Senior Post Holder – Grievance

1 Introduction

1.1 This procedure was developed and will be applied in accordance with the Governance procedures of the Trust and the ACAS Code of Practice, 'Disciplinary and Grievance Procedures.' This can be viewed at Acas Code of Practice on disciplinary and grievance procedures | Acas.

1.2 The procedure applies to:

- HoM Chief Executive
- The Director of Governance
- Other senior post holders.

Senior Post Holders of the Trust

Senior post holders of HoM are:

- The Chief Executive
- Director of Governance
- Principal - WSFC
- Principal - HSFC
- Principal – KEVI
- Head - The Chantry School
- Head - John Kyrle High School
- HoM Chief Financial Officer
- Whomever the Trust may decide, from time to time, in accordance with the Scheme of Delegation.

Other Senior Posts

- Chief Information Officer
- Director of Quality
- Director Strategy

1.3 If the grievance involves the Director of Governance, an appropriate person may be appointed to fulfil the tasks of Director of Governance until the grievance is resolved.

1.4 The purpose of this procedure is to:

- Enable senior post holders who consider that they have a grievance or complaint arising from their employment by the Trust to have it dealt with at the appropriate level as expediently as possible.

- To promote fairness and consistency in the process by which grievances or complaints arising from a senior post holder are considered.

1.5 This procedure will not apply to any grievances concerning complaints or disputes which are covered by separate procedures or arrangements of the Trust.

2 General Principles

2.1 A senior post holder has the right to be accompanied at formal grievance meetings by a representative of a trade union or a colleague of their choice (see Appendix 1).

2.2 The Trust will ensure that its members are familiar with the provisions in this procedure

2.3 Every effort will be made to resolve the grievance at the informal stage.

2.4 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement.

Due regard will be given to the personal circumstances of all parties involved in the procedure.

3 Stage 1 – Informal procedure

3.1 If a senior post holder has a grievance relating to his/her employment, the matter should be raised initially with the Chief Executive of the Trust. The grievance should be raised orally in the first instance. If the grievance relates to the Chief Executive, or is raised by the Chief Executive, the grievance should be raised with the Director of Governance, who will arrange for the Trust Board to consider the grievance.

3.2 The person considering the grievance will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. He/she shall enquire into the grievance and will discuss it with the senior post holder. A written record of the discussion and the outcome will be provided within ten working days after the complaint is received. It is anticipated that most grievances will be resolved at this stage.

3.3 If the matter is very serious or in other circumstances where the senior post holder does not wish to raise the matter informally, the employee may proceed straight to the formal

stage of the procedure. The Chair of the Trust must be informed that the formal procedure has begun.

4 Stage 2 – Formal Procedure

4.1 If the senior post holder feels that the matter has not been resolved through informal discussion, or in the event that paragraph 3.3 applies, the grievance should be put in writing, preferably using the HoM Statement of Grievance Form (Appendix 2).

4.2 The grievance should provide full details of the concern/complaint and should be addressed to the Director of Governance to be considered at this stage, by a Trustee who did not hear the grievance at the informal stage.

4.3 HoM will, as soon as possible (within ten working days of receipt of the written grievance) arrange a grievance meeting.

4.4 The senior post holder may be accompanied at the meeting by a trade union representative or work colleague (see Appendix 1). The Trust should remind the senior post holder of the right to be accompanied prior to a grievance meeting. Before the meeting, the senior post holder should inform the Director of Governance who he or she has chosen to be their companion.

4.5 If the grievance involves another employee, the Trust may require the attendance of that employee or any other employees who may be able to provide relevant information. If the senior post holder wishes to call relevant witnesses to the meeting, he or she should advise the Director of Governance of this in advance of the meeting. The senior post holder will be informed prior to the meeting if the Trust intends to call relevant witnesses.

4.6 At the meeting, the senior post holder, or his or her companion will be given the opportunity to explain the nature of the grievance, submit verbal and/or written evidence and call appropriate witnesses.

4.7 The person hearing the grievance on behalf of the Trust will consider all the matters raised at the meeting and undertake all reasonable investigations into the grievance.

4.8 The Trust's decision will be communicated in writing to the senior post holder as soon as reasonably practicable following the meeting: ideally within five working days, and normally within ten of the meeting.

The letter to the senior post holder will outline, where appropriate, what action the Trust intends to take to resolve the grievance and will also inform him or her of the right to appeal.

Where the decision is not to uphold the grievance, the Trust will explain the reasons for this in the letter. Any other parties involved in the grievance will also be appropriately informed of the outcome.

4.9 If it is not possible for a decision to be reached within ten working days, the Director of Governance will write to the senior post holder to explain the delay and to state when the written decision can be expected.

5 Stage 3 - Appeal

5.1 Any party to the grievance may appeal against the decision reached at Stage 2. Any appeal must be submitted in writing, setting out the full grounds for the appeal, and sent to the Director of Governance within ten working days of receipt of the decision reached at Stage 2.

5.2 The Trust will, within ten working days of receipt of the written appeal, call a meeting of the Staffing Appeals Committee of the Trust Board. The Committee will invite the senior post holder to that meeting.

5.3 The Staffing Appeals Committee consists of three members of the Board, excluding the Chief Executive and, unless not reasonably practicable, any other member who has been involved with the grievance earlier in the procedure.

5.4 The senior post holder will be entitled to be accompanied at the appeal meeting by a trade union representative or work colleague (see Appendix 1).

5.5 The Staffing Appeals Committee will consider the appeal and may be supplied with all the documentation submitted in relation to the earlier stages of the procedure. If the grievance involves another employee, the Committee may require the attendance of that employee at the appeal meeting, or any other employees who may be able to provide relevant information.

5.6 The appeal decision will be provided in writing by the Director of Governance within ten working days of the appeal meeting. Any other parties involved in the grievance will also be appropriately informed of the appeal decision. If it is not possible for a decision to be reached within this period, the Clerk will write to the senior post holder on behalf of the Committee to explain the delay and to state when the written decision can be expected.

5.7 The decision of the Staffing Appeals Committee shall be final.

6 Equality Impact

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Date of review	Date agreed	LGBs	MAT Board	Review date	Comments
04/11/23	23/11/2023	Spring 2024	7/11/23	November 2024	

Appendix 1

The right to be accompanied.

By law, any employee or worker can bring a relevant person ('companion') to a grievance meeting, if it's about a legal or contractual issue. This is known as 'the right to be accompanied.'

The person must choose their companion from one of the following:

- a colleague
- a trade union representative
- an official employed by a trade union.

Under the Equality Act 2010 the employer needs to consider a disabled employee's request to bring someone else for additional support, such as a carer.

It is up to the employer to agree if the person wants to bring anyone else. It can depend on the contract of employment – for example, some employment contracts might allow for a spouse or legal representative. The employment contract should be reviewed to ensure any decision made by the Trust complies with the terms of the employment contract.

Adapted from Step 4: The grievance meeting: Formal grievance procedure: step by step - Acas

APPENDIX 2

STATEMENT OF GRIEVANCE – Senior Post holder

This form is intended to help you to make a clear statement of your grievance. You should send the completed form to the Director of Governance.

If your grievance concerns the Director of Governance, you should send the form to the Chair of the Trust.

Employee Details	
Name:	
Job role:	
Contact details (telephone and email):	

Details of the grievance
Who is the grievance against (if applicable)?
Please provide details of your grievance. You should include all relevant details information, e.g., dates, times, locations, and the names of other people present (witnesses). Please continue on a separate sheet and attach if necessary.

How do you think your grievance should be resolved? Please say how you would like the Trust to deal with your grievance. You should set out why and how you believe this could resolve your grievance. Please continue on a separate sheet and attach if necessary.
Name and contact number of trade union representative or colleague who will accompany you:
Declaration
By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the HoM may take disciplinary action against me if I make false, malicious, or untrue allegations. Employee's signature: _____ Date: _____