

GRIEVANCE POLICY AND PROCEDURE

Responsible office	<i>Better Futures Multi-Academy Trust</i>
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GRIEVANCE POLICY AND PROCEDURE

Purpose

This policy does not form part of your terms and conditions of employment and can be changed by Better Futures Multi-Academy Trust at any time.

Scope

This policy applies to Better Future's Multi-Academy Trust which will be referred to as BFMAT for the purposes of the policy.

Terminology for job titles may vary across BFMAT. If this is the case, the terminology used within this policy is deemed to apply to staff/functions in equivalent roles and positions and of equivalent standing.

Definitions

A summary of key terminology used within the Policy, if useful and applicable.

N/A

Equality Statement

Equality, freedom and treating all persons with dignity and respect are fundamental human rights. As such, BFMAT is committed to making these central in all its work.

A diverse student body and workforce benefit BFMAT's role as a provider of high quality education and employment in a modern and ever-changing society. BFMAT is firmly committed to the promotion of equality and will not unlawfully discriminate, or tolerate discrimination (direct or indirect, harassment or victimisation) on grounds of age, disability, ethnicity (including race, colour, caste and nationality), gender identity, marriage or civil partnership, pregnancy or maternity, religion or belief, sex and sexual orientation; this includes discrimination by association or due to perception. This policy will operate in furtherance of this.

The Policy

1.

1.1 Introduction

In order to give the best service to students and partners of BFMAT, it is important that we are able to depend on each other, show high standards of professional behaviour and take responsibility for working co-operatively as one team in a way which supports the Company values.

So, if you have a concern, problem or complaint relating to work, we want you to feel you can raise it quickly and easily, normally through your manager, and get it resolved as soon as possible. Often, the more quickly an issue is raised, the easier it is to resolve.

We will work with you to resolve your concerns through informal discussion whenever we can. If it's not possible to agree a resolution informally, you may make things formal and follow the grievance procedure.

This procedure relates to all employees during the term of their contract of employment, including temporary staff and staff employed through a recruitment agency regardless of how long their assignment is.

1.2 What are the key principles we will follow?

1. We'll take your grievance seriously and address the issues fairly, consistently and as promptly as possible
2. You will not be disadvantaged in any way either for using the grievance procedure or if you are a witness for a colleague in the grievance process
3. The status quo will stand until the procedure has been concluded, unless we have reason to believe there is a reason why this should not be the case
4. We'll provide advice and guidance through the Human Resource Team to everyone involved during the grievance process
5. Whilst the grievance process is underway, there is no guilt or blame attached to anyone
6. We'll keep confidential any information about a grievance or those involved

1.3 What else do I need to know?

1. Whilst we are considering your grievance, you should continue to work normally, but if you feel unable to, the Human Resource Team will discuss this with you
2. We expect those involved in a grievance process to maintain absolute confidentiality. Should anyone not maintain confidentiality, it may result in disciplinary action
3. The grievance procedure may not be used to restart or revisit an existing process i.e. bring new issues to a grievance already raised
4. So that we can address your grievance quickly and effectively, you need to work co-operatively with us

Issues that may cause grievances include:

- Terms and conditions of employment
- Health & safety
- Work relations
- Bullying or harassment
- New working practices
- Working environment
- Organisational changes
- discrimination

1.4 How do I raise a formal grievance?

- You should raise the matter in writing without unreasonable delay to the Human Resource Team explaining the nature of the grievance and the Human Resource Team will acknowledge it.

- The Human Resource Team will meet with you so that you can explain your grievance and how you think it could be resolved.

1.5 Can I ask someone to come to the grievance meeting with me?

Yes, you can ask another employee or a Trade Union rep to attend a formal grievance meeting with you as your companion. Please refer to appendices 1 and 2 for information.

1.6 What if I or others involved can't attend a grievance meeting or a grievance appeal meeting?

If you or the manager hearing the grievance or grievance appeal cannot attend on the arranged date and time, the Human Resource Team should be informed, as soon as possible and the date and time may be rearranged, to take place normally no more than five working days from the original date. The meeting will not be rescheduled more than twice unless there is a good reason for doing so.

1.7 What if a grievance is raised against me?

Your line manager and the Human Resource Team will meet with you to let you know about the formal grievance against you, the nature of the grievance and the process to address it. We will confirm this to you in writing letting you know about your right to be accompanied at future meetings to discuss it.

2.

Stage/Process	Detail
<p>1. The Informal Stage</p> <p>(a) Grievance against a colleague</p> <p>(b) Grievance relating to a specific incident</p> <p>(c) Grievance resulting from a build-up of issues</p> <p>(d) Where there is difficulty or embarrassment</p> <p>(e) If the concern is not resolved</p> <p>(f) The manager's role</p>	<p>Firstly, endeavour to resolve the matter directly with the colleague concerned.</p> <p>You should address the issue verbally as soon as possible after the incident, normally within 10 working days and in any event, no later than 3 months afterwards</p> <p>It is better to raise and discuss with the individual concerned as early as possible.</p> <p>It may be helpful to speak with a colleague, the Human Resource Team, your line manager or another manager to support you in an informal approach.</p> <p>Your manager should be notified or, if the manager is the subject of the concern, his/her manager</p> <p>The manager notified will support you to resolve the issues informally through normal management activity, e.g. 1 to 1 meetings, mediation, etc. It is appropriate for the manager to keep a record of discussions and actions taken, a summary being shared with you.</p>
<p>2. The Formal Stage</p>	

<p>(a) Putting your grievance in writing</p>	<p>If unable to resolve your concerns informally and you remain aggrieved, the formal process is available for you to use. The first step is to put your grievance in writing giving full details (including dates and times where possible), the effect on you and how you think the matter could be resolved) and send it to the Human Resource Team.</p>
<p>(b) Human Resources responds</p>	<p>The Human Resource Team will confirm receipt of your grievance, clarifying the process and timescales.</p>
<p>(c) Invitation to the grievance meeting</p>	<p>A letter of invitation to a grievance meeting will be sent by the Human Resource Team. The details will include:</p> <ul style="list-style-type: none"> • the specific grievance to be considered • the date, time, venue, attendees (including any note taker) • the right to be accompanied
<p>(d) The grievance meeting</p>	<p>The manager conducting the meeting will:</p> <ul style="list-style-type: none"> • clarify the process • invite you to explain your grievance and how you think it can be resolved • ensure full understanding of your grievance by exploring it in more detail • give you the opportunity to comment further • together with the Human Resource Team, consider information given by you and decide on the most appropriate way forward
<p>(e) Further investigation</p>	<p>Following the meeting, an investigation may be required to establish further facts, the manager meeting with all parties to whom the grievance refers.</p> <p>Exceptionally, an independent investigator may conduct the investigation producing a factual report for the manager responsible to assist the manager in deciding whether or not the grievance will be upheld.</p> <p>Any investigation will be conducted as quickly as possible. Statements or transcripts must be agreed by those making them as accurate and true accounts to be taken into account by the manager.</p> <p>The manager who heard the grievance will liaise with the Human Resources Team to consider all available evidence and make a decision.</p>
<p>(f) Following the grievance meeting and any subsequent investigation - the decision</p>	<p>The manager will then write to you with his/her decision. The letter will include:</p> <ul style="list-style-type: none"> • Details of the meeting - date, time, attendees

<p>(g) If the grievance was raised against you</p> <p>(h) Responsibility for ensuring any resulting actions are followed</p>	<ul style="list-style-type: none"> • Specific details of the grievance • A summary of the process to consider the grievance • Key factors leading to the decision, including key findings of any investigation • The decision as to whether the grievance was upheld or not upheld (where a grievance has several items, the decision will be given against each item). • Where the grievance (or item in the grievance) is upheld, the action which will follow • Where the grievance (or item in the grievance) is not upheld, details of the right to appeal and the appeal process <p>The manager making the decision will meet with you to explain the outcome of the process and any resulting actions agreed</p> <p>The responsibility for ensuring any resulting actions are followed through, together with any review, is that of the manager conducting the grievance meeting</p>
<p>3. The Appeal</p> <p>(a) If you want to appeal against a decision not to uphold your grievance - putting your appeal in writing</p> <p>(b) Human Resources responds</p> <p>(c) The role of the manager/director hearing the appeal</p> <p>(d) Human Resources in the appeal process</p>	<p>You will need to put your appeal in writing to the Human Resource Team within 10 working days from the date of the letter informing you of the outcome. Your appeal should include the reasons, why you wish to appeal.</p> <p>The Human Resource Team confirm receipt of your appeal. The letter will confirm the details of the appeal meeting arranged, including:</p> <ul style="list-style-type: none"> • the date, time, venue, attendees (including any note taker) and • the right to be accompanied <p>The appeal will be impartial and, where possible, will be heard by a manager/director not previously involved. The manager/director will ensure that:</p> <ul style="list-style-type: none"> • the grievance procedure has been followed, • serious consideration has been given to your concerns, and • the decision reached is fair and appropriate given the circumstances. <p>Where possible, a different member of the Human Resource Team will be involved in the appeal process.</p>

<p>(e) The appeal meeting</p>	<p>At the appeal meeting you will be asked to give the reason for your appeal, set out your concerns regarding the grievance outcome, the effect on you and how you think the matter could be resolved.</p> <p>The manager hearing the original grievance may be asked to attend the appeal meeting or to submit a written statement to give the rationale of his/her decision.</p> <p>A further meeting may also be required with any person against whom the grievance was raised.</p>
<p>(e) The appeal decision</p>	<p>The manager/director hearing the appeal will decide whether or not to uphold the appeal and on any further action. The decision of the Appeal Meeting is final</p> <p>The manager/director will let you know his/her decision within 3 working days of the meeting in a letter which will include:</p> <ul style="list-style-type: none"> • details of the meeting (date, time, attendees, etc.); • clarification of the grievance raised and the reasons for the appeal; • A summary of the process to consider the appeal • Key factors leading to the appeal decision; • the decision as to whether the appeal is upheld or not upheld; and • that this concludes the Appeal process

3. 3.1 Withdrawal of Grievance

If a member of staff raises a grievance through this procedure or makes a complaint that is deemed to be a grievance and then withdraws it, a letter should be sent by the member of staff to the Human Resources Team making clear that there has been a withdrawal. Clearly and grievance that raises a matter that needs to be dealt with under another piece of legislation indicates a contractual breach or relates to bullying or harassment should be investigated regardless.

If a member of staff writes a complaint and makes it clear from the outset that they do not want it pursuing but they do want it noting, it should be made clear that the reason for the grievance procedure is to resolve matters of dissatisfaction to improve working relationships for all.

A letter should be sent to the member of staff noting their views and the action that will be taken if action is deemed to be necessary (as above).

Records of all such correspondence should be kept.

Where there is reason to believe that such grievances have been raised maliciously, this should be investigated further. Making malicious complaints will be grounds for disciplinary action up to and including dismissal depending on the circumstances.

3.2. Vexatious Grievances

Once a grievance has been raised the member of staff is not entitled to bring in any new issues on which they are aggrieved. A separate process must be started.

Staff cannot raise the same issue again in the future, once the procedure has been completed, unless the agreed actions relating to the first occasion have not been carried out. In this case the grievance is about failure to act as agreed rather than the subject of the original grievance.

Members of staff who invoke the grievance procedure without good reason, frequently and with the intent to disrupt rather than to raise genuine grievances will be dealt with under the disciplinary procedure.

3.3 Malicious Grievances:

Where a member of staff raises a grievance and there is reason to believe after investigation that this was done maliciously, the disciplinary procedure will be invoked.

APPENDIX 1

Your right to be accompanied at a grievance meeting

If you want a union representative or colleague to attend the meeting, he or she must be:

- a. a full-time Trade Union official employed by a trade union (as defined in sections 1 and 119 of the Trade Union and Labour Relations consolidation Act 1992), or
- b. a lay Trade Union official. The union must have confirmed in writing (in an email or letter) that this person either has experience of, or has been trained in. acting as a worker's companion at a grievance meeting, or
- c. a colleague currently employed by BFMAT.

If in doubt about who can attend the meeting with you, speak to your manager or Human Resources. You are not entitled to be accompanied at informal meetings.

Your chosen companion can:

- Put your case - this means that he/she can summarise the key points that you want us to take into account at the start of the meeting;
- Summarise your case at the end of the meeting
- Respond on your behalf to any views we give

You can ask for a break in the meeting at any time to talk to the person accompanying you to the meeting.

Your chosen companion can't:

- Answer questions on your behalf;
- Stop us from asking reasonable questions to fully understand the grievance

It is your responsibility to make sure your companion is willing to attend the meeting with you and follow these guidelines. Your request for a companion must be 'reasonable'. When you are thinking about the person you would like to attend the meeting with you, bear in mind that it wouldn't be reasonable to be accompanied by a companion if:

- their presence would prejudice the meeting;
- they might have a conflict of interest
- the person works at a remote location and there is someone suitable on site that can attend the meeting with you.

If the person you've chosen can't attend the meeting at the time we've suggested, you can ask for it to be postponed for up to five working days. It's your responsibility to give us a suitable alternative date for the re-arranged meeting within these five working days. If you can't then attend the rescheduled meeting, we may hold the meeting without you. If your companion is a fellow employee, then we'll give them paid time off from their normal job to attend the meeting with you.

APPENDIX 2

Companion's guide for attending a grievance meeting

You've been asked to accompany an employee during formal grievance proceedings.

To help you prepare, we've put together a short guide to explain your role and the rights and responsibilities you will have. Please read it, so that you understand how you can best support the employee. If you have any questions, please contact Human Resources.

You don't have to accept a request to be an employee's companion if you don't want to, so don't feel pressured into it if you feel uncomfortable.

Before the meeting

You can take a reasonable amount of paid time off to support the employee. This includes time to attend the meeting itself and time for you to familiarise yourself with the case and speak to the employee about it before and after the meeting.

Please let Human Resources know if you have a disability and want us to make some adjustments so that you can attend the meeting and fulfil your role as companion.

During the meeting

You have the legal right to address the meeting and we encourage you to take an active part in it and ask as many questions as you want to. You can ask for a break in the meeting at any point if you want to speak privately with the employee and you can leave the room to do this if you want to.

You can't answer questions on behalf of the employee or do anything that tries to stop us from gaining a full understanding of the grievance or of contributing to the meeting.

Finally, and most importantly, your comments and participation during the meeting are completely confidential. We won't disadvantage you in any way as a result.

You are playing an important and valuable role for the employee and we appreciate your co-operation.

