

GRIEVANCE/COMPLAINTS PROCEDURE (for trainee teachers)

Area/Department responsible for policy	NELTA
Approval Body:	NELTA
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Statutory (DFE) Yes/No	Yes

Grievance/Complaints Procedure

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1. Introduction

- 1.1. Beacon Multi Academy Trust (BMAT) the 'Trust' values its trainees and recognises the contribution they make to the Trust's and its academies vision and aims. We are committed to treating our employees and trainees in a fair and respectful manner and endorse their right to expect the same of all leaders, managers and colleagues.
- 1.2 Principal/Directors/Directors and all staff should actively work together to resolve any people management or day-to-day training related issues promptly and sensibly. Depending on the nature of the issue this can sometimes be challenging and occasionally make people both anxious and frustrated. It is important however, that the grievance/complaints procedure is only followed when all other internal processes have been exhausted.
- 1.3 All trainees have the right to raise a grievance/complaint relating to training and work place issues and expect that it will be dealt with seriously, swiftly and fairly. It is our aim to resolve the issue by action as close as possible to the point of origin and to prevent escalation into a more serious dispute. A successful outcome is less about apportioning blame and more about achieving a way forward that is acceptable to all parties.
- 1.4 Any formal grievance/complaint, and relevant notes, raised under these procedures will be recorded and placed on the trainee's personal file. Individuals considering putting forward a complaint under this procedure must consider whether the Dignity at Work Procedure or another procedure is the most appropriate to use. It would not be possible to switch from one procedure to another once a formal complaint has been raised.
- 1.5 The Trust expects that in raising concerns under this Procedure, trainees will be acting in good faith. Accordingly, if on enquiry there has been a misunderstanding/ misinterpretation and concerns are not confirmed, no action will be taken. However, should it be established in any case that concerns have been raised or allegations made maliciously, frivolously, or for personal gain, disciplinary action could be taken in line with the Trainee Misconduct Procedure.

2. Links to other Procedures

- 2.1 Grievance/complaints cases will follow the general Employee Relation's principle, that a case being formally considered under one procedure cannot be switched to another procedure. However, if a trainee raises a matter informally under the Grievance/Complaints Procedure which would be more effectively dealt with under an alternative procedure then the trainee may be advised to use that route.
- 2.2. Generally, a grievance/complaint that is related to an ongoing misconduct will be lodged but not investigated until the misconduct case is completed. In very exceptional circumstances the misconduct process may be suspended for a short time following a serious complaint about the behaviour of the Principal/Director involved in the misconduct process. This will only occur where there is evidence of serious concerns about the Principal/Director's/Director's behaviour, which relates to the misconduct matter being considered and the complaint is raised formally under the appropriate



procedure. Such a suspension of the process is to allow a preliminary consideration of the complaint by the CEO who should not be involved in either the complaint or the misconduct case. The CEO giving this consideration should consider all inter-related issues before deciding whether the misconduct process or a full investigation of the complaint should take precedence.

3. Who does the Grievance/Complaints Procedure apply to?

3.1. The following procedure applies to all BMAT trainees for initial teacher training.

4. Definition of a Grievance/Complaint

4.1 A grievance can cover any concern, problem or complaint that a trainee raises with their subject mentor or NELTA tutor except for the matters listed below. As per section 1 managers, the CEO/Principal/Director and staff should actively work together to resolve any people management or day-to-day training related issues promptly and sensibly. The grievance/complaints procedure should only be followed when the informal resolution process (section 9.4) has been exhausted.

This procedure excludes:

- Any matter that is being processed under the Misconduct Procedure;
- Assessment appeals under the Assessment Appeals Procedure;
- Matters outside the control of the Trust e.g. changes to the Secretary of State's ITT criteria
- Any matter that can be dealt with under an appeals processes of any other Trust policy or procedure including Disciplinary, Whistle-blowing or Managing Absence. (As an example the Trust's Dignity at Work Procedure outlines the procedure for dealing with cases of bullying or harassment). This is an illustrative list only.

5. Responsibilities of the trainee and Principal/Director

5.1 It is the responsibility of a trainee to raise a grievance/complaint about any action by their subject mentor or tutor (this could also be the CEO and Principal/Director) or work colleague that could form the basis of a complaint by the trainee.

5.2 The Principal/Director is responsible for responding to the grievance/complaint and taking action under this procedure.

5.3 The Principal/Director is advised to notify HR as soon as the trainee requests formal action.

5.4 Trainees must ensure that any grievance raised under the formal grievance procedure is recorded in writing using 'the grievance report form' which is attached to this procedure.



6. Principles to Consider When Raising a Grievance/Complaint

- 6.1 Advice or counselling by a colleague is often the first and most satisfactory way in which to resolve an issue. However where this has not worked, or is not appropriate, the following outlines the procedure to follow for raising a Grievance.
- 6.2 If a trainee has a grievance they should raise it with their Principal/Director/Director to seek redress and to be treated in a fair and effective way.
- 6.3 Principal/Directors/Directors should address all grievances raised, whether or not the grievance is presented in writing. In some instances details of the procedure may need to be explained verbally.
- 6.4 Where appropriate, Principal/Directors may need to encourage trainees to seek help to express their grievance in writing. In these circumstances the trainee should be encouraged to seek help from a colleague, union or other representative.
- 6.5 Where the grievance is against the Principal/Director, the CEO will assume the role assigned to the Principal/Director (the receiving officer) in this Procedure.
- 6.6 If at any stage a grievance is raised against another trainee then a mediator may be requested to mediate in the case.
- 6.7 If a group needs to raise an issue that affects them all, the group need to choose two people to represent the group and submit a letter signed by all, which makes arranging meetings and presenting information more effective. The outcomes of the grievance will however apply to the whole group, including any financial implications. Where appropriate Unions/professional associations should be involved.

7. Timeframe for Raising a Grievance/Complaint informally

- 7.1 Grievances/Complaints can only be raised under this procedure by trainees whilst they are still in training with BMAT/NELTA. Trainees should raise a grievance as soon as possible after the occurrence to which the grievance relates, when issues are fresh in people's minds and in any event within 10 school days of knowledge of or the event (in this procedure school days is taken to mean the 195 school calendar days) . No grievances should be more than three months from the date of occurrence. Previous incidents can be referred to where they are relevant to the current grievance being raised.
- 7.2 Where a trainee who has raised a grievance is requested to provide further relevant information to facilitate the investigation but fails to co-operate or provide this within 20 school days management can agree that the grievance has lapsed and will not be pursued.



- 7.3 If a trainee has raised a grievance and then leaves the training programme before that grievance is resolved and the trainee wishes to pursue the grievance, they must do so in writing within 20 school days of their formal leaving date. On receipt of their written grievance, this will be investigated and responded to.

8. Mediation and Conciliation

8.1 Mediation

- 8.1.1 Mediation is the unbiased and objective intervention by an independent third party to help in the full discussion of a problem and the agreement on an outcome. Mediators do not take sides or lead the parties into any particular course of action; they will ensure that all the issues have been raised and that there is no misunderstanding between the parties. It is the Trust's policy to resolve grievances as far as possible through the informal stage and expects both the trainee and the Principal/Director manager to exhaust the early stages of the procedure.
- 8.1.2 Mediation is carried out by an independent person, who talks to all parties concerned with the objective to seek satisfactory resolution. The cost of any mediation will be met from the provider's budget.
- 8.1.3 Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying or harassment.
- 8.1.4 Both parties must agree to mediation. If any of the parties does not agree to mediation, mediation cannot be used to resolve the issues.
- 8.1.5 Mediators used should be trained or experienced to deal with the issues between the parties.
- 8.1.6 If the parties are able to resolve the matter through mediation, no further action will be taken.
- 8.1.7 If any of the parties do not agree to mediation they should state their reasons, in writing, to the other party within 5 school days of their refusal to participate in mediation.
- 8.18 Mediation should ideally be arranged within 20 school days of the informal grievance being raised.

8.2 Conciliation

- 8.2.1 Conciliation takes place where an agreement has been reached and a conciliator will monitor the resolution and help restore a positive working relationship. The conciliator outlining the details will provide a written statement.
- 8.2.2 Conciliation is the process of assisting all parties to return to an effective working relationship once a decision has been made.



8.2.3 Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.

8.2.4 The person providing mediation or conciliation will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

9. Raising a Grievance/Complaint

9.1 Trainees will normally be expected to go through the informal grievance procedure unless they have reasonable grounds to believe that by doing so they might be exposed to a significant threat, such as violent, abusive or intimidating behaviour, or are likely to be harassed. In cases such as this the procedure may need to be modified and the Dignity at Work Procedure considered as an alternative.

9.2 At all stages of the formal procedure the trainee is entitled to be accompanied by a colleague from the placement school or a student union representative, but this choice must not be the cause of a delay to the meeting being held. If the trainee or representative is unable to make the proposed date an alternative date will be suggested so long as it is reasonable and not more than 5 school days after the original date. A decision may be taken in the trainee's absence, based on evidence to hand, if they fail to attend the re-arranged meeting without a substantial reason.

9.3 If an individual wishes to raise a grievance they should follow the procedure set out below:

10 Informal Resolution

10.4.1 To deal effectively with a grievance it is important that the basis of the grievance is clearly understood and the desired outcome stated at the start. This will ensure that the whole process is correctly focused on an acceptable and reasonable resolution. If the manager reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get advice or make further investigation.

10.4.2 If the trainee has a grievance about a trainee issue they should discuss it informally with their Principal/Director.

10.4.3 Both the Principal/Director and the trainee have the right to request the assistance of a mediator in the resolution of issues.

10.4.4 The Principal/Director will appoint someone to take notes and keep a brief record of the discussion. This will not be placed on the trainee's personal file.

10.4.5 Where the problem relates to a colleague(s) the trainee may wish to discuss the issue directly with the relevant member of staff.

10.4.6 The aim should be to resolve the matter within 20 school days (40 if mediation is sought – although this may be extended by agreement of both parties where the mediation is



taking place over a longer period of time). If the matter is complex and involves a series of decisions and/or actions by other parties the resolution may take longer. It is important that steady progress is being made towards a resolution. However, if agreement has not been achieved within eight school weeks, or if either party feels that the other is being deliberately obstructive or unhelpful, the matter should normally be referred to the formal stage of the procedure.

11. Formal Stages

11.1 Trainees can only move to Stage 1 of the Formal process when they have exhausted the Informal Stage of the process. In very exceptional circumstances the trainee may raise a grievance formally to their Principal/Director without having exhausted the informal stage.

11.2 If the trainee is not satisfied with the outcome of the informal stage and decides to move to the formal stage then they must submit their formal grievance to the Principal/Director within 10 school days of the failure to reach a resolution informally by discussion or mediation.

11.2.1 The Formal Stage has 2 steps:

Stage 1: Formalising the issue in writing & meeting to discuss the issue

Stage 2: The right to appeal to the CEO

11.2.2 Stage 1 Formalising in Writing

If the trainee feels that the matter has not been resolved through informal discussions they should put the grievance in writing to their Principal/Director;

If in very exceptional circumstances, the trainee believes a more formal approach is necessary from the outset they should initiate the grievance procedure at this point by putting the grievance in writing to their Principal/Director.

11.2.3 NB: Where the grievance is against the CEO, Principal/Director, the Chair of the Trust) will assume the role assigned to the Principal/Director, at this stage of the Procedure.

11.2.4 The trainee must set down in writing the nature and the basis of the grievance/complaint. This should be done using 'the grievance report form' (See Appendix 1 for Grievance form).

11.2.5 The Principal/Director having received the grievance (i.e. the receiving officer) should respond within ten school days from receipt of the trainee's written grievance, and will arrange a meeting with the trainee to discuss the matter. This should take place within 15 school days of the formal grievance being received. (It should be recognised that this meeting may have to be in an evening or outside of the trainee's normal working days

11.2.6 The trainee should take all reasonable steps to attend the meeting otherwise the receiving officer based on evidence presented will take a decision.



11.2.7 The trainee is entitled to present documents and witnesses at the meeting. If the trainee wishes to exercise this right they must give their manager a minimum of three school days' notice of what is to be produced.

11.2.8 The Meeting

11.2.10 The trainee will have the right to be accompanied by a union/professional association representative or a workplace colleague of their choosing.

11.2.11 The trainee will have the opportunity to present witness statements either in writing or by personal attendance. The trainee should notify the receiving officer if they wish to exercise this right, supplying details, and giving a minimum of three school days' notice.

11.2.12 Within 10 school days after the meeting, the trainee will be informed by the receiving officer about any decision and offered the right of appeal.

11.2.13 A written record of the meeting will be given to the trainee and others present at the meeting within 10 school days from the meeting.

11.3 Stage 2 –appeal to the CEO against the stage 1 decision

11.3.1 If the trainee is not satisfied with the decision at Stage 1 they can raise an appeal by writing to the CEO stating clearly the details of the original grievance, the specific grounds for appeal and expected outcome. The appeal hearing will be a review of the Stage 1 decision on the basis of one or more specific grounds. It will not be an opportunity for the trainee to re-run the original complaint. (see Appendix 2 for Grievance Appeal Form).

11.3.2 The CEO must receive the grievance form within 10 school days of the individual receiving the stage 1 decision letter. An extension of time should only be granted in extenuating circumstances.

11.3.3 The CEO will either investigate the appeal themselves or delegate the role of investigating the appeal to another member of the senior leadership team (referred to as the investigating officer). If the investigation is delegated the investigating officer will then report back their findings to the CEO who will then reach a decision and inform all parties of the outcome of their appeal.

11.3.4 The CEO will examine all the evidence submitted by the trainee and the investigating officers at previous stage consider the trainee's case and the grounds for the decision of the stage 1. This should be completed within 20 school days of the stage 2 grievance being received.

11.3.5 Normally both parties will be seen separately as part of the investigation. Only in very exceptional circumstances, where it is deemed advantageous based on the sensitivity of the grievance, would both parties be seen together.

11.3.6 The outcome of the appeal will be notified to the individual, as soon as is reasonably practicable, though this should be within 30 school days of the receipt of the stage 2



grievance. 11.3.7 Where the grievance is against the CEO Principal/Director and has been heard by the Chair of the Trust at Stage 1 of this Procedure and the trainee is not satisfied with the decision at Stage 1, they can progress to Stage 3 to appeal to the Governor's Appeal Committee.

11.4 Stage 3 – Appeal to Governors Committee

- 11.4.1 This procedure is in respect of appeals related to a grievance. If the trainee remains aggrieved he/she may appeal to the Appeal Committee which will consist of at least three governors who have not been involved in the issue (the Governors Appeals Committee).
- 11.4.2 The Chair of the LGB must receive the grievance appeal form (appendix 3) within 10 school days of the individual receiving the stage 2 decision letter. An extension of time should only be granted in extenuating circumstances.
- 11.4.3 The appeal will be forwarded to a committee of three governors for consideration.
- 11.4.4 The Committee will examine all the evidence submitted by the trainee and the investigating officers at previous stage meetings; hear the trainee's case and the grounds for the decision of the stage 1 & 2 decision makers.
- 11.4.5 Normally both parties will be seen separately. Only in very exceptional circumstances, where it is deemed advantageous based on the sensitivity of the grievance, would both parties be seen together.
- 11.4.6 The outcome of the appeal will be notified to all parties, as soon as is reasonably practicable, though this should be within 25 school days of the stage 3 grievance being received by the Chair of Governors.
- 11.4.7 The Panel's decision will be final.

12. Monitoring

- 12.1 Monitoring of all grievance cases by age, disability, ethnicity and gender will be carried out on a periodic basis to ensure that any disproportionate impact on a particular group is highlighted and addressed appropriately.

13. The Office of the Independent Adjudicator

Should the appellant wish to take the matter further we suggest they contact the Office of the Independent Adjudicator.

The [Office of the Independent Adjudicator for Higher Education](#) ('OIA') is an independent body set up to review student complaints. It is free to students, and deal with individual complaints against Higher Education Institutions in England and Wales. When all internal procedures are complete, students may request an independent review of their case by the OIA, if they remain dissatisfied with the College's final



outcome. Provided the complaint is eligible under the rules of the OIA's complaints scheme, the OIA will look at whether the College applied its regulations properly and followed its procedures correctly. It also considers whether any decision made by the College was fair and reasonable in all the circumstances.

APPENDIX 1

GRIEVANCE FORM – STAGE 1 OF THE FORMAL PROCEDURE

To be completed by a trainee who has a grievance with BMAT/NELTA that

- a) remains unresolved after exhausting the informal stage of the Grievance Procedure
or
b) believes it to be necessary to elevate to the formal stage in the first instance

To be submitted to:

Principal/Director (or chair of governors if Principal/Director involved)

<u>CONTACT DETAILS</u>	
Name	
Address	
Telephone Number	
Email Address	
<u>GRIEVANCE INFORMATION</u>	
Date of raising the complaint informally	
Member(s) of staff responsible for handling the complaint informally	
What steps were taken to resolve the complaint informally, if any?	



On what date were those steps taken?

Summary of Grievance

Set out the details of your grievance, providing as much detail as possible (dates, times, locations, any step(s) taken to resolve your complaint and the names and contact details of any people involved in your complaint, including witnesses).

Attach additional sheets if required.

Outcome Requested – Specify what outcome you would like to see your grievance dealt with and why you believe this will resolve the issue(s) described above.

Use additional sheets if required.

Declaration

I confirm that the above statements are true to the best of my knowledge, information and belief and that I wish to raise this grievance formally and take it to Stage 1 of the grievance procedure

Signature:

Date:

APPENDIX 2

GRIEVANCE FORM – STAGE 2 - APPEAL AGAINST STAGE 1 DECISION

To be completed by a trainee who has a grievance with BMAT/NELTA that remains unresolved after exhausting informal stage and stage 1 of the Grievance Procedure

To be submitted to BMAT Clerk to the Trust Clerk@beaconacademytrust.co.uk

<u>CONTACT DETAILS</u>	
Complainant's Name	
Address	
Telephone Number	
Email Address	
<u>APPEAL INFORMATION</u>	
Date of raising a formal grievance via Stage Two	
Date of clarification meeting	
Who was responsible for investigating your formal grievance?	
Did you receive a final outcome from the Investigator within 15 school days of submitting your formal complaint?	Yes <input type="checkbox"/> No <input type="checkbox"/> If not, have you been informed of the reasons for delay? Yes <input type="checkbox"/> No <input type="checkbox"/>



Summary of Appeal –

- The ground(s) of your appeal;
- Their materiality to the decision you are appealing; and
- The detriment you have suffered as a result

Provide as much detail as possible. Attach additional sheets if required.

<u>APPEAL INFORMATION</u>	
Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would be appropriate steps to take?	
Declaration	<p>I hereby confirm that the above statements are true to the best of my knowledge, information and belief and that I wish to appeal the decision under Stage 2 of the Grievance Procedure</p> <p>Signature:</p> <p>Date:</p>

APPENDIX 3

GRIEVANCE FORM – STAGE 3 - APPEAL AGAINST STAGE 2 DECISION

To be completed by a trainee who has a grievance with BMAT/NELTA that remains unresolved after exhausting informal stage and stage 2 of the Grievance Procedure

To be submitted to: BMAT Clerk to the Trust Clerk@beaconacademytrust.co.uk

<u>CONTACT DETAILS</u>	
Complainant's Name	
Address	
Telephone Number	
Email Address	
<u>APPEAL INFORMATION</u>	
Date of raising a formal grievance via Stage Three	
Who was responsible for investigating your formal complaint?	
Did you receive a final outcome from the Stage 2 appeal within 20 days of the Stage 2 grievance being received?	Yes <input type="checkbox"/> No <input type="checkbox"/> If not, have you been informed of the reasons for delay? Yes <input type="checkbox"/> No <input type="checkbox"/>
Summary of Appeal – What aspects of the decision or decision making process do you disagree with and wish to appeal? Provide as much detail as possible. Attach additional sheets if required.	



	<u>APPEAL INFORMATION</u>
<p>Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would be appropriate steps to take?</p> <p>NB-No new issues can be raised at this stage. Details of the original grievance that still remain unresolved after Stage 2 and reasons why the decision should be re-heard.</p>	
Declaration	<p>I hereby confirm that the above statements are true to the best of my knowledge, information and belief and that I wish to appeal the decision under Stage 3 of the Grievance Procedure</p> <p>Signature:</p> <p>Date:</p>