



BORDESLEY MULTI ACADEMY TRUST

## **T2-17 Staff grievance (procedures for addressing)**

Tier 2 – Centrally Determined School Policy

Approved by the Trust on 28/03/2023

### **Document control**

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## 1. Bordesley Multi Academy Trust Mission Statement

We believe that success is achieved by working in partnership with parents, carers and the wider community. We are committed to working with our partners to ensure the very best outcomes for all our learners, from 3 to 19.

The significant guiding principles of the MAT are based around autonomy, trust, respect, equity and outstanding relationships. We believe that positive and constructive relationships are at the heart of every successful school. This allows the entire community to be valued and challenged to be their best, raising aspirations for all.

## 2. Introduction

- 2.1 This policy is based on the WCC “10 - Grievance Resolution Policy For Schools (Policy Agreed with All Recognised Trade Unions) Feb 2023
- 2.2 A grievance is defined by ACAS as a concern, problem or complaint that an employee raises with their employer. This may relate to an employee's physical working environment, working relationships, health and safety, discrimination and other employment related matters such as organisational change or new working practices.
- 2.3 The purpose of this Policy is to encourage employees to resolve issues informally; it is in the interests of all to resolve problems at an early stage, before they escalate. Where that has not been possible, there will be scope for employees to raise grievances formally. The school is committed to ensuring that grievances are resolved quickly, fairly and consistently.

## 3. Scope

- 3.1 A grievance can be raised by any school employee. It will not apply to ex-employees; ideally grievances should be addressed before an employee leaves employment, however, if it has been raised and not concluded prior to leaving, the process may be continued. Where a grievance is raised just prior to an employee leaving and where there is insufficient time for a Grievance Resolution meeting to be held before the termination of their employment the employee will lose their right to a face-to-face meeting. Responses may be provided in writing. The same principal will apply to appeals.
- 3.2 This Policy does **not** apply where a grievance concerns for example, job evaluation/grading/pay or flexible working, where other procedures will apply, or in other instances where it is beyond the school/employer's power to resolve, e.g. tax/NI issues, where redress should be sought with the appropriate external agency.
- 3.3 Employees who have a complaint about another employee, including bullying or harassment are encouraged to raise such concerns following the school's Fairness and Dignity Policy. Where an employee is concerned about possible malpractice, wrong-doing or illegal activities at work, where complaints are not personal and which are in the public interest, they should raise their concerns using the school's Whistleblowing Policy.

- 3.4 If the grievance is raised about the Trust as the employer (or body with delegated employer authority) this Policy will apply. Where the grievance is directed at one individual member of the Governing Body, including the Chair, it may be more appropriate to use the Fairness and Dignity Policy/Procedure.

## 4. Equality and Diversity

- 4.1 Equality and diversity underpin all school employment policies, procedures and practices. The school actively promotes equality of opportunity and values diversity among its employees. The potential equality impact of this Policy has been assessed.

## 5. Roles and Responsibilities

- 5.1 All parties are expected to co-operate and have a responsibility to contribute to the effective implementation of this Policy.

**Employee/s** – raise concerns promptly and informally and co-operate with procedures and attempts to resolve matters.

**Line Manager** – responsible for considering the nature of the complaint and whether it should be progressed under another procedure. They will need to establish the facts and relevant evidence, be clear about the resolution being sought and whether further investigation will be necessary.

**Headteacher/SLT/Governing Body/Trust** – promote culture of open communication and mutual respect, encouraging employees to raise concerns at an early stage and ensure the procedure is applied fairly and consistently.

- 5.2 Advice can be sought from HR at any point.

## 6. Guiding Principles

- 6.1 Every effort should be made by all parties to resolve matters **informally**. Employees are encouraged to seek resolution of any concerns promptly and informally with their manager before they raise a grievance. Wherever possible, concerns about work/working environment should be discussed informally as part of normal supervision arrangements.
- 6.2 Concerns raised should be addressed without unreasonable delay. Timescales within the procedure may be varied subject to the agreement of all parties.
- 6.3 It is not appropriate for employees to submit a grievance later than 3 months after the alleged incident (or most recent incident in a series of incidents). Only in exceptional circumstances (for example when a delay has been caused by a holiday, sickness period or family absence) would a grievance be accepted after this time. Historical issues will not be considered unless specifically relevant to the current matter. If an employee particularly requested an incident which took place over 3 months previously to be considered they must justify why they are requesting this, and each individual case will be considered on its own merits. Employees are

encouraged to seek resolution of any concerns informally with their manager before they raise a grievance.

- 6.4 If the grievance is directed against the employee's manager/Headteacher, then the matter should be raised with their manager's manager, in the case of a Headteacher, with the Chair of Governors.
- 6.5 Where there has been a genuine and reasonable attempt (by both parties) to resolve informally, which does not resolve an employee's issue or where it is serious, employees can raise their grievance following the formal grievance procedure.
- 6.6 If the grievance involves other employees, they will be informed and given an opportunity to provide their own evidence.
- 6.7 Mediation and/or counselling may be considered as a possible, neutral, means of resolving parties in dispute to reach agreement.
- 6.8 There is no right for the employee to be accompanied at the informal stage of this procedure. Employees have the right to request they be accompanied by a work colleague or trade union representative at a formal grievance meeting and/or appeal hearing, although a formal meeting and/or appeal should not be unreasonably delayed because their chosen companion is unavailable.
- 6.9 Formal meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.
- 6.10 The grievance procedure cannot be used as an additional route of appeal against a decision made under another policy.
- 6.11 Complaints regarding any disciplinary action taken should be dealt with as an appeal under the Disciplinary Procedure. Where an employee raises a grievance during a disciplinary/performance/attendance process, the process will either be temporarily suspended whilst the grievance is addressed, or where they are related matters, they are likely to be dealt with concurrently.
- 6.12 Any complaint raised under this Policy should be made in good faith; if found to be knowingly false, malicious or vexatious it may result in disciplinary action.
- 6.13 Appropriate written records of grievance cases will be kept on the employee's personal file and in accordance with General Data Protection Regulations.
- 6.14 The employee may withdraw their grievance at any time by advising, in writing, to the person dealing with their grievance.
- 6.15 **Right of Appeal** – where the employee who raised the grievance believes that their grievance has not been satisfactorily resolved, they have a right to appeal. The grounds of appeal must be clear and in writing.
- 6.16 Once a final decision on a grievance has been made and appeal process exhausted, the grievance will be considered closed. The same complaint cannot be raised again under the procedure unless there is a significant change of circumstances or evidence.
- 6.17 Wherever possible, all stages of the grievance procedure (apart from any Appeal) should be managed by the aggrieved employee's line manager/Headteacher as part of their supervisory responsibilities, in the interests of continuity, maintaining good relationships and early resolution. Where the Headteacher is the subject of

the grievance, it will be appropriate for the Chair of Governors to manage the grievance.

- 6.18 If other employees are involved, they should be made aware and be given opportunity to provide their evidence/response. The manager will determine whether this will be in the form of written submission or through an interview. If they are the subject of a formal grievance, they should be informed in writing of the concerns raised and of a formal investigation.
- 6.19 Mediation may be considered as a possible alternative to raising or pursuing a grievance at any stage. Mediation is a voluntary process supporting two or more people or parties to explore the reasons and issues at the heart of poor working relationships. This can be done informally within school by way of a facilitated conversation or more formally using the Mediation service. Information and advice about the use of the formal mediation services is available from HR.
- 6.20 If during the investigation/grievance procedure it appears that a possible disciplinary or capability issue has arisen, it may be appropriate to switch to the relevant disciplinary or capability procedure and agree to address through that route.

## **7. Collective Grievances**

- 7.1 When a complaint or concern is shared by two or more employees in relation to the same matter and the employees wish the matter to be resolved in the same process, the Collective Grievance Procedure will be applied at either an informal or formal stage. For a collective grievance, the same principles apply as here stated in this policy and procedure.
- 7.2 With a collective grievance, there will be only one process and one outcome which will apply to all employees involved and only one right of appeal. Where individuals would like different concerns addressed, the individual grievance process will be more appropriate.
- 7.3 The matter cannot be considered as a collective grievance if it has been raised already as an individual grievance and vice versa.
- 7.4 Usually, a spokesperson will be nominated from within the group to speak collectively on their behalf. A trade union representative can raise a collective grievance on behalf of employees.

## **8. Grievance Resolution Procedure**

- 8.1 The following text describes the procedure for dealing with a grievance. It is based on the WCC “10 – Grievance Resolution Procedure For Schools” (Procedure Agreed with All Recognised Trade Unions) Feb 2023
- 8.2 The Grievance Resolution Procedure is summarised in the Flowchart - Appendix 5

## **9. Key Procedural Principals**

- 9.1 Wherever possible, all stages of the grievance procedure (apart from any Appeal) should be managed by the aggrieved employee’s line manager/Headteacher as part of their supervisory responsibilities, in the interests of continuity, maintaining good relationships and early resolution. Where the Headteacher is the subject of the grievance, it will be appropriate for the Chair of Governors to manage the grievance.
- 9.2 If the complaint is raised by two or more employees – refer to ‘Collective Grievance Procedure’ below.
- 9.3 If other employees are involved, they should be made aware and be given opportunity to provide their evidence/response. The manager will determine whether this will be in the form of written submission or through an interview. If they are the subject of a formal grievance, they should be informed in writing of the concerns raised and of a formal investigation.
- 9.4 Mediation may be considered as a possible alternative to raising or pursuing a grievance at any stage. Mediation is a voluntary process supporting two or more people or parties to explore the reasons and issues at the heart of poor working relationships. Information and advice about mediation services is available from HR.
- 9.5 If during the investigation/grievance procedure it appears that a possible disciplinary or capability issue has arisen, it may be appropriate to switch to the relevant disciplinary or capability procedure and agree to address through that route.
- 9.6 Where a grievance arises in connection with a disciplinary matter, it may be appropriate to deal with both issues concurrently.
- 9.7 Advice can be sought at any stage from HR.

## **10. Informal Stage**

- 10.1 Employees and managers should seek to resolve grievances informally by discussing their concerns with their line manager in the first instance. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.
- 10.2 The manager should be clear that they have understood the nature of the grievance, resolution sought, established facts and whether they need to speak to anyone else or conduct a broader investigation.
- 10.3 The manager should keep a brief note of any informal consideration of the grievance raised including a brief outline of the discussion, any measures taken to

resolve the employee's concerns and timescales for assessing their impact alongside any training or support offered. A copy should be given to the employee and any comments made in response noted.

## **11. Investigation**

- 11.1 The manager hearing/reviewing the grievance will carry out any investigation necessary (if they are not involved in the matter). The investigation can be delegated to another manager where necessary or appropriate. This second manager will report back their findings to the manager hearing/reviewing the grievance in the form of a written report.
- 11.2 Any investigation will be conducted in accordance with ACAS principles of conducting investigations.
- 11.3 The purpose will be to ascertain facts and circumstances around the grievance and gather any relevant evidence. The extent of the investigation will be proportionate to the complexity and seriousness of the grievance. This may include interviewing witnesses and taking statements if appropriate. It will be for the investigator to be satisfied that they have sufficient information to reach a reasonable resolution.
- 11.4 Investigation will take place without undue delay; employees will be kept updated about progress.

## **12. Formal Procedure – Formal Resolution Meeting**

- 12.1 If it has not been possible to resolve the matter informally or it is agreed that it is appropriate, employees may raise their grievance under the Formal stage in writing to their manager (within 5 working days of the informal stage outcome if applicable), setting out the details, including steps already taken, reason for the grievance and the resolution being sought using the Statement of Grievance Form – see Appendix 1.
- 12.2 If an employee has difficulty setting out their grievance in writing they are encouraged to obtain assistance from their line manager, a work colleague or a trade union representative.
- 12.3 The manager will arrange a meeting to discuss the grievance with the employee who has raised the grievance, where possible within 10 working days of receipt of the written grievance, depending upon what investigation, if any, is necessary. Invitations to a grievance meeting will confirm the employee's right to be accompanied at the meeting.
- 12.4 Formal Resolution meetings will be conducted in line with the Agenda at Appendix 3. The purpose will be to hear/review the grievance and resolution sought along with any evidence arising from investigation, review any informal actions already taken to resolve the matter and engage in a discussion with the aim of reaching an appropriate resolution.
- 12.5 Employees should let the manager/Appeal Manager know in advance, the name and capacity (trade union or colleague) of who will accompany them to enable their inclusion in the arrangements for the meeting.
- 12.6 The employee and their representative should take all reasonable steps to attend the meeting. If an employee's chosen representative is not available, the meeting can be rearranged to a suitable time, not more than 5 working days after the date



originally proposed, otherwise the school may ask the employee to choose someone else.

- 12.7 Where appropriate and with prior agreement both the manager and employee can call witnesses to the grievance meeting if helpful given the circumstances of the case.
- 12.8 Any evidence to be referred to at the meeting should be exchanged by both parties (manager hearing the grievance and employee) in advance of the meeting, allowing reasonable time to read/prepare.
- 12.9 Their representative can address the formal meeting, present and sum up the employee's case, comment on the employee's behalf to any views expressed at the formal meeting and confer with them during the formal meeting. They may also request an adjournment and ask questions of anyone present. They do not have the right to answer questions on the employee's behalf, address the formal meeting if the employee does not wish it or prevent the manager from explaining their position.
- 12.10 If the grievance requires further investigation, the meeting will usually need to be adjourned/postponed; but will be rearranged without undue delay.
- 12.11 Once an employee's grievance has been considered, where possible the manager will deliver the outcome verbally and confirm in writing within 5 working days:
  - whether the grievance has been upheld, in full or part or not and reasons
  - any action/s that will be taken to resolve the grievance and timeframes, including actions to rebuild working relationships for all parties to the complaint
  - the employee's right to appeal if they remain dissatisfied.

### **13. Formal Procedure – Grievance Appeal**

- 13.1 Employees who feel their grievance has not been satisfactorily resolved following the Formal meeting have the right to appeal. Appeals will be heard by the Appeal Manager (usually a more senior manager with no prior involvement, e.g. Chair of Governors/Panel of governors – see School Scheme of Delegation). An employee must set out the grounds for their appeal using the Appeal Form at Appendix 2.
- 13.2 Appeals should be lodged with the Headteacher/Chair of Governors (whoever heard the original grievance) within 5 working days of receiving written confirmation of the Formal Meeting outcome.
- 13.3 The Appeal manager will arrange and conduct an appeal meeting within 10 working days of receipt of the appeal.
- 13.4 Usually, the Appeal will not be a rehearing of the original grievance, but rather a specific consideration of the areas which the employee is dissatisfied with in relation to the original grievance, unless the Appeal manager determines that a rehearing is necessary, for example if the grounds concern procedural flaws. An Agenda is provided at Appendix 4.
- 13.5 Based upon the information provided in the Appeal meeting, the Appeal manager will consider the grounds for the appeal and the outcome. The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution and will be confirmed in writing within 5 working days.

13.6 A decision at this stage of the procedure is final.

## **14. Collective Grievance**

14.1 A formal collective grievance must be in writing, making clear its status, the nature of the grievance and resolution sought and including the names of the aggrieved employees and the nominated spokesperson (usually there will be a nominated spokesperson for the group of employees). The spokesperson may be accompanied by one of the other employees or their trade union representative.

14.2 The outcome will apply to all employees involved and there will be only one right of appeal at the formal stage (employees involved will need to agree to raise an appeal).

## **15. Record-keeping**

15.1 The school will keep appropriate, secure written records of any grievance cases it deals with in accordance with General Data Protection Regulations.

# Appendix 1 – Statement of Grievance Form

## STATEMENT OF GRIEVANCE

This form is intended to help you to make a clear statement of your grievance. You should send the completed form to the line manager/Headteacher. If your grievance is against your line manager, you should send the completed form to the Headteacher. If your grievance is against the Headteacher you should send the form to the Chair of Governors.

<b>Employee Details</b>	
Name:	
Job role:	
Contact details (telephone and email):	

<b>Details of the grievance</b>
Who is the grievance against?
<p>Please provide details of your grievance. You should include all relevant details information, e.g. dates, times, locations and the names of other people present (witnesses). Please continue on a separate sheet and attach if necessary.</p>
<p>Have you raised your grievance informally with your line manager/Headteacher? If so, what action was taken? (Please give detailed information and provide dates.)</p>

How do you think your grievance should be resolved? Please say how you would like the school to deal with your grievance. You should set out why and how you believe this could resolve your grievance. Please continue on a separate sheet and attach if necessary.

Name, address and contact number of trade union representative or colleague who will accompany you:

**DECLARATION**

By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations.

Employee's signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2 – Statement of Grievance Appeal Form**

**GRIEVANCE APPEAL FORM**

If you feel your grievance has not been resolved, you have the right of appeal. Appeals will be heard by the Grievance Appeal Manager/Panel. To appeal, you should complete this form and send it to the Clerk of Governors within 5 working days of the receipt of your grievance decision.

<b>Employee Details</b>	
Name:	
Job role:	
Contact details (telephone and email):	

<b>Summary of your appeal</b>	
Date the outcome of your grievance was confirmed:	
<p>Please set out the grounds for your appeal (there was a procedural error, new evidence has emerged which was not available at the grievance meeting or the conclusion reached by the Headteacher was unreasonable). You should also include the names of other people who are involved (including any witnesses). Please continue on a separate sheet and attach if necessary.</p>	
<p><b>What outcome do you want from your appeal?</b> You should set out why and how this will resolve your grievance. Please continue on a separate sheet and attach if necessary.</p>	

**DECLARATION**

By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations.

Employee's signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 3 – Agenda for Formal Grievance Meeting

Present: Headteacher<sup>1</sup>  
Employee  
Employee's representative (TU representative or colleague)  
HR Consultant  
Note-taker

1. Introductions (Headteacher<sup>1</sup> will chair the meeting and may be advised by HR<sup>2</sup>).

The Headteacher<sup>1</sup> will introduce those present, explain the order of business and confirm the reason for the meeting.

All parties will be reminded of the confidential nature of the proceedings, that the Clerk will take notes for the Headteacher<sup>1</sup> and that the employee and/or their work colleague or trade union representative may take notes for their own use. Either party may request an adjournment through the Headteacher<sup>1</sup>.

2. Statement/re-statement of grievance and how it may be resolved by aggrieved employee or representative.
3. Questions by Headteacher<sup>1</sup> and/or HR Consultant<sup>2</sup>.
4. Summary and review of evidence (including from any investigation) – Headteacher<sup>1</sup>
5. Questions by employee/representative
6. Open discussion aiming to achieve resolution (if applicable)
7. Summary statement – employee (optional – no new information)
8. Interested parties withdraw
9. Consideration of grievance by the Headteacher<sup>1</sup>.
10. Interested parties return
11. Announcement of decision and comment by the Headteacher<sup>1</sup>.

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<sup>1</sup> or Line manager, or Chair of Governors if grievance is against Headteacher – whoever is hearing the grievance

<sup>2</sup> a HR Consultant can attend and may ask questions

## Appendix 4 – Agenda for Formal Grievance Appeal Meeting

Present: Appeal Manager<sup>3</sup>  
Employee  
Employee's representative (TU representative or colleague)  
HR Consultant  
Note-taker

1. Introductions (Appeal Manager<sup>4</sup> will chair the meeting and may be advised by HR<sup>4</sup>).

The Appeal Manager \* will introduce those present, explain the order of business and confirm the reason for the meeting.

All parties will be reminded of the confidential nature of the proceedings, that the Clerk will take notes for the Headteacher\* and that the employee and/or their work colleague or trade union representative may take notes for their own use. Either party may request an adjournment through the Appeal Manager.

Statement of Grievance Appeal and reasons for appeal by aggrieved employee or representative.

3. Questions by Headteacher<sup>4</sup> and/or HR Consultant<sup>5</sup>.
4. Questions by employee/representative
5. Open discussion aiming to achieve resolution (if applicable)
6. Summary statement – employee (optional – no new information)
7. Interested parties withdraw
8. Consideration of grievance by the Appeal Manager<sup>4</sup>.
9. Interested parties return
10. Announcement of decision and comment by the Appeal Manager<sup>4</sup>.

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<sup>3</sup> or Panel of governors (check School Scheme of Delegation) - whoever is hearing the grievance appeal ( more senior manager, no prior involvement)

<sup>4</sup> a HR Consultant can attend and may ask questions



## Appendix 5 – Grievance Procedure Flowchart

