



# Grievance Procedure

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## EBN Trust

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<b>Ratified:</b>		<b>Signed:</b> <i>J. Farrell</i>

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## **1. Policy statement**

- 1.1 It is the Academy'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 you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are 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) organisational change; and
  - (g) discrimination.
- 1.3 This procedure has been implemented following consultation with the relevant trade unions. It has been formally adopted by the governing body.
- 1.4 This procedure does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

## **2. Who is covered by the procedure?**

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 If you have difficulty at any stage of the grievance procedure because of a disability or because English is not your first language, you should discuss the situation with your Principal as soon as possible.
- 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 you 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. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure which is available in the staff network folder.
- 3.4 The Grievance Procedure must not be used to frustrate action being taken under any other policy, for example performance management and improvement (capability), disciplinary (conduct) or the Sickness Absence Policy.
- 3.5 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
- 3.6 There is a separate Anti-harassment and Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is available in the staff network folder.
- 3.7 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 3.8 This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of a recognised trade union. These will be dealt with as appropriate to the facts of the case.
- 3.9 In exceptional circumstances the Principal may consider suspending or redeploying an employee during the grievance process. In these cases the provisions regarding suspension in the Disciplinary Procedure will apply.
- 3.10 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

#### **4. Raising grievances informally – Step 1**

We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager.

We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

## **5. Formal written grievances – Step 2**

- 5.1 If your grievance cannot be resolved informally you should put it in writing and submit it to the Principal, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Principal, it should be submitted to the Chair of Governors via the school.
- 5.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

## **6. Investigations**

- 6.1 In some cases it may be necessary for us to carry out an investigation into your 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 you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by the Principal, or someone else appointed by the Principal. In the case of an investigation into a complaint against the Principal, the Chair of Governors will determine who will carry out the investigation.
- 6.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 6.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

## **7. Right to be accompanied**

- 7.1 You 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. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

- 7.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.
- 7.3 Acting as a companion is voluntary and your 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.
- 7.4 If your choice of companion is unreasonable we may ask you to choose someone else, for example:
  - (a) if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
  - (b) if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.
- 7.5 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

## **8. Grievance meeting**

- 8.1 We will arrange a grievance meeting, normally within 5 working days of receiving your written grievance.
- 8.2 You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 8.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 8.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

- 8.5 We will write to you, usually within [5 working days] of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

## **9. Appeals – Step 3**

- 9.1 If the grievance has not been resolved to your satisfaction you may appeal in writing using Appendix 3 of this procedure to the Principal or if they made the decision at the grievance meeting, the Chair of Governors. This should state your full grounds of appeal, and be submitted within 5 working days of the date on which the decision was sent or given to you.
- 9.2 We will hold an appeal meeting, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the Principal, where they have not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Principal has made the decision at the grievance meeting a panel of governors will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 7.)
- 9.3 We will confirm our 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.

## **10. Review of policy**

This policy is reviewed and amended annually by the school in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix 1

### Procedure for grievance meeting

Grievance meetings will usually be held by the Principal, or their delegate who will act as the chair.

During any grievance meeting conducted by the school, the following will take place:

#### 1. Introductions

The chair will introduce the meeting, and explain its purpose and how it will be conducted. The purpose of a formal grievance meeting will normally be to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it.

The parties present at the meeting will introduce themselves and confirm their respective roles in the meeting. The employee will be entitled to be accompanied, if they wish, by a fellow worker or trade union representative of their choice.

#### 2. Purpose of the meeting

The chair will confirm that the meeting is being conducted as part of the school's formal Grievance Procedure, and confirm that a written record of the meeting will be made.

#### 3. Employee states their case

The chair will invite the employee to state their case, i.e. the circumstances that have led to the grievance, the nature of the grievance and why they feel aggrieved. The employee may do this personally, or the employee's representative (if they have elected to be represented) may do this on their behalf. The employee will refer to any documentation on which they are seeking to rely.

#### 4. Consideration of information from any investigation

The chair will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration of witness statements where appropriate. If the chair feels it necessary any other person that has conducted the investigation will also attend the meeting.

#### 5. Questions of the employee's case

The chair may ask the employee (and any witnesses) questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.

The chair has the right to ask the employee personally to answer such questions, although the employee may on request confer with their representative at any time during the grievance meeting.

#### 6. Summing up

Once all the evidence has been heard, the chair will sum up the key points of the meeting. The chair will adjourn the meeting to make a decision.

**7. Chair makes decision**

**8. Decision is delivered**

The chair will inform the employee of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance. The chair may reconvene the meeting to deliver the decision, or they may choose to convey the decision in an alternative way to the employee and if this is the case they should inform the employee of this prior to adjourning the meeting to make the decision

The chair will inform the employee that they have the right to appeal against the outcome of the grievance meeting if they are not satisfied with it.

The chair will thank the parties for attending and close the meeting.

At any point during the meeting, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.

## Appendix 2

### Procedure for grievance appeal meeting

The grievance appeal meeting will be held by the Principal, where they did not make the decision at the grievance meeting, or a panel of governors.

During any grievance appeal meeting conducted by the school, the following will take place:

#### 1. Introductions

The chair will introduce the meeting, and explain its purpose and how it will be conducted. The purpose of a grievance appeal meeting will normally be to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it.

The parties present at the meeting will introduce themselves and confirm their respective roles in the meeting. The employee will be entitled to be accompanied, if they wish, by a fellow worker or trade union representative of their choice.

#### 2. Purpose of the meeting

The chair will confirm that the meeting is being conducted as part of the school's formal Grievance Procedure, and confirm that a written record of the meeting will be made.

#### 3. Employee states their case

The chair will invite the employee to state their grounds of appeal, i.e. on what basis they believe the decision made at the grievance meeting was flawed. The employee may do this personally, or the employee's representative (if they have elected to be represented) may do this on their behalf. The employee will refer to any documentation on which they are seeking to rely.

#### 4. Questions of the employees case by the Chair of the Step 2 meeting

The Investigating Officer will be allowed a full opportunity to question the employee on their case, and to raise points about any information provided by witnesses (if applicable).

#### 5. Questions of the employee's case by the Principal or panel

The Principal or panel will question the employee on their case and raise points about any information provided by witnesses. Although the employee may confer with their representative at any time during the hearing on request, the chair has the right to ask the employee personally to answer any questions put to them.

#### 6. School presentation of case

The Principal or Chair of the Step 2 meeting will explain fully the school's case, ie what they considered and how they reached their decision, addressing the point of appeal that the employee has raised. The Principal or Chair will refer to any documentation on which they are seeking to rely.

**7. Questions of the school's case by the employee**

The employee or their representative will be allowed a full opportunity to question the Chair of the Step 2 meeting on their case, and to raise points about any information provided by witnesses (if applicable).

**8. Questions of the school's case by the Principal or panel**

The Principal or panel will be allowed the opportunity to question the Chair of the Step 2 meeting on the case, and to raise points about any information provided by witnesses (if applicable).

**9. Both parties will sum up.**

The employee (and /or their representative will sum up first). Both parties leave the meeting.

**10. The Principal or Panel make their decision**

**11. Decision is delivered**

The chair will inform the employee of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance. The chair may reconvene the meeting to deliver the decision, or they may choose to convey the decision in an alternative way to the employee and if this is the case they should inform the employee of this prior to adjourning the meeting to make the decision.

The chair will thank the parties for attending and close the meeting.

At any point during the meeting, the chair may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.

There is no further appeal.

## Appendix 3

### Form for employees to use to set out their grounds of appeal

Employee grievance appeal	
<p>This form is intended for use by an employee of the school who wants to appeal a decision regarding a formal grievance they have raised.</p> <p>This form should be completed and delivered to the Principal (or if they made the decision at the grievance meeting, the Chair of Governors) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance appeal meeting with you. If there are likely to be any delays in hearing your appeal, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.</p>	
Formal grievance appeal	
Employee's name:	
Employee's job title:	
Employee's department:	
Date of your original grievance:	
Date you were given decision that you are appealing against:	
Does your grievance relate to your line manager?	Yes/No
Summary of appeal:	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been flawed in those circumstances). You may attach additional sheets if required.</p>	
Individuals involved in the appeal:	

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

**Outcome requested from the appeal:**

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

**Form completed by:**

**Signature:**

**Date:**

**For completion by the school:**

Date form received:

Name of recipient and job role:

Signature:

## Signatures

Signed:

EBN Principal: \_\_\_\_\_

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

EBN Executive Director / Associate Head Teacher: \_\_\_\_\_

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

Chair of Governors: \_\_\_\_\_

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