



**Extend Learning**  
Academies Network

# Grievance Policy and Procedure

Version:	4.0	
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Reviewed by:	ELAN Board	Date: 04/07/2023
Approved by:	Name: Rosemary Carr  Signed by: Rosemary Carr Chair of the Board	Date: 04/07/2023
Adopted by Academies:	Banwell Primary School Bournville Primary School Locking Primary School Mead Vale Primary School Mendip Green Primary School Milton Park Primary School Oldmixon Primary School Walliscote Primary School Windwhistle Primary School	
Review:	Annually	
Next Review Due By:	July 2024	

## Document Control

### Document Information

	Information
Document Name	Grievance Policy and Procedure
Document Author	HR Lead
Document Approval	ELAN Board
Document Status	Version 4.0
Publication Date	July 2023
Review Date	July 2024
Distribution	Website/General

### Version Control

Version	Issue Date	Amended by	Comments
1.0	11/2019		Final Board approved
2.0	Sept 2020	HR lead	Review/simplify some policy wording
3.0	May 2022	HR Lead	Annual review
4.0	July 2023	HR Lead	Annual review – added new section (8) on Mediation as an option to resolve issues. Also no action on collective hearings until heard (JCNC request).

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## **Grievance Policy and Procedure**

### **1. Introduction**

- 1.1 ELAN is committed to creating a positive working environment. It is recognised, however, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of his or her employment. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.
- 1.2 Issues that may cause grievances include, but are not limited to:
- pay, terms and conditions of employment
  - health and safety
  - work relations
  - bullying and harassment
  - new working practices
  - working environment
  - organisational change
  - equal opportunities
  - discrimination
- 1.3 For grievances relating to bullying and harassment the ELAN Dignity at Work procedure should also be referred to.

### **2. Purpose**

- 2.1 This policy aims to:
- enable employees to have a legitimate grievance heard
  - resolve grievances quickly and equitably
  - resolve grievances informally wherever possible
  - encourage a harmonious working environment

### **3. Scope**

- 3.1 This procedure applies to all employees of ELAN. It is not a substitute for good employment practices, and in the first instance, every effort should be made by all parties to resolve grievances in a fair and timely manner without invoking this procedure.

### **4. Equal Opportunities**

- 4.1 The grievance procedure must always be applied fairly and in accordance with employment law and ELAN Equality and Equal Opportunities Policy.

### **5. Responsibilities**

- 5.1 ELAN is responsible for maintaining fair, consistent and objective procedures for matters relating to staff discipline across the ELAN network.
- 5.2 The headteacher has overall responsibility for the internal organisation, control and management of the policy in their school.

5.3 Senior leaders have responsibility for the internal organisation, control and management of the policy in their area of responsibility.

5.4 Managers and employee representatives who may be involved in grievance matters should be competent for the task. They should be familiar with the provisions of the grievance procedure, and know how to conduct or represent at grievance hearings.

## **6. Timescales**

6.1 Grievance matters should normally be conducted within the timescales laid down in the procedure (see appendix). However, if there is a valid reason to do so, timescales may be varied by either party. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.

6.2 Every effort should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged within five working days.

## **7. Informal Stage**

7.1 Grievances should be raised as soon as possible after the event and without unreasonable delay. Employees should in the first instance, and where appropriate to do so, take all reasonable steps to resolve their concerns directly with other parties who may be involved. Where necessary this may follow a conversation with their line manager or another senior member of staff to check this course of action is the right one in the circumstances. Employee who feel unable to discuss their concerns in this way should, as a first step, discuss their concerns with their line manager. (see appendix 1 for flow chart of the informal stage). If the grievance relates to the employee's immediate manager, or a member of the senior leadership team (SLT) including the headteacher, or if it is otherwise not appropriate to use the informal procedure, the formal stage of the grievance procedure may be invoked immediately.

7.2 The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a further five working days of this meeting, normally orally. The manager should keep a written record of the matter.

## **8. Mediation**

8.1 Mediation is a way to mend relationships when there is a disagreement at work.

8.2 Mediation is voluntary and will only take place with the agreement of both parties.

8.3 Mediation is held by a neutral person (a 'mediator') this can either be someone in the HR department or an external mediator. The mediator is impartial. This means they do not take sides. They're there to help everyone involved find a solution they can all agree to. It is not about judging who was right or wrong in the past, but looks at how to agree on working together in the future.

Mediation is a quick way to resolve disagreement at work and is:

- less formal
- flexible
- voluntary
- confidential
- usually not legally binding

Mediation helps to mend workplace relationships by:

- finding solutions that everyone agrees to
- improving communication
- allowing everyone involved to have control of what's finally agreed
- reducing stress
- keeping valuable employees
- avoiding more formal processes, such as going to employment tribunal
- stopping more grievances being raised

Mediation outcomes are decided by everyone involved and can be flexible. Outcomes might include:

- an acknowledgement of each party's views
- a commitment to change behaviour
- a commitment to regularly review the agreement reached
- an agreement to review policies and procedures
- an agreement to share work more fairly and provide more responsibility

8.4 If an employee does not want to take part in mediation, they do not have to. Mediation is voluntary and confidential. The mediator will agree with everyone involved what information can be shared outside the mediation and how. If you do not reach an agreement, anything that's been said during the mediation must be kept confidential and cannot be used in future procedures.

8.5 Mediation is used to resolve disagreements around workplace relationships rather than other disputes, such as pay or issues related to dismissal or conduct. You can use mediation to resolve issues like; bullying allegations, communication problems, personality clashes, relationship breakdowns etc.

8.6 It is a good idea to try and resolve the problem informally first, before thinking about using mediation. If the problem cannot be resolved informally, an employee can use mediation. Mediation can be used at any stage in a disagreement, but it's best to start it as soon as possible. The earlier the disagreement is dealt with, the less chance there is of things getting worse.

If an employee is interested in mediation, please contact HR at [HR@extendlearning.org](mailto:HR@extendlearning.org).

## **9. Formal stage**

### **9.1 Step One – Notification of grievance**

- 9.1.1 If the employee remains aggrieved, or the informal grievance procedure is inappropriate, or the manager has failed to respond to the employee's concerns, the employee should write without unreasonable delay, to an appropriate senior leader providing full details of the complaint and outlining the resolution sought (see appendix 2 for a flow chart of the formal stage). Where the complaint relates to a headteacher, the grievance should be sent to the Chief Executive Officer (CEO). Where the complaint relates to the CEO, the grievance should be sent to the Chair of the Board of Trustees.
- 9.1.2 The senior leader will acknowledge the grievance and is responsible for appointing an investigating officer to cases which are considered to be particularly complex or sensitive. The investigating officer should be impartial and should have had no previous substantial involvement with the grievance. The senior leader will contact HR and between them they will decide how to carry out the investigation.
- 9.1.3 Care should be taken to ensure that the investigating officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the disciplinary procedure.
- 9.1.4 The investigating officer must investigate the complaint as soon as possible. If they cannot investigate it personally within a reasonable timescale, it should be assigned to another senior member of staff who is competent and able to do so. During their investigation the investigating officer should ensure that strict confidentiality is maintained in order to protect the rights of all the parties involved. The investigating officer needs to be independent and operate in line with ACAS investigation guidelines.
- 9.1.5 The investigation process must be completed as quickly as possible, and should usually take no more than 10 working days although may be up to 30 working days for a more complex grievance. A robust investigation will ensure that all sides have the opportunity to present their view.

### **9.2 Step Two – Grievance hearing**

- 9.2.1 The senior leader will write to the employee giving details of the hearing, which will normally take place within 30 working days of receipt of the grievance letter or within 10 working days of completion of the investigation whichever is sooner.
- 9.2.2 The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague.
- 9.2.3 The senior leader will hear the grievance and may invite advisers, for example an HR representative, as appropriate. For all meetings, a note taker will attend to take a record of proceedings. It is their role to minute the significant points of the hearing but not to produce a verbatim record.
- 9.2.4 Where a grievance is against the headteacher, the Chief Executive Officer will appoint a suitable person to conduct the grievance hearing. In such instances the employee's right of appeal will be to the Chief Executive and a representative from ELAN. Where a grievance is against the CEO, the Chair of the Board of Trustees will appoint a suitable person to conduct the grievance hearing and any appeal with support/guidance from HR.

- 9.2.5 The employee should be allowed to explain their complaint and say how they think it should be settled.
- 9.2.6 The decisions normally open to the person hearing the grievance, are as follows:-
- (i) the grievance is upheld, in which case, either:
    - the Disciplinary Procedure may be invoked or
    - the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or
    - a mutually agreeable resolution may be identified for all parties
  - (ii) the grievance is partially upheld
  - (iii) the grievance is not upheld
  - (iv) the Chair may recommend further mediation by an appropriate third party in order to facilitate working relationships
- 9.2.7 The decision, and where appropriate, the action intended to resolve the grievance, will be communicated to the employee, in writing, within five working days of the hearing. The employee will also notified, in writing, of their right of appeal.
- 9.2.8 If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be sent in writing, outlining the reasons for the appeal to HR within 10 working days of receipt of the decision.

### 9.3 Step Three - Appeal

- 9.3.1 Appeals against grievance decisions will usually be considered in relation to one or more of the following grounds:
- (i) The **Procedure** – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
  - (ii) The **Facts** – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
  - (iii) The **Proposed Action** – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case
- 9.3.2 The employee, will receive written notification giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal. The letter must inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.
- 9.3.3 The headteacher or a senior leader and a representative from ELAN who has not previously been involved in the case will hear the appeal, which will focus on specific reasons for not accepting the previous decision and **will not be a re-hearing**. Advisers, for example an HR representative, may also be present. For all meetings a note taker will attend to take minutes of proceedings.
- 9.3.4 The headteacher or senior leader will communicate the decision in writing to the employee within 5 working days of the appeal hearing. This decision will be final.



## **10. Record keeping**

- 10.1 Written records of meetings and discussions relating to the grievance must be maintained. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Where possible, written records must be signed and dated by all parties. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file in accordance with the Data Protection Act 1998 and GDPR.

Records should include:

- the nature of the grievance
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments

- 10.2 Employees may also wish to keep records of events to support their case.

## **11. Special Situations**

### **11.1 Collective Grievances**

- 11.1.1 In circumstances where a grievance is raised by or on behalf of more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. The employees may nominate one person to represent the group, in most cases this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union. ELAN will not make any changes until the Collective Grievance has been heard.

### **11.2 External sources of help**

- 11.2.1 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the problem. This intervention should be initiated in consultation with HR.

### **11.3 Grievances raised during the course of the disciplinary procedure**

- 11.3.1 Sometimes an employee may raise a grievance related to the case during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee should raise the grievance in accordance with this procedure.

- 11.3.2 Depending on the nature of the grievance, the school may need to consider bringing in another manager to continue to hear the disciplinary case.

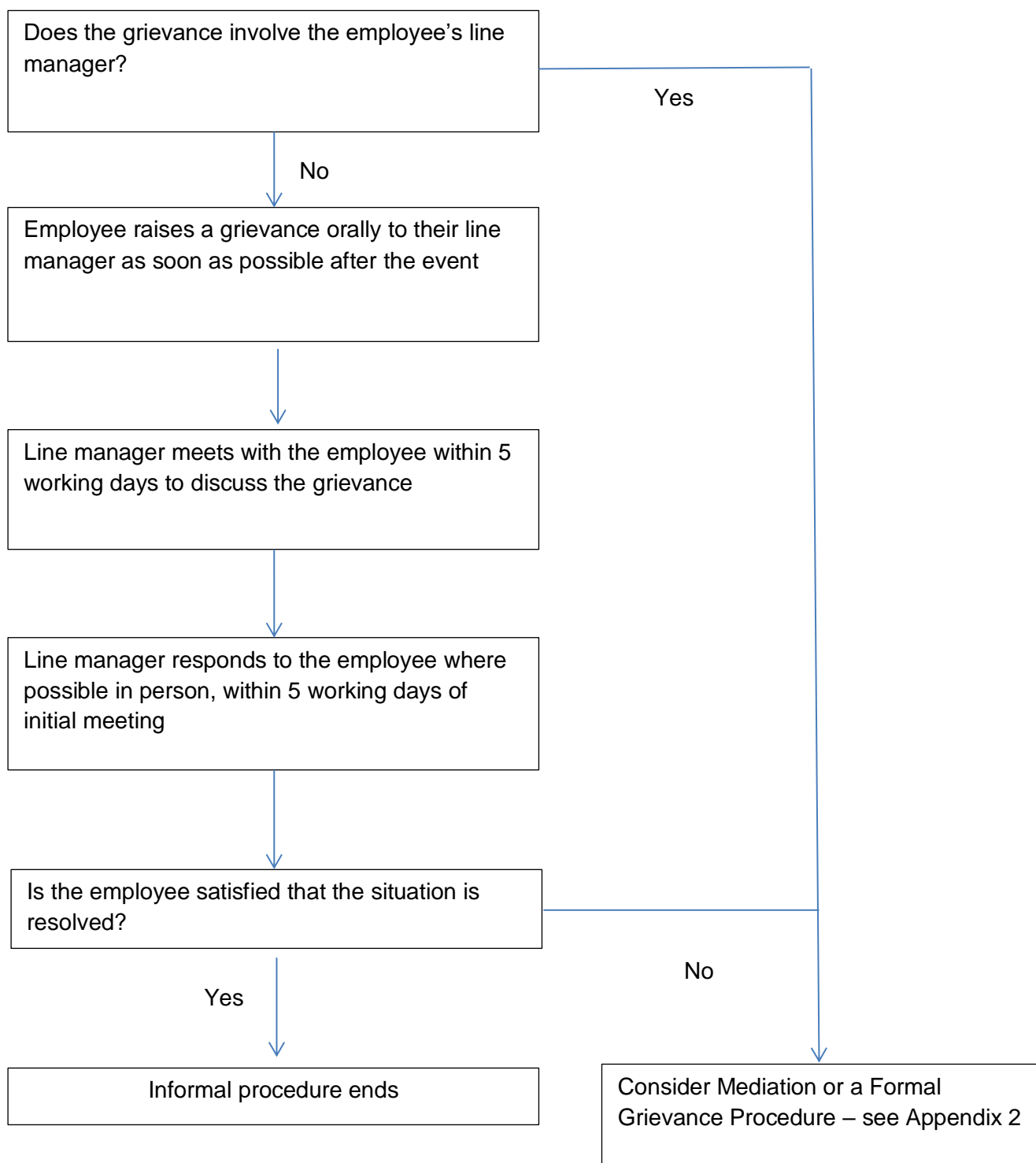
### **11.4 When the Grievance Procedure should not be used**

- 11.4.1 Where the school has taken (or has indicated that it is considering taking) disciplinary/capability action against the complainant. If the complainant is unhappy about any disciplinary/capability action, the disciplinary/capability appeal process should be used. However, if the complainant has an unrelated grievance, the disciplinary/capability procedure and grievance procedure can run concurrently.

## **12. Review**

- 12.1 This policy will be reviewed every year in consultation with the recognised trade unions.

## Appendix 1 – Informal Grievance Procedure



## Appendix 2 – Formal Grievance Procedure

