MacIntyre Academies

Grievance Policy

Version:	Changes/Updates	Responsibility:	Date:
V5	• Person responsible updated throughout • Terminology changed from staff to employees • **Section 4:** section revised to reflect culture and current practice • **Section 6 and 9**: updated to reflect current practice • **Section 8**: covert electronic recordings section added	CEO (or equivalent)	March 26

Person Responsible:	CEO (or equivalent)
Date of first draft:	April 2015
Date of first employee consultation:	/
Date adopted by the Trust Board:	April 2015
Date of implementation:	April 2015
Date reviewed:	Jun 2016; December 2019, March 2023, March 26
Date of next review:	March 2029

Grievance Policy

1. Purpose

This policy sets the processes and procedures for handling grievances, decisions and appeals in a fair, transparent and timely manner, whilst recognising the rights and responsibilities of both MacIntyre Academies Trust (MAT) and its employees in accordance with relevant employment legislation and best practice.

2. Scope

This policy applies to all employees of MacIntyre Academies Trust (MAT) in either a permanent, fixed term or temporary post. It also applies to applicants for employment, volunteers and trainees. The policy may also apply to groups of the above, where collective grievances may be raised.

This policy does not form part of any contract of employment and may be amended from time to time.

3. Schedule of Responsibilities

The CEO (or equivalent) of MacIntyre Academies Trust takes overall responsibility for the implementation of policies and procedures and to provide reports as appropriate to Trustees in relation to this policy.

Principals of MacIntyre Academies and their Senior Leadership Teams will take active steps to promote good practice under this policy and review and monitor the management and implementation of this policy and practice in their Academy. They will identify training needs, ensuring competence in those employees who are responsible for and involved in the operation of this policy and associated guidance. Teachers and other supervisory roles will, where required, conduct formal grievance meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy.

All employees are required to cooperate fully and positively with the requirements of the Grievance Policy and to undertake any training recommended by their line manager.

MacIntyre Academies Human Resources are responsible for providing advice and training under this policy and reviewing and updating the policy as required; ensuring continuing relevance and effectiveness in line with any developments in employment legislation, good employment practice and other MacIntyre Academies policies. The Head of Operations is responsible for collating data for regular Trust Board HR reports and where appropriate, providing confidential reports as required by the Group Director (or their equivalent) and MacIntyre Academies Trust Board on individual cases.

4. Introduction

MacIntyre Academies Trust aims to create one inclusive community in which everyone can thrive. However, we recognise that occasionally workplace issues or concerns may arise for employees. This may include concerns about terms and conditions of employment, health and safety, relations with others, working practices, bullying, harassment or discrimination. The MAT is committed to creating an environment where employees feel able to raise any such concerns without fear of victimisation or

repercussion and, where possible, to secure a mutually acceptable resolution. We hope to be able to resolve the majority of issues without recourse to formal procedures but where this is not possible, the following guidelines should be followed.

The MAT aims to deal with all grievances fairly, objectively and consistently. All steps under this grievance procedure should be taken without unreasonable delay. Employees are expected to raise any concerns within no more than a three-month period following the act or decision complained of, or show good reason for a longer delay.

Any employee raising a work-related grievance will be protected from discrimination or victimisation. Should they have any concerns that that they are being victimised as a result of bringing a complaint, this should be raised as soon as possible with the HR Manager (or if the complaint relates to the HR Manager, with the Head of Operations).

5. Policy Statement

The essential principles of this policy are:

- Employees should let their line-manager know the nature of their grievance and issues promptly, in order to try to resolve any grievance informally in the first instance and to try to resolve problems quickly (if the grievance is against their line manager, they should raise it with the next senior line manager).
- Employees should state at an early stage what outcome they want from the grievance process.
- All grievances will be given full consideration and all relevant views obtained before a decision is reached.
- Senior Leaders, Managers and employees should act consistently in accordance with the outlined procedures.
- Senior Leaders and Managers will arrange any meetings without unreasonable delay and will carry out any necessary investigations and establish the facts of the case in advance of any formal meeting.
- Senior Leaders and Managers will allow the employee to be accompanied at any formal meetings and will advise the employee of their right to appeal against any formal decision made.
- All outcomes from formal meetings, with supporting justification, will be communicated to the employee(s) in writing.
- Once the grievance has been satisfactorily resolved, the relevant manager will ensure that all corrective actions agreed (where applicable) are in-place and have had or are having the desired effect.
- So far as is reasonably practicable, proceedings, evidence and records shall be kept confidential.
- Where employees feel that they are being bullied or harassed they should refer to the Bullying and Harassment Policy.
- Where employees wish to raise concerns about possible malpractice at work (e.g. fraud/danger) they should refer to the Whistleblowing Policy.

- Where an employee wishes to raise a concern on behalf of a child/young person they support, they should refer to the Complaints Policy.

- Employees who pursue a grievance through the grievance policy will not be victimised in any way which may negatively affect decisions regarding their employment prospects and any aspects of their terms and conditions of employment.

- Grievances relating to Health and Safety issues should be made directly to either the relevant Manager, Academy Principal or CEO (or equivalent) of MacIntyre Academies Trust who are empowered to take immediate action.

6. Procedure

If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance on the disciplinary process. If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously as part of disciplinary proceedings. If the matters are unrelated, the grievance will be dealt with as a separate matter concurrently.

Repeated grievances which replicate the same matters already addressed under the procedure will not be reconsidered unless new evidence has come to light that justifies reopening the grievance.

The MAT aims, through this procedure, to deal with all grievances with the minimum of delay in the best interests of all parties. The ill-health absence of an employee during the procedure will not result in any delay to convening meetings or appeals beyond what is reasonable in the circumstances. One attempt to reschedule a grievance meeting or appeal will be made where ill-health absence intervenes and it should be explained to the individual that if they are still unable to attend on the rescheduled date the relevant manager/panel will either:

a) proceed to investigate the grievance (or consider the appeal) without meeting with the employee first, in which case the employee will be offered the option of making a written submission or asking their companion to attend the rescheduled meeting on their behalf, or,
b) Where it is not practical to proceed with investigating the grievance or hearing the appeal without further clarification from the employee, inform the employee that the grievance will not be pursued further at this time due to the employee's absence.

Absence which appears to have been triggered by the grievance itself will usually be referred to Occupational Health to obtain advice. If the absence becomes long-term then this will be dealt with in accordance with the MAT Sickness Absence Policy.

Please see appendix 1 for the Grievance Process Flowchart outlining the informal and formal stage, also detailed below:

6.1. Informal Stage

An employee should first raise a grievance with their immediate line manager to see if the matter can be resolved informally without invoking the formal grievance process. If the grievance is against the

employee's manager, it should be raised with *that* person's line manager who will seek to resolve the matter informally as appropriate.

The line manager (or other appropriate person) will normally hold a confidential meeting within 5 working days to discuss the grievance with one or both of the parties to establish whether there is any foundation to the grievance and try to resolve the matter.

The line manager (or other appropriate person) will communicate verbally and in writing, the outcome of the informal grievance meeting to the employee who has raised the grievance and the employee against whom the grievance has been raised.

If the matter is not resolved to the employee's satisfaction at this stage, the formal stage of this process should be invoked. An individual wishing to lodge a formal grievance should do so as soon as possible after the event and without unreasonable delay.

6.2 Formal Stage

If the employee feels the matter has not been resolved satisfactorily through informal processes, the employee should raise the matter formally in writing to their line manager.

Where the line manager is unavailable or, if in the event that the concerns relate to the line manager, the grievance should be submitted to their line-managers line manager or the Principal. The Principal or the Human Resources Adviser will appoint an alternative person to hear the grievance. Alternatives to the line manager could include an employee of equal or more senior status within the Academy, Trust, the Principal or an external person(s) with suitable experience as nominated by MacIntyre Academies.

Where the Grievance relates to the Principal the grievance should be submitted to the Head of Operations who will hear this grievance or arrange for an appropriate senior leader from the Trust to hear this. In such instances, the employee's right of appeal will be to the CEO (or equivalent) of MacIntyre Academies, a Director of the Trust Board or other suitable person(s). Where the Grievance relates to the CEO (or equivalent) of MacIntyre Academies the grievance should be submitted to the Trust Board Chair. In this instance, the employee's right of appeal should be to a different Director.

In certain cases, MacIntyre Academies may engage the services of external person(s) with suitable experience to undertake a grievance investigation and/or to present the case at a hearing if the circumstances merit this approach.

The written grievance should be submitted as soon as possible and without unreasonable delay and should include the following:

- The nature of the grievance – what is alleged to have occurred.
- Actions taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate).
- The outcome the employee is seeking.
- Any witnesses to the matters complained about.

6.2.1 Meeting

The line manager will acknowledge receipt of the grievance, normally within 5 working days of the request being received, in writing and invite the employee to attend a formal grievance meeting in order to discuss the matter, – normally within 10 working days of receipt of the written grievance. Where circumstances prevent this, the employee should receive a formal response within this timescale with

the meeting being held as soon as possible thereafter. School closure periods will generally result in a temporary suspension of this procedure. A member of HR and/or a note taker will also be present at the meeting.

All efforts should be made by employees to attend meetings that constitute part of this procedure. Where there are valid reasons for rescheduling meetings, these should be rearranged without delay. Employees attending a grievance meeting will be given written notice of the arrangements for the meeting at least five working days in advance to allow the individual concerned the time to arrange representation. This timescale may be shortened with the agreement of both parties.

During the grievance meeting the employee will have the opportunity to explain their grievance and to discuss it with the relevant manager.

The employee is entitled to be accompanied at the formal grievance meeting (and any appeal meeting) by a work colleague or trade union representative.

6.2.2 Investigation

The line manager (or other appropriate person) will carry out such investigations as they consider appropriate prior to the meeting. Similarly, after the grievance meeting, the manager may carry out further investigations and/or hold further grievance meetings as considered appropriate. In either case a meeting will take place involving all relevant parties.

The person investigating the grievance will:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the individual raising a grievance or contact them (if unsure or further information is necessary).
- Clarify what the individual raising a grievance feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep notes of any interviews held.
- Collate any correspondence and other documents relating to the complaint.

In some instances, where the relevant facts are already known, an investigation may not be considered necessary and the individual may be invited to a formal grievance meeting without a prior investigation.

MacIntyre Academies is committed to ensuring that all grievances are fully investigated. The investigation report will be made available to all parties concerned; the identity of witnesses will be kept confidential where necessary. Throughout the investigation stage, the MAT will keep in mind the potential resolution to the grievance. If appropriate, this may be discussed with the employee who has raised the grievance ahead of a formal grievance meeting, with the aim of identifying a satisfactory resolution at the earliest possible opportunity.

6.2.3 Outcome

Following the meeting, and any further enquiries or investigation felt necessary, the manager will review all the evidence relating to the grievance and will report on the outcome in writing to the employee, normally within 5 working days; including what action, if any, they intend to take. The Manager must confirm either:

- That the grievance is upheld and note the actions to address the grievance (i.e. actions to be taken, by who and by when).
- That the grievance is partially upheld and note the actions to address the relevant parts of the grievance (i.e. actions to be taken, by who and when), or
- That the grievance is rejected and states the reasons why.

The employee will be notified of their right to appeal against this decision.

6.3 Appeal

If the employee wishes to appeal the decision, the employee must put in writing their grounds for appeal to the HR Manager within 5 working days of receiving the outcome; who will arrange for this to be heard by the next level of management, where practicable, usually a member of the Senior Management Team or the Principal (where appropriate). The appeal meeting will be heard by someone who has no previous involvement with the case. In certain cases, MacIntyre Academies may engage the services of external person(s) with suitable experience to undertake a grievance appeal and/or to present the case at a hearing if the circumstances merit this approach.

The employee should set out the full grounds of appeal giving full details of why he/she believes the matter should be appealed.

An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal, which should include:

- Why they are dissatisfied with the outcome of the formal grievance meeting;
- The outcome they are seeking

New evidence may be considered at the appeal stage but no additional grievances can be raised. The appeal will be acknowledged and the employee will be invited in writing to attend an appeal meeting; normally within 10 working days of the grounds for appeal being received, and they should be reminded of their right to be accompanied by a colleague or trade union representative. A member of HR and/or a note taker may also be present at the meeting.

The manager will inform the individual, in writing, of the decision, normally within 5 working days of the meeting, and must confirm either:

- That the appeal is upheld in whole or part and note the actions to address the grievance (i.e. actions to be taken, by who and by when), or
- That the appeal is dismissed in whole or part and states the reasons why.

The manager can also:

- Decide on the appropriate action to be taken to resolve the grievance.
- Recommend changes to the Trust's systems or procedures to ensure that problems of a similar nature do not recur.

The employee will be advised that this is the final stage of the grievance process and the decision made at the appeal meeting is final.

7. Right to be accompanied

The employee is entitled to be accompanied at the formal grievance meeting (and any appeal meeting) by a work colleague or trade union representative. If the employee's companion cannot attend on a proposed date, the employee can suggest another date, provided this is within 5 working days of the original date.

The accompanying person has the right to speak at the grievance or appeal meetings but not to answer questions on the employee's behalf.

It is the employee's responsibility to ensure their chosen companion is willing to act and able to attend the grievance or appeal meeting.

8. Record Keeping

It is important that accurate records are kept throughout the process, including any initial informal process. Records should clearly identify the nature of the grievance, what was decided and what actions were taken, the reasons for the actions, whether an appeal was lodged, the outcome of the appeal and any subsequent developments.

Records will be held in a secure and confidential manner by Academy Leaders and/or HR and will be retained for as long as necessary to ensure that the grievance has been resolved.

Covert electronic recordings must not be made of any meetings conducted under this procedure and any breach of this may result in disciplinary action. Notes of the meeting will be taken by a nominated notetaker and shared. The employee involved will have the opportunity to append any revisions to these notes. Any other arrangement than this is subject to negotiation and should be mutually agreed.

9. Mediation

In seeking to resolve a grievance, it may sometimes be appropriate for mediation to be considered, depending on the nature of the grievance. Mediation involves an independent, impartial person working with both sides to find a solution. Mediation will only be used where all parties involved in the grievance have agreed to it.

10. Former Employees

For employees who have left the employment of MacIntyre Academies Trust, a modified grievance process will be followed. In this case, grievances must be put in writing and sent to their previous line manager as soon as possible after leaving the Trust and in any event no later than 3 months after the incident.

This modified process means that the Trust will investigate the grievance and then respond in writing, rather than holding a meeting with the ex-employee. Following the Trust's full written response to the grievance, there will be no further right of appeal.

11. Extension of Time Limits

Grievance matters should normally be conducted within the timescales laid down in this procedure. There may be occasions where, for operational or other reasons, either party is unable to meet the process timescale or an extension of time limits will be accepted in such circumstances. Employees will be informed and given an explanation where this is the case.

12. Withdrawal of Grievance

An employee may wish to withdraw their grievance at any time in the process and must do so in writing to their line manager.

MacIntyre Academies will treat any application as withdrawn if:

- The employee withdraws the application in writing, as outlined above. Any verbal withdrawal must be followed up in writing to this effect from the employee.
- An employee fails to turn up for a rearranged meeting without good reason.
- An employee unreasonably fails to provide MacIntyre Academies with sufficiently detailed information to allow their grievance to be considered.

13. Frustrating the Grievance Process

MacIntyre Academies will fully investigate alleged breaches of the Grievance Policy and take action, where necessary, in accordance with the Disciplinary Policy. Such breaches may include:

- Making a false statement regarding a grievance.
- Raising an excessive amount of grievances which MacIntyre Academies deems to be unwarranted in an attempt to disrupt formal proceedings or cause disorder.
- Failure to follow process as detailed in this document.

Depending on the circumstances and nature of the breach, a breach of the Grievance Policy by the employee may be considered by MacIntyre Academies to be an act of misconduct or gross misconduct warranting disciplinary action.

No employee will be dismissed for a first breach of policy, except in the case of gross misconduct when the penalty may be dismissal without notice and without payment in lieu of notice.

14. Reporting

Data concerning all grievance matters is to be collated by the HR Adviser and reported within the HR report that is a standing item on the Trust Board agenda. The Head of Operations will also compile confidential summary reports on any serious grievance matter. Where appropriate, these will be provided to the CEO (or equivalent) for sharing with the chair of the Trust and other directors as required.

Appendices:

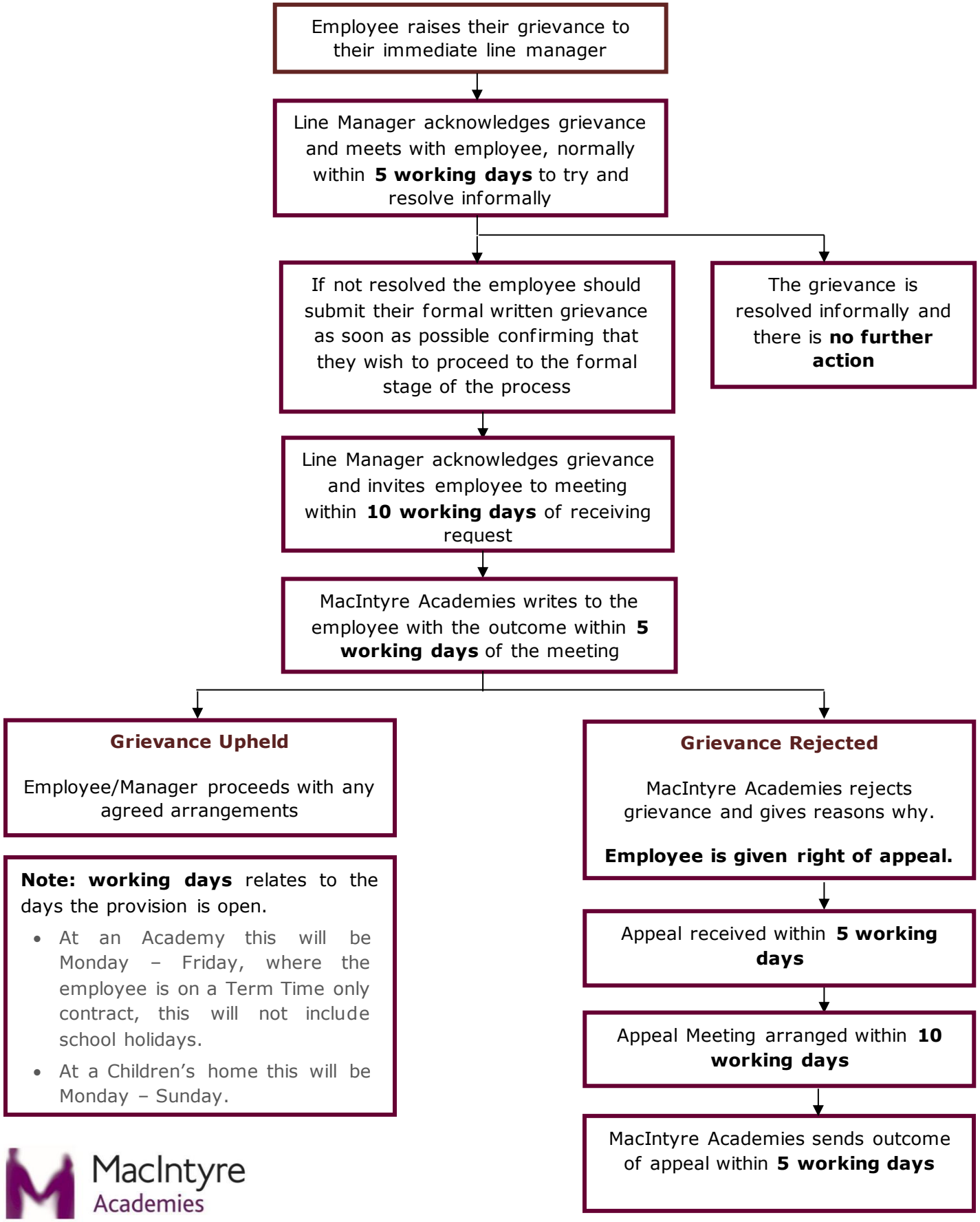
Appendix 1: Grievance Process Flowchart
Appendix 2: Glossary of Terms
Appendix 3 – Support for Employees

Changes at previous reviews:

Version:	Changes/Updates	Responsibility:	Date:
V4	• Removed "applicants for employment". • Amended wording throughout from CEO to Group Director (or their equivalent) and to Head of Operations where necessary. • Updated EAP information to Lifeworks. • 6.2 and 6.2.3 amended to include the use of an external person to hear a grievance or appeal. • Page 9 – clarification of working days	Group Director (or their equivalent)	March 23

Appendix 1 – Grievance Process Flowchart

Grievance Process Flowchart



Note: working days relates to the days the provision is open.

- At an Academy this will be Monday – Friday, where the employee is on a Term Time only contract, this will not include school holidays.
- At a Children's home this will be Monday – Sunday.

MacIntyre Academies

Appendix 2 - Glossary of Terms

Grievance
A personal complaint about an employeesown employment situation (e.g. the f employee employed may feel aggrieved if they think a management decision has affected them unfairly or that they are not being treated properly). A grievance is where theemployee is a complainant.

Bullying
Whilst not legally defined, bullying is unacceptable behaviour and may be characterised as Offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.

Harassment
The Equality Act (2010) defines harassment in relation to a relevant protected characteristic; age, disability, gender reassignment, race, religion or belief, sex, sexual orientation and as being: Unwanted conduct (sexual or otherwise) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment

Harassment also can include treating someone less favourably because he or she has either submitted to or rejected sexual harassment or harassment related to sex or gender reassignment.
Harassment may be persistent or an isolated incident and it is action which is perceived to be demeaning or unacceptable to the recipient.

Victimisation
Victimisation occurs when a person (A) subjects another person (B) to a detriment (or treats them unfairly) because either: B has done a 'protected act', or; A believes B has done, or may do a 'protected act'. 'Protected acts' include bringing discrimination proceedings, giving evidence or information in connection with discrimination proceedings, making an allegation of unlawful discrimination, or doing anything else under, or by reference to, discrimination legislation.

Whistleblowing
Whistleblowing is when an employee knows, or suspects, that there is some wrongdoing occurring within the organisation and they alert MacIntyre Academies or the relevant authority accordingly. A whistleblowing concern is about a risk, malpractice or wrongdoing which affects others. It could be something which adversely affects the children and young people we support, the public, other employee or MacIntyre Academies itself. The employee raises the information as a witness. If employees 'whistleblow' they are protected by the Public Disclosure Act 1998 (i.e. from any detriment in relation to any allegations that are made).

Appendix 3 – Support for Employees

Try to Resolve Problems Informally

Employees are encouraged to raise any issues or complaints that they have in the course of day to day conversations with their manager and during 1:1 meetings. They should raise issues promptly and as they occur, so that matters can be addressed and without delay.

If employees feel that their issues are not being addressed, then they are advised to raise the matter in line with this policy and guidance notes. Employees can also contact their HR Contact if they require any advice.

Preparing for Meetings

Employees should make every effort to attend meetings that have been arranged to discuss their concerns. In preparation for the meeting, employees are encouraged to think about what they want to say – there is nothing wrong with writing this down and reading it out at the meeting.

It is up to the manager to decide how the meeting will run. They will normally go through the issues that have been raised and give employees the opportunity to comment. The main purpose of the meeting should be to:

- Establish the facts and explore people's perception of what has led to the Grievance situation
- Find a way to resolve the problem

Employee Assistance Programme

Employees are encouraged to make use of the Employee Assistance Programme (EAP) Lifeworks at any time if they have concerns during their employment. The EAP offers a confidential support service offering telephone counselling and advice on a wide range of practical and emotional issues and is free of charge to all employees.

Right of Accompaniment

Employees have the statutory right to be accompanied at formal disciplinary, capability, grievance or appeal meetings. The employee needs to tell MacIntyre Academies the name of the companion they wish to invite before the grievance meeting.

The Companion can only be a fellow worker or a trade union representative. Nobody has to accept an invitation to act as a companion and fellow workers should not be pressurised to do so. Fellow workers who are acting as companions can take a reasonable amount of paid time off to fulfil their responsibility.

The Role of the Companion in the Meeting
The role of the companion in the meeting is to: • Help put and sum up the employee's case • Respond on behalf of the employee to any views expressed at the meeting • Confer with the employee during the meeting The companion **does not** have the right to:

- Answer questions on the employee's behalf
- Address the meeting if the employee does not wish it
- Prevent the employer from explaining their case

Where an employee or their companion cannot attend a meeting on the set date, an alternative date may be agreed. Wherever possible, this should be no more than 5 working days after the original date of the meeting.

Section 4 – Other Information

Confidentiality

MacIntyre Academies expects everyone involved in any of the processes required under the Grievance Policy to maintain confidentiality. A failure to do so could be considered a disciplinary matter.

Record Keeping

Notes must be kept of both informal and formal meetings. Any person interviewed must be provided with a copy of their own meeting notes. Any documentation relating to procedures under the *Grievance Policy* must be stored in accordance with MacIntyre Academies' *Data Protection Policy.*