



BOURTON MEADOW EDUCATION TRUST

**GRIEVANCE POLICY AND
PROCEDURE**

Date: August 2018

BOURTON MEADOW EDUCATION TRUST GRIEVANCE POLICY AND PROCEDURE

1. Introduction

- 1.1 This document sets out the Trust's grievance policy and provides a structured mechanism for employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient Trust operation.

2. Scope

- 2.1 This policy and procedure set out in this document applies to all Teachers on Teachers pay and conditions and all other Bourton Meadow Education Trust employees.
- 2.2 If a grievance is raised by an employee against the Chair of Governors, or any other member of the Governing Body, this should be dealt with through this Grievance Policy and will be heard by an Employee Grievance Committee.

3. Roles and Responsibilities

- 3.1 Both managers and employees have a responsibility within this procedure.
- 3.2 Managers will:
- a. Try to resolve all issues informally before they become formal grievances
 - b. Ensure the grievance procedures are followed correctly, seeking advice from HR where they are unsure
 - c. Treat all grievances seriously, dealing with each one fairly, consistently and sensitively
 - d. Address any grievances promptly and within the given timelines
 - e. Where appropriate, consider alternative working arrangements with the aggrieved employee where it is not possible, or appropriate, for the employee to continue to work as before (see point 3.3 below).
- 3.3 Employees will:
- a. Work with the manager to genuinely seek resolution
 - b. Co-operate with any investigation.
 - c. Wherever possible try to raise the grievance informally.
 - e. Comply with all reasonable management instructions whilst their grievance is being progressed.
- 3.4 The Governing Body will:

- a. Set up an Employee Grievance Committee which would normally comprise a panel of 3 governors

4. Principles

4.1 The policy and procedure contained within this document is founded on the following principles:

- a. To enable grievances to be resolved quickly and consistently across the Trust in order to maintain good working relationships.
- b. Where the circumstances are appropriate, and/or both parties agree, allow grievances to be dealt with through the informal process.
- c. To ensure that any employee raising a grievance is given a fair hearing, their issues are investigated thoroughly, and that the outcome is confirmed in writing.
- d. To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- e. To ensure that any witnesses are protected against detriment and dismissal as a result of acting as a witness during a grievance hearing.
- f. To ensure that any representative or work colleague is protected against detriment and dismissal in respect of his/her action in accompanying the employee and for addressing or seeking to address the hearing.
- g. Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

5. What could constitute a Grievance?

5.1 A grievance is defined in legislation as “a complaint by an employee about action, which his employer has taken or is contemplating taking in relation to him.” A grievance could be regarding any of the following:

- Terms and conditions of employment
- Working conditions
- Working hours

- Unfair treatment
- Health and safety
- Work relations
- Equal opportunities
- A breach of statutory employment rights
- Where an employee feels that a condition of employment has been incorrectly used against them

N.B. This list is not exhaustive nor is it an attempt to give a definition of a grievance.

6. Exclusions

6.1 This policy does not apply to the following categories:

- a. Employees appealing against a dismissal/disciplinary decision. This is dealt with through the disciplinary appeal procedure – see Conduct & Discipline Policy & Procedure
- b. Non-teaching staff employees appealing against a job evaluation/grading. This is dealt with through the appraisal policy
- c. Whistleblowing Complaints. These are dealt with under the Bourton Meadow Education Whistleblowing policy.

6.2 This policy is not intended for employees to raise a grievance about Trust policy, although it may be used to make a complaint about the way the Trust's policies and procedures may have been applied.

7. Using the Grievance Policy

7.1 All genuine grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise concerns without just cause and with the intent of causing distress to others. Inappropriate use of the policy may result in the employee who has raised the grievance being subject to disciplinary action.

7.2 An expectation of this policy is that before individuals invoke the formal stages of this procedure, they first attempt to resolve their complaint informally by discussing their complaint with their line manager, or another suitable person.

- 7.3 With regards to performance management, an employee may wish to raise a grievance about the way the performance management is handled by their manager, which may include any complaint regarding bullying or harassment. However, it is not expected that the Grievance Policy will be used solely because the manager is seeking to performance manage an employee, and the employee disagrees with this decision.
- 7.4 If the grievance concerns an employee's line manager, the employee should raise their concern with the next level of management. Where the grievance is initially raised with a Head Teacher then if the matter progresses to Stage 2 then that appeal should be made to the Chair of Governors. Where the grievance concerns the Head Teacher, the employee should raise their concern with the Chair of Governors. Where the grievance concerns the Chair of Governors, the employee should initially raise their concern with the Vice Chair of Governors. However, if the employee feels that this is not appropriate, then they should approach the Executive Headteacher or the Chairman of the Board

8. Collective Grievances

- 8.1 If a collective grievance arises, involving a group of employees within the Trust, but relating to the same issue, this may be dealt with through this policy and the group of staff may nominate a spokesperson to represent their case.
- 8.2 Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently, with each person giving details of their grievance. A joint letter or letters that are identical will not be accepted.
- 8.3 As long as the issue is the same in each case, it will be necessary to hold only one hearing at each stage.

9. Informal Approaches to Resolving a Grievance

- 9.1 The employee may choose and is encouraged to discuss the issue with their line manager (or their line manager's manager where the grievance concerns the line manager) to see if the matter can be resolved informally and without invoking the formal grievance procedure. Employees should try to take the informal route initially as this approach benefits both parties, often resulting in a quicker and more satisfactory resolution.
- 9.2 An informal grievance should normally be raised within a reasonable timescale after the act or decision complained of or the last act or decision if the complaint relates to a series of linked events.
- 9.3 The immediate line manager can resolve many of the issues at work informally as part of their day-to-day management responsibilities. It may be beneficial for both parties to explore the informal route to encourage them to communicate and agree a way of working together for the future.

- 9.4 Managers should be aware of, and be prepared to explore, alternative methods of resolving any complaints that arise by discussing the issue and examining a range of possible solutions with the employee.
- 9.5 Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties in order that working relationships can be maintained.

10. Formal Stages of the Grievance Procedure¹

10.1 Registering a Grievance

Initially, employees should normally raise their grievance in writing to their line manager (or appropriate other, as detailed in 7.4). This is known as a Statement of Grievance. Employees may submit their grievance using the Grievance Form², which is provided for assistance only.

- 10.2 A grievance should be raised as soon as possible after an event or incident.

10.3 The written grievance should include the following information:

- a. The nature of the grievance – what is alleged to have occurred, by whom and when
- b. The reason for dissatisfaction with the informal solution (if appropriate)
- c. The remedy the employee is seeking
- d. Any witnesses to the matters complained about

The grievance should refer to specific issues rather than generalisations. An employee may wish to seek assistance from a work colleague or Trade Union Representative with regards to formulating the written grievance.

10.4 Investigation

- 10.4.1 In some cases it may be necessary to appoint an Investigating Officer. This will depend on the nature and complexity of the grievance. Where an Investigating Officer is appointed he or she is responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint. Ordinarily the Investigating Officer will compile a report

¹ See figure 1 for flowchart of Grievance Procedure

² See appendix 1 for Formal Grievance Form

containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes.

10.4.2 An Investigating Officer may be appointed at any stage of the formal grievance procedure where it is deemed necessary or appropriate in the circumstances.

10.4.3 If further allegations or information come to light during the course of the investigation, the Hearing Officer must be informed. The Investigating Officer should always keep the Hearing Officer informed of any new developments that may come to light throughout the course of the investigation.

10.5 Stage 1

- On receipt of the grievance, the manager/Headteacher (or Chairman of Governors if the grievance is by or against the Headteacher) or Executive Headteacher or Chairman of the Board will arrange a meeting with the employee, within a reasonable period of time, to discuss the details of the grievance, gather any relevant documentation and to discuss the outcome that the employee is seeking.
- At this meeting, the employee has a right to be accompanied by their trade union representative or work colleague.
- The manager/Headteacher will normally also meet with the person who is the subject of the grievance (the respondent) to ascertain their version of events and any background to the concern that has been raised.
- An Investigating Officer may be appointed at this stage, when necessary. Guidance on this may be found at 10.4 above.
- Following the investigation, the Manager/Headteacher will notify the employee of the outcome of the Stage 1 process within a reasonable period of time.
- If the employee is dissatisfied with the outcome at Stage 1, they may opt to take the matter to stage 2 by writing to the Headteacher/Chairman of Governors within 10 working days of the date of the decision letter at Stage 1.

10.6 Stage 2: Appeal to Headteacher/Chairman of Governors (or appropriate other as detailed in 7.4)

- a. Once a Stage 2 appeal is submitted in writing to the Headteacher/Chairman of Governors a meeting with the employee will be arranged, prior to any formal hearing being convened, to discuss the details of the grounds for appeal and the grievance itself.

- b. The Headteacher/Chairman of Governors (or appropriate other as detailed in 7.4) will be the Hearing Officer at Stage 2.
- c. When appropriate, an Investigating Officer may be commissioned by the Headteacher/Chairman of Governors, as Hearing Officer, to carry out the investigation and submit a report prior to the hearing. Guidance on this may be found at 10.4 above.
- d. An appeal hearing will be arranged promptly by the Headteacher/Chairman of Governors, but allowing at least 5 working days written notice to all parties required to attend the hearing. At this hearing, the employee has a right to be accompanied by their trade union representative or work colleague.
- e. The employee must confirm their attendance in writing and provide all relevant documentation and names of any witnesses that are likely to be called at least 3 working days before the date of the hearing.
- f. At this stage, the appeal will be heard by either the Headteacher or Chairman of Governors only (not a panel). Any unresolved issues will be heard and the respondent will be allowed to respond to the grievance. Both the employee and the respondent will be notified of the outcome of the Stage 2 hearing, normally within 5 working days of the date of the appeal hearing. In the event that the outcome is delayed, both parties will be notified.
- g. If the employee is dissatisfied with the outcome at Stage 2, they may opt to take the matter to stage 3 by writing to the Clerk to the Governing Body, or other appropriate officer as detailed at 7.4, within 10 working days of the date of the decision letter at stage 2.

10.7 Stage 3: Appeal to Employee Grievance Committee

- a. Once a Stage 3 appeal is submitted in writing, to the Clerk to the Governing Body (or other appropriate officer as detailed at 7.4) further investigation or review of the original investigation may be required at which point a report will normally be submitted to an Employee Grievance Committee. If any Governor is involved at an earlier stage he/she should not be a member of the Employee Grievance Committee. At this stage, it is the responsibility of the Employee Grievance Committee to decide whether further investigation is needed, or a review of the original investigation is sufficient.
- b. The Clerk to the Governing Body (or appropriate other as detailed at 7.4) will arrange for the appeal to be heard by the Employee Grievance Committee a panel of 3 governors, giving at least 10 working days written notice to all parties required to attend the hearing. This notice provision may be varied with agreement of the aggrieved and the respondent.
- c. The Executive Headteacher, or delegated other, will sit on the panel in an advisory capacity. An HR representative will also attend in an advisory capacity.

- d. At this hearing, the employee has a right to be accompanied by their trade union representative or work colleague.
 - e. The documentation that is required for a hearing, known as the 'bundle', is compiled by the Investigating Officer in conjunction with the Human Resources Officer and the involved parties. The bundle must be circulated to all parties at least 5 working days before the hearing. The bundle should only contain documentation relevant to the grievance.
 - f. The Employee Grievance Committee will then hear any unresolved grievance, allow the respondent to respond to the grievance and notify both the employee and the respondent of the final outcome normally within 5 working days of the date of the hearing or as soon as possible thereafter.
 - g. At this stage, the employee will be notified that the outcome is final and that this is the end of the appeal process.
- 10.8 The aim would be to complete the whole grievance procedure within six months from the date of the original statement of grievance. However, in more complex cases this timescale may be longer.

11. Notification to attend a grievance hearing

- 11.1 The Hearing Officer will arrange for a grievance hearing to take place promptly but allowing for at least 5 working days written notice to all parties required to attend the hearing at Stage 2 and 10 working days written notice at Stage 3.
- 11.2 The letter will advise the employee of the following:
- The location, date and time of the proposed grievance hearing
 - The employee's right to be accompanied
 - The identity of the Hearing Officer (usually the manager, Headteacher or Governor)
 - Any relevant paperwork, including a copy of the Grievance Policy
- 11.3 The aggrieved employee and the respondent are required to confirm their attendance in writing and to supply the Hearing Officer with all the relevant documentation, which they intend to rely on at the hearing. Additionally, the aggrieved employee is required to confirm the following in writing:
- a. Their employee representative
 - b. The names of any witness who are likely to be called

At Stage 2, this information must be provided at least 3 working days prior to the hearing. At Stage 3, this information must be provided at least 7 working days prior to the hearing.

- 11.5 Where possible, the Hearing Officer will agree the date of the meeting with the employee and their recognised Trade Union Representative or work colleague. However, it may be necessary to settle on a date without agreement. The employee is under a duty to take all reasonable steps to attend the hearing but if the employee's work colleague or Trade Union Representative cannot attend on the proposed date, the employee can suggest another date so long as it does not create unreasonable delay.
- 11.6 When an employee fails to attend a grievance hearing due to sickness, or another valid reason, the Hearing Officer will reschedule the Hearing once. If the employee is still unable to attend, the Hearing will go ahead in their absence, based on the information in the Grievance Statement and any subsequent investigation. A decision will be made on this basis.
- 11.7 When an employee fails to attend a grievance hearing, or does not respond to the invitation to the grievance hearing, with no good reason, the Hearing Officer will attempt to reschedule another meeting. However, should this second attempt result again in non-attendance without good reason, or failure to respond to the invitation, then the Trust at this point is no longer legally obliged to consider the grievance and may end the process at this point.

12. Right to be Accompanied

- 12.1 At any grievance or appeal hearing the employee has the right to be accompanied by a representative of their choice. The representative may be an accredited union representative or work colleague but not a friend, family member or legal representative, except in exceptional circumstances.
- 12.2 The Trust will not meet any of the costs associated with the attendance of the representative at a grievance hearing beyond granting paid time off to a representative who is employed by the Trust.
- 12.3 The Trust will, however, meet the reasonable costs of any witnesses attending the hearing, over and above the normal costs they would otherwise incur.

13. Grievance Hearings

- 13.1 In general terms the following format will be adopted:
 - a. The Hearing Officer will introduce those present and outline the procedure
 - b. The employee, or their representative, will be given an opportunity to express their grievance, call witnesses and explain any documentary evidence
 - c. The respondent may ask questions of the employee and/or their witnesses

- d. The Hearing Officer will have the opportunity to ask questions of the employee and their witnesses
 - e. The Investigating Officer will have the opportunity to ask questions of the employee and their witnesses
 - f. The respondent will be given the opportunity to respond to the grievance that has been raised
 - g. The Investigating Officer will present the findings of the investigation
 - h. The respondent will call any witnesses
 - i. The aggrieved employee may ask questions of the respondent and/or their witnesses
 - j. The Hearing Officer will have the opportunity to ask questions of the respondent and their witnesses
 - k. The Investigating Officer will have the opportunity to ask questions of the respondent and their witnesses
 - l. The Hearing Officer will consider the grievance and reply to the employee, normally giving the decision within 5 working days. In the event that the Hearing Officer is unable to give a decision within 5 working days, they will notify the employee with an explanation for the delay.
 - m. If the Hearing Officer feels it is necessary for further investigation to be undertaken by the Investigating Officer, the Hearing will be adjourned. The Investigating Officer will undertake further investigation as a matter of priority and the Hearing Officer will rearrange the Hearing. The grievance will then be considered and a decision given to the employee normally within 5 working days of the last Hearing.
- 13.2 The format of the hearing may vary depending on the complexity and the nature of the grievance.

14. Confirmation of the Outcome of the Grievance

- 14.1 Whether or not the employee and the respondent have been informed of the outcome of the grievance hearing orally at its conclusion, both the employee and the respondent will be notified of the outcome of the grievance hearing in writing. Written notification will normally be within 5 working days, of the date of the hearing, and will include:
- The outcome of the grievance hearing
 - The reasons for the decision made

- Notify the employee of their right to appeal at stages 1 and 2, specifying the 10 working day timescale to appeal
- At Stage 3, inform the employee that the decision is final and that this is the end of the grievance procedure

At the same time, the school's Human Resources provider should also be notified of the outcome of the grievance hearing.

14.2 The outcome of the grievance can be either substantiated OR unsubstantiated.

If the grievance is substantiated, further advice should be sought from HR in respect of the way forward.

15. Grievances Raised after an Employee has left the Organisation

15.1 In instances where a grievance is raised after an employee has left the employment of Bourton Meadow Education Trust or the Governing Body, the ACAS Code of Practice should be followed. More information on the ACAS Code of Practice can be found at www.acas.org.uk.

15.2 The ACAS Code of Practice specifies a grievance process that consists of a hearing, by the line manager/Headteacher (or appropriate other where the grievance raised is about the line manager/Headteacher).

15.3 The right to appeal, for a grievance raised after an employee has left the employment of Bourton Meadow Education Trust or the Governing Body, would normally be dealt with by the Headteacher/Chairman of Governors or appropriate other (as detailed in 7.4).

15.4 The appeal decision would be final, and the two stage process concluded in line with the ACAS Code of Practice.

16. Multiple Grievances / Grievances Raised During the Course of a Disciplinary Process

16.1 Where an employee has raised multiple overlapping grievances, or where a grievance has been raised either prior to or during a capability or disciplinary hearing about any aspect of the disciplinary process, a multi-purpose meeting may be held to avoid unnecessary repetition or delay in the proceedings. In this instance, no further or separate action is required under the Trust's grievance procedure.

16.2 If the multi-purpose meeting format is used, it should be made clear to all parties that this format is being used and that both the grievance and the capability/disciplinary is being addressed at the same meeting.

17. Confidentiality

17.1 It is expected that all parties involved in the grievance process will maintain strict confidentiality throughout all stages of the grievance process by ensuring that only the people who need to know have access to details of the case (with the exception of any legal obligations requiring action from the Trust, e.g. in health and safety matters).

18. Records

18.1 In the event that they request a copy, the formal meeting/hearing minutes should be given to the aggrieved employee who attended the meeting.

18.2 All notes must be stored safely as an Employment Tribunal may request full disclosure of all notes.

18.3 All notes taken and correspondence produced during all of the steps of the grievance procedure should be kept by the Manager/Headteacher. The letter detailing the outcome of the grievance will be placed on the personal file of the employee who raised the grievance and kept for a period of 12 months after the resolution of the grievance.

18.4 All written documentation will be kept in accordance with the Data Protection Act 1998.

Review Date: August 2019

Trust Director signature

Name

Date

FORMAL GRIEVANCE FORM

Full Name:	Academy:
Post Title:	
You should always try to resolve your grievance informally first.	
Please state the nature of your grievance (continue on separate sheet if necessary):	
I have taken the following informal steps to resolve the problem before invoking the formal grievance procedure:-	
Grievance raised informally with:	
What action has been taken to resolve issue:	
Why are you unhappy with the outcome?	
What solution are you seeking?	
Please list any witnesses who are likely to testify for you, should it come to a hearing.	
Signed:	Date:

THE STANDARD SCHOOL GRIEVANCE PROCEDURE

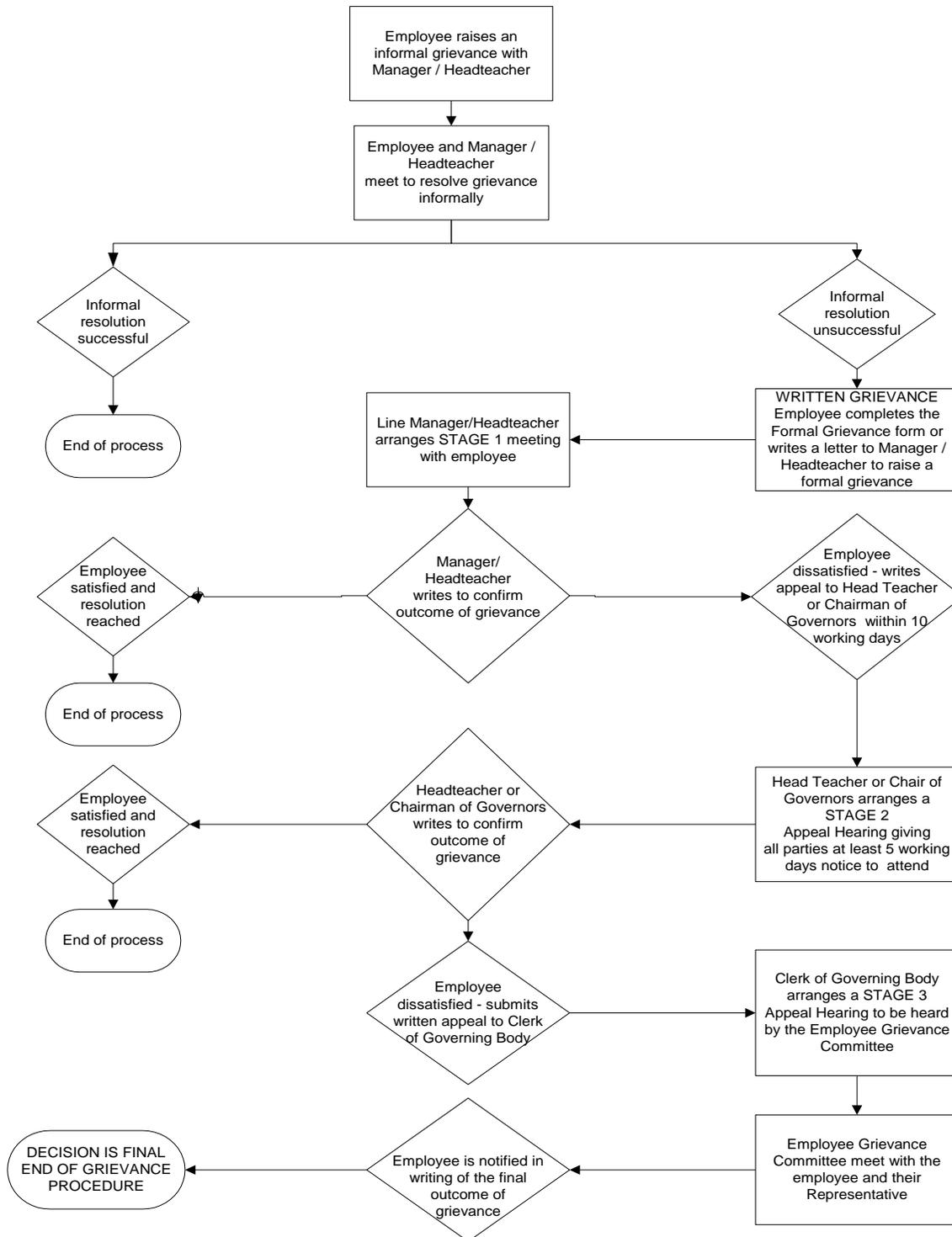


Figure 1