



**BATH & WELLS**  
**Multi Academy Trust**

*'That they may have life, life in all its fullness' John 10:10*

**Bath & Wells Multi Academy Trust  
Grievance Procedure**

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## **Grievance Procedure**

### **1. Purpose**

- 1.1. The purpose of this procedure is to ensure fair and consistent handling of employee grievances. The Bath & Wells Multi Academy Trust (hereafter referred to as the MAT), recognises the right of every employee to express a grievance and be given a fair hearing.
- 1.2. This procedure is effective from 1 April 2013 as approved by the MAT.

### **2. Applicability**

- 2.1. This procedure applies to all employees of the MAT, whether permanent or on a fixed term contract. It does not apply to agency workers, contractors or volunteers. Guidance on dealing with grievances from former employees can be found in section 8.
- 2.2. The Grievance Procedure does not apply when:
  - 2.2.1 The employee wishes to complain about an actual or threatened dismissal;
  - 2.2.2 The employee raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the Public Interest Disclosure Act 1998 (See the Whistleblowing Policy or refer to HR for guidance);
  - 2.2.3 The employee wishes to complain about matters under the disciplinary procedure. (However, a grievance may be raised under the disciplinary procedure if it is regarding unlawful discrimination or that action under the disciplinary procedure is not genuinely on the grounds of conduct.)
  - 2.2.4 The employee wishes to complain about matters being dealt with under the capability procedure. These will normally be considered as part of the capability process.
  - 2.2.5 The employee wishes to complain about matters related to selection for redundancy which would be dealt with by appeal.

### **3. Roles and responsibilities**

- 3.1. Line managers are responsible for;
  - 3.1.1. Responding promptly and sensitively to complaints or concerns raised by employees; and
  - 3.1.2. Attending/chairing formal grievance and/or appeal hearings as required.
  - 3.1.3 Ensuring that this policy is applied consistently and that staff are aware of this policy.
- 3.2. Employees are responsible for raising concerns in a timely manner and co-operating with the management of the school so that complaints or concerns may be resolved.
- 3.3 Human Resources are responsible for:
  - 3.3.1 Providing advice and guidance to management on grievance procedures and in the management of individual cases.

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3.3.2 Updating this policy as appropriate to ensure compliance with legislation.

### **4. Principles**

- 4.1. Grievances are concerns, problems or complaints regarding their employment that employees wish to raise with their employer.
- 4.2. Employees should try to resolve grievances informally wherever possible through discussion with their immediate line manager. However, where an employee states in writing his/her wish to raise a formal grievance, this procedure must be followed.
- 4.3. A grievance must be raised by the employee personally. A grievance cannot be raised on behalf of someone else.
- 4.4. An employee raising a grievance may be accompanied or represented by either a trade union representative or a work colleague at meetings held at any stage of this procedure.
- 4.5. Written records will be kept during the process and treated as confidential. Formal minutes will be given to the employee if taken.
- 4.6. The timescales within this procedure may be changed by mutual agreement.
- 4.7. In the event that the School determines, in the course of following this Grievance Procedure that there has been possible misconduct on the part of one or more employees it may be necessary to investigate these concerns separately under the Disciplinary Procedure.
- 4.8. Confidentiality should be maintained during all stages throughout the Grievance Procedure. This is to be done by ensuring that only those people who need to know through the course of their duties have access to the details of the grievance.
- 4.9. A postponement may be granted if the employee or their representative is unable to attend meetings on the proposed dates. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement.

### **5. Registering a Grievance**

- 5.1. Where an employee's grievance has not been resolved informally or the matter is more serious they should put the grievance into writing and submit to the Headteacher. A suggested format for registering a grievance is available at appendix one. Where the Headteacher is involved with the grievance, the grievance may be submitted to the Chair of Governors.
- 5.2. The written grievance should be such that the nature and extent of the grievance is clear as well as the resolution sought by the employee.
- 5.3. The Headteacher may delegate to a manager to hear the grievance.
- 5.4. The Headteacher or HR should write to the employee within 5 working days of receiving their Formal Grievance to confirm receipt. See Appendix 2 for standard letter.

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### **6. The Grievance Hearing**

- 6.1. The manager identified will arrange a grievance hearing to discuss the matter with the aggrieved employee.
- 6.2. The hearing should take place no later than 10 working days after receipt of the written grievance. The employee will be informed of their right to be accompanied by either a trade union representative or a work colleague. HR may attend to provide procedural advice.
- 6.3. The employee should be given the opportunity to state their grievance and explain the resolution sought. Where appropriate the manager may adjourn the hearing in order to investigate. An investigation may involve meeting and interviewing employees or other witnesses, viewing of records and CCTV etc. Ordinarily the manager will compile a report containing a written summary of their findings and details of any witnesses interviewed. The report will be used as a basis for the discussion with the individual at the reconvened hearing.
- 6.4. Where there is evidence that the employee's grievance amounts to a serious allegation of bullying/harassment/discrimination, the manager would normally agree with the employee that the matter should be managed under the Disciplinary Procedure. Where this occurs the same manager would normally take on the disciplinary investigation.
- 6.5. Where the allegation is less serious, the manager may decide after the initial grievance hearing that the matter should conclude at that point and outcomes to the grievance may include support and advice for the employee and/or the alleged perpetrator.
- 6.6. The manager will respond to the employee's grievance in writing, within 5 working days of the hearing or the reconvened hearing where there has been an adjournment to advise the employee of the outcome. The employee will be informed of their right to appeal if the resolution sought by them has not been granted.

### **7. Appeal**

- 7.1. Where the employee is dissatisfied with the outcome of the grievance hearing they may appeal.
- 7.2. The appeal must be made in writing, addressed to the Chair of Governors, stating the grounds for the appeal, within 5 working days of being advised in writing of the outcome to their grievance. In submitting the written appeal, the employee should explain why they remain aggrieved and how they believe the grievance can be resolved.
- 7.3. The Chair of Governors will arrange for the appeal to be heard by a panel normally comprising of three school governors who have not previously been involved in the grievance.
- 7.4. The appeal will be held as soon as possible and normally no later than 20 working days after receipt of the appeal letter. The chair of the appeal hearing will notify the employee of the date and time of the hearing and their right to be accompanied by either a trade union representative or work colleague.
- 7.5. At the appeal hearing the employee will be able to explain further why they remain aggrieved and how they believe the grievance could be resolved. The manager from

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the grievance hearing will normally attend to explain their decision and any investigation they undertook. HR may attend to provide procedural advice.

- 7.6 Where appropriate the appeal hearing may be adjourned for further investigation.
- 7.7 The employee will be informed of the appeal decision in writing, normally within 5 working days of the appeal hearing or the reconvened appeal hearing where there has been an adjournment. The decision of the appeal hearing is final.

**8. Grievances from ex-employees**

8.1 There is no legal requirement to deal with grievances raised by ex-employees. However, Headteachers may want to consider dealing with such grievances in order to identify possible employment tribunal complaints, and where appropriate try to prevent them from becoming tribunal complaints. These will be managed on a case by case basis. Advice can be sought from Human Resources.

**9. Review**

9.1. This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years.

**The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi Academy Trust**

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**Appendix 1 – Suggested format for registering a Grievance**

To: The Headteacher/Chair of Governors

I wish to register a grievance under the MAT’s Grievance Procedure.

Name:	
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## Grievance Procedure

The cause of my grievance is: (This should set out clearly the nature and extent of the problem and include any relevant details)	
I have taken the following informal steps to resolve the problem or grievance before invoking the formal grievance procedure:	
I believe that my grievance could be resolved in the following way:	
Signed:	
Dated:	

## Appendix 2 – Acknowledgement of Receipt of Formal Grievance

NAME  
ADDRESS

Dear XXXXX

## **Grievance Procedure**

### **Formal Grievance**

I write to confirm receipt of the registration of your formal Grievance dated (INSERT DATE) and I can confirm that your Grievance will be dealt with under the MAT's Grievance Procedure.

A meeting has been arranged to take place on (INSERT DATE) at (INSERT TIME) at (INSERT LOCATION). Please can you confirm your attendance at this meeting.

You have the right to be accompanied at this meeting, therefore I would be grateful if you could let me know whether you will be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union so that necessary arrangements can be made.

The meeting will be chaired by (INSERT NAME, JOB TITLE) and (INSERT NAME, JOB TITLE) will also attend to take notes of the meeting.

Thank you for raising this matter and I hope that we will be able to reach a satisfactory outcome.

Yours Sincerely

NAME  
JOB TITLE

Copies to:  
Personal File  
Human Resources

### **Appendix 3 – Order of Grievance Hearing**

#### **The following procedure will apply to grievance hearings:**

Someone who is not involved in the case should be appointed to take notes on the proceedings and Human Resources may be present throughout the hearing.

- The employee should be provided with an explanation concerning the purpose of the meeting i.e. to consider as fully as possible the nature and the validity of the grievance and should be provided with an explanation of how the meeting will be conducted

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- The aggrieved employee or his/her representative shall state their case and how they would like it to be resolved.
- The aggrieved employee will have the opportunity to call any witnesses if appropriate.
- The person/panel hearing the grievance will have the opportunity to question the aggrieved employee or his/her representative in order to progress the case.
- The hearing should be adjourned whilst an investigation is carried out.
- When the investigation is complete the meeting should reconvene and the investigating officer should present their findings.
- The employee will be given the opportunity to question the investigating officer.
- The person/panel may adjourn the grievance meeting to give proper consideration to all the evidence before making a decision
- The person/panel hearing the grievance should ensure that the hearing has been conducted fairly and record any objections made
- All those present apart from the person/panel hearing the meeting and Human Resources will withdraw whilst the panel reaches its decision.

## **Appendix 4 – Guidelines for Investigating Officers**

A grievance investigation normally takes place after the employee has explained his/her grievance at a grievance hearing. The hearing is normally adjourned so that the investigation can take place. Once the investigation has taken place the hearing will reconvene so that the findings can be considered.

### **As investigating officer you are responsible for:**

- Gathering all the relevant facts promptly
- Establishing the exact nature of the grievance and finding evidence to substantiate or refute the case

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- Summarising findings in an investigation report
- Presenting evidence when the grievance hearing is reconvened after the investigation and answering questions as required.
- Attending appeal hearings as a witness when required

### **When carrying out an investigation, the investigating officer should:**

- Ensure the investigation is carried out as quickly as possible
- Be thorough and fair
- Remain impartial and objective
- Consider whether there are any mitigating circumstances
- Maintain confidentiality as appropriate
- Seek supporting evidence, including both that which supports the grievance, and any that refutes the grievance
- Talk to relevant witnesses as appropriate to establish the full facts
- Keep notes of investigation meetings
- Compare statements and notes and attempt to resolve any discrepancies
- Where the findings of the investigation support the grievance, consider possible resolution, including that suggested by the employee

## THE INVESTIGATION PROCESS

### **Prepare**

- Familiarise yourself with the employee's grievance. Fully consider the points that they have raised and any evidence that they have put forward.
- Plan your investigation before you begin – consider what information you need to gather and how best to gather this. This will depend upon the nature of the grievance. E.g. where the grievance is about work location or equipment you may decide to visit the site or where the grievance involves the employee's manager you may want to speak to the manager.
- Before meeting the employee and other witnesses, plan the questions you wish to ask. (see below 'Preparing Questions')
- Plan where the investigation meetings are going to be held – this needs to be in a private place that is free from interruptions.
- Take notes of the key points raised at the meetings. A copy of the notes should be given to the relevant employee/witness following the meeting and they should be asked whether there is anything they wish to add to them. Where the employee/witness provides alternative notes following the meeting both versions should be included in the evidence supporting the investigation report.
- Throughout the investigation a member of Human Resources will be available to provide advice and support. E.g. on the preparation of questions.

### **Preparing questions**

Think about the grievance that has been raised and the facts you need to gather.

Questions may include:

- Why was the decision made?
- What other options were available?
- Are there any records that substantiate or refute the grievance?

### **Meet the employee (Only for investigating officers who are not hearing the grievance)**

- Carefully read the employee's written grievance before meeting him/her
- Give the employee notice of the meeting so they can prepare. Remind the employee of their right to be accompanied by a trade union representative or work

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colleague.

- Ask the employee to explain their grievance and how they would like it to be resolved.
- Use open questions to gain information. Clarify issues that arise and check your understanding of what has been said.
- Where appropriate ask the employee to provide evidence to support his/her grievance and ask if there is anything they would like to include

### Meet the witnesses:

*You may decide that it is not necessary to interview every witness, in this instance a written statement from the witness that is signed and dated will suffice. Where you decide to meet with the witness, the following will apply:*

- You may wish to ask the witnesses to write a written statement prior to meeting them. Where appropriate you would ask them to respond in their written statement to certain questions.
- Where a witness provides a written statement you need to ensure you are happy that you have obtained all the information that you require from them, and that there are no un-answered questions. If you are not satisfied then you can re-interview the witness.
- Discuss with HR if a witness is unwilling to get involved.
- Use open questions to gain information, clarify issues and check your understanding of what has been said.
- Do not lead the witness but do encourage them to concentrate on the main facts.
- Advise witnesses that their statements may be made available to the employee and management side. Witnesses also need to be made aware that they may be called to give evidence at a hearing.

### Witness statements

Witness statements may include the following:

- The name and job title of the person giving the statement
- Summary of the grievance being investigated
- The reason for the witness being able to comment on the issues
- Facts that can be provided by the person
- Sketch or plan if appropriate
- Date, time and place the statement was taken
- The signature of the witness

### Gather other evidence

- Ask/seek supporting evidence to substantiate information provided by the employee/witnesses. Keep copies to use as supporting documentation.
- You may need to look at documents such as work rotas, attendance records, appraisal documents, e-mails, letters, training records, development plans etc. You will need to take copies of the documents for supporting documentation.
- You may wish to compare records for different employees', for example where the employee's grievance is that he/she believed she has been treated less favourably.
- You may wish to carry out site visits.

### Preparing the investigation report

Once the investigation has been complete, you will need to write a report, Human Resources can provide advice. The report will be provide the main source of reporting the findings to the aggrieved employee at the reconvened grievance hearing.

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The report should be clear, concise and presented in a logical format, it should:

- Outline the grievance
- Provide full supporting evidence, including all the facts so that it would make sense to someone unfamiliar with the case
- Where the findings of the investigation substantiate the employee's grievance you should list available options for resolution.

## **Appendix 5 – Format of Grievance Investigation Report**

### **Introduction**

Background information relating to the employee:

- Name and job title of the employee
- Hours of work

Background information about the workplace, such as:

- Environment
- Staffing levels
- Workload and shift pattern

### **The Grievance**

Specify the grievance and how the employee would like to see it resolved. Refer to the employee's written grievance (attach a copy of the employee's grievance as an appendix)

### **Investigation**

- Who conducted the investigation (your name, and job title)

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- How the grievance was brought to your attention
- How you carried out the investigation
- Refer to the sources of information that you accessed
- Refer to any witness statement, and clarify why these are relevant

## **Statement of Case**

From the information that you have gathered, state the grievance and state whether your investigation substantiates or refutes this, cross referencing to documents, statements etc. within the appendices as appropriate:

- Highlight the salient points of the statements
- Explain the correct procedures
- Refer to any additional supporting evidence

## **Possible Solutions**

Where your investigation has substantiated the employee's grievance state the employee's preferred resolution. Specify any other realistic solutions, listing pros and cons for each.