

# **Bohunt Education Trust Grievance Policy and Procedure**

## **I. INTRODUCTION**

This procedure is applicable to all Bohunt Education Trust staff. It covers all concerns which employees may have about their work or their relationships at work, including complaints of discrimination, harassment or bullying. It is designed to ensure all grievances are dealt with fairly and objectively.

### **I.1. General principles**

The Trust encourages informal resolution of disputes in as many instances as possible. However, it is recognised that this may not always be possible. This grievance procedure provides a mechanism to deal with these issues as fairly, as quickly and as transparently as possible, in accordance with employment law.

In the case of discrimination, harassment or bullying complaints, employees should also use this Grievance Procedure. The Trust will not tolerate unlawful discrimination, harassment and bullying, and will take the appropriate action against such behaviour.

### **I.2. Timescales and confidentiality**

In order to deal with employees' concerns fairly and quickly, it is important that all parties involved ensure that they meet the prescribed timescales. Grievances will normally only be considered where the grievance relates to an event/decision which occurred no more than three months prior to the grievance being raised. Grievances raised outside this timeframe will only be considered under the procedure in exceptional circumstances.

It is the responsibility of all employees and management to maintain strict confidentiality of personal information when progressing Trust and school procedures. It is important during the grievance process that the appropriate level of confidentiality is maintained by all concerned.

### **I.3. Equality and diversity considerations**

Headteachers and line managers must be aware, when applying this procedure that they have a duty to ensure that no unlawful discriminatory practices occur. In particular, the Trust must consider all requests for a reasonable adjustment in the workplace for any disabled employee. Exceptionally there may be cases where an employee may need support from an individual care worker during the grievance process.

### **I.4 Delegated Authority**

The management of grievances may be delegated to staff other than the Headteacher/ CEO in accordance with the Trust's Scheme of Delegation as follows:

<http://www.bohunttrust.co.uk/statutory-info/governance/>

## **2. BEFORE USING THE FORMAL PROCEDURE**

### **2.1. Initial action**

In the first instance, employees should always aim to raise any concerns or complaints with their Headteacher or line manager in the informal context of day-to-day management and regular meetings. In cases where an employee wishes to raise a matter involving the actions of their immediate manager, this should be raised initially with the next level of management. If the matter concerns the actions of the Head of School, this should be raised with the CEO Bohunt Education Trust.

In cases where the grievance involves a disagreement between employees, the Headteacher or line manager should set up an informal meeting between the employees concerned, as a means of resolving the matter without using the Grievance Procedure. Should the grievance be about discrimination/harassment or bullying, this may involve the line manager explaining the nature of the complaint to the alleged discriminator/harasser on their own.

Any hearing held to resolve issues informally should only involve those concerned and, if it is felt it would be helpful, mediation may be an option. The employee can speak to HR or if they are a member of a union, their union representative.

If the employee remains dissatisfied after initial action has been exhausted, they may then proceed to the formal Grievance Procedure.

## **2.2. When the grievance procedure should not be used:**

- If the grievance is of a 'collective' nature, i.e. if it is raised by a recognised trade union or a workplace representative on behalf of two or more employees. The Grievance Procedure is intended as a reconciliation process to deal with the grievance of individual employees.
- As a means to seek vindication or revenge, or to discriminate.

## **3. FORMAL GRIEVANCE PROCEDURE**

Where it has not been possible to resolve an employee's concerns informally they may ask for their issue(s) to be considered formally. They should be provided with a copy of this document at this stage.

### **3.1 The employee should first set out their grievance in writing, the grievance should include:**

- Clear, specific allegations against named individual/s,
- Dates, times and names of witnesses (when these are known),
- Statements from witnesses, if any,
- Factual description of events and direct quotes if remembered,
- A brief description of the context of each incident,
- If the complaint is one of discrimination, harassment or bullying, an indication of how the incident made the complainant feel and why s/he considers the behaviour amounts to harassment or bullying (if this is unclear),
- Any other supporting documentation. This will complete the information submitted by the employee making a grievance. Any information submitted thereafter will not be considered.
- The employee should send the completed and signed document and all accompanying information to their line manager or the Delegated Authority listed in section 1.4. The manager in receipt of the written Grievance will be referred to as the Grievance Manager in the rest of this policy, for clarity.

When dealing with a discrimination/harassment/bullying complaint, all managers and officers involved must remember to act with sensitivity to the complaint at all times. The purpose is to establish the facts and provide a suitable solution, but not to challenge the victim's perception.

### **3.2 Prior to the hearing**

The Grievance Manager must write to the employee within 5 working days of receiving the Grievance Complaint, to invite the employee to attend a hearing to discuss the grievance. The Grievance Manager should arrange for the hearing to take place as soon as reasonably practicable but in any event within 4 weeks of the date of the invitation, unless there are exceptional circumstances justifying a longer period.

If the grievance is about the actions of another employee or manager, that person should be provided with a copy of the Grievance Procedure, a copy of the written Grievance Complaint and any supporting documentation, and be asked to make a written response (including any witness statements or with any witness statements of their own) within 10 working days of receipt. The responding employee/manager should also be advised that they might wish to discuss the grievance with a work colleague or a trade union official before responding. A copy of any written response to the written Grievance Complaint must be provided to the employee raising the grievance no later than 5 working days before the date set for the grievance hearing.

### **3.3. Conduct of the hearing**

The Grievance Manager, who is the decision maker, is responsible for the conduct of the grievance hearing and will open the hearing by explaining the format, which should include:

- Confirmation that the use of the Grievance Procedure is appropriate in the circumstances and that those present have a copy.
- The three possible options at the end of the hearing, which are:
  1. The grievance is agreed and a remedy is decided on.
  2. The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
  3. The grievance is not agreed.
- Examination of the details of the grievance and consideration of any witness statements.
- Consideration of a written (or other acceptable accessible format) response/evidence from any other employee named in the written grievance.
- The opportunity for the Grievance Manager to question the employee.
- Consideration of what the employee believes would be a satisfactory resolution.

The Grievance Manager may decide to postpone the proceedings whilst s/he seeks clarification from any witness(es) or from the responding employee/manager of matters referred to in their witness statement or response.

The Trust may appoint an independent note taker. If an appeal is requested, the notes will be used by the panel at an appeal hearing. The decision maker at the hearing should also retain their summary notes as a record of the grievance hearing.

### **3.4 Right to be accompanied**

Employees have a statutory right to be accompanied by a work colleague or trade union official (hereafter called a 'companion' for clarity) at grievance hearings. This includes all parties involved in the grievance process. The following provisions apply:

- If the companion is unable to attend on the proposed hearing date, the employee can suggest another date provided this is reasonable and is no more than 5 working days after the original date.
- Reasonable time off work will be permitted for the employee to consult with the companion but must be authorised in advance by the employee's manager.
- The Grievance Manager must receive, no later than 3 working days before the date set for the hearing, the name and status of any companion(s).
- The hearing must be conducted at a reasonable location and time, with particular attention to the needs of any disabled person attending the hearing.

It is good practice to allow companions to participate as fully as possible in the hearing, as detailed below.

A 'companion' may:

- Put the employee's case,
- Sum up that case,
- Respond on the employee's behalf to any view expressed at the hearing,
- Confer with the employee.

A 'companion' may not:

- Answer questions on the employee's behalf,
- Address the hearing if the employee does not want this,
- Act in a way that prevents anyone else at the hearing from contributing.

#### **4.4. Outcome of the hearing**

After the hearing, the Grievance Manager will consider the case and reach a decision. This will reflect the circumstances of the case and, in the case of a discrimination/harassment/ bullying claim, may include remedial action against the alleged harasser, ranging from training to formal disciplinary action.

A decision should normally be made and communicated to the employee within 5 working days of the hearing unless the Grievance Manager and employee both agree to set an alternative deadline or there are exceptional circumstances which prevent a decision being provided within this timeframe. The Grievance Manager must inform the employee in writing of their response in relation to the grievance and remind them of the right of appeal against the decision if they are not satisfied with it. A record of the grievance hearing must be prepared after the hearing and a confidential copy retained.

### **4. APPEAL PROCESS**

If the decision made is to dismiss the grievance, and the employee continues to be dissatisfied, they should:

- Submit a written appeal request to the Delegated authority listed in section 1.4
- Ask that the grievance be considered at an appeal hearing, stating the reasons why they are appealing against the decision.

#### **4.1. Appeal acknowledgement and forming the Appeal Panel**

- A written acknowledgement will be sent within 5 working days of receipt of appeal, confirming that the appeal will be considered at an appeal hearing.
- This appeal will be considered by a panel who have had no prior involvement in the case.
- The appeal panel must appoint a note taker, arrange for a suitable room which must be free from interruptions and provide necessary requirements for disabled attendees.

#### **4.2. Before the appeal hearing**

The appeal hearing must take place no later than 4 weeks from the date of the written request from the employee to have the grievance heard in appeal. The details of the hearing and copies of any relevant documentation will be notified to the employee and panel members not less than 5 working days prior to the date of the hearing

Employees will also be reminded of their right to be accompanied by a work colleague or a trade union official. If the companion is unable to attend on the proposed hearing date the employee can suggest another date provided this is reasonable and is no more than 5 working days after the original date.

**NB:** In cases of postponement of the appeal hearing (or of non attendance of the employee), the same provisions apply as for the grievance hearing. If an appeal has been re-scheduled and the employee fails to either, attend, send a representative on their behalf or make a written submission, the appeal panel will be entitled to conclude that the employee has decided not to proceed, and no further action will be taken.

#### **4.3. The Appeal hearing takes place as follows:**

- The panel hears a submission from each side;
- It takes account of the grounds of appeal and management response;
- It reviews the record of the grievance hearing and the outcome letter from the original hearing;
- The panel can seek clarification if required.
- If new evidence is introduced at this stage, the appeal panel will decide whether or not to allow such information to be considered.

#### **4.4. Appeal decision**

The three possible options at the end of the hearing are:

- The grievance is agreed and a remedy is decided on.
- The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
- The grievance is not agreed.

The Chair of the Appeal Panel will, within 5 working days of the appeal hearing, unless there is agreement to set an alternative deadline, notify the employee of the decision, as well as its rationale, in writing.

Decisions at this stage will be final.