

drb Ignite Multi Academy Trust

Grievance Policy and Procedures

drb Ignite Multi Academy Trust vision

The drb Ignite Multi Academy Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures. To this end our vision is to provide every pupil with learning experiences that excite them and give them the power to begin to shape their own lives.

All pupils achieve the highest standard of educational outcomes regardless of circumstances or background.

Rationale

Grievances are concerns, problems or complaints that employees raise with their employers. All employees have a right to know that their concerns will be listened to and how any grievances will be resolved. The Trust has developed its grievance policy and procedures to promote fairness and consistency in the treatment of individual employees and reflect Trust policy on equal opportunities and avoidance of discrimination.

For note: in managing grievances the Trust follows the national Advisory, Conciliation and Arbitration Service (ACAS) *Code of Practice on Disciplinary and Grievance Procedures* (2015) which can be accessed through the following link:

<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

The Code is used alongside [Discipline and grievances at work: the Acas guide](#)

In line with the above guidance, Trust procedures will be followed closely when dealing with a grievance or dispute in relation to an individual's employment.

The Trust's policy and procedures aim to ensure that:

- the procedures are known by all employees
- any employee can raise grievances and issues in respect of their employment
- grievances are dealt with promptly and in a fair and supportive manner
- confidentiality is respected
- a fair appeal procedure is available for all staff

Scope

The policy and procedures apply to employees in the Trust and its schools. They exclude matters relating to:

- appeals against grading
- discipline and dismissal
- harassment
- matters over which the school/Trust has no control

The grievance procedure will not be available to employees who:

- have been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter
- have been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns are connected with that matter or the arrangements for that interview or hearing

Also, the procedure will not be available to employees who have grievances which:

- are matters of principle
- fail to comply with the relevant time limits in the procedure, unless the Trust and the employee (or their representative) concur in advance to a particular time limit being waived
- attempt to restart the grievance procedure in respect of a grievance which has been heard and resolved under the procedure within six months of that hearing, unless the grievance is about actions which have taken place after the earlier grievance was decided upon.

Nature of grievance

Grievances can arise from a variety of sources and it is important for the Trust and its workforce to recognise that many potential problems and difficulties can be, and are better, resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.

Responsibilities

1.The employee

Employees must first discuss a grievance with their line manager, as soon as possible and no later than 2 months of the event giving rise to the grievance unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager. The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The Trust Board expects that employees will also set out with the intention of settling the dispute as speedily as possible.

Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager. If the dispute cannot be resolved informally the employee must follow the formal procedures set out below. If the employee is not satisfied with the final decision he/she has a right of appeal to the Trust Board.

2. Trust Board

The Trust Board is responsible for the overseeing and reviewing the Trust's *Grievance Policy and Procedures*. The Trust Board has delegated the responsibility for dealing with staff grievances to the CEO and headteachers.

For note:

- If a headteacher has a grievance or the grievance is against a headteacher, the matter will be dealt with by the Trust CEO, or if appropriate by another nominated director. Depending on the seriousness of the grievance a risk and scoping exercise may take place to ascertain whether a more formal investigation of the issues is required
- A Trust headteacher has the power to delegate responsibility for dealing with a grievance to an appropriate line manager at the informal stage. Should the grievance become formal the headteacher should consult with the Trust and a risk and scoping exercise may take place to ascertain whether a more formal investigation of the issues is required. If this is the case, the decision to uphold/not uphold the grievance will lie with the Trust/headteacher.
- The Trust Board will appoint an Appeal Panel to hear any appeals arising from a Trust/headteacher decision. Otherwise Trustees will play no part in the grievance procedures.

3. Trust CEO

The CEO's role is to ensure employee rights are appropriately understood and recognised across the Trust. This means developing the skills needed for open conversation and to make mediation a part of everyday working life. This will help to ensure the majority of grievances can be dealt with successfully informally without the need to move to more formalised procedures. The Trust believes that by building this approach into the organisation's culture, along with strong values and a collective belief, there are likely to be less instances where a formal grievance procedure needs to be invoked.

4. School headteacher

At school level, the headteacher has responsibility for managing the Trust's grievance procedures and for resolving grievances informally as far as is reasonably practicable. The headteacher is required to ensure that the procedures are known to all staff. The headteacher has the delegated power to require appropriate line managers to resolve grievances and disputes informally in the first instance, and to pass the matter to the headteacher if it has proved impossible to resolve satisfactorily.

When the grievance has been formally raised with the headteacher he/she will conduct a risk and scoping exercise to ascertain whether a formal investigation into the issues raised is required. If this is the case, he/she will liaise with the Trust and an Investigating Officer may be commissioned to act on the Trust's behalf. It will be made clear to the employee that the responsibility for this decision lies with the headteacher and the Trust. The investigating officer must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. The investigating officer must advise the employee, in writing, that he/she may be accompanied by a trade union representative or school colleague to any grievance meeting.

The Trust/headteacher must ensure that any decision regarding the outcome of the grievance is communicated to the employee, wherever possible, at the end of the meeting and confirmed in writing within 5 working days. The letter must also confirm to the employee their right to appeal to the Trust Board and to be accompanied by a trade union representative or school colleague at the appeal meeting.

5. Investigating Officer

The Investigating Officer will be responsible for investigating the grievance at the request of the Trust/headteacher. He/she will carry out a thorough investigation, after which he/she will make findings and recommendations. The Investigating Officer does not have the authority to make decisions, unless that authority has been delegated to them by the Trust Board. During the course of the investigation, the Investigating Officer may be supported by the Trust's HR Lead Officer.

6. Line Manager

Line managers have the responsibility for ensuring that any informal grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the Trust's procedures and conduct any investigation in a sensitive and considerate manner. The line manager is expected to inform the head teacher immediately that a grievance has been raised and is being dealt with informally. The line manager must reply orally to an employee as soon as possible and no later than 2 working days after the informal grievance is raised. If it proves impossible to resolve a grievance satisfactorily the line manager should refer the matter to the headteacher with the consent of the complainant.

7. Employee's companion

The employee's Trade Union representative/school colleague has the right to:

- address the hearing, putting the employee's case
- sum up the case
- respond on the employee's behalf to any views expressed at the hearing
- confer with employee during the hearing.

The Trade Union representative/school colleague may not answer on behalf of the employee any questions put directly to the employee and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The Trade Union representative/school colleague may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a valid contribution.

The investigation procedure

The Trust's Investigation procedure follows the ACAS model and has six defined stages:

- Step 1: Deciding if there needs to be an investigation
- Step 2: Preparing for an investigation
- Step 3: Carrying out an investigation
- Step 4: Witnesses
- Step 5: Producing the investigation report
- Step 6: Carrying on with the disciplinary/grievance process

Step 1: Deciding if there needs to be an investigation

When there is a possible workplace disciplinary or grievance issue, the Trust will find out all it reasonably can about the issue. This is known as an *investigation*. This will:

- see if there is a case to answer
- make sure everyone is treated fairly
- gather evidence from all sides
- help the Trust to see what should happen next

At any stage the Trust can still look at whether:

- the formal procedure needs to carry on
- the issue can be resolved informally instead

For note: Following a fair procedure

To protect everyone involved in a disciplinary or grievance case, the Trust must make sure it follows a fair procedure. The investigation is an important part of this.

If the Trust does not carry out a reasonable investigation, any decisions it makes in the disciplinary or grievance case are likely to be unfair. This could risk legal action.

Trust procedure and investigations follow the [Acas Code of Practice on disciplinary and grievance procedures](#). If a disciplinary or grievance case reaches an [employment tribunal](#), judges will look at whether the Trust has followed the Acas Code of Practice in a fair way.

Step 2: Preparing for an investigation

If the Trust decides to investigate a disciplinary or grievance issue, it will start as soon as possible.

This is to make sure it is treating the employee fairly. For example, people might remember a situation more clearly the sooner they're asked about it.

Who will carry out the investigation

Where possible, the Trust will get somebody who's not involved in the case to carry out the investigation, for example another manager or someone from HR. This is to keep things as fair as possible. The Trust will also

think about who will handle matters if further action is needed. Where possible, a different person should handle each step of the disciplinary procedure that is needed:

- the investigation
- the disciplinary hearing and outcome
- the appeal hearing (if an appeal is raised)

Where possible, the Trust will assign a more senior person to handle the disciplinary hearing and outcome than the person assigned to the investigation.

Making an investigation scoping plan and risk assessment

The Trust and the person investigating should begin by making an investigation scoping plan and risk assessment. This should include:

- what needs to be investigated
- who is carrying out the investigation
- anyone who needs to be spoken with ('witnesses')
- any sources of evidence, for example work records, emails, documents
- any time limits
- policies or Trust guidelines to follow
- whether the person investigating is expected to give recommendations at the end of the investigation
- setting out the importance of confidentiality
- risk assessment to the Trust
- any other relevant points or information

A clear plan helps to:

- make the investigation as quick and easy as possible
- make clear exactly what needs to be done
- make sure the process is full and fair
- avoid negative effects on staff or the business

Telling the employee

The Trust/headteacher or person investigating should tell the employee with the disciplinary or grievance issue as soon as they decide to open an investigation. This is unless the Trust thinks there is a risk that the employee might tamper with evidence or influence witnesses. In this case, the Trust will wait until there is less risk of this. When the Trust tells the employee it is opening an investigation, it will explain the following:

- why it is carrying out an investigation
- who will be carrying it out
- what they are going to do
- that they will need to talk to any witnesses
- how long it could take
- what will happen next, for example a meeting
- that everything will be kept confidential

The Trust recognises that an investigation can be highly stressful for the employee in either disciplinary or grievance cases. The Trust will proceed sensitively at all times and will consider the wellbeing and mental health of its employees, offering support where needed.

Deciding whether to suspend an employee in a disciplinary case

The Trust will try to avoid suspending an employee under a disciplinary investigation. The Trust will aim to make other arrangements rather than suspension. For example, the employee may be assigned work somewhere else in the organisation temporarily.

The Trust will only consider suspension during an investigation if it believes it is needed to protect any of the following:

- the investigation
- the Trust and its schools
- other employees
- the employee under investigation

If suspension is necessary, the Trust will:

- explain to the employee the reason for their suspension
- make clear it does not mean the Trust believes the employee is guilty
- still pay the employee in full throughout their suspension
- keep the suspension confidential wherever possible
- keep the suspension under close review
- make sure it only lasts for as long as necessary
- explain the employee's responsibilities during their suspension, for example to not contact colleagues
- name a person the employee can contact if they have any concerns
- keep regular contact with the employee throughout

Looking after employee's wellbeing and mental health

Being suspended can be very stressful, so the Trust will ensure it considers the wellbeing and mental health of the employee. Looking out for the employee's wellbeing and offering support can help prevent:

- mental health issues arising
- existing mental health issues getting worse

Step 3: Carrying out an investigation

In a disciplinary or grievance investigation, the person investigating should do their best to:

- be fair and objective
- follow any policies or guidelines your workplace might have
- get as much information on the case as is reasonable
- not try to prove guilt but get balanced evidence from both sides
- keep the case confidential

In a disciplinary procedure, the person investigating should be finding out if there is an issue that needs to be addressed, not trying to prove guilt.

How long an investigation needs to take

While an investigation should be completed as quickly as possible, it always needs to be thorough and fair. Some investigations might take longer depending on the case and how many people need to give information. For example, a simple case might only take a day to gather enough information, whereas a more complicated case could take several weeks. The employer or person investigating should set a reasonable timescale and tell the employee. If it is found that more time is needed during the investigation, this should be allowed for. Any delays should be explained to everyone involved and written in the investigation report.

Getting physical evidence

The person investigating should get all the information they reasonably can and need for the case. They should work out what physical evidence is needed based on:

- what is laid out in the investigation plan
- what sources of information they can use

More evidence might come to light as the investigation goes on, so the person investigating should allow for this. Types of physical evidence could include:

- emails
- paperwork
- receipts
- computer records
- phone records
- CCTV recordings
- attendance records

The person investigating must consider the ways they can get information and:

- follow the law (for example, on data protection, GDPR and employment contracts)
- respect the employee's right to privacy
- keep a written record of how and why they got any evidence.

For note: More information can be found through the following links:

- [data protection on the Information Commissioner's Office \(ICO\) website](#)
- gathering evidence in the right way in the [Acas guide to conducting workplace investigations](#)

Holding investigation meetings

In both disciplinary and grievance investigations, the person investigating might also need to get information from:

- the employee
- other employees involved ('witnesses')
- other witnesses, for example parents

The right to be accompanied

The right to be accompanied means that by law, the employee can bring a relevant person *companion*:

- in a grievance procedure: to any meetings
- in a disciplinary procedure: to a meeting or hearing that will give or confirm a formal warning or other disciplinary action

If there is the right to be accompanied

If the employee or worker has the right to be accompanied, they must choose their companion from one of the following:

- a work colleague
- a workplace trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

For note: Under discrimination law, the Trust will make [reasonable adjustments](#) for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects. More information about the right to be accompanied can be found in the [Acas guide to discipline and grievance](#)

Absence from an investigation meeting

If the employee with the disciplinary or grievance issue needs to go to an investigation meeting but does not attend, the person investigating should rearrange the meeting. The Trust or person investigating should see if it would help to make other arrangements. For example, if the employee is off with stress and is worried about coming to the workplace, they could hold the meeting somewhere else. If the employee is too sick or keeps refusing to attend, the person investigating will need to look at all other evidence and make a reasonable decision. They could also look at:

- the seriousness of the disciplinary or grievance issue
- how the Trust has dealt with similar cases in the past
- getting a medical opinion on whether the employee is fit to attend the meeting (with the employee's permission)

The employer might decide they need to carry on with the investigation without the employee. If so, the employer must:

- carry out the investigation in as full and fair a way as possible
- tell the employee

Looking after employees' wellbeing and mental health

Being under investigation can be very stressful, so it is important that employers consider the wellbeing and mental health of their employees.

Looking out for employees' wellbeing and offering support can help prevent:

- absence
- mental health issues arising
- existing mental health issues getting worse

For example, as well as regular communication, the employer could arrange any meetings in a more private and comfortable location if this would help an employee.

Step 4: Witnesses

Witnesses can give important evidence that might help decide the outcome of a disciplinary or grievance case. If there is anyone with information about the discipline or grievance issue (*a witness*), the person investigating can ask them to write it down in *a witness statement*. The person investigating can also have a meeting with a witness to ask them what they know or saw. Someone should take notes during the meeting. At the end of the meeting, the witness should sign the notes and these can also form a witness statement.

Taking a witness statement

The person investigating might decide a witness can give a statement without having a meeting, if the witness:

- is not an employee, for example a parent
- only needs to give very simple information
- is ill and cannot come to an investigation meeting

The person investigating should ask the witness to write:

- answers to specific questions, where necessary

- their name and, where applicable, job title
- the date, place and time of any relevant issues
- what they saw, heard or know
- the reason why they were able to see, hear or know about the issues
- the date and time of writing their statement
- their signature

For note: the witness should have reasonable time to give their statement.

Talking to a large number of witnesses

If a large number of people witnessed the same incident, the person investigating should:

- talk to some of the witnesses
- check whether they're broadly saying the same thing

The person investigating does not have to talk to all witnesses, unless either of the following apply:

- they feel they're not getting enough information
- there are significant differences in what the witnesses say

Taking records

The person investigating will assign a person to take notes and they will be called the Investigation Administrator. They will make notes that are signed off by the witness prior to inclusion in the investigation report. The Trust follows the guidance on recording investigation meetings as set out in the

[Acas guide to conducting workplace investigations](#)

Sharing information and confidentiality

- When asked to give information a witness should give their consent to the sharing of their information if necessary. For example, in case other people working on the investigation need to look at the information.
- The employee under a disciplinary investigation or who has raised a grievance case should be given a copy of any written evidence, including witness statements.
- If someone believes they have been named in a report, they have the right to see any parts that have information about them
- They should not be allowed to see private information about other people.
- If the investigation report includes people's details, the Trust will store it securely and only allow access when necessary. Anyone who has access needs to follow data protection law (UK GDPR).
- The report will be securely disposed of once it's no longer needed or is out of date.

Step Five: Producing the investigation report

When there is enough information and the investigation is finished, the Investigating Officer will produce a written report with recommendations for next steps. The Trust will share this report with the employee.

Step Six: Carrying on with the disciplinary/grievance procedure

When the Trust has the investigation report, senior leaders will check again if the issue can be resolved informally. After considering the investigation report, senior leaders may find there is no evidence to carry on with the disciplinary or grievance procedure. In this case, they should end the procedure and tell the employee in question there will be no further action.

If the employer finds there is an issue that cannot be resolved informally, they should carry on with the procedure by following the Trust's Disciplinary Policy which sets our arrangements for a formal hearing and appeals process. The Policy follows the Acas Standards [discipline: the disciplinary hearing](#)

Equal Opportunities

In grievance procedures all involved will take account of the Trust's Equal opportunities Policy to ensure there is no discrimination on the grounds of sex, race, disability, sexual orientation, religion and belief, or age.

Monitoring and review	Trust Board
Links	ACAS Standards Code of Conduct for Staff Code of Conduct for Board Trustees Staff Disciplinary Policy
Staff responsible	CEO Headteachers Trust Board
Committee responsible	Trust Board
Reviewed	February 2021
Next review	February 2023
Sign off by Chair of Trust	 Date: February 2021

*Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

Change Management

Issue No.:	Change date:	Change description:
1.0	Nov'16	Initial release
2.0	Nov'18	Updated, signed off and released
3.0	Feb' 21	Review cycle update (delay due to Covid-19)