



Grievance Procedure 2019-20

EBN Trust

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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 any formal grievance is raised it will be investigated, a meeting to discuss the issues will be held, written confirmation will be provided of the outcome, and the right of appeal will be provided.
- 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 EBN Academy Trust.
- 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 there are difficulties at any stage of the grievance procedure because of a disability or because English is not the first language, this should be discussed with the Executive Headteacher/Headteacher 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 the complainant 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 the complainant is dissatisfied with any disciplinary action, they should submit an appeal under the appropriate procedure which is available from the HR Manager.
- 3.4 The Grievance Procedure must not be used to frustrate action being taken under any other policy, for example the appraisal policy (capability), disciplinary policy (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 the complainant has been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people. It is available from the HR Manager.
- 3.7 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where the complainant is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, they 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 Headteacher 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 The complainant's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. All records 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 between the complainant and line manager.

Every attempt will be made to resolve the grievance informally where possible. If it is not feasible to discuss the complaint with the line manager, for example, because the complaint concerns the line manager, then the grievance should be discussed informally with a more senior manager. If this does not resolve the issue, then the formal procedure below, should be followed.

5. Formal written grievances – Step 2

5.1 If the grievance cannot be resolved informally it should be put in writing and submitted 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 Executive Headteacher of the EBN Academy Trust. If the grievance concerns, or is raised by, the Executive Headteacher, it should be submitted to the Chair of the EBN academy Trust Board of Directors.

5.2 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 it may be necessary to ask for further information. It should also be stated what is the desired outcome to resolve the situation.

6. Investigations

6.1 In some cases it may be necessary 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 the complainant and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by the Headteacher, or someone else appointed by the Headteacher. In the case of an investigation into a complaint against the Headteacher, the Executive Headteacher will determine who will carry out the investigation. In the case of an investigation into a complaint against the Executive Headteacher, the Chair of the EBN academy Trust Board of Directors will determine who will carry out the investigation

- 6.2 The complainant must co-operate fully and promptly in any investigation. This may include providing names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.
- 6.3 An investigation may be initiated before holding a grievance meeting where it is considered to be appropriate. In other cases a grievance meeting may be held before deciding what investigation (if any) to carry out. In those cases a further grievance meeting will be held with the complainant after the investigation and before a decision is reached.

7. Right to be accompanied

- 7.1 The complainant 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 complainant must tell the person holding the grievance meeting who their chosen companion is, in good time before the meeting.
- 7.2 At the meeting, the complainant's companion may make representations to and ask questions, but should not answer questions on the complainant's behalf. The complainant may talk privately with their companion at any time during the meeting.
- 7.3 Acting as a companion is voluntary and the complainant's 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 the complainant's choice of companion is unreasonable they may be asked to choose someone else, for example:
- (a) If it is deemed that the complainant's companion may have a conflict of interest or may prejudice the meeting; or
 - (b) If the complainant's companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.
- 7.5 The complainant may be allowed to bring a companion who is not a colleague or union representative (for example, a member of the complainant family) as a reasonable adjustment if they have a disability, or have difficulty understanding English.

8. Grievance meeting

- 8.1 A grievance meeting will be arranged normally within 5 working days of receiving the written grievance.
- 8.2 The complainant and their companion (if any) should make every effort to attend the grievance meeting. If the complainant or their companion cannot attend at the time specified, the complainant should inform us immediately and within reason an alternative time may be agreed.
- 8.3 The purpose of a grievance meeting is to enable the complainant to explain their grievance, how they think it should be resolved, and to assist in the reaching of a decision based on the available evidence and the representations they have made.
- 8.4 After an initial grievance meeting it may be necessary to carry out further investigations and hold further grievance meetings as considered appropriate. Such meetings will be arranged without unreasonable delay.
- 8.5 The complainant will receive in writing, usually within 5 working days of the final grievance meeting, the outcome of their grievance and any further action that may be intended to be taken to resolve the grievance. The complainant will also be reminded of their right of appeal. Where appropriate a meeting may be held to give the complainant this information in person.

9. Appeals – Step 3

- 9.1 If the grievance has not been resolved to the complainant's satisfaction they may appeal in writing using Appendix 3 of this procedure to the Headteacher, Executive Headteacher or Chair of the EBN Academy Trust Board of Directors depending on who made the decision at the grievance meeting. This should state their full grounds of appeal, and be submitted within 5 working days of the date on which the decision was sent or given to the complainant .
- 9.2 An appeal meeting would be held, normally within 10 working days of receiving the written appeal. This will be dealt with impartially by the Headteacher, where they have not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Headteacher has made the decision at the grievance meeting the Executive Headteacher or a panel of governors will hold the appeal meeting. The complainant has the right to bring a companion to the meeting (see paragraph 7.)

- 9.3 All final decisions will be confirmed 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 chaired by the Headteacher, 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 chaired by the Headteacher, where they did not make the decision at the grievance meeting, or the Executive Headteacher or a panel of governors/board members.

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 Chair of the Step 2 meeting 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 Headteacher, Executive Headteacher or panel

The Chair or panel chairing the Step 3 meeting 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 Headteacher 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 Headteacher, Executive Headteacher or panel

The Chair or panel chairing the Step 3 meeting 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 Headteacher, Executive Headteacher 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 Headteacher (or if they made the decision at the grievance meeting, the Executive Headteacher or the Chair of EBN Trust Board of Directors) 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 The complainant. If there are likely to be any delays in hearing your appeal, we will inform The complainant in writing of the reasons for the delay and give an indication of when The complainant 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 The complainant 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 Headteacher: _____

Date: _____

EBN Executive Headteacher: _____

Date: _____

Chair of Board: _____

Date: _____