




# Beacon Academy Trust

A COMPELLING VISION FOR SUCCESS

## GRIEVANCE POLICY & PROCEDURE

<b>Approving Body</b>	B. M. A. T.
<b>Date of First Approval</b>	Nov. 9th 2016
<b>Date of Last Amendment</b>	
<b>To Be Reviewed</b>	
<b>Responsible Officer</b>	

## I. PURPOSE, SCOPE AND GENERAL PRINCIPLES

1. Any member of staff having a grievance related to their employment with the Beacon Academy Trust **must** follow this procedure. It is the responsibility of all parties to a grievance to ensure that the relevant steps are complied with.
2. This policy does not apply to: collective disputes or grievances brought by an appropriate representative for two or more employees. Such matters fall under the Trust's procedural agreement with its recognised trade unions.
3. This policy aims to ensure:
  - a. That individual employees obtain a speedy and fair resolution to problems relating to their employment; and
  - b. That where possible, problems are resolved directly and informally; and
  - c. That the Trust provides a working environment in which all employees feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality (see 'Dignity at Work Policy')
4. This policy covers problems or concerns about:
  - a. Working conditions, including working relationships with colleagues; health and safety; new working practices and organisational changes; and equal opportunities.
  - b. Alleged bullying and harassment i.e. where an individual feels that they have been subjected to unwelcome and unwarranted treatment, thereby causing him/her a detrimental effect; or where an individual wishes to complain of behaviour directed at others that they find offensive.
5. Confidentiality: So far as possible, information disclosed during the handling of a grievance will be treated in strict confidence. Parties will be notified if a decision is taken to interview or resolve a grievance in consultation with other members of staff, governors and/or trade union representatives.
6. Confidential Disciplinary Action: Complainants will be updated on the handling of any complaint. However, if a complaint results in disciplinary action by the Trust against a member of staff, then this would be a confidential matter between that member of staff and the Trust.
7. Statutory Right of Accompaniment:

- a. Employees have a right to be accompanied at formal grievance meetings, by a colleague, trade union representative or an official employed by a trade union ['companion']. External lawyers, other than those who are employees of a recognised trade union, may **not** act as a Companion.
  - b. To exercise their right of accompaniment, employees must make a reasonable request (e.g. by giving the Trust sufficient time to prepare for the companion's attendance).
  - c. If an employee's chosen companion is unavailable on the proposed date of a formal meeting, then the employee shall immediately request that it is postponed once to another reasonable date and time, **within five school days** of the original proposed date. Where this is not possible, the employee shall choose an alternative companion.
  - d. A trade union representative who is not an employed official must have been certified by their union as being a competent companion.
  - e. Companions may address the hearing, put the employee's case and confer with him/her in private,
  - f. Companions may not answer questions on the employee's behalf, address the hearing against the employee's wishes or prevent either side from putting its case.
8. Overlapping Grievance and Disciplinary Cases: Where an employee raises a grievance during a disciplinary process, it 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.
  9. Mediation: Subject to the agreement of all parties to a grievance, the procedure may be suspended at any stage for mediation or informal discussions, with a view to swift resolution.
  10. Time-Limits: If a grievance takes time to investigate fully, then the time limits in this procedure may be extended. The parties to a grievance will be informed of the reasons for any delay.
  11. Training: As part of their management training, the members of staff who may handle a grievance are trained to do so fairly and impartially, with a view to swift and amicable settlement.
  12. Monitoring: HR will monitor the use of this procedure across the Trust on an annual basis. Meetings in the formal stages of this procedure may be attended by

a member of HR to advise and a second member of HR to take a written record.

## II. **STAGE ONE - INFORMAL**

13. It is the Complainant's initial responsibility to endeavour to resolve a complaint promptly, directly and informally.
14. Within **10 school days** of knowledge of the event(s) concerned, the Complainant should informally propose a solution with his/her immediate line manager or the next most senior manager if the line manager is the subject of the complaint.
15. If it is not possible or appropriate to resolve the issue(s) in this way, then the Complainant should discuss the complaint with their head of department, a member of the Senior Leadership Team ['SLT'] or the School Principal, where appropriate.
16. If the grievance is against the School Principal, then the Complainant should discuss the matter with Miss Sabina Augustin, Director of HR, or an Executive of the Trust.
17. Those involved should work together towards swift and amicable resolution, within **ten school days** of a complaint being raised informally.

## III. **STAGE TWO – FORMAL STATEMENT OF GRIEVANCE**

18. The Complainant should only engage Stage Two if they are dissatisfied with the response at Stage One or if no response has been received **within ten school days**.
19. To engage Stage Two, the Complainant **must** set out their grievance in writing using the Statement of Grievance Form (Appendix A).
20. The completed form and all relevant documentation **must** be submitted to HR, in person or at [hr@beaconacademytrust.co.uk](mailto:hr@beaconacademytrust.co.uk).
21. It is the complainant's responsibility to explain their grievance clearly, fully and accurately. Further particulars may be requested if the specifics of a grievance are unclear.
22. Upon receiving the Statement of Grievance Form, HR will appoint an Investigator as soon as reasonably practicable. This may be the Complainant's line manager or a suitable delegate. If the grievance is against the line manager, then this may be the line manager's manager or another suitable delegate. Awareness of the

circumstances of the grievance will not preclude the Investigator from handling the grievance unless it specifically relates to their behaviour.

23. If a formal grievance is brought against the School Principal, then a Trust Executive will lead its handling. S/he cannot then serve on any appeal committee should the matter go to appeal.
24. HR will set a deadline for a Clarification Meeting between the Investigator and the Complainant, to be no later than **ten school days** after the submission of the grievance.
25. The Complainant will be notified of the name of the Investigator and the date of the Clarification Meeting as soon as reasonably practicable.

26. At the Clarification Meeting:

- a. The Complainant will be given the opportunity to explain their grievance, submit any signed witness statements, answer questions and suggest how they would like the issue(s) to be resolved.
- b. If further details emerge at the meeting that were not included in the original Statement of Grievance Form, then the meeting may be adjourned.
- c. See Para.7 of this policy for the Trust's policy on the attendance of companions/representatives at formal grievance meetings.
- d. At the close of the meeting, the Investigator will summarise their understanding of the grievance and explain the next steps, including whether the Investigator intends to interview or resolve the issue(s) in consultation with other members of staff, governors and/or trade union representatives.

27. Following the Clarification Meeting:

- a. The Investigator will meet with the subject of the grievance as well as any witnesses, and take statements if necessary.
- b. The Investigator will draft a written report [the 'Report'] of the investigation and his/her findings.
- c. The Investigator will forward a copy of the Report, together with the Statement of Grievance Form and any supporting evidence, to the School Principal and/or HR Director.

28. Within **ten school days** of the Clarification Meeting:

- a. The Investigator will meet with the Complainant to explain the outcome of the grievance and issue the Complainant with a Decision Letter.
- b. The Decision Letter will explain the right of appeal should the Complainant not be satisfied with the outcome.
- c. The outcome will be communicated to the subject of the grievance. The subject of the grievance may be informed of the outcome in writing but may not be sent a copy of the full Decision Letter and Report.

#### IV. **STAGE THREE – FINAL APPEAL**

29. If the Complainant is dissatisfied with the outcome at Stage Two, or if no response has been received within **ten school days** of the Clarification Meeting, then s/he is entitled to move onto Stage Three.
30. Stage Three should only be used to appeal the outcome or decision making process at Stage Two, where the complainant believes, for example, that:
  - a. The decision or decision making process was biased;
  - b. There was a failure to act or investigate the grievance properly;
  - c. New and material information has come to light;
  - d. The decision is irrational;
  - e. A material mistake was made on the facts.
31. The Complainant **must** complete a Staff Grievance Appeal Form (Appendix B) and submit it to HR, in person or at [hr@beaconacademytrust.co.uk](mailto:hr@beaconacademytrust.co.uk). It is the complainant's responsibility to explain their Appeal clearly, fully and accurately.
32. The Complainant **must** submit their appeal within **five school days** of receiving the Stage Two Decision Letter.
33. Within **five school days** of receipt of an appeal, a written acknowledgement will be sent to the Complainant, confirming that the appeal will be considered at an Appeal Hearing.
34. HR will arrange for an Appeal Committee of the Governing Body [the 'Committee'] to hold an Appeal Hearing within **20 school days** of the submission of the Appeal. See 'Appendix C – Appeal Committee Panel'.
35. The details of the hearing and copies of any relevant documentation will be sent to the Complainant and Committee members not less than **five school days** prior to the date of the Appeal Hearing.
36. At the Appeal Hearing, the Committee will:

- a. Ensure that individuals are dealt with fairly, impartially and in accordance with equality and diversity requirements;
- b. Aim to reach a consensus wherever possible;
- c. Maintain strict confidentiality, not discussing an individual's grievance with external parties;
- d. Consider all relevant documents and give all parties the opportunity to make submissions in person; and
- e. Take account of the specific grounds of appeal and responses to them;
- f. Review the record of formal grievance meetings, the Investigator's report and the Decision Letter; and
- g. Seek clarification from individuals involved in the initial grievance;
- h. Consider whether or not to admit any new evidence, where applicable.
- i. See Para.7 of this policy for the Trust's policy on the attendance of companions/representatives at formal grievance meetings.

37. Following an Appeal Hearing, the Appeal may be:

- a. Upheld with an appropriate remedy;
- b. Upheld in part, with an appropriate remedy in respect of that part;
- c. Dismissed.

38. Before reaching a decision, the Committee may need to obtain legal or other professional advice. They will normally communicate their decision and its rationale in writing, within **ten school days**. If they are unable to do so, they will give reasons why not and the date by which a decision is expected.

39. Attendance at each meeting of the Committee, issues discussed and recommendations will be recorded in writing. The record will be forwarded by the Clerk to the Appeal Committee to the Clerk to the Trust and LGBs, in sufficient time for its inclusion in their next meetings. If necessary, the Chair of the Committee will be responsible for giving an oral summary of the Committee's deliberations and recommendations at meetings of the Trust and respective LGBs.

40. The decision of the Committee is the final stage of the Trust's Staff Grievance Procedure.

**APPENDIX A – STATEMENT OF STAFF GRIEVANCE FORM**

<b><u>CONTACT DETAILS</u></b>	
<b>Complainant's Name</b>	
<b>Complainant's Job Title &amp; Department</b>	
<b><u>GRIEVANCE INFORMATION</u></b>	
<b>Date</b>	
<b>Does your grievance relate to your line manager?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Have you attempted to resolve your grievance informally, in accordance with the 'Staff Grievance Policy'?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> <b>If yes, on what date(s) did you attempt to do so and which member(s) of staff did you contact?</b>  <b>If not, why not</b> (why would it be inappropriate to attempt to resolve your grievance directly and informally?)
<p><b>Summary of Grievance</b>            Set out the details of your complaint, providing as much detail as possible (dates, times, locations, any step(s) taken to resolve your complaint and the names and contact details of any people involved in your complaint, including witnesses).</p> <p>Attach additional sheets if required.</p>	



## GRIEVANCE INFORMATION

### **Outcome Requested.**

Please set out what outcome you would like to see your grievance dealt with, and why you believe this will resolve the issue(s) described above.

### **Declaration**

I hereby confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

**APPENDIX B – STAFF GRIEVANCE APPEAL FORM**

<b><u>CONTACT DETAILS</u></b>	
<b>Complainant's Name</b>	
<b>Complainant's Job Title &amp; Department</b>	
<b><u>APPEAL INFORMATION</u></b>	
<b>Date</b>	
<b>Date of raising a formal grievance, via Stage Two of the 'Staff Grievance Policy'</b>	
<b>Date of Clarification Meeting.</b>	
<b>Name &amp; Job Title of the Investigator.</b>	
<b>Did you receive a final outcome from the Investigator within 10 school days of your Clarification Meeting?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<b>If not, have you been informed of the reasons for delay?</b>
	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Summary of Appeal – What aspects of the outcome or decision making process do you disagree with and wish to appeal?</b>	
Provide as much detail as possible. Attach additional sheets if required.	

**APPEAL INFORMATION**

**Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would be appropriate steps to take?**

**Declaration**

I hereby confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

## **APPENDIX C – THE APPEAL COMMITTEE**

1. Governors will be selected for the Committee based on their eligibility and availability.
2. There **must** be a minimum of three LGB Governors who have no prior involvement in the case and no concern for the case other than in their capacity as Governors or, if a parent of a pupil of the Trust, than in the capacity of such parents generally.
3. Governors **must not** be employees of the Trust (e.g. a staff governor or a school principal within the Trust) and any decision(s) to which they are a party **must not** be under appeal;
4. The Committee will be reconstituted for each appeal hearing;
5. The Appeal Hearing **must** take place in a suitable room which **must** be free from interruptions and suitable for any disabled attendees;
6. HR will advise the panel as appropriate.

**APPENDIX D. FLOWCHART OF PROCEDURE FOR STAFF GRIEVANCES**

