

**ILLUMINATE MINDS TRUST**

# **GRIEVANCE POLICY AND PROCEDURE**



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# GRIEVANCE POLICY AND PROCEDURE

## Introduction

It is our 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.

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 Illuminate Minds 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 the Trust’s current practices and you are strongly advised to familiarise yourself with its content.

## Using this Procedure

Issues that could cause grievances may include:

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

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 have a separate Anti-harassment and Anti Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

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.

## **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 bring 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 the Trust 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.

## **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.

## 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. There may be occasions where it is inappropriate to raise the matter informally, in which case you should raise your grievance 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 a member of the Senior Leadership Team.

The purpose of the informal stage is to resolve the issue in an open, honest and positive manner, to avoid formal escalation.

The informal meeting will take place as soon as is practicable, usually within a week of receiving the grievance. The line manager will arrange a time for the informal meeting and the employee will be informed of this in writing. If the employee is unable to attend, the line manager will arrange another suitable time.

In the informal meeting, the employee's line manager will determine:

- What the employee is concerned about.
- What outcome the employee is seeking.
- Whether further meetings or escalation to the formal stage are required.

At the end of the informal meeting, the line manager will agree what action will be taken to achieve the appropriate outcome and by when. The line manager will provide the employee with a written outcome letter within five working days of the meeting.

Where the grievance relates to another individual, the line manager may need to discuss the matter with them in order to determine what future steps may help to resolve the concern, e.g. Mediation

If informal discussions do not resolve the issue, you should follow the formal procedure below.

## 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 and submit it to Human Resources ([hr@illuminateminds.org](mailto:hr@illuminateminds.org)), indicating that it is a formal grievance. If the grievance concerns the Head of school you should submit it to Human Resources ([hr@illuminateminds.org](mailto:hr@illuminateminds.org)).

The written grievance should contain the following:

- A brief description of the events that lead to the grievance, including names and dates.
- An account of how the events made the employee feel.
- What actions the employee has taken to resolve the grievance.

- What outcomes the employee is hoping for.

## **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. The Trust 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 Head of school. 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.

## **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.

## **Grievance Outcome**

Once the investigation report has been received, the grievance officer will call a grievance meeting to which the employees concerned, and their companions, will be invited. At this meeting, employees will be given an opportunity to answer any questions that arose from the investigation.

Once all the information has been presented, the grievance officer will adjourn the meeting to make their decision. The grievance officer will consider the grievance and make a decision and this will be recorded in the outcome letter. The outcomes possible following a grievance are as follows:

- The grievance is upheld in full
- The grievance is rejected in full
- The grievance is partially upheld, e.g. there is validity to some of the grievance

A 'partially upheld' outcome will not be used as an outcome when a decision cannot be reached. Sometimes, mediation may be recommended where appropriate. This will involve all parties collaborating to find an acceptable outcome.

The grievance officer will write an outcome letter within five working days and provide a copy of this to the employee. The letter will include information on:

- The outcome.
- The reasons for the decision.
- Any facts that the grievance officer has ascertained in coming to their decision.
- Any recommendations or agreed actions to take.
- The employee's right to appeal the decision.

Any misconduct that is found as a result of the grievance investigation will be managed in accordance with the trust's Disciplinary Policy.

Where a grievance is raised by an employee during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related, the grievance officer will deal with both issues concurrently.

## Right to Appeal

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Clerk of the Trust Board 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 Trustees.

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.

The employee will:

- Be given the opportunity to explain their grounds for appeal at the meeting.
- Be permitted to bring a companion.

The outcome decision will be provided to the employee in a written letter within five working days of the appeal meeting

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

## **Malicious Grievances**

Grievances that are found, following investigation, to have been malicious or vexatious in nature may result in an employee being referred to disciplinary action.

## **Protection for employees raising a grievance**

Bullying, harassment or victimisation against any member of staff on the grounds of having raised a grievance will not be tolerated.