



## Grievance Policy

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## Contents

1. Introduction	2
2. The grievance procedure and other procedures	2-3
3. Raising a grievance informally	3
4. Raising a grievance formally	3
5. Grievance resolution meeting panel and right of representation	4
6. Mediation	4
7. Appealing the outcome of a formal grievance resolution meeting	4-5
8. Collective grievance	5
9. Situations excluded from the grievance policy	5-6
10. Grievance resolution meeting – sample format for the meeting	6
11. Appeal meeting – sample format for the meeting	7

## 1. Introduction

The Balcarras Trust recognises the importance of good working relationships with its employees and seeks to ensure that grievances are resolved as quickly as possible.

This is a Trust Policy. All schools in Balcarras Trust are required to follow the guidance set out in this policy. Where the policy uses the phrase “school”, this refers to the relevant school, which is part of the Balcarras Trust.

A grievance is a concern, a problem or a complaint that an employee can raise with the school relating to their employment. This procedure is to ensure that employees are treated fairly when raising a grievance.

This policy reflects the principles of the ACAS Code of Practice on Discipline and Grievance and is recommended by Gloucestershire County Council for adoption by governing boards.

The policy applies to the following employees:

- support staff (Green Book)
- teachers (Burgundy Book)
- teachers in residential schools/establishments (Orange Book)

Issues not covered under the grievance policy are set out in the exclusion list at section 9.0 below.

This procedure does not form part of any employee’s contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust at any time.

## 2. The grievance procedure and other procedures

The Trust and its schools have other procedures for dealing with various issues that might be raised as a complaint, concern or problem. These procedures include: whistle-blowing, complaints, conduct and capability and various appeals processes.

The Headteacher (or the CEO/Chair of Governors/ or Chair of Trustees if applicable) will advise which procedure is the most appropriate depending on the particular circumstances.

If this is the case the Headteacher/Chair of Governors/CEO/Chair of Trustees will explain which procedure will be used and what that process entails.

Unless the head teacher/CEO/Chair of Trustees/Chair of Governors confirms there is a more appropriate procedure to use then this procedure will apply.

### **3. Raising a grievance informally**

- Before any formal process starts, it is important to try to resolve the grievance informally. In the first instance employees should raise the issue with their manager or if this is not possible with the next level of management within the school.
- It is important to raise the issue as soon as possible and state what action would satisfy the grievance.
- All parties should approach a grievance with a view to problem-solving, rather than negatively or defensively which sometimes can be a natural first reaction. Demonstrating an open and positive approach provides the best chance of resolving a grievance informally and at an early stage.
- All options to resolve the issue should be explored at the informal stage before considering a formal approach.
- If an employee leaves the school, where possible the procedure should continue (or a modified form of the procedure if appropriate).
- There is no right to raise a grievance under this policy after an employee has left the Trust's employment.
- If an employee has a concern they wish to bring to the Trust's attention after they have left The Trust's employment, they can put this in writing to the Headteacher/CEO within one month of the leaving date. The Trust may consider the matter further at its discretion.

### **4. Raising a grievance formally**

- If the issue cannot be resolved informally, there are two formal stages; a grievance resolution meeting and an appeal.
- A formal grievance should be submitted in writing to the relevant manager with a copy to the headteacher and Chair of Governors. Where the relevant manager is the headteacher the formal grievance should be submitted to the Chair of Governors.
- The grievance letter should explain the problem, state the action that has been taken to try to resolve the matter informally and set out any further action the individual believes will help to resolve the issue.
- Where the grievance is against a manager, the individual should submit the grievance in writing to their manager's manager.
- The manager should then write to the complainant within 5 working days detailing the arrangements made for the grievance resolution meeting (the employee should be

notified of receipt of the grievance and be given a timeline for information regarding the arrangements of the grievance resolution meeting).

## **5. Grievance resolution meeting panel and right of representation**

- Where possible a panel of three governors not previously involved in the grievance will hear it.
- Employees are entitled to be represented by a trade union representative or a workplace colleague at formal meetings throughout the formal procedure.
- Employees will receive notification at least 10 working days before the meeting is to take place and must make every effort to attend. In exceptional circumstances where the complainant is unavailable, an alternative date will be set which is normally a minimum of 5 working days from the original date.
- Where possible a letter confirming the outcome should be sent to the complainant within 5 working days summarising the key points of the meeting along with the notes from the meeting. If the complainant is not satisfied with the outcome of the grievance resolution meeting, there is a right of appeal.
- If necessary, the chair of the panel may adjourn the meeting to enable further information to be obtained in order to make a fully informed decision on the outcome.

## **6. Mediation**

- Mediation helps people who are having relationship difficulties at work to sort out their differences as soon as possible, it is a voluntary process and enables parties to work through their issues and find a solution. Mediation can be initiated at any point in the informal/formal process.
- It is at the discretion of the individual school as to whether or not it offers this option and whether or not mediation is used will depend on a number of factors.

## **7. Appealing the outcome of a formal grievance resolution meeting**

- Any appeal must be sent in writing to the Chair of Governors within 10 working days of the date of the letter confirming the grievance resolution meeting decision.
- The letter should set out the reason for the appeal and why the employee feels the outcome of the grievance resolution meeting was unreasonable. The employee should also state the actions they are seeking for the matter to be resolved.
- The appeal is conducted as a review of the reasonableness of the decision following the grievance resolution meeting. It is an independent review of the reasonableness of the previous decision, based on the information that was presented at the grievance resolution meeting. It is not a rehearing of the case.
- If the appeal panel considers the decision made at the grievance resolution meeting unreasonable in the circumstances, it can change the decision.

- If necessary, the chair of the panel may adjourn the meeting to enable further information to be obtained to reach a fully informed decision.
- The panel's decision at appeal will be final and there is no further right of appeal.
- This procedure is to ensure there is a fair and impartial process for a panel to review the reasonableness of the decision made at the grievance resolution meeting.
- Where possible the panel comprises of three members of the governing board not previously involved in the case.

## **8. Collective grievance**

- If two or more colleagues share the same grievance this can be dealt with together rather than separately and if it is dealt with together it is known as a 'collective grievance'.
- As with individual grievances the complainants should firstly try to resolve the matter informally. This will usually involve discussing it with the manager and possibly a mediator.
- If it is not possible to resolve the matter informally, the same process applies as for an individual grievance. This means there will be a grievance resolution meeting and (if necessary) an appeal.
- The complainants should nominate one individual to act on behalf of the group. The same right to representation applies as would be the case if it was an individual formal grievance.
- If the group prefer, they may request their trade union representative take up the matter with the school on their behalf, rather than using the grievance procedure. This would require the agreement of the trade union, who will discuss the matter with the head teacher and/or Chair of Governors in the first instance.
- The grievance procedure would cease to apply if the school agrees to deal with the matter directly with the trade union.

## **9. Situations excluded from the grievance policy**

The grievance will be excluded from this policy if the school considers the matter can be dealt with more appropriately through other procedures and also in the following specific circumstances:

- The grievance concerns grade, pay, tax, National Insurance or pension.
- It concerns the substance of national or local conditions of service or an express term of the contract of employment.
- It is the same, or broadly similar to a grievance that has already been heard under this procedure.
- The complainant does not comply with time limits specified in the policy, unless the manager has agreed to extend the time limits.
- It concerns a matter that is subject to action or investigation under the school's conduct, capability or induction/probationary procedures.

- It is already the subject of a dispute between the school and the trade union(s).
- The subject of the grievance or the action the complainant is seeking is outside the control of the school.
- The grievance is considered to be vexatious or malicious. The Chair of Governors may exclude the grievance from this policy if it is considered not to have been raised in good faith.

## **10. Grievance resolution meeting – sample format for the meeting**

- The chair of the panel introduces those present and explains the format and purpose of the meeting.
- The complainant or their representative presents the detail of the grievance and can present documentary evidence if appropriate (any documents presented at the hearing must be provided to all those who will be in attendance at least 5 working days in advance).
- Witnesses may also be called if appropriate (confirmation of any witnesses agreeing to attend the meeting should be given at least 5 working days in advance).
- The manager may ask the complainant, or their representative questions relating to the presentation of the grievance and may ask questions of any witnesses.
- The manager responds to the grievance and may present documentary evidence if appropriate and may call witnesses.
- The complainant or their representative may ask questions of the manager relating to their response to the grievance and may also ask questions of any witnesses.
- The panel may ask questions of the manager or the complainant or the representative.
- The manager summarises the key points of their response to the grievance. No new information should be introduced at this stage.
- The complainant or their representative summarises the key points of the case. No new information should be introduced at this stage.
- The panel adjourns to consider their decision and the complainant/representative and the manager leave the room.
- The panel reconvenes to confirm their decision and explain reasons. If the panel is unable to come to a decision on the day of the meeting they will confirm this and give an idea of when a decision will be made and how it will be communicated.
- The panel explains what action can be taken by the complainant if they remain dissatisfied and wish to appeal against the decision.
- The panel confirms the decision in writing to all parties within 5 working days of the date of the meeting. Unless they have not been able to reach a decision on the day of the meeting, in which case they will keep the complainant informed of progress and provide a written outcome as soon as possible after the meeting.

## **11. Appeal meeting – sample format for the meeting**

- The chair of the panel introduces those present and explains the purpose of the appeal and the procedure being followed.
- The appellant or the representative explain the reasons for the appeal; including why and in what respects the appellant considers the decision of the grievance resolution meeting is unreasonable.
- A member of the panel who heard the grievance (governor) may ask any questions regarding the appeal. If the appellant intends to present any documents (other than those that formed part of the grievance resolution meeting) the appellant should provide copies to all those who will be in attendance at least 5 working days before the appeal hearing.
- The governor presents their response to the appeal.
- The appellant or the representative may ask any questions of the governor.
- The panel may ask questions of both the appellant and the governor.
- The governor summarises their response to the appeal. New details should not be introduced at this stage.
- The appellant or the representative summarises the grounds of the appeal. New details should not be introduced at this stage.
- The panel adjourns to consider their decision and the appellant/the representative and the governor leave the room.
- The panel reconvenes to confirm their decision and explain reasons.
- The panel will normally confirm the decision in writing to all parties within 5 working days of the date of the appeal. If the appeal panel has been unable to reach a decision on the day of the meeting they will keep the appellant informed of progress and provide a written outcome as soon as possible after the meeting.
- This decision of the appeal panel is final. There is no further right of appeal.