



**THE BAY
LEARNING TRUST**

Grievance Policy

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Grievance Policy

1. SCOPE AND PURPOSE

1.1 It is the policy of the Trust 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. The Trust aims to investigate any formal grievance raised, hold a meeting to discuss it with the employee, inform them in writing of the outcome, and give a right of appeal if they are not satisfied.

1.2 This procedure cannot be used to:

1.2.1 complain about the use of any other procedure or process (e.g. disciplinary, capability, restructuring etc) in relation to the employee whilst that procedure is being followed;

1.2.2 appeal against any formal or informal disciplinary sanction ;

1.2.3 appeal against any decision to terminate an employee's employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds;

1.2.4 appeal against selection for redundancy;

1.2.5 complain about any matter that forms a collective grievance where the appropriate mechanism is for representations to be made by the appropriate trade union representatives;

1.2.6 complain about any matter which is properly the subject of a statutory consultation process;

1.2.7 complain about any matters which have been or should have been brought under the Trust Pay Policy;

1.2.8 complain about matters which have been or should have brought under the Trust's Whistleblowing Policy or

1.2.9 complain about matters which are more than three months old (though this shall not prevent an employee referring to matters more than three months old in relation to a grievance which is otherwise live).

1.3 This policy should be read in conjunction with the Anti-Harassment and Anti-Bullying Policy.

1.4 The Trust may delegate their authority in the manner set out in this procedure.

1.5 The primary purpose of this procedure is to resolve current grievances. It is not to make findings of fact on historical matters (though this may be required in resolving some grievances).

1.6 The Trust's focus is on the remedial steps required to resolve a grievance.

1.7 The Trust shall not normally seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.

1.8 In this policy references to personnel/bodies are to the personnel/bodies present within the Academy at which the particular member of staff reading or exercising the policy is engaged.

2. WHO IS COVERED BY THIS POLICY?

2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as **employees** in this policy).

2.2 It does not apply to agency staff and self-employed contractors.

3. WHO IS RESPONSIBLE FOR THE POLICY?

3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with any statutory framework.

3.2 The Trust has delegated day-to-day responsibility for operating the policy to the Principal. The Principal has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for ensuring its success.

4. DEFINITIONS

4.1 In this policy working day means any day on which an employee would ordinarily work if they were a full time employee. In other words it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

5. INFORMAL RESOLUTION

5.1 Before raising a formal grievance under this procedure, an employee should try to resolve the matter informally through the Senior Leadership Team or, where possible, with the other party. If this does not resolve the issue, an employee should follow the formal procedure below.

6. GRIEVANCE MANAGERS

The Grievance Manager where possible should be someone not personally involved in the matter which is the subject of the grievance and will be appointed as follows on the basis of the subject matter of the grievance:

Your grievance relates to	Stage 1 Grievance Manager	Stage 2 Appeal
The actions of parties other than the Principal	The Principal	Chief Executive Officer or member of the Trust Board
The Principal	Chief Executive Officer	Trust Appeal Panel
The Chief Executive Officer	Chair or Vice Chair of Directors	Trust Appeal Panel

A Governor at an individual Academy	The Chair of Directors	Trust Appeal Panel
A Director of The Bay Learning Trust (other than the Chair of Directors)	The Chair of Directors	Trust Appeal Panel
The Chair of Directors.	The Vice Chair of Directors or another Director appointed for that purpose	Trust Appeal Panel

This may be subject to change depending on the circumstances of the case.

7. STAGE 1 - FORMAL GRIEVANCE

7.1 If an employee has not been able to resolve a problem through informal discussions, they should submit a formal grievance to the Grievance Manager (see 6 above)

7.2 The Grievance Manager will arrange to meet with the employee as soon as possible but normally within ten working days to discuss the grievance and the steps needed to investigate the concerns raised. Some investigation may have already been carried out by the time of the Grievance Meeting.

7.3 After this meeting, the Grievance Manager will confirm a response in writing.

8. STAGE 2 - APPEAL

8.1 Where the employee remains dissatisfied with the Stage 1 Grievance Manager's decision, they may appeal to the Chief Executive/Trust Appeal Panel, as appropriate. Appeals should be submitted in writing to the Chief Executive/Clerk to the Trust within 5 working days of receipt of the Grievance Manager's decision and should set out the grounds of their appeal

8.2 The Stage 2 Grievance Manager will arrange for a meeting with the employee as soon as practicable but normally within 10 working days

8.3 After this grievance meeting, the Stage 2 Grievance Manager will confirm a response in writing. The decision of the Stage 2 Grievance Manager is final and there will be no further appeal.

9. TRUST APPEAL PANEL

9.1 A Trust Appeal Panel shall comprise two or three people not previously involved in the matter and may include a Governor of a Trust Academy. Staff Governors shall not take part.

9.2 In the event that there are insufficient numbers Directors/Governors available to participate in the Trust Appeal Panel, the Chair of Directors or Vice-Chair, as appropriate may appoint associate members.

10. RIGHT TO BE ACCOMPANIED

10.1 An employee who has presented a formal grievance, can be accompanied at any meetings under this procedure by a companion who must be either a willing work colleague not involved in the subject

matter of the grievance and/or an accredited trade union representative of a union recognised by the Trust.

10.2 An employee must let the relevant Manager know who their companion will be at least one working day before the relevant meeting.

10.3 If an employee has any particular need, for example, a disability which causes them a substantial disadvantage, adjustments may be made to the procedure to allow them to participate and in limited circumstances this may include allowing them be accompanied by someone else other than is listed in paragraph 10.1.

10.4 A companion can address the meeting in order to:

- put forward the employee's case
- sum up the employee's case
- respond on the employee's behalf to any view expressed at the meeting.

10.5 The companion can also confer with the employee during the meeting.

10.6 The companion has no right to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the employee from explaining their case.

10.7 Where an employee has identified their companion to the relevant Manager and the companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the relevant Manager will postpone the meeting for no more than five working days from the date set by the Grievance Manager or Appeal body (as applicable) to a date or time agreed with the companion provided that it is reasonable.

11. CONFIDENTIALITY AND TRANSPARENCY

11.1 Proceedings and records of any grievance will be kept as confidential as possible but employees must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis. Records will be held in accordance with the provisions of the Trust Records Retention Policy.

11.2 A grievance raised could result in the instigation of disciplinary action in respect of another employee. To protect the confidentiality of that process, the Trust may not be able to inform the employee (i.e. the aggrieved) of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of the grievance.

11.3 An employee should not disclose the fact of or content of any grievance to any employee or third party without the express consent of the Grievance Manager (except that an employee is allowed to approach a prospective companion or your trade union representative).

12. TIMING OF MEETINGS

12.1 Meetings under this procedure may:

- need to be held when the employee is timetabled to teach.
- exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.
- be held after the end of the school day however meetings will be held during the school day where possible.
- not be held on days on which an employee would not ordinarily work.

12.2 Meetings may take place in the absence of an employee in the event they are not able to attend a scheduled meeting and it is considered appropriate to do so in the relevant circumstances.

13. VENUE FOR MEETINGS

13.1 If a complaint raises sensitive issues, the Grievance Manager/Appeal body may hold the meeting off the Academy site.

14. INDEPENDENT MEDIATION

14.1 As part of a resolution of a grievance, the Grievance Manager may propose independent mediation particularly in situations where there are personality clashes between employees.

15. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

15.1 Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in formal disciplinary action being taken up to and including dismissal for gross misconduct in accordance with the Trust's Disciplinary Policy.

16. PUBLIC INTEREST DISCLOSURES/WHISTLEBLOWING

16.1 Employees should be aware that a grievance may, in certain cases, amount to a protected disclosure under the Employment Rights Act (please see the Trust's Whistleblowing Policy for further details). An employee will not be allowed to raise the same matter under both procedures.

17. STATUS OF THIS POLICY

17.1 This policy does not form part of any employee's contract of employment and it may be amended at any time. The Academy may also vary the procedures set out in this policy, including any time limits, as appropriate in any case. Any proposed changes will normally be the subject of consultation with the recognised trade unions.