

# Grievance Procedure

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## **Introduction**

- 1.1. The purpose of this policy is to promote and encourage a working environment where all PLT employees feel comfortable to raise their concerns without fear of reprisal and recrimination.
- 1.2. This policy ensures that all employees of PLT Academies with a grievance relating to their employment, can use a procedure which can help to resolve grievances as quickly and as fairly as possible.
- 1.3. On many occasions the issue will be resolved quickly and informally but when it is not possible a formal procedure is available.
- 1.4. This policy has been consulted on with recognised teacher and support staff unions.

## **2. Aims and Principles of the Policy**

- 2.1. This policy is designed to facilitate ACs, MAT Boards, CEO/Director of Performance and Standards, Headteachers and all staff to resolve individual grievances by working to the following principles:
  - Allow the employee to raise a grievance in good faith without suffering any detriment.
  - Advise that wherever possible, employees seek to resolve their differences informally in the first instance, without recourse to formal procedures.
  - Ensure that there is an informal resolution of grievances as near as possible to the point of origin, in an atmosphere of trust and confidentiality, in order to enable colleagues to resume productive and professional working relationships more easily in the future.
  - Ensure that formal grievances are investigated and resolved in a transparent, fair, consistent and systematic way.
- 2.2. For the purposes of the formal procedure, the term 'grievance' is defined as a complaint meeting the following stipulations:
  - The grievance must be specific to the individual employee.
  - A collective grievance should be used for complaints about collective matters, for example, pay, conditions of service issues, or where there are a number of individual grievances about the same issues.
  - The grievance must relate to the individual employee's employment. Where an employee wishes to complain about malpractice or any other serious matters as a protected disclosure they should use the PLT Whistleblowing procedure.
  - Allegations of bullying and/or harassment are a type of grievance and are also covered under this procedure.
  - The grievance should not be used for matters which are more than 3 months old (though this will not prevent you referring to matters more than 3 months old in relation to a grievance)
  - Resolution and redress must not be impracticable.
- 2.3. The policy may be used for grievances:
  - Between colleagues where there is no line management relationship;

- Between an employee and their manager(s) including not only the line manager, but the line manager's manager etc. an employee, including the Headteacher, and Local Governance.
- Between an employee and PLT
- The policy is not to be used for grievances about: (All of which are covered by separate policies)
  - Disciplinary action; PLT Disciplinary Policy
  - Termination of employment; PLT Probation / Disciplinary policy
  - National Insurance, Income Tax or pensions; PLT Pay Policy
  - Pay or performance management; PLT Pay Policy

#### 2.4. Written records

2.4.1. Written records of any grievance must be kept. These records should be treated as confidential and be kept no longer than necessary in accordance with the GDPR policy. Records should include:

- The nature of the grievance/original record of the grievance
- Decision and actions taken with reasons
- Whether an appeal was made
- The outcome of any appeal
- Subsequent developments

2.4.2. Records should be kept of all grievance meetings. Witnesses should be informed that their statements and meeting notes may be disclosed to all parties concerned. There may be special circumstances (for example to protect a witness) where the employer may withhold certain information. This must be agreed with PLT HR.

#### 2.5. Representation

2.5.1. At all formal stages of the procedure, either party has the right to be accompanied and/or represented by their trade union or by a work colleague.

2.5.2. Where a grievance is against an accredited trade union or professional association representative, no action shall be taken unless and until the matter has been discussed by the Headteacher (or a person acting on their behalf), with PLT HR and a full-time officer of that trade union or professional association.

#### General Principle

2.5.3. Time limits in the policy should be adhered to whenever possible. They may be altered to meet particular circumstances by agreement between the parties. There must be a balance between the principle of resolving a grievance promptly and that of ensuring sufficient time is taken to find a resolution that allows everyone to return to normal working as quickly as possible.

2.5.4. Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.

2.5.5. All parties involved in a grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect as well as maintaining confidentiality.

- 2.5.6. Employees who raise grievances maliciously i.e. where an employee raises a grievance on grounds which they knew to have been false with the intention of harming another person, may have disciplinary action taken out against them for raising such grievances.
- 2.5.7. Local Governance, Headteachers and managers must be aware that a written complaint that falls within the scope of a grievance procedure should be dealt with using the Trust policy.

### **3. Scope of the Policy**

- 3.1. The grievance policy is for current employees only. However, where an employee's letter of resignation indicates that their decision to leave relates to a perceived grievance, the Headteacher should seek advice from PLT HR.
- 3.2. If employees raise issues about matters not entirely within the control of the organisation, such as issues around behaviour of parents towards them. These should be treated in the same way as other grievances, and it should be made clear to third parties that issues will be dealt with seriously, and action taken, if necessary, to protect employees.
- 3.3. Collective Grievances
  - 3.3.1. If more than 1 person has the same grievance then the processes under collective grievances should be followed (Section 6)
- 3.4. Application of the policy to Headteachers
  - 3.4.1. The term employee includes Headteacher, to whom this policy applies in full.
  - 3.4.2. Where the Headteacher has a grievance, the matter should be raised formally with the Director of Performance and Standards who line manages all Headteachers, or in instances where the complaint is against the Director of Performance and Standards, the matter should be raised with the CEO.

Where the CEO has a grievance, the matter should be raised formally with the Chair of the Board of Trustees, or in instances where the complaint is against the Chair of the Board of Trustees, the matter should be raised with the Vice Chair.

### **4. The role of mediation**

Mediation can often help resolve grievances and is actively encouraged by the Trust.

Mediation is a voluntary process which aims to facilitate parties reaching resolution and agreement to a dispute. The Trust encourages staff to resolve issues informally and where appropriate.

Mediation may be instigated at any stage in the procedure.

## Process

Who has raised the grievance?	Who is the grievance against?	Grievance Officer at each stage		
		Informal grievance heard by	Formal grievance heard by	Appeal heard by
Employee	Concerns regarding their own employment	Line Manager / Headteacher	Line Manager / Headteacher	Headteacher / Director of Performance and Standards
	Colleague	Speak directly with colleague the grievance is against / Line Manager and / or Headteacher	Line Manager / Headteacher	Headteacher / Director of Performance and Standards
	Line Manager	Head of Department / Key Stage or Headteacher	Headteacher	Headteacher from another Trust academy / Trustee / Director of Performance and Standards
	Headteacher	Director of Performance and Standards	Director of Performance and Standards / Trustee	CEO / Chair of Academy Council
	Any member of the Central Team	CEO Line Manager/ Head of Service	CEO	CEO Chair of Academy Council
	CEO	Chair of Board / allocated Trustee	Chair of Board / allocated Trustee	Chair of Board / allocated Trustee

### 5. Stage 1 – Informal Stage

- 5.1. Many workplace problems can be solved at a local level and in an informal manner. Employees should feel encouraged to bring their concerns to their line manager or to the Headteacher.
- 5.2. All employees should raise a grievance informally first. Raising an informal grievance does not mean that it is not important, rather that an open honest dialogue may be an appropriate route to solve a concern before it escalates further.
- 5.3. The employee should initially raise the grievance with their line manager initially (unless the manager is the subject of the grievance in which case the employee should raise this with the appropriate senior manager). The employee should explain the nature of their concern(s) and what action they feel should be taken to enable a resolution to be met, and agree, were possible, any appropriate action necessary to resolve their grievance.
- 5.4. The normal expectation is that the employee and person who the complaint is against and / or their immediate manager would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues and the outcome sought by the employee with the aim of achieving a resolution or way forward informally that is acceptable to the employee.

Where the complaint is against an individual, it is expected that all parties should reasonably agree to a joint meeting as a means to seek a resolution to the complaint under stage 1.

- 5.5. In the circumstances of a grievance being raised informally against a Headteacher, the employee may, if they wish to, bring this to the attention of the Director of Performance and Standards or a member of staff senior to the Headteacher who will then arrange to resolve the matter informally.
- 5.6. Where an employee is aggrieved about any other matter relating to their employment, they should, in the first instance, discuss their concerns with their Headteacher or line manager. At this stage the meeting should be informal however any request from the employee for or trade union involvement will be considered.
- 5.7. Meetings under stage 1
  - 5.7.1. The line manager should seek to understand the employee's concern/s, what outcome the employee is seeking and whether any further meetings are required.
  - 5.7.2. More than one discussion may be necessary to achieve a resolution at stage 1. At the conclusion of the meeting/s, the employee and the line manager should agree what actions will be taken to achieve an acceptable outcome and by when.
  - 5.7.3. Resolutions at stage 1 may include:
    - Providing an apology where appropriate
    - Agreeing how future communication will take place
    - Agreeing future conduct which is acceptable to all parties
    - Agreeing alternative work patterns / practices for either or both parties
    - Exploring counselling or workplace mediation
    - Agreeing further training, coaching or mentoring
    - Mediation if relevant

It should be noted that any resolution should take into account Trust policies and procedures. Depending on the circumstances more than one discussion may be required to achieve a resolution.

At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these.

At the conclusion of stage 1 a written record may be made detailing the date of the meeting(s), concerns discussed and actions / outcomes agreed. A copy should be shared with all parties.

## **6. Stage 2 – Formal Stage**

- 6.1. Where it is not possible for the matter to be resolved under stage 1 to the employee's satisfaction, The grievance will be dealt with under stage 2.
- 6.2. The employee must prepare a written statement of the facts and nature of their concerns as well as any additional information to support their grievance. This must be submitted on the grievance form (Appendix 4) attached to this policy with the relevant documents.
- 6.3. The employee must give a copy of their written grievance to their line manager who will then appoint a Grievance Officer. This is usually the Headteacher or another member of the Leadership Team.

- 6.4. If the grievance relates to a matter that is outside the scope of the Headteacher (for example, a matter relating to PLT policy) then the grievance should be referred to PLT HR. This should be done confidentially and in consultation with the employee and their representative/colleague.

The Grievance Officer will acknowledge the grievance in writing within 5 working days and will arrange for a meeting to take place within 10 working days of the grievance being raised.

### **Next Steps**

- 6.5. A meeting with the employee raising the grievance must be arranged by the Grievance Officer as per the timescale above (i.e. within 10 working days of the formal grievance being raised). The employee may bring a trade union representative/colleague to the meeting. If the employee or their representative is unable to attend on the date given, a suitable alternative date should be agreed within 5 working days of the original date.
- 6.6. The Grievance Officer will lead the meeting and will ensure the employee has the opportunity to explain their concerns and say how they think the matter can be resolved.
- 6.7. If it is possible for the Grievance Officer to resolve the grievance at this meeting. They may also determine that a joint interview (with agreement) may be the best course of action. However, it is more likely that they will need to investigate the facts of the grievance further by completing an investigation. Advice can be sought from PLT HR on when a full investigation is appropriate.
- 6.8. The Grievance Officer will if required convene separate meetings with witnesses and will carry out any other investigation necessary. The investigation should be completed in a timely manner and in strict confidentiality. The timescale for conducting an investigation is as follows:
  - 6.8.1. The grievance officer contacts in writing, all those who they require to meet within 5 working days of being appointed to the case.
  - 6.8.2. Meetings should be arranged within 10 working days (in exceptional circumstances these timescales may be amended with the agreement of both parties – for example if a witness is on annual leave, or if there is a very large number of witnesses to meet.)
  - 6.8.3. The Grievance Officer will complete the investigation report and will discuss their findings with who they were appointed by.
- 6.9. to the employee.
- 6.10. Meetings will be reconvened with the parties involved and they will receive an outcome letter that must contain the following information:
  - Whether the grievance is upheld in full, or the grievance is rejected, or;

- The grievance is partially upheld – i.e. the Grievance Officer agrees with some of the employee’s concerns, but not others.
  - The reasons for the decision
  - Any recommendations or agreed actions for the parties to take regarding resolution of the grievance (although the employee does not have the right to know what action will be taken in relation to another employee).
  - The employee’s right to appeal the decision, and the timescales involved in so doing (within 5 days of receiving the outcome letter).
  - In addition to the above, the parties can be referred to mediation in agreement with PLT HR.
- 6.11. Notes must be taken at all meetings (a note taker may be arranged) and these must be shared and agreed with the subjects of the meetings afterwards.
- 6.12. If the grievance is upheld, this may be referred to the relevant policy e.g. disciplinary policy.

### **7. Stage 3 – Appeal**

- 7.1. If the employee is not satisfied with the outcome of the grievance investigation and meeting, they are entitled to appeal. This must be done in writing within 10 working days of the date of the outcome letter as above.
- 7.2. The employee must write to the Grievance Officer, explaining the reason/s for their appeal. This letter will be forwarded to the appropriate individual so that a hearing panel can be convened.
- 7.3. The Chair of the hearing panel will acknowledge the appeal request in writing within 5 working days of receiving the request and will arrange for a meeting to take place within a further 10 working days. This
- 7.4. The appeal will be heard by three governors. One of the governors will act as chair of the meeting. A note taker will be present to minute the meeting and HR support may also be present to advise the panel.
- 7.5. At the Appeal meeting, the Chair will seek to understand:
  - The employee’s reasons for raising an appeal and
  - Their original concerns (the subject of the grievance)
- 7.6. The panel will review the paperwork and will invite the Grievance Officer to the meeting to provide information.
- 7.7. Following an adjournment to consider all the information that they have heard, the appeal panel will make a decision. The rationale for the decision will be recorded in the notes and the chair will let the employee know the outcome of the appeal in person at the end of the meeting, and this decision will be confirmed in writing. If no decision is able to be made on the day, the chair will confirm with the employee the date by which they can expect a decision and they will then notify the employee of the outcome in writing.
- 7.8. With regard to this procedure, the decision of the Appeal panel is final.

### **8. Collective Grievances**

- 8.1. Where a grievance is raised by more than one employee and the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance.
- 8.2. A Trade Union representative can raise a collective grievance on behalf of employees.
- 8.3. The employees with the same grievance may elect a spokesperson from amongst their number to act collectively on their behalf.
- 8.4. The principles of this procedure will also apply to collective grievances.
- 8.5. Where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The Academy, in consultation with the Trade Union representatives, and with PLT HR, will determine the appropriate procedure to be followed in each case.
- 8.6. In all instances, the group of employees should formally lodge their grievance in writing by completing the formal grievance form Appendix 4 form should be submitted but must be signed by all employees.
- 8.7. The decision of the Local Governance Appeals Panel will be the final employer response to the grievance.
- 8.8. In instances where the exhaustion of this framework results in a failure to agree, the matter may be declared as being in dispute, and the procedures under section 9 followed. This extension does not apply to individual grievances.
- 8.9. Failure to Agree following Negotiation
  - 8.9.1. In exceptional circumstances, failure to resolve a collective grievance may be referred to ACAS for conciliation and possible arbitration. Involvement of ACAS is optional and must be subject to agreement from both the Academy and the Trade Unions. Trade Union representatives are advised to inform their National Executive Members/Regional Officers that it is their intention to seek either conciliation or arbitration. The Academy would need to inform PLT HR and the MAT Board that it is their intention to seek either conciliation or arbitration.
  - 8.9.2. In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance procedure being exhausted. If a dispute is declared, the matter may be referred for conciliation in accordance with section 9 below.

## **9. Collective Disputes**

- 9.1. We define a collective dispute as arising from a difference between the Local Governance and all, or at least a substantial number of, employees at the Academy. The Academy's own collective disputes procedure applies only to those matters which fall within the purview of the Local Governance. The Local Governance notes that unions representing teachers and support staff may advise their members on a collective dispute, even when their members do not form a substantial proportion of the total number of employees at the Academy.

- 9.2. The prime objective is to reduce the possibility of disputes arising between employees and the Local Governance.
- 9.3. When a dispute cannot be resolved within the context of the recommended consultative arrangements, the assistance of a third party conciliator can be sought, but the conciliator can be invited to make a determination only if the 2 sides to the dispute agree to such a course of action. There is no recourse to another stage in the process.

## **10. Overlapping procedures**

- 10.1. If an employee raises a grievance during the disciplinary process, the grievance procedure may be put on hold for a short time (normally no more than a week) to consider the implications of the grievance on the disciplinary.
- 10.2. If the grievance procedure is about a related matter, it may be possible to deal with both concurrently. Similarly, employees will be informed where another procedural policy applies, such as sickness or capability, as it may be possible to cover the elements of both procedures at a combined meeting. Employees can be accompanied by their trade union representatives or work colleagues to this meeting.

## **Appendix 1: Guidelines for Conducting the Investigation/Pre-investigation – Stage 2**

Invite the complainant to an interview first, ensuring they are:

- Offered the right to be accompanied
- Ensure that they are aware that they should bring along any documentary evidence that they may think is useful
- Asked to bring the name of any witnesses that they think should be seen and their relevance to their grievance.

Inform the person whom the grievance has been raised against and invite them to interview ensuring they are:

- Offered the right to be accompanied
- Ensure that they are aware that they can bring along any documents they feel may be useful.
- 

Asked to bring the name of any witnesses that they think should be seen and their relevance to their grievance.

### **During the meeting:**

- Remind attendees of confidentiality and that any information will be shared with either party and disclosed in the course of the investigation to relevant parties.
- Go over the process of the investigation and give them a copy of this policy.

### **Interviews with witnesses:**

- Explain to the witness why they have been called to clarify information, they are not themselves the subject of the grievance procedure.
- Explain to witnesses that their statements will be disclosed to all parties concerned (however, it is possible, in certain special circumstances – for example to protect a witness – that the employer might withhold some information.)

## **Appendix 2: Guidelines for Conducting a Grievance meeting**

- Hold the session away from interruptions and in private
- Allow the employee an opportunity to speak openly about their grievance and listen carefully to what they have to say.
- Endeavour to explore and understand what the grievance is about, including the feelings behind the facts.
- Ask open ended questions, including asking the employee what resolution they are looking for.
- Reflect back a summary of what you have understood the employee to say and check this is correct.
- Explore possible solutions
- These meetings can become heated and emotional. Stay calm and allow feelings to be expressed and to cool down. Once this has occurred you can begin to look for constructive solutions.
- Encourage the employee to suggest constructive solutions and suggest solutions yourself.
- Seek an adjournment if necessary
- Take time to make a decision, and if the grievance is being conducted by a line manager, consider if it needs to be escalated to the Headteacher.
- Accept that it may not be possible to satisfy everything the employee wants.

Following the meeting, write up the notes into a summary of key points and agreed actions and send this to the employee.

Check this document regularly to ensure actions are taking place.

### **Appendix 3: Conducting an Appeal Meeting**

A representative of PLT HR may be invited to attend by the committee to offer specialist advice to the panel.

1. Chair opens the meeting, makes introductions and explains the process of the meeting
2. The person raising the grievance (or their representative), presents their case, explaining their reason for appealing the decision of the original investigation.
3. The Investigating officer from Stage 1 and 2 may ask questions of the person who raised the grievance or their representative.
4. Members of the Appeal committee and the PLT HR representative may ask questions of the person who raised the grievance.
5. The Investigating officer responds to the person who raised the grievance's case.
6. The person who raised the grievance, or their representative may ask questions of the Investigating officer.
7. Members of the appeal committee and the PLT HR representative may ask questions of the Investigating officer
8. The Investigating officer sums up their case.
9. The person who raised the grievance sums up their case.
10. The Chair adjourns the meeting in order for the panel to discuss the case. The PLT HR representative remains to advise.

This procedure may be varied with the agreement of all parties.

## Appendix 4- Stage 2 – Employee’s Grievance Form

This form should be used to submit a grievance in accordance with Stage 2 of the formal grievance procedure.

Please complete all sections of this form and hand it to your Headteacher or line manager and/or Senior Manager. You should keep a copy.

If you have additional information that needs to be submitted then please ensure it is included with this form.

<b>Employee name:</b>	<b>Employee Job title:</b>
<b>School:</b>	<b>Date:</b>
<b>Who is your grievance/complaint about?</b>	
<b>Does your grievance or complaint of harassment or bullying relate to your line manager, if yes, please state the name of line manager.</b>	
<p><b>Summary of complaint:</b> Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required</p>	
<p><b>Individuals involved in the alleged incident/complaint –</b> Provide here the names and contact details of any people involved in your complaint, including witnesses.</p>	

**Informal action to resolve the issue:** State the nature of any informal action that has taken place to resolve your grievance/ complaint and why this did not work

**Outcome requested:** Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

**Trade Union:** Has your trade union or professional association representative been informed? Please include full details including contact information

**Declaration:**  
I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.

Form completed by:	
Signature	

## Appendix 5 - Employee's notification of Appeal form

This form may be used to submit a grievance in accordance with Stage 3 of the grievance procedure. Please complete all sections of this form and send it to the Grievance Officer. You should keep a copy.

<b>Employee name:</b>	<b>Employee Job title:</b>
<b>School:</b>	<b>Date:</b>
<b>Who is your grievance/complaint about?</b>	
<b>Does your grievance or complaint of harassment or bullying relate to your line manager, if yes, please state the name of line manager</b>	
<p><b>Summary of appeal:</b> Set out here the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been erroneous in those circumstances? You may attach additional sheets if required</p>	
<p><b>Individuals involved in the appeal</b> – Provide here the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.</p>	
<p><b>Outcome requested:</b> Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.</p>	

**Trade Union:** Has your trade union or professional association representative been informed?  
Please include full details including contact information

**Declaration:**

**I confirm that the above statements are true to the best of my knowledge, information and belief.**

**I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust.**

**(In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)**

Form completed by:	
Signature	

## Appendix 6: Flowchart of Grievance Process

