

Grievance Procedure and Collective Grievance Procedure

Version	1.2
Approving Body	Trust Board
Date ratified	July 2024
Date issued	July 2024
Review date	September 2026
Owner	Director of Resources
Applies to	All Trust Schools, all Trust staff

Version	Date	Reason
1.0	October 2020	To establish a Trust wide procedure
1.1	October 2023	Periodic review
1.2	July 2024	Periodic review

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1. Policy statement

1.1 It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where an employee makes the Trust aware that they have a complaint, the Headteacher or other

manager as designated by the Headteacher or CEO (“designated manager”) will investigate any formal grievance raised, hold a grievance meeting and inform the employee in writing of the outcome, and with a right of appeal if the employee is not satisfied.

1.2 Issues that may cause grievances include:

- (a) terms and conditions of employment;
- (b) health and safety;
- (c) work relations;
- (d) new working practices;
- (e) working environment;
- (f) Trustal change; and
- (g) discrimination.

1.3 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The Trust may also vary application of this procedure, including any time scales for action, as appropriate.

1.4 The policy has been implemented following consultation with staff and recognised trade unions.

2. Who is covered by the procedure?

2.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. Using this procedure

3.1 Employees should raise matters promptly and without unreasonable delay. The Trust will deal with matters in the same way.

3.2 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and the employee who has raised the grievance will be informed if this is the case.

3.3 This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the Disciplinary Procedure.

3.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3.5 There is a separate [Anti-harassment and Bullying Policy] that may be useful if you believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

3.6 The Trust operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, an employee may raise the matter under this grievance procedure.

3.7 Collective grievances can be made where there are two or more employees with the same

grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure and should be addressed through the appropriate joint collective negotiation and consultation arrangements

3.8 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

3.9 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

4. Confidentiality and data protection

4.1 It is the aim of the Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

4.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

4.3 During any action, including any decisions taken under this procedure, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Staff Privacy Notice, our Data Protection Policy and in line with the requirements and in line with the requirements of the Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time,.

5. Informal grievances - Step 1

5.1 Most grievances should be resolved quickly and informally through open communication and discussion with line managers or the Headteacher. The Trust aims to resolve grievances informally where possible. If an employee feels unable to speak to their manager then they should speak informally to the Headteacher or another senior manager in the school or Trust. If this does not resolve the issue, the employee should follow the formal procedure below.

5.2 Whilst we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate. In such a situation, we will consider matters that are raised and we may, depending on the severity and in discussion with you, deal with the matter formally at Step 2 (below).

6. Formal written grievances – Step 2

6.1 If a grievance cannot be resolved informally an employee should put it in writing and submit it to the Headteacher indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Headteacher it should be submitted to the Trust CEO. If the grievance concerns, or is raised by, the CEO it should be submitted to the Chair of the Trust Board.

6.2 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations the Trust may need to ask an employee to provide further information. It should also state what the desired outcome would be to resolve the situation. Where a grievance relates to another employee, in order for them to provide a response they will be given a copy of the grievance.

7. Investigations

7.1 In some cases it may be necessary for the Trust to carry out an investigation into a grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from an employee and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by an appropriate designated manager.

7.2 The employee raising the grievance must co-operate fully and promptly in any investigation. This may include informing the designated manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

7.3 The designated manager may initiate an investigation before holding a grievance meeting where they consider this appropriate. In other cases the designated manager may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases a further grievance meeting will be held after the investigation and before a decision is reached.

8. Right to be accompanied

8.1 An employee may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. The designated manager must be informed in good time before the meeting.

8.2 Should the employee choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.

8.3 At the meeting, the companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may request an adjournment to speak to their companion privately at any time during the meeting.

8.4 Acting as a companion is voluntary and 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.

8.5 If a chosen companion is unavailable at the time a meeting is scheduled, an employee may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, the designated manager will postpone the meeting. If a chosen companion will not be available for more than five working days afterwards, the designated manager may ask an employee to choose someone else.

8.6 The Trust may, at its discretion, allow an employee to bring a companion who is not a colleague or union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability, or they have difficulty understanding English.

9. Grievance meeting

9.1 The designated manager will arrange a grievance meeting, normally within 5 working days of receiving a written grievance.

9.2 The employee and their companion (if any) should make every effort to attend the grievance meeting. If an employee or their companion cannot attend at the time specified, the employee should inform the designated manager immediately and the designated manager will try, within reason, to agree an alternative time.

9.3 The purpose of a grievance meeting is to enable an employee to explain their grievance and

how they think it should be resolved, and to assist the designated manager to reach a decision based on the available evidence and the representations made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

9.4 After an initial grievance meeting the designated manager may carry out further investigations and hold further grievance meetings as the designated manager considers appropriate. Such meetings will be arranged without unreasonable delay.

9.5 The designated manager will write to the employee, usually within 5 working days of the final grievance meeting, to inform them of the outcome of the grievance and any further action that the Trust intend to take to resolve the grievance. The designated manager will also remind the employee of the right of appeal. Where appropriate the designated manager may hold a meeting to give an employee this information in person.

10. Appeals – Step 3

10.1 If the grievance has not been resolved to the employee's satisfaction they may appeal in writing to the designated manager stating full grounds of appeal, within 5 working days of the date on which the decision was sent or given to them.

10.2 The Trust will hold an appeal meeting without unreasonable delay of receiving a written appeal. This meeting will usually be chaired by the CEO or a member of the Trust senior leadership team (although they may ask anyone previously involved to be present). The employee has a right to bring a companion to the meeting (see section 9.)

10.3 The CEO will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

11. Collective Grievances

11.1 If you and another employee (or more than two of you) have identical grievances and all wish them to be addressed in the same grievance process, you and your colleagues can raise a collective grievance via this grievance procedure, but please refer to paragraph 3.7 above. You and all your colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.

11.2 If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, the Trust will arrange to hear your grievances on an individual basis.

11.3 If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

11.4 Your collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

- (a) Identify you and each of your colleagues who wish to raise the grievance;
- (b) Identify any nominated trade union representative or colleague to represent you all;
- (c) State that you have all voluntarily consented to use the collective grievance procedure;
- (d) Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal

meeting and one identical appeal outcome.

11.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal

12. Disciplinary Proceedings

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the Trust's disciplinary policy against individuals identified as potential misconduct as a consequence of this procedure.

13. Review of policy

This policy is reviewed and amended every 3 years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.