

STAFF GRIEVANCE POLICY

1 Introduction

- 1.1 The Learning Trust (the 'Trust') actively seeks to promote a harmonious working environment and positive working relationships but acknowledges that there may be instances where employees may have problems or concerns about their work, working environment or working relationships that they may wish to raise.
- 1.2 The Trust supports the right of employees to raise legitimate grievances and provides a mechanism for these to be dealt with fairly and without unreasonable delay.
- 1.3 The Trust firmly believes that most routine grievances are best resolved informally through discussion between the employee and their immediate line manager and that dealing with grievances in this way can often lead to speedy resolution of problems. It is in everyone's best interests to resolve grievances quickly and fairly.
- 1.4 This Grievance Policy is non-contractual and does not form part of your contract of employment.

2 Aims/Principles

- 2.1 It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their 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.

This procedure applies to all employees regardless of length of service but does not apply to agency workers or self-employed contractors.

- 2.2 The Grievance Procedure may be used by a group of employees who have a grievance if they wish to pursue it collectively. A collective grievance is one which is submitted by a Trade Union on behalf of a group of employees specifically affected by a policy or practice within the Trust.
- 2.3 Grievances will be dealt with by the relevant Headteacher or Chair of Governors ('CoG'). The Headteacher may delegate this task to an appropriate line manager.

3 Scope/Application

- 3.1 The Grievance Policy and Procedure applies to all employees of the Trust.
- 3.2 Where a member of staff has a grievance with an individual Governor or Governors which does not involve any other member of staff, it should be submitted to the Headteacher and will immediately be referred to a panel of the Trustee Board appointed especially for the purpose.

4 Definitions

- 5.1 A grievance is a concern, problem or complaint by an employee with management. Such grievances may relate to terms and conditions of employment, health & safety, work relationships, new working practices, organisational change, etc. There are instances where recourse to the Grievance Procedure is not appropriate; these exclusions are outlined in Appendix 1.

5 Equality Act 2010

- 5.1 In accordance with its Public Sector Equality Duty, the Trustee Board has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff who have a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) within the meaning of the Equality Act 2010. If you experience difficulty at any stage of the Grievance Procedure (e.g. for a reason related to disability because English is not your first language), you should discuss the situation with Headteacher as soon as possible.

Approved by the Trustee Board on 17 July 2018

**APPENDIX 1
TO THE STAFF GRIEVANCE POLICY
STAFF GRIEVANCE PROCEDURE**

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1 Introduction

- 1.1 This procedure sets out the process for dealing with a grievance and states what is expected and what needs to be done by all parties. The framework has two broad stages – an informal stage and a formal stage as detailed below, and a process specifically where an employee has a grievance against the Head teacher.

Where a meeting or hearing is called to deal with a grievance, it is expected that the employee will attend.

2 Objectives

- 2.1 To enable an employee (or group of employees, submitted by a Trade Union on their behalf) to raise a grievance relating to their employment and receive a timely and appropriate response, with a view to reaching a satisfactory outcome.
- 2.2 If it is found that an employee has knowingly misused the procedure for malicious or vexatious motives, than the employee concerned may be subject to disciplinary action.

3 Exclusions from application of the Grievance Procedure

- 3.1 There are instances where the application of the Grievance Procedure is not appropriate. Employees should not use the Grievance Procedure in the following circumstances:
- 3.2 Where a teacher (including the Head teacher) wishes to appeal against any decision of the Trustee Board in relation to his/her pay or any other decision taken by the GB under the Trust Teachers' Pay and Conditions Document that affect his/her pay. S/he should invoke the Trust's Appeals Procedure which is in the Trust's Pay Policy. The Appeals Procedure performs the function of the Trust's grievance procedure on teachers' pay matters and therefore decisions under that procedure are final. This does not affect teachers' statutory employment rights.
- 3.3 The Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are unsatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Policy.
- 3.6 Where a group of employees have grievances which amount to a collective dispute and which have not been subject to consultation or negotiation.

4 Procedural Timescales

- 4.1 Employees should raise grievances in a timely basis in order to ensure that the matter can be fully investigated and resolved satisfactorily. Any grievances which are not raised within 8 working weeks of the event occurring, or final event where there is a sequence of events, may be considered out of time, unless there are exceptional circumstances as agreed by management e.g. in cases of sickness.
- 4.2 Time limits are specified at each stage of the procedure. These are intended to ensure the speedy resolution and to avoid delays. The Trust's closure periods may make strict application of the timescales impractical, but the Trust will make every effort to adhere to them. In such cases, timescales should be extended by mutual agreement and, where no agreement is reached, the Trust reserves the right to give notice in writing of an extension of the timescales and the reasons why.
- 4.3 The timing and location of meetings should be reasonable and the employee must take all reasonable steps to attend. If the person accompanying the employee cannot attend on a proposed date, the employee can suggest a suitable alternative date/location. This should not be more than 5 working days after the date originally proposed by the Headteacher. Headteachers may agree an alternative date if this timescale cannot be met but they are not required to do so.

- 4.4 Employees cannot restart the procedure in respect of a grievance, which has been dealt with within the previous six month period unless new facts come to light.

5 Records

- 5.1 Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. For more information on the way in which we will handle your personal data, please see the Trust's Privacy Policy.

6 Informal Stage

- 6.1 Most routine grievances are best resolved informally through discussion between the employee and their immediate line manager/ Headteacher (or CoG where the aggrieved is the Head teacher). Dealing with grievances in this way can often lead to speedy resolution of problems. It is in everyone's best interests to resolve grievances quickly and fairly.

- 6.2 An employee with a grievance shall first raise it with his/her:

- a Line manager; or
- b Headteacher (where the line manager is the subject of the grievance); or
- c CoG (where the aggrieved is the Head teacher).

Where reasonable and practical, a reply will be provided either orally, or in writing, within 5 working days of the grievance being raised.

Reasonable enquiries will be made to enable a response to be provided. Employees who are trade union members may wish to make contact with their trade union at this stage.

- 6.3 Where a grievance cannot be resolved informally, or the employee indicates they wish to proceed immediately to the formal stages, it should be dealt with as set out in paragraph 8. A copy of the grievance procedure will be provided to the employee at this stage.

7 Mediation

- 7.1 The Trust supports the use of mediation as a way forward to resolving grievances prior to the formal procedure.
- 7.2 Formal mediation may be offered before moving to the formal stage. If you wish to request mediation, please contact local HR Co-ordinator
- 7.3 Not all forms of dispute are suitable for mediation and this will be assessed by the mediator(s) assigned to the case.

- 7.4 The mediator will liaise with the employee who has raised the grievance and any other parties with a view to resolving the grievance.
- 7.6 Where mediation is not available or has been unsuccessful, the formal grievance procedure is available.

8 Formal Procedure

8.1 Stage 1

In a written statement to the Headteacher (or CoG where the aggrieved is the Headteacher) the employee must outline:

- a the nature of the alleged grievance (including relevant facts, dates and individuals involved);
- b the evidence to support it; and
- c the outcome which they are seeking.

The Headteacher/CoG will acknowledge receipt of the grievance, and in some situations, they may ask you to provide further information.

- 8.1.1 The Headteacher/CoG will conduct an investigation. The Headteacher/CoG will carry out such reasonable investigation as necessary so that it can properly deal with the employee's grievance. The amount of any investigation required will depend on the nature of the employee's grievance. It may involve interviewing and taking statements from any witnesses and/or reviewing relevant documents.

All employees must cooperate fully and promptly in any investigation. This may include informing the Headteacher/CoG of the names of any relevant witnesses, disclosing any relevant documents to the Headteacher/CoG and attending interviews as part of the investigation.

The Headteacher/CoG may initiate an investigation before holding a grievance meeting where it is considered appropriate. In other cases, the Headteacher/CoG may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, the Headteacher/CoG will hold a further grievance meeting with you after the investigation and before reaching a decision.

- 8.1.1 The Headteacher/CoG will arrange a grievance hearing as soon as practicable to carefully consider the complaints made by the employee. The employee will be informed of their right to be accompanied by a trade union representative or work colleague. At the hearing the employee will be allowed to explain their complaint and there should be open discussion about how they think the grievance can be resolved. The employee will have an opportunity to question any witnesses (although this may be in writing and not in person). Where the grievance involves or is about another employee, they may also be present and accompanied at the hearing.

- 8.1.2 After the grievance hearing, the headteacher/CoG may carry out further investigations and hold further grievance meetings as considered appropriate. In these circumstances, such meetings will be arranged without unreasonable delay.
- 8.1.3 The Headteacher/CoG will provide a written response to the grievance within 7 working days of the hearing. The letter will advise the employee of the outcome of their grievance and confirm their right of appeal against the outcome.

9 Right of Appeal

- 9.1 If the employee is not satisfied with the outcome of the grievance hearing, they should inform the Head teacher (or CoG where the aggrieved is the Head teacher) of the reasons why in writing within 10 working days of receipt of the outcome letter, confirming that they want to appeal against the outcome. The letter should clearly state the grounds upon which an employee is lodging their appeal.
- 9.2 Appeals will be heard by a Panel of the Trustee Board (the 'Panel').
- 9.3 The appeal should be arranged as soon as possible and the arrangements notified to the employee within 20 working days of receipt of the notice of appeal. The Appeal will take the form of a hearing and the format will be as set out below.
- 9.4 The structure of the Appeal hearing will be as follows:
- Introductions of all parties
 - The employee (or their representative) will state their grievance and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
 - The Panel, Head teacher and/or Management representatives may then ask questions of the employee/their representative/witnesses.
 - The Head teacher and /or management representative responds to the grievance and may call witnesses. Witnesses will only attend for the duration of their evidence.
 - The Panel and the employee/their representative may then ask questions of the management representative and witnesses.
 - The management representative then sums up.
 - The employee (or their representative) then sums up
 - Both parties withdraw.
- 9.5 The decision of the Panel will be confirmed in writing to the employee within 5 working days of the hearing and this will be final and binding.

10 Grievances against the Head teacher

10.1 Informal Stage

10.1.1 An employee with a grievance against the Head teacher shall first raise it with the CoG who will be expected whenever reasonable and practicable, to provide a reply within 5 working days of the grievance being raised. The CoG shall make reasonable enquiries to enable them to respond to the grievance, including advising the Head teacher of the details.

10.1.2 The CoG has a duty to maintain mutual confidence and trust with the Head teacher and employees who are trade union members may wish to make contact with their respective trade union at this stage.

10.1.3 The CoG shall provide the Head teacher with an opportunity to express their views about the matter.

10.1.4 Where a grievance cannot be resolved informally, or the employee indicates they wish to proceed immediately to the formal stages, the grievance will be dealt with in accordance with Stage 1 of the procedure, set out in clause **[10.2]** below. A copy of the grievance procedure and related guidance notes will be provided to the employee.

10.2 Formal Procedure

Stage 1

10.2.1 In a written statement to the CoG the employee must outline:

- a the nature of the alleged grievance (including relevant facts, dates and individuals involved);
- b the evidence to support it and;
- c the outcome they are seeking.

The CoG will acknowledge receipt of the grievance, and in some situations, they may ask for further information.

10.2.2 The COG will conduct an investigation, or arrange for an investigation to be conducted by another nominated Governor. There will be such reasonable investigation as necessary to allow the COG to properly deal with the employee's grievance. The amount of any investigation required will be dependant on the nature of the employee's grievance. It may involve interviewing and taking statements from any witnesses and/or reviewing relevant documents.

10.2.3 All employees must cooperate fully and promptly in any investigation. This may include informing the COG of the names of any relevant witnesses, disclosing any relevant documents to the COG and attending interviews as part of the investigation.

- 10.2.4 The CoG may initiate an investigation before holding a grievance meeting where it is considered appropriate. In other cases, the CoG may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, the CoG will hold a further grievance meeting with the employee after the investigation and before reaching a conclusion.
- 10.2.5 The CoG will arrange a meeting to hear the grievance as soon as practicable to carefully consider the complaints made against the Headteacher. The employee will be informed of their right to be accompanied by a trade union representative or work colleague.
- 10.2.4 Where a hearing takes place the employee will be allowed to explain their complaint and there should be open discussion about how they think the grievance can be resolved. The Headteacher may also be present and represented and will have opportunity to respond if appropriate.
- 10.2.5 After the grievance meeting, the CoG may carry out further investigations and hold further grievance meetings as the CoG considers appropriate. In these circumstances, such meetings will be arranged without unreasonable delay.
- 10.2.5 The CoG will provide a written response to the grievance within 7 working days of the hearing. The letter will advise the employee of the outcome of their grievance and confirm their right of appeal.

11 Appeals

- 11.1 If the employee is not satisfied with the outcome of their grievance, they should inform the CoG of the reasons why in writing within 10 working days of receipt of the outcome letter confirming that they want to appeal against the outcome. The letter should clearly state the grounds upon which an employee is lodging their appeal.
- 11.2 Appeals will be heard by the Panel.
- 11.3 The appeal should be arranged as soon as possible and the arrangements notified to the employee within 20 working days of receipt of the notice of appeal. The Appeal will take the form of a hearing and the format will be as set out below.
- 11.4 The structure of the Appeal hearing will be as follows:
- Introductions of all parties
 - The employee (or their representative) will state their grievance and may call witnesses in support. Witnesses will only attend for the duration of their evidence.

- The Panel, CoG, Head teacher or Representative may then ask questions of the employee/their representative/witnesses.
- The CoG or Head teacher responds to the grievance and may call witnesses. Witnesses will only attend for the duration of their evidence.
- The Panel and the employee/their representative may then ask questions of the CoG or Head teacher and witnesses.
- The CoG or Head teacher then sums up.
- The employee (or their representative) then sums up
- Both parties withdraw.

11.5 The decision of the Panel will be confirmed in writing to the employee within 5 working days of the hearing and this will be final and binding.

11.6 At all stages of the grievance procedure you will:-

11.6.1 Be given the opportunity to explain your grievance, how you think it should be resolved and to respond to all information and evidence produced by the Trust.

11.6.2 Have the opportunity to be accompanied by a work colleague, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been verified by their union as being competent to accompany you. You and your companion (if any) should make every effort to attend grievance meeting(s). If you or your companion cannot attend at the time specified, you should inform the Trust immediately and the Trust will try, within reason, to agree an alternative time, subject to clause **[4.4]** of this Policy.

11.6.3 To exercise the right to be accompanied, you must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for you to ask to be accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for you to ask to be accompanied by a companion who is based at a remote geographical location in circumstances where there is someone suitable and willing to undertake the role who is available on site.

- 11.6.4 Your companion may make representations to the Trust to put and sum up your case, respond on your behalf to any views expressed during the meeting and ask questions. The companion should not answer questions on your behalf, address the hearing if you do not wish it or prevent you from explaining your case. You may confer privately with your companion at any time during the meeting.
- 11.6.5 Have the most appropriate level of management deal with the hearing or appeal and where the manager in question was directly involved in the issues in dispute or under review an alternative person with appropriate seniority will deal with the matter.
- 11.6.6 Be able to request mediation by an independent third party if this is agreeable to the Trust, as set out in clause **[7]** of this Policy. The grievance process will be suspended whilst any agreed mediation is ongoing.