

# BEST GRIEVANCE POLICY & PROCEDURE



## 1. Terms of Reference

- 1.1. For all employees employed by Bedfordshire Schools Trust Ltd.

Definitions:

“Principal” also refers to any other title used to identify the Principal, where appropriate, or other senior manager delegated to deal with the matter by the Principal, the Chief Executive Officer or the Board of Trustees.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

- 1.2. This procedure does not form part of any employee’s contract of employment and it may be amended at any time following consultation and agreement with the recognised trade unions.

## 2. General Principles

- 2.1. The aim of the procedure is to resolve the grievance as informally as possible and to reach a resolution. Mediation, either informally or formally, may be offered if appropriate
- 2.2. There are many issues that can cause grievances at work and these may include (but not limited to) working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation. The aim of this procedure is to enable any employee (or collective group of employees) to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled promptly and satisfactorily as possible and should be first dealt with as close to the source as possible.
- 2.3. Where the grievance relates to a matter covered by another procedure for example pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure.
- 2.4. Where an employee raises a grievance during any existing process or procedure that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. Management will have discretion to decide which option is appropriate, in all circumstances.
- 2.5. The procedure applies to all employees including the CEO, COO, Principal and members of the leadership team, full and part-time, permanent and temporary employees. If individual Trustees are the subject of the grievance, the process will commence at stage 3. This Trustee will not sit on the Appeal Committee but may attend the Appeal Meeting to present his/her case.

- 2.6. An employee who is a member of a trade union is encouraged to consult with their trade union representative before invoking the grievance procedure, but the employee should normally raise the problem personally with the immediate line manager before involving his/her trade union representative.
- 2.7. At any grievance meeting or appeal meeting, an employee's Companion may make representations and ask questions, but should not answer questions on the employee's behalf.
- 2.8. Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 2.9. Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits. Any extension will be confirmed in writing and detail the reasons for the extension.
- 2.10. At any stage of the procedure the Principal and/or Trustees may refer to an external adviser, including employees of other Trust academies, for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the position of both parties in the procedure.
- 2.11. The Principal and/or senior managers and/or Trustees are encouraged to take advice from the appropriate adviser before investigating a grievance.

### **3. Stages of the Grievance Procedure (refer to Appendix A)**

#### **3.1. Stage 1: Raising Grievances Informally**

Most grievances can be resolved quickly and informally through discussion. If an employee feels unable to speak to the person causing the grievance, then the employee should speak informally to his/her immediate line manager. If this does not resolve the issue, the employee should follow the formal procedure below.

If the employee's grievance is against the line manager personally, the grievance may be referred to the next senior manager. An employee may make a request to be accompanied at the informal stages and this will not be unreasonably refused.

Discreet investigations may be carried out appropriate to the concerns raised.

You will be response to your concerns in a reasonable timescale.

#### **3.2. Stage 2: Formal Grievances**

If the employee is not satisfied his/her concerns have been resolved informally, the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Principal (or your line manager if you work within the Central Services Team). The Employee should use the Notification of Grievance Form (Appendix B) to state the grounds of their grievance and the remedy that is being sought.

##### **Investigation**

The Principal (or Manager in the Central Services Team) will assign an Investigating Officer to investigate the concerns raised.

The Investigating Officer will normally meet the employee to discuss the grievance in more detail (The Grievance Meeting). The Employee has a right to bring a Companion to this meeting. The Investigating Officer may be accompanied by an appropriate adviser.

An employee may bring a Companion (see terms of reference, section 1) to any formal grievance meeting or appeal meeting under this Stage 2. An employee must tell the person holding the meeting who their chosen Companion is at least 3 days before the meeting. For more information on the role of the Companion see general principles, section 2.

If an employee's chosen Companion is unable to attend the scheduled grievance meeting and will not be available within 5 working days following the original meeting date, the employee may be asked to seek an alternative Companion.

The investigation should be completed as soon as possible following The Grievance Meeting, normally within 15 working days.

The Investigating Officer will write to the employee to inform the employee of the outcome of the grievance and any further action that will be taken to resolve it.

If the employee raising the grievance is not satisfied with the outcome, then the employee may appeal in accordance with Stage 3 below.

### **3.3. Stage 3: Grievance Appeal**

If the grievance has not been resolved to the employee's satisfaction they may appeal in writing, to the Principal or to the Chief Executive Officer (if the Principal was the Investigating Officer), setting out the grounds of their appeal, within 10 working days of receiving the written confirmation of the original decision. The employee must detail how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.

The appeal will normally be heard without unreasonable delay after receipt of the appeal letter, normally within 10 working days following receipt. A minute taker will also be present. The appeal hearing will be conducted by persons not previously involved with the grievance and investigation. Where the CEO made the decision at stage 2, the grievance appeal will be heard by the Appeals Committee of the Board of Trustees.

The Trust reserves the right to decide who is the most appropriate person(s) to hear the appeal.

An appropriate adviser may attend the appeal meeting and may also be present in the private deliberations but shall not have a vote in the decision of the Appeal Chair/Committee.

The Chair of the Appeal hearing will confirm the final decision in writing, within 5 working days of the appeal meeting. This is the end of the procedure and there is no further right of appeal.

#### **4. Appeal Meeting Procedure**

- 4.1. The purpose of this procedure is to ensure that fair hearings are conducted with regard to grievances reaching Stage 3 of the procedure.

The Appeal Chair/Committee (a committee will consist of a minimum of two members of the Board of Trustees) will make the introductions and explain the sequence of presentations and questioning and ensure that all persons understand the procedure.

Documents must be exchanged at least 5 working days before the grievance hearing (including a copy of the investigation report and any letters and witness statements)

#### **4.2. Presentation of the Employee's Grievance**

The Employee (or their Trade Union representative) will explain their grievance and outline their grounds for appeal. They will call each witness (if any) to present their evidence in turn. The employee or their Trade Union representative may question each witness.

The Investigating Officer followed by the Appeal Chair/Committee may also question each witness in turn.

Once the Employee (or their Trade Union Representative) has completed the presentation of the Employee's case, the Investigating Officer followed by the Appeal Chair/Committee may ask questions of the employee relating to their case. The employee must answer all question asked of them.

#### **4.3. Presentation of the Response**

The Investigating Officer will explain and outline the reason for the original decision and call each witness (if any) to present their evidence in turn. The Investigating Officer may question each witness.

The aggrieved Employee (or their Trade Union Representative) followed by the Appeal Chair/Committee may also question each witness in turn.

Once the Investigating Officer has completed the presentation of their case, the aggrieved Employee (or their Trade Union Representative) followed by the Appeal Chair/Committee may ask questions of the Investigating Officer relating to their case.

#### **4.4. Summing Up**

The Employee (or their Trade Union Representative) will summarise the main points of their grievance and grounds of appeal.

The Investigating Officer will summarise the main points to support the original decision made.

Once summing up has been completed by both parties, they will withdraw from the Grievance Appeal Meeting.

## **5.5 The Decision**

The Appeal Chair/Committee (and their appropriate Adviser) will then consider all information presented during the meeting in private. If further clarification or information is required before a decision is reached both parties will be recalled or the appeal can be adjourned until the information is provided.

The Chair of the Appeal hearing will normally relay the decision to both parties orally on the day of the Grievance Appeal Meeting. The final decision will be confirmed writing within 5 working days of the appeal meeting.

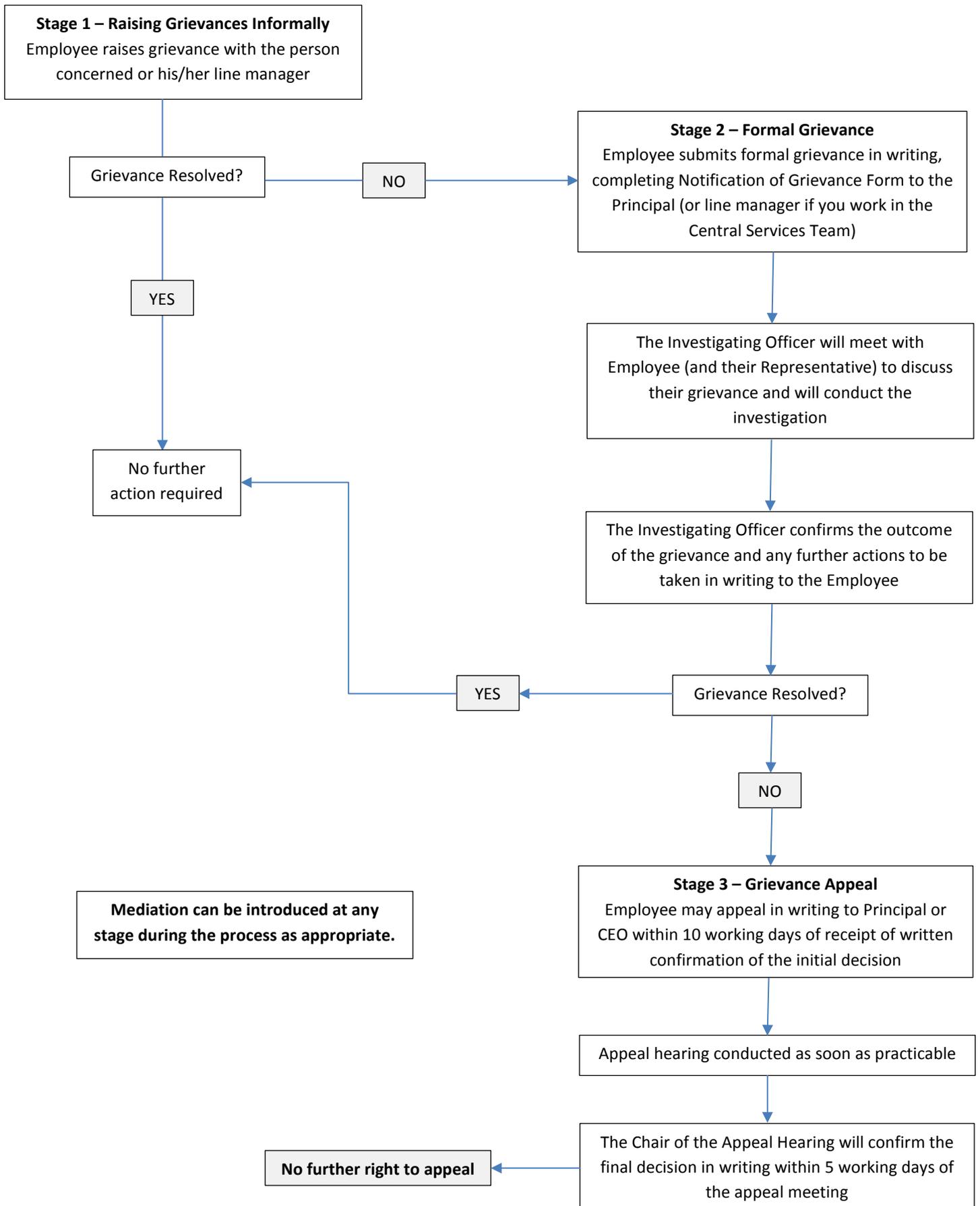
This is the end of the procedure and there is no further right of appeal.

## **6. Monitoring and Review**

The Chief Executive Officer and the Board of Trustees will be responsible for monitoring the implementation and effectiveness of this policy/procedure. This Policy will be reviewed every three years or sooner in response to changes in employment legislation.

The policy will be reviewed with the recognised Trade Unions and employees and any changes will be subject to consultation and negotiation.

## Appendix A - Grievance Policy & Procedure Flowchart



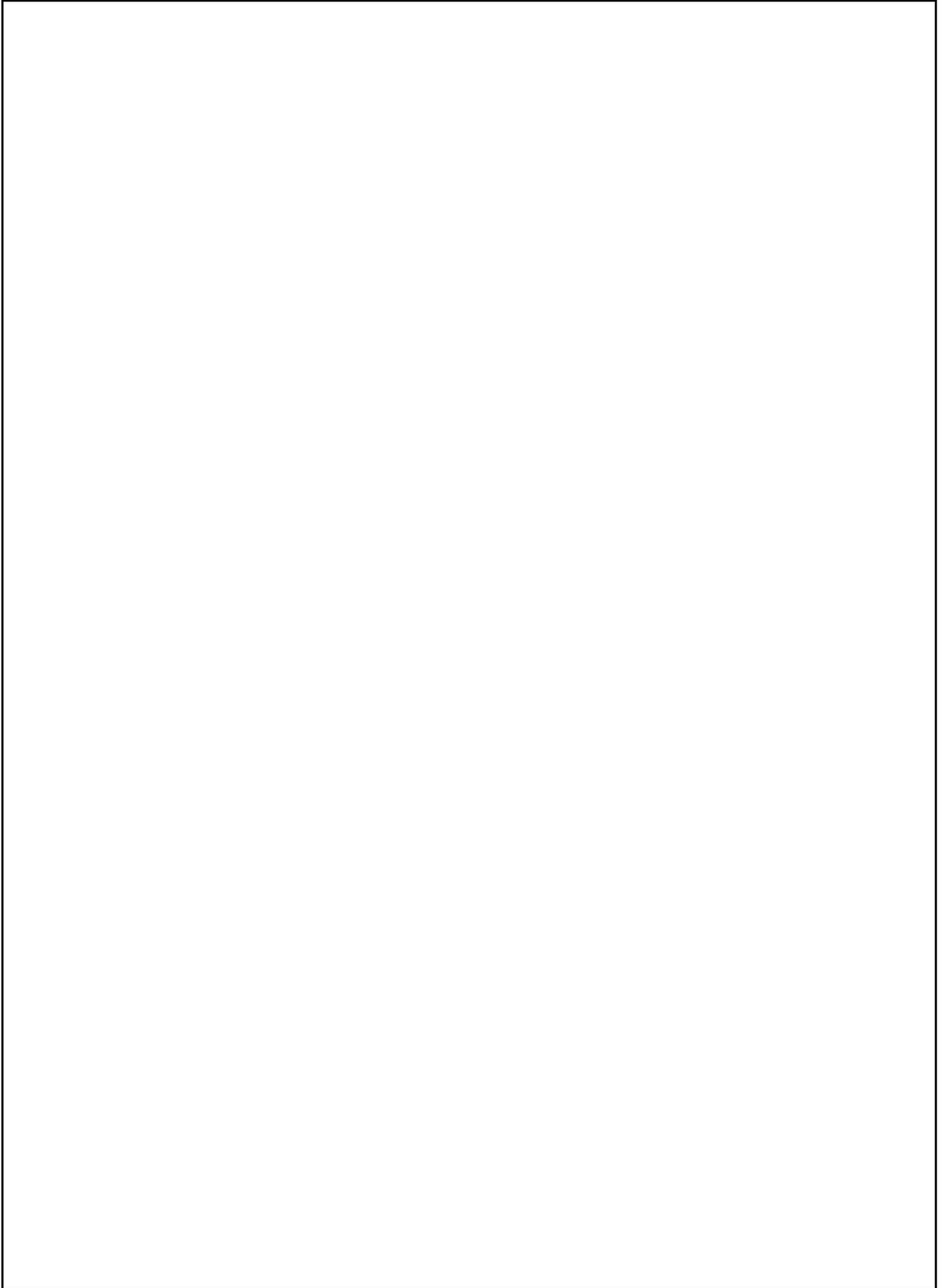
**Appendix B**

**Notification of Grievance Form**

This form should be used to submit a grievance in accordance with Stage 2 of the formal Grievance Procedure, adopted by the Trust.

Once completed, please send this form to the Principal (or your line manager if you work within the Central Services Team). If your grievance relates to the Principal, you should send the form to the Chief Executive Officer (or the Clerk to the Board of Trustees if the grievance is against the Chief Executive Officer). You are advised to keep a copy for your records. Please be aware that the information provided will, in normal circumstances, be shared with any person/s complained about.

<b>Notification of Grievance Form</b>			
Name (Please Print)		Date	
Post Held			
Line Manager			
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?

What action, if any, has been taken on your grievance at the informal stage (Stage 1)?

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the grievance.

**Declaration:** I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me.

Signed