



# Grievance Policy and Procedure

January 2024

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### **This policy applies to:**

All Trust settings and any school converting into the trust since the last review and approval of this policy.

Where this policy states 'school' this means any of our educational establishments and the wider Trust.

Where this policy states 'Headteacher' this also includes 'Head of School' and 'Centre Manager'.  
Mowbray Education Trust (MET).

## **1. Introduction**

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.

A grievance is a concern, problem or complaint raised by an employee. Issues that may cause grievances include (but not limited to):

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

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

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimization after raising a work-related grievance.

## **2. Scope**

This procedure applies to all employees regardless of length of service. It does not apply to casual, agency workers or self-employed contractors.

## **3. Definitions**

In the context of this policy Manager means the following:

- Head Teacher or Head of School for all school-based staff
- Centre Manager for all nursery-based staff
- Appropriate member of the Executive Team for central staff
- Executive Head Teacher for all Head Teachers
- CEO for Executive Team
- Chair of the Board for CEO

A Manager may delegate some actions in this policy to an appropriate person.

#### **4. Using this procedure**

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

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 Disciplinary Policy & Procedure.

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.

The Trust has 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.

This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of a trade union. These will be dealt with as appropriate to the facts of the case.

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

Written grievances will be placed on your HR 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.

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.

## **5. Raising grievances informally**

We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager or 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 or the HR Team. If this does not resolve the issue, you should follow the formal procedure below.

## **6. Formal written grievances – Stage 1**

If your grievance cannot be resolved informally you should submit your grievance in writing and send it to your Manager, indicating that it is a formal grievance. If the subject of the grievance is your line manager, you should submit the written grievance to an alternative, preferably senior, manager.

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.

The Manager may initiate an investigation before holding a grievance meeting where 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. Grievance meeting**

The Manager will arrange a grievance meeting, normally within 10 working days of receiving your written grievance. You and your companion (if any) should make every effort to attend the grievance meeting (see Section 9).

The purpose of a grievance meeting is to enable you to explain your grievance, 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 Policy & Procedure.

Depending on the circumstances surrounding the grievance, an investigation may be required. 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.

## **8. Investigations**

In some cases, it may be necessary for us to carry out an investigation into your grievance.

In this case an investigating officer will be appointed in order to carry out a thorough investigation and collation of appropriate information to establish the facts of the case.

The role of the investigator will be to investigate the issues raised, interview witnesses as appropriate, establish the facts and make any recommendations for resolution. The Manager must ensure that the investigating officer is impartial.

Investigations will vary in the level of detail required, this must be proportionate to the matter in question. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

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.

Following the grievance investigation, the investigating officer will produce a report stating their findings, possible resolutions etc. This will be communicated in the final grievance meeting.

## **9. Right to be accompanied**

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

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. 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 once. If your chosen companion will not be available for more than five working days afterwards, we may ask you to choose someone else.

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.

## **10. Appeals – Stage 2**

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Manager, stating your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.

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 a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see section 8).

The meeting will be a review of the original decision in the light of the points of appeal and any new information that may have come to light.

The final decision will be confirmed 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. Review of policy**

This policy is reviewed biennially by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

<b>Version</b>	<b>Date</b>	<b>Page</b>	<b>Change</b>	<b>Who:</b>
V1.0	March 17	Whole document	Original document	Head of HR
V1.0	June 17	Cover page	Updated status to final. Updated date to June 17	Head of HR
V1.0	Dec 2020	Section 3	Updated titles	HR & Operations Director
V1.0	Dec 2020	Whole document	Approved	CEO
V2.0	Jan 23	Whole Document	<p>Updated sections 1 and 3 to be in line with other Trust Policies</p> <p>Informal Stage remains separate and the formal stages have been renamed Formal Stage 1 and Formal Stage 2</p> <p>Section 7 – updated to only include the Grievance Meeting. The investigation stage was removed from the policy.</p>	HR Manager & COO
V3.0	Jan 24	Whole Document	<p>Section 1 – Addition of definition of grievance and statement ensuring fair treatment of person raising grievance.</p> <p>Section 3 - Update of line management for central team and executive team</p> <p>Section 6 – addition of guidance of grievance is regarding line manager.</p> <p>Section 8 – addition of investigation stage guidance.</p>	Executive Keard for People and Development