



**THE BAY
LEARNING TRUST**

Grievance Policy

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CLAUSE

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1 SCOPE AND PURPOSE

- 1.1 It is the policy of the Bay Learning 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 aim 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 matters which have been or should have brought under the Academy/School's Whistleblowing Policy; or
 - 1.2.8 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 Dignity at Work Policy and the Anti-Sexual Harassment Policy.
- 1.4 This procedure may be used to appeal against any decision taken under the Pay Policy although such step would be dealt with at Stage 2 of this policy.
- 1.5 The Trust may delegate their authority in the manner set out in this procedure.
- 1.6 The primary purpose of this procedure is to resolve current grievances.
- 1.7 The primary purpose is not to make findings of fact on historical matters (though this may be required in resolving some grievances).
- 1.8 The Trust's focus is on the remedial steps required to resolve a grievance.
- 1.9 The Trust shall not normally seek to resolve grievances raised after an employee has ceased to be an employee, under this procedure.
- 1.10 In this policy references to personnel/bodies are to the personnel/bodies present within the Academy/School 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 the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance to the Executive Headteacher/Headteacher.

3.2 The Executive Headteacher/Headteacher has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 INFORMAL RESOLUTION

Before raising a formal grievance under this procedure, an employee should try to resolve the matter informally either 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.

5 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 Grievance Manager
Pupils, parents or staff, other than the Executive Headteacher/Headteacher, or Line Manager (Central Team)	The Executive Headteacher/Headteacher or Line Manager (Central Team)	A Member of the Trust Executive Leadership Team
The Executive Headteacher/Headteacher or Line Manager (Central Team)	A Member of the Trust Executive Leadership Team	Chief Executive Officer
A Governor (other than the Chair of Governors/Chair of Directors/Chief Executive Officer)	The Chair of Governors/Chair of Directors/Chief Executive Officer	Governor/Directors' Appeal Panel appointed by the Chair of Governors/Chair of Directors/Chief Executive Officer
The Chair of Governors/Chair of Directors/Chief Executive Officer] (or a group of Governors/Directors including the Chair of Governors/Chair of	The Vice Chair of Governors/Chair of Directors/Chief Executive Officer or another non-staff Governor/Director (other than the Chair of Director/Chair of Governors/Chief Executive	Governor/Directors' Appeal Panel appointed by the Vice-Chair of Governors/Chair of Directors/Chief Executive Officer (or the Clerk to Governors if the matter relates to the Vice-Chair of

Directors/Chief Executive Officer	Officer nominated by the Clerk to Governors	Governors/Chair of Directors/Chief Executive Officer)
The whole body of Governors/Directors	A panel of Governors/Directors	Governor/Director Appeal Panel

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

6 FORMAL GRIEVANCE

6.1 Stage 1

- 6.1.1 If an employee has not been able to resolve a problem through informal discussions, they should submit a formal grievance to their Senior Leadership Team member or the Executive Headteacher/Headteacher.
- 6.1.2 A Grievance Manager should be appointed.
- 6.1.3 The Grievance Manager will arrange to meet with the employee as soon as possible but normally within ten days to discuss the grievance and the steps needed to investigate the concerns raised. Some investigation may have already been carried out by the Grievance Manager at the time of the Grievance Meeting.
- 6.1.4 After this meeting, the Grievance Manager will confirm a response in writing.

6.2 Stage 2

- 6.2.1 If an employee is not satisfied with the Stage 1 Grievance Manager's response, they can appeal by sending a letter of appeal to the Executive Headteacher/Headteacher within five working days of the response being sent to them.
- 6.2.2 The Executive Headteacher/Headteacher will formally appoint a different Grievance Manager, following (wherever possible) the guidance in paragraph 0 above.
- 6.2.3 The Stage 2 Grievance Manager will arrange for a meeting with the employee as soon as possible, but normally within 20 days.
- 6.2.4 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 right of appeal.

7 TRUST APPEAL PANEL

- 7.1 The Trust Appeal Panel shall comprise two or three non-staff Governors/Directors not previously involved in the matter.
- 7.2 In the event that there are insufficient numbers of Governors/Directors available to participate in the Panel, the Chair of Directors/Chief Executive Officer or Vice-Chair of Directors as appropriate may appoint associate members.

8 RIGHT TO BE ACCOMPANIED

- 8.1 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 and/or an accredited trade union representative of a union recognised by the Trust.

- 8.2 An employee must let the relevant Manager know who their companion will be at least two working days before the relevant meeting.
- 8.3 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 8.1.
- 8.4 Your companion can address the meeting in order to:
- 8.4.1 put forward the employee's case
 - 8.4.2 sum up the employee's case
 - 8.4.3 respond on the employee's behalf to any view expressed at the meeting.
- 8.5 The companion can also confer with the employee during the meeting.
- 8.6 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.
- 8.7 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 days from the date set by the Trust to a date or time agreed with the companion provided that it is reasonable.

9 CONFIDENTIALITY AND TRANSPARENCY

- 9.1 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.
- 9.2 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 of the fact of the disciplinary process or of the disciplinary action which has been taken as a result of the grievance.
- 9.3 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).
- 9.4 At the conclusion of the grievance and after any related disciplinary or other processes have been completed, a report will be presented to the non-staff Directors at a full meeting of Trust as a confidential item.

10 TIMING OF MEETINGS

- 10.1 Meetings under this procedure may:
- 10.1.1 need to be held when the employee is timetabled to teach;
 - 10.1.2 exceptionally be held during planning preparation and administration (PPA) time if this does not impact on lesson preparation provided that the appropriate PPA time is given back to the affected employee;
 - 10.1.3 be held after the end of the school day;
 - 10.1.4 not be held on days on which an employee would not ordinarily work.

- 10.2 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 by the Trust to do so in the relevant circumstances.

11 VENUE FOR MEETINGS

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

12 INDEPENDENT MEDIATION

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

13 FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in dismissal for gross misconduct.

14 PUBLIC INTEREST DISCLOSURES/WHISTLEBLOWING

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.