

# GRIEVANCE POLICY

Learning Academies Trust

Version: 1.0

Approved by: Finance & Personnel Committee

Last review date: 15 March 2022

Ratified date: 23 March 2022

Next review date: 01 March 2024



**LEARNING**  
ACADEMIES TRUST

## CONTENTS

1. Introduction .....	3
2. Definition of a grievance .....	3
3. Scope .....	3
4. Principles .....	4
5. Informal procedure .....	4
6. Formal procedure.....	5
7. Procedure for people who have left employment.....	7
8. Keeping records .....	8
9. Support available for employees .....	8
10. Appendices.....	9

## CHANGES

Policy date	Summary of change	Author	Version	Review date
15/03/2022	Policy has been created.	Amy Bosworth HR Lead and Business Partner	1.0	DD/MM/YYYY

## 1. INTRODUCTION

The Learning Academies Trust is committed to promoting excellent working relationships within a positive work environment, where employees feel able to discuss any work-related problems they may have. The Trust recognises there may be occasions when employees want to raise a grievance and this policy provides a clear and transparent process by which such steps can be taken.

Most problems that arise can be quickly and satisfactorily resolved informally through discussion between those staff directly involved, where necessary, with the support of the Headteacher or other senior member of staff. This policy aims to ensure that whenever reasonable and practicable employees will, in the first instance, utilise this informal approach when seeking to resolve concerns they may have.

Where informal steps fail to resolve a concern the formal stages of this grievance policy may be applied. In such cases the Investigating Officer and Chair of the Grievance Hearing will be responsible for ensuring all complaints are dealt with in accordance with this policy.

Employees who raise a grievance will be given the opportunity to fully explain the issue of concern and the remedy they are seeking. The school will listen to concerns raised in accordance with this policy before deciding how best to respond, taking into account both the interests of the individual and the school as a whole. Employees can be confident any genuine grievance raised will be addressed in an atmosphere of trust and confidentiality.

Staff raising or responding to a grievance will have a duty to act honestly and without malice. Misuse of this policy for the purpose of making a false complaint, with or without malicious intent, will be dealt with in accordance with the school's disciplinary policy.

Employees raising a grievance have the right to be accompanied by a work colleague or represented by a trade union official during all stages of the procedure.

The school may vary its Grievance Policy and/or Grievance Procedure Guide, where it is appropriate to do so, and in order to comply with any statutory duty.

## 2. DEFINITION OF A GRIEVANCE

A grievance is a concern, problem or complaint raised by an employee with their employer about an action which the school has taken, or is contemplating taking, in relation to their work.

Grievances can relate to:

- Terms and conditions of employment which are at the discretion of the school
- Failure to address a health and safety issue
- Failure to deal with difficult working relationships
- Failure to address an incidence of bullying and harassment
- Failure to consult on the introduction of new working practices
- Failure to address working environment issues
- Discrimination/unfair treatment

## 3. SCOPE

This policy applies to all school employees, apart from in the following cases:

- Where alternative appeal processes exist (e.g., pay appeal process)
- Where the issue has previously been addressed under this policy and there is no new evidence
- A collective dispute which should be raised by the Trade Union formally in writing to the Chair of Governors

- Where the matter relates to the application of conditions of service outside the school's control e.g., arising from national, provincial or local agreements
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details

## 4. PRINCIPLES

Formal grievances will be handled as quickly and fairly as possible. Informal grievances will initially be addressed in accordance with the Section 5 of this policy. Timescales specified will apply unless varied by agreement between both parties.

If the grievance relates to bullying, harassment, discrimination or victimisation, please contact the HR department [hr@learningat.uk](mailto:hr@learningat.uk). The Anti Bullying and Harassment Policy is currently being finalised.

## 5. INFORMAL PROCEDURE

Steps that may be taken as part of the informal procedure include;

- Unaccompanied discussion between those individuals directly involved
- Discussion between those individuals directly involved supported by a line manager
- Discussion between those individuals directly involved supported by the Headteacher
- Discussion between those individuals directly involved supported by the Chair of Governors
- Line manager, Headteacher, Chair of Governors acting as intermediary between those parties directly involved

During the above meetings, a request from the employee for trade union involvement will not be unreasonably refused.

In all but the most serious circumstances employees are strongly encouraged to raise a grievance informally in the first instance. Raising a grievance informally will not devalue the importance of the matter. Seeking to address a grievance informally should provide the opportunity for open honest discussion that could lead to an early resolution before the matter escalates further.

Employees should in the first instance, and where practicable to do so, take all reasonable steps to resolve their concerns as close to the source as possible. Where reasonable and practicable to do so this should be directly with those other individuals involved. Where necessary this may follow a conversation with the Headteacher or other senior member of staff to check this course of action is appropriate in the circumstances. The informal input and involvement of the Headteacher or other senior member of staff may be agreed at this stage. Employees who feel unable to discuss their concerns directly with other individuals involved should approach their line manager or Headteacher, verbally or in writing, to request their input. Where an employee feels the informal input of their line manager or Headteacher is not reasonable or practicable, they may approach the Chair of Governors.

Any individual approached directly or indirectly, verbally or in writing, about a grievance will take all reasonable steps to help resolve the grievance whilst maintaining confidentiality. Maintaining confidentiality does not prevent advice, if necessary, being taken from senior colleagues or a union representative. If the matter is satisfactorily resolved at this stage, the Headteacher will be informed, and a note of the outcome placed on the aggrieved employee's file.

In the event of a grievance being raised against the Headteacher or member of the senior leadership team the employee may, if they wish, bring this to the attention of the Chair of Governors who will then make arrangements to resolve the matter informally.

Matters to bear in mind when approached informally by an aggrieved employee;

- Ask relevant questions that will assist in understanding the employee's concern/s and what outcome/s they are seeking
- Consider whether it may be necessary to meet more than once to discuss the matter

- Consider who else it may be helpful to involve in the discussion or in finding and agreeing appropriate outcomes
- Remain calm and patient when discussing the matter
- Resolve to find a suitable outcome at the earliest opportunity
- Report to a senior colleague any concerns the complaint is based on mistruths and or with malicious intent
- It is good practice to make a note of the conversation outlining the issues discussed and the outcomes from the meeting and provide a copy to each party

If the aggrieved employee feels their grievance has not been satisfactorily resolved through informal discussions, the matter may be moved into the formal procedure.

## 6. FORMAL PROCEDURE

### 6.1 Step 1: Statement of Grievance

An employee wishing to raise a formal grievance should, at the earliest opportunity, submit their statement of grievance (see Appendix 1) formally, in writing to the Grievance Officer, (normally the Headteacher) setting out clearly and precisely the nature of their grievance, all relevant facts and information and the outcome they are seeking. Where the grievance relates to the actions of the Headteacher, the statement of grievance should be forwarded direct to the Chair of Governors who will act as the Grievance Officer.

The Grievance Officer will acknowledge the grievance in writing within 5 working days and will arrange a meeting to take place within a further 5 working days.

### 6.2 Step 2: Formal Meeting

The Grievance Officer will arrange a meeting with the aggrieved employee within 10 working days of receipt of the formal grievance. The employee will be invited to be accompanied by a union representative or work colleague. In the event of a union representative being unable to attend on the date given a suitable alternative date will be agreed usually within the following 5 working days. In exceptional circumstances, a longer period may be granted in order to facilitate union representation.

Unreasonable and lengthy delays caused by the non-availability of a representative will not be accepted and the school will reserve the right to proceed with a formal meeting in the absence of a chosen representative, where such a delay is considered not to be in the interests of the aggrieved employee or the school.

The Grievance Officer will lead the meeting and ensure the employee has a full opportunity to explain their concerns and how they believe the matter can be resolved. A member of the Trust HR team may also be invited to support for advice.

Where the Grievance Officer is able to make a decision in response to the grievance, they will send an outcome letter to relevant parties within 5 working days. Should there be points that require easy or quick clarification, the grievance officer may adjourn the meeting to clarify then reconvene. This then negates the need for a formal investigation if easily clarified at this stage. The outcome letter will confirm;

- Whether the grievance is upheld in full, is upheld in part or is rejected in full
- The reasons for the decision
- Any recommendations or agreed actions for the parties to take regarding resolution of the grievance (where different actions apply to different parties only those actions applicable to that individual will be included within their letter)
- The employee's right to appeal the decision which must be within 5 working days of receipt of the outcome letter

Where it is not possible for the Grievance Officer to make a decision at this stage due to lack of information, an investigation will be actioned (Step 3 below).

### 6.3 Step 3: Investigation

A full investigation is required if there are too many points of clarification at the above meeting. These tend to be more difficult and complex issues which involve interviewing a number of people in order to establish the facts. The **Grievance Officer will appoint an Investigating Officer** and will provide clear **terms of reference** (see appendix 2) for the investigation. The investigating officer will then establish the facts relating to the grievance, by **meeting with relevant witnesses** and other actions necessary. All investigations will be conducted in a timely and confidential manner, in the presence of notetaker to ensure an accurate record of each meeting.

The investigating Officer will comply with the following specific time scales;

- Contact all those who they are required to meet within 5 working days of being appointed to the case. All parties would be invited to be accompanied by a colleague or trade union representative
- Arrange meetings within 10 working days (in exceptional circumstances these time scales may be amended with the agreement of all parties)
- An investigation report will be passed to the Grievance Officer within 10 working days of completing the investigation meetings (see appendix 4 for suggested report structure)

On receipt of the investigation report the Grievance Officer will convene further meetings with the parties involved if required. Reasonable notice of follow-up meetings will be given, and a copy of the investigation report findings provided to the aggrieved employee in advance. At the conclusion of the final meeting, decisions and outcomes will be conveyed verbally and followed up in writing within 3 working days.

### 6.4 Step 4: Grievance Hearing

If a decision is not easily reached, the report will be presented to a panel of 3 governors at a grievance hearing. The report will be shared at least 5 working days prior to the hearing (or more if the report is lengthy) with:

- The employee who raised the grievance
- The panel of 3 governors
- The HR advisor supporting the panel
- The colleague or trade union representative supporting the employee

Please note, the report will not be shared with witnesses or any persons who the grievance is against and some information may be redacted from the minutes if sensitive. A suggested meeting format/sequence is detailed in appendix 6.

Also attending the grievance hearing would be:

- The investigating officer
- A note taker
- Witnesses (if appropriate/required)

### 6.5 Potential outcomes

- The grievance is upheld, or part upheld, and the panel seeks to provide some sort of resolution
- The grievance is not upheld

The employee will be given the decision either on the day of the hearing or within 5 working days of the hearing date. Should further clarification be needed in order for the panel to make a decision, timescales will be agreed during the hearing.

### 6.6 Written Confirmation

Within a reasonable timeframe, normally within five working days of the hearing, the Chair of the Panel must provide a written statement of the panel's findings, their decision including the reasons for upholding or rejecting the grievance, any agreement reached and what, if any, actions are to be taken. This statement must be sufficiently detailed so the employee can understand the reason for the decision. The letter should also provide details of who

the employee should submit an appeal to. The employee who raised the grievance has five working days from receipt of the letter in which to submit an appeal.

### 6.7 Step 5: Appeal

An employee who wishes to appeal must formally write to the Grievance Officer confirming their grounds for appeal and the resolution they are seeking. This must be submitted to the school within 5 working days of receiving written confirmation of the outcome of the Grievance Hearing. The Grievance Officer will forward the letter to the Chair of Governors (or to the Trust Board Chair if the Grievance Officer is the Chair of Governors). The Chair will acknowledge the letter of appeal in writing within 5 working days of receiving the request and arrange for an Appeal Hearing to take place within a further 10 working days.

Those attending the Appeal Hearing can include;

- Panel of 3 governors hearing the appeal (not involved in previous hearing)
- HR Adviser supporting the Panel
- Employee and/or their representative/accompanier (if required)
- Investigating Officer
- Chair from the Grievance Hearing
- HR Adviser (from the Grievance Hearing - if required)
- Note taker
- Witnesses (if required)

The appeal will be heard by three members of the Governing Body with one acting as Chair of the meeting. A clerk will be present to take notes of the meeting and an HR Adviser may also be present to advise the panel. The appeal panel will seek to understand both the employee's original concern and their reasons for raising an appeal. The panel will review the paperwork and will invite the Grievance Officer to the meeting as a witness, to provide information.

Following an adjournment to consider all information received, the appeal panel will make a decision. Where possible the panel will let the employee know the decision verbally immediately following deliberations. The rationale for the decision will be recorded in the notes of the meeting. The decision will also be confirmed in writing at the earliest date following the meeting

The Appeal Hearing is the final stage of the procedure.

## 7. PROCEDURE FOR PEOPLE WHO HAVE LEFT EMPLOYMENT

Wherever possible complaints should be dealt with before an employee leaves employment. However, an employee who has left employment retains a statutory right to have any grievance properly considered by their former employer. This right encompasses a 3-step procedure;

- To lodge a grievance
- To have a meeting
- To appeal against the outcome to the meeting

An ex-employee who wishes to raise a grievance should write to the Headteacher (or, if the complaint relates to the Headteacher, the Chair of Governors), setting out their complaint as soon as possible after leaving employment. Governors will reserve the right not to consider complaints received longer than 3 months after the date employment ceased.

On receipt of a grievance, the ex-employee will be asked whether they wish to pursue the grievance and if they do, given the choice of following the above 3 step procedure or a modified 2 step procedure:

- To submit in writing to the Headteacher or Chair of Governors
- The Headteacher or Chair of Governors responds in writing within 28 days of receipt of the grievance letter.

The Headteacher/Chair of Governors will respond to the issues raised in writing directly to the employee.

## 8. KEEPING RECORDS

All documents relating to formal complaints and grievances processes will be kept for an appropriate period in accordance with the requirements of the Data Protection Act 1998/GDPR. Records will include:

- The nature of the grievance
- A copy of the written grievance
- The Headteacher or governor's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Any subsequent developments

All records will be treated as confidential. In exceptional circumstances, for example to protect a vulnerable witness, the school might exercise a duty of care and withhold or extract some information. If witnesses reasonably request to remain anonymous, all practical steps will be taken to protect their identity, however in some circumstances it may be inevitable that an employee's identity is revealed. Maintaining an employees' anonymity therefore cannot be guaranteed.

## 9. SUPPORT AVAILABLE FOR EMPLOYEES

Employees can approach the Headteacher, Chair of Governors or the Trust HR team [hr@learningat.uk](mailto:hr@learningat.uk) for advice and support. Additionally, employees who are a member of a Trade Union may wish to contact their representative for advice and support and are encouraged to do so.

I can confirm that the Trust Board of the Learning Academies Trust have adopted this policy as their own.

Date of Meeting	
Signature of Chair of Trust Board	
Review Cycle	
Date of Next Review	
Ratification at Trust Board Meeting	

## 10. APPENDICES

### 10.1 APPENDIX 1: SAMPLE LETTER TO SUBMIT A GRIEVANCE

#### **PRIVATE & CONFIDENTIAL**

Dear [insert Headteacher/Chair of Governors name/Trust HR Team]

I am writing to inform you that I wish to raise a grievance in line with [insert name of school] Grievance Policy.

I would like this matter dealt with informally/formally (please delete). The details of my grievance and the basis for that grievance are given below.

[Insert details]

My grievance took place on [date] or between [relevant dates].

I have already taken the following steps to try and resolve my grievance's but have not been able to achieve the outcome I am seeking.

[Insert details]

I would consider the following to be a satisfactory outcome.

[Insert details]

I would like you to arrange for my grievance/s to be addressed in accordance with the informal/formal stage of the governor's agreed Grievance Policy.

I intend to exercise my statutory right to be Accompanied/Represented at that meeting by a colleague/Trade Union/Professional Representative. My colleague's/Trade Union Representatives name is [insert name] and their contact details are [insert telephone number and/or email].

Yours sincerely,

[name]

[position]

## 10.2 APPENDIX 2: EXAMPLE TERMS OF REFERENCE

As commissioning officer, I would like to appoint you as investigating officer to undertake an investigation and prepare a report relating to a formal grievance made by [insert name]. The specific complaints made are:

- [insert name] belief that they have been less favourably treated compared to colleagues in relation to their performance management and appraisal objectives set during the [Insert Year] academic year.
- [insert name] view that their assignment to a [insert year group] from September [Insert Year] is unreasonable given their wish to remain a [insert year] class teacher.

Your task as investigating officer is to establish as clearly as possible the facts relating to the employee's complaints. Your investigation will need to be conducted in accordance with Section 6 of the Governor's agreed Grievance Policy. As part of your investigation could you:

- Organise an interview with the employee and their representative at the earliest mutually convenient time.
- Organise interviews with relevant witnesses who may be able to assist with establishing the facts relating to the employee's complaints.
- Organise a note taker to attend interviews and prepare draft statements.
- Ensure all statements are checked and agreed before being signed by each witness.
- Gather any relevant documentation including letters, emails notes of meetings and school policies/procedures.

In order to complete your investigation and write your report in an open and fair manner, please contact [insert name] on [insert telephone number], the school's HR Consultant who can offer advice and guidance to you both prior to and during your investigation.

Please make sure that all witnesses are reminded of the requirement for confidentiality and that information gathered is treated in the strictest confidence and completed in a timely manner.

### 10.3 APPENDIX 3: FORMAL GRIEVANCE CHECKLIST

<b>ACTION</b>
Attempt to resolve the grievance informally in the first instance
Employee to submit grievance letter/statement to appropriate person (who usually will become the Grievance Officer) detailing the nature of the grievance and how they think it should be resolved.
Grievance Officer meets with employee within 10 working days to clarify the facts. During the meeting all points raised in the grievance letter will be explored. The meeting can be adjourned in order for the grievance officer to clarify any easy points, then reconvened in order for a decision to be reached.
If more information is needed in order to reach a decision, Grievance Officer appoints an Investigating Officer.
Investigation Officer meets employee (if required/not enough information has been obtained at the meeting with the Grievance Officer): <ul style="list-style-type: none"> <li>• Confirm that they will be investigating the grievance,</li> <li>• Clarify the facts,</li> <li>• Find out what attempts have been made (if any) to resolve the grievance informally,</li> <li>• Clarify what evidence is available,</li> <li>• Find out whether there are any witnesses (if relevant),</li> <li>• Understand how the employee would like to see the problem resolved</li> </ul>
Grievance Officer or Headteacher (if appropriate) will notify the employee who the grievance is against.
Investigating Officer to meet and take statements from witnesses (where relevant). Witnesses invited to be accompanied by a colleague or Trade Union representative. Trust HR team present to support Investigating Officer and also a note taker to record accurate account of meetings.
Investigating Officer to compile a Grievance Report and share with the Grievance Officer (see report structure – Appendix 4)
Arrange grievance hearing (if required)
Hearing takes place and Governors Staffing panel confirms their decision either at the Hearing, if they have sufficient information to make a decision, or later in writing if there is a need to do further investigations after the Hearing.
Employee informed of their right to appeal and must submit their appeal within 5 days of receiving written confirmation of the outcome. Employee to provide the grounds of their appeal.
Appeal Hearing arranged with panel not involved in the making of the original decision. Decision is given either at the Hearing or later in writing. This decision is the end of the procedure.

### 10.4 APPENDIX 4: TEMPLATE LETTERS

Please contact the Trust HR team who will be happy to help and provide the relevant letters for you.

#### 10.4.1 CONFIRMATION A FORMAL GRIEVANCE HAS BEEN RAISED

(Sent to employee the grievance has been made against)

[Insert Date]

Dear [insert name],

Following the meeting on [insert date], I am writing to confirm that a formal grievance has been raised against you in respect of your behaviour in the work place. We discussed briefly the complaint that has been made and who has raised this. The complaint is being handled formally and I have enclosed a copy of the School's Grievance Policy.

An investigating officer has been appointed, [insert name], and you will be invited to a meeting with the investigating officer to discuss the situation, so you can put forward your statement of events. You will have the right to be accompanied or represented during this investigation, by a Trade Union Representative or work colleague.

I would like to emphasise that this matter is strictly confidential and should not be discussed with anyone other than your chosen representative.

I appreciate that this may be a difficult time for you and will endeavour to ensure the investigation is completed as soon as possible. Please do not hesitate to contact me for any support you may require. As discussed, you also have access to support through Simply Counselling (07568323363 / [simplycounsellingcic@gmail.com](mailto:simplycounsellingcic@gmail.com)) or DAS counselling service (01179 342121). Further details can be obtained from the LAT HR Team ([hr@learningat.uk](mailto:hr@learningat.uk)).

If you have any queries regarding this process, please contact me on [insert number] or at the above address.

Yours sincerely,

Encl: Grievance Policy

## 10.4.2 INVITATION TO GRIEVANCE INVESTIGATION MEETING

[Insert date]

Dear [insert name],

I have been appointed by [insert name], Chair of Governors/ Grievance Officer to act as investigating officer following receipt of your letter of grievance dated [insert date].

I would like to meet with you on [insert date, time and location] with the aim of starting the investigation process. I will be accompanied by [insert name], HR Adviser and a note taker will also be present. In accordance with the school grievance policy and procedure (copy enclosed for your information), the purpose of the meeting will be to:

- Look at the information contained in your letter of grievance, clarify any points of uncertainty, receive additional facts you can give regarding who, what, where and when and establish the names of potential witnesses
- Give an outline of how the investigation will be conducted and the anticipated time scale
- Clarify how you would like to see your grievance resolved

The meeting is not a grievance hearing; however, it is part of the formal process outlined in [insert school names] Grievance Policy. You have the right to be represented at this meeting by a trade union representative or a colleague. If you feel that you are unable to attend this meeting you do have the option of appointing a union representative to attend on your behalf or submit further written information.

Please could you confirm to me your attendance at this meeting by [insert date] and if you require any alterations, adaptations, alternative or particular aids or equipment to make the meeting fully accessible to you, please let me know as soon as possible so that arrangements can be made.

If you have any queries regarding this letter, please contact me on [insert contact details]. I have enclosed two copies of this letter; one you may wish to pass to your representative.

Yours sincerely,

Encl: Grievance Policy

10.5 APPENDIX 5: GRIEVANCE INVESTIGATION SCRIPT

Interview with: [insert name of interviewee]

Date: [insert date & time]

Place of Meeting: [insert location]

**Present:**

- [insert name]            Investigating Officer
- [insert name]            HR
- [insert name]            Employee
- [insert name]            Union Representative/Representative
- [insert name]            Note Taker

Preamble:

- Introductions; including role in process
- Remind the employee that they have the right be accompanied by a colleague or a union representative (*should employee not be accompanied, are they happy to proceed without representation?*)
- Confirm the purpose of the meeting (i.e., To conduct a formal management investigation into *give details of the specific grievances being investigated.*)
- Request mobile phones are switched off.
- Confirm everything discussed in the meeting is confidential and should not be discussed with or disclosed other than with appropriate people involved in the process.
- This meeting is part of a formal investigation and the notes of the meeting may be included within my report and presented at a grievance hearing
- Notes will be taken during the meeting and will be given to you following the meeting to check that they are an accurate record of what was said today. You will be required to sign and date these notes and will be given a copy of them for your records. These notes may be used in whole, or in part, at any appropriate, subsequent process or procedure. Please could you return your signed copy, together with any amendments, within five working days of receipt to [insert name], investigating officer.
- You will be responsible for ensuring any copies of notes forwarded to you are treated as confidential and stored appropriately.
- Are there any issues that we should be aware of that may affect your ability to give a statement or answer questions today?
- If you feel that you require a comfort break during the interview, let us know and we can adjourn at any time.
- Are you happy to proceed? (*employee understands the purpose of the meeting and has been made aware of the right to be represented*).

Commence Interview

*Notes of the interview should cover both the questions asked and answers given. Pages should be numbered where notes run over several pages and marked private and confidential. At the end of the notes the following statement should be added.*

[insert time stamp to show when meeting ended]

I confirm these notes are a true representation of issues discussed at my meeting with:  
[Insert name], Investigating Officer on [insert date]

Signed ..... Date .....

## 10.6 APPENDIX 6: REPORT STRUCTURE FOR INVESTIGATING OFFICERS

1. **INTRODUCTION** An overview of why the report was commissioned
2. **TERMS OF REFERENCE** Detail what were you asked to investigate together with confirmation of the who the commissioning officer and investigating officer are
3. **METHOD** Include a list of interviews that took place with whom/when/where etc
4. **SUMMARY** Summarise of the findings based on facts
5. **CONCLUSION** A brief line or two to conclude whether the investigation did or did not find evidence to support the allegation
6. **APPENDIX** Supplementary information e.g., meeting minutes, OH reports, letters etc

## 10.7 APPENDIX 7: SUGGESTED SEQUENCE FOR GRIEVANCE HEARING

### **1. Introductions**

The Chairperson to thank everyone for attending, introduce each person and state their role at the meeting. State the purpose of the Hearing & remind everyone that the issue is confidential and must not be discussed outside of the procedure. Check that the employee was offered to be accompanied during the investigations. Check that the employee has had sufficient time to review the grievance report. Check whether the employee has any disabilities that may affect their ability to participate in the meeting and whether any adjustments are required.

### **2. Employee Case**

The Chairperson to invite the employee to state their grievance and resolution sought.

### **3. Questions**

The Panel and/or HR may wish to ask questions to clarify details of the complaint.

### **4. Presentation of Investigation Findings**

Investigating Officer to present their findings by outlining how the investigation was conducted and confirm their findings, referring to relevant supporting evidence.

### **5. Open discussion regarding investigating findings**

The employee who raised the grievance is offered the opportunity to comment on the findings and ask questions. The Panel, HR and accompanier/representative may also ask questions.

### **6. Witnesses**

Witnesses, if they are invited to attend, will be invited to attend separately and asked to clarify their statements.

### **7. Questions for the witnesses**

The employee, Panel, HR, Investigating Officer may wish to question or clarify points with the witness. At this point the Chairperson will ask the witnesses to leave.

### **8. Recall parties to clarify points of uncertainty, if necessary**

The Panel may recall parties to clear points of uncertainty on evidence already given.

### **9. Adjournment**

The Panel having concluded all discussions should check whether there are any final comments any member of the panel wishes to make. The Panel will then adjourn to consider all the information. The Panel may also adjourn at any point during the Hearing if they wish to take further advice.

### **10. Decision and Outcomes**

The Hearing can either be reconvened on the same day with a decision given verbally, or the decision can follow in writing (usually within 5 working days). Where the decision is given verbally it will always be confirmed in writing.

### **11. Grievance Conclusion**

The Chair of the Panel will confirm in writing their decision and any actions they propose to take in light of the grievance raised.

### Support for disabled or vulnerable employees

Consideration must be given to making reasonable adjustments for employees who have a disability to aid communication and thereby improve the likelihood of a successful resolution. Employees with language or communication difficulties are encouraged to seek help from a TU Official/Professional Representative or HR when setting out their grievance in writing.

Vulnerable individuals (e.g., employees with learning disabilities) should not be interviewed unless absolutely essential and then only in the presence of a representative or accompanier of their choosing, for example a parent, friend or specialist. The meeting rooms used must also be appropriate to the individuals needs and must enable the person to participate as fully as possible.

Reasonable adjustment may also be needed for employees with a disability (and for their companion if they are disabled).

### Accompaniment and Representation

Employees raising a grievance have a statutory right to be accompanied by either a work colleague or Trade Union Official/Professional Representative during the investigatory stages of a grievance, and the formal Grievance Hearing or Appeal Hearing. This should be included on any relevant communication. The chosen companion may be a fellow worker or a TU Official/Professional Representative.

#### What is a reasonable request to be accompanied?

If the employee is being accompanied by a member of a recognised TU/Professional Association, the employee should advise the Investigation Officer/Clerk to Governors of their attendance at the meeting. **Employees must seek approval for non-union accompaniment before the meeting.** The decision on whether a request for a companion is reasonable will depend on the circumstances of the individual case. When employees are choosing a companion, they should bear in mind that it would not be reasonable to request to be accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest. Nor would it be reasonable for an employee to be accompanied by a colleague from a geographically separate location when someone suitably qualified was available on site. The request to be accompanied does not have to be in writing.

#### Who can be invited to accompany?

The companion may be:

- A colleague
- A workplace TU official/professional representative as long as they have been reasonably certified by their union/professional association as having received training in acting as a worker's companion at grievance hearings

Colleagues do not have to accept a request to accompany a colleague, and they should not be pressurised to do so. An employee who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This is to cover attending the Hearing, to familiarise themselves with the case and confer with the worker before and after the Hearing. The amount of time they can spend supporting the grievance should be agreed with their Headteacher.

#### The role of the accompanier/representative

The accompanier/representative is permitted throughout to:

- Put the worker's case
- Sum up the worker's case

- Respond on the worker's behalf to any view expressed at the hearing
- Confer with the worker during the hearing

It is good practice to allow the accompanier/representative to participate as fully as possible in the Hearing, including asking witnesses' questions. The accompanier/representative is not legally permitted to;

- Answer questions on the worker's behalf
- Address the hearing if the worker does not wish it
- Prevent the employer from explaining their case

### **Delay or postponement of meetings**

Employees should take all reasonable steps to attend a Grievance or Appeal Hearing. In situations where a meeting has been arranged and, it is not reasonably practicable for the employee to attend, then the meeting will be rearranged on another mutually convenient date (usually within 5 days). If the reasons are medical, then a medical certificate will need to be submitted by the employee. If an employee or employee's accompanier/representative cannot attend a meeting on a proposed date, another date will be arranged, ideally it should be no more than five working days after the date originally proposed by the employer. If an accompanier/representative is unable to attend within a reasonable period, the employee will be asked to select someone else to accompany/represent them.

### **Inability to take part due to long term ill health**

If the employee who raised the grievance is absent from work due to a long-term illness, their Headteacher will seek advice from Occupational Health about the employee's fitness to take part in the grievance investigation and/or Grievance Hearing. In this situation a decision will be made on how to proceed in consultation with Occupational Health and HR.

If the nature of the grievance is sufficiently serious, the school may decide to continue to investigate the situation, even in the absence of the employee who raised the grievance, as the school has an overall duty of care to ensure the safety of all employees

### **Non-Attendance at the hearing**

If any employees invited to attend the Grievance Hearing are unable to attend, they must inform the relevant person as soon as possible. Failure to attend a meeting without reasonable justification will be investigated and appropriate action taken.

### **False or vexatious grievances**

The school will take cases of false or vexatious grievances very seriously. The disciplinary procedure will be invoked where it is clear that an employee has made a false, vexatious or malicious claim against another employee.

### **Multiple Grievances**

Where an individual raises multiple grievances relating to different issues, management reserves the right to deal with the different matters at one Grievance Hearing to avoid duplication of procedure and aid a prompt resolution.

### **Collective grievances and Collective Disputes**

Collective grievances apply where two or more employees raise the same grievance, and a decision is taken to consider them together.

Collective Disputes affect all staff and therefore should be raised by the Trade Union/Professional Association formally in writing to the Head of Human Resources. For clarification on whether the complaint is a collective grievance or collective dispute, please seek advice from an HR Adviser or Trade Union/Professional Representative.

### **Other complaints which may trigger a formal grievance**

Headteachers should be alert to the possibility that an employee may make a complaint within a written correspondence, such as a resignation letter, or e-mail. Where this is the case, the Headteacher who receives the complaint must clarify with the employee whether it is their intention to raise a formal grievance. If so, they must put their grievance formally, in writing, to comply with Stage 1 of the grievance process. If the complaint is against the Headteacher this would be handled by the Chair of Governors.

### **Grievances against external third parties**

Employees might raise issues about matters not entirely within the control of the school, such as client or customer relationships. These should be treated in the same way as grievances within the school, with the Headteacher investigating as far as possible and taking action if required. We will make it clear to third parties that grievances are taken seriously, and action will be taken to protect our employees.

### **Data Protection**

In line with GDPR, Information about the grievance will only be provided to those who need to know, in order to assist with the resolution of the grievance. All notes of meetings are to be treated as confidential, however where necessary other staff will be asked for their view on relevant parts of the information provided in order to progress the investigation and seek resolution.

If employees provide information that they do not want to be available to other employees during the course of the investigation, they should clearly state which information they wish to be withheld, and from whom. The Investigating Officer may seek advice before they agree on conditions being attached to the use of the information as withholding facts may prevent a fair resolution being reached. Where the grievance relates to a Young Person (anyone under the age of 18, as defined by the Children's Act 1989), records will be retained indefinitely for future reference.

### **Confidentiality**

If employees become involved in a grievance procedure, they will be expected to maintain confidentiality. Breaches of confidentiality will be taken seriously, especially if it hinders an investigation and may result in disciplinary action. If employees are uncertain who they can talk to about the case, they should seek advice from their Headteacher, the Trust HR team or TU/Professional Representative.

### **Overlapping disciplinary & grievance issues**

If an employee raises a grievance during their involvement in a disciplinary investigation, management should seek advice from the Trust HR team to determine how to proceed.

### **Grievances from employees who have left employment**

An employee who has left employment and wishes to raise a complaint should write to their previous Headteacher, setting out their complaint as soon as possible after leaving employment, ideally within two weeks. Where the complaint is about their former Headteacher, the complaint should be raised to the Chair of Governors.

The Headteacher/Chair of Governors who receives the complaint will set out their response in writing and send to the employee. The response letter must be sent without unreasonable delay. There is no appeal process.

### **Exemptions which apply to the grievance procedures**

There is no requirement to start or complete the grievance procedures if one or more of the following situations apply;

- One party has reasonable grounds to believe that starting or completing the procedure would result in a significant threat to any person or any person's property;
- One party has been subject to harassment and has reasonable grounds to believe that starting or completing the grievance procedure would result in further harassment; or

- Factors beyond the control of either party make it effectively impossible for the procedure to be started or completed within a reasonable period.