



Grievance Policy and Procedure

Policy lead:	Director of Human Resources
Last review date:	31 July 2022
Next review date:	31 July 2023
Approval needed by:	Finance and Staffing Committee

History of most recent policy changes

Date	Page / Section	Change	Origin of change e.g. Legislation, TU request
01 December 2020	Whole document	Change to The Learning Alliance	Merger into new organisation

This policy applies to The Learning Alliance Trust employees only, does not form part of an employee's terms and conditions of employment and is not intended to have contractual effect. However, it does set out current practice and policy and employees are strongly advised to familiarise themselves with its content.

A grievance is a complaint by an employee about action which their employer (or representative) has taken or is contemplating taking in relation to them. For example, a grievance may relate to health and safety, relationships at work, new working practices and organisational change. There are instances where the application of the Grievance Procedure is not appropriate; these exclusions are outlined later.

Purposes

- Ensure that grievances are dealt with efficiently and within reasonable timescales.
- To be clear and unambiguous and clearly define roles and responsibilities.
- Confirm proceedings and the confidentiality of witness statements and records
- To incorporate the rights of the employee and the employer.

Processes

The individual academy encourages all employees to settle complaints either informally or by informal or formal mediation. Mediation is voluntary and will only take place with the agreement of both parties. Where mediation is agreed, the formal procedure will be adjourned whilst mediation takes place. In the event that no mutually accepted solution is reached through mediation, the procedure will be reconvened at the point of adjournment. Ideally, mediation will be completed within 20 days of a grievance being submitted.

Where an employee has a complaint or concern, he or she should follow the procedure set out below:

- a) The employee should informally raise the matter with his or her line manager (or an appropriate member of SLT if the grievance is against the line manager). Any complaint or concern about the SLT should be raised with the Headteacher. Concerns or complaints about the Headteacher should be raised with the Chief Executive Officer. Where a member of staff has a grievance with the Governors or Trustees which does not involve any other member of staff, a direct approach shall be made to the chief Executive who will liaise with the relevant sub-committee or panel of the Governing Body.

Formal Procedure: First Stage

- a) If the employee's complaint or concern cannot be settled informally, he or she should raise it formally as a grievance with the person defined in a), setting out the nature and basis for the grievance in writing and the outcome they are seeking. This will be acknowledged within 5 working days of receipt.
- b) The employee will then be invited to attend a grievance hearing with the Headteacher. During this hearing, the employee will be given an opportunity to explain fully the grounds and basis of the grievance. The employee may be accompanied by an appropriate work colleague, a trade union representative or trade union official from a recognised trade union.

- c) Following this hearing, the individual academy will undertake an investigation of the grievance and upon conclusion of same, will communicate the outcome in writing and without reasonable delay.

Formal Procedure: Appeal Stage

- a) If the employee is dissatisfied with the outcome of the grievance at that stage, he or she may appeal in writing to the Executive Principal, within 10 working days of the decision, setting out the grounds for the basis of the appeal.
- b) The individual academy will arrange a grievance appeal hearing during which the employee will have an opportunity to explain his or her grounds in detail and put forward any reasonable evidence. The employee will have the right to bring a work colleague, a trade union representative or trade union official from a recognised trade union.
- c) No decisions will be made during the appeal hearing itself as a further investigation may need to be carried out before reaching any decisions.
- d) The result of an appeal will be communicated in writing and without unreasonable delay. The appeal decision is the final stage of the Trust's grievance appeals procedure.

Employees should raise grievances within three months in order to ensure that they can be fully investigated and resolved satisfactorily. Any grievances which are not raised within 3 months of the event occurring, or final event where there is a sequence of events, will be considered out of time.

Defined instances where the Grievance Procedure may not be used.

- Where an employee is subject to **Disciplinary** or **Capability** procedures, any concerns must be made formally, in writing, and will then be appropriately dealt with as part of those procedures, i.e. through the appeals process within the Disciplinary or Capability procedures. Where appropriate, consideration may be given to the suspension of proceedings whilst such concerns are addressed. If an employee has a grievance about a matter unrelated to those procedures, this may be pursued simultaneously but arrangements under Disciplinary/Capability procedure will take precedence over those relating to a grievance.
- Where an employee makes a protected disclosure under the **Confidential Reporting Procedure**, unless the employee actually intends the making of the disclosure to constitute the raising of a grievance. In the latter circumstances, an employee can choose whether to raise a concern as a grievance OR as a protected disclosure
- If a teacher (including the Headteacher/Chief Executive) wishes to appeal against any decision of the Governing Body in relation to his/her pay or any other decision taken by it that affects his/her pay, s/he should invoke the appeals procedure detailed as part of the Trust's Pay Policy.
- Where claims of bullying and/or harassment are made, any concerns must be dealt with under the Dignity at Work policy.

ANNEX A – MODIFIED PROCEDURE

This procedure is to be followed in limited circumstances where the application of the full Grievance Procedure is not reasonably practical or where both the employee and the Headteacher agree in writing that the Modified Procedure will be applied.

Step 1: The employee must outline the nature of the alleged grievance, the evidence to support it, and the outcome which they are seeking in a written statement to the Headteacher (or the Chief Executive, where the aggrieved is the Headteacher).

Step 2: The Headteacher (or the Chief Executive, where the aggrieved is the Headteacher) must respond in writing within *28 working days* of receipt of the grievance.