related to other employees, the individuals involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a response.
- The results of the investigation will be provided to the Headteacher in the form of investigation report. This report will also be made available to the employee raising the grievance and any employee(s) named in the grievance. Following the investigation, the Headteacher may hold a further grievance meeting with the employee raising the grievance if it deemed appropriate to do so. The purpose of the meeting is to seek clarification on any further issues that might have arisen and also to allow the employee to comment on the findings of the investigation.
- In some cases, it might be appropriate to hold a grievance meeting with the aggrieved individual and the person(s) against whom the grievance lies.

6.3. Outcome

- The Headteacher will determine the outcome of the grievance. S/he may reject the grievance, or may uphold the complaint and indicate what steps have been/should be taken to resolve it.
- The Headteacher will inform the employee, in writing of the decision and the right of appeal normally within **10** working days of receiving the investigation report or of the final grievance meeting/hearing. The employee will be given an explanation if this is not possible, and will be advised when a response can be expected.
- Any employee(s) named in the grievance will also be advised, in writing of the decision.

6.4. Stage 2 – Appeal

- If an employee remains aggrieved, s/he may write to the Director within **10** working days of the date of the decision under stage 1, exercising his/her right of appeal.
- Appeals will be considered by a Director (nominated Appeal Officer). The Appeal Officer will have had no prior involvement in the case and will be supported by the HR Team.
- Where the appeal involves other employees, the person(s) named in the grievance will be informed of the appeal and the outcome.
- This procedure may in the interest of natural justice and following consultation with relevant parties, be varied and altered by the Appeal Officer who will detail the reasons for the variation.
- The decision may be given verbally at the appeal and will in any event be conveyed or confirmed in writing with **10** working days of the hearing. Any recommendations for further action will be clearly stated in the letter.
- The decision following the appeal is final and there will be no further internal right of appeal.

7. Right of Hearing/Appeals

7.1. Where possible, grievance will be dealt with without a personal hearing. However, the Headteacher or Director may choose to call any witness for a personal interview and/or require the production of written statements. Further, the Headteacher or Director may choose to interview the complainant and/or the person/s about whom the grievance is being taken.

7.1.1. On occasion the Headteacher or Director may choose to jointly interview the complainant and/or the person/s about whom the grievance is being taken and/or arbitrate between them.

7.2. To appeal against any decision, the employee must first write to the Headteacher or Director within **10** working days of receiving the response. Any requests for an appeal lodged after this date will not be heard.

7.3. Appeal hearings will be held within **28** days of receipt of the grievance.



7.4. If the grievance relates to a duty of care owed by the employer to the company, the individual is entitled to be accompanied by a companion if they wish.

7.5. The individual will be informed of the decision at the end of the meeting and the decision will be confirmed in writing within 5 working days.

8. Action

8.1. The purpose of this Grievance Policy is to provide positive solutions to ensure successful future working relationships between colleagues, and staff and their managers as and when serious friction or difficulties arise. It is the responsibility of the Headteacher to come up with a detailed, written plan of action. All staff involved are expected to follow that plan of action whether or not they agree fully with the proposed solution. Failure to adhere to instructions on grievance matters may result in disciplinary action.

8.2. In the case of superfluous and/or malicious grievances, the company reserves the right to deal with such grievances via the Disciplinary Policy where this applies.

9. Serious Grievances

9.1. If a serious grievance is upheld, in whole or in part, the Headteacher may decide that disciplinary action may be required. However, they may not arbitrarily order such disciplinary action. All disciplinary action must be dealt with via the Grievance Policy

9.1.1. However, if a very serious grievance is lodged the Headteacher may decide that in the best interests of all involved, a member of staff should be moved to another unit, or even suspended without prejudice, during the period of investigation.

9.1.2. Although this is NOT a disciplinary action, the same level of support as detailed in the Policy should be offered to the suspended person, including Trade Union representation, if requested.

10. Definitions

10.1. Mediation is considered to be useful means of resolving difficulties in the workplace especially in cases involving interpersonal relationships. The mediation may be proposed by a the Headteacher (or nominated investigating officer) as a way of addressing a grievance. Thus, at any stage in this Grievance Policy, the parties to the grievance may request that the matter be referred for mediation. It is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues through mediation and as such will be amenable to and cooperate with this approach. However, where mediation is agreed, the Headteacher will be expected to facilitate time for employees to attend for mediation.

10.2. The Grievance Policy will be put on hold whilst any mediation takes place. In the event that mediation does not resolve the concerns raised the Grievance Policy will recommence at the point reached prior to referral for mediation. Any discussions that have taken place as part of the mediation process will not be admissible as evidence in the reconvened Grievance Policy.

10.3. However, where a grievance is resolved through mediation, it is anticipated that the mediator will assist the parties to draw up a written agreement. This agreement will remain confidential to the parties involved. The Headteacher will be informed if the grievance is resolved in this way. The parties may release additional information about the settlement by mutual agreement.

11. Definitions

This Grievance Policy was reviewed in January 2019 and will be reviewed again in July 2020.