



Engage MAT

Grievance Policy

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Grievance Policy

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Grievance Policy

1. Principles

- 1.1 Grievances are concerns, problems or complaints that employees raise with their employers. The Trust aims to have an open policy for communication and consultation so that problems and concerns can be raised and settled as a matter of course.
- 1.2 Grievances will be dealt with in a confidential manner minimising the number of people involved.
- 1.3 Employees will aim to settle most grievances informally with their manager wherever possible. Before moving to the formal grievance procedure both the Trust and the employee will first consider using a mediator to help resolve the problem (where this is deemed appropriate).
- 1.4 Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.
- 1.5 The Trust will allow employees to be accompanied at any formal meeting.
- 1.6 The Trust will allow an employee to appeal against any formal decision made.
- 1.7 The Trust will keep written records of all grievances.
- 1.8 The Trust expects all managers and employees to comply with their obligations under equality legislation and ensure that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.
- 1.9 Any manager responsible for considering and resolving grievances may seek guidance from external advisers when applying this policy.

2. Scope

- 2.1 The grievance procedure contained in this document applies to all current employees - teaching and support staff. There is no legal requirement for an employer to consider grievances from ex-employees. This procedure should only be used by a single individual. Grievances on a matter of principle raised by a group of employees (or a representative of a recognised trade union on their behalf) should be dealt with through the Trust's Disputes Procedure.
- 2.2 Grievances relating to remuneration should be dealt with under the Trust's Pay and Performance Management Appeal Procedure.
- 2.3 Grievances relating to harassment and bullying will need to take into consideration the requirements of the Trust's Dignity at Work Procedure although some cases will refer back to this policy and procedure.

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- 2.4 If an employee wishes to raise an issue in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage the Trust's Whistleblowing Policy and Procedure may be more appropriate.

3. Legal requirements

- 3.1 This grievance policy and procedure follows the best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures and the ACAS guide to handling discipline and grievances at work.
- 3.2 Any Statement of Employment Particulars issued to staff will contain a paragraph which confirms the school's obligation to provide the grievance procedure. The procedure contained in this document states to whom any grievance should be addressed. The Trust, through effective induction of new staff, will ensure employees know how to access the grievance procedure.
- 3.3 The Trust recognises that employees have a statutory right to be accompanied by a companion of their choice – a colleague or trade union representative – at any formal grievance meeting.

4. The informal procedure and mediation

- 4.1 If an employee has a grievance to do with work, they should first attempt to resolve the issue informally. This would normally be through an informal discussion with the line manager or other individual who the grievance relates to.
- 4.2 If the employee cannot resolve their grievance through this informal approach, the next step is to notify the appropriate line manager that they wish for their grievance to be discussed at an informal grievance meeting.
- 4.3 Subject to 4.6 below, the line manager will arrange an informal grievance meeting at which any concerns are raised and examined through discussion. The employee can be accompanied or represented at this meeting by a companion (a work colleague or trade union representative).
- 4.4 At the informal meeting, the employee should outline clearly their own view of the problem and explain to the line manager what they would consider to be a suitable resolution to the matter.
- 4.5 After the informal meeting, the line manager should give a reply, verbally, as soon as possible. The initial response will be given within five working days but further discussion may be needed to resolve the problem.
- 4.6 In some circumstances, the immediate line manager will not have the authority to resolve the grievance. If this is the case, the line manager will need to refer the matter to their Head of School, Headteacher or even the Trust's CEO, depending on

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the nature of the grievance and the individuals involved. The Head of School, Headteacher or Trust CEO will identify an individual to act as 'line manager' for the purposes of seeking informal resolution.

- 4.7 Flexibility around timescales is often appropriate when trying to resolve informal grievances, particularly where it concerns interpersonal conflict between two or more employees.
- 4.8 If the employee is not satisfied with the line manager's reply at this informal stage, they should talk to their Head of School, Headteacher should they wish to explore mediation or progress their grievance to the formal stage of this procedure.
- 4.9 If the grievance relates to the Headteacher and the employee is not satisfied with the Headteacher's reply at this informal stage, or if the employee feels unable to discuss their grievance informally with their Headteacher, the employee should contact the Trust's CEO.
- 4.10 If an employee other than the Headteacher has a grievance against a Governor or Trustee, the employee should raise the matter initially with their Headteacher who will discuss it with the Trust's CEO. The Trust's CEO will liaise with the Chair of Trustees to agree a mechanism for informal resolution. If an employee has a grievance against the Chair of Trustees, the Trust's CEO will seek to agree a mechanism for informal resolution using a nominated Trustee.
- 4.11 If the Trust's CEO has a grievance against a Governor or Trustee, they should raise the matter with the Chair of Trustees. If the grievance is against the Chair of Trustees, the Trust's CEO should raise their grievance with the Vice-Chair of Trustees who will have responsibility for agreeing a mechanism for seeking informal resolution.
- 4.12 If it is not possible to resolve the grievance through informal discussions, it may be appropriate for the Headteacher, the Trust's CEO, Chair of Trustees or Vice Chair of Trustees to nominate someone to mediate with the aim of achieving a solution and conciliation. If mediation is to be used, it should take place before the formal procedure commences.

5. Using mediation to resolve a grievance

- 5.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.
- 5.2 A mediator does not have to be someone specially trained for the task, but they should have the necessary skills to facilitate a discussion between two people who

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may have different views about a situation. Mediators may be employees from within the Trust or they may be from an external mediation provider, in which case, there may be a cost. Educator Solutions HR Services may be able to help identify potential mediators.

5.3 There are no hard-and-fast rules for when mediation is appropriate, but it can be used:

- for conflict involving colleagues of a similar job or grade, or between an employee and their line manager
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves
- to rebuild relationships after a formal dispute has been resolved
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

6. Cases unsuitable for mediation

6.1 Mediation may not be suitable if:

- used as a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation
- it is used by a manager to avoid their managerial responsibilities
- a decision about right or wrong is needed, for example where there is possible criminal activity
- the individual bringing a discrimination or harassment case wants it investigated
- the parties do not have the power to settle the issue
- one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

7. The formal procedure

7.1 If an employee has not been able to resolve the grievance informally or through mediation, then they should, without unreasonable delay, prepare a written Statement of Grievance and submit to the Grievance Officer in line with the following table: -

Complainant	Grievance Officer	Appeal Officer
Non-teaching staff or teaching staff below Head of School or Headteacher	Headteacher	Trust CEO
Head of School or Headteacher	Trust CEO	Chair of Trustees
Trust CEO	Chair of Trustees	Appeals Committee

7.2 Where the identified Grievance Officer has been involved in attempts to resolve the issue informally to the extent that taking the role of Grievance Officer would not be deemed appropriate, the role of Grievance Officer will be passed up the Trust's line management structure to the next level.

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7.3 The Statement of Grievance should explain the nature of the employee's grievance, including details of what the employee has done to try and resolve the matter informally and what they would consider a satisfactory outcome to the matter. It is essential that there is a clear statement about the grievance in order that it can be properly examined.

7.4 As appropriate, the Headteacher, the Trust's CEO or the Chair of Trustees will make arrangements to hear the grievance and work with the parties to achieve a resolution.

7.5 Step 1 – Statement of Grievance and response

7.5.1 Once a Statement of Grievance has been received by the Grievance Officer, they will share the Statement with the person against whom the grievance is lodged.

7.5.2 The individual against whom the grievance is lodged then prepares a Statement in Response to the grievance. An appropriate timescale should be set for this stage of the process to ensure there is no unreasonable delay. However, the complexity of the situation will determine what is reasonable. If the matter has been considered at the informal stage of the procedure, a note of the steps taken to try to resolve the matter informally will also be required.

7.5.3 If further information is needed in order to respond to the grievance, the meeting outlined below may be postponed while a full investigation is carried out. If such an investigation is considered necessary, both parties will be kept informed.

7.6 Step 2 – Meeting

7.6.1 The Grievance Officer will make arrangements for a formal grievance meeting as soon as possible. The meeting will ideally take place within ten days of receipt of the Statement in Response, but this will depend on the availability of relevant parties including the companion (if the individual chooses to be accompanied – see 7.6.2 below) and others who need to be in attendance. The employee will receive, at least five working days in advance of the grievance meeting, a copy of the Statement in Response and any other relevant documents to be considered. The Grievance Officer will consider the Statement of Grievance, the Statement in Response and any other relevant, supporting documentation provided in advance of the meeting by either party.

7.6.2 At the grievance meeting, the employee will have opportunity to explain their grievance and their suggestions for resolving it. The employee has the right to be accompanied by a companion (i.e. a trade union representative or work colleague) at this meeting.

7.6.3 The respondent to the grievance may be supported by their trade union representative or by an adviser. The choice of supporter for the respondent may be influenced by the nature of the grievance.

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7.6.4 The Grievance Officer may be supported by an adviser.

7.6.5 At the start of the meeting the Grievance Officer will consider whether it is more appropriate to meet with the employee separately from the other party or may seek agreement from both parties for a joint meeting.

7.6.6 The agenda for a joint meeting will be as follows below.

- The employee will be asked to present the case and to answer questions from the Grievance Officer, the respondent and their respective advisers.
- The employee can call upon named witnesses to provide information and answer questions if appropriate.
- The respondent will present their case and answer questions.
- The respondent can call upon named witnesses to provide information and answer questions if appropriate.
- The employee makes a closing statement, followed by the closing statement of the respondent.

7.6.7 The Grievance Officer will introduce those present (where appropriate) and set out how the meeting will be conducted. The Grievance Officer will outline their understanding of the grievance, as notified in the Statement of Grievance.

7.6.8 Once discussion is concluded, the Grievance Officer will adjourn the meeting to consider the information provided and how the grievance might be resolved. If practicable, the Grievance Officer will invite both parties back to the meeting on the same day to sum up the main points, and to outline what action, if any, they feel is necessary to achieve a resolution.

7.7 Step 3 – Confirmation of outcome

7.7.1 The Grievance Officer will write to the employee within five working days of the meeting with their decision and the reasons behind it. If the grievance is not upheld, the employee will have a right of appeal against that decision.

7.8 Step 4 – Appeal

7.8.1 If the employee does not accept the Grievance Officer's decision, they have the right of appeal to an Appeal Officer.

7.8.2 The Appeal Officer must not have prior involvement in the grievance. If the listed Appeal Officer has prior involvement, the Appeal Officer role will pass to the next level up.

7.8.3 Where an employee wishes to lodge an appeal against the decision of the Grievance Officer, they should, within ten working days of receiving written confirmation of the outcome, write to the Appeal Officer setting out the grounds for appeal and enclosing any documents to be taken into account. Where the Appeals Officer is listed as Appeals Committee, the appeal should be sent to the Chair of

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Trustees (or Vice Chair of Trustees if it is not appropriate for the Chair of Trustees to receive the appeal) who will make arrangements for an Appeals Committee to be established.

- 7.8.4 The employee and the respondent will then be invited to another meeting which will normally take place within fifteen working days of receipt of appeal. The employee has the right to be accompanied by a companion to the appeal meeting. The respondent will have the right to be supported as before. It is likely that the Grievance Officer will also be required to attend.
- 7.8.5 The format for the meeting will generally follow that outlined in paragraph 7.6.6 above.
- 7.8.6 Before reaching their decision on the appeal, the Appeals Committee will consider the outcome from the formal grievance meeting, will listen to the grounds for appeal and consider any further statements provided by the respondent or others involved.
- 7.8.7 The decision of the Appeals Committee will be final. The Chair of the Appeals Committee will write to the employee within five working days to confirm this and to share the outcome of the meeting. The Appeals Committee will give the reasons behind the decision made.

8. Record keeping

- 8.1 The grievance and related papers will be stored on the file of the employee who raised the grievance.
- 8.2 If the grievance is against another named individual and is upheld, it may be appropriate for a disciplinary investigation to be undertaken and/or a professional guidance letter issued, in which case relevant papers may also be placed on that individual's personal file.

9. Data protection

The Trust processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure