



FALCON

EDUCATION TRUST

MAT005 Grievance Policy and Procedures V1.0 29/06/2021

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Falcon Education Academies Trust

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1. Policy Statement

1.1

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 hold a meeting to discuss it with you, carry out any necessary investigation where required, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.

1.2

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- work relations;
- new working practices;
- working environment;
- organisational change; and
- discrimination.

1.3

They can arise amongst members of staff, about or from leaders and managers, or by or about the Principal. They can be of a relatively simple nature or of fundamental importance. This policy sets out the procedures to be followed in situations where an employee, including a Principal, has a grievance. This procedure is intended to:

- give clear guidance to all concerned in grievance situations
- enable grievances to be resolved as efficiently and quickly as possible
- minimise the prospect of damage to working relationships
- set out a formal procedure that can be followed where the informal approach is either inappropriate or has been tried and failed.

1.4

All staff should be aware of the policy and procedures, but should work towards informal resolution and support as much as possible.

1.5

Grievance procedures should be simple and rapid in their operation. However, procedures should also recognise that complex grievance matters can take some time to investigate thoroughly and make provision for the extension of stated time limits by mutual agreement.

1.6

Some grievances are minor or straightforward while others may be difficult to resolve or concern fundamental issues related to statutory or contractual rights. The principle underlying this procedure is that grievances should be dealt with as close to their source and as informally as circumstances permit, and that the level of formality used in resolving the grievance should reflect the gravity of the issue.

1.7

At all stages in the procedures, all members of staff have the right to be accompanied by a representative of their professional association or another colleague. (This extends to those raising the grievance, and those about whom the grievance maybe about).

1.8

This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.

1.9

The policy has been approved by Trustees and formally adopted by the Trust Board.

2. Grievance Process – General Principles

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors. Where 'Principal' has been used, for employees in trust roles this would be the CEO, and the role of Governors would be fulfilled by Directors.

2.1.

A grievance is an issue that gives rise to complaint against the decision, or action of, another member of staff, the Principal, individual Governor(s), or the Governing Body. A grievance can be raised verbally or in writing.

2.2.

This procedure contains informal and formal stages. Employees and their representatives are urged to make every reasonable attempt to resolve a grievance informally before using the formal part of the procedure. Where the grievance is directed against a more senior member of staff who would normally hear the case, the matter may proceed to the next appropriate stage.

2.3.

All documentation and discussions at meetings within the grievance procedure are to be treated as confidential.

2.4.

At the informal stage of the procedure, each member of staff involved will be given a copy of the trust's procedure. An employee has the right to attend and be accompanied by a work colleague or representative of a trade union at any meeting convened under this procedure.

2.5.

At any meeting convened under this procedure access to an adjournment should not be unreasonably refused.

2.6.

With the exception of a grievance against the Principal or Governing Body itself, Governors are not usually involved by managers prior to the formal stage of a grievance.

2.7.

Within all stages of the process an employee must consider what resolution or outcomes they are seeking through the grievance process.

2.8.

If the complaint is set out in a resignation letter the general principles of grievance resolution must still be followed.

2.9.

Advice on the policy can be sought by any employee, at any time, from the HR Manager, or other appropriate senior leader.

3. Using this procedure

3.1

Employees should raise matters promptly and without unreasonable delay. Matters that occurred over 3 months ago may not be considered. The employer will deal with matters in the same way.

3.2

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.

3.3

This Grievance Procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

3.4

Where an employee raises a grievance during a disciplinary process the disciplinary process 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.

3.5

There is a separate Anti-harassment and Bullying Policy that may be useful if you believe you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

3.6

The employer operates 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

Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure.

3.8

This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

3.9

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This is an informal process which 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. Confidentiality and Data Protection

4.1

It is the aim of Falcon Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

4.2

Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

4.3

During any action, including any decisions taken under this procedure, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Privacy Notice for the School Workforce Policy and our Data Protection Policy and in line with the requirements and in line with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and

then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

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 your line manager or Principal. We would always aim to resolve your grievance informally where possible and employees are encouraged to seek informal resolution. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to the Principal or a more senior manager. If this does not resolve the issue, you should follow the formal procedure below.

5.1.1.

If a member of staff has a grievance with a colleague, they should endeavour to resolve the matter by direct approach to that colleague, or arranging a meeting through their line manager or other appropriate senior colleague. If it is necessary in order to resolve the issue, those concerned should also discuss it with a senior leader or the Principal.

5.1.2.

Where the grievance is against the Principal, member of senior leadership or their line manager, s/he should also first try to resolve the matter by a direct approach to that manager.

5.1.3.

In order to try and resolve the grievance at the earliest possible stage it is appropriate for the employee to seek assistance from their line manager or other appropriate senior leaders, including the Principal. This is still considered to be within the informal stage.

5.1.4.

Where a member of staff requests a personal interview concerning a potential grievance issue with his/her line manager or a senior leader, it should normally take place within 5 working days of the request being made. Extensions of the timescales can be made but should be by mutual agreement.

5.1.5.

The line manager or senior leader should seek to resolve the problem in consultation with the other employee(s) concerned, unless there are exceptional circumstances. The line manager may wish to ask for advice from their SLT link. The Principal may also, by agreement with the employee raising the grievance, consult the Governing Body. If the other employee is the Principal, the member of staff should write to the Clerk to the Governors, initiating the informal stage of the procedure, and send a copy to the Principal.

5.1.6.

If appropriate, and again by agreement of the parties involved, the Principal (or Chair of Governors where the Principal is the subject of the grievance) may arrange for mediation, with or without the use of an outside agency. Internal mediators could be any suitable colleague, but generally a senior or middle leader/manager. The mediator could be the Principal (or a representative of the Principal - if the dispute concerns two employees other than the Principal) or Chair of Governors if the dispute involves the Principal. Both parties must agree on the choice of mediator. For external mediation, arrangements should be made by the HR Manager.

5.1.7.

During mediation each party has a right to be accompanied by a colleague or representative of his/her trade union. Any such meeting should normally take place within 5 working days of the initial grievance being raised.

5.1.8.

Every attempt should be made by those involved to resolve a grievance at an early stage and through normal line management processes. Only when these have been unsuccessful should the formal process be followed. Most routine complaints and grievances should be resolved informally in discussion with the employee's line manager, or senior leader link. It is also in the best interests of everyone if grievances are dealt with as soon as possible and not allowed to become aggravated.

5.1.9.

If the employee is dissatisfied with the outcome of the informal stage or regards the complaint as sufficiently serious he or she may proceed straight to the formal stage. However, if the employee raises unrelated grievances at a later stage in the procedure these must be referred back to the informal stage of the process.

6. Formal Written Grievances – Step 2

6.1.

If your grievance cannot be resolved informally you should put it in writing and submit it to the Principal/Manager, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Principal it should be submitted to the Chair of Governors via the Academy.

6.2.

The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. 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. You should note that where your grievance relates to another employee, in order for them to provide a response they will be given a copy of your grievance.

6.3.

If, in this written notice, the member of staff requests a personal interview, then the Principal, or other senior leader appointed by the Principal to deal with the matter, must meet this request within 5 working days. If the grievance is with the Principal, then the Chair of Governors (or another designated Governor) should take the place of the Principal at this stage.

6.4.

It is the responsibility of the Principal, or a senior leader, to seek to resolve the grievance in consultation with members of staff, Governors and/or professional associations. In any meetings with staff, they have the right to be accompanied. The employee should have reasonable notice of any meetings, usually 5 working days. An HR colleague may also be present at these meetings.

6.5.

The meeting with the employee is to consider their written statement and the resolution that is being sought. It may be necessary to adjourn this meeting to seek further information or advice.

6.6.

The Principal may choose to conduct further research and interviews, and has the right to delegate any investigation or research to another senior leader. Any information or documents from the previous informal stage may be used in this investigation to ensure that a full and impartial investigation is undertaken. The investigating officer is responsible for undertaking their investigation in a fair and reasonable manner.

6.7.

The aggrieved member of staff must be provided with a written response within 10 working days of the submission of their formal written notice. This period may be extended by mutual agreement where, for example, part of the investigation process is dependent upon matters outside the control of either party. Such an extension should always be the exception rather than the rule. It is advisable to meet with the employee to communicate their decision, prior to responding in writing.

6.8.

If the member of staff raising the grievance is dissatisfied with the response, the grievance remains unresolved or no response is given within a reasonable timeframe, then the member of staff is entitled to appeal. Should the grievance not be upheld the employee is able to request all the investigation notes from the investigating officer prior to submitting their appeal.

7. Investigations

7.1.

In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the 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 investigation will usually be carried out by the Principal/Manager or someone else appointed by the Principal/Manager. In the case of an investigation into a complaint against a Principal the CEO will determine who will carry out the investigation.

7.2.

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.

7.3.

The employer may initiate an investigation before holding a grievance meeting where the employer considers 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.

8. Right to be accompanied

8.1

You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

8.2

Should you choose to bring a companion to the hearing, you will be responsible for making these arrangements and for providing your companion with any paperwork that they require for the meeting.

8.3

At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may request an adjournment to speak to them privately at any time during the meeting.

8.4

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.

8.5

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 and so 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.

8.6

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if you have a disability, or if you have difficulty understanding English.

9. Grievance Meeting

9.1

The employer will arrange a grievance meeting, normally within 5 working days of receiving your written grievance.

9.2

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.

9.3

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. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

9.4

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.

9.5

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.

10. Appeals – Step 3

10.1

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Principal/Manager, stating your full grounds of appeal, An appeal must be submitted in writing, within 10 days of receiving a written response to their formal grievance.

10.2

We will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the Principal /more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Principal has made the decision at the grievance meeting a panel of governors will hold the appeal meeting. You have a right to bring a companion to the meeting (see paragraph 8). All parties are able to make submissions prior to the meeting for consideration by the panel.

- The procedure for the meeting itself will involve the employee (or their representative) presenting their grievance. The panel then have the opportunity to question the employee.
- The employer representative, usually the Principal and/or the senior leader who dealt with the matter at the formal stage, will be asked to attend the meeting, to be questioned by the panel.
- Either party is able to call any witnesses to give evidence or be questioned.

10.3

The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

11. Roles and Responsibilities

11.1 The role of the CEO/Principal

- The role of CEO is to ensure that this policy is applied fairly and consistently across the trust
- The CEO will ensure that this policy is available to the Board of Directors to review and LGBs to monitor
- The role of Principal is to ensure that this policy is applied fairly and consistently across their academy
- The Principal will delegate roles appropriately to senior leaders, ensuring that training is provided for all those who have responsibility for handling grievance matters.

11.2 The role of the Board of Directors and Governors

- The Board of Directors and Governors will ensure that employees are aware of the grievance policy and procedures and make them readily available
- Familiarise themselves with the procedures, so that employees are confident that grievances will be heard in a fair and orderly manner
- Apply the relevant stages of the procedure and comply with the statutory requirements
- Ensure that full and accurate records are kept of all investigations and hearings, where necessary
- Appoint a governor to deal with cases where the grievance is against the Principal
- Convene an appeals committee in cases to hear appeals at the appeal stage. This will not include a governor who has had prior involvement in a particular case.

11.3 The role of the employee/other staff

- The HR Manager is responsible for providing advice and guidance within this policy and employment (or other) case law. The HR Director will also ensure that full and accurate records are kept of all investigations and formal meetings, and they can be made available, when necessary

All staff have a responsibility to meet the requirements of this policy, and seek to resolve grievances at the earliest possible stage.

12. Collective Grievances

12.1

If you and another employer (or more than two of you) have identical grievances and all wish them to be addressed in the same grievance process, you and your colleagues can raise a collective grievance via this grievance procedure. You and all your colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.

12.2

If you and your colleagues do not entirely voluntarily agree to this arrangement or if your grievances are not identical, the Trust will arrange to hear your grievances on an individual basis.

12.3

If you and your colleagues are all members of the same trade union, your trade union representative can (if you all wish him or her to do so) raise the grievance on your behalf. Alternatively, you and your colleagues can agree to nominate one of you to act on behalf of all of you.

12.4

Your collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

- Identify you and each of your colleagues who wish to raise the grievance;
- Identify any nominated trade union representative or colleague to represent you all;
- State that you have all voluntarily consented to use the collective grievance procedure;
- Confirm that you understand that the grievance will give each of you the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

12.5

If, following the grievance outcome, 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.

13. Disciplinary Procedures

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

14. Review of Policy

This policy is reviewed and amended annually. We will monitor the application and outcomes of this policy to ensure it is working effectively.