



# RHT Grievance Procedure

The Richard Huish Trust

## Trust Executive



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<b>Lead reviewer</b>	Chief People Officer
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### 1. Introduction

Richard Huish Trust (the Trust) provides governance and oversight to those Academies which are part of the Trust namely: The Taunton Academy, West Buckland Primary, North Curry CofE Primary, Nerrols Primary, North Town Primary, Lyngford Park Primary and Richard Huish College.

This Policy applies to each of the Academies listed above.

This procedure provides guidance in dealing with staff grievances. Having a formal grievance procedure in place allows the Trust to give reasonable consideration to issues, which cannot be easily resolved, and to deal with them fairly and consistently. This procedure recommends that pursuing the formal grievance route should be a last resort rather than the first option. Grievances are best dealt with at an early stage, informally, with the member of staff's immediate line manager.

### 2. Enquiries

Any enquiries about this document or suggestions on how it can be improved should be addressed to the HR Team.

### 3. Purpose

- 3.1 A grievance is a concern, problem or complaint raised by an employee. An employee may, at some time during their employment have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with a member of the management team. The purpose of this policy is to advise how such grievances will be dealt with. The procedure should not be used as a substitute for normal day-to-day discussions or minor concerns
- 3.2 This procedure cannot be used to challenge formal outcomes in other procedures, which have their own appeal process, e.g. capability, disciplinary, redundancy, Pay.

### 4. Scope

All staff employed by Richard Huish Trust.

## 5. Procedure

### Informal Stage

- 5.1 If an employee has a grievance relating to their employment, they should, with a view to resolving the issue, discuss the matter initially with their immediate line manager or other appropriate senior member of staff. If the grievance concerns the employee's immediate line manager, the grievance should be raised with an appropriate manager more senior than the immediate line manager.
- 5.2 The immediate line manager [or appropriate senior member of staff] should reply orally to the grievance as soon as possible, and in any case **within 7 days**. The employee may, if they wish, be accompanied by a trade union representative or fellow employee when the matter is raised with the line manager and/or when the line manager replies. If the initial fact-finding by the manager concludes that the grievance has no substance, the member of staff is advised accordingly, and the matter will be dismissed.

### Formal Stage

- 5.3 If the employee believes the grievance has been unresolved at the informal stage, they should raise the matter in writing with their Headteacher/Principal or relevant senior manager [support staff]. The employee has the right to consult their union representative at all stages during formal grievance procedure. On receipt of a formal grievance, the Headteacher/Principal or relevant senior manager will, in consultation with the HR Team, select a manager to investigate the grievance and inform the employee accordingly.
- 5.4 Where the grievance concerns another employee, the investigating manager will inform the other employee (s) and provide them with a copy of the written grievance. If appropriate they will have the opportunity to submit written observations/response to the grievance. This written response will be provided to the Investigating Manager **within 7 days**.
- 5.5 The Investigating Manager, after examining all the facts will prepare a report which makes a recommendation regarding progression to a formal grievance meeting or not and their reasoning behind the recommendation. Where the recommendation is not to progress to a formal grievance meeting the employee can appeal this decision in writing to the Headteacher/Principal or relevant Senior Manager, explaining the basis of the appeal, within 7 days. The Headteacher/Principal or relevant Senior Manager will consider the basis of the appeal and decide whether the matter should progress to a formal grievance meeting.
- 5.6 Where it is recommended to progress to a formal grievance meeting, an independent 'chair' will be appointed to hear the grievance. The report will be considered at the formal grievance hearing. All parties involved in the grievance will have sight of the report 5 days before the formal grievance hearing date. Where applicable, the report will contain;
  - Copies of any witness statements
  - Formal written response by any employee /manager complained against
  - Any other relevant written information
  - Summary of findings by the manager appointed to investigate the grievance.
- 5.7 The formal grievance hearing will be arranged by a member of the HR Team in consultation with the Investigating Manager. The hearing will take place to consider the matter within 1 calendar month of receiving the formal grievance.
- 5.8 If an employee is being complained against as part of the grievance, they may attend the grievance hearing to provide relevant information as a witness or forward a written submission for consideration in their absence. The employee raising the grievance is also entitled to bring relevant witnesses to the hearing. Both parties should confirm **within 5 days** of the date of the hearing the names of any witnesses being called. Both parties will be able

to bring their union representative or a work colleague and have the opportunity to question the evidence presented/submitted. The formal grievance will be heard by an impartial manager from the senior leadership team with a member of the HR team in attendance.

- 5.9 Where a grievance concerns the Headteacher/Principal, the employee concerned may raise the matter in writing with the LGB Chair. The LGB Chair will then arrange for the grievance to be referred for consideration to a panel of three Governors. The Panel may consider it appropriate to appoint an external consultant to investigate the grievance.
- 5.10 The Chair of Governors will appoint a representative on behalf of the Governing Body as an Investigating Officer to investigate the concerns related to the Headteacher/Principal. It is recommended that the Chair of Governors also contact the Trust's HR Team to consider the appropriateness of appointing a particular representative to assist the investigating officer. The investigating officer will arrange an investigatory meeting with the Headteacher/Principal as soon as possible.
- 5.11 The order of grievance hearing is set out in **Appendix 1** of this document

### **Appeal**

- 5.12 The employee has the right to appeal against the outcome of the grievance. If the employee wishes to appeal against the outcome of the formal grievance, they should state in writing their grounds for appeal within 7 days of receiving the decision of the grievance hearing. An appeal hearing will be arranged within 1 calendar month of receipt of the appeal letter.
- 5.13 The member of staff can appeal on the grounds that the original decision maker at the grievance hearing did not consider key facts or give sufficient weight to evidence in reaching their conclusion. The remit of the appeal hearing will not be to have a re-hearing of the original grievance or consider any new evidence but may address points, which the member of staff considers were not properly considered at the original hearing.
- 5.14 Depending on who heard the grievance an appeal can be heard by a member of the senior leadership team, the Headteacher/Principal, a member of the Executive Team or a Panel of Governors/Trustees (not involved in the original hearing).
- 5.15 The original decision maker of the hearing will be present at the appeal hearing as a witness.
- 5.16 The employee should receive notification of the outcome of the appeal in writing as soon as possible and in any case within 7 days of the outcome of the appeal.

### **Post-employment Procedure**

- 5.17 The above standard grievance procedure will generally apply even after the employee has left the employment of the Trust. However, a shorter procedure may be appropriate when an employee is no longer employed by the Trust and both parties agree in writing that it should apply; or it is not reasonably practicable for one or other party to carry out the standard procedure. For example if one of them has left the country for an extended period or becomes seriously ill. The decision of the Headteacher/Principal in this case will be final. There is no right of appeal.

## **6. Quality Management**

Any Grievance monitoring will be conducted by the People & Performance Committee

## **7. Related Policies/Codes and Procedures**

RHT Capability Policy

RHT Disciplinary Policy

RHT Staff Code of Conduct

## **Appendix 1: Order of hearing for Grievance Hearing / Grievance Appeal Hearing**

- 1 The Chair of the grievance hearing will have an appropriate advisor/note taker present at the hearing.
- 2 The Chair will introduce all parties present and confirm the order of hearing.
- 3 The employee raising the grievances will address the Chair to outline their case verbally. Reference can be made to previously submitted written evidence.
- 4 The employee raising the grievance should call any witnesses. The employee raising the grievance, the respondent and the Chair may ask questions of the witness.
- 5 The respondent will address the Chair in response to the points raised against them and may propose questions which the chair may want to put to the employee raising the grievance.
- 6 The Chair / panel can ask questions of the employee raising the grievance
- 7 The respondent should present their case
- 8 The respondent should call any witnesses. The employee raising the grievance, the respondent and the Chair may ask questions of the witness.
- 9 The employee raising the grievance will address the Chair and may propose questions which the chair may want to put to the respondent.
- 10 The Chair / panel can ask questions of the respondent
- 11 The employee raising the grievance should summarise their case
- 12 The respondent should summarise their case
- 13 The Chair may call an adjournment at this state
- 14 If after a short period of deliberation, the Chair / panel are in agreement that a decision cannot be reached within a reasonable period of time immediately after the hearing, both parties will be informed and the decision will then be communicated to both parties in writing within a 7-day calendar period.

## Appendix 2 : RHT Grievance Procedure Flow Chart

