



# Grievance Policy and Procedure

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## **1. Introduction**

A grievance is a concern, problem, or complaint that an individual has in relation to their work or the people they work with. The grievance process may also be used when dealing with complaints of bullying and harassment and the Bullying and Harassment Policy should be consulted as appropriate.

The purpose of the Grievance Policy and Procedure is to ensure matters of concern are dealt with thoroughly, fairly, swiftly, and consistently. Employees, their representatives, and managers, are required to seek a resolution to any grievance as quickly as possible and within the timeframes set out in this policy.

This policy contains both informal and formal stages.

For the formal stages of the grievance procedure, there is a statutory entitlement for the aggrieved employee to be represented by a work colleague or trade union representative.

## **2. Scope**

This policy applies to all teaching and support staff employed by the Trust.

An employee working within a school but employed by another organisation should raise any grievance in line with that organisation's Grievance Policy and Procedures.

## **3. Confidentiality**

All grievance procedures, including details of any investigation and statements relating to it, are confidential to the parties involved in the process, except for official bodies who have a right to require disclosure of information.

Any breach of confidentiality may be considered under the Disciplinary Policy.

## **4. Exclusions**

This policy does not apply to complaints of professional malpractice, wrongdoing, or criminal activity. Such concerns should be made immediately, in accordance with the Whistleblowing Policy.

## **5. Roles and Responsibilities**

Any concern or complaint raised in accordance with this policy must be raised in 'good faith'.

Any grievance should be raised in a timely manner without undue delay. In usual circumstances a grievance that is raised due to an event that occurred more than six months previously will not be considered. The only exceptions will be:

- when there is evidence that a grievance relating to a recent event(s) is clearly linked to a series of events that may have begun more than six months ago;

- when an acceptable rationale for the delay is presented;
- where harassment, bullying or discrimination is alleged in circumstances that made it difficult for the employee to voice their grievance at the time.

Any concern or complaint found to have been raised for malicious, vexatious, false, or similar reasons may give cause for disciplinary action to be taken against the complainant(s).

It is expected that employees, their representatives, and managers, make every reasonable attempt to resolve a grievance quickly and informally before invoking the formal processes of this policy.

It is also expected that upon raising a grievance, be it informal or formal, the aggrieved party will clearly state their desired outcome and focus on resolution from the beginning of the process.

All employees are expected to cooperate with the implementation of this policy and procedure and where appropriate the accompanying Bullying and Harassment Policy.

## **6. Grievance Procedure**

Whether raised at the informal or formal stages of the process, it is important that the aggrieved employee approaches the right person with their grievance.

Anyone who wishes to raise a concern(s) or complaint(s) under the grievance procedure should speak to their line manager in the first instance.

If the concern or complaint is about the Headteacher, then the individual should speak to the Chair of Governors in the first instance.

Where the Headteacher has a grievance of their own, this should be referred to the CEO in the same way. If appropriate, the CEO may subsequently wish to delegate this matter to the local Chair of Governors as appropriate, in order to explore resolution of the matter.

In exceptional circumstances, where the grievance is against the Governing Body or Board of Trustees, and it is not possible for the Headteacher or Governors/Trustees to address the grievance, with the agreement of all parties, the grievance may be referred to the CEO. A meeting of the respective parties will be called in accordance with the timescales set out in this policy.

Refer to flowchart (appendix 1).

## **7. Informal Stage**

Many grievances can be resolved informally and quickly, and there is an expectation that all parties will seek to do this without unreasonable delay before any formal steps are considered. The relevant person (see 6 above) receiving the grievance will try and resolve it informally with the party or parties concerned as soon as possible and whenever possible.

A meeting must take place as soon as possible upon receipt of an informal grievance, and usually within 5 working days of receipt of the grievance.

Where the grievance has been raised due to a dispute between employees, the relevant person may like to consider involving a trained mediator to help resolve the situation (the employees in dispute must all agree to the mediation process for it to be invoked).

There is no statutory right to be accompanied by a colleague or Trade Union Representative at the informal stage of the grievance process, but it may be beneficial to allow this.

## **8. Formal Grievance Process**

If it has not been possible to resolve the grievance informally, and the aggrieved employee wishes to pursue the matter formally, they should do so in writing (if they have not already done so), without unreasonable delay. The written grievance must be submitted to the relevant person (see 6 above) and clearly state the grounds on which the formal grievance is being raised, what steps have already been taken to resolve the issue(s) along with the resolution(s) the employee is seeking by raising the matter formally.

## **9. Grievance Hearing Meeting**

Upon receiving the formal written grievance, the relevant person (see 6 above) should acknowledge receipt of the grievance in writing. The relevant person must convene a formal grievance hearing meeting as soon as possible and without undue delay. At this stage, it is still good practice for the relevant person to make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked. It is expected that all parties encourage prompt action regarding meetings, decisions, and communications regarding this matter. A meeting must be held to hear the employee's grievance which is usually arranged within 5 working days after receipt of the formal grievance.

The hearing meeting will provide the employee with the opportunity to explain their grievance in full and confirm the resolution they are seeking. The hearing manager hearing the grievance will have the opportunity to question the employee about their grievance and explore the reasons for the grievance, and consider any evidence provided in full.

The employee has the statutory right to be accompanied at a formal grievance meeting by a colleague or Trade Union Representative.

In some cases, it may be necessary to adjourn the process to allow for further investigation to take place to ensure thorough consideration of the grievance and to make recommendations for action. If so, the employee will be kept informed regarding the process and the hearing meeting will be reconvened following these investigations. Any such further investigation shall be carried out as stipulated in sections 10 and 11 below.

Any decision made by the hearing manager must be conveyed to the employee verbally in the first instance, and followed up in writing, summarising the rationale for the decision.

The decision should be clear on whether the grievance is upheld, partially upheld, or not upheld and detail relevant recommendations for resolutions where appropriate. It is the responsibility of the hearing manager to follow up and ensure any recommendations are implemented.

## **10. Investigation**

In some cases, it may be necessary to carry out additional or a more formal investigation into the grievance. The extent of any investigation will depend on the nature of the concern(s)/complaint(s) and any allegations that have been made.

If it is decided at the formal grievance hearing meeting that a formal investigation into the grievance is required, it is good practice to consider the following:

- Who will conduct the investigation? – this could be the hearing manager/members of the hearings panel themselves or an independently appointed investigator;
- What will be the scope of the investigation? It is important to be clear about exactly what will be investigated;
- A summary of the agreed scope of the investigation, including who will conduct the investigation, should be confirmed in writing so all parties are clear on exactly what is being investigated.

An investigation should be carried out without undue delay, and it is expected that all parties and potential witnesses avail themselves in a timely manner to comply with the investigation. The employee raising the grievance may or may not be required to be interviewed as part of the investigation dependent on the circumstances and the discretion of the investigation officer.

If an independent person is appointed to investigate the grievance, they may report their findings and recommended outcomes for the consideration of the person or panel hearing the grievance.

## **11. Outcome**

Following the completion of a formal investigation into a grievance, the hearing manager may invite the aggrieved employee to an outcome meeting to deliver the findings of the investigation into the grievance. Alternatively, the outcome may be communicated in writing.

The employee may be accompanied at this meeting by a Union Representative or work colleague.

The purpose of this meeting is to deliver the outcome of the investigation into the grievance raised by the employee. The employee and/or their representative may ask questions at the meeting, but the meeting is not a platform to rehear the grievance, reopen the investigation or hear any new complaint(s). The scope of the grievance investigation will have been agreed at the original Grievance Hearing Meeting.

The hearing manager will decide and inform the employee whether their grievance has been upheld, partially upheld, or not upheld, considering the evidence obtained from the investigation into the grievance. Recommendations for resolutions where appropriate may also be discussed. It is the responsibility of the hearing manager to follow up and ensure any recommendations are implemented.

The employee will be advised of their right of appeal if they do not agree with the outcome. The decision, along with the rationale for the decision, and any recommendations for resolutions, will be confirmed to the employee in writing following the meeting. The letter will also detail the employee's right of appeal.

## **12. Appeal**

The employee has the right to appeal any part of their grievance that they feel has not been satisfactorily resolved. An appeal must be in writing setting out the employee's reasons for disputing the decision. New evidence will not be considered at this stage.

An appeal must be received within 14 calendar days of the date of the outcome letter of the grievance. An appeal hearing will usually be arranged within 5 working days of receipt of the appeal letter. The appeal should be heard by a different person with delegated responsibility to whom heard the original grievance. Following the appeal hearing a final decision will be conveyed to the employee within 5 working days of the hearing in writing.

## **13. Further Action**

It is important that arrangements are made to follow up any recommendations and/or actions as required. This can be agreed as part of the grievance outcome to ensure they are implemented as per the decisions.

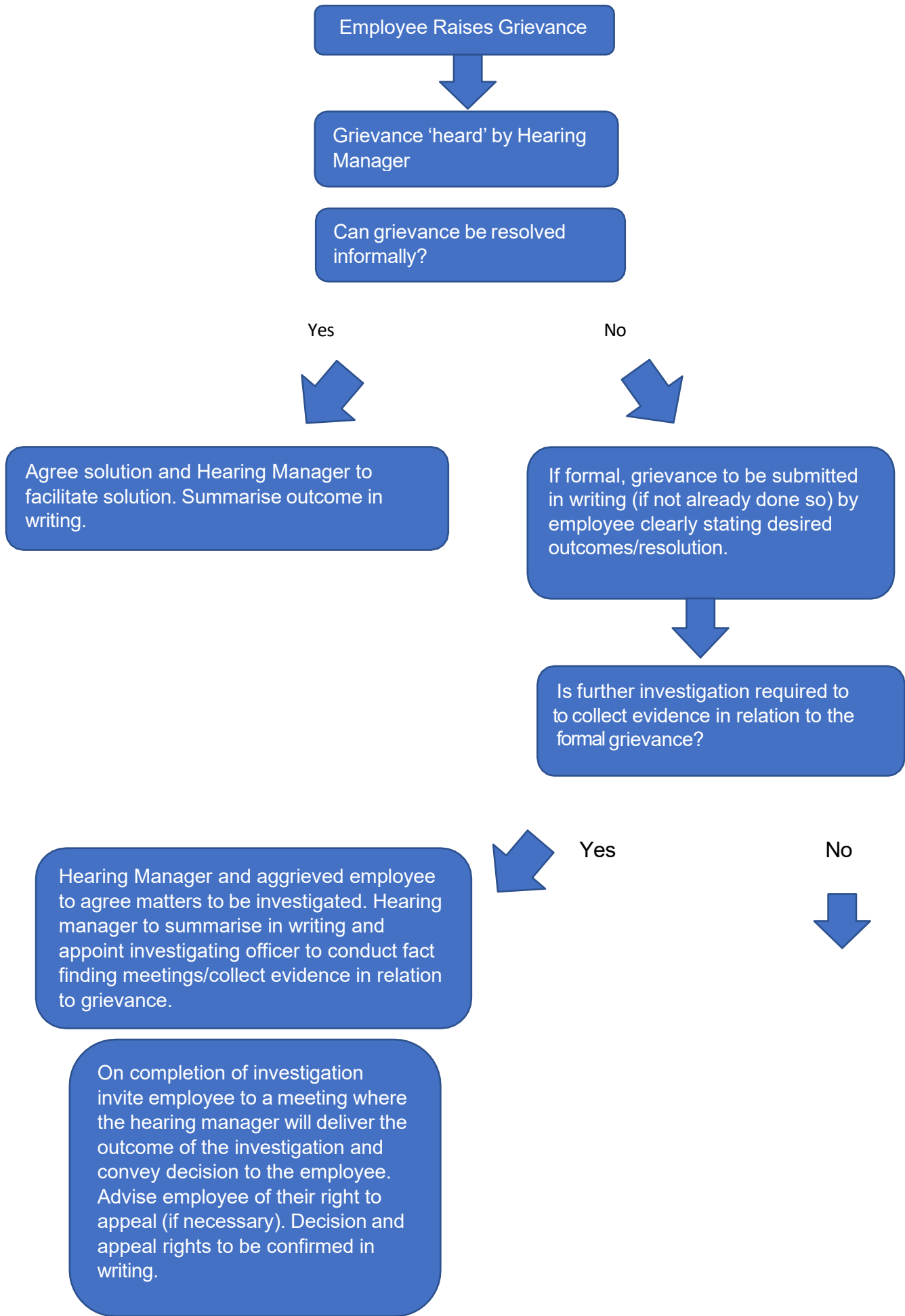
Where a grievance has been submitted and there is evidence to suggest it is demonstrably vexatious, malicious, or false, the Trust reserves the right to consider appropriate action under the disciplinary process.

## **14. Collective Grievances**

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way, it cannot then be raised by the same employees individually. The collective grievance procedure will follow the same timescales and process as that for individual grievances.

## Appendix 1

### Grievance Process Flow Chart





Hearing manager to make decision and any potential recommendations. Decision and (any) recommendations to be conveyed to employee in writing giving right to appeal the decision (if necessary).

### Appeal

Appeal to be received within 14 days of original outcome decision letter clearly stating grounds of appeal.

Different Hearing Manager to be appointed to hear grievance (and review investigation if relevant). Decision to be conveyed in writing to employee. No further right to appeal.