

Grievance Policy



BRADGATE Education Partnership

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Responsible Officer: Human Resources Manager



Trust Mission Statement

Our mission is to create high quality educational opportunities for all children and young people across the partnership by developing a strong collaborative and co-operative model through which we encourage autonomy, share best practice, enhance the professional aspirations of our staff and ensure the safety and well-being of all pupils and staff.

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Definitions

'Trust' Bradgate Education Partnership

'Employees' Individuals who are directly employed by Bradgate Education Partnership

'Grievance' *'Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems or concerns with their working conditions or relationships with colleagues that they wish to raise.'* Acas 2019

Related Policies and Procedures

- Whistleblowing Policy

1.0 Introduction

- 1.1 The Trust values aims to maintain positive working relationships with its employees and recognise the valuable contribution that every employee makes to providing high quality education to the children/students within our care.
- 1.2 The Trust recognises that a positive working environment and good working relationships also have a positive impact on employee well-being and employee engagement. There is no real substitute for the manager/employee relationship particularly in relation to the solution for work related problems.
- 1.3 This procedure is designed to support employees in resolving issues informally, and as a last resort where this is not possible outlines the process for dealing with matters via a formal process.

2.0 Scope & Principles

- 2.1 This policy applies to all employees at Bradgate Education Partnership.
- 2.2 The policy outlines the steps that should be taken by employees and the Trust in relation to resolving informal and formal grievances. A flow chart has been outlined in **Appendix 1**.
- 2.3 The Trust believe it is important for matters to be resolved informally where possible therefore employees should raise any issues within the workplace with the line manager in an open and timely manner so that matters can be settled quickly without recourse for more formal processes.
- 2.4 Line managers in line with the policy will aim to resolve issues within the workplace promptly as soon as the problem/informal issue arises.
- 2.5 Where matters are raised formally in line with the policy, the Trust will take all reasonable steps to deal with grievances in line with the timescales outlined within this policy. Where this is not possible the Trust will inform employees of this.
- 2.6 The Trust will ensure that all employees are treated fairly and consistently and will ensure that all grievances are taken seriously and appropriate actions are taken as an outcome.
- 2.7 It is expected that all employees continue to conduct and present themselves in a professional manner throughout grievance processes, whether that be informal or formal procedures.
- 2.8 This policy will be utilised for employees who seek to raise personal grievances. Any other matters that may be within the public interest should be raised via the Trust's Whistleblowing Policy.

3.0 Support for Employees

- 3.1 For any employee involved in grievance processes or procedures the Trust will take all reasonable steps to provide support where possible.

4.0 Stage 1 – Informal Grievance

- 4.1 All employees should seek to resolve issues within the workplace informally.
- 4.2 Where an issue arises the employee should raise this directly with their line manager within school, this can be in writing or raised verbally.
- 4.3 Employees should raise their informal issue in a timely manner, the line manager will make arrangements to meet with the employee to discuss the issue that has been raised.

- 4.4 The purpose of the meeting is to enable the employee to air their informal grievance and for the line manager to seek to resolve matters and come to an agreed solution.
- 4.5 The line manager will write to the employee to confirm the outcome of the informal grievance meeting and state the agreed actions/outcomes of the meeting. The written record will confirm the outcome of the informal grievance.
- 4.6 If the matter is resolved, then no further action will need to be taken by either party at this stage.
- 4.7 Head Teachers should raise informal grievances with the Director of Schools in the first instance.

5.0 Stage 2 – Formal Grievance

- 5.1 Where an employee is not satisfied that their grievance has been resolved informally with their line manager then they should raise this with the Head Teacher or an appropriate member of Senior Leadership within their school.
- 5.2 Formal grievances should be raised in writing within 5 working days of the date of the outcome letter from the informal process.
- 5.3 When submitting a formal grievance in writing employees should:
 - 5.3.1 State clearly the issue that they are raising
 - 5.3.2 State the reasons why they feel that their grievance was not resolved informally
 - 5.3.3 State what they are seeking as an outcome of the grievance being raised
 - 5.3.4 Provide information on the details of the grievance they are raising for example, dates/times/names of other employees who may be involved.
- 5.4 Head Teachers will acknowledge receipt of the formal grievance in writing and seek advice from the HR Manager before proceeding with the matter.
- 5.5 Within 5 working days, the Head Teacher will meet with the individual to discuss their formal grievance in more detail. Employees will be provided with the right to be accompanied by either a Trade Union Representative or work colleague.
- 5.6 The Head Teacher will likely be required to seek/gather additional information in order to review fully the issues that have been raised. They may also take the decision to meet directly with relevant individuals that may have been named within the formal grievance.
- 5.7 Once the Head Teacher has gathered all of the relevant information in relation to the formal grievance they will then be required to feedback their findings to the employee. As a minimum the Head Teacher will feedback their outcome in writing to cover the following points:
 - 5.7.1 Outline the steps that have been taken to investigate/address the formal grievance
 - 5.7.2 Outline their findings and the outcome in relation to the points raised in the formal grievance letter
 - 5.7.3 Outline any actions that are required as an outcome of the grievance
 - 5.7.4 Outline whether there is any support that may be required for the employee as an outcome of having raised the grievance
 - 5.7.5 Provide the employee with the right to appeal against the outcome of the formal grievance process.
- 5.8 Where formal grievances are more complex, the Head Teacher will seek advice from the HR Manager in the first instance. A decision may be taken to appoint an Investigating Officer to review the formal grievance.

- 5.9 Head Teachers will reserve the right to judge what they consider to be 'more complex' cases after having sought advice from the Trust's HR Department. For example, conflict of interest/impartiality issues.
- 5.10 Where an investigating officer has been appointed, this will be someone who is impartial and has had no prior involvement in the grievance process which includes the informal stages.
- 5.11 The investigating officer will be required to provide the Head Teacher with an investigation report for the Head Teacher to determine the outcome of the investigation. The Head Teacher should provide an outcome in line with section 5.7.
- 5.12 In most cases Head Teachers will meet with the employee to provide feedback on their grievance as well as providing the outcome in writing.
- 5.13 If Stage 1 has been dealt with by the Head Teacher then the formal grievance (Stage 2) should be dealt with by the Director of Schools.
- 5.14 Head Teachers should raise formal grievances with the Chief Executive Officer where they are not satisfied with the outcome of the informal grievance dealt with by the Director of Schools.

6.0 Stage 3 – Appeal

- 6.1 Where an employee is not satisfied with the outcome of the outcome of the formal grievance process they have a right to appeal.
- 6.2 Any appeal against the outcome of the formal grievance should be submitted in writing to the Director of Schools within 10 working days of the date of the formal outcome letter.
- 6.3 When appealing employees should:
 - 6.3.1 Outline the grounds for their appeal
 - 6.3.2 Outline the outcome they are seeking as a result of raising the appeal
- 6.4 The Director of Schools will acknowledge receipt of the appeal letter within 5 working days.
- 6.5 The Director of Schools will convene an appeal hearing to take place within 10 days of the date of the acknowledgment letter. The appeal hearing panel will consist of impartial members to the employee's grievance:
 - 6.5.1 Director of Schools as Chair of the Panel
 - 6.5.2 Chair of the Local Governing Body as a member of the panel
 - 6.5.3 An independent member from the school such as a Head Teacher from another school within the Trust.
- 6.6 It will be necessary for the Head Teacher to attend the appeal hearing to present the Trust/Academy's case.
- 6.7 The appeal panel, the employee and Head Teacher will be provided with a bundle 5 working days prior to the appeal hearing taking place so that all parties are clear on the paperwork and information that is being reviewed.
- 6.8 The appeal panel will follow the agenda as outlined in **Appendix 2** of this policy.

- 6.9 Possible outcomes that may be provided by the appeal panel to the employee may (but not exhaustive) include:
- 6.9.1 Dismissal of the appeal in whole or in part;
 - 6.9.2 To uphold the appeal in whole or in part;
 - 6.9.3 To decide on the appropriate action as an outcome of the appeal being raised;
 - 6.9.4 To recommend changes to the Trust/Academy on systems or procedures to ensure that problems of a similar nature do not recur.
- 6.10 The Director of Schools will take the final decision as an outcome of the appeal hearing supported by the panel members.
- 6.11 The Director of Schools will notify the employee in writing of outcome of the appeal within 5 working days of the appeal panel taking place.
- 6.12 If Stage 2 has been dealt with by the Director of Schools as the original grievance was raised with the Head Teacher, then any appeal against the Director of Schools investigation/outcome should be made to the Chief Executive Officer in line with the points above.
- 6.13 In such circumstances, the Chief Executive Officer will chair an appeal panel, supported by a Trustee and a Chair of a Local Governing Body from another school within the Trust.
- 6.14 Head Teachers should raise an appeal with the Chair of Trustees where they are not satisfied with the outcome of the informal grievance dealt with by the Chief Executive Officer.

7.0 Withdrawing the Grievance

- 7.1 If at any point the employee wishes to withdraw their grievance they are able to do so. They should confirm this in writing to the person that they raised the grievance with (line manager, Head Teacher, Director of Schools).

8.0 Collective Grievances

- 8.1 Stages 1 to 3 of this policy are also intended to cover a collective grievance held by more than one employee about a particular issue regarding their employment.
- 8.2 The scope and principles detailed at the start of this document apply in addition to the following points:
- 8.2.1 Where the grievance involves a number of employees, the Trust will work with the group to appoint a nominated spokesperson of the group and/or Trade Union representative(s) to present the collective grievance on behalf of their colleagues.
 - 8.2.2 Information on the numbers of employees involved in the collective grievance and the areas involved should be provided to the manager.
 - 8.2.3 Using this process for collective grievance is based on the acceptance that, industrial action will be used as a last resort and after all steps in this policy have been exhausted.
 - 8.2.4 Both parties will accept that normal working practices prevailing prior to the grievance shall continue to operate pending agreement (status quo).
 - 8.2.5 Both parties will co-operate to ensure that the spirit of point 8.2.4 is maintained, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply.

9.0 Grievances Raised During Disciplinary Processes

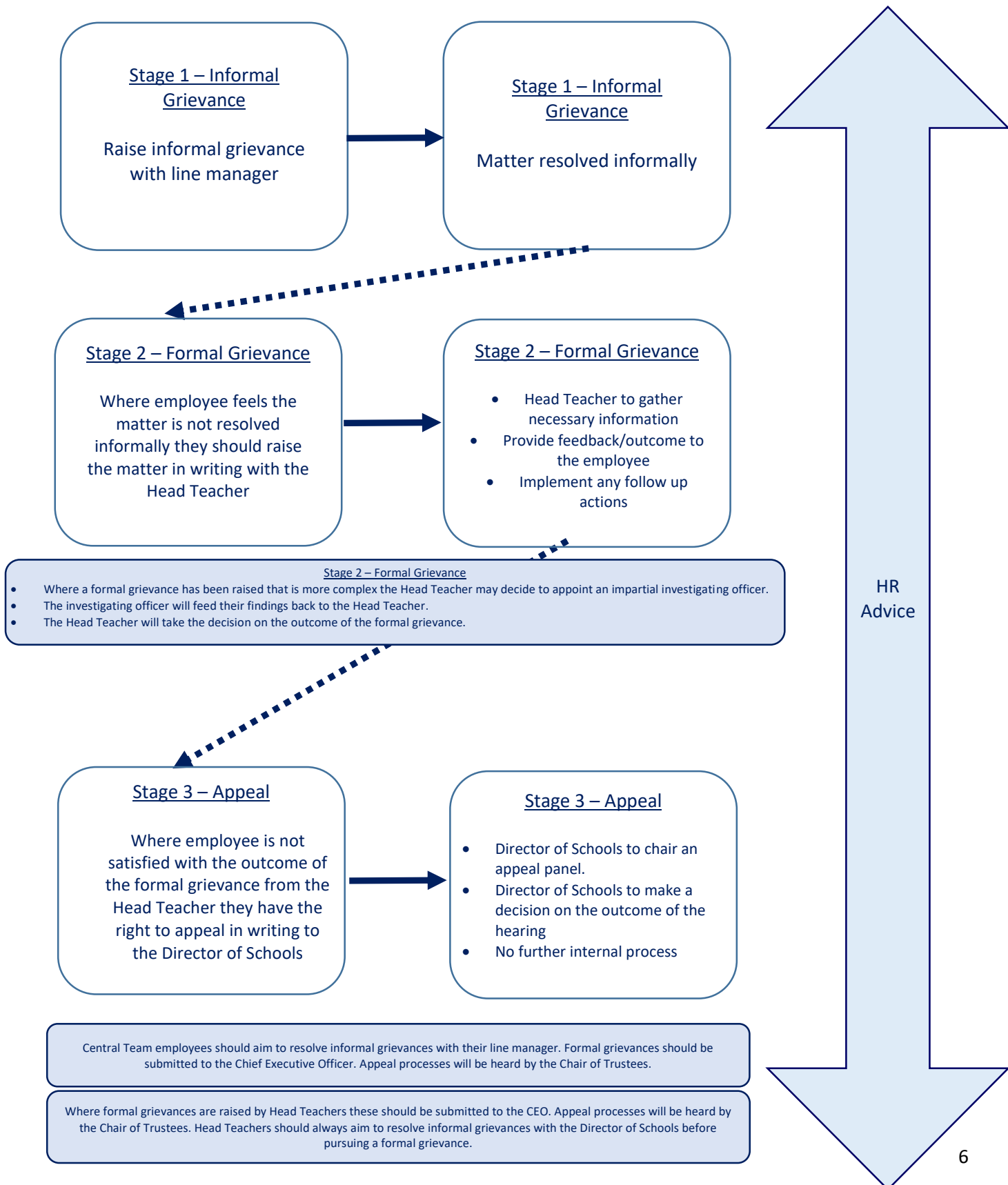
- 9.1 Where an employee who is subject to a disciplinary investigation raises a grievance with the Trust related to the disciplinary case, the Trust will ask the investigating officer of the disciplinary case to investigate the grievance and incorporate this into the final investigation report.
- 9.2 It may be necessary in exceptional circumstances to temporarily suspend the disciplinary investigation in order for the grievance to be dealt with.

10.0 Representation

- 10.1 Employees will be given the right to be accompanied at any formal grievance meeting by either a work colleague or Trade Union Representative.
- 10.2 Family members or friends external to the Trust will not be permitted.

Appendix 1

Bradgate Education Partnership – Employee Grievance Process



Appendix 2

Grievance Appeal Hearing Agenda

- 1. Introduction**
 - a. Chair of the Panel to make introductions and outline the process of the hearing.

- 2. Presentation from the Employee**
 - a. The employee/employees representative may make an opening address outlining the appeal case
 - b. Questions from management case
 - c. Questions from the panel

- 3. Presentation of Management Case – Head Teacher/Trust Representative**
 - a. The Trust's representative may make an opening address outlining the case
 - b. Questions from the employee
 - c. Questions from the panel

- 4. Summing Up**
 - a. The Trust's representative will be given opportunity to sum up the case that has been presented to the panel
 - b. The employee or their representative shall have the opportunity to sum up their case if they so to have the last word before withdrawal

- 5. Closed Session**
 - a. Both parties then withdraw and the appeal hearing is brought to a close
 - b. The appeal panel will deliberate and make their decision during closed session
 - c. The decision will be communicated in writing within 5 working days of the appeal hearing

- 6. NOTES ON THE PROCEDURE**
 - a. The Trust's case may be presented by someone other than the Head Teacher acting as the Trust's Representative and the Head Teacher may remain in the hearing throughout with the Trust's representative.
 - b. The employee may choose to represent him/herself.
 - c. The Appeal Panel will normally have access to an adviser to advise them on the law and on procedure. The Chair of the Appeal Panel will make the final decision supported by other panel members. No adviser shall vote on the matter being considered by the Appeal Panel.