



SIKH ACADEMIES TRUST
Faith Inspired Education

SAT GRIEVANCE POLICY

SECTION A INTRODUCTION TO GRIEVANCE POLICY

INTRODUCTION

The Directors of Sikh Academies Trust are committed to ensuring that the highest standards are maintained at the schools both in the provision of education to pupils and in every other aspect of the running of the school. This policy applies to all employees. It does not apply to agency workers or self-employed contractors. Separate procedures exist to deal with matters of unsatisfactory performance and absence due to ill health.

This document sets out the Trust's grievance policy and provides a structured mechanism for employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient SAT's operation.

The Trust will closely monitor any grievance brought their attention on a termly basis and the number of cases. This policy is compliant with current legislation and the ACAS Code of Practice.

The Equality Act 2010 replaces previous equality legislation and extends protection for all protected characteristics to ensure consistency. Under this legislation, protected characteristics are:

- Age
- Disability
- Race
- Sex
- religion or belief
- gender reassignment
- sexual orientation
- pregnancy and maternity
- marriage or civil partnership

SCOPE

This policy and procedure apply to all staff employed at SAT. If a grievance is raised by an employee against the Headteacher, it will be addressed by the Executive Headteacher. If a grievance is raised against the Executive Headteacher or a LAB member, then it will be addressed by the Trust's Board of Directors.

ROLES AND RESPONSIBILITIES

Both managers and employees have a responsibility within this procedure.

Managers will:

- Try to resolve all issues informally before they become formal grievances.
- Ensure the grievance procedures are followed correctly and seek advice as necessary.

- Treat all grievances seriously, dealing with each one fairly, consistently and sensitively.
- Address any grievances promptly and within the given timelines.
- Where appropriate, consider alternative working arrangements with the aggrieved employee where it is not possible, or appropriate, for the employee to continue to work as before (see below).

Employees will:

- Work with the manager to genuinely seek resolution.
- Co-operate with any investigation.
- Wherever possible try to raise and resolve the grievance informally.
- Comply with all reasonable management instructions whilst their grievance is being progressed.

PRINCIPLES

The policy and procedure contained within this document are founded on the following principles:

- To enable grievances to be resolved quickly and consistently across the SAT schools to maintain good working relationships.
- Where the circumstances are appropriate, and/or both parties agree, allow grievances to be dealt with through the informal process.
- To ensure that any employee raising a grievance is given a fair hearing, their issues are investigated thoroughly, and that the outcome is confirmed in writing.
- To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- To ensure that any witnesses are protected against detriment and dismissal because of acting as a witness during a grievance hearing.
- To ensure that any representative or work colleague is protected against detriment and dismissal in respect of his/her action in accompanying the employee and for addressing or seeking to address the hearing.
- Not to discriminate against any individual in the application of this policy and procedure on prohibited grounds.

Any allegations that refer to bullying/harassment will be initially addressed under this procedure but could invoke the application of disciplinary procedures instead.

Any allegations that are of a discriminatory nature will be investigated under the Trust's Disciplinary procedure.

WHAT COULD CONSTITUTE A GRIEVANCE?

Grievances are concerns, problems or complaints that employees raise with their employers.

- General work issues: For example, issues regarding terms and conditions of employment, health and safety, working practices or working relationships.
- Bullying

- Harassment
- Victimisation

EXCLUSIONS

This policy does not apply to the following categories:

- Employees appealing against a dismissal/disciplinary decision
- Employees appealing against a job evaluation/grading
- Whistleblowing Complaints

USING THE GRIEVANCE POLICY

All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others.

Inappropriate use of the policy may result in the employee who has raised the grievance being subject to disciplinary action.

An expectation of this policy is that before individuals invoke the formal stages of this procedure, they first attempt to resolve their complaint informally by discussing their complaint with their line manager, or another suitable person.

With regards to performance management, an employee may wish to raise a grievance about the way the performance management is handled by their manager. It is not expected that the Grievance Policy will be used solely because the manager is seeking to performance manage an employee, and the employee disagrees with this decision.

If the grievance concerns an employee's line manager, the employee should raise their concern with the next level of management. Where the grievance is initially raised with the Headteacher then if the matter progresses to Stage 2 then that appeal should be made to the Trust Board.

Where the grievance concerns the Executive Headteacher, Headteacher, the employee should raise their concern with the Trust Board. Where the grievance concerns a LAB member then the employee should raise their concern with the Trust Board.

COLLECTIVE GRIEVANCES

If a collective grievance arises, involving a group of employees within the same SAT, but relating to the same issue, this may be dealt with through this policy.

Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently, with each person giving details of their grievance. A joint letter, or letters that are identical will not be accepted. As long as the issue is the same in each case, it will be necessary to hold only one hearing at each stage.

INFORMAL APPROACHES TO RESOLVING A GRIEVANCE

The employee may choose and is encouraged to discuss the issue with their line manager (or their line manager's manager where the grievance concerns the line manager) to see if the matter can be resolved informally and without invoking the formal grievance procedure. Employees should try to take the informal route initially as this approach benefits both parties, often resulting in a quicker and more satisfactory resolution.

- An informal grievance should normally be raised within a reasonable timescale (no more than 3 months) after the act or decision complained of or the last act or decision if the complaint relates to a series of linked events.
- The immediate line manager can resolve many of the issues at work informally as part of their day-to-day management responsibilities. It may be beneficial for both parties to explore the informal route to encourage them to communicate and agree a way of working together for the future.
- Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties in order that working relationships can be maintained

SECTION B GRIEVANCE PROCEDURE

1. FORMAL STAGES OF THE GRIEVANCE PROCEDURE

Registering a formal Grievance, the aggrieved employee should normally raise their grievance in writing to their line manager. Employees may submit their grievance using the Grievance Form, which is provided for assistance.

A grievance should be raised as soon as possible after an event or incident but no later than 3 months of the incident taking place.

The written grievance should include the following information:

- The nature of the grievance – what is alleged to have occurred, by whom and when
- The reason for dissatisfaction with the informal solution (if appropriate)
- The remedy the employee is seeking
- Any witnesses to the matters complained about.

The grievance should refer to specific issues rather than generalisations. An employee may wish to seek assistance from a work colleague or representative with regards to formulating the written grievance.

1. INVESTIGATION

In some cases, it may be necessary to appoint an Investigating Officer. This will depend on the nature and complexity of the grievance. Where an Investigating Officer is appointed, he or she is responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint.

Ordinarily the Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes.

An Investigation Officer may be appointed at any stage of the formal grievance procedure where it is deemed necessary or appropriate in the circumstances. The employee can be accompanied by a representative or work companion. However, an individual accompanying the employee must not be someone whose presence would prejudice the meeting.

If further allegations or information come to light during the investigation, the Headteacher must be informed. The Investigation Officer should always keep the Headteacher informed of any new developments that may come to light throughout the course of the investigation.

2. EMPLOYEE WHO IS THE SUBJECT OF A GRIEVANCE

Where a grievance is raised against another employee, the Headteacher will typically appoint someone to talk privately to the employee to alert them to the fact that a concern has been raised by a fellow employee.

Following this, the employee will be invited to a meeting to discuss the issue(s) in more detail as part of the investigation process. The employee is entitled to be accompanied at the meeting by a work colleague or representative.

During the grievance investigation meeting, the Investigating Officer will explain the allegation(s) that have been made against the employee and will provide them with an opportunity to put forward their understanding of the situation.

3. ROLE OF WITNESSES AND PROCEDURE

In some circumstances, the Investigating Officer will be required to interview witnesses. Every effort should be made to avoid disclosing any confidential information unnecessarily by the Investigating Officer; however, the confidentiality of any witness cannot be guaranteed.

Where the Investigating Officer feels it is necessary to meet witnesses, they should also write to invite them to a meeting. Where particular witnesses are chosen from a group, the Investigating Officer must ensure that they have applied a clear and robust method of identifying which individuals to meet with.

The Investigating Officer must make a note of why each person was interviewed and what their relationship is to the investigation. The Investigating Officer should also record any decision not to interview a witness, together with the reason why the witness was not interviewed.

Where witnesses are involved in the investigation, the Investigating Officer must ensure that they explain the need to complete the investigation confidentially and that they must not discuss the details with colleagues.

Stage 1

On receipt of the grievance, the Investigation Officer will arrange a meeting with the employee, within a reasonable period of time, to discuss the details of the grievance, gather any relevant documentation and to discuss the outcome that the employee is seeking.

At this meeting, the employee has a right to be accompanied by a representative or work colleague.

- The Investigation Officer will normally also meet with the person who is the subject of the grievance (the respondent) to ascertain their version of events and any background to the concern that has been raised.
- Following the investigation, a report will be produced and a recommendation made to the Executive Headteacher. The employee will be notified of the outcome within a reasonable period of time.
- If the employee is dissatisfied with the outcome at Stage 1, they may opt to take the matter to stage 2 by writing to the HR Manager within 5 working days of the date of the decision letter at Stage 1.

Stage 2: Appeal

- The Clerk to the Trustees will arrange for the appeal to be heard by a panel of 3 Directors, giving at least 10 working days' written notice to all parties required to attend the hearing. This notice provision may be varied with agreement of the aggrieved and the respondent.
- An HR representative may also attend in an advisory capacity.
- At this hearing, the employee has a right to be accompanied by a representative or work colleague.
- The documentation that is required for a hearing, known as the 'bundle', is compiled by the Investigating Officer in conjunction with the HR and the involved parties. The bundle must be circulated to all parties at least 5 working days before the hearing. The bundle should only contain documentation relevant to the grievance.
- At this stage, the employee will be notified that the outcome is final and that this is the end of the appeal process.

The aim would be to complete the whole grievance procedure within six months from the date of the original statement of grievance. However, in more complex cases this timescale may be longer.

4. NOTIFICATION TO ATTEND A GRIEVANCE HEARING

The Panel will arrange for a grievance hearing to take place promptly but allowing for at least 10 working days' written notice.

The letter will advise the employee of the following:

- The location, date and time of the proposed grievance hearing
- The employee's right to be accompanied

- The identity of the Chair of the Panel
- Any relevant paperwork, including a copy of the Grievance Policy

The aggrieved employee and the Investigating Officer are required confirm their attendance in writing and to supply the Panel with all the relevant documentation, which they intend to rely on at the hearing.

Additionally, the aggrieved employee is required to confirm the following in writing:

- Their employee representative
- The names of any witness who are likely to be called at Stage 2, this information must be provided at least 5 working days prior to the hearing.

Where possible, the Panel will agree the date of the meeting with the employee and their representative or work colleague. However, it may be necessary to settle on a date without agreement. The employee is under a duty to take all reasonable steps to attend the hearing but if the employee's work colleague or representative cannot attend on the proposed date, the employee can suggest another date so long as it does not create unreasonable delay.

When an employee fails to attend a grievance hearing due to sickness, or another valid reason, the Panel will reschedule the Hearing. If the employee is still unable to attend, the Hearing will go ahead in their absence, based on the information in the Grievance Statement and any subsequent investigation. A decision will be made on this basis.

When an employee fails to attend a grievance hearing or does not respond to the invitation to the grievance hearing, with no good reason, the Panel will attempt to reschedule another meeting. However, should this second attempt result again in non-attendance without good reason, or failure to respond to the invitation, then the

SAT at this point is no longer legally obliged to consider the grievance and may end the process at this point.

5. RIGHT TO BE ACCOMPANIED

At any grievance or appeal hearing the employee has the right to be accompanied by a representative of their choice. The representative may be an accredited representative or work colleague but not a friend, family member or legal representative.

6. GRIEVANCE HEARINGS

- The Panel will introduce those present and outline the procedure.
- The employee, or their representative, will present their case and call witnesses and explain any documentary evidence.
- The Investigating Officer may ask questions of the employee and/or their witnesses.
- Panel may put questions to anyone present.
- The Investigating Officer will present their case and be given the opportunity to respond to the grievance that has been raised and call on any witnesses.
- The aggrieved employee may ask questions of the Investigating Officer and/or their witnesses.

- The Panel may put questions to anyone present.
- The Panel will consider the grievance and reply to the employee, normally giving the decision within 5 working days. If the Panel is unable to give a decision within 5 working days, they will notify the employee with an explanation for the delay.
- If the Panel feels it is necessary for further investigation to be undertaken by the Investigating Officer, the Hearing will be adjourned. The Investigating Officer will undertake further investigation as a matter of priority and the Panel will rearrange the Hearing. The grievance will then be considered and a decision given to the employee normally within 5 working days of the last Hearing.

7. CONFIRMATION OF THE OUTCOME OF THE GRIEVANCE

Both the employee and the Investigation Officer will be notified of the outcome of the grievance hearing in writing. Written notification will normally be within 5 working days of the date of the hearing, and will include:

- The outcome of the grievance hearing.
- The reasons for the decision made.
- Inform the employee that the decision is final and that this is the end of the grievance procedure.

The outcome of the grievance can be either substantiated or unsubstantiated. If the grievance is substantiated, further advice should be sought from HR in respect of the way forward.

8. GRIEVANCES RAISED AFTER AN EMPLOYEE HAS LEFT THE ORGANISATION OR MULTIPLE GRIEVANCES

In instances where a grievance is raised after an employee has left the employment of the Trust, the ACAS Code of Practice should be followed.

Where an employee has raised multiple overlapping grievances, or where a grievance has been raised either prior to or during a capability or disciplinary hearing about any aspect of the disciplinary process, a multi-purpose meeting may be held to avoid unnecessary repetition or delay in the proceedings. In this instance, no further or separate action is required under the SAT's grievance procedure.

If the multi-purpose meeting format is used, it should be made clear to all parties that this format is being used and that both the grievance and the capability/disciplinary is being addressed at the same meeting.

9. CONFIDENTIALITY

It is expected that all parties involved in the grievance process will maintain strict confidentiality throughout all stages of the grievance process by ensuring that only the people who need to know have access to details of the case.

If there is a request for copy, the formal meeting/hearing minutes should be given to the aggrieved employee who attended the meeting.

All notes must be stored safely as an Employment Tribunal may request full disclosure of all notes.

All notes taken and correspondence produced during all of the steps of the grievance procedure should be kept by the Executive Headteacher. The letter detailing the outcome of the grievance will be placed on the personal file of the employee who raised the grievance and kept for a period of 12 months after the resolution of the grievance.

All written documentation will be kept in accordance with the Data Protection Act 1998 & GDPR.

10. MONITORING AND REVIEW

- The Trustees of Sikh Academies Trust have the responsibility to ensure that the Head teacher and Senior Leaders implement this policy consistently.
- All staff are responsible for keeping themselves informed of policies and procedures.
- This policy will be reviewed annually.

Appendix 1: Staff Grievance Notification Form

Name:	School:
Post held:	Department:
Describe the nature of your grievance, including: <ul style="list-style-type: none"> • A full description of your grievance • Relevant evidence, such as facts, dates and names of individuals involved. 	
Please state the following:	
The date on which you first raised your grievance, and with whom.	
The action taken in respect of your grievance at the informal stage.	
The outcomes you are seeking and the actions you would like taken to resolve the situation.	

Whether you would like to explore a resolution through mediation.	
Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name and position.	
Signed:	Dated: