



MIDDLESEX  
LEARNING  
PARTNERSHIP

# Grievance Policy and Procedure

<b>APPROVED BY:</b>	HR & Pay Committee
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## **GRIEVANCE POLICY AND PROCEDURE**

### **1. Introduction**

It is the Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to your employment fairly and without unreasonable delay.

Most grievances can be resolved quickly and informally. Therefore, consideration will be given upon receipt of a grievance to resolve the matter informally, which may include offering mediation. There may be occasions where it is inappropriate to deal with the matter informally, in which case, you will be advised that your grievance will be dealt with formally

We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied. Information and proceedings relating to a grievance will remain confidential as far as possible.

This procedure applies to employees of the Trust only (which will be referred to as "you" in this policy).

This procedure does not form part of your contract of employment and we may vary or amend it at any time. It does, however, set out our current practices and you are strongly advised to familiarise yourself with its content.

### **2. Using this Procedure**

Issues that could cause grievances may include:

- terms and conditions of employment;
- health and safety;
- work relations;
- bullying and harassment (including sexual harassment);
- new working practices;
- working environment;
- organisational change; and
- discrimination and victimisation.

This procedure should not be used to complain about pay, decisions taken in respect of performance under a capability procedure or dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure.

We operate a separate Whistleblowing Policy and Procedure to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this procedure.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed lawfully in accordance with Data Protection principles.

If you have a complaint or concern, you should follow the procedures below.

### **3. Right to be Accompanied**

You have the right to be accompanied at any formal meeting (including an appeal meeting) by a single companion who is either:

- a work colleague;
- an accredited trade union representative; or
- an official employed by a trade union.

If you wish to being a companion, you should inform us as soon as possible, so that arrangements can be made in good time. You, and any companion, should make every effort to attend the meeting.

A representative has the right to:

- explain and sum up your case;
- respond to any views expressed at the hearing; and
- confer with you during the hearing.

A representative may not:

- answer questions on your behalf;
- address the hearing if you do not wish the representative to do so; or
- prevent the Trust from explaining its case.

If the representative cannot attend on the date we have set for the meeting(s), then we may agree to postpone the meeting for up to five working days (or longer if both you and we agree).

The right to be accompanied does not apply to informal grievance meetings or investigation meetings.

### **4. Overlapping grievance and disciplinary cases**

In the event that the grievance is raised during a disciplinary process, it may be appropriate to either:

- temporarily suspend the disciplinary process in order to deal with the grievance;
- deal with both issues concurrently; or
- take alternative action.

You will be informed in writing of the way in which we propose to deal with the issues.

## **5. Raising Grievances Informally**

Most grievances can be resolved quickly and informally through discussion with your line manager, who in most cases, will be best placed to respond to the complaint or through mediation. There may be occasions where it is inappropriate to deal with the matter informally, in which case your grievance will be dealt with formally (as outlined below).

If you feel unable to speak to your line manager, for example, because the complaint concerns him or her, then you should speak informally to HR.

If informal discussions or mediation do not resolve the issue, the formal procedure below will be followed.

## **6. Formal Written Grievances**

If your grievance cannot be resolved informally, or it is inappropriate to do so, you should raise the matter formally in writing by completing the formal grievance form (appendix 2) and submit it to the Headteacher or HR, indicating that it is a formal grievance. If the grievance concerns the Headteacher you should submit it to the Chair of Governors **or HR** instead. The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved, together with the resolution you are seeking. In some situations, we may ask you to provide further information.

## **7. Grievance Meetings**

We will arrange a grievance meeting with you, normally within 10 working days of receiving your written grievance (unless it is felt an investigation into the complaint would be beneficial before such a meeting takes place).

The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, as well as to assist us in reaching a decision based on the available evidence and the representations you have made. The meeting may be adjourned if it is felt that further investigations are necessary or more time is needed to consider the grievance. We will decide on the appropriate person to conduct the grievance meeting with you and to determine the outcome of your grievance, taking into account the nature of your complaint and any person/s to whom the complaint relates.

The grievance meeting may be conducted by your line manager or Head of Department. If the complaint concerns your line manager or Head of Department, the hearing may be conducted by another member of the Senior Leadership Team or the Headteacher. It may in some circumstances be appropriate for your meeting to be conducted by a governor or an external HR consultant.

You may be accompanied by an appropriate work colleague or an accredited trade union official at any formal grievance meeting, as detailed above.

## **8. Grievance Investigations**

It may be necessary to carry out an investigation into your grievance. Where appropriate, the investigation may be initiated before holding the grievance meeting with you. In other cases, the grievance meeting may be held first before deciding what investigation (if any) to carry out.

If an investigation is necessary, the amount of any investigation required will depend on the nature of the allegations and will vary from case to case. The investigation may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

An investigation may be carried out either by the person appointed to conduct your grievance meeting and determine your grievance or by someone else appointed by the Trust.

## **9. Grievance Outcome**

Following your grievance meeting/s and any investigation carried out, the person appointed to determine the outcome of your grievance, will inform you in writing within a reasonable time of the outcome of your grievance and if appropriate any further action that we intend to take to resolve the grievance, including mediation.

Where appropriate we may hold a further meeting to give you this information in person but the outcome will always be confirmed in writing as well.

We will also remind you of your right to appeal.

## **10. Right to Appeal**

If the grievance has not been resolved to your satisfaction you may appeal in writing to HR within 10 working days of the date of the grievance decision you are appealing against, setting out the grounds for and basis of the appeal in writing.

You will then be invited to attend an appeal meeting, normally within 10 working days of receiving your written appeal. Grievance appeals will usually be heard by a panel of three Governors.

The original person appointed to determine the outcome of your grievance may attend the appeal hearing on behalf of the Trust.

You may be accompanied by an appropriate work colleague or an accredited trade union official at any grievance appeal meeting, as detailed above.

All documents from the original grievance meeting and investigation (if applicable) will be sent to all parties attending the appeal prior to the appeal hearing, together with the outcome of the original

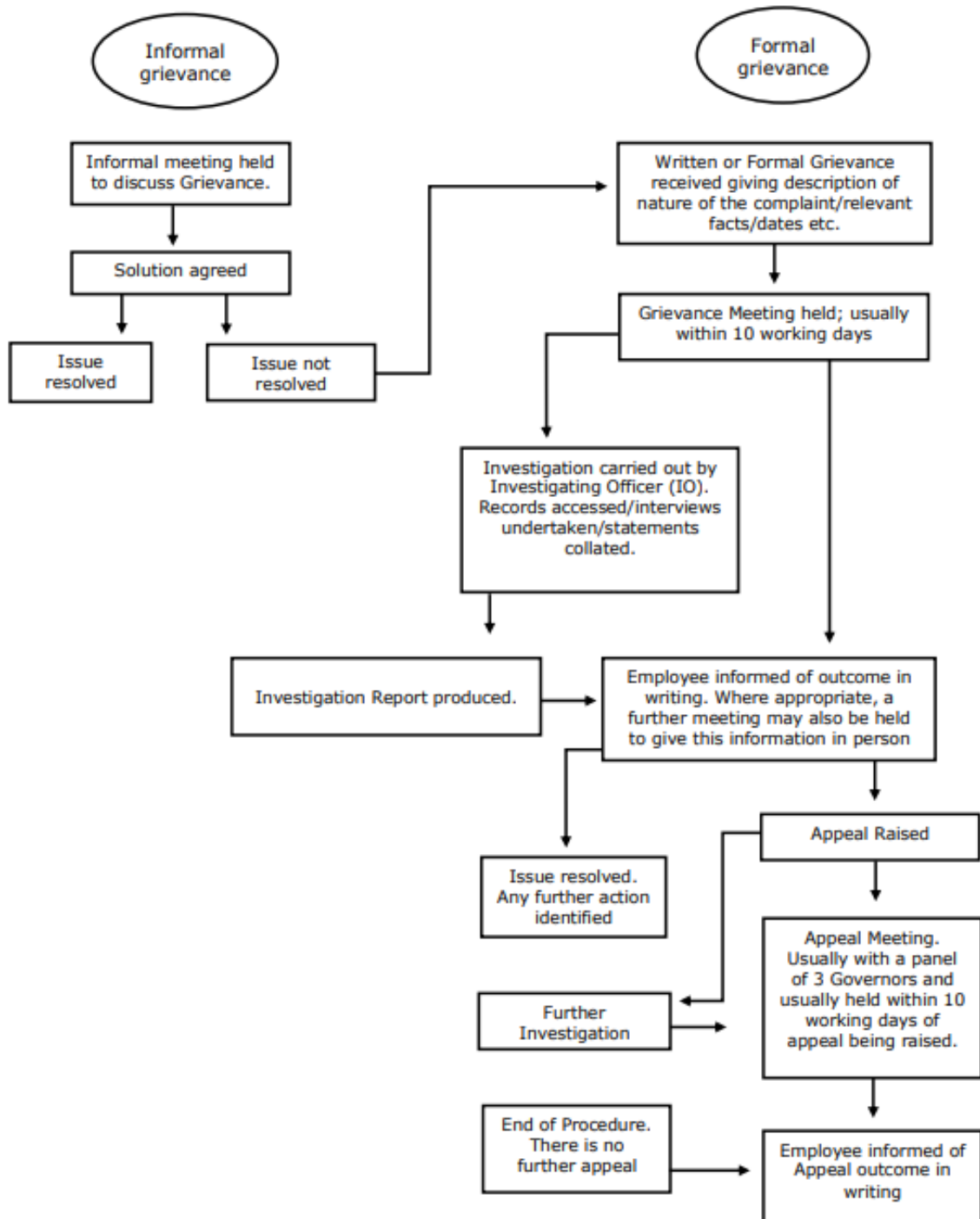
grievance and notes of any further meetings. A copy of the letter of appeal and any new relevant evidence will also be sent to all parties in advance of the hearing.

No decisions will be made during the appeal hearing itself. The panel may consider it necessary to carry out further investigations before reaching any decisions.

The panel will confirm its final decision in writing without unreasonable delay.

The appeal decision is the final stage of the Trust's Grievance Procedure.

**The Grievance Procedure**





<b>Employee's details</b>	
Name:	Contact Number:
Job Title:	
School:	
<b>Representative's details</b>	
Name:	Contact Number:
Union / organisation (if applicable):	
<p><b>Grievance</b> Please describe your grievance. This will be the basis of your grievance throughout the procedure. It may be added to if agreed with the manager hearing the grievance at Stage 2. Any changes must be documented.</p> <p>(extend as necessary)</p>	
<p><b>Informal Grievance</b> Please state here, the attempts you have made to resolve the grievance informally and if no such attempt has been made, the reasons for this.</p> <p>(extend as necessary)</p>	
<p><b>Outcome</b> Please indicate the outcome that you are seeking to redress your grievance. [This should be specific and can include a range of options].</p> <p>(extend as necessary)</p>	
Employee's signature .....	Date.....

This form must be sent to HR.