



# **Grievance Policy**

## **BASE Academy Trust**

**September 2019**

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## 1. INTRODUCTION

- 1.1 The School and the Trades Unions attach great importance to the establishment and continuance of good working relationships at all levels within the School.
- 1.2 However, it is recognised that, from time to time, working relationships may be affected by dissatisfaction due to a variety of reasons and any such issue(s) should be resolved promptly in the interest of good employee relations. The Grievance Procedure provides a mechanism for issues to be dealt with fairly and equitably before they develop into major problems.
- 1.3 Both parties should be able to clearly demonstrate that every effort has been made to resolve the issues(s) informally before the formal process is commenced.
- 1.4 A Grievance can be defined as “A complaint by an employee about action which his/her employer has taken or is contemplating in relation to him/her”.
- 1.5 If at any time, prior to or during, the implementation of the Grievance Procedure;
  - an employee, governor or witness has reasonable grounds to believe that commencing the Procedure would result in significant threat to him/her self, his/her property, or any other person or the property of any other person
  - or
  - an employee, governor or witness has been subject to harassment and has reasonable grounds to believe that commencing the Procedure would result in him/her being subjected to further harassment

then the process/Procedure would be brought to a halt to allow the appropriate action and decisions to be taken.

## 2. EXCLUSIONS TO THE PROCEDURE

- 2.1 This procedure will not apply in the following circumstances:
  - Where an employee, or his or her representative, fails to register his or her appeal within the timescales laid down, in paragraph 5.2 below, unless it has been agreed that the time limits can be extended.
  - A grievance is raised about a matter over which the employer has no control or where management is acting in accordance with School policy.
  - Where an employee has serious concerns about an aspect of the School's work or those who work for the School. In such circumstances the Whistleblowing Policy would apply to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriages of justice and dangers to health and safety.



### 3. AREAS OF POSSIBLE GRIEVANCE

3.1 The Grievance procedure is intended to cover the following circumstances:

- an individual grievance by an employee relating to his/her employment; and
- a collective grievance held by more than one employee about a particular issue concerning their employment.

3.2 It is impossible to provide a comprehensive and exhaustive list of all the issues that might give rise to a Grievance but some of the more common include:

- The application of terms and conditions of employment
- Health and Safety
- Relationships at work
- Working practices not covered by the job description
- Fair and equitable treatment

### 4. HANDLING OF DISPUTES

4.1 In the event of a dispute, or any other employee relations problem, which cannot be dealt with under the School's Grievance Procedure then both sides will recognise the need to exhaust the appropriate conciliation machinery.

### 5. INDIVIDUAL AND COLLECTIVE GRIEVANCE PROCEDURE

#### Informal Stage

5.1 An employee who feels aggrieved **must**, in the first instance, raise the issue(s) with his/her Head of School/Line Manager/Chair of Governors immediately or as soon as practicable, explaining the action or event giving cause to the grievance. Although this is an informal process, a note should be retained of the resulting discussion.

5.2 If, as a result of this discussion, the matter remains unresolved then the employee(s) has access to the formal Grievance Procedure and **must** at that stage complete the Grievance Proforma (attached at Appendix 'A').

5.3 It may also be appropriate at this stage for the employee(s) to consult with his/her Trade Union Representative for advice.

#### The Formal Stage

- 5.4 Once a grievance enters the formal stage the grievance proforma attached, at appendix 'a', must be completed in all cases. No new issues can be considered once the pro-forma has been submitted and the formal stage of the grievance procedure has commenced. A separate grievance would need to be submitted in such circumstances.

### **STAGE 1**

- 5.5 Where an employee or group of employees are aggrieved about a particular issue(s) and the issue(s) cannot be resolved informally, the matter will be submitted in writing, by the individual(s) on the appropriate proforma, to the Executive Headteacher (or Chair of Governors if the grievance relates to the Executive Headteacher).
- 5.6 Once the proforma has been received then the grievance will be heard by the Executive Headteacher/Chair of Governors within **5** working days. A response will be given to the employee(s) in writing within **5** working days of the hearing.

### **STAGE 2**

- 5.7 If the individual(s) continues to be aggrieved then he/she can refer the matter to the Personnel Sub Committee or their representative using the originating proforma and the management response from Stage 1, within **5** working days of receiving the Stage 1 decision as above.
- 5.8 A Panel will then be convened within **10** working days, consisting of at least 3 Governors, accompanied by a Children's Services HR Officer who will attend in an advisory role. The decision of that Panel will be communicated to the individual(s) in writing within **5** working days of the hearing.

### **STAGE 3**

- 5.9 If the individual(s) continues to be aggrieved then the matter will be referred to the Appeals Panel. The appeal must be made in writing to the Chair of Governors, by the employee(s) using the originating proforma and the management response within **5** working days of receiving the Stage 2 decision.
- 5.10 A Panel will then be convened within **10** working days, consisting of at least 3 Governors, who have not been involved in the original hearing, accompanied by a Children's Services HR Officer who will attend in an advisory role. The decision of that Panel will be communicated to the individual(s) in writing within **5** working days of the hearing.

## **6. PROCEDURE AT FORMAL HEARINGS (STAGES 2 AND 3)**

- 6.1 The procedure to be followed at a Grievance Panel (Stages 2 and 3) is as follows:
- The agreed paperwork will be circulated to Panel Members in advance of the hearing.



- The Chair will clarify the issues to be considered and the remedies being sought. Should any issues be introduced that did not form part of the original grievance or management's response they would not form part of the Panel's considerations but could be referred back to an earlier stage of the Grievance Procedure or be raised as a separate grievance as appropriate.
- The appellant(s) or his/her representative put the case in the presence of the Management representative and call such witnesses as he/she wishes.
- The Management representative has the opportunity to ask questions of the appellant(s) and his/her witnesses.
- The Panel may ask questions of the appellant(s) and his/her witness.
- The Management representative(s) shall put the case, in the presence of the appellant(s) and his/her representative and may call any necessary witnesses to give evidence.
- The appellant(s) or his/her representative will then have the opportunity to ask questions of the Management representative on the evidence given by him/her and any witnesses whom he/she has called.
- The members of the Panel may ask questions of the Management representative and any witnesses called.
- The Management representative and the appellant(s) or his/her representative, have the opportunity to sum up their case if they so wish.
- The Management representative and the appellant(s) and his/her representative, together with any witnesses, will then withdraw.

6.2 The Panel will then consider their decision. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.

6.3 The Panel will announce their decision either orally on the day, (and follow this up in writing), or within **5** working days of the Panel hearing.

6.4 **The decision of the Panel will be final.**

## **7. INABILITY TO ATTEND A FORMAL GRIEVANCE HEARING**

7.1 If an employee, or his/her representative, has a justifiable reason for being unable to attend a Grievance Hearing, it will be rearranged.

7.2 If the employee is unable to attend the rearranged hearing it will normally proceed in his/her absence but with his/her representative being provided with an opportunity to make representations on the employee's behalf.

7.3 A Grievance Hearing cannot be unduly delayed pending the availability of a full time Trade Union official.

- 7.4 If the employee, or his or her representative, does not attend the re-arranged hearing the grievance would be heard in their absence and a decision made on the basis of the originating grievance proforma and management's response.

## **8. TRAINING**

- 8.1 A programme of training can be arranged for all Head Teachers, Line Managers and Governors who will be involved in any part of the Grievance Procedure.

**BASE Academy Trust**

**GRIEVANCE PROFORMA**

**NAME(S):** .....

**CLASS/FACULTY:** .....

**SECTION:** .....

**POST TITLE:**.....

**BACKGROUND - WHAT HAS HAPPENED?** *(Please give details of time(s) and date(s) if appropriate)*

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.....  
.....

**WHY ARE YOU AGGRIEVED?**

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.....  
.....

**WHO DO YOU FEEL IS RESPONSIBLE FOR YOUR GRIEVANCE?**

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.....  
.....  
.....



**WHAT REMEDY DO YOU WANT?**

.....  
.....  
.....  
.....  
.....

**Signed:** ..... **Date:**.....

<p><b>MANAGEMENT RESPONSE TO THE GRIEVANCE</b>  <b>(To be given within 5 working days of the hearing)</b></p> <p>.....  .....  .....  .....  .....  .....</p> <p><b>Signed:</b> ..... <b>Date:</b>.....</p>
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**THE RESPONSE(S) TO THE GRIEVANCE AND THE PROPOSED REMEDIES ARE ACCEPTABLE/NOT ACCEPTABLE**

**IF NOT ACCEPTABLE WHY DO YOU REMAIN AGGRIEVED?**  
**(To be submitted within 5 working days of receipt of Management’s response)**

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<p><b>Signed:</b> ..... <b>Date:</b>.....</p> <p><b>NB IF YOU WISH TO PROVIDE FURTHER INFORMATION, PLEASE CONTINUE ON A SEPARATE SHEET</b></p>
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Please retain a copy of this proforma, along with any written response you receive for your reference.

**GRIEVANCE PROCEDURE**  
For individual and collective grievances

**INFORMAL STAGE**

Issue(s) raised with Head of School/Deputy Head/Line Manager immediately or as soon as reasonably practicable



