



Children's



Endeavour



Trust

Grievance Policy

The Children's Endeavour Trust comprises:

Abbot's Hall Community Primary School
 Bosmere Community Primary School
 Broke Hall Community Primary School
 Chilton Community Primary School
 Combs Ford Primary School
 Freeman Community Primary School
 Springfield Junior School
 Whitehouse Community Primary School

Document Control

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1. Introduction

A grievance is a concern, problem or complaint that an employee has in relation to their work or the people they work with. The grievance process may also be used when dealing with complaints of bullying and harassment (refer to the Bullying and Harassment Policy).

The purpose of the Grievance Policy and Procedure is to ensure matters of concern are dealt with thoroughly, fairly, swiftly and consistently. Employees, their representatives, and managers are required to seek a resolution to any grievance as quickly as possible and within the timeframes set out in this policy.

This policy contains both informal and formal stages.

For the formal stages of the grievance procedure there is a statutory entitlement for the aggrieved employee to be represented by a work colleague or trade union representative.

2. Scope

This policy applies to all teaching and support staff employed in the Trust's schools and Central Team.

An employee working within a school but employed by another organisation should raise a grievance in line with that organisation's Grievance Policy and Procedure.

3. Confidentiality

All grievance proceedings, including details of any investigation and statements relating to it, are confidential to the parties concerned, with the exception of official bodies which have a right to require disclosure of information. The delegated committee of the Governing Body will be notified of the outcome of any formal process, once it has concluded. Any breach of confidentiality may also be considered under the disciplinary policy.

4. Exclusions

This policy does not apply to complaints of professional malpractice, wrongdoing or criminal activity: such complaints should be raised immediately via the Whistleblowing Policy.

If an employee's grievance relates to alleged bullying or harassment by a colleague, the matter should be dealt with under the Harassment and Bullying Procedure.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and should be reported to the line manager for appropriate action.

Grievances may be concerned with a wide range of issues, including the allocation of work, the working environment or conditions, the opportunities that an employee has been given for career development or the way in which the employee has been managed. However, issues that are the subject of collective negotiation or consultation with recognised trades unions will not be considered under the Grievance Procedure.

Complaints that an employee may have about any disciplinary action taken against them should be dealt with as an appeal under the Disciplinary Procedure.

Where an employee raises a grievance during a disciplinary process relating to their own conduct, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary are related, it may be appropriate to deal with them concurrently.

Pay and Grading Appeals will be considered under the specific arrangements in place for that purpose.

The grievance policy will not be used to deal with complaints made after employment has ended, for any reason. However, if a grievance has been raised and not concluded before an employee leaves, they will be invited to continue with the grievance process.

5. Roles and Responsibilities

Any complaint raised under this policy should be made in good faith. Any grievance should be raised in a timely manner without undue delay. In usual circumstances a grievance that has been raised due to an event that occurred more than six months previously will not be considered; the only exceptions will be:

- when there is evidence that a grievance relating to a recent event(s) is clearly linked to a series of events that may have begun more than six months ago;

- when an acceptable rationale for the delay is presented;
- where harassment, bullying or discrimination is alleged in circumstances that made it difficult for the employee to voice their grievance at the time

Any complaint found to have been made for malicious, false or similar reasons may give cause for disciplinary action to be taken against the complainant(s).

It is expected that employees, their representatives, and managers make every reasonable attempt to resolve a grievance quickly and informally before invoking the formal process of this policy.

It is also expected when raising an informal or formal grievance, the aggrieved party will clearly state their desired outcome and focus on resolution from the beginning of the process.

All employees are expected to cooperate with the implementation of this policy and procedure and where appropriate the accompanying Bullying and Harassment policy.

6. Grievance Procedure

Whether raised at the informal or formal stages of the process it is important that the aggrieved employee approached the right person with their grievance. Anyone who wishes to raise a concern(s) or complaint(s) under the grievance procedure should speak to their line manager or Headteacher in the first instance, or CEO if the grievance relates to a member of the Central Team.

If the concern or complaint is about the Headteacher then the individual should speak to the CEO.

In exceptional circumstances where the grievance is against the Governing Body and it is not possible for the Head Teacher or Governors to address the grievance, with the agreement of all parties, the grievance may be referred to the CEO, a meeting of the respective parties will be called in accordance with the timescales set out in this policy

Refer to flowchart at (appendix 1)

7. Informal and Formal Stages

Many grievances can be resolved informally and quickly, and there is an expectation that all parties will seek to do this without unreasonable delay before any formal steps are considered. The relevant person (see 6 above) receiving the grievance will try and resolve it informally with the party or parties concerned as soon as possible.

On receipt of an informal grievance a meeting should be held within 10 working days.

There is no statutory right to be accompanied by a colleague or Trade Union Representative at the informal stage of the grievance process, but it may be beneficial to allow this to support the process.

Where the grievance has been raised due to a dispute between employees the relevant person could consider involving a trained mediator to help resolve the situation (the employees in dispute must all agree to the mediation process for it to be invoked). Or, the relevant person could make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked.

It is expected that all parties are encouraged to take prompt action regarding meetings, decisions and communications.

If it has not been possible to resolve the grievance informally, and the aggrieved employee wishes to pursue the matter formally, they should do so in writing (if they have not already done so), without unreasonable delay. The written grievance must be submitted to the relevant person (see 6 above) and clearly state the grounds on which the grievance is formally being raised, what steps have already been taken to resolve the issue(s) along with the resolution(s) the employee is seeking.

8 Investigation & Grievance Hearing Meeting

On receipt of the formal written grievance, the relevant person (see 6 above) should acknowledge the grievance in writing within 5 working days.

In some cases it may be necessary to carry out an investigation into the grievance. The length of the investigation will depend on the nature of the concerns and complaints and will vary from case to case. This may involve interviewing and taking statements from the employee who has lodged the grievance, and any, and/or reviewing relevant documents. The investigation may be carried out by the relevant person or someone else appointed by the relevant person.

Employees must cooperate fully and promptly in any investigation. This may include, informing the relevant person of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

However, in other cases the relevant person may decide it is necessary to discuss the formal grievance before deciding if an investigation is commissioned. This meeting should be held within 10 working days after receipt of the formal grievance unless the employee has been advised an investigation will be undertaken beforehand. The employee will be given the opportunity to explain their grievance in full and confirm the resolution they are seeking. The relevant person will also have the opportunity to question the employee about their grievance and explore the reasons for the grievance and consider any evidence provided in full.

It is still good practice for the relevant person to make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked.

It is expected that all parties are encouraged to take prompt action regarding meetings, decisions and communications.

The employee has the statutory right to be accompanied at a formal grievance meeting by a colleague or Trade Union Representative. If the chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee may be asked to choose someone else.

In some cases, it may be necessary to adjourn the process to allow for further investigation to take place to ensure thorough consideration of the grievance and to make recommendations for action. If so, the employee will be kept informed regarding the process and the hearing meeting will be reconvened following these investigations.

9 Outcome

Any decision made by hearing manager following a formal grievance (without investigation) must be conveyed to the employee verbally in the first instance and followed in writing within 10 working days summarising the rationale for the decision.

The decision should be clear on whether the grievance is upheld, partially upheld or not upheld and detail relevant recommendations for resolutions where appropriate. It is the responsibility of the hearing manager/chair of the hearings panel to follow up and ensure any recommendations are implemented.

The employee is entitled to be accompanied at the outcome meeting by a trade union representative or work colleague.

Following a formal investigation: The employee should be invited, in writing, to a meeting with a hearing manager/chair to hear the findings of the investigation, whether their grievance is upheld, partially upheld or not upheld and deliver relevant recommendations for resolutions where appropriate.

The employee is entitled to be accompanied by a trade union representative or work colleague.

The employee may ask questions at the meeting, but the meeting is not a platform to rehear the grievance, reopen the investigation or hear any new complaint(s) (the scope of the grievance investigation will have been agreed at the original grievance hearing meeting).

It is the responsibility of the hearing manager or /chair of hearings panel to follow up and ensure any recommendations are implemented.

Following the meeting, the decision must be followed up in writing within 10 working days, summarising the outcome and rationale for the decision.

The employee will be reminded of their right of appeal if they do not agree with the outcome.

10. Appeal

The employee has the right to appeal any part of their grievance they feel has not been satisfactorily resolved. An appeal must be in writing setting out the employee's reason for disputing the decision.

An appeal must be received within 14 working days of the date of the outcome letter of the grievance. An appeal hearing will usually be arranged within 10 working days of the receipt of the appeal letter. The appeal letter should be heard by a different person or panel with delegated responsibility from the original grievance.

Following the appeal hearing a final decision will be conveyed to the employee within 10 working days of the hearing and confirmed in writing.

11. Collective Grievances

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employee will be asked if they wish to have the grievance considered collectively and if so, whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way it cannot then be raised by the same employees individually. The collective grievance procedure will follow the same timescales and process as that for individual grievances.

Appendix 1

Grievance Process Flow-Chart

