



STAFF COMPLAINTS & GRIEVANCE PROCEDURE

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As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

1. Introduction

Bradford Diocesan Academies Trust (BDAT; the Trust) is committed to ensuring that the employment arrangements meet the highest standards of fairness and statutory entitlements in employment. We seek to build a workplace environment where colleagues are treated fairly and can work with dignity and respect.

The aim of the Staff Complaints and Grievance Procedure is to address any complaints fairly, consistently and promptly. We believe that the fair and effective resolution of staff concerns is beneficial to harmonious working, job satisfaction, productivity and ultimately to the effective education of our pupils. BDAT is committed to implementing this policy in accordance with the Equality Act 2010.

This model policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment and may be varied by the Trust after consultation with the recognised trade unions.

The terms grievance and complaint will be used interchangeably in this policy.

2. General Principles and Definitions

This policy complies with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

- 2.1 This procedure applies to all staff employed by the Trust in respect of whom the responsibility for seeking redress of any complaint (except those matters which are subject to separate procedures e.g. flexible working and pay relating to their employment). Employees that have left the Trust are also able to make a complaint under this procedure, providing it is made within 6 months of the alleged event(s).
- 2.2 Complaints made under this procedure should be made as soon as possible (and in any case within 6 months of the alleged event(s) in order that the Trust can resolve matters. If a staff member has left the Trust, if the alleged event(s) occurred within the last 6 months, the former staff member still has the right to make a complaint under this procedure. The staff member should not deliberately or unreasonably delay in bringing the matter to the Trust/Academy's attention.

3. Terms used in the procedure

Throughout the document the person making the complaint may be termed the "complainant". The term "Trust" also refers to any committee delegated to act by the board of Trustees on its behalf.

4. Definitions of bullying, harassment and discrimination

Employees raising a grievance will be protected from any victimisation or discrimination.

- 4.1 ACAS states that most people use the terms bullying and harassment interchangeably, however, ACAS provides the following definitions:

4.2 Bullying is:

“Unwanted behaviour from a person or group that is either offensive, intimidating, malicious, or insulting, or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.”

4.3 Harassment is:

“When bullying or unwanted behaviour is about any of the following ‘protected characteristics’ under discrimination law (the Equality Act 2010):

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

For it to count as harassment, the unwanted behaviour must have either:

- *Violated the person’s dignity, whether it was intended or not*
- *Created an intimidating, hostile, degrading, humiliating, or offensive environment for the person, whether it was intended or not”*

4.4 Discrimination may be characterised as:

Any less favourable treatment or victimisation of staff member. It is unlawful to discriminate against anyone because of their protected characteristics. These include:

- Age
- Gender reassignment
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion or belief
- Sex
- Sexual orientation

5. Responsibilities under this procedure

5.1 Management

Managers should be aware that in law an employer may be held responsible for the actions of its staff regardless of whether or not they are aware of those actions. It is therefore essential that the Trust takes appropriate measures to ensure that bullying, harassment, or discrimination do not occur. All meetings and proceedings should be confidential to all of those individuals involved and/or participating in them. The confidentiality of any documents and/or evidence will be adhered to and respected.

It is the responsibility of the Trust and Academy's management to:

- Make all members of staff aware of the procedure and ensure their compliance
- Deal with all issues in a timely, serious and sensitive manner
- Maintain confidentiality when dealing with cases and ensure that a written record is kept of all informal and formal meetings and discussions
- Make every effort to resolve complaints informally by discussion between the individual employee and the appropriate level of management; the resolution of employee complaints should form part of everyday informal managerial action

5.2 Individual members of staff

Each individual is responsible for their own actions whilst at work. It is the responsibility of all employees to:

- Be mindful of their own behaviour and treat others with dignity and respect
- Try to resolve problems informally by discussion with colleagues and/or management
- Report incidents of harassment or bullying either personally experienced or witnessed, immediately to the appropriate line manager
- Ensure confidentiality is maintained at all times

6. Right to be accompanied

6.1 The staff member may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a work colleague who is not involved in the case. The staff member must tell the Trust/Academy who their chosen companion is, at least two days before the meeting.

6.2 At the meeting, the staff member's companion may make representations and ask questions, but should not answer questions on their behalf. The staff member may talk privately with them at any time during the meeting. The meeting would adjourn to allow for this.

6.3 Acting as a companion is voluntary and the staff member's colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

6.4 If the staff member's choice of companion is unreasonable the Trust/Academy may ask the staff member to choose someone else, for example:

- If in the Trust/Academy's opinion the companion may have a conflict of interest or may prejudice the meeting; or
- If the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

- 6.5 The Trust/Academy may, at its absolute discretion, allow the staff member to bring a companion who is not a colleague or union representative (for example, a member of the staff member's family) if this will help overcome a disability or is appropriate to the circumstances of the individual.

7. Postponement of hearings and appeals

- 7.1 In accordance with Section 10 (4) of the Employment Relations Act 1999 the complainant may seek a postponement of a grievance hearing and propose an alternative time, if their chosen trade union representative or work colleague is not available at the time proposed for the hearing by the employer. The Act states that the alternative time proposed by the staff member must be reasonable and fall within five working days beginning the first working day after the day proposed by the employer.
- 7.2 In exceptional circumstances where the efficient running of the Trust/Academy or the interests of the health and wellbeing of the parties involved is being compromised by the process, the hearing may be held in the absence of the complainant after considering representations.

8. Record keeping and confidentiality

- 8.1 It is important that accurate and contemporaneous records are kept throughout the complaints handling processes, including any initial informal processes. Copies of meeting records should be given to the staff member, including copies of any formal minutes that may have been taken. The retention period for these can be found in the Trust's GDPR Retention Policy.
- 8.2 Records should be held in a secure and confidential manner. Often the issues raised are particularly sensitive and it is essential that the circulation of information be minimised to that which is necessary to ensure a fair investigation and hearing. All meetings, documentation and proceedings should be confidential.
- 8.3 In the event of a complaint being made, the management of the Trust/Academy may inform the Chair of Trustees/Governors (or another appropriate Trustee/Governor). But on no account should the case be openly discussed with any other Trustees/Governors.

Stage One

9. Resolving Complaints Informally

- 9.1 Every effort should be made to resolve complaints informally by discussion between the individual member of staff and the appropriate level of management. Discussion should also be held with the individual whose conduct and/or actions are the reason for the complaint if the employee feels comfortable in being able to do so. This can often lead to a speedy resolution of the problem and is likely to be less damaging to working relationships.

9.2 The Individual

In cases where a staff member feels aggrieved by the words or actions of another; it is important for the staff member to deal with this at an early stage. The staff member should address the issue by one or more of the following options:

- A staff member with a complaint must start by discussing it with their manager at the earliest opportunity; it may be possible to resolve the complaint informally through discussion. Discussion should also be held with the individual whose conduct and/or actions are the reason for the complaint if the employee feels comfortable in being able to do so.
- If the staff member has a complaint regarding their line manager they may seek assistance from a more senior manager.
- The staff member may also seek support from their trade union representative, Occupational Health or a mediation service.

If the complaint is against a Principal/Head Teacher or the Chief Executive see paragraph 16.

9.3 Management

When a complaint has been raised verbally or in writing in the first instance the line manager should offer a meeting to discuss the details of the complaint, and seek to gain the staff member's agreement to address the complaint informally. The line manager may decide to address the complaint by one or more of the following options:

- Offer the complainant a meeting with their manager and/or the person whom they have a complaint against to openly discuss any issues and agree a way forward.
- Speak to the person whom the complaint is made against on the staff member's behalf.
- An appropriate option at any stage of the policy will be to refer the complainant and the person whom the complaint is made against to Occupational Health for support (if necessary).
- Arrange external mediation subject to agreement by both parties.

In all circumstances, managers should try to resolve the complaint informally as part of good management practice. However, the decision to attempt to achieve an informal resolution ultimately rests with the complainant.

10. Mediation

10.1 Mediation is a voluntary process where the mediator helps two or more people attempt to resolve a complaint without recourse to the formal procedures. Mediation should be undertaken by a neutral third person who is trained in mediation techniques. Mediation, where it is successful, can produce quicker and more satisfactory results for the parties involved and may reduce the damage caused to working relationships and the health and wellbeing of both parties. Staff members may be offered mediation at any stage of the complaints process. Equally, either party or their trade union representatives may make this suggestion.

10.2 Even if mediation is not initially agreed by the parties, the offer of a mediated process can be re-offered as the case progresses.

10.3 Mediation may be used for:

- Resolving conflict between colleagues of a similar job or grade, or between a member of staff and their line-manager
- Rebuilding relationships after a complaint has been resolved
- Addressing personality clashes, communication problems and bullying and harassment

- 10.4 Please note, where disciplinary action is required this process should be completed prior to mediation.
- 10.5 The details of discussions within mediation processes are confidential to the parties involved.
- 10.6 The mediation process is normally carried out without the involvement of trade union or management representatives.

Stage Two

11. The Formal Procedure

If it is not possible to resolve a complaint informally staff members working in the academies should raise the matter formally and without unreasonable delay as per the table on page 8. This must be done in writing using the complaint form in Appendix 1 and set out the details of the complaint and state that the complaint is being made on a formal basis.



The Trust has delegated the following powers to hear grievances to the following levels (or above) of staff:

Member of staff the complaint refers to:	Complaint to be sent to:	Complaint investigated by:	Decision maker	Appeal to:
Member of Academy staff including teacher, support staff etc	Academy Principal / Head teacher	SLT as delegated by Principal/Headteacher	Academy Principal / Head teacher	Local Governing Body (LGB)
Head teacher / Head of School / Principal / Governor	Chair LGB	Member of the Executive Team or an independent investigator or a governor as agreed with BDAT CEO)	Chair of LGB	Education Director
Executive Principal	Education Director	Member of Central Education Team as delegated by Education Director or an alternative Member of the Executive Team	Education Director	CEO
BDAT Central Team (not Executive)	Line manager or a member of the BDAT Executive	Member of Executive Team	Line Manager or member of the BDAT Executive	CEO
BDAT Executive Team	CEO	Trustee	CEO	Chair of Trust Board
Chief Executive Officer (CEO)	Chair of Trust Board	Trustee(s) delegated by Chair of Trust Board (excluding the vice chair in case of appeal) or an independent investigator	Chair of Trust Board	Vice chair of Trust Board
Chair of Local Governing Body	Clerk to LGB	Member of Executive Team as delegated by CEO	CEO	Chair of Trust Board
Chair of Trust Board	Clerk to Trust Board	As agreed with CEO – external	Chair of Trustee Panel	Chair of Trustee Appeal Panel

In all cases BDAT reserves the right to appoint an independent investigator. Charges or fees will apply to the academy where the staff member/volunteer works.

Formal Stage 2 Step 1 – The Complaint Form

The completed complaint form, which can be found at Appendix 1 of this policy, should be forwarded to the Principal/Head Teacher /Chief Executive/Chair of Trustees (see above) by the complainant. The complainant should normally receive an acknowledgement of the complaint within five school working days (please be aware the acknowledgement will be longer during school closures). A formal complaint should normally be submitted without unreasonable delay following the action or decision under dispute.

The complaint form should carefully describe the complaint, giving a detailed account of what is alleged to have occurred, who was involved, detail any witnesses and state when the event/s happened. It should also give details from the complainant of how the complaint can be resolved and the outcome they are seeking. In some situations the Trust/Academy may need to ask the complainant to provide further information.

Should an investigation be necessary then the timescales for arranging a complaints hearing may vary but will be discussed and explained accordingly. To minimise staff member stress and to facilitate the efficient running of the Trust/Academy all attempts will be made to complete the process in a timely manner.

The complainant must co-operate fully and promptly in any investigation. This may include informing the Trust/Academy of the names of any relevant witness, disclosing any relevant documents and attending interviews, as part of the investigation.

The Trust/Academy may initiate an investigation, ideally this should be before holding any complaint meetings, or at the very latest after the first meeting to discuss the complaint.

Formal Stage 2 Step 2 – The Complaint Meeting

The Trust/Academy will arrange a complaint meeting, normally within 5 school working days of receiving the written complaint.

The complainant and their companion (if any) should make every effort to attend meetings. If the complainant or their companion cannot attend at the time specified, the complainant should inform the Trust/Academy immediately and they will try, within reason, to agree an alternative time.

The purpose of a complaint meeting is to enable the complainant to explain their grievance and how the complainant thinks it should be resolved, and to assist the Trust/Academy to reach a decision based on the available evidence and the representations the complainant has made.

Witness evidence (save for additional matters that the staff member wishes to raise) is provided through witness statements. There is no right for either the Trust/Academy or the staff member to call witnesses to the meeting. As such, there is no power for the Trust/Academy or the staff member to cross examine witnesses.

Should the staff member wish to question the evidence provided by another witness in the investigation then this should be raised by the staff member during the investigation or upon receipt of the investigation documents.

After an initial complaint meeting the Trust/Academy may carry out further investigation and hold further complaint meetings as the Trust/Academy considers appropriate. Such meetings will be arranged without unreasonable delay.

There are two possible outcomes below. For both scenarios, the complainant should be informed of the outcome, in writing within five school working days. The reason(s) for the outcome should be included as part of the response.

Complaint - not upheld

The Trust/Academy may conclude that the complaint is not upheld, i.e. because the behaviour complained of did not occur or because there is insufficient evidence to support the complaint. If the complaint is not upheld, the staff member will be informed in the outcome letter of the right to take the complaint to an appeal hearing. If, in such a case, the Trust/Academy is nonetheless satisfied that the complainant's distress is genuine and/or that there has been a serious breakdown in relationships the Trust/Academy may offer support to the colleagues in the restoration of their working relationship through mediation or other methods as appropriate.

Complaint upheld or upheld in part

If the outcome of the complaint meeting is that the complaint is fully or in part proven on the balance of probabilities, then consideration should be given to appropriate actions to prevent reoccurrence of the matters complained of. Disciplinary action may be recommended in appropriate circumstances as a separate procedure.

The complainant should be informed of the outcome, in writing, normally within five school working days. The reason(s) for the outcome should be included as part of the response (please be aware that in order to maintain confidentiality the Trust/Academy cannot provide any information regarding disciplinary and/or any other action that may have been taken as a result of the complaint or subsequent investigation).

Guidance for Governors/Trustees on Appeal hearing process

- The Chair will acknowledge the appeal in writing within five school working days confirming that an appeal panel consisting of three members of the Local Governing Body will be arranged within 20 school working days.
- The clerk will arrange to convene an appeal hearing informed by the table on page 8. All relevant documentation regarding the complaint should be given to the panel members and the complainant and their representative five working days prior to the hearing.
- The complainant should be informed of their right to be accompanied by a friend/colleague and/or a union representative and the right to submit further written evidence.
- The hearing will be minuted, copies of the minutes will be made available upon request at the earliest opportunity.

- It is the responsibility of the Chair to respond to the complainant and provide them with the outcome of the appeal in writing within five school working days of the hearing taking place.

Formal Step 3 – The Appeal

If the complainant is dissatisfied with the decision from the complaint meeting, they should notify the Trust/Academy within five working days of receipt of the decision letter of his or her decision to appeal by completing and submitting the appeal form that can be found at Appendix 2 of this policy. In this form, the complainant must give specific reasons why they are dissatisfied with the outcome. An appeal can be made on the grounds of:

- Perceived unfairness of the decision.
- Disputing the facts of the case including new evidence coming to light.
- Procedural non-compliance.

The appeal will be dealt with impartially by a panel and Grievance Officer who has not previously been involved in the case. The hearing will take place as soon as is reasonably practicable. The Trust/Academy will confirm its final decision in writing, usually within one week of the appeal hearing. The decision will be final; there is no further right of appeal and this is the end of the procedure.

12. Disciplinary Implications on the outcome of complaints process

- Where a complaint of bullying, harassment or discrimination is upheld, management may take action under the disciplinary procedures.
- Where the behaviour complained of is found to be inappropriate but not meriting formal disciplinary action, management may work with the person whom the complaint is made against to modify their behaviour through the use of management instruction, coaching, training, mentoring and mediation.
- The making of vexatious or false complaints may result in disciplinary action being taken.

13. Restoring Working Relationships

Whatever the outcome of a complaint, it is management's responsibility to re-establish effective working relationships amongst the staff members involved; it is the staff members' responsibility to co-operate to achieve this. The Trust may seek agreement from both the complainant and the subject for the case to be referred to mediation.

14. Occupational Health Support

The Trust/Academy has a duty of care to both parties involved in the case and should recognise that the process may be stressful and have an impact on the health and wellbeing of both parties. At any stage of the policy the Trust/Academy may seek occupational health support for either party where required.

15. In- Trust/Academy arrangements

In some cases it may be difficult for staff members to work closely together and if possible the Trust/Academy may offer suitable alternative employment within the Trust/Academy if able to do so without detriment to the Trust/Academy.

16. Complaints against a Principal/Head Teacher or Chief Executive

16.1 Informal

A staff member who wishes to make an informal complaint against the Principal/Head Teacher with a view to resolving an issue may use any of the following approaches:

- Write to the Chief Executive, Deputy/Vice Principal/Head Teacher or another member of the leadership team;
- Contact their trade union representative who may contact the Principal/Head Teacher directly;

Write to the Chair of Trustees, if the complaint concerns the Chief Executive.

16.2 Where the situation cannot be resolved through mutual discussion, consideration should be given to the use of mediation.

16.3 It must be noted that this is the INFORMAL part of the process and that any person the staff member chooses to contact to assist in resolving the problem must deal with the matter on a confidential basis.

16.4 Formal

The staff member may contact the Chair of the LGB to raise a complaint form against a Governor and/or Trustee. The complainant must put the details in writing outlining their specific complaint to the Chief Executive. The same steps outlined earlier in the policy will apply with the exception that the investigation and any subsequent hearing will be heard in accordance with the table showing the delegation of powers.

16.5 Only the staff nominated in the table of delegation may carry out an investigation into complaints against the Principal/Head Teacher.

16.6 The staff member may contact the Trust Board to raise a complaint against the Chief Executive. The complainant must put the details in writing in a complaint form outlining their specific complaint to the Chair of Governors/Trustees. The same steps outlined earlier in the policy will apply with the exception that the investigation and any subsequent hearing will be heard by the nominated Governor(s)/Trustee(s) and any appeal by a panel of different nominated Governors/Trustees.

16.7 Only an external investigating officer or one or more Governors/Trustees may carry out an investigation into complaints against the Chief Executive.

17. Complaints made by the Principal/Head Teacher/Chief Executive

A Principal/Head Teacher/Chief Executive may raise a complaint against a member of staff on the grounds of bullying, harassment or discrimination. A Principal/Head Teacher/Chief Executive may raise a complaint against the Local Governing Body or Board of Trustees but not against an individual Governor or Trustee unless she or he is exercising a delegated power or function or one conferred by law. The process outlined earlier in the policy will apply.

18. Complaints against the Local Governing Body/Board of Trustees

The Trust's Chief Executive should be contacted for advice. The process outlined earlier in the policy will apply.

19. Collective Disputes

Where more than one member of staff has lodged a complaint relating to the same or substantially the same issue, the Trust/Academy may deal with the complaints together in the interests of fair and consistent decision-making. The relevant trade union may initiate a collective complaint on behalf of more than one named staff member where the issues are the same. If a group of employees choose to raise a collective grievance, then they should be entitled to nominate a spokesperson. If the group of employees belong to more than one union, then they will be entitled to bring a representative from each union to any meetings.

20. Overlapping complaints and disciplinary cases

Where a staff member raises a complaint during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the complaint, at the discretion of the Trust/Academy. Where the complaint and disciplinary cases are related it may be appropriate to deal with both issues concurrently or deal with the complaint as part of the disciplinary process.

Appendix 1

BDAT Staff Complaint Form

Your Name:

Address:

Daytime Tel No:

Evening Tel No:

Post Code:

Mobile Tel No:

Please provide as much detail about the complaint as possible:

What action, if any, have you already taken to try and resolve your complaint?

Who did you speak to and what was the response?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please provide details:

Signature:

Date:

Internal Use Only:

Date of

Acknowledgement:

Acknowledgement
sent by:

Date of referral:

Complaint referred
to:

Appendix 2

BDAT Staff Complaint Appeal Form

Your
Name:

Address:

Daytime Tel No:

Evening Tel No:

Post Code:

Mobile Tel No:

Please provide as much detail about the reason for appeal as possible:

Are you attaching any paperwork? If so, please provide details:

Signature:

Date:

Internal Use Only:

Date of
Acknowledgement:

Acknowledgement
sent by:

Date of referral:

Appeal referred to: