

<b>Title</b>	Grievance Procedure
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Whistleblowing (TPO/STA/19)</li> <li>• Professional and Safe Conduct (TPO/STA/10)</li> <li>• Disciplinary Procedure (TPO/STA/22)</li> </ul>

REVIEWED: SEPTEMBER 2016

NEXT REVIEW: SEPTEMBER 2019

**1. Policy Statement**

- 1.1 This procedure has been adopted by the Brooke Weston Trust.
- 1.2 It is the Trust’s policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied. The procedure will follow the guidance prescribed by the ACAS code of practice.
- 1.3 Issues that may cause grievances include:
  - Terms and conditions of employment
  - Health and safety
  - Work relations
  - Bullying and harassment
  - New working practices
  - Working environment
  - Organisational change
  - Discrimination
- 1.4 This procedure has been implemented following consultation with all staff and trade union representatives.
- 1.5 This procedure does not form part of any employee’s contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of the case.

**2. Who does this procedure apply to?**

- 2.1 This procedure applies to all Brooke Weston Trust employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 2.2 The provisions of this policy do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the organisation’s collective grievance process.
- 2.3 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.

**3. Using this procedure**

- 3.1 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.

- 3.2 This grievance procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure.
- 3.3 The Grievance Procedure must not be used to frustrate action being taken under any other policy, for example performance management and improvement (capability), disciplinary (conduct) or the Sickness Absence or Attendance Policy.
- 3.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may in certain circumstances 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.
- 3.5 There is a separate Anti-harassment and Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is available from the Academy’s Principal’s office and via the Trust website but refers back to this Grievance Procedure in the event that formal resolution is required.
- 3.6 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- 3.7 This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a third party such as a trade union. These will be dealt with as appropriate to the facts of the case.
- 3.8 In exceptional circumstances the Principal/Manager may consider suspending or redeploying an employee during the grievance process. In these cases the provisions regarding suspension in the Disciplinary Procedure will apply.
- 3.9 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.
- 3.10 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

**4. Raising grievances informally – step 1**

- 4.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager. We would always aim to resolve your grievance informally where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

**5. Formal written grievance – step 2**

- 5.1 If your grievance cannot be resolved informally, you should put it in writing using the form at appendix 1 of this policy and submit it to the Principal in the case of Academy staff and to the Chief Executive in the case of members of the Brooke Weston Trust’s central team. If the grievance concerns, or is raised by, the Principal it should be submitted to the Chief Executive of the Brooke Weston Trust.
- 5.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, names of individuals involved and be accompanied by any supporting documents. In some situations we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

**6. Investigations**

- 6.1 The amount of any investigation required will depend on the nature of your complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The Principal or Chief Executive will appoint an investigating officer to carry out the investigation and produce a written report for consideration. In the case of an investigation into a complaint against a Principal, the Chief Executive will determine who will carry out the investigation.
- 6.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 6.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

**7. Role of companion at meetings and hearings**

- 7.1 The statutory right is to be accompanied by a fellow work colleague, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee. Employees may also alter their choice of companion if they wish. As a matter of good practice, in making their choice employees should bear in mind the practicalities of the arrangements. For instance, an employee may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.
- 7.2 To exercise the statutory right to be accompanied employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain timeframe. However, an employee should provide enough time for the employer to deal with the companion's attendance at the meeting. Employees should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow employee or trade union official or representative.
- 7.3 Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.
- 7.4 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 7.5 If your chosen companion is unavailable at the time a meeting is scheduled, you may propose an alternative time for the meeting to take place. As long as the alternative time is reasonable and within five working days after the original scheduled date, we will postpone the meeting. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 7.6 A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.

**8. Grievance meeting**

- 8.1 We will contact you to arrange a grievance meeting with the Principal/Executive Principal/senior person, normally within five working days of receipt of your written grievance.

- 8.2 If an investigation has taken place, copies of relevant documentation should be sent to the parties in reasonable time before the meeting. The investigating officer may be invited to present their findings.
- 8.3 You and your companion (if any) should make every effort to attend the grievance meeting. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 8.4 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 8.5 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 8.6 We will write to you, usually within 5 working days of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

## 9. Appeals

- 9.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Principal using the form at Appendix 2 to state your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you. Where the appeal concerns or is raised by the Principal, the appeal should be sent to the Clerk to the Board of Directors.
- 9.2 We will hold an appeal meeting, normally within 10 working days (although this time scale may be extended) of receiving your written appeal.
- 9.3 This will be dealt with impartially by an Executive Principal/Chief Executive who has not previously been involved in the case. Where the appeal concerns or is raised by the Principal, the appeal will be heard by a panel of two or three members of the Board of Directors. In all cases, the aggrieved employee has the right to bring a companion to the meeting (see paragraph 7).
- 9.4 We will write to you, usually within 5 working days of the appeal hearing, although this time scale may be extended. This is the end of the procedure and there is no further right of appeal.

## 10. Records

- 10.1 Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998. This Act gives individuals the right to request and have access to certain personal data.
- 10.2 Records should include:
  - the nature of the grievance
  - what was decided and actions taken
  - the reason for the actions
  - whether an appeal was lodged
  - the outcome of the appeal
  - any subsequent developments.
- 10.3 Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.

## 11. Policy Review

- 11.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

**APPENDIX 1 – FORM FOR EMPLOYEES TO USE TO SET OUT THEIR GROUNDS FOR GRIEVANCE**

<b>Employee grievance</b>	
<p>This form is intended for use by an employee of the Academy who wants to raise a formal grievance.</p> <p>This form should be completed and delivered to the Principal in the case of Academy staff and to the Chief Executive in the case of members of the Brooke Weston Trust’s central team. If the grievance concerns, or is raised by, the Principal it should be submitted to the Chief Executive of the Brooke Weston Trust. This should be in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance meeting with you. If attempts to resolve the grievance informally have not been explored then this will happen prior to a grievance meeting being arranged. If there are likely to be any delays in hearing your grievance, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your grievance meeting to take place.</p>	
<b>Formal grievance</b>	
<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department:</b>	
<b>Date of grievance:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No
<b>Summary of grievance:</b>	
<p>Please set out your grievance providing as much detail as possible, including dates, times and locations where applicable. You may attach additional sheets if required.</p>	

<b>Individuals involved in the grievance:</b>	
Please provide the names and contact details of any people you believe to be relevant to your grievance.	
<b>Outcome requested from the grievance meeting:</b>	
Please set out what outcome you would like to see from your grievance meeting, and why and how you believe that this will resolve the issue.	
<b>Declaration:</b>	
I confirm that the above is 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. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
<b>Form completed by:</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>For completion by the [school / academy / trust:]</b>	
Date form received:	
Name of recipient and job role:	
Signature:	

**APPENDIX 2 – FORM FOR EMPLOYEES TO USE TO SET OUT THEIR GROUNDS OF APPEAL**

<b>Employee grievance appeal</b>	
<p>This form is intended for use by an employee of the Academy who wants to appeal a decision regarding a formal grievance they have raised.</p> <p>This form should be completed and delivered to Principal / Executive Principal/ Senior Manager in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance appeal meeting with you. If there are likely to be any delays in hearing your appeal, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.</p>	
<b>Formal grievance appeal</b>	
<b>Employee's name:</b>	
<b>Employee's job title:</b>	
<b>Employee's department:</b>	
<b>Date of your original grievance:</b>	
<b>Date you were given decision that you are appealing against:</b>	
<b>Does your grievance relate to your line manager?</b>	Yes/No
<b>Summary of appeal:</b>	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been flawed in those circumstances). You may attach additional sheets if required.</p>	
<b>Individuals involved in the appeal:</b>	
<p>Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal if applicable.</p>	

<b>Outcome requested from the appeal:</b>	
Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.	
<b>Declaration:</b>	
I confirm that the above is 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. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)	
<b>Form completed by:</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>For completion by the [school / academy / trust:]</b>	
Date form received::	
Name of recipient and job role:	
Signature:	