



Beacon Academy Trust

A COMPELLING VISION FOR SUCCESS

GRIEVANCE POLICY AND PROCEDURE

Approving Body	Trust
Date of Last Review	January 2018
To be Reviewed	January 2021
Statutory (Y/N)	N
Signed/Authorised	

I. PURPOSE, SCOPE AND GENERAL PRINCIPLES

1. Any employee having a grievance related to their employment with BMAT must follow this procedure. It is the responsibility of all parties to a grievance to ensure that the relevant steps are complied with.
2. This policy does not apply to: collective disputes or grievances brought by an appropriate representative for two or more employees. Such matters fall under BMAT's procedural agreement with its recognised trade unions.
3. This policy aims to ensure:
 - a. That employees obtain a speedy and fair resolution to problems relating to their employment;
 - b. That where possible, problems are resolved informally;
 - c. That BMAT provides a working environment in which all employees feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality (see ['Dignity at Work Policy'](#))
4. This policy covers problems or concerns about:
 - a. Working conditions, including working relationships with colleagues; health and safety; new working practices and organisational changes; and equal opportunities.
 - b. Alleged bullying and harassment i.e. where an individual feels that they have been subjected to unwelcome and unwarranted treatment, thereby causing him/her a detrimental effect; or where an individual wishes to complain of behaviour directed at others that they find offensive.
5. Confidentiality: So far as possible, information disclosed during the handling of a grievance will be treated in confidence. Parties will be notified if a decision is taken to interview or resolve a grievance in consultation with other members of staff, governors and/or trade union representatives.
6. Confidential Disciplinary Action: Complainants will be updated on the handling of any complaint. However, if a complaint results in disciplinary action by BMAT against an employee, then this would be a confidential matter between that employee and BMAT.
7. Statutory Right of Accompaniment:

- a. Employees have a right to be accompanied at formal grievance meetings, by a colleague, trade union representative or an official employed by a trade union ['companion']. External lawyers, other than those who are employees of a recognised trade union, may not act as companions.
 - b. To exercise their right of accompaniment, employees must make a reasonable request (e.g. by giving BMAT sufficient time to prepare for the companion's attendance).
 - c. If an employee's chosen companion is unavailable on the proposed date of a formal meeting, then the employee shall immediately request that it is postponed once to another reasonable date and time, **within five school days** of the original proposed date. Where this is not possible, the employee shall choose an alternative companion.
 - d. A trade union representative who is not an employed official must have been certified by their union as being a competent companion.
 - e. Companions may address the hearing, put the employee's case and confer with him/her in private,
 - f. Companions may not answer questions on the employee's behalf, address the hearing against the employee's wishes or prevent either side from putting its case.
8. Overlapping Grievance and Disciplinary Cases: Where an employee raises a grievance during a disciplinary process, it 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.
9. Mediation: Subject to the agreement of all parties to a grievance, the procedure may be suspended at any stage for mediation or informal discussions, with a view to swift resolution.
10. Time-Limits: If a grievance takes time to investigate fully, then the time limits in this procedure may be extended on notice.
11. Monitoring: HR will monitor the use of this procedure across BMAT on an annual basis. Meetings in the formal stages of this procedure may be attended by a member of HR to advise and a second member of HR to take a written record.

II. STAGE ONE - INFORMAL

12. It is the complainant's initial responsibility to endeavour to resolve a complaint promptly, directly and informally.
13. Within **10 school days** of knowledge of the event(s) or issue(s) concerned, the complainant should informally propose a solution with his/her immediate line manager, the next most senior manager or a member of SLT, if the line manager is the subject of the complaint.
14. If it is not possible or appropriate to resolve the issue(s) in this way, then the complainant should discuss the complaint with their head of department, a member of SLT or the appropriate school principal, where reasonable.
15. If the grievance is against a school principal, then the complainant should discuss the matter with a member of HR or a Trust Executive.
16. Those involved should work together towards swift and amicable resolution, within **ten school days** of a complaint being raised informally.

III. STAGE TWO – FORMAL STATEMENT OF GRIEVANCE

17. The complainant should only engage Stage Two if they are dissatisfied with the response at Stage One or if no response has been received **within ten school days** of raising a grievance informally.
18. To engage Stage Two, the complainant must set out their grievance in writing using the Statement of Grievance Form (Appendix A).
19. The completed form and all relevant documentation must be submitted to HR, in person or at hr@beaconacademytrust.co.uk.
20. It is the complainant's responsibility to explain their grievance clearly, fully and accurately. Further particulars may be requested if the specifics of a grievance are unclear.
21. Upon receiving the Statement of Grievance Form, HR will appoint an investigating officer as soon as reasonably practicable. This may be the complainant's line manager or a suitable delegate. If the grievance is against the line manager, then this may be the line manager's manager or a suitable delegate. Awareness of the circumstances of the grievance will not preclude an investigating officer from handling the grievance unless it specifically relates to their behaviour.

22. If a formal grievance is brought by or against a member of SLT, then a Trust Executive should lead the investigation. If a grievance is brought by or against a Trust Executive, then the CEO should lead the investigation. If a grievance is brought by or against the CEO, then a trustee should lead the investigation. S/he cannot then serve on any appeal committee should the matter go to appeal.
23. A deadline will be set for a clarification meeting between the investigating officer and the Complainant, to be no later than **ten school days** after the submission of the grievance.
24. The complainant will be notified of the name of the investigating officer and the date of the clarification meeting as soon as reasonably practicable.
25. At the Clarification Meeting:
- a. The complainant will be given the opportunity to explain their grievance, submit any signed witness statements, answer questions and suggest how they would like the issue(s) to be resolved.
 - b. If material details emerge at the meeting that were not included in the original Statement of Grievance Form, then the meeting may be adjourned.
 - c. See Para.7 of this policy on the attendance of companions at formal grievance meetings.
 - d. At the close of the meeting, the investigating officer will summarise their understanding of the grievance and explain the next steps, including whether the investigating officer intends to interview or resolve the issue(s) in consultation with other members of staff, governors and/or trade union representatives.
26. Following the Clarification Meeting:
- a. The investigating officer will meet with the subject of the grievance as well as relevant witnesses, where appropriate, and take statements if necessary.
 - b. The investigating officer will draft a written report [the 'report'] of the investigation and his/her findings.
 - c. The investigating officer will forward a copy of the report, together with the Statement of Grievance Form and any supporting evidence, to the appropriate member of the Trust Executive and/or HR Director.
27. Within **ten school days** of the Clarification Meeting:

- a. The investigating officer will meet with the complainant to explain the outcome of the grievance and issue a decision letter.
- b. The decision letter will set out the complainant's right of appeal, should s/he be dissatisfied with the outcome.
- c. The outcome will be communicated to the subject of the grievance. The subject of the grievance may be informed of the outcome in writing but may not be sent a copy of the full decision letter and report.

IV. **STAGE THREE – FINAL APPEAL**

28. If the complainant is dissatisfied with the outcome at Stage Two and considers that s/he has a reasonable case for appeal, then s/he may move to Stage Three.
29. Stage Three should only be used to appeal the outcome or decision making process at Stage Two, where the complainant believes, for example, that:
 - a. The decision or decision making process was demonstrably biased;
 - b. There was a failure to act or investigate the grievance properly;
 - c. New and material information has come to light;
 - d. The decision is irrational;
 - e. A material mistake was made on the facts.
30. The Complainant must complete a Staff Grievance Appeal Form (Appendix B) and submit it to HR, in person or at hr@beaconacademytrust.co.uk. It is the complainant's responsibility to explain their appeal clearly, fully and accurately.
31. The complainant must submit their appeal within **five school days** of receiving the Stage Two decision letter.
32. Within **five school days** of receipt of an appeal, a written acknowledgement will be sent to the complainant, confirming that the appeal will be considered at an appeal hearing.
33. If the appellant is not a Trust Executive, then a meeting of an appeal committee of the Trust Executive and/or the governing body ['committee'] will be arranged within **20 school days** of receipt of the Appeal. If the appellant is a Trust Executive, including the CEO, then the appeal will be heard by trustees, within the same time frame. See 'Appendix C – Appeal Committee Panel'.
34. The details of the hearing and copies of any relevant documentation will be sent to the complainant and committee not less than **five school days** prior to the date of the appeal hearing.

35. At the appeal hearing, the committee will:

- a. Ensure that individuals are dealt with fairly, impartially and in accordance with equality and diversity requirements;
- b. Aim to reach a consensus wherever possible;
- c. Maintain confidentiality, not discussing an individual's grievance with external parties;
- d. Consider all relevant documents and give all parties the opportunity to make submissions in person; and
- e. Take account of the specific grounds of appeal and responses to them;
- f. Review the record of formal grievance meetings, the investigating officer's report and the decision letter; and
- g. Seek clarification from individuals involved in the initial grievance;
- h. Consider whether or not to admit any new evidence, where applicable.
- i. See Para.7 of this policy on the attendance of companions at formal grievance meetings.

36. Following an Appeal Hearing, the Appeal may be:

- a. Upheld with an appropriate remedy;
- b. Upheld in part, with an appropriate remedy in respect of that part;
- c. Dismissed.

37. Before reaching a decision, the committee may need to obtain legal or other professional advice. They will normally communicate their decision and its rationale in writing, within **ten school days**. If they are unable to do so, they will give reasons why not and the date by which a decision is expected.

38. Attendance at each meeting of the committee, issues discussed and recommendations will be recorded in writing. The record will be forwarded by the Clerk to the Appeal Committee to the Clerk to BMAT, in sufficient time for its inclusion in their next meetings. If necessary, the chair of the committee will be responsible for giving an oral summary of its deliberations and recommendations at meetings of BMAT and respective LGBs.

39. The decision of the committee is the final stage of BMAT's Grievance Procedure.

40. See 'Appendix C – The Appeal Committee'.

APPENDIX A – STATEMENT OF STAFF GRIEVANCE FORM

<u>CONTACT DETAILS</u>	
Complainant's Name	
Complainant's Job Title & Department	
<u>GRIEVANCE INFORMATION</u>	
Date	
Does your grievance relate to your line manager?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you attempted to resolve your grievance informally, in accordance with the 'Staff Grievance Policy'?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, on what date(s) did you attempt to do so and which member(s) of staff did you contact? If not, why not (why would it be inappropriate to attempt to resolve your grievance directly and informally?)
Summary of Grievance Set out the details of your complaint, providing as much detail as possible (dates, times, locations, any step(s) taken to resolve your complaint and the names and contact details of any people involved in your complaint, including witnesses). Attach additional sheets if required.	

GRIEVANCE INFORMATION

Outcome Requested.
Set out what outcome you would like to see your grievance dealt with, and why you believe this will resolve the issue(s) described above.

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief.

Signature:

Date:

APPENDIX B – STAFF GRIEVANCE APPEAL FORM

<u>CONTACT DETAILS</u>	
Complainant's Name	
Complainant's Job Title & Department	
<u>APPEAL INFORMATION</u>	
Date	
Date of raising a formal grievance, via Stage Two of the 'Staff Grievance Policy'	
Date of Clarification Meeting.	
Name & Job Title of the investigating officer.	
Did you receive a final outcome from the investigating officer within 10 school days of your Clarification Meeting?	Yes <input type="checkbox"/> No <input type="checkbox"/> If not, have you been informed of the reasons for delay? Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Summary of Appeal – What aspects of the outcome or decision making process do you disagree with and wish to appeal?</p> <p>Provide as much detail as possible.</p> <p>Attach additional sheets if required.</p>	
<u>APPEAL INFORMATION</u>	

<p>Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would be appropriate steps to take?</p>	
<p>Declaration</p>	<p>I confirm that the above statements are true to the best of my knowledge, information and belief.</p> <p><u>Signature:</u></p> <p><u>Date:</u></p>

APPENDIX C – THE APPEAL COMMITTEE

1. Governors/trustees will be selected based on their eligibility and availability.
2. There should be three and no fewer than two governors/trustees who have no prior involvement in the case and no concern for the case other than in their capacity as governors or, if a parent of a student of BMAT, than in the capacity of such parents generally.
3. Governors/trustees must not be employees of BMAT (e.g. a staff governor or a school principal within BMAT) and any decision(s) to which they are a party must not be under appeal;
4. The committee will be reconstituted for each appeal hearing;
5. The hearing must take place in a suitable room which must be free from interruptions and suitable for any disabled attendees;
6. HR and/or legal professionals will advise the committee as appropriate.

APPENDIX D. FLOWCHART OF PROCEDURE FOR STAFF GRIEVANCES

