

Grievance Policy

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Introduction

The purpose of this policy is to ensure that all employees of the Boleyn Trust (the “Trust”) with a grievance relating to their employment, can use a procedure which can help to resolve grievances as quickly and as fairly as possible. Employers are required to have a procedure for settling grievances by individual employees.

The Trust and the trade unions consider it important that there is a grievance procedure which sets out:

- a preliminary process which may enable a grievance to be resolved informally and without recourse to any subsequent stage;
- a formal procedure where the preliminary procedure is inappropriate or has failed.

Grievances are concerns, problems or complaints that employees raise with their employers. This grievance procedure is intended to deal with all individual grievances excluding matters that are dealt with under other HR procedures (e.g. capability and disciplinary), income tax, National Insurance, the rules of pension schemes and collective disputes. It applies to grievances with school management, the governing body, governors, and staff when acting in a management capacity and the Trust. It should not be used to restart proceedings within 6 months of receiving a decision on a related matter, unless it is because management action under a previous decision has not been implemented.

Staff are advised to consult their union representative before using the grievance procedure.

1 Informal Procedure

- 1.1 Where a member of staff's grievance concerns a work colleague, s/he should first of all endeavour to resolve the matter by directly approaching the member of staff involved. This does not preclude the right of the employee to raise the matter directly with a senior member of staff.
- 1.2 Where a member of staff has a grievance which does not involve another work colleague, s/he should approach directly her/his Head of Department, supervisor or other senior member of staff.
- 1.3 Where the Headteacher is the subject of the grievance, then the informal procedure would be for the Headteacher to meet with the employee (if applicable) or provide a written response.

2 Mediation

- 2.1 This may include using mediation which is informal, confidential, impartial, voluntary and may be undertaken by a qualified workplace mediator. All parties need to agree to having mediation.

3. Formal Procedure

- 3.1 Where the matter has not been resolved under the informal procedure referred to above, the member of staff concerned should submit a formal written grievance on the grievance form to the Headteacher, and give a copy to any implicated colleague or request the Headteacher to do so. The member of staff should keep a copy.
- 3.2 The member of staff must raise their grievance as soon as possible after the event(s) they are complaining about. A formal grievance must be received within 4 weeks of the occurrence which is the subject of the complaint or within 4 weeks of the time you became aware of the matter.
- 3.3 The Headteacher (or designated alternative person) should establish that the preliminary procedure has been followed and arrange a personal interview with the employee to discuss her/his grievance. This should be held within five working days of the form being submitted. This time limit may be extended by mutual agreement. The member of staff has the right to be accompanied by a union representative or work colleague. If the grievance alleges harassment or discrimination, the Headteacher (or designated alternative person) should, where possible, be supported by a colleague of the other gender/race as appropriate.
- 3.4 The Headteacher (or designated alternative person) should seek to resolve the problem personally or, by mutual agreement, in consultation with other member(s) of staff. At this meeting the employee should be allowed to explain their complaint and say how it should be settled. The Headteacher (or designated alternative person) should also seek advice from the officers of the Trust or consult with representatives of their union(s) concerned as may be thought appropriate. A response from the Headteacher (or designated alternative person) should be given within 5 working days. If it is not possible to respond within this time limit the employee should be

given an explanation for the delay and told when a response can be expected.

- 3.5 Where the Headteacher is the subject of the grievance, the complaint will be investigated by an independent person, appointed by the Chief Executive Officer in consultation with the Chair of Governors. Once the investigation is concluded, the investigator will submit their written conclusion to the Chief Executive Officer and Chair of Governors with their recommendation as to whether or not the grievance should proceed to a formal hearing.

4. Appeal Procedure

- 4.1 Where the member of staff feels the Headteacher or independent person (in case of a complaint against the Headteacher) has not resolved the matter, they should send their original grievance form together with their reasons why they are not happy with the Headteachers' response to the Trusts Human Resources Manager, within 5 working days of receipt of the written confirmation of the grievance outcome.
- 4.2 Each governing body will establish a Committee to consider formal grievances on its behalf or include this within the terms of reference of another committee. The membership of the Committee should represent the different constituent groups of governors. The Committee will have full delegated powers to act on behalf of the Board of Trustees in determining a resolution of the grievance. However, if any member of the Committee has been previously involved in the substance of the grievance they should not attend as a member of the Committee. Governors should not be involved in any discussions outside of the Committee proceedings.
- 4.3 The Committee will meet specifically to consider the grievance and this will be clerked. The procedure for the meeting is set out in Appendix 1. The Human Resources Manager will attend this meeting. S/he will be responsible for advising on policy and procedural matters.
- 4.4 The meeting of the Committee should be held within twenty working days of the date of receipt of the grievance. Both parties will be given five working days' notice of the meeting.
- 4.5 Either party may submit written evidence and/or call witnesses. Copies of the evidence and the names of witnesses to be called must be available to all parties at least 3 days prior to the Committee meeting. Each side must arrange for its own witnesses to attend.
- 4.6 Both parties are entitled to be accompanied by a trade union representative or work colleague.
- 4.7 The responsibility for convening the Committee rests with the Chair of the governing body. If it is not called within the specified timescale, the Chief Executive Officer or representative will make the arrangements and call the meeting no later than a further 10 working days.
- 4.8 The matter shall end at this level except where the appropriate trade union consider that an important issue of principle arises which could be considered through the appropriate consultation procedures.

5. Headteachers

- 5.1 A Headteacher shall have the right to submit a formal written notice of grievance to the Chair of the governing body with a copy to the Chief Executive Officer.
- 5.2 In the case of a complaint about the personal conduct of another Headteacher, either party can ask for a third party to be involved in seeking to resolve the complaint before it goes to the committee.

6. Policy Status and Review

The Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust. Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown below and re-circulated.

Date approved: **September 2019**
Review date: **September 2021**

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Chair of the Board of Trustees

7. Appendices

APPENDIX 1 GRIEVANCE FORM FOR ALL STAFF

Ask Boleyn Trust HR for template

APPENDIX 2 FORMAL GRIEVANCE APPEAL FORM

Ask Boleyn Trust HR for template