



Trinity Multi Academy Trust

<b>Policy:</b>	Grievance Policy
<b>Date or review:</b>	April 2017
<b>Date of next review:</b>	April 2020
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. The purpose of the grievance procedure is to aim to resolve any grievances at the earliest possible stage and set out a formal procedure to address complaints and issues, should an informal route not be successful or appropriate.
- 1.2. Staff grievances can arise from a variety of sources. They can arise amongst members of staff, about or from leaders and managers, or by or about the Principal. They can be of a relatively simple nature or of fundamental importance. This policy sets out the procedures to be followed in situations where an employee, including a Principal, has a grievance. This procedure is intended to:
  - give clear guidance to all concerned in grievance situations
  - enable grievances to be resolved as efficiently and quickly as possible
  - minimise the prospect of damage to working relationships
  - set out a formal procedure that can be followed where the informal approach is either inappropriate or has been tried and failed.
- 1.3. All staff should be aware of the policy and procedures, but should work towards informal resolution and support as much as possible.
- 1.4. Grievance procedures should be simple and rapid in their operation. However, procedures should also recognise that complex grievance matters can take some time to investigate thoroughly and make provision for the extension of stated time limits by mutual agreement.
- 1.5. Grievances may be about terms and conditions of employment, relationships at work or the behaviour of others at an academy towards them, working practices, health and safety, organisational change or equal opportunities. Some grievances are minor or straightforward while others may be difficult to resolve or concern fundamental issues related to statutory or contractual rights. The principle underlying this procedure is that grievances should be dealt with as close to their source and as informally as circumstances permit, and that the level of formality used in resolving the grievance should reflect the gravity of the issue.
- 1.6. At all stages in the procedures, all members of staff have the right to be accompanied by a representative of their professional association or another colleague. (This extends to those raising the grievance, and those about whom the grievance maybe about).
- 1.7. This procedure applies to all employees of the trust, whether teaching or support staff, including those employed temporarily in all academies and free schools in the trust. Where 'Principal' has been used, for employees in trust roles this would be the CEO, and the role of Governors would be fulfilled by Directors.

## **2. Links with other policies and legislation**

- 2.1. The trust has a Dignity at Work policy that maybe more appropriate for some situations and provides further advice and guidance.
- 2.2. The trust has a Whistleblowing policy which may be more appropriate in some circumstances.
- 2.3. This policy is underpinned by ACAS guidance and relevant employment legislation.
- 2.4. This policy does not apply to collective disputes which are normally dealt with through a collective disputes process.
- 2.5. The grievance procedure is entirely separate from the discipline, sickness absence and capability procedures. The rights of employees under the grievance procedure shall not be excluded by actions taken or proposed to be taken, under other procedures, for example, matters to be dealt with in line with discipline, capability or sickness absence procedures.
- 2.6. The following are, however, excluded from the application of the procedure:
  - appeal rights under the disciplinary, sickness absence or capability procedures
  - appeals related to a pension scheme
  - performance management and pay progression outcomes (these are covered in the Performance Management policy)
  - Income tax, National Insurance and similar matters, which are outside the scope of the employer.

### **3. Consultation**

- 3.1. This policy has been developed in consultation with recognised Trade Unions.
- 3.2. The policy was approved by the Board of Directors after consultation and agreement with the recognised Trade Unions.

### **4. Grievance process – general principles**

- 4.1. A grievance is an issue that gives rise to complaint against the decision, or action of, another member of staff, the Principal, individual Governor(s), or the Governing Body. A grievance can be raised verbally or in writing.
- 4.2. This procedure contains informal and formal stages. Employees and their representatives are urged to make every reasonable attempt to resolve a grievance informally before using the formal part of the procedure. Where the grievance is directed against a more senior member of staff who would normally hear the case, the matter may proceed to the next appropriate stage.
- 4.3. All documentation and discussions at meetings within the grievance procedure are to be treated as confidential.
- 4.4. At the informal stage of the procedure, each member of staff involved will be given a copy of the trust's procedure. An employee has the right to attend and be accompanied by a work colleague or representative of a trade union at any meeting convened under this procedure.
- 4.5. At any meeting convened under this procedure access to an adjournment should not be unreasonably refused.
- 4.6. With the exception of a grievance against the Principal or Governing Body itself, Governors are not usually involved by managers prior to the formal stage of a grievance.
- 4.7. Within all stages of the process an employee must consider what resolution or outcomes they are seeking through the grievance process.
- 4.8. If the complaint is set out in a resignation letter the general principles of grievance resolution must still be followed.
- 4.9. Advice on the policy can be sought by any employee, at any time, from the HR Manager, or other appropriate senior leader.
- 4.10. Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In these cases advice should be sought from HR.

### **5. Grievance process – informal stage**

- 5.1. If a member of staff has a grievance with a colleague, they should endeavour to resolve the matter by direct approach to that colleague, or arranging a meeting through their line manager or other appropriate senior colleague. If it is necessary in order to resolve the issue, those concerned should also discuss it with a senior leader or the Principal.
- 5.2. Where the grievance is against the Principal, member of senior leadership or their line manager, s/he should also first try to resolve the matter by a direct approach to that manager.
- 5.3. In order to try and resolve the grievance at the earliest possible stage it is appropriate for the employee to seek assistance from their line manager or other appropriate senior leaders, including the Principal. This is still considered to be within the informal stage.
- 5.4. Where a member of staff requests a personal interview concerning a potential grievance issue with his/her line manager or a senior leader, it should normally take place within 5 working days of the request being made. Extensions of the timescales can be made but should be by mutual agreement.
- 5.5. The line manager or senior leader should seek to resolve the problem in consultation with the other employee(s) concerned, unless there are exceptional circumstances. The line manager may wish to ask for advice from their SLG link. The Principal may also, by agreement with the employee raising the grievance, consult the Governing Body. If the other employee is the Principal, the member of staff should write to the Clerk to the Governors, initiating the informal stage of the procedure, and send a copy to the Principal.

- 5.6. If appropriate, and again by agreement of the parties involved, the Principal (or Chair of Governors where the Principal is the subject of the grievance) may arrange for mediation, with or without the use of an outside agency. Internal mediators could be any suitable colleague, but generally a senior or middle leader/manager. The mediator could be the Principal (or a representative of the Principal - if the dispute concerns two employees other than the Principal) or Chair of Governors if the dispute involves the Principal. Both parties must agree on the choice of mediator. For external mediation, arrangements should be made by the HR Manager.
- 5.7. During mediation each party has a right to be accompanied by a colleague or representative of his/her trade union. Any such meeting should normally take place within 5 working days of the initial grievance being raised.
- 5.8. Every attempt should be made by those involved to resolve a grievance at an early stage and through normal line management processes. Only when these have been unsuccessful should the formal process be followed. Most routine complaints and grievances should be resolved informally in discussion with the employee's line manager, or senior leader link. It is also in the best interests of everyone if grievances are dealt with as soon as possible and not allowed to become aggravated.
- 5.9. If the employee is dissatisfied with the outcome of the informal stage or regards the complaint as sufficiently serious he or she may proceed straight to the formal stage. However, if the employee raises unrelated grievances at a later stage in the procedure these must be referred back to the informal stage of the process.

## **6. Grievance process – formal stage**

- 6.1. At this stage the matter is so serious that informal resolution is not appropriate, or informal resolution has been unsuccessful. The employee is required to submit, in writing, their grievance to the Principal (or Chair of Governors if the Principal is the subject of the complaint).
- 6.2. This formal notice must set out the details of the grievance, what steps have been taken so far and what resolution is sought. It should be accompanied by any supporting documentation.
- 6.3. If, in this written notice, the member of staff requests a personal interview, then the Principal, or other senior leader appointed by the Principal to deal with the matter, must meet this request within 5 working days. If the grievance is with the Principal, then the Chair of Governors (or another designated Governor) should take the place of the Principal at this stage.
- 6.4. It is the responsibility of the Principal, or a senior leader, to seek to resolve the grievance in consultation with members of staff, Governors and/or professional associations. In any meetings with staff, they have the right to be accompanied. The employee should have reasonable notice of any meetings, usually 5 working days. An HR colleague may also be present at these meetings.
- 6.5. The meeting with the employee is to consider their written statement and the resolution that is being sought. It may be necessary to adjourn this meeting to seek further information or advice.
- 6.6. The Principal may choose to conduct further research and interviews, and has the right to delegate any investigation or research to another senior leader. Any information or documents from the previous informal stage may be used in this investigation to ensure that a full and impartial investigation is undertaken. The investigating officer is responsible for undertaking their investigation in a fair and reasonable manner.
- 6.7. The aggrieved member of staff must be provided with a written response within 10 working days of the submission of their formal written notice. This period may be extended by mutual agreement where, for example, part of the investigation process is dependent upon matters outside the control of either party. Such an extension should always be the exception rather than the rule. It is advisable to meet with the employee to communicate their decision, prior to responding in writing.
- 6.8. If the member of staff raising the grievance is dissatisfied with the response, the grievance remains unresolved or no response is given within a reasonable timeframe, then the member of staff is entitled to appeal. Should the grievance not be upheld the employee is able to request all the investigation notes from the investigating officer prior to submitting their appeal.

## **7. Appeal stage**

- 7.1. Where a member of staff feels that their grievance has not been satisfactorily resolved they are able to appeal. An appeal must be submitted in writing, within 10 days of receiving a written response to their formal grievance.
- 7.2. An appeal will be considered by a panel of three representatives of the trust, none of whom have been involved in the issue previously. The trust may use Governors or Directors from across the trust to form an appeal panel. This is in the interests of impartiality.
- 7.3. A grievance appeal meeting will usually be convened within 20 working days of receiving an appeal. The HR team will make the arrangements for an appeal hearing.
- 7.4. All parties are able to make submissions prior to the meeting for consideration by the panel.
- 7.5. The procedure for the meeting itself will involve the employee (or their representative) presenting their grievance. The panel then have the opportunity to question the employee.
- 7.6. The employer representative, usually the Principal and/or the senior leader who dealt with the matter at the formal stage, will be asked to attend the meeting, to be questioned by the panel.
- 7.7. Either party is able to call any witnesses to give evidence or be questioned.
- 7.8. The panel will make a decision and communicate this in writing, within 5 days of the meeting. Ideally the decision should be communicated verbally as soon as possible.
- 7.9. This is the final stage of the internal grievance procedure.

## **8. Roles and responsibilities**

### **8.1. The role of the CEO/Principal**

- The role of CEO is to ensure that this policy is applied fairly and consistently across the trust
- The CEO will ensure that this policy is available to the Board of Directors to review and LGBs to monitor
- The role of Principal is to ensure that this policy is applied fairly and consistently across their academy
- The Principal will delegate roles appropriately to senior leaders, ensuring that training is provided for all those who have responsibility for handling grievance matters.

### **8.2. The role of the Board of Directors and Governors**

- The Board of Directors and Governors will ensure that employees are aware of the grievance policy and procedures and make them readily available
- Familiarise themselves with the procedures, so that employees are confident that grievances will be heard in a fair and orderly manner
- Apply the relevant stages of the procedure and comply with the statutory requirements
- Ensure that full and accurate records are kept of all investigations and hearings, where necessary
- Appoint a governor to deal with cases where the grievance is against the Principal
- Convene an appeals committee in cases to hear appeals at the appeal stage. This will not include a governor who has had prior involvement in a particular case.

### **8.3. The role of the employee/other staff**

- The HR Manager is responsible for providing advice and guidance within this policy and employment (or other) case law. The HR Director will also ensure that full and accurate records are kept of all investigations and formal meetings, and they can be made available, when necessary
- All staff have a responsibility to meet the requirements of this policy, and seek to resolve grievances at the earliest possible stage.