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# Grievance Policy

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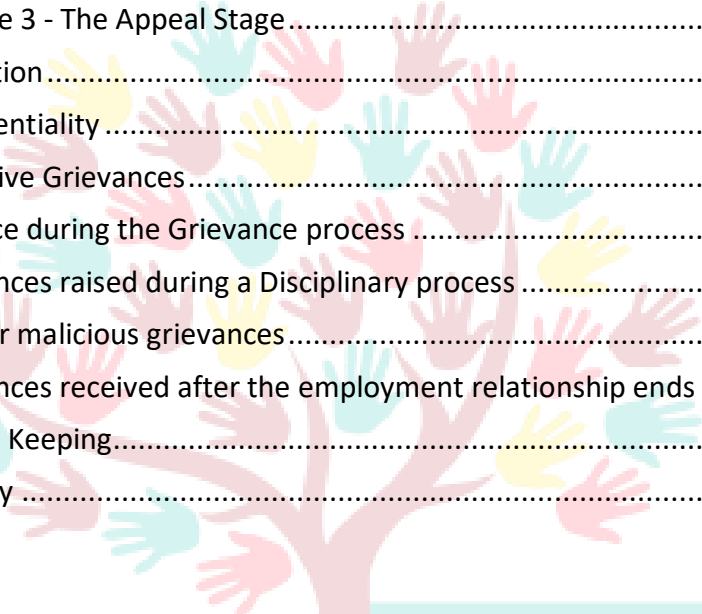
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## Introduction

This procedure provides for individual employees to raise significant and specific concerns about their employment or treatment at work. It is the policy of the Learning for Life Trust that all grievances raised by employees are dealt with in a fair and effective manner and at the appropriate level bearing in mind the nature of the complaint.

All employees with grievances are encouraged to resolve them informally where possible. However, where an employee chooses to raise their concern(s) as a grievance it will be considered as such. In particular, any form of harassment, discrimination, bullying or victimisation is unacceptable.

This policy has been provided to explain the process which will be followed by the organisation when dealing with employee grievances.

## Scope

The policy applies to all employees of the organisation. All employees will be made aware of the existence of this policy and will have access to a copy.

The grievance policy cannot be used to challenge formal outcomes of other policies which include an appeal stage, e.g. the Absence, Capability, Disciplinary or Pay policies etc.

**Grievances raised about a parent, client or other individual who does not work for the Academy/Trust should be dealt with in the same way under this procedure.**

It is not anticipated that it should be necessary to use this procedure for day to day issues of relationships, working arrangements, etc, which can be dealt with through normal supervisory channels.

Unless there are exceptional circumstances the grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time limit may not be considered.

Wherever possible a grievance should be dealt with before an employee leaves employment. There is no automatic right to a meeting in respect of a grievance by a person who raised a grievance as an ex-employee and any response to that grievance may be in writing only – and ideally within 28 days. Criticism raised as part of an exit-interview or similar process will not be considered as a grievance for the purpose of this policy.

Throughout this policy, any reference to 5 working days relates to five working days of term-time only.

## Stages of the Grievance Policy

There will generally be 3 opportunities to resolve the employee's concern(s):-

- Informal Stage - Supervisor/ Manager
- Formal Stage (Grievance Hearing) - Headteacher
- Appeal Stage - Governor/s

The grievance will be managed by an appropriate manager or Academy leader at each stage. If the grievance relates to the Headteacher/Executive Staff, Governors/Trustees will consider the grievance. If a grievance is raised by a Headteacher of a member of the Executive Team, it will be considered by Governors/Trustees.

## Stage 1 - The Informal Stage

It is recognised that from time to time employees may have concerns related to their work and it is expected that most grievances can be resolved informally, through discussion, with assistance from line managers. An employee who has a concern regarding any aspect of their employment which is not covered by a separate policy is therefore encouraged to speak to their line manager; or the next level of manager if their line manager is the subject of the grievance, in confidence as soon as possible with the aim of resolving the issue informally. If the grievance is against the Headteacher the employee should speak to the Chair of Governors.

The Supervisor/Manager is responsible for keeping a written and dated record of the concerns raised by the employee, the main points discussed, and the outcomes and resolution made in response to the concerns. Any evidence collected as part of an investigation will also be held.

Whilst this is not a formal stage of the grievance procedure, if both parties are in agreement that the attendance of a trade union representative would be useful to provide support to the employee this can be permitted.

Similarly, a member of the Trust's executive team might be able to support the process, therefore can attend.

## Stage 2 - The Formal Stage

If the grievance has not been resolved at the informal stage, then the employee should put their grievance in writing and send it to their manager or the next level of manager if their manager is the subject of the grievance. If the grievance is against the Headteacher the grievance should be sent to the Chair of Governors. If the grievance is against a member of the Trust's executive body, the grievance should be sent to the chair of Trustees. This should be done without delay. The written notification of the formal grievance should include full details of the grievance, what action has been taken previously taken to try to resolve the issue, why they are dissatisfied with resolution at the informal stage, together with details of the outcome(s) sought. Where possible supporting documents should also be included.

The organisation expects that all formal grievances will be lodged within three months of the date of the issue which is the subject of the grievance, in all but exceptional circumstances, and reserves the right to refuse any grievance lodged outside this time frame.

On receipt of a formal grievance, the following steps will then be taken:-

- i. The grievance will be acknowledged in writing within 5 working days.
- ii. A meeting will be arranged between the employee and the manager who received the grievance as soon as possible thereafter to discuss the grievance. At this meeting the employee may be accompanied by a single companion who is either a work place colleague, not involved in the grievance, or their Trade Union representative. If the employee wishes to have a companion present it is their responsibility to arrange this. Where the trade union official is unable to attend on the date arranged, then the manager will re-arrange the meeting to take place within 5 working days of the original meeting date. The manager may be supported or advised by a HR representative and a note-taker may also be present.
- iii. If further investigations are required, the manager will ensure that a reasonable investigation is carried out as quickly as possible and the grievance meeting may be adjourned to allow this to happen. The investigation may be carried out by the manager who received the grievance or they may commission an independent Investigating Official to look into the grievance as appropriate.
- iv. Within 10 working days of the meeting taking place, the manager will consider the grievance and write to the employee giving a formal response as to whether the grievance is upheld, not upheld,

or notifying the employee when they will respond if further time for investigation is necessary. In any event the manager will respond as soon as practicable. In cases where a grievance is upheld it is important to note that although the employee raising the grievance will be entitled to know that action has been taken, they will not be entitled to know what action may be taken against another employee as this is confidential to the individual(s) concerned.

- v. If the grievance is not upheld the employee will have and be notified of their right of appeal to an impartial Appeal Manager / Panel which will be explained in the outcome letter.

At the grievance meeting, the employee should be invited to talk through the grievance and how they would like it to be resolved. The manager will keep a record of the meeting, verify information presented by the employee and undertake any investigation. Following the meeting, the manager should provide a copy of the written record to the employee (which may be enclosed with the outcome letter).

### Stage 3 - The Appeal Stage

Appeals must be received within 5 working days of the date of receipt of the grievance outcome letter, they should be in writing, addressed to the person named in the outcome letter, they must include a clear reason for the appeal and details of the remedy sought.

Appeals will normally be heard at Local Governing Body level; however, there may be occasions where it is appropriate for the Headteacher or members of the Trust Board to hear an appeal. This may be in situations where the Headteacher or the Trust Board have had no previous involvement with the case.

Appeals will be arranged within 10 working days of the date of receipt of the appeal and will be heard as soon as possible thereafter. The purpose of the Appeal Hearing will be to hear the employee's grounds for appeal and the management case (normally presented by the manager who made the decision at the grievance hearing). Appeal Hearings will not generally constitute a full rehearing of the original grievance; they will focus on the grounds for appeal

Arrangements for hearing the appeal will be confirmed in writing to the employee by giving at least 5 working days' notice ahead of the date for the Appeal Hearing. The employee may be accompanied by a single work place colleague, not involved in the issue, or by their trade union representative. If the employee wishes to have a companion present it is their responsibility to arrange this. The Appeal Manager / Panel and the Presenting Officer may each be accompanied by a HR Adviser if required and a note-taker may also be present.

After hearing the appeal, the Appeal Manager / Panel will decide whether to reject or uphold the appeal. The decision may be delivered verbally by the Appeal Manager / Chair of the Panel if appropriate but will always be confirmed to the employee in writing, ideally within five working days of the appeal hearing taking place.

Once an appeal has been heard there is no further right of appeal and the matter will be considered closed.

### Mediation

The primary purpose of the grievance policy is to ensure that all grievances are resolved in a timely manner. The organisation encourages the use of mediation to resolve grievances where appropriate. It should be noted however that the mediation process is a voluntary, confidential process and that there is no obligation on those involved in the dispute to take part although it is hoped that employees will recognise the benefits of mediation if appropriate.

Mediation may be requested by any party involved in the grievance at any time and if all parties agree the grievance process will be suspended pending the outcome of the mediation. If mediation is successful, the grievance will be considered resolved. If mediation is not successful, the grievance process will resume at the point where it was suspended.

## Confidentiality

All grievances will be dealt with in a confidential manner and information must only be shared with those who have a genuine need to receive the information. Any breaches of confidentiality may be dealt with as a disciplinary matter.

## Collective Grievances

Where two or more employees have a joint grievance, or one which is similar in nature, then this may be dealt with as a collective grievance if all parties agree. In a collective grievance situation, a spokesperson or representative should be elected to deal with the matter; raise issues, attend any required meetings and communicate matters on behalf of all affected employees. All parties to the collective grievance will be copied into any correspondence regarding the grievance.

In addition, the Academy may decide to obtain further information through a nominated trade union representative.

## Absence during the Grievance process

If the employee becomes unwell at any stage of the grievance process, then the absence will be managed in accordance with the adopted absence management policy. Action taken will depend on the specific circumstances of the case and may include a medical referral being made to establish the employee's fitness to attend meetings or to participate in the process as although the employee may not be well enough to attend work they may be well enough to attend meetings in connection with their grievance. It is usually in the interests of all involved that any grievances are resolved in a timely manner (particularly if the grievance is impacting on health). If the employee is not well enough to actively participate in meetings in connection with their grievance, then the process may be temporarily suspended whilst a medical referral is made and the employee will be consulted with in reaching this decision. The grievance process may be resumed once the medical evidence has been considered. In cases where this may result in an unreasonable delay, the Academy reserves the right to seek alternative options to resolving the grievance e.g. the employee's representative acting on their behalf or matters being dealt with by way of correspondence.

## Grievances raised during a Disciplinary process

If an employee raises a grievance during a disciplinary process, consideration will be given as to whether or not the grievance issues should be dealt with separately under the grievance procedure or whether they should form part of the disciplinary process.

It should be noted that the lodging of a grievance will only in exceptional circumstances lead to pausing or suspension of the disciplinary proceedings until such time as the grievance has been resolved. In most circumstances it is more likely to be appropriate that the disciplinary process continues, although a different manager may manage the disciplinary process until the grievance is resolved. It would be more appropriate to deal with both issues at the same time particularly if the cases are related.

## False or malicious grievances

The organisation encourages employees with grievances to raise them as outlined within this policy and will ensure that the employee suffers no detriment as a result of raising a grievance. However, if a grievance is found to have been raised falsely, maliciously or in bad faith then the employee raising such a grievance is likely to face action under the organisation's Disciplinary policy.

## Grievances received after the employment relationship ends

Wherever possible a grievance should be dealt with before an employee leaves employment. There is no automatic right to a meeting in respect of a grievance by a person who raised a grievance as an ex-employee and any response to that grievance may be in writing only – and ideally given to the employee within 28 days of them raising it.

If a grievance is received within 3 months of an employee leaving the organisation it is at the Academy's discretion to investigate the grievance. In the event that the Academy considers it appropriate to investigate the grievance, the grievance will be dealt with using a shortened procedure. This will require the former employee to set out their grievance in writing together with details of the remedy sought. The organisation will look into the grievance as appropriate and provide a response in writing within 28 days. There is no right of appeal against the response to a grievance received post-employment. If a grievance is received later than 3 months from the employee's leaving date, then the organisation reserves the right to reject the grievance.

## Record Keeping

Managers will retain a confidential written record of all grievances, the nature of the grievances, the process followed, decisions and outcomes.

## Equality

In line with our Equality objectives, reasonable adjustment may be needed for a worker with a disability (and possibly for their companion if they are disabled) e.g. the provision of a support worker or advocate with knowledge of the disability and its effects.

Managers/Headteachers should consider providing more flexibility in arranging the date and venue of a meeting or appeal, rearranging dates due to ill health and providing an interpreter for these employees if required.

Managers/Headteachers should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a grievance.



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