



The MAST Academy Trust

Policy	Grievance policy	
Owner	HR Partner	
Date approved	8 th November 2022	
Approver	Staffing Committee for the Trust Board	
Date consulted on with recognised trade unions		1 st November 2022
Date adopted following consultation process on		8 th November 2022

Current version	V5.0
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Next review due	Autumn 2023
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Objective of Policy

To provide guidance on the policy of raising a grievance and the resolution process. This policy aims to enable colleagues to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, fully and objectively.

Version Control	
Version Number	Summary of amends from previous version
2.0	Review and appropriate updates since last version, front cover amends.
3.0	Annual Review. Addition of section 11 and 12. Relabel of appendices to letters. Consultation with unions and comments provided by ASCL.
4.0	Annual review; inclusion of definition of a grievance, roles and responsibilities, appendix A
5.0	Annual review; inclusion of equality impact assessment in appendix B

Sign off requirements			
Approvers		Position	
Staffing Committee		Trust Board	
Reviewers		Position	
Natasha Greenough		CEO The MAST	
Tim Wade		Trustee	
Unions consulted			
ASCL	GMB	NEU, (ATL)	NAHT
NASUWT	UNISON	UNITE	

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1.0 Introduction

This policy and its associated procedure is intended as a guide to best practice only and therefore does not have contractual effect except for those elements required by statute.

This policy and procedure including any time limits may be changed from time to time by the Trust, in agreement with appropriate parties, and without prior notice and where this occurs the most recent version will take priority.

Changes to this policy will be in consultation with the recognised trade unions.

These grievance procedures are based on the disciplinary and [grievance code of practice from ACAS](#).

These procedures also comply with our funding agreement and articles of association.

An impact assessment is undertaken annually on all colleague policies to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

2.0 Purpose

The aim of this policy and procedure is to help resolve employee grievances as fairly and quickly as possible. Whilst grievance matters should be handled without unreasonable delay the time limits referred to in the course of this procedure are given as guidance and may be varied by consent between employee and manager or as necessary for the Trust to implement the procedure.

A grievance is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination, or work relations. This policy does not cover issues raised by people who are not employed by the school, as this would fall under our complaints procedure which can be found on the Trust [website](#).

The Trust believes that wherever possible concerns, complaints or issues should be resolved informally between an employee and their line manager or a work colleague. Many problems can be raised and settled during the course of everyday work without the need to escalate to the formal process. However, where this is not the case the Trust encourages its employees to use this policy and procedure to enable the grievance to be heard and resolved as quickly as possible.

Areas covered by this policy may include (but not exhaustive) grievances in relation to:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change

- Discrimination

The following policies can be found in separate policy documents for grievances that are raised within these policies:

- Colleague attendance
- Colleague conduct and disciplinary
- Colleague absence management
- Colleague capability

[Policies can be found on the trust website.](#)

3.0 Roles and Responsibilities

Being internal matters, grievances may involve a number of people in the school. There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles. However, the following guidelines may be useful.

3.1 The line manager

Provided they are not the subject of the grievance, the line manager will be the first point of contact for the employee raising a grievance. If the grievance is about the employee's line manager, the employee will raise the grievance with their line manager's manager.

3.2 The headteacher or a senior leader

Provided they are not the subject of the grievance, the headteacher or a member of the senior leadership team (SLT) will consider the grievance at the formal stage (see 4.3).

3.3 Chair of governors or Chair of trustees

Where the headteacher is the subject of the grievance, the chair of governors will be responsible for appointing an appropriate governor who has not been directly involved in the grievance to oversee the procedure. In the case where the CEO is the subject of the grievance, the chair of the Trust will be responsible for appointing an appropriate Trustee who has not been directly involved in the grievance to oversee the procedure.

3.4 Investigating officer

At the formal stage, the headteacher (or appointed governor/trustee if the headteacher /CEO is the subject of the grievance) may appoint an investigating officer to collect and present the facts of the grievance in an investigation report. The investigating officer will be someone who has not been directly involved in the grievance.

3.5 Appeals panel

The headteacher (or appointed governor/trustee if the headteacher/CEO is the subject of the grievance) will appoint a grievance panel consisting of three people with no prior knowledge of the grievance (wherever possible). These people will be separate from the investigating officer and will be chaired by an independent individual.

3.6 Other team members or trade union representatives

A work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings may accompany the employee raising the grievance at a formal grievance meeting and at any meeting arranged for witnesses or those at the subject of the grievance.

4.0 Grievance Procedures

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

4.1 Informal Process

Every effort should be made to resolve complaints informally by discussion between the individual team member and the appropriate level of management. This can often lead to a speedy resolution of the problem and is likely to be less damaging to working relationships.

The individual

If an employee has a concern, complaint, or issue with any aspect of their employment then they should in the first instance discuss this informally with their line manager. If the complaint relates to that manager, the employee can discuss the matter informally with the Headteacher. If the grievance is against the Headteacher this can be with the CEO of The Mast Academy.

Management

When a grievance has been raised verbally or in writing in the first instance the line manager should offer a meeting to discuss the details of the complaint and seek to gain the employee's agreement to address the complaint informally. The line manager may decide to address the complaint by one or more of the following options:

- Offer the individual a meeting with their manager and the person whom they have a complaint against to openly discuss any issues and agree a way forward.
- Speak to the person whom the complaint is made against on the employee's behalf.
- Arrange mediation subject to agreement by both parties.

In all circumstances, managers should try to resolve the underlying problem informally as part of good management practice. However, the decision to attempt to achieve an informal resolution ultimately rests with the individual.

Where a grievance is raised against another team member due consideration will be given to the investigation section of the disciplinary policy. The disciplinary policy can be found on the Trust [website](#).

If the employee is not satisfied with the response, mediation may be considered as an option for resolving the issue.

Mediation

Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement without recourse to the formal procedures. This is a meeting where both parties would discuss their issues in the presence of a mutually agreed mediator. The purpose of the meeting is to identify the main issues and steer the discussions in a positive direction with the overall aim being to reach an outcome that is agreeable by both parties.

Please note, where disciplinary action is required; this process should be completed prior to mediation.

The mediation process is normally carried out without the involvement of trade union or management representatives unless agreed otherwise.

4.3 Formal Process

If an employee believes that their concern/complaint/issue has not been resolved satisfactorily through the informal process, or if the grievance is of a serious nature and is not appropriate to be raised informally in the first instance, they are able to raise the matter formally in writing to the Headteacher using the form in Appendix B (unless the complaint relates to this individual in which case the Chair of Governors would be contacted, or the Chair of Trustees if the grievance relates to the CEO). This should be done without unreasonable delay, outlining the nature of their grievance, what outcome they are seeking and /or how they think it should be resolved.

Dependent on the extent of any investigation into the complaint the timescales for arranging a grievance meeting may vary. To minimise employee stress and to facilitate the efficient running of the school/trust, all attempts will be made to complete the process in a timely manner.

The individual must co-operate fully and promptly in any investigation. This may include informing the school/trust of the names of any relevant witness, disclosing any relevant documents and attending interviews, as part of the investigation.

The school/trust may initiate an investigation before holding a grievance meeting where the school/trust considers this appropriate. In other cases, the school/trust may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, the school/trust will hold a further grievance meeting with the individual after the investigation and before the school/trust reaches a decision.

Meeting

The school/trust will arrange a meeting, normally within 10 school days of receiving the written complaint or as soon as is practicable.

The individual and his/her companion (if any) should make every effort to attend meetings. If the individual or his/her companion cannot attend at the time specified, the individual should inform the school/trust immediately and the school/trust will try, within reason, to agree an alternative time.

The purpose of a complaint meeting is to enable the individual to explain his/her grievance and how the individual thinks it should be resolved, and to assist the school/trust to reach a decision based on the available evidence and the representations the individual has made.

Witness evidence (save for additional matters that the individual wishes to raise) is provided through witness statements. There is no right for the school/trust or the individual to call witnesses to the hearing. As such, there is no power for the school/trust or the individual to cross examine witnesses (albeit that the investigating Officer may ask questions of the individual).

Should the individual wish to question the evidence provided by another witness in the investigation, this should be raised by the individual during the investigation or upon receipt of the investigation documents.

After an initial complaint meeting the school/trust may carry out further investigation and hold further grievance meetings as the school/trust considers appropriate. Such meetings will be arranged without unreasonable delay.

The employee is entitled to be accompanied at any grievance meeting and at any further related meetings by a work colleague or trade union representative of their choice (the companion). The meeting can be postponed at the employees request for up to 5 school days if their chosen companion is unable to attend on the date set.

The role of the companion is to support the employee during the formal process. The companion is permitted to address the meeting to put forward and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not however have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

5.0 Grievance Outcome

To ensure time is available for reflection and for any further investigations, the grievance outcome will not usually be given at the grievance meeting, any decision made will be confirmed to the employee in writing by way of a grievance outcome letter.

Where possible the outcome of the grievance will be confirmed in writing to the employee within 5 school days of the grievance hearing. Where it is not possible to respond within this timescale, the employee will be advised of the delay and given an explanation as to the reason(s) for the Trust not meeting this timescale. The employee will be advised of any further investigations that are required (if appropriate) and a proposed timescale for when an outcome decision can be expected.

This outcome letter will inform the employee of the grievance manager's decision, the reasons for upholding or not upholding the grievance (including where appropriate the action the school/trust intends to take to resolve the grievance). In addition, the employee will be advised of their right of appeal.

6.0 Appeals

An employee may appeal against the outcome of their grievance by providing written notice of their grounds for appeal. Any appeal should be made in writing within 10 school days of receipt of the letter confirming the grievance outcome and should be forwarded to the Chair of Governors with a copy to the Headteacher (or chair of Trustees and CEO in the case of a headteacher). If the employee does not provide sufficient information within their grounds of appeal letter, the school/trust reserves the right to ask the individual to provide further details before any appeal hearing is arranged. Where the Chair of Governors has been involved in the first formal review then the grievance will be sent to the Chair of the Board of Trustees for review.

Upon receipt of any appeal the employee will be formally invited by letter to an appeal hearing with an appeals panel and advised of their right to be accompanied by a work colleague or trade union

representative. The panel will be independent to the grievance and person raising the grievance, with no prior involvement, and will be formed of 3 governors/trustees (as appropriate). Where 3 impartial governors/trustees cannot be sought from the related school, governors will be sought from other governing bodies within the trust.

Appeal hearings should be held where possible within 15 school days of receipt of the employee's written notice of appeal, or as soon as is reasonably practicable. The Appeal panel is obliged to consider representations made by the employee, the employee's companion and those of the manager who conducted the grievance hearing. The Appeal panel must then decide whether to uphold the grievance based on the representations together with any subsequent facts that have come to light.

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The Appeal panel conducting the hearing will normally confirm their decision in writing to the employee within 5 school days of the appeal hearing. The decision at the appeal is final; the employee cannot re-appeal at this stage.

7.0 Disciplinary Implications on the outcome of grievance process

- Following an investigation where a complaint of bullying, harassment or discrimination is upheld, management may take action under the disciplinary procedure.
- Where the behaviour complained of is found to be inappropriate but not meriting formal disciplinary action, management may work with the person whom the complaint is made against to modify their behaviour through the use of management instruction, coaching, training, mentoring and mediation.
- The making of vexatious or false complaints may result in disciplinary action being taken.

8.0 Restoring Working Relationships

Whatever the outcome of a grievance, it is management's responsibility to re-establish effective working relationships amongst the employees involved; it is the employees' responsibility to co-operate to achieve this. The Trust/school may seek agreement from both the individual and the person who the grievance has been made against for the case to be referred to mediation.

9.0 Occupational Health Support

The school/trust has a duty of care to both parties involved in the case and should recognise that the process may be stressful and have an impact on the health and wellbeing of both parties. The school/trust may seek occupational health support for either party where required.

10.0 In- school/trust arrangements

In some cases, it may be difficult for employees to work closely together and if possible the school/trust may use its discretion to offer suitable alternative employment within the school/trust if able to do so.

11.0 Record Keeping

Confidential records will be kept by the school detailing the nature of the grievance that has been raised, the manager's response and/or any action that has been taken (including the reasons for it). These records will be retained in accordance with the Trust's Data Protection Policy. [The data protection policy can be found on the Trust website.](#)

12.0 Time scales

Grievances should be raised in a timely manner and must be raised within 3 months of the occurrence. Matters raised more than 3 months after the grievance will not be considered unless in exceptional circumstances, the Headteacher will consult with the CEO to agree if exceptional circumstance apply.

13.0 Grievance raised after the termination of employee

The Trust encourages employees to raise any concerns they have directly with their line manager or a member of the Senior Leader Team at any point during their employment. However, if this is not possible and the employee wishes to raise a grievance after their employment has ceased (this must be submitted within 3 months of their termination date) and/or a grievance has been raised but not concluded prior to their employment ceasing then the Trust can: -

- Follow the Trust grievance procedure

OR

- Agree (in writing) that the employee's grievance will be considered without holding a meeting.

In the event that an agreement is reached whereby a meeting should not be held then the employee should, if they have not already done so submit the grievance in writing outlining the grievance and their grounds for raising it. At this stage it is the role of the line manager to consider and reply in written format their decision with the normal timescales detailed in this policy and procedure. It is important to remember that an ex-employee has no right of appeal during this process.

14.0 Collective group grievance

Where a group of employees wish to raise the same grievance and feel that it can be dealt with collectively, they may opt to appoint a spokesperson for the group. The procedure will be followed as for individual grievances and all communications will pass through the appointed spokesperson. It will be for the spokesperson to communicate with the rest of the group about the progress of the case. In such cases, it is not necessary for all those involved to be present at meetings and appropriate representative numbers should be agreed at each stage. To initiate a collective grievance, the issue should be raised with the manager responsible for all the employees concerned and the procedure will start at that level, unless the line manager is the subject of the grievance in which case it should be raised with the Headteacher or trust's CEO as appropriate.

15.0 Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the complaint, at the discretion of the school/Trust.

Where the complaint and disciplinary cases are related it may be appropriate to deal with both issues concurrently or deal with the complaint as part of the disciplinary process.

Appendix A: Grievance notification form

Name:	School:
Post held:	Department:
<p>Describe the nature of your grievance, including:</p> <ul style="list-style-type: none"> • A full description of your grievance • Relevant evidence, such as facts, dates and names of individuals involved <p>Please add additional sheets/ information as necessary.</p>	
Please state the following:	
The date on which you first raised your grievance, and with whom	
The action taken in respect of your grievance at the informal stage	

<p>The outcomes you are seeking and the actions you would like taken to resolve the situation</p>	
<p>Whether you would like to explore a resolution through mediation</p>	
<p>Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name and position</p>	
<p>Signed:</p>	<p>Dated:</p>

Appendix B: Equality Impact Assessment

Name of policy being assessed	Grievance Policy
Summary of aims and objectives of the policy	Provide guidance to colleagues of how to raise a grievance and the resolution process. The policy enables colleagues to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, fully and objectively.
What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)	This will be discussed in consultation with Trade Unions and the Staff Committee.
Who is affected by the policy?	All colleagues
What are the arrangements for monitoring and reviewing the actual impact of the policy?	On an annual basis.

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment to the policy)
Disability	Neutral impact	The policy is inclusive for all colleagues.	
Gender reassignment	Neutral impact	The policy is inclusive for all colleagues.	
Marriage or civil partnership	Neutral impact	The policy is inclusive for all colleagues.	
Pregnancy and maternity	Neutral impact	The policy is inclusive for all colleagues.	
Race	Neutral impact	The policy is inclusive for all colleagues.	
Religion or belief	Neutral impact	The policy is inclusive for all colleagues.	
Sexual orientation	Neutral impact	The policy is inclusive for all colleagues.	

Sex (gender)	Neutral impact	The policy is inclusive for all colleagues.	
Age	Neutral impact	The policy is inclusive for all colleagues.	

Evaluation

Question	Explanation / justification
Is it possible the proposed policy or change in policy could discriminate or unfairly disadvantage people?	No; the changes made during this policy update encourage an inclusive culture across all colleagues working at The Mast Trust.

Final decision

Please indicate the final decision using the options below	1
What is the explanation for this?	

There are four options open to you:

1. No barriers or impact identified, therefore policy will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore, you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

Will this EIA be published* Yes/Not required	Yes
Date completed:	
Review date (if applicable):	In line with policy review