



*Creative  
Education  
Trust*

# Grievance Policy

## 1. Introduction

- 1.1 Creative Education Trust 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 their 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 A grievance is a complaint that an employee or a group of employees (collective grievance) has about their work, the workplace, or someone they work with.
- 1.3 Grievances may arise in relation to:
- Pay, terms and conditions of employment
  - Health and safety
  - Work relations
  - New working practices
  - Working environment
  - Organisational change
  - Equal opportunities
  - Discrimination
- 1.4 A grievance should not be raised to deal with matters of annual performance reviews, flexible working requests or bullying and harassment, for which separate procedures apply.

## 2. Purpose

- 2.1 This policy aims to:
- Enable any employee to have a legitimate grievance heard.
  - Resolve grievances quickly and equitably.
  - Resolve grievances as close to their source as possible.
  - Encourage a harmonious working environment.



### **3. Scope**

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

### **4. Equal Opportunities**

- 4.1 The grievance procedure must always be applied fairly and in accordance with the Equality, Diversity and Inclusion Policy, the Acas Code of Practice on Disciplinary and Grievance Procedures and relevant employment law.

### **5. Timing**

- 5.1 Grievances should normally be resolved within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 5.2 If employees have engaged with the informal stages of the policy but are unhappy with the resolution outcome they can raise a formal grievance. This must be submitted within a reasonable timeframe following the outcome and where possible within one month.
- 5.2 All efforts should be made by all parties to attend meetings under this procedure. When there are valid reasons to reschedule meetings, they should be rearranged within five working days.

### **6. Informal Stage**

- 6.1 An employee with a potential grievance should first raise the matter orally with their immediate manager. Managers and employees are encouraged to deal with the grievance through the informal stage. When the grievance relates to a colleague the employee will be encouraged to raise the issue with the colleague directly in the first instance.
- 6.2 If the grievance relates to the employee's immediate manager, or member of the Leadership team or Principal (in this document, the term "Principal" refers to



Principals of secondary schools and Headteachers of primary schools), the formal stage of the grievance procedure may be invoked immediately.

- 6.3 Mediation may be used as a tool to resolve workplace conflict or disputes and will be supported where both parties agree. Mediation will be facilitated by an impartial mediator to help both parties find a solution that they agree to. Mediation is not judging who was right or wrong in the past but looks at how to agree on working together in the future. Mediation helps to mend workplace relationships by finding solutions that everyone agrees to, improving communication between both sides of the dispute and allowing both sides to have control of what's finally agreed. Mediation should be considered at any stage of the grievance process.
- 6.4 An employee may be accompanied by a workplace colleague or trade union representative in any meetings to hear about, gather facts about, discuss, consider or resolve their grievance.
- 6.5 The manager will arrange a suitable time to meet with employee to discuss their informal grievance, where possible with 5 working days of being informed of the grievance. Employees will be expected to cooperate with others to help to resolve the grievance and to be clear on the resolution sought.
- 6.6 The manager must keep a written record of the meeting and share this with the employee. This written record will not be verbatim but will cover the key points discussed.
- 6.7 If the employee is not satisfied with the informal resolution, they may lodge a formal grievance within 10 working days of the informal stage being completed.

## 7. Formal stage

- 7.1 If the employee remains aggrieved, the informal grievance procedure is inappropriate, or where the manager has failed to respond to the employee's concerns, the next step is for the employee to write to the designated person as set out in the table below.

<b>Grievance against:</b>	<b>Write to:</b>	<b>Considered by:</b>
A colleague or aspect of employment not covered by any other appeal process	Relevant member of the Leadership Team	Relevant member of the Leadership Team



Member of the Leadership Team	Headteacher or Principal or for Head Office staff the Director	Headteacher or Principal or for Head Office staff the Director
Headteacher or Principal or for Head Office staff the Director	Chief Executive	Chief Executive or delegated to a Director
Chief Executive	Chair of the Audit and Risk Committee	Chair of the Audit and Risk Committee or other delegated non-executive

- 7.2 The employee must give full details of the grievance and the resolution/ outcome sought using the form in appendix 1.
- 7.3 The designated person may meet with the employee to discuss the grievance and find a resolution or where appropriate may appoint an Investigating Officer.
- 7.4 If an Investigating Officer is appointed they should be competent and impartial and should have had no previous substantial involvement with the grievance. They must also have time available to complete their investigation within the timescales laid down. Human Resources must be consulted before the investigation starts. The meeting or the investigation must take place as soon as possible.
- 7.5 An employee may be accompanied by a work colleague or trade union representative in any meetings to hear about, gather facts about, discuss, consider or resolve their grievance. It is the responsibility of the employee to notify those who are accompanying them. If the meeting needs to be rearranged so the employee may be accompanied this should take place in 5 working days.
- 7.6 Care should be taken to ensure that the Investigating Officer will not be a disciplinary procedure decision-maker, in case the outcome of the grievance becomes subject to the disciplinary procedure.
- 7.7 The Investigating Officer must investigate the grievance as soon as possible. If the Investigating Officer cannot investigate it personally within such a 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 protects the rights of the parties involved.
- 7.8 As part the investigation the employee will be given the opportunity to explain the nature of their grievance. Investigation meetings will be chaired by the investigating officer, who will invite the employee and advise them of their right



to be accompanied by a trade union representative or work colleague. If the employees' companion is unable to attend the meeting, a further meeting will be scheduled within the following five working day period. A representative from the HR department and a note taker may also be present. At the investigation meeting the employee will explain the grievance and say how they think it can be resolved.

- 7.9 The investigating officer will interview any witnesses or other individuals who may have information important to the case. The employee may suggest other members of staff to be interviewed. Where the grievance is raised against a colleague the individual must be given an indication of the nature of the grievance against them. The investigating officer will need to judge the level of detail given before they interview the individual to enable them to offer any information that is relevant to the grievance.
- 7.10 The investigation process must be completed where possible within 20 working days, ensuring that all parties can present their view. Where timescales are not met the investigating officer will inform the employee of the reasons why and provide timescales for completion. The investigation report will be shared with the aggrieved employee.
- 7.11 The investigating officer will make recommendations as part of the investigation report. Once completed this will be passed to the designated person to make the decision on the outcome of the grievance.
- 7.12 The designated person will arrange to meet with the employee and the investigating officer to listen to the grievance, consider the outcome and where appropriate, the action the school intends to take to resolve the grievance. The employee will be given five working days' notice of the meeting. The employee has the right to be accompanied by a trade union representative or work colleague. If the employees' companion is unable to attend the meeting, a further meeting will be scheduled within the following five working day period. A representative from the HR department and a note taker may also be present.
- 7.13 Potential outcomes, are as follows: -
- (i) That 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) That the grievance is partially upheld
  - (iii) That the grievance is not upheld



- (iv) The chair may recommend further mediation by an appropriate third party in order to facilitate working relationships

7.14 The outcome will be confirmed in writing within 5 working days of the outcome meeting.

7.15 If, following this stage, the employee remains dissatisfied with the decision, they may submit a written appeal to the person identified in the outcome letter.

## 8. Appeal

8.1 Appeals against grievance decisions will usually be considered by the panel in relation to one or more of the following grounds:

- (i) Procedural irregularities prejudiced the grievance decision.
- (ii) The evidence does not support the decision, was misinterpreted, disregarded, or relevant evidence was not taken into account. Any new evidence to be considered must be included.
- (iii) The proposed action is inappropriate given the circumstances of the case.

8.2 Appeal hearings will be convened as soon as is reasonably practicable and the employee will be given five working days' notice of the time and place of the appeal hearing. The letter will inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague. If the meeting needs to be rearranged so the employee may be accompanied this should take place in 5 working days.

8.3 The appeal will be considered by a senior manager who has not previously been involved in the case, which will focus on specific grounds identified in the letter of appeal and will not be a re-hearing. The appeal level is set out below:

<b>Grievance considered by:</b>	<b>Appeal considered by:</b>
Member of the Leadership Team	Headteacher or Principal or for Head Office staff the Director and a member of the HR team
Headteacher or Principal or for Head Office staff the Director	Chief Executive or delegated to a Director not previously involved and a member of the HR team
Non – executive Director	Chairman of the Board and a member of the HR team
Chief Executive	Chair of the Audit and Risk Committee or other designated non-



	executive and a member of the HR team
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- 8.4 The panel may invite advisers (for example a representative from Human Resources) as appropriate. For all meetings a note taker will attend to take minutes of proceedings.
- 8.5 The Chair of the panel will communicate the decision, which will be final, in writing to the employee within five working days of the appeal hearing.

## 9. Record keeping

- 9.1 Managers and panel members must keep written records of meetings and discussions relating to the grievance. These must be written during or as soon after the event as possible to ensure accuracy but will not be a verbatim record. 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 Policy.

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

- 9.2 Employees may also wish to keep records of events to support their case. Recording of any meeting will only be permissible with explicit consent of all parties, covert recording by mobile phone or any other device will be considered a disciplinary offence.

## 10. Special Situations

### 10.1 *Collective Grievances*

- 10.1.1 In circumstances where a grievance is raised by or on behalf of more than one employee, 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.

## **10.2 External sources of help**

10.2.1 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 through mediation. This intervention should be initiated in consultation with Human Resources.

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

10.3.1 An employee may raise a grievance during the course of a disciplinary process that is related to the case. Where this happens, it will usually be dealt with as part of the disciplinary procedure. In exceptional 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.

10.3.2 Depending on the nature of the grievance, it may be appropriate to consider bringing in another manager to continue to hear the disciplinary case.

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

10.4.1. Where the school has taken or, has indicated that it is considering taking action against the complainant through another policy and the complainant is unhappy about this action or the process, the complainant should raise these concerns under that specific policy. If the complainant has an unrelated grievance, the grievance procedure can run concurrently.

## **11. Review**

11.1 This policy will be reviewed every three years in consultation with the recognised trade unions.





## Appendix 1 – Grievance Form

**Name**

**School**

**Job Title**

Describe the nature of your grievance, including:

- A full description of your grievance
- Relevant evidence, such as facts, dates and names of individuals involved

What action has been taken so far, who has considered it and what was the result?  
Where applicable, include details on the date you first raised your grievance and with whom

What is the outcome that you are seeking to resolve your grievance?

Please indicate here if you are willing to explore a resolution through mediation, if not already utilised:



Yes / No

Whether you would like accompaniment at a grievance meeting by a work colleague, trade union official, or trade union representative - and if so, their name, position and contact details:

Signed

Date