



Staff Complaint and Grievance Policy

Date:	September 2023
Last reviewed on:	May 2022 (3 yearly)
Next review due by:	September 2026
Owner:	HR Manager

Contents

1.	Aims	3
2.	Scope	3
3.	Introduction.....	3
4.	Confidentiality, Dignity and Respect.....	4
5.	Link with Other Procedures	4
6.	What is a Complaint?	4
7.	Dignity at Work.....	5
8.	Equality Act 2010.....	6
9.	Definition of a Working day.....	7
10.	Timescales for raising issues complaints	7
11.	Timescales for addressing issues/complaints	7
12.	Overview of procedure.....	7
13.	Resolution Principles	8
14.	Outcome Principles.....	8
15.	Right to be accompanied.....	8
16.	Stage 1 – Informal Discussion and Mediation	9
17.	Stage 2- Formal Complaint	9
17.1	Raising a Formal Complaint.....	9
17.2	Hearing a Complaint	10
18.	Stage 3 – Appeal	11
19.	Modified Procedure	12
	Appendix A: Bullying and Harassment	13
	Appendix B – Informal Complaint Form.....	14
	Appendix C – Formal Complaint Form.....	15

1. Aims

Everychild Partnership Trust (“the Trust”) aims to meet its obligations when responding to employee complaints (also known as grievances). This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

2. Scope

Everychild Partnership Trust (“the Trust”) Board of Trustees has agreed this Policy and, as such, it applies to all employees at the Trust [excluding agency workers, supply staff, self-employed contractors, volunteers or interns]. The Board of Trustees is responsible for establishing an Employee Grievance Procedure and for making it known to staff in the Schools within the Trust.

This procedure does not form part of any employee’s contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

3. Introduction

This document sets out the procedure for employees to raise complaints/grievances related to their employment. Most grievances can be resolved quickly and informally through discussion with your line manager. If this does not resolve the problem, you should initiate the formal procedure set out below.

This procedure aims:

- For complaints to be settled fairly and promptly, as close to their point of origin as possible.
- To encourage professional behaviour and a productive working environment. The emphasis is on informal resolution and empowering individuals to effect change without threatening good working relationships between managers and employees.
- To empower individuals to challenge and tackle inappropriate behaviour, including bullying and harassment.
- To ensure that allegations are treated seriously and sensitively. They will be investigated thoroughly and a speedy resolution will be sought where possible.

It is essential that managers and employees approach the process as an objective method of resolving differences and avoiding conflicts rather than 'winning or losing'. The application of this procedure will be in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

4. Confidentiality, Dignity and Respect

All concerns and complaints will be taken seriously and managers will address them with dignity and respect at all times.

All parties involved in the process must respect confidentiality at all times. Information must not be shared with anyone except those directly involved as necessary to ensure a fair process.

5. Link with Other Procedures

The submission of a complaint by an employee subject to disciplinary, capability or sickness management proceedings will not prevent or delay the application of that procedure. Where a complaint relates to the application of such procedures it should be raised as part of that process and not pursued through the employee complaints procedure.

If an employee raises a grievance during a disciplinary, sickness or capability process a decision will be taken as to whether it is appropriate to run both processes concurrently particularly where the cases are related.

6. What is a Complaint?

This procedure is to address complaints by employees that arise from their employment and impact on them personally, including action that the Trust has taken or is contemplating. Complaints appropriate for consideration under this procedure include those relating to:

- the application of the Trust's employment policies and procedures;
- the application of terms and conditions of employment;
- the work environment; and
- being treated with a lack of respect or dignity, including complaints of harassment or bullying.

Complaints will not be heard under this procedure:

- Where they relate to a procedure or process that contains an appeal or complaint mechanism set up for that particular purpose e.g. disciplinary, recruitment, managing performance, reorganisations and restructuring, capability, managing sickness, job evaluation, industrial injury, pensions;
- Where they relate to a collective dispute and talks about it are taking place with recognised trade union representatives;
- To challenge decisions made by the school/Trust after consultation procedures with recognised trade union representatives have been completed;
- To challenge decisions made outside the school/Trust, such as on tax and national

insurance matters or changes in the law;

- If raised unreasonably outside of the timescales (see **Section 10**);
- If deemed to be raised deliberately to avoid reasonable management instruction as part of the normal supervisory relationship between a manager and his/her staff.

This procedure is designed for the timely and thorough investigation of genuine complaints. Please note - where there is no evidence of a tangible detriment to the complainant, a lengthy investigation may not be necessary.

A complaint which is considered to be malicious or vexatious will not be progressed under this procedure and may be regarded as a disciplinary offence.

It is acknowledged that any concerns relating to the application of policies/procedures/employment terms and conditions, or problems relating to an employee's work environment or colleagues may cause an employee to feel upset.

It is, however, necessary to differentiate between serious complaints and minor arguments, disagreements, clashes of personality, squabbles, concerns and difficulties. To help provide clarity, the following terminology will be adopted from here forwards:

Issues: minor arguments, disagreements, clashes of personality, squabbles, concerns and difficulties

Complaints: a formal complaint raised under stage 2 of the procedure

7. Dignity at Work

The Trust is determined to drive up standards of service delivery through a high performing, high quality and motivated workforce.

Bullying and harassment negatively impacts on the productivity, well-being, morale and creativity of individuals and their teams and damages the Trust's reputation as a fair employer.

The Trust is committed to creating a positive and safe working environment for its employees in line with its core values.

Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the organisation. Bullying and Harassment, whether perpetrated by colleagues, visitors or service users, will not be tolerated.

Clear standards of behaviour are set out in the Trust's Code of Conduct, which has been brought to the attention of all employees. Any employee who believes that they are not being treated with respect in accordance with the Code of Conduct has the right to challenge such behaviour and/or to raise an issue or complaint using this procedure. Individuals are encouraged to challenge unacceptable behaviour and will be protected from victimisation after seeking resolution of a genuine complaint, whatever the outcome.

Everyone has a role in promoting dignity at work and eliminating all forms of bullying and harassment. In particular:

Management are responsible for:

- Ensuring that all those in the workplace are aware of the Trust's policies, procedures and the standards of behaviour expected. Challenging unacceptable behaviour and taking all

reasonable steps to resolve conflict in the workplace when they become aware of it, whether or not they have received issues/complaints.

- Dealing effectively, speedily and sensitively with any incidence of bullying and harassment brought to their attention and not underestimating the effect that such behaviour may have on individuals.
- Ensuring that issues/ complaints are taken seriously and are addressed with dignity and respect for all parties involved. Wherever possible, issues/ complaints will be discussed face to face.
- Considering the needs of employees with disabilities and making reasonable adjustments to this procedure where it is appropriate to do so to ensure that workers with disabilities are treated fairly.

Employees are responsible for:

- Familiarising themselves with the Trust's Code of Conduct and ensuring that their own behaviour is in accordance with the standards it sets out.
- Discouraging offending behaviour and supporting colleagues who are experiencing bullying and harassment. Employees are encouraged to challenge such behaviour if they feel able to do so.
- Considering the needs of those with disabilities.
- Co-operating with the operation of this procedure as required, in particular, providing statements in a timely manner and making themselves available to attend meetings in order to facilitate the timescales set out in this procedure.

Appropriate action, which may include disciplinary action, will be taken where an allegation of bullying and harassment is upheld.

Appendix A provides commonly acceptable definitions of bullying and harassment and sources of further reference.

8. Equality Act 2010

The Trust will deal with issues and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - remove or minimise disadvantages connected to a relevant protected characteristic; and
 - take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - encourage those who share a relevant protected characteristic to participate in academy life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - tackle prejudice; and
 - promote understanding.

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, and age.

If a Complainant or other person involved in the issue/complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the school/Trust know immediately.

9. Definition of a Working day

For the purposes of the operation of this Procedure, timescales are expressed in working days. In the case of teachers or other staff that work a term time pattern, a working day should be regarded as a day that the school is open for pupils. For staff that work all year round, a working day should be regarded as a weekday, excluding Public and Bank Holidays. An intervening school holiday should not of itself be a cause for an undue delay in resolving the case.

10. Timescales for raising issues complaints

The Trust expects that issues/complaints will be raised as soon as reasonably possible after an incident arises. Grievances/incidences which cause employees to be aggrieved must be raised no later than 20 working days after (unless there are exceptional circumstances):

- The failure to reach a satisfactory outcome informally; or
- The event or behaviour giving rise to the complaint; or
- The last event in a series of linked events giving rise to the complaint.

11. Timescales for addressing issues/complaints

The Trust will endeavour to address issues/complaints as quickly as reasonably possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage (see procedural sections for details).

Although every effort will be made to comply with these time limits, it may not always be possible to do so, for example due to the complexity or number of matters raised and where further investigations are necessary. Where new time limits will be set, the Complainant will be sent details of the new deadline with an explanation for the delay.

12. Overview of procedure

The procedure consists of three stages:

- Stage 1 – Discussion and Mediation – Most grievances can be resolved quickly and informally through discussion with your line manager. For minor arguments, disagreements, clashes of personality, squabbles, concerns and difficulties (‘issues’), mediation may be possible, to

reach an agreement and move forward;

- Stage 2 – Formal Complaint - Where mediation is unsuccessful, or inappropriate, a formal complaint can be made to the employee's line manager (or designate). Where the complaint relates to the employee's line manager, employees should refer the complaint to the next most senior person within their academy or department;
- Stage 3 – Appeal – where the Complainant is not satisfied with the outcome of Stage 2.

13. Resolution Principles

It is in everyone's interest that issues/complaints are resolved to the reasonable satisfaction of all parties at the earliest possible stage. The way in which the issue/ complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the issue/ complaint will escalate. To that end, employees and line managers should familiarise themselves with this policy, so that they know what to do when an issue/ complaint is raised.

At each stage of the procedure, the employee and investigator should consider how the issue/ complaint may be resolved. In considering how an issue/ complaint may be resolved, the investigator will give due regard to the severity of the issue/complaint.

14. Outcome Principles

14.1 Examples of possible Mediation Outcomes – please note that this list is non-exhaustive

- An apology;
- An undertaking to amend / re-establish behaviour and monitor progress/ increase supervision;
- A decision to advise appropriate individuals to meet certain standards;
- An acknowledgement that a policy or procedure had been incorrectly applied and suggested remedies;
- A referral to a correct procedure where an inappropriate one had been followed;
- An offer of fresh application of a procedure which had been incorrectly implemented;
- A requirement or entitlement to undertake appropriate training and development activity;
- The reversing of a decision previously made;
- Provision of additional training to the complainant or the subject of an issue.

14.2 Examples of possible Formal Complaint outcomes - please note that this list is non-exhaustive:

- A concern or difficulty is resolved via mediation and no further action is taken;
- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken (which may include some outcomes identified in 14.1) by the school/Trust as a consequence of the complaint;
- The matter has been fully investigated and, as a consequence, further confidential procedures

are being pursued.

14.3 Please note that outcomes must be focused on the issue or behaviour that the employee would like to change or stop. Employees cannot request that disciplinary action be taken against another member of staff, however investigators may choose to take this action as a result of investigating the complaint. Where any further action is taken in relation to another employee, this process will be confidential and may not be shared with the initial complainant.

14.4 None of the outcomes outlined in 14.1 and 14.2 (or any other outcome) will constitute an admission of negligence or an acceptance of liability on behalf of the school or the Trust.

15. Right to be accompanied

Employees have the right to be represented by a representative of a recognised professional association/trade union, or a workplace colleague, at all formal meetings under this procedure. It is the responsibility of the employee to arrange for their representation. Legal representation is not allowed. If the employee's chosen companion is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, as long as a reasonable alternative date is offered which is within 5 working days of the originally proposed date. If the meeting is postponed twice at any one stage, the case may proceed to be considered on the basis of the information available.

16. Stage 1 – Informal Discussion and Mediation

Wherever possible, minor arguments, disagreements, clashes of personality, squabbles, concerns and difficulties (referred to as 'issues') should be resolved informally and doing so will generally be more beneficial for all concerned. Unless it is unreasonable or inappropriate to do so, employees should seek an informal resolution by discussing the matter directly with those concerned.

In the first instance this could be done verbally through an informal conversation. If an informal conversation does not have the desired effect, the matter could be put in writing direct to those concerned.

If the employee feels unable to do this, or an initial informal conversation or correspondence does not have the desired effect, employees should raise the issue with their line manager (or their line manager if their issue involves an employee's line manager) using Appendix B, which can be sent by letter or email. Alternatively, employees may seek advice from their trade union.

When an issue is received by a line manager, they should acknowledge the issue within 5 working days. As part of this, they should provide a copy of this procedure and clarify which stage the issue is being addressed under.

It is unlikely that serious incidents are appropriate for stage 1. Managers will determine if a complaint is serious, with advice from HR where required. Where a manager receives a complaint under stage 1

which they assess as being serious, they should discuss this policy with the employee and inform them that the complaint or grievance will be addressed under stage 2. If further detail is required, the person investigating the complaint should supply the form at Appendix C and ask the employee to provide information relevant to their complaint.

It is expected that managers will investigate and provide a written response to all issues within 10 working days of receipt. Wherever possible, any meetings will take place face to face, in an environment which offers confidentiality.

In resolving issues, both managers and employees are expected to explore the alternatives to a formal procedural approach, including which outcomes would prevent an issue from escalating to a formal complaint.

17. Stage 2- Formal Complaint

18. Raising a Formal Complaint

An employee wishing to have a complaint considered formally under this procedure must submit their complaint in writing using the Formal Complaint Form (Appendix C) to their line manager. If their line manager is the specific subject of the complaint, the form should be submitted to their line manager's manager.

Once received Line Managers should seek HR Advice.

Where the complaint relates to any persons outlined below, stage 2 will be carried out by a more senior member of staff as follows:

- A Head Teacher or Senior Leadership Team – LGB assumes responsibility (the LGB make consider using members from other LGBs in the Trust);
- A member of the Trust Executive Team – the Trust Board assumes responsibility;
- The Chief Executive Officer- the Trust Board assumes responsibility;

Individual employees or groups of employees can raise a complaint under this procedure. A group complaint must identify each of the individual complainants. The group must choose one or two people to represent the group; however, the outcome of the complaint will apply to the whole group.

Complaints by employees about the behaviour of a worker not employed by the school/Trust should be referred to the employee's line manager, who will refer this to the relevant employer for consideration under their policies and procedures. Management will liaise closely with the employer, to ensure that there is an effective resolution of the complaint.

19. Hearing a Complaint

The manager receiving the complaint will appoint an appropriate person (which may be themselves) to hear the complaint ('the investigator') and write to the employee acknowledge the complaint and next steps within 5 working days of receipt.

The investigator should arrange an initial meeting within 10 working days of acknowledgment of the complaint. During this meeting the employee is expected to provide full details of the basis of their complaint and confirm how they think it should be settled. If the employee is unable to provide sufficient details it is possible that the school/Trust will be unable to progress the complaint.

The employee will have a right to bring a companion if they make a reasonable request in advance and tell the School or Trust the name of the chosen companion. The companion may either be a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as the employee's companion.

Where a complaint requires further investigation, the investigator should aim to arrange an outcomes meeting with the employee within 15 working days of the initial meeting. Where this cannot be achieved, for example because multiple witness statements are required, or a key witness is unavailable, reasonable new timescales should be confirmed with the employee as soon as reasonably possible.

Historical issues are often difficult to investigate and reach robust decisions on. Where a complaint relates to a series of events, the person hearing the complaint will decide, following advice from HR, whether it is practicable or necessary to investigate past events.

With the variety of issues and circumstances that can give rise to complaints there are many different methods of resolving them. It is for the person hearing the complaint to decide the approach after meeting the complainant and considering all relevant circumstances.

Depending on the nature of the complaint and all relevant circumstances, the person hearing the complaint may decide to:

- Re-explore the options for discussion or mediation, in agreement with all necessary parties.
- Respond to the complaint after conducting any further investigation deemed necessary.
- Refer the matter for consideration under another Trust procedure, for example the disciplinary procedure, where there is substance to a serious allegation of bullying and harassment.

As this is an internal procedure it would not be appropriate to award any financial compensation. The manager will confirm the outcome to the employee in writing as soon as possible and in any event should aim to do this within 10 working days of the meeting. If the outcome cannot reasonably be provided within 10 working days, the manager will explain this in writing and provide the employee with a new timescale.

20. Stage 3 – Appeal

If a complainant is not satisfied with the outcome of stage 2, they can appeal the decision by writing an appeal statement to the Clerk of the Trust Board within 10 working days of receiving the outcomes letter stating:

- The grounds for their appeal i.e. why the outcome at the earlier stages were incorrect; and
- Their suggested remedies for resolving their complaint.

Appeals will be heard by a panel consisting of up to three members of the Trust Board who have not previously been involved in the case.

The appeal panel will meet with the employee as soon as reasonably possible after undertaking a preliminary review of the complainant's appeal statement and any other documentation provided. The appeal panel should aim to hold an appeal meeting or at least provide the employee with a date for a meeting, within 15 working days of receiving the employee's appeal. The employee will have a right to bring a companion if they make a reasonable request in advance and tell the Trust or Academy the name of the chosen companion. The companion may either be a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as the employee's companion.

The appeal panel will:

- Clarify with the complainant why they remain dissatisfied and the outcome they are seeking.
- Consider the outcomes from the original hearing of the complaint, including any investigation and the grounds for that decision.
- See all parties separately or together, as considered appropriate.
- Request further information or conduct further investigation as they consider necessary.
- Make a final decision based on all reasonably available information.

The Chair of the appeal panel will confirm the outcome to the employee in writing as soon as possible and in any event should aim to do this within 5 working days of the appeal meeting. If the outcome cannot reasonably be provided within 5 working days, the Chair will explain this in writing and provide the employee with a new timescale.

The decision of the appeal panel is final.

21. Modified Procedure

A modified procedure will apply in circumstances where a grievance falls outside the scope of the main policy and procedure applicable to employees. A simplified procedure may be followed;

- if a grievance is raised after employment has ended or during an employee's notice period; or
- if the employment has ended and the Trust's standard grievance procedure has not been completed; or
- if the employment has ended and the manager was unaware of the grievance before it ended, or was aware but the Trust's standard grievance procedure was not started before the last day of employment.

In such a case the ex-employee or member of staff must write a letter stating the basis for the grievance

to the relevant manager, who will conduct a paper based review and send a written outcome within 20 working days in response. There will not be a right of appeal.

22. Appendix A: Bullying and Harassment

What is bullying or harassment?

The recognised definitions of bullying and harassment are as follows:

Bullying is:

“offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”

Harassment, in general terms, is:

“unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, sexual orientation, race, disability, religion or belief, national or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

Bullying/harassment is not:

Management of underperformance by a line manager (assuming undertaken with dignity and respect), requiring staff to perform to the expectations of the Thrust Standard or to undertake duties commensurate with their roles.

23. Appendix B – Informal Complaint Form

Employee Name:	Line Manager Name:
Contact details:	Date of complaint:
Brief details of complaint.	
What resolution have you already attempted?	
What is your desired outcome / what actions do you feel might resolve the problem at this stage?	
Signature:	Date:

24. Appendix C – Formal Complaint Form

Please complete and return to the line manager/senior manager who will acknowledge receipt and explain what action will be taken.

Employee Name:	Line Manager Name:
Job role:	Place of work:
Contact details:	Date of complaint:
Explain the event(s) giving rise to the complaint, including where possible, the date and times of events and the names of other parties/witnesses involved:	
Outline any informal measures taken to resolve the matter and explain why these have been unsatisfactory:	
What is your desired outcome / what actions do you feel might resolve the problem at this stage?	
If you wish to be accompanied to a meeting, please confirm the name of the person who will attend and the nature of their relationship with you:	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<i>For Official Use:</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>

25. 6. Links with other policies

This policy links with our policies on:

- Staff Disciplinary procedures
- Complaints procedure, which sets out how grievances will be raised by those not employed by the school
- Equality
- Privacy notice for the school workforce