

<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: JANUARY 2020

NEXT REVIEW: JANUARY 2023

## 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 an employee makes the Trust aware that they have a complaint the Trust will investigate any grievance that is raised. The Trust will hold a meeting to discuss the concerns and inform the employee in writing of the outcome, giving them the right of appeal if they are not satisfied. The procedure will follow the guidance prescribed by the ACAS code of practice.
- 1.3 There are a number of issues that may cause grievances at work, these may include:
  - Working conditions
  - Application, or non-application of policy and procedure
  - Environment
  - Relationships with management or colleagues
  - Duties and responsibilities
  - Discrimination
  - Harassment and bullying
  - Victimisation

Whilst this is a non-exhaustive list this policy 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.
- 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 an employee's contract of employment, and it can be amended at any time following consultation with relevant staff and trade unions.
- 1.6 This policy will be subject to monitoring and evaluation regarding the effectiveness of the policy with recognised trade unions. Details will be provided to trade unions as to who has raised a grievance by protected characteristics, and how many were successful.

## 2. Who does this policy apply to?

- 2.1 This procedure applies to all Brooke Weston Trust employees regardless of length of service
- 2.2 The provision of this policy also applies to grievances raised on behalf of two or more employees, which should refer to section 4 on collective grievances.
- 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 Grievances that are deemed to amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and the individual will be informed if this is the case.

- 3.2 The Grievance Procedure should not be used as a mechanism to seek delay or frustrate any other action being taken under any other policy, please refer to section 1.3 above.
- 3.3 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 an assessment will be made in conjunction with the aggrieved and their representative as to whether it may be appropriate to deal with both issues concurrently.
- 3.4 There is a separate Anti-harassment and Bullying Policy that may be appropriate where an employee has been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people. It is available from the Trust website but refers back to this Grievance Procedure in the event that formal resolution is required.
- 3.5 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice.
- 3.6 Only In the exceptional of circumstances the Principal may consider suspending or redeploying an employee during the grievance process. In these cases the provisions regarding suspension as outlined in the Disciplinary Procedure will apply. This should only be used as a last resort.
- 3.7 Any written correspondence in relation to the grievance raised will be placed on the employees 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 the Trusts Data Protection Policy.

#### 4. Collective grievances

- 4.1 Where two or more colleagues have identical grievances and want to raise the matter together under the same grievance procedure then the matter will be dealt with as a collective grievance. Colleagues raising a collective grievance must agree (without any pressure being exerted on employees to join the collective process) to engage in one process. Participating colleagues will only be entitled to one grievance meeting at stages 1 and 2 of the procedure and one appeal, if applicable. If all colleagues do not voluntarily agree to this arrangement, or if the grievances are not identical, then the grievances will be dealt with on an individual basis.
- 4.2 Where a collective grievance is raised and all participants are members of the same trade union, the union representative can raise the grievance on their members' behalf should they all be in agreement. Where there are different unions representing each participant, they must nominate one union representative if, they cannot agree it must be dealt with as individual grievances.
- 4.3 Where a collective grievance has not been able to be resolved under section 5 of this policy then the employee should use the 'Notification of Grievance Form' (Appendix 1) to state the grounds of their grievance and the remedy that is being sought. For collective grievances only one 'Notification of Grievance Form' should be filled out and agreed/signed by participating employees.
- 4.4 The same steps below are used for an individual and a collective grievance.

#### 5. Raising grievances informally – Step 1

- 5.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with an employee's line manager. We would always aim to resolve grievances informally where possible. If an employee feels unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to a more senior manager.
- 5.2 An informal grievance can be raised verbally or in writing, and the manager who has had the grievance raised with them will investigate the concern. In raising a grievance the employee should also explain what their desired outcome would be in order to resolve the situation.

- 5.3 The manager will arrange any necessary meetings in order to resolve the issues. It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised in the 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
- 5.4 The manager will confirm the outcome of the informal stage to the employee, either verbally or in writing, depending on the circumstances.
- 5.5 If the employee feels that the above steps have not resolved the issue, they should follow the formal procedure as outlined below.

## 6. Formal written grievance – step 2

- 6.1 If the grievance cannot be resolved informally, it should put it in writing using the one 'Notification of Grievance 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.
- 6.2 If the grievance is regarding, or is raised by, the Principal it should be submitted to the Chief Executive of the Brooke Weston Trust.  
If the grievance is regarding or is raised by, the Chief Executive of the Trust it should be submitted to the Chair of the Board.
- 6.3 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, names of individuals involved and be accompanied by any supporting documents. In some situations there may be a requirement to ask the employee to provide further information. The employee should also state what their desired outcome would be in order to resolve the situation.
- 6.4 Once the grievance has been submitted the Principal will appoint an investigating officer to carry out the investigation. In the case of an investigation into a complaint against a Principal, the Chief Executive will determine who will carry out the investigation. In the case of an investigation into a complaint against the Chief Executive, the Chair of the Board will determine who will carry out the investigation.
- 6.5 The nature and extent of any investigation required will depend on the nature of the grievance and will vary from case to case. The investigating officer will invite the employee raising the grievance to a grievance investigating meeting in order to discuss the nature of the concerns in more detail. This will involve taking any necessary statements and reviewing any relevant documents.
- 6.6 Depending on the nature of the grievance the investigating officer may need to take further statements from any witnesses or those individuals who may be the subject of a grievance.
- 6.7 All investigations will be carried out by a competent and suitably trained or experienced individual and are undertaken in order to establish the facts.
- 6.8 An individual must co-operate fully and promptly with any investigation. This may include informing the Trust of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of the investigation.
- 6.9 Once the investigation is completed the investigating officer will produce a written report for consideration at a formal grievance hearing (see section 7 below).

## 7. Role of Union Representative or workplace colleague at meetings

- 7.1 Employees have a statutory right to be accompanied by a fellow work colleague, a trade union representative, or an official employed by a trade union.
- 7.2 The employee should let the investigating officer know of their intention to be accompanied to a meeting in advance, providing the name of the companion where possible and whether they are a work place colleague or trade union official or representative.

- 7.3 Attending a meeting as a work place colleague to provide support is voluntary, and 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.
- 7.4 If a trade union representative is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place. As long as the alternative time is within five working days after the original scheduled date or as soon as reasonably practicable, we will postpone the meeting.
- 7.5 A trade union representative may make representations, ask questions, confer with their member, 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 hearing

- 8.1 The investigating officer will contact the individual to arrange a grievance hearing with the Principal, normally within five working days of receipt of the written grievance.  
In the case of an investigation into a complaint against a Principal a grievance hearing will be arranged with the Chief Executive  
In the case of an investigation into a complaint against a Chief Executive a grievance hearing will be arranged with the Chair of the Board
- 8.2 Copies of the investigating officers report and any other of relevant documentation should be sent to the parties at least 5 days before the hearing. The investigating officer may be invited to present their findings.
- 8.3 If necessary, the Principal (CEO or Chair of the Board) may request that any other person who has been part of the grievance investigation may be invited to attend the hearing as a witness.
- 8.4 The employee and their representative (if any) should make every effort to attend the grievance hearing. If the employee or their representative cannot attend at the time specified, they may propose an alternative time for the hearing to take place. As long as the alternative time is within five working days after the original scheduled date or as soon as reasonably practicable, we will postpone the hearing.
- 8.5 The purpose of a grievance hearing is for the Principal (CEO or Chair of the Board) to understand the nature of the grievance and to reach a conclusion based on the available evidence and the representations that have made. A neutral person will also attend in order to take notes.
- 8.6 During the grievance hearing we may feel it is necessary to carry out further investigations and hold further grievance hearings as considered appropriate in order to reach a resolution. Such hearings will be arranged without unreasonable delay.
- 8.7 The employee will be written to within 5 working days of the final grievance hearing, to inform them of the outcome of their grievance and any further action that the Trust intend to take to resolve the grievance. Where more times is needed the employee will be informed accordingly. The employee will be informed of their right of appeal. Where appropriate a hearing may be held to provide this information in person.

## 9. Appeals

- 9.1 If the grievance has not been resolved to the satisfaction of the employee, they may appeal in writing to the Principal using the form at Appendix 2, stating their grounds in full, within 5 working days of the date on which the decision was provided. Any appeals sent in a different format will be asked to complete Appendix 2.  
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 In regards to a collective grievance, if some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.
- 9.3 We will hold an appeal hearing, normally within 10 working days of receiving the written appeal (although if this time scale needs to be extended the employee will be informed of this accordingly).
- 9.4 An appeal hearing will be heard by a Panel of 3 who have had no prior involvement in the grievance. 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 Union Representative of workplace colleague to the hearing (see paragraph 6).
- 9.5 We will write to the employee, usually within 5 working days of the appeal hearing, although this time scale may be extended, and in such circumstances the employee will be informed of this accordingly. This is the end of the procedure and there is no further right of appeal.

## 10. Policy Review

- 10.1 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 legislative changes. Any significant changes to this policy will be consulted on with Trade Unions.

## APPENDIX 1 – NOTIFICATION OF GRIEVANCE

<b>Employee grievance</b>	
<p>This form is intended for use by an employee, or employees, of The Trust who wish 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. If the grievance concerns, or is raised by, the CEO it should be submitted to the Chair of the Board 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 grievance investigation meeting with those raising the grievance. If attempts to resolve the grievance informally have not been explored, then this will happen prior to a grievance investigation meeting being arranged. If there are likely to be any delays in investigating the grievance, we will inform those affected in writing of the reasons for the delay and give an indication of when the grievance investigation meeting is likely to take place.</p>	
<b>Formal grievance</b>	
Individual grievance	<input type="checkbox"/>
Collective grievance	<input type="checkbox"/>
<b>Employee's name(s):</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><i>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.</i></p>	

**Individuals involved in the grievance:**

*Please provide the names and contact details of any people you believe to be relevant to your grievance.*

**Outcome requested from the grievance hearing:**

*Please set out what outcome you would like to see from your grievance hearing, and why and how you believe that this will resolve the issue.*

**Declaration:**

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 may be treated as gross misconduct.)

**Form completed by:**

**Signature:**

**Date:**

**For completion by the Academy / Trust:**

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 or employees, of the Trust who wants to appeal a decision regarding a formal grievance they have raised.</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 appeal concerns, or is raised by, the Principal it should be submitted to the Chief Executive of the Brooke Weston Trust. If the appeal concerns, or is raised by, the CEO it should be submitted to the Chair of the Board 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 grievance appeal hearing with those raising the grievance. If there are likely to be any delays in arrange the grievance appeal hearing, we will inform those affected in writing of the reasons for the delay and give an indication of when the grievance appeal hearing is likely to take place.</p>	
<p><b>Formal grievance appeal</b>                      Individual appeal <input type="checkbox"/>                      Collective appeal <input type="checkbox"/></p>	
<b>Employee's name(s):</b>	
<b>If collective appeal, please include the names of anyone wishing to withdraw from the process:</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><i>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.</i></p>	



**Individuals involved in the appeal:**

*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.*

**Outcome requested from the appeal:**

*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.*

**Declaration:**

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 may be treated as gross misconduct.)

**Form completed by:**

**Signature:**

**Date:**

**For completion by the Academy / Trust:**

Date form received:

Name of recipient and job role:

Signature:

## APPENDIX 3 – PROCEDURE TO BE USED AT A FORMAL GRIEVANCE/COLLECTIVE GRIEVANCE HEARING OR AN APPEAL HEARING

*The purpose of a grievance hearing is for the Principal (CEO or Chair of the Board) to understand the nature of the grievance and to reach a conclusion based on the available evidence and the representations that have made.*

### Introductions

- The Principal (CEO or Chair of the Board) will introduce themselves and invite all others to introduce themselves. The Principal (CEO or Chair of the Board) will explain the purpose of the hearing and how it will be conducted and will check that all parties have received the relevant documents.
- The Principal (CEO or Chair of the Board) will state that the hearing is being conducted as part of the Trust's formal grievance procedure and confirm that a written record of the hearing is being made.
- The other parties present at the meeting will introduce themselves and confirm their respective roles in the meeting.

### Presentation by employees

- The Principal (CEO or Chair of the Board) will invite the employee(s) or their representative to state their case, i.e. the circumstances that have led to the grievance, the nature of the grievance and why they feel aggrieved. The employee(s) may do this personally, or the representative may do this on their behalf.
- The employee(s) or representative will refer to any documentation on which they are seeking to rely.

### Consideration of information from any investigation

- The Principal (CEO or Chair of the Board) will refer to any written evidence that has been gathered in the course of any investigation that has taken place, including the consideration the investigating officers report and any witness statements, where appropriate.
- If the Principal (CEO or Chair of the Board) feels it necessary, they may invite any other person that has been involved in the investigation to also attend the meeting as a witness.

### Questions by Principal (CEO or Chair of the Board)

- The Principal (CEO or Chair of the Board) may ask the employee(s) or their representative, the investigating officer (and any witnesses), questions about the circumstances of the grievance in order to establish all of the relevant facts, background and surrounding circumstances.
- The Principal (CEO or Chair of the Board) has the right to ask the employee(s) or their representative to personally answer such questions, although the employee(s) may on request confer with their representative at any time during the grievance hearing.
- The employee(s) or spokesperson may, in appropriate cases, ask questions of witnesses.
- While the employee(s) or spokesperson will be given every opportunity to explain their case fully, the explanation should be confined to matters that are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of the complaint. The Principal (CEO or Chair of the Board) will intervene if they think that the discussion is straying too far from the key issue. The Principal (CEO or Chair of the Board) may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

## Summary

- Once all the evidence has been heard, the Principal (CEO or Chair of the Board) will sum up the key points of the hearing.
- The Principal (CEO or Chair of the Board) will adjourn the meeting to make a decision.
- The Principal (CEO or Chair of the Board) will inform the employee(s) of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance.
- The Principal (CEO or Chair of the Board) may reconvene the meeting to deliver the decision, or they may choose to convey the decision in an alternative way to the employee(s). If this is the case they should inform the employee(s) of this before adjourning the meeting to make the decision.
- If the meeting is a Grievance Hearing then the Principal (CEO or Chair of the Board) will inform the employee(s) that they will have the right to appeal against the outcome of the hearing if they are not satisfied with it
- At any point during the hearing, the Principal (CEO or Chair of the Board) may adjourn the proceedings if it appears necessary or desirable to do so, including for the purpose of gathering further information or investigating any allegations made.