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<b>Title of Policy/Procedure</b>	Grievance Resolution Procedure
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<b>Reviewer(s):</b>	Head of HR
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<b>To be read in conjunction with the following policies:</b>	Acceptable Behaviour Policy
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<b>Consultation Process</b>	Consultation with recognised Trade Unions
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<b>Policy Date:</b>	1 February 2023
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<b>Review Date:</b>	1 February 2025
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<b>This policy has been ratified by</b>	Finance, Personnel and Resources Committee
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## SUMMARY

The purpose of this policy/procedure is to ensure that disputes are dealt with quickly and in a supportive manner as set out in the ACAS code of practice.

If an employee has a concern they should, in the first instance, always try to resolve it informally. However, if this is not successful an employee has the right to raise a formal complaint which should be dealt with fairly and promptly. The steps below set out how grievances should be handled.

### Step 1 – Informal stage

Always try to resolve grievances informally in the first instance – sometimes an informal discussion or quiet word is all that is needed

### Step 2 – Formal stage

Use this stage when it is not possible to resolve the matter informally:

- Employee completes the grievance form at Appendix 1 setting out the detail of their complaint and the resolution/outcome that they are seeking
- Formal meeting to discuss the complaint
- Allow the employee to be accompanied
- Decide on appropriate action/need for further investigation and confirm outcome in writing

### Step 3 - Appeal

Using the form at Appendix 2 allow the employee to appeal to a higher authority if not satisfied with the outcome of their grievance

## 1. Introduction

A grievance is defined as a 'complaint by an employee about action (or lack of), which his/her employer has taken or is contemplating taking in relation to him/her'. The complaint may be due to a variety of issues, such as:

- terms & conditions of employment
- health & safety
- work relations
- working environment & conditions
- workload

This document sets out the School's grievance policy/procedure and provides a structured mechanism for employees to raise concerns related to their employment. Its aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the school operations

## **2. Scope**

2.1 The policy and procedure set out in this document applies to all staff employed by the Blue Kite Academy Trust.

2.2 If the matter the grievance is being raised about is over 3 months old the Trust can choose not to proceed.

2.3 If the grievance is raised after an employee left the Trust then the statutory modified grievance procedure may be used.

2.4 If an employee raises a grievance against the Chair of Trustees/Governors, or any other member of the Trust board/Governing body, this should be dealt with through this Grievance Policy and will be heard by a Grievance Panel.

2.5 Some issues are best dealt with under specific policies and procedures. These should be used wherever possible. They include:

Public disclosure	Whistleblowing policy
Pension	Pension regulations
Pay and grading	Pay Policy
Bullying/harassment	Acceptable Behaviour Policy

## **3. Step 1 - Informal resolution**

3.1 There is a clear expectation that staff and their Headteacher/managers should be able to resolve the vast majority of concerns informally without resorting to the formal grievance procedure. An informal approach in addressing employee grievances is more

likely to produce a satisfactory resolution and help staff who have genuine and legitimate concerns. Headteachers should try to agree with employees a reasonable time frame for an informal response.

3.2 Mediation may be looked at as a possible means of resolving a grievance at the informal stage. Mediation is voluntary and can only take part when both parties agree to it. The mediator will work with both parties to reach common ground and consensus.

3.3 Headteachers should signpost employees to the wellbeing and support services eg. Care First that can offer impartial advice and counselling.

## **4. Step 2 – The formal procedure**

### **4.1 Rights to representation**

4.1.1 At all stages of the grievance procedure employees will have the right to be accompanied by a trade union representative or a fellow employee. Before any meetings take place the employee should notify the Headteacher whom they have chosen as a companion

4.1.2 If the employee's chosen companion will not be available at the time proposed for the hearing by the employer then the meeting will be re-arranged to an alternative date, no more than 5 days after the date was originally proposed. A meeting would not be postponed for a second time unless there are exceptional circumstances.

4.1.3 The companion should be allowed to address the hearing to present and sum up the employee's case and confer during the hearing. They do not have the right to answer questions on the employee's behalf

### **4.2 Setting out the grounds of the grievance**

4.2.1 Only after such attempts and where an employee feels that it has not been possible to resolve the complaint informally should the grievance procedure be invoked by the employee using the form at Appendix 1.

The form should include the following information:

- The details of the employee and their representative
- The full nature of the grievance including a description of the matter that is being complained of and the reasons why the employee is feeling aggrieved

- Details of the employee's attempts to deal with the matter informally and why they were not satisfied with the informal response
- Details of any witnesses to the matters complained about
- What reasonable resolution/outcome the employee is seeking

4.2.2 The Headteacher will acknowledge receipt of the grievance and arrange a meeting within 10 working days. If this is not possible then the employee should be notified. Where the grievance is against the Headteacher the employee will write to the CEO. Where the complaint is against the CEO the employee will write to the Chair of Trustees. The CEO or the Chair of Trustees will then follow the guidance as set out for the Headteacher.

### **4.3 Hold a meeting with the employee to discuss the grievance**

4.3.1 At the grievance meeting the employee should be allowed to explain their grievance and how they think it should be resolved.

4.3.2 The employee should have completed the grievance form setting out the required information to ensure that the subject matter of the grievance is fully understood at the start of the procedure to enable the grievance to be dealt with effectively.

4.3.3 The aim of the meeting is to establish a detailed understanding of the issues and if possible decide how to resolve the problem. If necessary allow any other relevant parties involved in the grievance to attend the meeting and make representations.

4.3.4 If possible discuss a possible resolution at the meeting or if the headteacher needs time to consider a response let the employee know the likely timescale of this.

4.3.5 On occasion where there is a need to carry out further investigation the meeting will be adjourned. The Headteacher may investigate themselves or nominate another senior manager to investigate. Investigations will be conducted fairly and without unreasonable delay. The employee must be informed of any unavoidable lengthy delays. The meeting will be reconvened following this to take account of any further facts

### **4.4 Decide on appropriate action**

4.4.1 Following the meeting the Headteacher will confirm in writing what actions they intend to take to resolve the grievance.

4.4.2 The Headteacher will confirm whether:

- the grievance is not upheld.
- the grievance is upheld in part and an appropriate resolution is provided.
- the grievance is upheld in full and an appropriate resolution is provided.

4.4.3 The employee must give their right to appeal against the outcome of their grievance.

### **4.5 Step 3 – The Appeal process**

4.5.1 Where an employee feels that their grievance has not been satisfactorily resolved they have the right to appeal. They should let their employers know the grounds for their appeal without unreasonable delay by completing the Grievance Appeal notification form at Appendix 2. Within 10 working days of receipt of the response from the headteacher hearing the original grievance.

4.5.2 The employee needs to state why they disagree with the outcome and why they continue to be aggrieved. Their appeal must relate to their original grievance and no new matters introduced.

4.5.3 If the original decision was made by the Headteacher then the CEO will hear any appeal with representatives of the LGB. If the CEO made the original decision then the appeal will be heard by the Chair/panel of Trustees.

4.5.4 The purpose of the appeal meeting will be to:

- Allow the employee to present their original grievance and the reason/s why they are unhappy with the outcome
- Allow the Headteacher/CEO to make representations and to explain their reasoning behind their recommendations
- Based on the information shared reach a decision about the appeal and whether any further actions are necessary
- If further enquiries are required then formally adjourn the meeting to carry these out setting a reasonable timescale to re-convene.

4.5.5 The employee will be notified of the final decision within 5 working days unless agreed otherwise.

4.5.6 The written response must advise the employee of:

- The manager's findings and the reasoning behind the final decision
- Any proposed action/recommendations to resolve the position or that there will be no action
- That this is the final stage of the school's grievance procedure and there is no further right of appeal

## **5. Overlapping grievance and disciplinary cases**

5.1 Where an employee raises a grievance during a disciplinary process that relates to the disciplinary action itself then the employee can make representations within the scope of the disciplinary policy itself and not as a separate grievance. The exception to this could be an allegation of discrimination

5.2 If the grievance is about a completely separate matter to the disciplinary issue the grievance and disciplinary processes can run concurrently.

## **6. Collective grievances**

6.1 There will be instances where more than one employee wishes to register a grievance. This may be because two or more staff feel aggrieved about the same issue, or because members of staff bring counter grievances against each other. In such cases the Headteacher will need to decide whether a meeting will be necessary and whether it is appropriate to consider evidence from members of staff jointly or separately. The desirability of joint meetings will be influenced by the likelihood that meetings can be conducted objectively in the presence of more than one party. Clearly where more than one employee intends to present evidence to substantiate the same issue, it would make sense to hear the evidence at a joint meeting. However, where the views of the employees concerned are contradictory, joint meetings may only serve to inflame the situation.

6.3 Where a joint meeting is held the Headteacher should ensure that each of the employees, and/or their representatives, are given an opportunity to present their evidence and call witnesses. The use of cross questioning by employees, or their representatives, may be appropriate to clarify points of evidence, but the Headteacher should ensure that cross questioning is confined to clarification and not used to intimidate employees.

## **7. Malicious/Vexatious Grievances**

7.1 The School will not tolerate grievances that are vexatious or malicious. Any misconduct will lead to disciplinary action under the School's Disciplinary Policy.

## **8. Confidentiality**

8.1 All parties involved need to respect confidentiality at all times. Information must not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a trade union representation or a work colleague.

8.2 It may not be possible to guarantee confidentiality in all cases eg. Where an employee raises a grievance about criminal activities, child protection or health and safety risks.

## **9. The Equality Act 2010**

9.1 Reasonable adjustments should be made for an employee and/or their representative if they have a disability within the meaning of the Equality Act, to ensure that they are not disadvantaged and can fully participate fully in the grievance process.



## APPENDIX 1

### FORMAL GRIEVANCE NOTIFICATION FORM

Please fully complete this form to raise a formal grievance under the Trust's Grievance Procedure. This is designed to ensure that the grievance is clearly understood at the outset and dealt with speedily and effectively.

#### 1. EMPLOYEE DETAILS

<b>Name</b>	
<b>Job Title</b>	
<b>Line Manager</b>	

#### 2. THE FORMAL GRIEVANCE

Please state clearly the full nature of your grievance in as much detail as necessary to assist in reaching a resolution. Describe the decision, policy or conduct of the School, which you are complaining about. Explain fully how you are, or will be, affected by the issue and why you disagree with the School's actions or intentions in the matter. If referring to specific incidents, please include (so far as you are able) details of dates, times, places and the people involved. If referring to documents please attach copies if possible or supply details for the School to be able to identify and locate a copy of the document mentioned.

### 3. INFORMAL APPROACH

Have you attempted to resolve the matter informally? Y/N

If YES what was the outcome and why are you not satisfied with the informal response?

If NO why not?

### 4. OUTCOMES OR REMEDY SOUGHT

What resolution/outcomes are you seeking?

**Signed** .....

**Date** .....

The Blue Kite Academy Trust, a charitable company limited by guarantee registered in England and Wales, c/o Ferndale Primary and Nursery School, Wiltshire Avenue, Swindon SN2 1NX Company Number 09889819

## APPENDIX 2

## GRIEVANCE APPEAL NOTIFICATION FORM

Please fully complete this form if you wish to appeal against a formal grievance. This form is designed to ensure that the grounds for the appeal are clearly understood.

## 1. EMPLOYEE DETAILS

<b>Name</b>	
<b>Job Title</b>	
<b>Line Manager</b>	

## 2. REASONS FOR APPEAL

Date of Grievance Meeting:
Date response received:
Please state clearly why you are dissatisfied with the grievance outcome in as much detail as necessary to assist in reaching a resolution. Describe in detail why you think the decision was wrong and why you continue to be aggrieved. Please attach copies of the documentation from the grievance process.

### 3. OUTCOMES OR REMEDY SOUGHT

What resolution/outcomes are you seeking?

**Signed** .....

**Date** .....