

# Grievance Policy

## Document Control

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## Related policies and documents

- Equality and Diversity Policy
- Safeguarding Policy
- Health and Wellbeing Policy
- Pay Policy
- Whistleblowing Policy
- Health and Safety Policy
- Disciplinary Policy
- Capability Policy
- Management of Sickness Absence Policy

## Definitions

- Where the word 'Trust' or "TEFAT" is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the term 'CEO' is used it refers to the Chief Executive Officer.
- Where the word 'Governing Body' or term 'LGB' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate, local procedures and practices to implement Trust policies will be published by TEFAT head office or the individual academies.

## Elliot Foundation Academies Trust Values

### 1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

### 2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

### 3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

### 4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

### 5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

### 6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

## **1. Policy statement and objectives**

- 1.1. The Elliot Foundation Academies Trust (“TEFAT”) is committed to cultivating an environment which encourages open communication and consultation which is conducive to addressing employee concerns or problems informally through everyday working relationships.
- 1.2. However, it is recognised that employees may develop work related concerns, problems or complaints during the course of their employment which cannot be easily dealt with through day to day dialogue within a working relationship. Resolution of concerns is important in contributing to harmonious working, job satisfaction, productivity and staff retention.
- 1.3. This policy sets out the Trust’s approach to managing grievances and aims to ensure that they are dealt with swiftly and as close to the source as possible. It also aims to ensure that all employees are treated fairly and consistently when seeking resolution or redress to a grievance/s.

## **2. Scope and principles**

- 2.1. This policy applies to all staff who are employed by the Trust and the core principles should be reflected in the Trust’s interactions with other workers engaged by the organisation.
- 2.2. The policy provides a process for employees to raise grievances about work or their working environment, which may include, but are not restricted to:
  - terms & conditions of employment
  - application or non application of policy
  - working environment
  - working relationships
  - new work practices
  - health & safety concerns
  - discrimination
  - bullying & harassment
- 2.3. In order for this policy to apply, the grievance must be one that lies within the power of management, Governors and the Board of Trustees to resolve. It must not be a grievance about matters determined by legislation, save for interpretation, or collective agreements.
- 2.4. A grievance arising from decisions made in a process being managed under another policy such as probation, pay, disciplinary or capability is to be resolved through the mechanisms available within the original process, including any right of appeal where applicable. The grievance procedure is not available in substitution for the original process.

- 2.5. An employee is expected to deal with a grievance in a timely manner in order to avoid unnecessary escalation of the situation and to aid any investigation if necessary. Therefore, employees should normally raise a grievance within three months of becoming aware of the cause of the grievance.
- 2.6. An employee who is a member of a trade union is encouraged to consult that trade union's representative to seek advice and guidance before invoking the grievance procedure.
- 2.7. Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible and normally within 2 working months, albeit many grievances will be able to be addressed in a much quicker timeframe. Whilst all employees are encouraged to resolve grievances informally where they are able to, there should not be any attempt to block an employee's wish to raise the grievance at a higher level.
- 2.8. Confidentiality is an important part of the procedures applied under this policy. Everyone that is involved in the operation of the policy whether raising a grievance or involved in any investigation is responsible for observing a high level of confidentiality.
- 2.9. Where more than one member of staff has lodged a grievance relating to the same or substantially the same issue, the Trust may deal with the grievances together in the interests of fair and consistent decision-making. Trade unions may initiate a collective grievance on behalf of more than one named employee where the issues are the same.
- 2.10. This policy does not form part of any employees contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

### 3. Roles and remits

#### 3.1. Senior Leaders (Executive Team and school Senior Leadership Teams) and Line Managers

Senior Leaders are critical in creating a supportive work environment which facilitates constructive, honest and open communication between colleagues. They also play an important part in role modelling constructive and appropriate ways to manage work related concerns, problems or complaints

Senior Leader and Line Manager Responsibilities
Have an understanding of the Grievance Policy and the role that is played by senior leaders in supporting resolution of and managing relevant work related issues
Seek to embed Elliot Values in all areas of work life
Provide leadership and demonstrate a commitment to developing a working environment

and practices which are safe and supportive and free from unacceptable conduct, behaviour and language.

Create an open culture to ensure that staff are able to raise and discuss their concerns with colleagues constructively

Take appropriate action promptly and in accordance with the procedure in a fair and equitable manner

Maintain confidentiality as appropriate throughout the procedure

Seek relevant and appropriate support from the Trust's central HR team to ensure that matters are dealt with fairly and consistently

Ensure that accurate written records are maintained throughout in relation to any grievances

### **3.2. Employee Responsibilities**

All employees play an important role in contributing to a work environment which facilitates constructive, honest and open communication between colleagues to address work related concerns, problems or complaints

#### **Employee Responsibilities**

Have an understanding of the Grievance Policy and the role that is played by individual employees in supporting resolution of relevant work related issues

Be aware of and demonstrate the Trust Values, treating colleagues with dignity and respect

Consider how their own behaviour may impact others and make necessary adjustments, seeking support to do so where appropriate

Recognise that all employees contribute to the work environment and be mindful of the appropriateness of conversation and behaviours

Approach work related issues in a reasonable manner and with professional maturity, seeking to address them alongside colleagues promptly and constructively where possible

Consider using available support mechanisms such as facilitated discussion, relevant training, Employee Assistance Programme and occupational health where appropriate.

## **4. Grievance procedure - Stage 1: Informal resolution**

- 4.1 In line with the Trust's Values, all employees involved in a grievance should actively seek to enable the issue/s to be resolved quickly and informally in a constructive manner. Employees are encouraged to raise the grievance informally directly with the individual/s concerned in the first instance, where possible. This should be done as quickly as possible following the incident or the employee becoming aware of the matter which is the cause of the grievance.

- 4.2 When raising the matter directly with the person against whom an employee has a grievance, they should choose an appropriate time and place to hold the discussion and consider the most constructive way to approach the issue. It may be helpful to outline the particular action or issue which is causing concern and describe how the concern can be resolved. It is important the other party considers the matters being raised and is given the opportunity to respond from their point of view.
- 4.3 If the grievance cannot be resolved directly, or the employee feels unable to raise it directly, then the employee should personally present the grievance, either orally or in writing, to his/her immediate line manager to request support in achieving informal resolution where possible.
- 4.4 Managers under the informal process may be able to offer guidance and or assistance through discussion to enable informal resolution to take place. Where there is scope to reach a resolution informally, various strategies will be discussed with the employee raising the concern and the other party to try to achieve this.
- 4.5 An independent third party or mediator can sometimes help resolve grievance issues.
- **Facilitated discussion** can be carried out by another manager (not already involved in the process) or HR. This is not mediation, however having someone else involved in the discussion, may aid communication.
  - **Mediation** involves the appointment of a qualified mediator who seeks to help individuals reach agreement. It is a voluntary process on both parts, should be confidential and solution-focussed and either party can withdraw at any time from the process

These processes are voluntary and both parties would need to be willing to engage in facilitated discussion or mediation to resolve a grievance. They can do so either before invoking the procedure or at any stage of the grievance procedure without prejudice to the position of either party. The grievance procedure may be suspended if facilitated discussion or mediation is deemed to be an appropriate way of attempting to resolve the issue. However if the process is unsuccessful, the grievance procedure will resume.

- 4.6 Where the grievance cannot be resolved informally, then it should be referred to the appropriate formal grievance procedure (Stage 2).



## 5. Grievance procedure - Stage 2: Formal resolution

- 5.1. If the employee is not satisfied that their concerns have been addressed informally, or they have been unable to raise them informally, the employee should submit their grievance in writing using the form in **Appendix A**.
- 5.2. The form will enable the employee to state the grounds of their grievance and the remedy that is being sought. It is important that as much factual detail relating to the complaint is included on the form as possible.
- 5.3. The form should be submitted to the **Grievance Officer/Panel** as identified in the table below:

<b>Staff Category</b> (individual raising the grievance)	<b>Investigating Officer</b> (to gather the facts & relevant information)	<b>Grievance Officer/Panel</b> (to consider grievance)	<b>Grievance Appeal Panel</b> (to determine grievance appeals)
<b>School based staff</b> (raising a grievance about other school based staff not the Principal/Executive Principal)	Senior leader or externally appointed investigator	Executive Principal/Principal	Grievance Appeal Panel (3 members of governance group)
<b>School based staff</b> (raising a grievance about the Principal/Executive Principal)	Member of TEFAT Operations Group or externally appointed investigator	Regional Director	Grievance Appeal Panel (3 members; CEO and/or Operations Group)
<b>School based staff including the Principal/ Executive Principal</b> (raising a grievance about central staff except the CEO)	Member of TEFAT Operations Group or externally appointed investigator	CEO	Grievance Appeal Panel (3 Trustees)
<b>School based staff including the Principal/ Executive Principal</b> (raising a grievance about the CEO)	Nominated Trustee or externally appointed investigator	Chair of the Board of Trustees	Grievance Appeal Panel (3 Trustees)
<b>Executive Principals/ Principals</b> (raising a grievance about other school based staff)	Member of TEFAT Operations Group or externally appointed investigator	CEO	Grievance Appeal Panel (3 Trustees)
<b>Centrally employed staff</b>	Member of TEFAT Operations Group or externally appointed investigator	CEO	Grievance Appeal Panel (3 Trustees)
<b>CEO</b>	A nominated Trustee or externally appointed investigator	Grievance Panel (3 Trustees)	Grievance Appeal Panel (3 Trustees)

- 5.4. On receipt of the formal grievance, the Grievance Officer may, with the agreement of the employee and/or their trade union representative, refer it back to the informal stage to try and resolve it informally if this has not been explored. They will however seek to understand in the first instance why the informal stage has not been used.
- 5.5. The Grievance Officer will write to the employee acknowledging receipt of their formal grievance within 5 days and will confirm who they have appointed as the Investigating Officer to investigate the grievance.
- 5.6. The Investigating Officer will conduct an investigation in relation to the grievance and in doing so, will arrange to meet with the employee raising the concerns to acquire any additional information that they need or to clarify any points of uncertainty. The Investigating Officer is likely to meet with the individual/s who are the subject of the grievance and any other parties who are involved in the issue or have been witness to it. If this is the case, the importance of confidentiality will be emphasised to them, they will be given sufficient notice of any investigation meetings and offered the opportunity to be accompanied by a trade union representative or workplace colleague who is not involved in the grievance. In circumstances in which involved parties are members of the same trade union, they must be supported by different representatives.
- 5.7. If the Investigating Officer considers it to be appropriate to attempt facilitated discussion or mediation between two or more employees as part of the formal grievance stage, each employee will be asked whether they are willing to engage in this process. Any facilitated discussion or mediation will not preclude the employee from pursuing their formal grievance if it is not successful in remedying the situation.
- 5.8. On conclusion of their investigation, the Investigating Officer will provide the Grievance Officer with a report of their findings. The Investigating Officer should also consider whether, as a result of investigating the grievance, they wish to make any recommendations to the Grievance Officer in relation to Trust policies or procedures or the conduct of employees (which may warrant subsequent, separate processes under the remit of the Trust's Disciplinary Policy or other relevant policies).
- 5.9. In exceptional circumstances the Grievance Officer may be able to reach a decision based on written evidence without the need for an investigation or hearing, in which case they will convey their decision in writing.

## **6. Grievance Hearing**

- 6.1. A formal grievance hearing will be convened and heard by the Grievance Officer who will be supported by a member of the Central HR team or other suitable advisor not previously involved in the investigation stage.

- 6.2. The employee will be given at least 5 working days notice of the hearing (unless otherwise mutually agreed between the parties) and may be accompanied either by a work colleague or trade union representative. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 6.3. The written notification of the hearing will include the following:
- the date, time and venue of the hearing;
  - the name/s of who will be conducting the hearing;
  - the grievance(s) to be considered;
  - the right to be accompanied by a trade union representative or workplace colleague;
  - the names of any witnesses to be called by those presenting the investigation;
  - that an independent note-taker will be present;
  - copies of all supporting documents to be used as evidence by those presenting the investigation;
  - the employee's entitlement to submit additional relevant documentation in advance of the hearing and to identify any additional witnesses they wish to call to attend, provided they do so to be received no later than 2 working days in advance of the hearing;
  - the possible outcomes of the hearing; and
  - a copy of the Grievance Policy.
- 6.4. The hearing will provide the employee with the opportunity to restate their grievance, along with the resolution that they are seeking. The Investigating Officer will also attend to present their findings from the investigation and both parties will have the opportunity to call any relevant witnesses. A copy of the agenda to be used at the hearing can be found at **Appendix B**.
- 6.5. The decision of the hearing will be announced at the close of the hearing whenever possible. The Grievance Officer should confirm the decision in writing within 5 working days of the hearing, unless further investigation is needed. The outcome letter will confirm if the grievance(s) has been upheld, partially upheld or not upheld or to dismiss the grievance in its entirety, along with the reasons for the decision and any recommendations for subsequent action. These actions could include mediation, facilitated discussion, changing of working practices, team building, a matter to be dealt with under the Disciplinary Policy etc.
- 6.6. Where it is proven that the allegations were vexatious / malicious (i.e. allegation without grounds and which has been raised with negative intent towards the alleged perpetrator), a disciplinary investigation may be considered. This is different to a genuine complaint not being 'upheld'.

## 7. Grievance Procedure - Stage 3: Formal appeal

- 7.1. If they remain dissatisfied, the employee who raised the grievance may appeal the outcome within 10 working days of receipt of the written confirmation of the hearing.
- 7.2. The employee's wish to appeal should be submitted in writing confirming the grounds for their appeal which should be one or more of the following:
  - a. process irregularity;
  - b. the Grievance Officer/Panel took into account irrelevant evidence;
  - c. the Grievance Officer/Panel failed to take into account relevant evidence;
  - d. the Grievance Officer/Panel misinterpreted evidence; and/or
  - e. new evidence has come to light which the parties were not aware of at the time of the hearing.
- 7.3. The letter of appeal should be submitted to the relevant individual identified in the letter confirming the outcome of the grievance hearing. In addition the employee should also state what resolution they are seeking.

## 8. Grievance Appeal Hearing

- 8.1. The appeal hearing is not intended to be a rehearing of the original complaint, but rather a consideration of the specific areas that the employee has cited that they are dissatisfied with, in their letter of appeal, from the original hearing and/or outcome.
- 8.2. The employee will be given at least 5 working days' notice of the hearing (unless otherwise agreed between the parties) and may be accompanied by a recognised trade union representative or workplace colleague. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 8.3. The Grievance Appeal Panel will consist of individuals not previously involved in the grievance process. The panel may be accompanied by a member of the central HR Team or other suitable HR advisor, also without prior involvement.
- 8.4. The purpose of the appeal hearing will be to:
  - allow the employee the opportunity to restate their appeal and the remedies or resolution they are seeking;
  - enable the Grievance Officer/Panel to outline the process they followed in determining the original outcome and the reasons;
  - enable the Grievance Appeal Panel to clarify any facts or details necessary to inform their considerations.
- 8.5. The procedure to be followed at an appeal hearing is at **Appendix C**.

- 8.6. The Grievance Appeal Panel may:
- confirm the original outcome;
  - overturn the original outcome;
  - amend or make further recommendations for subsequent actions to be taken.
- 8.7. Following the appeal hearing the employee will be informed of the outcome in writing within 5 working days. The decision made at the appeal hearing will be final and there will be no further right to appeal.

## **9. Support Available**

- 9.1. The Employee Assistance Programme (EAP) provides free confidential care and support to employees, for a range of issues that are not just related to the workplace. This includes the provision of counselling and information services. Employees are able to self refer to this service and with consent, line managers can make a referral on the employees behalf. They are available 24 hours a day, 7 days a week. Contact details can be obtained from the line manager or central HR Team.
- 9.2. Any member of staff who is involved in a workplace dispute may experience stress or ill health and may find it helpful to be referred to the Trust's occupational health advisors for support and guidance. The Trust/Academy will discuss this with individuals if appropriate and employees are able to request a referral through their line manager.
- 9.3. The Trust values the positive contribution made by trade unions during grievance processes and employees are encouraged to seek the support of their trade union as appropriate.

## Appendix A - Formal Grievance Form

<b>Employee Name</b>	
<b>Job Title</b>	
<b>Line Manager</b>	
<b>School</b>	

**What are the factual details of your grievance?**  
*Attach supporting information if necessary and include as much detail as possible*

**Dates of concerns/events**

Witnesses (if applicable)
What actions have you already taken in relation to your grievance? eg informal attempts to resolve
Remedy Sought

**Declaration:**

To the best of my knowledge, the information provided in this form is true and correct. I understand that knowingly giving false information is considered a disciplinary matter.

<b>Signed</b>	
<b>Print Name</b>	
<b>Date</b>	

## Appendix B - Formal Grievance Hearing Agenda

### 1. Presentation of the grievance/s by the employee

The employee or representative:

- (a) presents the employee's grievance/s
- (b) calls each witnesses in turn so that:
  - the witness is asked questions by the employee or their representative
  - the Investigating Officer has the opportunity to ask the witness questions
  - the Grievance Officer has the opportunity to ask the witness questions
  - the employee or their representative has the opportunity to ask the witness questions of clarification
  - each witness withdraws after giving evidence

### 2. Presentation of the Investigating Manager's Report and response (if applicable)

The Investigating Officer or their advisor:

- (a) presents the Investigation Report and management response
- (b) calls each witness in turn so that:
  - the witness is asked questions by the Investigating Officer or their advisor;
  - the employee or their representative has the opportunity to ask the witness questions;
  - the Grievance Officer has the opportunity to ask the witness questions;
  - the Investigating Officer or their representative has the opportunity to ask the witness questions of clarification;
  - each witness withdraws after giving evidence

### Summing up and withdrawal

- (a) the Investigating Officer or their representative has the opportunity to sum up the management response if s/he so wishes
- (b) the employee, or their representative, has the opportunity to sum up the employee's case if s/he so wishes
- (c) all persons other than the Grievance Officer and her/his advisor are then required to withdraw

### 4. Hearing Outcome

- (a) the Grievance Officer and her/his advisor are to deliberate in private, only recalling other persons to clear points of uncertainty on evidence already given. Any recall will involve all persons involved in the earlier hearing.
- (b) where possible, the Grievance Officer will announce the outcome of the grievance, which will be confirmed in writing. Where this is not possible, they will announce what further actions are required and when and how a substantive response to the grievance will be provided.



## Appendix C - Formal Grievance Appeal Hearing Agenda

### 1. Presentation of the grievance appeal by the employee

The employee or representative:

- (a) presents the employee's grievance appeal
- (b) calls each witnesses in turn so that:
  - the witness is asked questions by the employee or her/his representative
  - the management representative or her/his/their advisor has the opportunity to ask the witness questions
  - the Grievance Appeal Panel has the opportunity to ask the witness questions
  - the employee or their representative has the opportunity to ask the witness questions of clarification
  - each witness withdraws after giving evidence

### 2. Presentation of the Investigating Manager's response

The Management Representative or her/his/their advisor:

- (a) presents the management representative's response
- (b) calls each witness in turn so that:
  - the witness is asked questions by the management representative or her/his/their advisor
  - the employee or their representative has the opportunity to ask the witness questions
  - the Grievance Appeal Panel has the opportunity to ask the witness questions
  - the management representative or her/his/their advisor has the opportunity to ask the witness questions of clarification
  - each witness withdraws after giving evidence

### 3. Summing up and withdrawal

- (a) the management representative or her/his/their advisor has the opportunity to sum up their response if s/he/they so wishes
- (b) the employee or their representative has the opportunity to sum up the employee's case if s/he so wishes
- (c) all persons other than the Grievance Appeal Panel and their advisor are then required to withdraw

### 4. Appeal Hearing Outcome

- (a) the Grievance Appeal Panel and their advisor are to deliberate in private, only recalling other persons to clear points of uncertainty on evidence already given. Any recall will involve all persons involved in the earlier hearing.
- (b) the Grievance Appeal Panel will announce the outcome of the grievance, which will be confirmed in writing.