

Grievance Procedure

Policy Owner: The Mercian Trust
People & Culture Committee

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Increasing Opportunities
Improving Outcomes



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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:
- 1.2.1 terms and conditions of employment;
 - 1.2.2 health and safety;
 - 1.2.3 work relations;
 - 1.2.4 new working practices;
 - 1.2.5 working environment;
 - 1.2.6 organisational change; and
 - 1.2.7 discrimination.
- 1.3 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.
- 1.4 The policy has been implemented following consultation with staff and/or recognised trade unions. It has been formally adopted by the Governing Body as per the details on the front sheet.

2 Who is covered by the procedure?

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

3 Using this procedure

- 3.1 Employees should raise matters within 3 months of the incident occurring. The employer will deal with matters in the same way.
- 3.2 Complaints that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the Disciplinary Procedure if appropriate, 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 The Anti-harassment and Bullying Policy 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 to 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.
- 3.10 We offer access to confidential counselling, which is available on request. The details to access this service can be obtained by contacting hrmatters@merciantrust.org.uk

4 Confidentiality and data protection

- 4.1 It is the aim of the 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 Workforce Privacy Notice, our Retention and Distribution Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time.

5 Low level concerns

All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern - no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' – that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples of such behaviour could include, but is not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

Where staff wish to raise or report a low level concern, they should refer to the Allegations policy which can be found on the Trust electronic documents area.

6 Raising grievances informally - Step 1

- 6.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager Head Teacher, or through impartial trained mediation providing all parties agree. 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 Head Teacher or a senior manager. If this does not resolve the issue, you should follow the formal procedure below.
- 6.2 Whilst we encourage the informal resolution of complaints, we recognise that this is not always possible or appropriate. In such a situation, we will consider matters that are raised and we may, depending on the severity and in discussion with you, deal with the matter formally at Step 2 (below).

7 Formal written grievances - Step 2

- 7.1 If your grievance cannot be resolved informally you should put it in writing and submit it in writing to the Trust Central HR team who will allocate an investigating officer and deciding manager as per Table 1 contact details are: HRmatters@merciantrust.org.uk indicating that it is a formal grievance.
- 7.2 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.

8 Investigations

- 8.1 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 be assigned as per Table 1.
- 8.2 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.
- 8.3 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.

9 Right to be accompanied

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.

10 Grievance meeting

- 10.1 The employer will arrange a grievance meeting, normally within 10 working days of receiving your written grievance or within a reasonable timeframe given parallel processes or investigations.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.

Possible outcomes include:

1. That the grievance is upheld in which case the disciplinary may be invoked, that if there is further action it will be invoked but nothing at moment, the mutually agreeable resolution may be identified.
2. the grievance is partially upheld
3. the grievance is not upheld

4. that the grievance raised has been vexatious, and therefore the employee who raised the grievance may be subject to disciplinary proceedings
5. the manager or panel have recommended further mediation

11 Appeals - Step 3

- 11.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Trust Central HR team who will make the necessary arrangements for the appeal as per Table 1 contact details are: HRmatters@merciantrust.org.uk. The written appeal must state your full grounds of appeal, within 5 working days of the date on which the decision was sent or given to you.
- 11.2 We will hold an appeal meeting (which may be online or in person) without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the person indicated in Table 1 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 paragraph 9.)
- 11.3 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.

12 Collective Grievances

- 12.1 If you and another employee (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:
 - 12.4.1 Identify you and each of your colleagues who wish to raise the grievance;
 - 12.4.2 Identify any nominated trade union representative or colleague to represent you all;
 - 12.4.3 State that you have all voluntarily consented to use the collective grievance procedure;
 - 12.4.4 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 Proceedings

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 every 2 years by Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Employee Grievance Form

This form is intended for use by an employee who wishes to raise a formal grievance about the behaviour of a colleague, his/her manager or a third party, or any other workplace issue.

Employee Name:		Employee Job title:	
School:		Date Grievance Raised:	

Trade Union Representative / Workplace Colleague	
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If your complaint is against an individual - please provide their name and job title

Summary of complaint: Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.

Individuals involved in the alleged incident/complaint: Provide here the names and contact details of any people involved in your complaint, including witnesses.

Informal action to resolve the issue: Please provide details of any action that you have already taken to your grievance/ complaint and why this did not work.

Declaration: I confirm that the above statements are 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 by the School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

Name:

Date:

Signature:

TABLE 1

Employee	Investigating Officer	Deciding Manager (Hearing Chair)	Advisor(s) to the DM	Appeal Panel	Advisor(s) to the Appeal Panel
Teacher	Senior leader from own school, another school in the Trust or an external specialist.	Headteacher or Senior Leader from the Central Team	Trust-appointed HR Advisor.	2x LGB 1x Trust representative.	Trust-appointed HR and/or Legal Advisor.
Leadership Spine	Senior leader from own school another school in the Trust or an external specialist.	Headteacher or Senior Leader from the Central Team	Trust-appointed HR Advisor.	2x LGB 1x Trust representative.	Trust-appointed HR and/or Legal Advisor.
Deputy Head (or second most senior member of staff who deputises for the HT)	Senior Leader from within the Trust Central Team or Headteacher from another school in the Trust or an external specialist.	Headteacher or Senior Leader from the Central Team	Trust-appointed HR Advisor.	2x LGB 1x Trust representative.	Trust-appointed HR and/or Legal Advisor.
Associate Staff	Senior leader from own school, another school in the Trust or an external specialist.	Headteacher or Senior Leader from the Central Team	Trust-appointed HR Advisor.	2x LGB 1x Trust representative. Or 2x Non-executive governors/trustees 1x Trust representative.	Trust-appointed HR and/or Legal Advisor.
Headteacher or Trust Executive Leader	Independent IO appointed by the CEO	CEO	Trust-appointed HR Advisor.	3x Trustees	Trust-appointed HR and/or Legal Advisor.
CEO	Independent IO appointed by the Chair of the Trust	3x Trustees	Trust-appointed HR Advisor.	3x Different Trustees	Trust-appointed HR and/or Legal Advisor.