

# St Cyprian's Greek Orthodox Primary Academy



## CODE OF PRACTICE AND PROCEDURE FOR RESOLVING INDIVIDUAL GRIEVANCES

Reviewed: July 2015

Reviewed and ratified by Full Academy Trust:

Date: 18/6/15

Signed: 

Name: Dr. A. Andreou

Position: Chair

## Mission Statement

The aim of St Cyprian's Greek Orthodox Primary Academy is to provide its children with primary education of the highest quality in a supportive learning environment through the national curriculum in core subjects, enriched by the progressive teaching of the Greek language and Christian Orthodox religion.

The children will be equipped with the knowledge, skills and spirituality to enable them to achieve their full potential and prepare them for transition to secondary education and to contribute positively to the challenges of a diverse multicultural society.

### **1. Scope**

- 1.1. This procedure applies to all staff of St Cyprian's Greek Orthodox Primary Academy. The Academy Trust is responsible for establishing a Grievance Procedure and for making it known to staff in the school. If a grievance contains allegations of harassment, discrimination, bullying or victimisation, please consult the Code of Conduct for guidance.

### **2. Introduction**

- 2.1. It is recognised that many matters which become the subject of formal grievance arise from simple misunderstandings. Line managers, in particular, should always strive to make their actions, instructions and requirements clear and to act in such a way that all staff have confidence they will be treated equitably. The purpose of a grievance process is to enable the worries or anxieties of staff to be articulated. In the first instance they should seek to resolve their complaint about any matter directly in discussion with the person(s) concerned, unless the circumstances indicate it is more appropriate to go straight to the formal stage.
- 2.2. This policy sets out the procedure for employees to raise issues which cannot be resolved informally. It aims to help settle grievances fairly and promptly and as close to their point of origin as possible. It complies with the Standard Statutory Grievance Procedure.
- 2.3. Any malicious or vexatious allegation will be treated as a disciplinary offence.
- 2.4. The procedure will be monitored against equalities criteria to comply with the Academy's obligation to report the impact of its policies on different groups of staff.

### **3. Exceptions**

- 3.1. The Grievance Procedure cannot normally be followed to address issues that:
- 3.2.
  - have been or are being dealt with under another procedure which has its own arrangements for hearing appeals. This might include, for example, Discipline, Performance Management, or Sickness Management unless the facts are substantially different, or if raising a serious concern about the behaviour of an individual involved in undertaking the previous process.

- are over 20 working days old (see the ACAS Code. An employee may refer to earlier matters if they believe that they support the grievance, however).
- are covered by statutory controls like Income Tax, National Insurance or Pension Schemes.
- have been decided or agreed after corporate consultation mechanisms have been exhausted with the trade unions, or have arisen out of national or regional agreements or from Council/Cabinet decisions (although it is recognised that the implementation of some decisions or agreements may have an individual impact which may give rise to a grievance, subject to the exceptions outlined above).

NB. normally a case being formally considered under one procedure cannot be switched to another procedure by any of the parties (for example a Grievance would not become a case under the Bullying and Harassment Procedure).

#### **4. Collective Grievances**

- 4.1. Every employee has the right to pursue an individual grievance, but if the same complaint is received from more than one person it may be appropriate to involve a trade union representative. Where a group of staff is involved, each individual must be identified and one or two representatives nominated to act for the whole group. If certain staff are seeking different outcomes, it may be possible to seek some measure of agreement between them on the resolution being sought. Where agreement cannot be reached, each grievance would need to be dealt with separately. In any event, a decision about how to proceed must be made in consultation with the Academy's HR provider and adhered to.

#### **5. Time Scales**

- 5.1. For the purposes of this procedure, a *working day* is a day when the school is open to pupils. Time limits may be extended, by agreement, for a short time in special circumstances, such as leave, sickness absence, or to allow mediation to take effect. A time limit must be set in advance for any such delay, regardless of which side requests it.

#### **6. Right To Be Accompanied**

- 6.1. Employees have the statutory right to be accompanied at grievance meetings by either a trade union representative or a work colleague (but not by legal representative). Both the employee and their companion will be allowed reasonable paid time off to attend the meeting. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date. The meeting may be rescheduled to accommodate the availability of the companion as long as an alternative date is offered which is within 5 working days of the originally proposed date.
- 6.2. If one person cannot attend the meeting for any reason which was not foreseeable when the meeting was arranged this does not count as a breach of the grievance procedure and the meeting must be rearranged. If a party fails to

attend for no good reason then the case may proceed in the absence of the employee or their companion, based on the information available at the time.

## 7. Modified Procedure

7.1. A modified procedure is a “bare-bones” procedure which may be followed in certain circumstances. The Academy is advised to seek advice from its HR provider, and the employee is advised to seek advice from his trade union/professional association, before embarking on a modified procedure.

7.2. A modified procedure may be followed:

- if a grievance is raised after employment has ended, or
- if the employment has ended and the Academy’s normal Grievance procedure has not been completed, or
- if the employment has ended and the manager was unaware of the grievance before it ended, or was aware but the Academy’s normal Grievance procedure was not started before the last day of employment

so long as both parties give their express agreement in writing

7.3. In such a case the ex-employee must write a letter stating the basis for the grievance to the relevant manager, who will send a written statement within 20 working days in response. If one party objects to the modified procedure being used, the Academy’s normal Grievance procedure must be followed.

## 8. Outcomes

8.1 The person submitting the grievance should be invited to indicate the resolution they are seeking. Those hearing the grievance will then need to decide if this is reasonable in all the circumstances. Where a grievance is **upheld**, possible outcomes might include (but are not limited to):-

- An apology
- An undertaking to amend behaviour and monitor progress
- A decision to advise appropriate individuals to meet certain standards, with a possible referral to the Managing Performance procedure
- A decision to deal with the matter by instigating another procedure (e.g. Discipline)
- An acknowledgement that a policy or procedure had been incorrectly applied and suggested remedies
- A referral to a correct procedure where an inappropriate one had been followed
- An offer of fresh application of a procedure which had been incorrectly implemented
- A requirement or entitlement to undertake appropriate training and development activity
- the reversing of a decision previously made

In any event, the Academy’s HR provider should be consulted about possible outcomes before a decision is made.

- 8.2 **As this is an internal procedure to the Academy it would not be appropriate to award any financial compensation** (e.g. for hurt feelings).
- 8.3 Grievance cases will be reviewed periodically in order to produce equality monitoring data and also to measure the effectiveness of the procedure in seeking to find suitable resolutions.

## 9. **Step 1: Written Complaint**

- a. To raise a formal Grievance the complainant must submit a signed and dated written complaint to the Headteacher including suggested outcomes for resolving the grievance. If the complaint is about the Headteacher, the complainant should write to the Chair/Vice-Chair of the Academy Trust. On receipt of the complaint a copy should be sent to the Academy's HR provider and advice sought from them. The line manager will also consider whether mediation should be offered as a possible alternative to pursuing the grievance procedure.
- b. **The Headteacher must:**
- Write to the complainant within 5 working days to acknowledge receipt of the Grievance and explain the timescale and process. The letter should inform the employee about a meeting to discuss the grievance, which should be arranged within 15 working days of the complaint being received.
  - Write to the person being complained about and providing them with:-
    - a copy of the complaint
    - a copy of the procedure and the timescales envisaged for dealing with the complaint;
    - advice concerning their right to be accompanied;
    - date(s) of any proposed meetings relating to the procedure.

## 10. **Step 2: Formal Meeting**

- a. The will meet with the complainant to consider the Grievance. (See the Protocol for Conducting Formal Hearings for advice). A representative from the Academy's HR provider should be present.
- b. If the matter needs no further investigation, the manager will communicate their findings and decision with any recommendations (including timescales, for intervention as appropriate), within 10 working days of the meeting. A copy of the letter should be forwarded to the HR provider.
- c. Alternatively, the manager may agree with the parties to extend the deadline, if necessary, so as to complete investigations. The timescales for completing

this process must be communicated to the employee and their representative and should not be excessive.

### **11. Step 3: Appeal**

- a. If the complainant does not accept the outcome they must write to the Chair/Vice Chair of the Academy Trust within 10 working days of receipt of the decision stating:
  - why they are not happy with the outcome
  - their suggested remedies for resolving the grievance
- b. The Chair/Vice Chair of the Academy Trust or their representative must write to the employee within 5 days to acknowledge receipt of the Appeal.
- c. They will also arrange an Appeal Hearing composed of a panel of at least three governors who have not been previously involved with the matter, advised by a senior HR representative.
- d. The Appeal Hearing will complete the following actions:-
  - Consider the investigation and outcomes recommended from the previous stage of the grievance
  - Hear the grounds for the decision
  - Hear why the complainant remains dissatisfied and the outcomes they are seeking
  - Make a final decision based on all available information (or request further information as necessary) and make a final decision within 15 working days of the meeting
  - Inform the employee in writing of the decision.

**This decision is final and concludes the Grievance Procedure.**