

# Grievance Policy

# Contents

Section	Page
<b>1.0</b> Policy statement	<b>3</b>
<b>2.0</b> Scope and purpose	<b>3</b>
<b>3.0</b> Using this procedure	<b>3</b>
<b>4.0</b> Raising grievances informally	<b>3</b>
<b>5.0</b> Formal written grievances	<b>3</b>
<b>6.0</b> Investigations	<b>4</b>
<b>7.0</b> Right to be accompanied	<b>4</b>
<b>8.0</b> Grievance meeting	<b>4</b>
<b>9.0</b> Appeals	<b>5</b>
<b>10.0</b> Disciplinary proceedings	<b>5</b>
<b>11.0</b> Review of policy	<b>5</b>



## 1.0 Policy statement

Where a member of staff makes us aware that he or she has a complaint, we will investigate any formal grievance that is raised, hold a meeting to discuss it, record the outcome in a letter and give a right of appeal if the staff member is 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
- 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 employer may also vary application of this procedure, including any time scales for action, as appropriate.

## 2.0 Scope and purpose

The purpose of this policy is 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.

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

## 3.0 Using this procedure

- 3.1 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 the employee will be informed if this is the case.
- 3.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If an employee is dissatisfied with any disciplinary action, he or she should submit an appeal under the Disciplinary Procedure.
- 3.3 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.
- 3.4 The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where the employee feels he or she has been victimised for an act of whistleblowing, the employee may raise the matter under this Grievance Procedure.
- 3.5 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 3.6 Written grievances will be placed in the employee's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our GDPR Data Protection Policy.
- 3.7 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the employee's grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by the employee's 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.

## 4.0 Raising grievances informally

We believe that most grievances can be resolved quickly and informally through open communication and discussion with the employee's line manager. We would always aim to resolve the employee's grievance informally where possible. If the employee feels unable to speak to his or her manager, for example, because the complaint concerns them, then the employee should speak informally to a more senior manager. If this does not resolve the issue, the employee should follow the formal procedure below.

## 5.0 Formal written grievances

- 5.1 If the employee's grievance cannot be resolved informally, the employee should put it in writing and submit it to the Principal, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Principal or a member of the Executive Board, it should be submitted to the Chair of the Local Governing Body or the Chair of the Trust as appropriate via the Clerk to the Governors.
- 5.2 The written grievance should contain a brief description of the nature of the employee's complaint, including any relevant facts,



dates and names of individuals involved. In some situations, we may need to ask the employee to provide further information. The employee should also state what his or her desired outcome would be to resolve the situation.

## **6.0 Investigations**

- 6.1 In some cases, it may be necessary for us to carry out an investigation into the employee's 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 the employee and any witnesses, and / or reviewing relevant documents. The investigation will usually be carried out by someone appointed by the Principal. In the case of an investigation into a complaint against a Principal, the Chair of the Local Governing Body will determine who will carry out the investigation.
- 6.2 The employee 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.
- 6.3 The employer may initiate an investigation before holding a grievance meeting where the employer considers this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation, if any, to carry out. In such cases, we will hold a further grievance meeting with the employee after our investigation and before we reach a decision.

## **7.0 Right to be accompanied**

- 7.1 The employee 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. The employee must tell the person holding the grievance meeting who his or her chosen companion is, in good time before the meeting.
- 7.2 Should the employee choose to bring a companion to the hearing, the employee will be responsible for making these arrangements and for providing his or her companion with any paperwork that they require for the meeting.
- 7.3 At the meeting, the employee's companion may make representations to us and ask questions, but should not answer questions on the employee's behalf. The employee may request an adjournment to speak to them privately at any time during the meeting.
- 7.4 Acting as a companion is voluntary and the employee's 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.
- 7.5 If the employee's chosen companion is unavailable at the time a meeting is scheduled, the employee 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 the employee's chosen companion will not be available for more than five working days afterwards, we may ask the employee to choose someone else.
- 7.6 We may, at our discretion, allow the employee to bring a companion who is not a colleague or union representative, (for example, a member of his or her family), as a reasonable adjustment if the employee has a disability or if the employee has difficulty understanding English.

## **8.0 Grievance meeting**

- 8.1 The employer will arrange a grievance meeting, normally within five working days of receiving the employee's written grievance.
- 8.2 The employee and their companion, if any, should make every effort to attend the grievance meeting. If the employee or their companion cannot attend at the time specified, the employee should inform us immediately and we will try, within reason, to agree upon an alternative time.
- 8.3 The purpose of a grievance meeting is to enable the employee to explain his or her grievance and how the employee thinks it should be resolved, and to assist us to reach a decision based on the available evidence and the representations the employee has 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.
- 8.4 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.
- 8.5 We will write to the employee, usually within five working days of the final grievance meeting, to inform the employee of the outcome of his or her grievance and any further action that we intend to take to resolve the grievance. We will also remind the employee of his or her right of appeal. Where appropriate, we may hold a meeting to give the employee this information in person.



## **9.0 Appeals**

- 9.1 If the grievance has not been resolved to the employee's satisfaction, the employee may appeal in writing to the Principal stating the employee's full grounds of appeal, within five working days of the date on which the decision was sent or given to the employee.
- 9.2 We will hold an appeal meeting without unreasonable delay, normally within ten working days of receiving the employee's written appeal. This will be dealt with impartially by the Principal or a senior manager who has not previously been involved in the case, (although they may ask anyone previously involved to be present). Where the Principal has made the decision at the grievance meeting, a panel of more senior leaders including at least one governor will hold the appeal meeting. The employee has a right to bring a companion to the meeting (see paragraph 7).
- 9.3 The employer will confirm a final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **10.0 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.

## **11.0 Review of policy**

The Executive will monitor the application and outcomes of this policy on an annual basis to ensure it is working effectively and conforms to current legislation and HR advice.

