

# GRIEVANCE PROCEDURE

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## **1.0 Policy Statement**

1.1 It is the Beckfoot Trust'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 hold a meeting to discuss it with you, carry out any necessary investigation where required, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

Issues that may cause grievances include:

- 1) Terms and conditions of employment;
- 2) Health and safety;
- 3) Work relations;
- 4) New working practices;
- 5) Working environment;
- 6) Organisational change; and
- 7) Discrimination.

1.2 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.

1.3 The procedure has been implemented following consultation with recognised trade unions. It has been formally adopted by the Trust Board.

## **2.0 Scope and Purpose**

### **2.1 Who is covered by the procedure?**

2.1.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

### **2.2 Using this procedure**

2.2.1 Employees should raise matters promptly and without unreasonable delay. The employer will deal with matters in the same way.

2.2.2 Complaints that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the Disciplinary Procedure if appropriate, and you will be informed if this is the case.

2.2.3 This Grievance Procedure should not be used to complain about the outcome of pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

2.2.4 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.

2.2.5 There are separate Staff Anti-harassment and Bullying and Preventing Sexual Harassment policies that may be useful if you believe you have been the victim of harassment, sexual harassment or

bullying, or wish to report an incident of harassment, sexual harassment or bullying involving other people.

- 2.2.6 There is 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.
- 2.2.7 Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure.
- 2.2.8 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 2.2.9 It may be appropriate for a matter to be dealt with by way of mediation, depending on the nature of your grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree. Where appropriate, we will employ the services of an external professional mediator.
- 2.2.10 We offer access to confidential counselling, which is available on request. The details to access this service are as follows: Health Assured (Employee Assistance Programme). A free confidential hotline is available on 0800 028 0199.

## **3.0 Overarching Principles**

### **3.1 Confidentiality and data protection**

- 3.3.1 It is the aim of Beckfoot Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 3.3.2 The hearing/appeal may be digitally recorded to ensure a clear and accurate account of the meeting is obtained. All those present will be asked to consent to this. The meeting minutes along with the digitally recorded version remain the property of the school. A hard copy of the meeting minutes can be made available upon written request from the Chair of the Panel as can the digital recording.
- 3.3.3 During any action, including any decisions taken under this procedure, Beckfoot Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time.

## **4.0 Responsibilities and Arrangements**

### **4.1 Low level concerns**

- 4.1.1 All staff are encouraged to report complaints that may amount to a low-level concern. Low level concerns are defined as any concern - no matter how small, and even if no more than causing a sense

of unease or a 'nagging doubt' – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

4.1.2 Examples of such behaviour could include, but is not limited to:

- Being over friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating, or offensive language.

4.1.3 Where staff wish to raise or report a low-level concern, they should refer to the Child Protection Policy and to Keeping Children Safe in Education and speak with the Headteacher. In the case of a central member of staff, they should speak with the DCEO. If the concern is about the Headteacher or DCEO it should be referred to the CEO. If the concern is about the CEO the matter should be reported to the Chair of Trustees.

## **4.2 Raising grievances informally - Step 1**

4.2.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager or the Headteacher. We would always aim to resolve your grievance informally where possible and employees are encouraged to seek informal resolution. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Headteacher or a more senior leader. If this does not resolve the issue, you should follow the formal procedure below.

4.2.2 During the informal stage, it may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of someone with mediation skills. Please contact the HR team for advice.

4.2.3 Whilst we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate. In such a situation, we will consider matters that are raised and we may, depending on the severity and in discussion with you, deal with the matter formally at Step 2 (below).

## **4.3 Formal written grievances - Step 2**

4.3.1 If your grievance cannot be resolved informally you should put it in writing and submit it to the Headteacher or Senior Leader, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Headteacher, or Executive Headteacher, it should be submitted to the CEO (Chief Executive Officer). If the grievance is about the CEO, or a Trustee, it should be submitted to the Chair of the Trust. If it is about a Chair of the Trust, it should be submitted to the CEO who will refer to the Members.

4.3.2 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. You should note that where your grievance relates to another employee, in order for them to provide a response, they will be given a copy of your grievance.

#### **4.4 Investigations**

- 4.4.1 In some cases, it may be necessary for us to carry out an investigation into your grievance. The scope of any investigation 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 be carried out by a Senior Manager or someone else appointed by the Headteacher, Executive Head, CEO or DCEO.
- 4.4.2 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.
- 4.4.3 We may initiate an investigation before holding a grievance meeting where the employer considers 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.

#### **4.5 Right to be accompanied**

- 4.5.1 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 work colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.
- 4.5.2 Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.
- 4.5.3 At the meeting, your companion may make representations and ask questions but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.
- 4.5.4 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.
- 4.5.5 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 4.5.6 We may, at our discretion and in exceptional circumstances, allow you to bring a companion who is not a work 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.

#### **4.6 Grievance meeting**

- 4.6.1 We will arrange a grievance meeting, normally within ten working days of receiving your written grievance.

- 4.6.2 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. See paragraph 4.5.5.
- 4.6.3 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 representations. Everyone involved in the process is entitled to be treated calmly and with respect. Beckfoot Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- 4.6.4 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.
- 4.6.5 We will write to you, usually within five 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.
- 4.6.6 If throughout the process it is discovered that an employee has made an allegation in anything other than good faith, or that amounts to harassment of another employee, the management may decide to invoke a disciplinary procedure.

#### **4.7 Appeals - Step 3**

- 4.7.1 If the grievance has not been resolved to your satisfaction, you may appeal in writing to the Headteacher/ Senior Manager, stating your full grounds of appeal, within ten working days of the date on which the decision was sent or given to you.
- 4.7.2 We will hold an appeal meeting without unreasonable delay, normally within ten working days of receiving your written appeal. This will be dealt with impartially by a more Senior Manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the CEO has made the decision at the grievance meeting a panel of Trustees will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 4.5.)
- 4.7.3 We will confirm a final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

#### **4.8 Collective grievances**

- 4.8.1 If you and another employee (or more than two of you) have identical grievances and all wish them to be addressed in the same grievance process, you and your colleagues can raise a collective grievance via this grievance procedure. You and all your colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.
- 4.8.2 If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, your grievance will be heard on an individual basis.
- 4.8.3 If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.
- 4.8.4 Your collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

- Identify you and each of your colleagues who wish to raise the grievance;
- Identify any nominated trade union representative or colleague to represent you all;
- State that you have all voluntarily consented to use the collective grievance procedure;
- Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

4.8.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

#### **4.9 Disciplinary proceedings**

4.9.1 In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in Beckfoot Trust instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

### **5.0 Review of Policy**

5.1 This policy is reviewed and amended annually by The Executive and any significant changes will be agreed with the unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.