

Grievance Procedure



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1. INTRODUCTION

- 1.1 This procedure sets out the steps that should be taken by an employee of the Trust who wishes to raise a grievance. For the purpose of this procedure, grievances are defined as concerns, problems or complaints over work related matters that an employee of the Trust raises with the Trust. Examples of grievances include concerns over employment terms and conditions, health and safety, the working environment, dignity at work, new working practices and organisational change. This procedure also sets out the Trust informal and formal procedures for dealing with employee grievances.
- 1.2 The Trust will seek to ensure that grievances (individual and collective) are resolved as quickly as possible and as close to the source as possible to ensure minimal stress for the complainant and any other parties. Headteachers within the Trust have a responsibility to respond positively to any complaints.
- 1.3 Employees of the Trust have a right to be accompanied at each stage of the formal procedure by a trade union representative or work colleague and will be informed of this in writing at any formal stages (see section 12). In line with best practice guidance, this is also encouraged at the informal stage of the procedure.
- 1.4 Employees of the Trust are recommended to keep a written record of any incidents relating to their grievance and provide as much detail as possible when raising their grievance. A grievance should be raised without unreasonable delay after the incident to which it relates and within 3 months of the incident occurring.
- 1.5 If the grievance is about another employee within the Trust, and an investigation is required, the respondent will be provided with a copy of the grievance that has been made against them in order for them to be able to respond appropriately.
- 1.6 Employees of the Trust may not raise a grievance anonymously as this impedes consideration of the case.
- 1.7 The Trust recognises that the grievance process can be very difficult for the respondent, as well as the person making the complaint. The Trust is committed to supporting employees within the Trust who may be the subject of a complaint. They will receive regular updates on progress and will be advised of anticipated timescales by the Headteacher.
- 1.8 Reference is made throughout the procedure to the employee's Headteacher. For school based staff, this could be a line manager, Headteacher or member of the Governing Body.

2. SCOPE OF THE PROCEDURE

- 2.1 This procedure applies to all Trust employees.
- 2.2 A grievance can be raised under a number of different topics as detailed in 1.1. All relevant complaints will be considered under this procedure.
- 2.3 This procedure does not apply in the following circumstances:
- (i) Where an employee of the Trust is subject to formal disciplinary action or action under the School's Managing Employee Performance and Managing Attendance procedures – any grievance raised, relating to the circumstances of the case will not be considered under this Grievance Procedure. These issues will be considered as part of the response from the employee under the procedure being followed at the time. Where the complaint is not related e.g. a dignity at work matter, this will be considered separately under this procedure;
 - (ii) Appeals against the grading of posts;
 - (iii) Where issues arise over matters outside the control of the Trust, e.g. taxation, National Insurance and pension matters;
 - (iv) Where the complaint relates to deem that a written response is appropriate for these instances.

The Trust reserves the right to deem that a written response is appropriate for these instances.

- 2.4 Where the grievance relates to a change, for example to terms and conditions of employment, the status quo should prevail until the decision at the Formal Stage Two hearing.
- 2.5 Where an employee pursues a grievance in good faith, which is not upheld following an investigation, no action will be taken. If, however, an employee pursues a grievance this is shown to be for malicious or vexatious motives, disciplinary action will be taken.

3. THE INFORMATION RESOLUTION – STAGE ONE

- 3.1 Informal action can resolve complaints quickly and help to maintain a positive working environment. For this reason, the Trust is committed to resolving issues in an informal manner wherever possible and employees are encouraged to use this route in the first instance.
- 3.2 Matters can be resolved informally by speaking to the Headteacher. Where appropriate, other parties may be involved in helping to resolve issues at this informal stage. The employee's concerns will be discussed at a meeting(s) with a view to a resolution being agreed by all those involved. At the end of the

meeting(s) the Headteacher will write to the employee outlining the agreement reached to resolve the grievance. In the event that the grievance concerns the employee's own supervisor or manager, the employee is encouraged to approach an alternative manager within the school.

- 3.3 Employees of the Trust should keep a record of any informal action taken along with a note of the date and what was said. This is necessary should formal resolution be required at a later date.
- 3.4 In the event of a failure to resolve the grievance at the informal stage the employee may wish to move to the formal resolution stage. This should be done within 10 working days.

4. THE FORMAL RESOLUTION STAGE – STAGE TWO

Employees of the Trust are advised to pursue informal resolution before making a formal complaint.

- 4.1 Employees of the Trust may wish to bring a formal complaint where:
 - An informal approach has been unsuccessful and has failed to resolve matters; or
 - The concern is so serious that a formal complaint is deemed to be appropriate.
- 4.2 Employees of the Trust should set out their complaint in writing by completing the Formal Grievance Form or as a letter covering the same points. The form should be submitted to the Headteacher. If the Headteacher is involved in the grievance, the complaint should be sent to the Chair of the Local Governing Board.
- 4.3 The written complaint should state:
 - The nature of the grievance;
 - A description of the informal action that has already been taken or if no action has been taken, a reason why;
 - Indicate what outcome is sought and how this might be achieved;
 - Be signed and dated.
- 4.4 Formal complaints should normally be made within 10 working days of outcome of the informal stage or within three months of the concern first being identified where this could not be raised informally. This may be extended in exceptional circumstances on a case by case basis.
- 4.5 Where a complaint is raised by more than one employee, a collective grievance may be submitted (see section 6).
- 4.6 Once a formal grievance has been received, the Headteacher should write to the employee within three working days to confirm receipt and advice on the

next step. The Headteacher (following discussion with Human Resources) will need to consider whether the informal process has been exhausted and convene a formal Grievance hearing for the Chair of the Local Governing Board to consider and respond to the concerns being raised.

- 4.7 Headteacher should forward a copy of the Formal Grievance Form to the Chair of the Local Governing Board. The senior manager (or a nominated officer) will then arrange for the grievance to be heard as soon as possible (no longer than 20 working days from the initial receipt of the grievance by management). The employee should have five working days notice of the hearing.
- 4.8 The purpose of the hearing is for the Chair of the Local Governing Board (known as the Presiding Officer) to consider the grievance and make a decision. In circumstances where the grievance has not been dealt with at the informal stage or timescales have not been adhered to, the Headteacher should attend to explain the reasons for not dealing with the grievance at the informal stage, or the reasons for the delay. Once the Headteacher has stated the reasons, there will be no requirement for them to remain or participate in the hearing further. These are the only circumstances in which the Headteacher should attend this hearing.
- 4.9 The Chair of the Local Governing Board hearing the matter and employee will seek to resolve the grievance at this meeting. Possible outcome may be:-
- **The Chair of the Local Governing Board moves the matter back to the informal stage** – the Chair of the Local Governing Board hearing the matter will notify the employee and Headteacher of the outcome in writing, within 5 working days of the meeting. The Chair of the Local Governing Board will keep notes of the meeting and outcome.
 - **The Chair of the Local Governing Board upholds or rejects the grievance** – the Chair of the Local Governing Board hearing the matter will notify the employee and the Headteacher of the outcome in writing, within 5 working days of the meeting. The Chair of the Local Governing Board will keep notes of the meeting and outcome.
 - **Initiate an investigation** – after hearing the full nature of the grievance, the manager may decide that it needs to be investigated. They will inform the employee of this in writing, within 5 working days of the initial meeting and arrange for an officer not connected with the case to carry out the investigation. Where that matter is a formal dignity at work complaint, there should always be an investigation.

The respondent will be notified of the grievance against them in writing and be provided with a copy of the grievance and any supporting papers. A reasonable timescale will be given for the employee to read and digest the grievance and any supporting papers prior to any meeting.

The officer will investigate the matter, produce a written report and deliver this to the Headteacher hearing the grievance.

The report will look into the facts surrounding the grievance and the investigating officer will interview all relevant parties involved before writing the report.

Once the investigation is complete, the Headteacher hearing the grievance will reconvene the hearing and give a decision on the outcome. This may include (but is not exhaustive):

- A recommendation for mediation
- Appropriate training, support or guidance
- A request for an apology
- Move to disciplinary proceedings
- A change in working practice
- That the status quo remains
- No further action

The Presiding Officer at the hearing must give the reasoning behind their decision in detail. This will be confirmed in writing within 10 working days of the hearing. Where further clarification is needed which may cause a delay all interested parties must be informed and the written outcome delivered as soon as is practically possible.

Where there is another party involved in the grievance, the Headteacher taking the decision will inform them of the outcome of the grievance.

Where the decision is to move to disciplinary proceedings, a disciplinary hearing should be convened and the case will be moved into the Schools Disciplinary Procedure.

4.10 The right of appeal will be confirmed in the outcome letter (see section 5).

5. RIGHT OF APPEAL – STAGE THREE

5.1 Where an employee of the Trust remains dissatisfied with the outcome at the formal stage there is a right of appeal to the Trust Board.

5.2 The appeal should be in writing by completing the Grievance Appeal Form or as a letter covering the same points and should set out the grounds of appeal. For example, the employee must explain why they are still dissatisfied at this stage.

5.3 The purpose of the appeal is to consider whether the process of the grievance hearing was fair and/or whether the outcomes are reasonable in all of the circumstances. There will be no re-assessment of the case, unless the process has been found to be fundamentally flawed.

- 5.4 An appeal should be made in writing to the Chair of the Trust Board within ten working days of receipt of the letter confirming the decision of the grievance hearing. The letter should explain the reason for the appeal, giving details of why they think the process has been defective or why they feel the evidence does not support the decision made. The appeal should also specify the desired outcomes.
- 5.5 The appeal hearing should ideally be convened no longer than 20 working days (5 days notice of the hearing must be given) after receipt of the written appeal. If this is not possible, a written reason should be provided to the employee.
- 5.6 The Trust Appeal Panel will hear the appeal. In circumstances where timescales have not been adhered to, the Headteacher who made the original decision should attend to explain the reasons for the delay. Once the Headteacher has stated the reasons, there will be no requirement for them to remain or participate in the hearing further. This is the only circumstance in which the Headteacher of the school within the Trust should attend the appeal hearing.
- 5.7 Where possible, the outcome of the appeal will be confirmed at the hearing and the decision confirmed in writing within ten working days. If further clarification or action is to be sought, the parties will be notified of the decision as soon as is practically possible.
- 5.8 The decision of the Trust Board Appeal Panel will be final and there will be no further right of appeal.

6 COLLECTIVE GRIEVANCES

- 6.1 Where a grievance is raised by more than one employee, the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance. The group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form. One form should be submitted but must be signed by all employees of the Trust.
- 6.2 The principles of this procedure will also apply to collective grievances, although where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The School or Trust will determine the appropriate mechanism to be followed in each case after taking advice from the Trust HR Business Partner.
- 6.3 The decision of the Appeals Panel will be the final employer response to the grievance.

Failure to agree following negotiations

- 6.4 In instances where the exhaustion of this framework results in a failure to agree, the matter may be declared as being in dispute and the procedure may

be extended to include the involvement of the Joint Secretaries of the Joint Regional Council for conciliation. This can be at the request of either side, but requires the agreement of both. This extension does not apply to individual grievances.

- 6.5 In exceptional circumstances, failure to resolve a collective grievance through the Joint Secretaries may be referred to ACAS for conciliation and possible arbitration. Involvement of ACAS is optional and must be subject to agreement from both the Trust and the Trade Unions. Trade Union representatives are advised to inform their Regional Officers that it is their intention to seek either conciliation or arbitration.

7 TRADE UNION GRIEVANCES

- 7.1 A Trade Union representative can raise a collective grievance on behalf of the workforce where the issues are organisational or concerning a general application affecting some or all categories of employees. There is no requirement for employees to sign a grievance form in these circumstances.

8. TIMESCALES FOR FORMAL RESOLUTION

- 8.1 It is recognised that a formal complaint can be very stressful to all parties and therefore it is essential that resolution be achieved as quickly as is reasonably possible.
- 8.2 Every effort will be made to adhere to the time limits mentioned in this procedure. However it is also recognised that there are differences in complexity and evidence gathering and that there is a balancing act between the need for speed and the need to allow adequate time for a thorough process. Management retains the right to be flexible according to the availability of relevant information and parties and any particular circumstances surrounding issues under consideration.
- 8.3 A failure to receive a reply within the stated time limits, or to have not been informed of the need to extend the time limits in the particular circumstances, will entitle the employee of the Trust to progress the grievance to the next stage of the procedure.

9. POST COMPLAINT SUPPORT

- 9.1 It is recognised that raising a formal complaint, particularly with dignity at work matters, may be a difficult time for any employees involved and it is important that employees of the Trust are supported. Following conclusion of a complaint Headteachers within the Trust may need to take positive action to facilitate a

return to a positive and productive working environment. The following suggestions may assist in this process:

Phased Return – if the complainant or any of the parties involved in the complaint have been away from their normal work environment, then ideally, a return should be phased to assist successful re-integration;

Ice Breaking – it may be useful to organise an informal meeting with colleagues to break the ice;

Counselling – it may be necessary to organise counselling for any of the parties to allow them to come to terms with their situation and determine how they want to progress;

Mediation – if this has not already been part of the process;

Training – assertiveness, confidence-building, interpersonal skills and awareness training may be appropriate;

Team Building – exercises may be an effective way forward. It may be appropriate, if any of the parties are away from the working environment, to meet with the team prior to their return to pave the way and reduce negative speculation;

Redeployment – this should be a last resort and only where a complaint has been raised against another employee of the Trust. Where a complaint has been upheld, it is advised that only the offender should be redeployed as opposed to the complainant, and only if other methods have been unsuccessful.

10. FOLLOW UP

- 10.1 Where the complaint, in cases of dignity at work, is upheld, it is important to check that inappropriate behaviour has stopped and that there has been no subsequent victimisation or occurrence. This should be done as part of the Headteacher's normal duty of care, not as an extension of this procedure. The Headteacher of both the complainant and the offender should agree a date to meet to review the situation and determine whether any further action is necessary. If the Headteacher of both parties is one and the same, both parties should be met with independently of each other.

11. WITHDRAWING A GRIEVANCE

- 11.1 If an employee of the Trust decides to withdraw a grievance at any stage during the procedure, the complainant should advise the Headteacher of the reason for the decision.

- 11.2 Whilst in the majority of cases the Trust or school within the Trust will respect the rights of the employee to withdraw the grievance, there may be instances where the concern impacts on our duty of care towards others and in certain circumstances, the Trust may, independently of grievance, decide to investigate and take action.

12 REPRESENTATION

- 12.1 At all meetings during the formal parts of this procedure, the employee of the Trust shall have the right to be accompanied by a recognised trade union representative (as defined in the Trade Union Facilities Agreement) or a workplace colleague (as defined in the Trust Code of Conduct). Best practice would recommend that there be an opportunity for an employee of the Trust to be accompanied at informal meetings if agreed by all parties. There is no right to be accompanied by somebody who is a practicing solicitor or barrister. The employee should not be represented by a relative, spouse or partner.
- 12.2 Employees of the Trust will be allowed reasonable time away from work to meet with their representative. This must be agreed by the employee's Headteacher and will be in accordance with service requirements. It is at the discretion of the Headteacher what amount of time is reasonable dependent on the complexities of the grievance issue. Trade Union representatives will be afforded the necessary time off (in accordance with the Trade Union Facilities Agreement).

13. POST-TERMINATION GRIEVANCES

- 13.1 Where grievances are received from ex-employees of the Trust, a written response will be provided. This will apply to any grievance from employees of the Trust who have left the Trust employment, regardless of whether or not the grievance was commenced prior to the date of termination.

14. REVISION OR TERMINATION OF THIS PROCEDURE

- 14.1 The operation of this procedure will be monitored and periodically reviewed by Human Resources. Any amendment to it (other than factual amendment following changes in statute or School structures) will be subject to consultation with the recognised Trade Unions through the appropriate Joint Consultative Panels.

15. FURTHER INFORMATION

- 15.1 Further advice and guidance on this procedure or a specific grievance issue can be obtained from the Trust HR Business Partner or Trade Union representative.

- 15.2 If you would like to comment on the content of the procedure, please contact the Trust HR Business Partner.
- 15.3 The procedure are also available in alternative formats such Braille, large print, on audio tape or community languages if requested.

APPENDIX A

STRICTLY PRIVATE AND CONFIDENTIAL

PERSONAL DETAILS

NAME _____

ADDRESS _____

CONTACT NO. _____

JOB TITLE _____

PLACE OF WORK _____

HEADTEACHER _____

NATURE OF COMPLAINT

You should ensure that you provide full details of your grievance on this form to ensure that the complaint can be dealt with efficiently and effectively. Any additional information or complaints raised at a later stage may be considered as a separate grievance.

1. Please explain the nature of your grievance, being explicit with examples, dates and times of issues and events.

*(If this is a collective complaint, this should include the **shared** issues experienced by **all** complainants)*

Individual Grievance

Collective Grievance

If dignity at Work complaint, please complete 2, 3 and 4

2. Please state the name and job title of the employee and their relationship to you, e.g. work colleague, line manager.
3. Please explain the behaviour that you consider to be inappropriate. As precisely as you can, provide dates, times and places where this took place.
4. Please provide the names of any witnesses. State their job title and contact number if you know this information.

INFORMAL ACTION

5. Please state what informal action has been taken. Indicate dates, times and people involved.
6. If you have been unable to take informal action, please state why.

RESOLUTION

7. Please explain the outcome you are seeking from the grievance process.

NOMINATED REPRESENTATIVE (FOR COLLECTIVE COMPLAINTS, WHERE APPLICABLE)

8. Please provide the name of your nominated representative.

DECLARATION

(If this is a collective complaint, all complainants must sign the declaration to confirm their agreement to the contents. Where a nominated representative is identified, the declaration is agreement for the representative to act on the complainant's behalf)

SIGNED: _____ **DATE:** _____

APPENDIX B

STRICTLY PRIVATE AND CONFIDENTIAL

PERSONAL DETAILS

NAME _____

ADDRESS _____

CONTACT NO. _____

JOB TITLE _____

PLACE OF WORK _____

HEADTEACHER _____

NATURE OF APPEAL

1. Please indicate the nature of your appeal.

DATE OF FORMAL GRIEVANCE HEARING _____

**CHAIR OF LOCAL GOVERNING BOARD WHO
HEARD THE GRIEVANCE** _____

OUTCOME OF THE HEARING _____

GROUND OFS OF APPEAL

- 2. Please provide details regarding the grounds for your appeal, including any new evidence that you consider relevant to the case.

RESOLUTION

- 3. Please explain the outcome you are seeking from the grievance process.

NOMINATED REPRESENTATIVE (FOR COLLECTIVE GRIEVANCES, WHERE APPLICABLE)

- 4. Please provide the name of your nominated representative.

DECLARATION

(If this is a collective complaint, all complainants must sign the declaration to confirm their agreement to the contents. Where a nominated representative is identified, the declaration is agreement for the representative to act on the complainant's behalf)

SIGNED: _____ **DATE:** _____