



Grievance Policy

Last policy review date:	September 2020	
Next policy review date:	September 2023	
Policy Owner:	COO	
Policy approval: <i>i.e. Trust board or delegated to subcommittee or individual</i>	Trust Board – September 2020	
Cross references <i>i.e. with other Trust policies</i>		
Statutory Policy?	YES	

Policy statement

It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- work relations;
- new working practices;
- working environment;
- organisational change; and
- discrimination.

This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The Trust may also vary application of this procedure, including any time scales for action, as appropriate.

The policy has been agreed OR implemented following consultation] with [staff and/or recognised trade unions]. It has been formally adopted by the [Governing Body/Board/Trust].

Who is covered by the procedure?

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

Using this procedure

Employees should raise matters promptly and without unreasonable delay. The Trust will deal with matters in the same way.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.

This Grievance Policy should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Policy.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

There is a separate Anti-harassment and Bullying Policy that may be useful if believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

The Trust operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.

This policy does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of the Trade Union. These will be dealt with as appropriate to the facts of the case.

This policy should not to be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Confidentiality and data protection

It is the aim of the Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

During any action, including any decisions taken under this procedure, the data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in line with the requirements of (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until it is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998.

Raising grievances informally – Step 1

We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager or Headteacher/Head of School. We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Head Teacher/Head of School or a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

Formal written grievances – Step 2

If your grievance cannot be resolved informally you should put it in writing and submit it to the Head Teacher/Head of School, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Head Teacher/Head of School it should be submitted to the CEO/Executive Headteacher via the Executive Assistant to CEO/Executive Headteacher.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

Investigations

In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by Investigation Officer appointed by the Headteacher. In the case of an investigation into a complaint against a Headteacher the Executive Headteacher will determine who will carry out the investigation.

You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

The Trust may initiate an investigation before holding a grievance meeting where the Trust considers this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.

Right to be accompanied

You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.

At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

Grievance meeting

The Trust will arrange a grievance meeting, normally within 5 working days of receiving your written grievance.

You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

Appeals – Step 3

If the grievance has not been resolved to your satisfaction you may appeal in writing to the CEO/Executive Headteacher, stating your full grounds of appeal, within 10 working days of the date on which the decision was sent or given to you.

We will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the CEO/Executive Headteacher or more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the CEO/Executive Headteacher has made the decision at the grievance meeting a panel of trustees will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 0).

The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

Disciplinary Proceedings

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

Review of policy

This policy is reviewed and amended, every 3 years or earlier if there are changes in legislation, by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.