



Kemnal
Technology
College



GRIEVANCE RESOLUTION POLICY

This Policy was reviewed:

May 2023

The Policy will next be reviewed by TKAT &
Kemnal Technology College by:

May 2025



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INTRODUCTION

TKAT is committed to promoting effective working relationships and an environment in which employees feel valued and able to raise and resolve work-related issues.

The purpose of this policy is to provide a mechanism by which employees may raise a grievance (a concern, problem or complaint relating to their employment) with a relevant Manager, and to provide a structured process to enable the prompt, consistent and effective resolution of grievance.

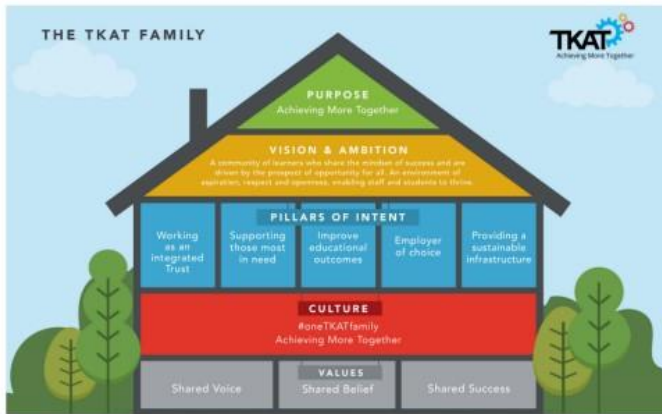
TKAT VISIONS AND VALUES

The Kemnal Academies Trust (TKAT) aims to foster a culture of the highest professional standards in line with the Trust’s purpose, vision and values.



TKAT - OUR STRATEGY

<p>Our Culture</p> <p>#oneTKATfamily Achieving More Together</p>	<p>Our Mission</p> <p>TKAT is a Multi-Academy Trust of 45 primary, secondary and special schools in the South and East of England. Our purpose is to work together as a community of schools to ensure that every child, whatever their background, receives a high quality education.</p>	<p>Our Values</p> <p>Shared Voice Shared Belief Shared Success</p>
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The aim of this policy are:

- ❖ To create a working environment in which all employees can freely raise work related concerns and seek resolution fairly and promptly
- ❖ To offer a both informal and formal approaches to resolve any concerns wherever possible

EQUALITY, DIVERSITY AND INCLUSION

The trust is committed to:

- ❖ Promoting equality and diversity in its policies, procedures, TKAT toolkits and other relevant guidance, adhering to the Equality Act 2010.
- ❖ Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.
- ❖ Conditions that are identified during processes may meet the definition of an 'impairment' under the Equality Act and therefore careful consideration must be given to accommodate reasonable adjustments in the workplace. Should any employee require any reasonable adjustments throughout any identified process within this.

SCOPE

This policy applies to all employees. Within this policy, the term 'employee' will cover a broad definition (as within The Equality Act 2010) which includes ad hoc and occasional workers, and other individuals providing services directly to TKAT.



Workers who are employed by another party (e.g. an agency or other company) are not covered by this policy, but those individuals may refer to the TKAT Complaints Procedure if necessary. (<https://www.tkat.org/673/documents>)

The Grievance Procedure should not be used to appeal a decision taken through another formal process for which the Trust has a separate policy, and where that process has already been concluded. (This includes, for example: Disciplinary, Capability, Attendance Management, Performance Management, Pay Policy).

If a grievance is submitted during a separate formal process it may be appropriate to deal with the grievance and other processes concurrently especially if they are linked. There will be instances where this would not be appropriate. If the processes are not running concurrently then the grievance process will be exhausted first. Once this has taken place the outstanding process will be resumed and concluded. In these circumstances an employee will be informed in writing.

Disputes involving external parties are not covered by this policy and should be addressed by the relevant line manager in accordance with the circumstances, unless the matter concerns the employer's handling of a situation, vicarious liabilities and/or duty of care to the employee. Use of the TKAT Whistleblowing policy may be appropriate in these circumstances.

A grievance may also be raised by a group of employees, following the process set out within Appendix 3 below. Where a collective dispute is raised by one of the Trust's recognised trade unions, the principles and process below would apply with appropriate modifications e.g. first stage notification would be to the TKAT HR team and Directors, as well as engaging with the relevant recognised TCNC representatives for an informal resolution to determine how best to resolve the dispute and would inform the relevant union of that decision. The grievance policy (Stages 2 and 3) could be followed in the event that informal stages have not satisfactorily resolved the dispute.

A grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Trust's Whistleblowing Policy for further details). Employees will not be allowed to raise the same matter under both procedures.

GENERAL PRINCIPLES

Grievances will be handled sensitively and constructively, and without unreasonable delay. Every effort will be made to observe the timescales stated within the grievance procedure. Where this is not possible, timescales may be adapted and will be communicated to all parties involved.

During grievance meetings, an employee raising a formal grievance has the right to be accompanied by a recognised Trade Union representative or a work colleague of their choice. The employee is responsible for making their own arrangements to invite an



appropriate companion. At the hearing itself, the companion may (if the employee wishes) be allowed to address the hearing, put and/or sum up the employees' case, respond on behalf to any views expressed at the hearing and confer with the employee during the hearing.

Information received during the grievance process, including the outcome of the grievance, will be treated in confidence, and would only be shared with those involved in the investigation and resolution of the grievance.

There may be occasions where this procedure needs to be modified to comply with the requirements of the Trust's Child Protection and Safeguarding Policies, for example by allowing the Local Authority Designated Officer to offer advice at appropriate stages.

STAGE 1 - INFORMAL GRIEVANCE

Wherever possible, employees are encouraged to raise any work-related concerns with the Headteacher/ Manager in the first instance.

Where the Headteacher/ Manager is the subject of the concern or this would not be appropriate, the employee should contact the person to whom the Headteacher/ Manager reports. Where an employee is uncertain of the appropriate manager, they should consult the TKAT HR team for advice.

Concerns should be raised with the appropriate Headteacher/ Manager without unreasonable delay, normally within three months of the event or latest in a series of events or issues causing concern.

The appropriate Headteacher/ Manager will arrange an informal meeting with the employee to discuss the nature of the concern/s and will openly engage in seeking a resolution. Whilst this stage is informal, employees may request to bring representation such as a recognised Trade Union representative or work colleague.

Where the nature of concern is a dispute between one or more employees, the manager will consider the potential for informal resolution by way of a facilitated meeting between all parties. In some cases, it may be appropriate to seek independent mediation.

The Headteacher/ Manager will discuss a date by which the situation will be reviewed to ensure effective resolution.

STAGE 2 - FORMAL GRIEVANCE

Where an employee feels that informal resolution has either not resolved the matter or would not be appropriate due to the seriousness of their concern/s, they may raise a formal grievance by submitting written details to the Headteacher/ Manager. A form has been provided for this purpose at Appendix 1, but other written grievance notifications



(such as an email or letter) would be treated in the same way. This should, however, make it clear that a formal grievance is being raised and what resolutions are sought.

The Headteacher/ Manager will invite the employee to attend a Grievance Meeting as soon as is reasonably practicable (ideally within 10 working days of receipt of the grievance). The letter of invitation will set out the employee's right to representation by a recognised Trade Union representative or work colleague. A nominated note taker will also be present.

If the employee's chosen companion is not available at the time proposed for the meeting by the employer, the employer will seek to agree to an alternative time proposed by the employee or their representative, provided that the alternative time is both reasonable and not normally more than five working days after the date originally proposed.

The employee should provide, at least 3 working days prior to the meeting, any supporting evidence or documentation relevant to the grievance, and to notify the Grievance Manager of any witnesses they wish to call to the meeting.

Following the meeting, the Grievance Manager, will conduct an appropriate investigation to ensure that all the facts and circumstances relating to the grievance can be taken into consideration. This will be concluded without unreasonable delay. Where further meetings are required, summary notes of those meetings will be retained in confidence by the Grievance Manager. A copy of the summary notes from the Grievance Meeting will be provided to the employee without unreasonable delay. At the conclusion of the case all records will be retained securely on the employee file (who raised the concerns) in accordance with the requirements of GDPR.

The Grievance Manager will then decide what, if any, action should be taken to resolve the grievance. Any decisions and proposed actions the employer will be taking to resolve the grievance will be confirmed in writing to the employee as soon as practically possible. Where a grievance has not been upheld, reasons will be given, and the employee will be advised of their right to appeal the decision.

STAGE 3 - APPEAL

Where the employee is not satisfied with the outcome of the grievance process (Stage 2), they has the right to submit an appeal by sending a completed form GR2 (Appendix 2) to the TKAT HR Director (hr@tkat.org) within 5 working days of receipt of the outcome notification.

The appeal will be heard by a Senior role who has not previously been involved with the case, together with a member of the TKAT HR team who will provide guidance relating to policy and procedure.



The employee will be invited to attend an appeal meeting as soon as reasonably practicable, and will continue to have the right to representation by a recognised trade union representative or work colleague.

The outcome of the appeal will be notified to the employee, in writing, within five working days of the appeal meeting. The decision of the appeal manager will be final.

POSSIBLE OUTCOMES

There are three possible outcomes of a grievance hearing. The grievance is upheld. The grievance is partially upheld. The grievance is not upheld.

Where a grievance relating to an act of misconduct is upheld, appropriate managerial action will be determined through the TKAT Disciplinary Policy. Any further actions taken will be treated as confidential to the individual concerned, and as such would not normally be shared with the employee who had raised the grievance.

Where a grievance is not upheld on the grounds that the matter of concerns had already been appropriately addressed under either grievance or other formal procedures, the employee will be advised that the matter has been closed.

Grievances that are found to be of a malicious or of a vexatious nature may be investigated as potential misconduct in accordance with the TKAT Disciplinary Policy.

Formal grievances should be shared with the TKAT HR team so that policies, workplace and equality trends can be reviewed and monitored.

MEDIATION

At any stage in this procedure, mediation may be considered. Mediation is likely to be most appropriate in cases involving interpersonal relationships. There may, however, be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution.

Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

If mediation is viewed as appropriate the grievance manager should contact TKAT HR in the first instance. Depending on the nature of the grievance an internal mediator may support resolution or contact will be made with an external mediator to provide support if this is not the case.



APPENDIX 1 FORM GR1 – NOTIFICATION OF A FORMAL GRIEVANCE

FULL NAME	
JOB TITLE	
PLACE OF WORK	

The details of my complaint are: *(Please provide as much specific detail as is relevant to your grievance, this should ideally include dates)*

EITHER: I have attempted to resolve my grievance informally by (please give detail about any efforts you, and/or others, have made to resolve the matter informally):

OR: I have not attempted to resolve this matter informally because: (please give details)

In considering my grievance, I would like you to consider speaking to the following (e.g. witnesses):

I have attached the following documents / I would like you to refer to the following documents: *(please delete as appropriate, and provide details below)*

I would like to request that the following action be considered in order to resolve this grievance:

My grievance does/does not* include a complaint that raises a child protection issue.



I will / will not* need any special adjustments or support at my Grievance Meeting:
My companion at the Grievance Meeting will be:

*I confirm that the information provided above is accurate to the best of my knowledge.
I have read the Trust's Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may be addressed under the Disciplinary Policy.
I am aware that this form may be forwarded to the Designated Safeguarding Lead where my concern relates to child safety.*

SIGNED:
DATE:



APPENDIX 2 FORM GR2 – APPEAL AGAINST A GRIEVANCE DECISION

FULL NAME	
JOB TITLE	
PLACE OF WORK	

I have attached the form GR1 / written notification of my original grievance, together with a copy of the written notification of the decision reached.

I would like to appeal against that decision for the following reason(s): Please provide an explanation of your grounds for appeal.

I confirm that the information provided above is accurate to the best of my knowledge.

I have read the Trust's Grievance Resolution Policy and Procedure and am aware that false, malicious or vexatious grievances may be addressed under the Disciplinary Policy.

SIGNED:
DATE:



APPENDIX 3 - COLLECTIVE DISPUTES PROCEDURE

General Principles

A dispute, in the context of this procedure, is defined as a matter concerning a group of employees which is raised by a trade union recognised by the Trust. A collective dispute should relate to the employees' work or working environment and would exclude the following, which may be covered by other procedures:

- ❖ matter not related to employment
- ❖ income tax, national insurance, statutory sick pay, statutory maternity pay and other rules and regulations made by bodies other than the Trust
- ❖ the rules of the pension schemes and matters related to the pension schemes
- ❖ grading appeals and salary progression (unless this is the subject of collective consultation)
- ❖ appointment decisions except where there has been a failure to reach agreement by way of negotiation.

This procedure has been consulted on and agreed with both teaching and on teaching trade unions and it is therefore in the interest of both employees and the trust that this is adhered to.

Disputes will be dealt with in a timely manner, TKAT aims to meet a resolution to the dispute within 2 months. This is from the date it was first formally recognised as a dispute.

The ability to do this is dependent on:

- ❖ factors concerning the dispute
- ❖ the ability of both parties to work progressively to achieve this

If a dispute is identified as requiring referral to the next stage this should normally be undertaken within a time limit of five working days and should be made in writing setting out the issues in dispute and why both informal and formal negotiations at Stage 1 have failed to resolve the issue.

Stage 1 - Informal Process

Issues raised by the recognised trade unions relating to Central Trust matters should be referred, in writing, to the TKAT HR Director. The TKAT HR Director will convene a Stage 1 with the relevant trade union within 10 working days of the request being received to attempt to resolve the matter informally.

Stage 2 - Formal Process

If the matter cannot be resolved informally the relevant trade union should complete the Collective Disputes Complaint Form (Appendix 3a) and submit it to the Chief Executive Officer (CEO) and Deputy Chief Executive Officer (DCEO), TKAT within 5 working days of



the Stage 1 informal meeting. The form must include the remedy that the trade unions are seeking on behalf of the group of employees they are representing.

The CEO and/ or DCEO will convene a Collective Disputes Meeting with the trade unions within 10 working days of the request being received to attempt to resolve the matter. The CEO and/ or DCEO may delegate this meeting to an appropriate TKAT Director.

The result of the Collective Disputes Meeting will be notified in writing within 5 working days (or other period agreed by both parties). It may be necessary to hold more than one meeting. Timescales will be agreed between the parties.

Stage 3 - Final

If the decision remains in dispute the trade union/s will respond to the CEO/DCEO in writing, within 5 working days of receiving the decision. The CEO/DCEO, if necessary, will arrange at the earliest convenience for the Board to consider the issues and seek resolution of the dispute, either by recommending a course of action which can be undertaken at their level of authority or that of the Board's.

In the event there is a failure to reach agreement at Stage 3, either the Trade union/s or TKAT may refer the matter to ACAS. Internal options must be exhausted before either party may approach ACAS. The findings of ACAS will be advisory if the matter is referred to by only one party. If both parties are in agreement about the referral to ACAS, the findings of ACAS will be binding in honour on both parties.



APPENDIX 3A - TKAT COLLECTIVE DISPUTES COMPLAINTS FORM

This form is intended to be used by the trade union/s raising a collective dispute.

The trade union/s should seek to resolve their dispute informally with the Director of HR, TKAT in the first instance.

Where informal negotiations have not resolved the dispute, this form should be completed and stage 2 of the collective disputes procedure will be invoked.

The completed form should be sent to the Chief Executive Officer and/or the Deputy Chief Executive Officer, TKAT at The Kemnal Academies Trust, Atkins Centre, Sevenoaks Way, Sidcup, DA14 5AA or by email to hr@tkat.org.

Summary of dispute: Please set out the details of the dispute (please continue on separate sheet/s as needed)

Please state informal action taken to resolve the issues: state date/s of meeting/s and why the issue/s were not resolved

Please state outcome requested: set out the remedy you are seeking from the dispute and why and how you believe this will resolve the issue/s



Form completed by:

(enter name, signature and trade union)

Group of employees representing:

(insert job roles and name of academy)

FOR COMPLETION BY THE TKAT HR DIRECTOR

Informal meeting held:

Collective Disputes Form Received:

Collective Disputes meeting arranged:



TKAT EMPLOYEE SUPPORT

TKAT is committed to continually identifying and investing in platforms of support for employees and students. Below are some of these reliable sources for employees;

SOURCE	LINK
TKAT HR Team	https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/home
Employee Assistance Programme (DAS)	https://sites.google.com/tkat.org/tkat-hr-one-stop-shop/employee-support/wellbeing
Union Representative TKAT recognises the following Trade Unions for individual and collective representation, consultations, and negotiation purposes. Teaching employees: NEU ASCL NAHT NASUWT VOICE Non-teaching employees: GBM UNISON UNITE	NEU https://neu.org.uk/joining-neu ASCL https://www.ascl.org.uk/join-us NAHT https://www.naht.org.uk/joinus NASUWT https://www.nasuwt.org.uk/why-join.html VOICE https://community-tu.org/join/?comsource=NewWebJoinerMainNav GBM https://www.gmb.org.uk/join-gmb UNISON https://joining.unison.org.uk/join-unison-today/ UNITE https://www.unitetheunion.org/