



## Staff Grievance Procedure

<b>Policy area:</b>	Human Resources
<b>Approved by:</b>	Board of Trustees
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VERSION CONTROL			
Version	Date	Author/Reviewer	Substantive changes since the previous version
DRAFT V0.1	June 23	DD	Updated policy for ONE Academy Trust. Merges the previous WAT & Believe policies.
DRAFT V0.2	June 23	DD/JC	Reformatted.
V1	Sept 23	DD/JC	Reviewed and adjusted from an HR perspective. Trustee comments incorporated. No comments from staff consultation.

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## 1. Introduction

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- 1.1 ONE Academy Trust is committed to promoting a positive work environment where employees feel able to talk to their line manager about work-related problems and can be confident that their concerns will be taken seriously and acted on promptly. The intention is to seek to resolve matters informally wherever possible, without the need for reference to the formal procedure.
- 1.2 The purpose of the grievance procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible.
- 1.3 A grievance is a concern, problem or complaint which is raised by an employee. It can be caused by issues such as working conditions, terms and conditions of employment, health and safety concerns, changes to rules/procedures, or work relations.
- 1.4 Where a common problem / complaint is raised by a group of employees, a representative from the group should present the grievance and attend any meetings on behalf of the whole group.
- 1.5 We are required to set out grievance procedures under general employment law.
- 1.6 These grievance procedures are based on the [disciplinary and grievance code of practice from ACAS](#).
- 1.7 These procedures comply with our funding agreement and articles of association. These procedures also take account of the DfE [Staff Advice Handbook](#) which sets out the latest guidance from the DfE on staffing matters.
- 1.8 This policy links with other ONE Academy Trust policies and procedures, including:

- Staff Disciplinary Procedures
- Staff Code of Conduct
- The ONE Academy Trust Complaints procedure (*which sets out how grievances will be raised by those not employed by the school*)
- Equality & Diversity Policy
- Data Protection Policy and Privacy notices
- Bullying and Harassment Policy
- Staff Appraisal & Capability Policy

- 1.9 This policy should also be read in conjunction with other relevant documents, e.g. the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book), the National Agreement on Pay and Conditions of Service for support staff (Green Book) and the school's procedure for requesting emergency and special leave.
- 1.10 The board of trustees is aware of the guidance and provisions of the Equality Act 2010 and is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate. If employees need assistance or adjustments to understand and comply with this procedure and/or attend meetings, they should contact their line manager at the earliest opportunity.
- 1.11 Advice and support for managers on the application of this policy is available from the trust's HR manager and the external Human Resources (HR) service provider.
- 1.12 Throughout this policy, reference to working days refers to school days (Monday to Friday during school term time and excluding bank holidays and Inset Days).
- 1.13 This policy is non-contractual and therefore may be amended at any time.

## 2. Aims and scope

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- 2.1 This policy applies to all employees of ONE Academy Trust.
- 2.2 This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, fully and objectively.
- 2.3 This policy does not apply to issues raised by people who are not employed by the school which fall under the scope of our complaints procedure.
- 2.4 This policy does not apply to:
- Redundancy dismissals.
  - Non-renewal of fixed-term contracts
  - Concerns about pay or appraisal
  - In relation to the grading of a post.
  - Pension matters
  - Matters relating to tax and national insurance

- Issues which are the subject of collective negotiation or consultation with the Trades Unions.

These are covered by separate policies and procedures.

2.5 This policy does not apply:

- If the complaint is a repetition of a previous grievance, the substance of the grievance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process.
- In relation to an incident that happened more than 3 months previously. It is reasonable to expect that a grievance is raised within 3 months of the event(s) giving rise to it. A grievance that has not been raised within three months of the events which gave rise to it will normally be disregarded unless it is agreed that there are exceptional circumstances. For example, where a grievance includes a series of incidents or a continuing act earlier evidence may be considered on the basis of reasonableness.

2.6 The ACAS Code does not require employers to hear or consider grievances from former employees. However, at the discretion of the trust CEO or the board of trustees, the trust may address a grievance raised by a former employee under this procedure, provided that the former employee sets out their grievance in writing within the specified 3 months of the situation leading the grievance (other than in exceptional circumstances) as set out below. Please note that the employee will not be entitled to a meeting and there will be no further right of appeal on the written response from the trust.

2.7 Employees who wish to raise concerns about suspected malpractice, fraud or wrongdoing in relation to the trust's operations should follow the trust's Whistleblowing Policy for reporting concerns.

2.8 Where an employee raises a grievance during an existing process (e.g. disciplinary), that process may be temporarily suspended in order to deal with the grievance, or the grievance may run concurrently to the existing process, dependent on the content of the grievance and the individual case.

2.9 No employee will suffer detriment for raising a formal grievance in good faith, or for assisting a colleague to do so. If an employee submits a complaint that is subsequently found to be malicious and/or vexatious, or an employee is found to be repeatedly raising complaints that are subsequently not upheld then they may be subject to action under the Trust's disciplinary policy.

2.10 If for any reason, it is considered that the complaint may be inappropriate for consideration under the Grievance Procedure, the line manager is advised to contact the trust's HR service provider in the first instance to assess the situation. If it is decided that the concern, problem or complaint expressed by the employee should not be progressed under the Grievance Procedure the employee should be advised, verbally and in writing, explaining why no further steps will be taken. The employee will be entitled to re-submit the grievance with further evidence and/or explanation that demonstrates that it is a substantive grievance.

2.11 This policy encourages employees to put their name to a complaint. Concerns expressed anonymously carry less weight, but judgement will be made about how to deal with such complaints taking into account:

- The seriousness of the issues raised;
- The credibility of the concern/allegation and;
- The likelihood of confirming them from an attributable source.

2.12 Where an employee fails to attend a meeting held under this policy or engage in the process (after an attempt has been made to reschedule the original meeting), the grievance meeting may be held in the employee's absence.

### **3. Roles and responsibilities**

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3.1 Grievances may involve a number of people in the trust. There is an emphasis on dealing informally with grievances, and so it is not practicable to prescribe specific roles. However, the following guidelines may be useful.

#### **The line manager (headteacher, senior leader, CEO or the chair of the board of trustees)**

- 3.2 Provided they are not the subject of the grievance, the line manager will be the first point of contact for the employee raising a grievance. If the grievance is about the employee's line manager, the employee will raise the grievance with their line manager's manager.
- 3.3 In most cases arising within trust schools, the line manager will be the headteacher or another member of the Senior Leadership Team (SLT).
- 3.4 For headteachers and the Trust central team, the line manager will be the CEO.
- 3.5 For the CEO, the line manager will be represented by the chair of the board of trustees or another nominated trustee.

### **4. Grievance procedure**

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- 4.1 We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.
- 4.2 The working arrangements in place immediately prior to the grievance being lodged will remain for the duration of the grievance unless the relevant line manager considers that one or more of the following overrides that principle:
  - relevant legislation e.g. health and safety.
  - safeguarding requirements.
  - professional accountability.
  - the safety of service users and staff or
  - the efficiency of the service.

#### **Informal Stage**

- 4.3 In the first instance, an employee (or employees in the case of a collective grievance) will aim to resolve their grievance informally with their line manager. If the employee's concerns relate to their line manager, they should discuss the issue with the line manager's manager.

- 4.4 The employee/s should set out the nature of their concerns and also what they would regard as an appropriate resolution to ensure that their concerns can be dealt with efficiently and effectively.
- 4.5 It may be necessary for the employee (or a nominated employee for a collective grievance) who have raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by-case basis. If a meeting at the informal stage is required, the manager should meet with the employee within 5 working days of the informal complaint being raised.
- 4.6 It is important that where an employee is the subject of a complaint they are made aware of this. If this is a sensitive issue, the manager should ensure they use their discretion and inform the employee who is the subject of the grievance at an appropriate time.

### **Formal Stage**

- 4.7 If it is not possible to resolve the matter informally, employees should set out their grievance in writing specifying the nature of the grievance by completing the staff grievance notification form in Appendix 1.
- 4.8 The grievance should be submitted to a senior manager who has not been involved at the informal stage.
- 4.9 The grievance form will form the basis of the formal complaint, the subsequent investigations and decision-making process so it is important the employee/s clearly sets out:
- The nature of the complaint (including dates, times, individuals involved etc. to enable the complaint to be fully investigated)
  - What they believe to be a reasonable, satisfactory response to the grievance
  - Why they are dissatisfied with the response they received following the informal stage
  - Any witnesses to the complaint.
- 4.10 Upon receipt of a grievance, the senior manager will arrange a formal grievance meeting as soon as practicably possible (no later than 15 working days from the receipt of the grievance). The senior manager may be accompanied by a Human Resources (HR) representative at the meeting.
- 4.11 The employee (or a nominated employee for a collective grievance) will receive a letter inviting them to the formal grievance meeting and will be given at least 5 working days' notice of the meeting.
- 4.12 The employee may be accompanied by a work colleague or trade union representative at the formal meeting. It is the employee's responsibility to make the arrangements with their representative to attend the meeting.
- 4.13 The employee must let the senior manager know that they request to be accompanied. If the employee or their chosen companion will not be available on the initial date and time proposed for the formal meeting, the senior manager will reschedule the meeting to an alternative time proposed by the employee, provided the alternative time is both reasonable and no more than 5 working days after the original meeting date.
- 4.14 An investigation may be started before a formal grievance meeting is held, where this is considered appropriate. In other cases, a formal grievance meeting may be held before deciding what investigation (if any) to carry out.

- 4.15 At the meeting, the employee will be provided with the opportunity to clarify the nature of their complaint and outline what they feel is a reasonable resolution. The senior manager will adjourn the meeting to consider the information that has been shared during the meeting in order to inform their decision-making. After an adjournment, if the senior manager feels they are able to make a decision they should reconvene the meeting and inform the employee of their decision.
- 4.16 Alternatively, they may not be able to make a decision immediately and may need to carry out further investigations or speak to other colleagues. If this is the case, the senior manager will inform the employee of this during the meeting.
- 4.17 Following further investigations, the senior manager should write the employee/representative to provide a response to the grievance in full, giving them the outcome of their decision. Wherever possible, this final decision should be provided within 10 working days of the original meeting. If it is not possible to respond within this timeframe due to the nature of the complaint, the employee should be provided with a written explanation of the delay and advised when a response can be expected.
- 4.18 The letter confirming the final decision should outline that if they are dissatisfied with the decision, they have a right to appeal.

## **Appeals**

- 4.19 If the employee is not satisfied with the outcome of the grievance they have the right to appeal the decision.
- 4.20 The appeal must be lodged with the Trust HR Manager in writing, within 10 working days of the date of the decision letter, setting out the grounds for appeal.
- 4.21 An appeal is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal. A full re-hearing may be appropriate in exceptional circumstances.
- 4.22 An appeal against the outcome of a grievance will be heard by an appeal panel. The panel of 3 people may include any of the following as appropriate: the headteacher, governors, trustees, an alternative senior manager, all of whom shall not have had any previous involvement in the case. The appeal panel may have a HR adviser present.
- 4.23 All appeal hearings will be held without unreasonable delay and, where possible, within 15 working days after receipt of the appeal. They will be held at an agreed time and place (in person, or over video conferencing if relevant). The employee may be accompanied by a work colleague or trade union representative at the formal appeal meeting. It is the employee's responsibility to make the arrangements with their representative to attend the meeting.
- 4.24 The outcome of the appeal will be confirmed in writing to the employee, usually within 5 working days of the appeal hearing. The employee will be notified if any additional time is required for consideration of the appeal.
- 4.25 The decision of the grievance appeal will be final and there will be no further right of appeal.



## **5. Mediation**

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- 5.1 Mediation is a voluntary process where the mediator helps the two parties in dispute to attempt to reach an agreement.
- 5.2 Mediation can be used at any stage in the process subject to agreement between the parties and can address a range of issues including relationship and communication breakdown. Mediation might produce an acceptable outcome without the need for the formal stages of the procedure.
- 5.3 Mediators should be trained, accredited and impartial with experience in resolving disputes.
- 5.4 Mediators do not make judgments or determine outcomes. They will ask questions to help uncover underlying problems and assist the parties to understand each other's points of view and consider options for resolving their dispute.
- 5.5 If mediation is attempted, the formal process will be suspended pending the outcome of the mediation process. If the mediation process is unsuccessful, this procedure will continue at the appropriate point.

## **6. Record keeping and data protection**

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- 6.1 Whether dealing with grievances formally or informally, notes/minutes will be kept of all meetings and the actions agreed. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.
- 6.2 Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.
- 6.3 All employees who are involved in a grievance process should be made aware that they may be provided with limited information in relation to an investigation and outcome of a grievance. This may be due to data protection requirements, the need to protect employees or where it is determined that the disclosure of certain information may cause distress or exacerbate a situation.
- 6.4 All correspondence and documentation should be classified and marked as confidential.
- 6.5 The trust/school should maintain a register of all grievances raised and the outcomes detailing:
  - The nature of the grievance.
  - Action taken.
  - Whether an appeal was lodged.
  - The outcome of the appeal.
  - Any subsequent developments.

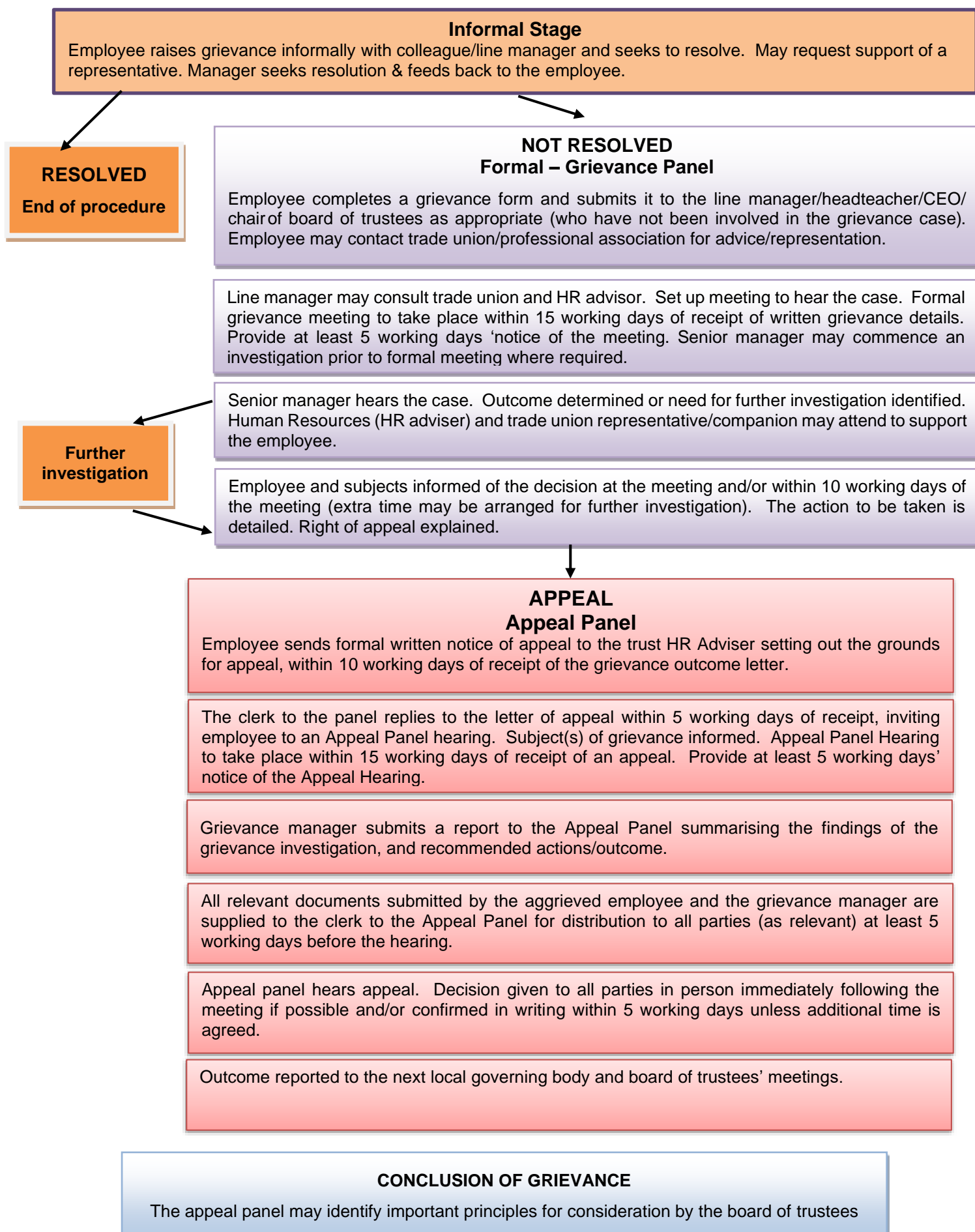
## **7. Monitoring and review**

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- 7.1 This policy will usually be reviewed every 3 years but can be revised as needed from time to time. It will be reviewed by the CEO. This policy will be approved by the board of trustees.
- 7.2 The board of trustees and local governing body will be provided with reports on the number of formal grievances received, the type of grievance raised, the number going to appeal and the final outcome of the grievance process.

# Appendices

## Staff Grievance Flow Chart





## Employee's Grievance Notification Form

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Please complete this form if you wish to raise a grievance formally (see Staff Grievance Procedure).

Please send the completed form to your line manager. If your grievance relates to your line manager, you should send it to the next most senior employee, to whom your grievance does not relate.

You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about as part of the grievance process. Please think carefully about what you write.

Please include any supporting evidence or documentation which relates to your grievance.

<b>Name:</b>	<b>School/location:</b>
<b>Post held:</b>	<b>Preferred method of contact:</b>
<b>Email:</b>	
<b>Telephone:</b>	
Describe the nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses (continue on a separate page if necessary)	

When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?  
Please provide details

What action has been taken on your grievance at the informal stage? Please provide details

What steps or action do you want to be taken as a remedy for your grievance?

Would like to explore a resolution through mediation?

Would you like to be accompanied at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name and position.

**Signed:**

**Dated:**