

Grievance Policy

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Grievance Policy and Procedure

1. Statement from the Chief Executive

We want our workforce to be ambitious, courageous and empowered to do a great job and make a positive difference to the lives of our communities. To support this, we want a positive working environment and a culture of confidence, respect and equality. When things do not go to plan, it is important we resolve issues in the right way for all involved.

2. Guiding Principles

We are committed to developing policies and processes that reflect our values and contribute to promoting a positive working environment. The principles that underpin this are:

- encouraging adult-to-adult conversations where everyone acts to address workplace concerns early through day-to-day line management conversations
- being supportive, proactive and solution focussed, addressing concerns quickly and fairly, tailored to individual needs
- recognising that everyone has a responsibility and role to play in creating the right conditions to do their job well
- focussing on wellbeing and building trust within the workplace
- developing policies that support diversity and inclusion and promote an inclusive work environment free from any form of discrimination, bullying, harassment, or victimisation
- holding ourselves and each other to account to always behave and act in the best interests of the Trust, school and our communities

3. Purpose

Although most problems or concerns you may have can be resolved quickly and informally through discussion with your line manager, we recognise that in some circumstances, where resolution has not or cannot be achieved informally, or the matter is more serious, then a formal grievance process may be necessary.

This policy outlines what you will need to do when raising a grievance and how we will investigate and deal with a formal grievance in a fair and transparent way.

If you feel aggrieved about a process that is covered under another Policy, e.g., Managing Attendance, then you should refer to that policy for next steps.

Similarly, issues that you have already raised under other policies or processes will not be heard or duplicated through this process.

If you raise a grievance whilst another process is active, e.g., during a capability or disciplinary process, then there may be a decision to pause, or in most cases where they are directly connected, they will run at the same time.

Similarly, where it is determined that there is cause to invoke a disciplinary process as a result of your grievance, we may pause the grievance process until the disciplinary process has concluded.

If your grievance or complaint relates to issues of bullying and harassment, this will be dealt with via the Anti-Harassment and Bullying Policy.

If a malicious or vexatious complaint is made against you or you make such a complaint, this may be treated as misconduct and lead to disciplinary action.

4. Scope of Policy

This policy applies to all employees, regardless of length of service but does not form part of your contract of employment or any other contract to provide services and can be amended from time to time and in consultation with the recognised trade unions.

This policy does not apply to agency workers, consultants, self-employed contractors or volunteers.

This policy has been implemented following consultation with our recognised Trade Unions.

Decisions will be made in line with the school's local scheme of delegation or equivalent mechanism for making decisions at the appropriate level.

5. Mediation

We strongly promote the use of mediation services as an option for resolving some types of grievance. Access to this service can be identified through normal day to day management conversations. This remains an option during any formal process.

Mediation can help with situations where two or more people are in dispute about something and are keen to reach an agreement. It is a voluntary process, and the mediator will help to facilitate discussions about solutions. They are not there to judge or decide or tell you what you should do, but it can often be a useful approach to help resolve a problem.

However, there will be some situations that would be unsuitable for mediation. For instance,

- a minor difference of opinion or
- two people trying to book leave at the same time

[Mediation](#) is not a “first resort” process to rely on, because we would encourage and expect you to talk to your manager early on about any concerns you might have.

If you feel mediation might help, you should discuss this with your manager, Headteacher, Chair of Governors (if it relates to the Headteacher) or HR provider.

6. Early considerations

Sometimes there will be issues within the workplace that may not require a formal process and you feel able to raise and discuss during everyday work conversations. We recognise that sometimes issues may arise because of misunderstandings or miscommunication.

We encourage you to have early conversations with your line manager wherever possible, to minimise the escalation of issues and avoid the need for a formal grievance.

If you feel unable to speak to your line manager because the complaint concerns them, then you should speak

- to a more senior manager, Headteacher, Chair of Governors or CEO
- your Trade Union representative.

7. Complaints about third parties

You may raise issues about matters considered to be outside of our control. For example, issues relating to contractors or parent relationships or national provisions. Where this happens, we will follow the process outlined in this policy as far as is reasonably practicable, and it is essential that you raise this with your manager.

8. Formal Grievances

If you wish to proceed with a formal grievance you will need to:

- Let your manager know the nature of your grievance by clearly setting this out in writing
- Try and use language that is factual and try and avoid language that might cause additional distress (if you find this difficult to express you can seek support from your manager or your [Trade Union/companion](#))

- Raise and submit your grievance within 3 months of the concern, problem or complaint arising. We reserve the right not to investigate grievances that are older than three months. There may be some exceptions to this timescale dependent on the nature of the issue. For example, where a number of instances occur over a number of months, they may be considered. Conversely, an isolated incident or issue that occurred many months or years ago may not be.
- Be clear about how you feel the grievance can be satisfactorily resolved.

If your grievance relates to your direct line manager then you should submit your formal grievance to a more senior manager, often this can be the manager of your manager, Headteacher, Chair of Governors or CEO. If you are unsure exactly to whom to address the grievance to, please contact your HR provider.

9. Formal Grievance Meeting

In response you can expect the manager to whom you have submitted your grievance (the Deciding Manager) to acknowledge it in writing and arrange to meet with you to discuss your grievance more fully and establish what you are seeking to resolve it.

The Deciding Manager may also be the person who is allocated to deal with/investigate your grievance. They will attempt to do this within 5 working days of receiving your written grievance.

If you require any reasonable adjustments to be able to attend the meeting, then you should outline what would be helpful in advance.

You have the [right to be accompanied](#) at this meeting and any other meetings as part of an investigation, if one is required.

Where it is not possible to hold a face-to-face meeting under this procedure, we may conduct the process remotely, for example, using Microsoft Teams.

We will ensure that you and your [companion](#) have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

It might be possible from the information you have provided, for the Deciding Manager to reach a decision after a short adjournment on the day of your meeting, or a day or so after the meeting, without requirement for an investigation.

Where this is possible the outcome will be confirmed to you in writing, at the earliest opportunity and within 5 working days, outlining your right of appeal and providing you with the option of a meeting to discuss the decision.

It may be that the Deciding Manager feels they need more information to reach a conclusion and they may seek this information themselves or request someone else undertakes an investigation.

If this is the case this will be communicated to you, and you will be advised of:

- the name of the Investigating Officer
- the expected duration of the investigation
- whether the Investigating Officer will need to speak to you or any other parties to establish the facts

You will be advised in advance if time scales need to be extended. This may be the case where an investigation is complex.

Where there has been an investigation as part of your grievance, the Deciding Manager will review the findings. You will have the option of meeting with the Deciding Manager again to receive the outcome or request that this is put in writing to you. Please advise the Deciding Manager of your preference as soon as possible.

If you have difficulty at any stage of this procedure either

- because of a disability or
- because English is not your first language,

you should discuss the situation with your manager as soon as possible, so that suitable support can be explored.

10. Formal Grievance Outcome Meeting

Where you wish to meet the Deciding Manager to discuss the findings, you will be given a minimum of 10 calendar days' notice of the meeting taking place, unless you request to meet sooner. The HR Provider will accompany the Deciding Manager hearing your grievance, wherever possible.

If you or your companion are unable to attend a formal meeting, you have a right to suggest an alternative time and date so long as it is reasonable, and it is not more than 5 working days after the original date.

A record of the meeting will be made, either by the person conducting the meeting, a note taker or electronic recording (where the meeting is held

remotely). Where electronic recordings are made, for the purposes of transcription, this will be with prior consent by all attendees and data protection obligations being met. A written record, or transcription, of the meeting will be shared with you.

You are expected to attend meetings which form a key part of processes in relation to your employment. Meetings will be rearranged where possible however not usually more than once.

If you are unable to, or fail to, attend a rearranged meeting, without good reason, the meeting may be held in your absence. Where you have indicated, in advance, that you are unable to attend you may be invited to submit written representation (to arrive at least 24 hours before the meeting).

Where a decision is made in your absence it will be based upon the information available at the time, including any written representations you have made.

Potential outcomes of your grievance meeting are that your grievance is

- **upheld**
- **partially upheld** or
- **not upheld**

You can expect a letter confirming the decision and detail how and why that decision has been reached. It will also include any recommendations or actions to be taken.

The outcome will be confirmed to you in writing at the earliest opportunity and within 5 working days of the formal grievance outcome meeting.

If you feel dissatisfied with the outcome of your grievance you will have a right of appeal, as per the Appeal Procedure.

11. Collective Grievance

When someone raises a grievance with other colleagues, this will be referred to as a collective grievance and this will follow the same process as outlined in this policy.

It may be helpful to have 1 or 2 representatives from the group, with the same grievances, to participate in the process on behalf of the others.

Alternatively, a trade union representative may act on behalf of a group of their members.

12. Whistleblowing

Raising a complaint or a grievance can often be confused with “whistleblowing”. You are a whistle-blower if you report types of wrongdoing, usually something you have seen at work which you reasonably believe is in the public interest for it be disclosed. In those cases, you are protected by law and can raise a concern at any time and should use the Whistleblowing procedure; a copy of which is available on the Policies Drive or locally from your line manager. 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 Resolving Grievances Policy.

13. Wellbeing and Support

Supporting wellbeing is an integral and essential part of our values. We recognise that a grievance process can be stressful for everyone involved. We all respond to stressful situations in different ways. Sometimes a process may cause distress and impact on both physical and mental health.

We provide access to wellbeing services through our insurance provider. This support contains information and resources and provides ideas and solutions to help support your wellbeing, as well as access to services such as counselling.

We will do all that we can, to ensure that we support and encourage you to consider accessing early intervention support.

We will ensure that if you are raising a grievance or supporting a grievance investigation, you are fully supported and protected from any potential detriment.

14. Right to be Accompanied

In line with ACAS ([Advisory, Conciliation and Arbitration Service](#)) Code of Practise, at any formal meeting you have the right to be accompanied by either:

- a work colleague

- a trade union representative, or
- an official employed by the trade union

You should confirm to the Deciding Manager who will accompany you in advance of any meeting. There are also times when we allow you to be accompanied at other meetings as part of this policy and it will be noted at the relevant sections where this is permitted.

At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them 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.

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) if this will help overcome a disability, or if you have difficulty understanding English.

15. Data Protection and Confidentiality

Our aim is to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or grievance matter. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy.

If you are invited to a formal meeting, you must not make any electronic recordings. An exception to this may be where it has been agreed by all parties as a reasonable adjustment related to a disability. Any breach of this provision may lead to disciplinary action, which could include dismissal.

Written grievances will be placed on your 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 Privacy Notice and Data Protection Policy..

16. Further Advice

If you need any further information about any aspect of this policy, please initially speak to your manager or Head Teacher. Alternatively, you can contact the Trust's HR Provider.

