

United Learning Grievance Procedure

Scope

The policy and procedure set out in this document applies to all staff employed by United Learning¹.

We are a values-led organisation which puts children first, expects the best from everyone and aims to bring out the best in everyone.

Where this policy refers to 'School' or 'Headteacher' within Central Office this should be interpreted to refer to the department where a member of staff works and their Head of Department. Where in the case of formal hearings it refers to the attendance of the Chairperson of the Local Governing Body, this should be substituted to mean another Executive Team member, other than the individuals own Head of Department.

1. What is a grievance?

- 1.1 A grievance is a way for an employee to raise a problem, concern or complaint with their employer. Grievances can arise from a variety of sources, such as your work, working conditions, decisions which affect your employment, relationships with colleagues or more personal situations.
- 1.2 Grievances can arise between members of school staff, including Central Office staff, with the Headteacher, other Senior Leaders or with members of the Local Governing Body. Grievances may be raised by an employee against another employee or against their employer.
- 1.3 The objective of this procedure is to ensure that all employees with a grievance relating to their employment are able to resolve their concerns as quickly and fairly as possible.

2. Introduction

- 2.1 United Learning is committed to promoting an inclusive, welcoming and positive working environment, where everyone is treated with respect and dignity. We take a zero tolerance approach to harassment and bullying, and encourage all staff to call out inappropriate behaviour.
- 2.2 It is United Learning's intention that every effort is made by all to resolve differences of opinion, disagreements, conflicts, and concerns in the workplace. If, despite attempts to find agreement, a dispute or disagreement leads to you having a grievance about the behaviour or conduct of a colleague or about your employment, you are entitled to pursue the matter in accordance with the procedure set out below.
- 2.3 The grievance procedure should not be used to deal with issues raised as part of another process where there are established appeals procedures.
- 2.4 The procedure set out below is designed to enable all staff to foster good relations by:
 - a) Discouraging the harbouring of grievances;
 - b) Assisting the resolution of individual grievances in an atmosphere of trust and confidentiality;
 - c) Enabling grievances to be settled as near as possible to their point of origin;

¹ The two companies (United Church Schools Trust and United Learning Trust) are referred to in this policy by their trading name, 'United Learning'.



- d) Ensuring that grievances are dealt with fully, promptly and fairly; *and*
- e) Encouraging individuals to seek advice and support from colleagues, HR and trade union representatives at an early stage.

2.5 In order to allow grievances to be dealt with in a fair and prompt manner, grievances should be raised within 3 months of the occurrence of the circumstances leading to the grievance. However, United Learning does recognise that the incremental nature of some grievances may make this time limit unreasonable, and may therefore consider grievances after a longer period of time. It is very unlikely that events that took place more than a year ago would be considered under this policy due to the difficulty of establishing the facts of a situation so long after the event.

3. Collective Grievances

- 3.1 Where a grievance involves a number of employees, the school's HR Business Partner should liaise with the employees or their trade union representative(s) to agree a sensible application of the grievance procedure. All parties should recognise the need to ensure that meetings and hearings are manageable and fairly dealt with and should recognise that where there is a common grievance shared by a number of employees it may not be necessary for all concerned to make the case. Employees have the right to union representation.
- 3.2 The procedural framework of this policy is designed so that the stages for collective grievances are the same as those for individual grievances. In this way if any individual grievance becomes a collective grievance it will not be necessary to revert to the beginning of the procedure. All time-frames and policies relating to the conduct of the hearings and appeals will be in accordance to those applying to individual grievances as specified within this policy.

4. Informal Resolution (Stage 1)

- 4.1 Where possible, attempts should be made to deal with grievances informally in the first instance (although it is recognised that in certain extremely sensitive situations it will only be possible to raise the matter formally). You should try speaking directly to the person(s) responsible for your grievance. An informal discussion of the issue(s) can range from a quiet word to a more structured meeting.
- 4.2 If you do not feel able to approach those you feel are responsible on your own, you may wish to ask a colleague or your trade union representative to accompany you. This should always be considered and will not be unreasonably denied, although it may not always be appropriate to be accompanied e.g. at an informal conversation between colleagues.
- 4.3 You may also wish to consider speaking to your HR officer about mediation. Mediation is a voluntary process where an independent mediator helps two or more people in dispute to attempt to reach an agreement.
- 4.4 If you are not able to resolve your grievance by approaching those you feel are responsible or you do not feel able to do so, you should raise it with your line manager, either orally or in writing. Where the complaint relates to your line manager then you should raise it with their immediate line manager. If you do not feel comfortable doing that, find someone else you feel comfortable talking to, such as another manager, someone in HR, your trade union representative or colleague. All those involved in the grievance procedure must be mindful of confidentiality.
- 4.5 Whilst it will depend on the individual circumstances of each grievance, informal procedures tend to concentrate on conciliation, not sanctions. For example, asking someone to stop doing something or to apologise, or agreeing a way to move forward. Most issues can be resolved in this way, sometimes by

acknowledging that although a matter may have created annoyance, it can best be handled by talking it through and agreeing how to improve the situation.

- 4.6 Your line manager (or the other person you have approached) will advise on possible informal resolutions to your grievance and provide support e.g. by facilitating a meeting, speaking with the other parties involved or directing you to HR colleagues for further advice.
- 4.7 If you are not satisfied with the outcome, or believe that the informal resolution is not appropriate, then you should follow the formal stages of the grievance procedure, as set out below.

5. Formal Grievance Procedure (Stage 2)

- 5.1 If it has not been possible to resolve the grievance through informal processes, you should set out in writing the details and nature of your grievance and how you believe it could best be resolved. In order to avoid any misunderstandings over the exact nature of your grievance you should, wherever possible, use the pro-forma in Appendix 1 to do this.
- 5.2 The written pro-forma must set out the full details of the grievance; why you are dissatisfied with the outcome at the informal stage of the procedure (where applicable); and what it is that you think would be a satisfactory remedy. You should give the written grievance to your Headteacher or HR.
- 5.3 Once the written grievance has been submitted, the manager to whom it is addressed will issue a written acknowledgement, within 3 working days of receipt, to state that they are dealing with the grievance under the grievance procedure.

5.4 Investigating a Grievance at the Formal Stage 2

The Headteacher will appoint a Stage 2 Investigating Manager who will not usually be the person who was involved at Stage 1.

5.5 The Stage 2 Investigating Manager will:

- a) Convene a meeting with you within 15 working days, in a suitably private place, to explore possible resolutions to the grievance and elicit any further information or seek clarification on any matters which are unclear. You have the right to be accompanied by a trade union representative or work colleague.
- b) Investigate the grievance and interview all parties as appropriate.
- c) Notify you in writing of the outcome of the investigation as soon as possible, and usually within 7 working days. Potential outcomes will include – grievance upheld, partially upheld, not upheld. The Stage 2 Manager may also make recommendations following the investigation.

6. Appeal Process

- 6.1 If you are still dissatisfied, you can request a grievance appeal hearing by sending written notice to the Headteacher, detailing your grounds of appeal, within 10 working days of receiving the written reply from the Stage 2 Manager. The appeal hearing will be heard by a the Headteacher accompanied by another individual not previously involved with the grievance, such as a member of the local governing body or an appropriate senior United Learning employee.

6.2 At the grievance appeal hearing:

- a) You will receive notice of the grievance appeal hearing not less than 7 working days' in writing before the hearing.



- b) You have the right to be accompanied to the grievance appeal hearing by a trade union representative or a work colleague.
- c) An HR Business Partner, or a qualified HR Officer at school level, will be present to advise the hearing on matters of law and HR process.
- d) The decision of the grievance appeal hearing shall be final.

6.3 You may invite any appropriate witnesses to be present at the grievance appeal hearing in support of your grievance. Equally, the Panel may arrange for any appropriate persons to be present as required, including the Headteacher or Stage 2 Manager, witnesses, etc.

6.4 Please refer to the [United Learning Process Guidance for Disciplinary, Grievance and Capability Appeals](#), available on the United Hub.

6.5 The decision of the grievance appeal hearing will be communicated in writing within 7 working days of the hearing.

7. A Grievance against the Headteacher, Executive Head, or Regional Director

- 7.1 If your grievance is against the Headteacher or a more senior individual and it has not been possible to resolve the grievance through informal processes, the process outlined in section 5.1 should be followed. In order to avoid any misunderstandings over the exact nature of your grievance you should, wherever possible, use the pro-forma in Appendix 1 and send it to the Director of HR.
- 7.2 The grievance will be investigated in accordance with section 5 above. The Stage 2 Manager will be appointed by the Director of HR and may be an appropriate senior officer of United Learning, any member of the Board or any member of the Local Governing Body.
- 7.3 If you are still dissatisfied you can request a grievance appeal hearing by sending written notice to the Director of HR. The appeal will be heard by a panel of two or three people who have not previously been involved with the grievance. This panel will consist of a Regional/Education Director of United Learning and an appropriate senior officer of United Learning (or any member of the Local Governing Body if the grievance is against the Headteacher). A senior member of the HR team will be present to advise the hearing on matters of law and process.
- 7.4 The arrangements for the grievance appeal hearing will be made in accordance with section 6 above.

8. What to do if a grievance is against you

- 8.1 If a grievance has been raised against you, the following steps will help support and advise you during this difficult time.
- 8.2 You have the right to be informed of the grievance against you. You should be given details of the complaint or a copy of the grievance letter (you may only be given details of the parts which relate to you if there are a number of parts to the grievance). We may try to resolve the matter informally or through mediation. You are encouraged to engage in informal resolution if at all possible.
- 8.3 Discuss the problem with someone. It is sometimes difficult to deal with a situation on your own and you could discuss the problem with any of the following people: your Trade Union Representative; your line manager or a manager not involved in the case; your Central Office HR Business Partner or local HR contact in your school. However you must not discuss the issue with other colleagues, parents or pupils and all parties involved must maintain appropriate confidentiality at all times.
- 8.4 You have the following rights under this policy:



- a) Right to a full investigation. Once a formal grievance has been made you have the right to a full investigation, this will be conducted fairly, sensitively, promptly and thoroughly. You should collect all evidence you have i.e. emails, letters, notes etc. and it may be helpful to produce a chronology of events. You could prepare your defence against the allegations made and submit this prior to your investigation meeting.
- b) You have the opportunity to respond to the complaint made against you and you should put forward your version of events whilst setting out your defence in full. Following the meeting you will be issued with the minutes from the meeting which you will have the opportunity to check and sign.
- c) You will be kept informed of the timescales for resolving the grievance.
- d) You are entitled to be informed of the outcome of the grievance where appropriate and where it relates to you.
- e) The grievance could be determined in a number of ways which may or may not involve you. Bear in mind that if the grievance is not upheld, the complainant has the right to appeal against the decision so it may not be the end of the matter until the appeal has been concluded.

9. False Grievances

9.1 If it turns out that a colleague has raised a false grievance or made malicious allegations, this may be investigated in accordance with the disciplinary procedure.

10. Grievances made during the course of another process

10.1 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

10.2 Headteachers and line managers are advised to consult with the School's HR Business Partner for further guidance.

11. Raising a Grievance after employment has ended

11.1 A grievance can be raised by an employee who has resigned or within 3 months of leaving United Learning, however there will be no right of appeal after employment has ended. This must be submitted to a HR Business Partner.

11.2 A modified process will be followed. The appropriate manager/HR Business Partner must set out the school's response to the grievance in writing and send this to the former employee. Any necessary investigations should be completed before responding. This is the end of the process. The modified grievance procedure applies where the employment has ended and either:

- a) United Learning was not aware of the grievance before the employment ended; or
- b) United Learning was aware, but the normal procedure had not started or had not been completed by the time the employment ended.

12. Employee Support

12.1 Employees can obtain free and confidential information, support and counselling on a wide range of work, personal, financial and family issues. All employees can access free support from Health Assured through



Perkbox. Health Assured can be contacted through <https://healthassuredap.co.uk/home/>, 0800 756 0861 or 0800 028 0199. Employees can also contact their trade union for support.

12.2 Section 8 contains support advice that may be relevant to both those raising a grievance and those who have a grievance raised against them.

13. Record Keeping

13.1 Relevant documentation relating to the grievance and outcome should be filed on personnel files and retained in line with data protection guidelines.

14. Review

14.1 For the avoidance of doubt this procedure is non-contractual and United Learning reserves the right to review and amend this procedure. Such a review would also include full consultation with its recognised trade unions.

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| Version number: | 3.0 | Target Audience: | All staff |
| UCST/ULT/Both: | Both | Reason for version change: | 2022: Review |
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| Date Last Reviewed (no changes made) | September 2017 | Name of individual/department responsible: | HR |
| JNC Involvement: | Subject to consultation but not agreed (2022) | | |

Appendix 1: Raising a Formal Grievance Proforma

NOTE: Where appropriate, please always try to resolve your concern informally with your line manager, before considering raising a formal grievance. All parties should remember that informal resolution might still be achieved even following the raising of a formal grievance, which can be withdrawn at the employee's discretion.

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| Your details | Name: Signature: Today's date: |
| Please outline the main point(s) of your complaint or allegation. | |
| When did this first occur? | |
| What actions have you already taken to try to resolve your grievance informally? | |
| Please ensure you summarise here all the <u>main points</u> of your grievance for consideration.* Wherever possible you should include details of specific times, dates, comments, actions, etc. If there is more than one event, please set your details out in date order. | This section must be completed. It is not sufficient to refer to other documents without summarising your grievance here. Include as much detail as possible. Please continue on another sheet if necessary. |
| Please write down the name of any witnesses (and their work locations, telephone numbers) who may have relevant evidence to give. * | |
| Please outline the impact the factors resulting in this grievance have had on you. | |
| What outcome are you looking for? | |

*You will only be allowed to add to this list at a later date if you can show good cause.

Submit this form to the Headteacher, or the Director of HR if your grievance is regarding the Headteacher or more senior individual. If an investigation is commissioned, this form may be sent to any person about whom your grievance is raised.

Appendix 2: United Learning Grievance Flowchart

