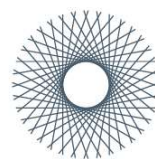


Grievance policy



AGORA
LEARNING
PARTNERSHIP

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1. Introduction

The Trust recognises that from time-to-time employees may wish to seek redress for concerns relating to their employment. The aim of this policy is to achieve fair and equitable treatment of all employees and to support the resolution of grievances in the workplace.

It is the Trust's belief that most grievances can be resolved informally and the Trust advocates the use of informal dispute resolution. Employees are encouraged to speak with other members of staff informally to attempt to first resolve matters without management intervention or informal dispute resolution. It is however recognised, that where informal resolution is not possible that the formal procedure set out in this policy may need to be adopted.

This policy and procedure applies to all employees of the Trust, it does not form part of any employees' contract of employment and it may be amended at any time.

2. Scope

This policy is applicable to concerns relating to employment, such as the contract of employment, a working relationship, an employee's own work, health and safety in the workplace and the application of policies (please note this list is not exhaustive).

An employee will be unable to raise a grievance concerning issues that are more than three months old, unless there are exceptional circumstances and, in the eventuality that there are claimed extenuating circumstances, the Trust will exercise its discretion as to whether a grievance is or is not heard.

The policy may not be used for concerns relating to the items below, as these matters are covered in other Trust policies:

- Disciplinary action
- Termination of employment
- Pay (including NI, tax and pension)
- Performance capability and appraisals
- Harassment and/or bullying
- Whistleblowing (unless the employee is directly affected by the matter in question or where the employee feels they may have been victimised for an act of whistleblowing)

In addition, an employee will be unable to raise a grievance:

- on grounds that have been cited or heard in an earlier grievance, under any other Trust policy
- to lodge a complaint about the outcome of any other formal procedure which has its own appeal process

Former employees are not able to submit a grievance. The Trust reserves the right to deal with such complaints as it deems appropriate. This policy does not apply to complaints submitted by former employees. We reserve the right to deal with such complaints as it is deemed appropriate.

3. What a grievance is and is not

A grievance is a legitimately held concern, problem or complaint that an employee raises with their employer with a view to resolving the issue.

A grievance should be raised with the aim of achieving an appropriate outcome and resolution to the concern, such as the restoration of a working relationship or the understanding of differences of opinion and agreement to work amicably-

A grievance should not be used as a punitive measure by either the employee raising it or the employer.

The outcome of a grievance and what resolution looks like will depend on the specifics of the case, and in some circumstances may result in other formal procedures being enacted, such as the disciplinary procedure.

A grievance being raised does not mean that the employer or named subjects of the grievance will automatically be held accountable for any allegations made. An investigation may or may not need to take place, depending on the nature of the grievance raised, to determine where there may be substance to any claims made. Where an investigation is required, this will be completed by an appropriate member of the school's or Trust's staff or an appropriate external third party and will be undertaken without unreasonable delay.

4. Overlapping disciplinary and grievance issues

If an employee raises a grievance whilst they are subject to disciplinary and/or capability proceedings, it will not prevent the school/Trust from continuing with or concluding these processes, other than in exceptional circumstances, and this will be at the school's/Trust's discretion.

5. Collective grievances

Where a group of employees raise a grievance regarding the same subject matter, this may be regarded and heard as a collective grievance at the Trust's discretion.

6. Vexatious, malicious and frivolous grievances

A frivolous grievance will be regarded as such if the school/Trust has reasonable grounds to believe it is unfounded, whether this is intentional or unintentional.

The school/Trust will not consider any malicious or vexatious grievances, or any repeat complaints, including frivolous complaints which have already been responded to, and any evidence of malicious or vexatious grievances, or repeat frivolous grievances, may result in formal disciplinary proceedings.

7. Raising a grievance

Employees are encouraged to first raise concerns informally and without unreasonable delay, to an appropriate person who is not the subject of their grievance.

The school/Trust will accept verbal and/or written grievances. However, if the grievance proceeds to the formal stage, this must be provided by the employee in writing and the school/Trust will request this if it was first raised verbally (see Appendix 1 – notification of grievance form).

It is a requirement of the Trust that all formal grievances are in writing and in the circumstances where an employee refuses to comply, the grievance procedure may not proceed.

When submitting a grievance, the employee should give as much detail as possible, including the outcome they are seeking.

If the employee is asking for the grievance to be heard formally, they should evidence that the informal stage has not led to a satisfactory resolution of the concern. The employee should endeavour to submit evidence that the informal stage has been undertaken and where this has not happened the aggrieved party should explain clearly why they do not feel able to go through the informal stage.

7.1 Raising a grievance against a line manager/another member of staff

If an employee needs to raise a concern about their line manager, they should speak to another appropriate senior person.

If an employee has a grievance that involves another member(s) of staff, they should speak to their line manager.

8. Dispute resolution at the informal stage

The informal stage of a grievance complaint would normally be handled by an appropriate Senior Manager, except where the complaint is against the headteacher/CEO, in which case the Chair of the Governing Board/Trustee/CEO, would appoint an appropriate person.

Upon receipt of a grievance, the Trust's preference is that the complaint is resolved through informal dispute resolution without going through a formal investigation. If the Trust is unsure whether the informal process is appropriate, we will seek HR advice from the HR Manager.

For an informal dispute, the following steps will be carried out:

- Invite the aggrieved employee to a meeting. There is no statutory right to be accompanied at an informal stage however, you may choose to extend the opportunity to be accompanied by a trade union/professional association representative, provided this does not cause unnecessary delays.
- Ensure all parties understand that the meeting is informal.
- Listen to the complaint but make clear that your role will be to seek conciliation and resolution and not to make any findings of fact or judgement in respect of the matter.
- Ask what resolution the employee can suggest and discuss any suggestions with the complainant for their consideration.
- Arrange to meet with the other party to the complaint, if relevant, and explain that from the perspective of the complainant there is a problem and that their help has been sought to seek resolution/conciliation. Mediation may be discussed as a possible method of resolution.
- Arrange to meet with the other party to the complaint, if relevant, and explain that from the perspective of the complainant there is a problem and that their help has been sought to seek resolution/conciliation. Mediation may be discussed as a possible method of resolution.
- Provide an overview of the complaint but make clear that you will not be making any findings of fact or judgement based on their version of events.
- If the matter can be resolved in a manner acceptable to both parties, for example an apology, minor changes of working arrangements or moderation of certain behaviours, then facilitate a meeting between the parties to implement the resolution.
- Make a note of the agreed outcome and retain on each employee's personnel file.

The benefit of informal dispute resolution is that it provides the school/Trust and involved parties with the opportunity to resolve matters as early and constructively as possible.

The school/Trust will convey the outcome of the grievance to the employee who raised it. There is no right to appeal at the informal stage, however if the employee feels that the concern has not been satisfactorily resolved through informal interventions, they can request it is heard formally. Employees are asked to seek to understand the outcome of informal conclusions before requesting the matter is heard formally.

9. Formal grievance procedure

The formal procedure will be followed upon receipt of a formal grievance request where a concern is of a more serious nature to warrant immediate formal action or where attempts at informal resolution have been unsuccessful.

In the case where a request is made for the grievance to be heard formally straight away, the school/Trust may consult with the employee to understand whether following the formal procedure is required immediately or whether informal dispute resolution could be adopted first.

9.1 Roles and responsibilities

There is no requirement for the school/Trust to prescribe specific roles in a grievance procedure, the Trust will therefore appoint appropriate persons to address the grievance. Broad guidelines are below:

9.2 The grievance manager

An appropriate person, provided they are not the subject of the grievance, will oversee the procedure and decide the outcome. The appropriate person will be assigned by the headteacher or Chair of the Academy Governing Board.

9.3 Chair of Governing Board/ Trustees/CEO

Where the Headteacher is the subject of the grievance, the Chair of the Governing Board/Trustees/CEO will assign an appropriate manager to oversee the grievance process. Where the CEO is the subject of the grievance, the Chair of the Board of Trustees will assign an appropriate person to oversee the grievance process.

9.4 Right to be accompanied

The employee has the right to be accompanied at a formal grievance meeting by a trade union representative or appropriate work colleague.

The employee should provide the name of the representative within three working days of a meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the employee may request the meeting is rescheduled for an alternate date within 5 working days of the original date. If the employee is unable to attend a meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the school/Trust. If the representative remains unavailable, the employee may be asked to choose another representative.

There is no right to be accompanied at informal meetings or during the informal dispute resolution. This will only be permitted where it is deemed to be in the interests of an early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.

9.5 Formal grievance meeting

The grievance manager will arrange a meeting as soon as practicably possible and without unreasonable delay to discuss the grievance with the employee, normally within five working days of the grievance being received, however it is recognised that this is not always possible. Meetings would normally be held during the employee's normal working hours, unless agreed otherwise.

The purpose of the grievance meeting is for the employee to explain their grievance and how they feel it may be resolved and to give the employee the opportunity to state their case before any decisions are made.

Should facts need to be gathered into the concern raised, the meeting will be adjourned to enable an investigation to take place.

9.6 Investigation

The person managing the grievance will take all necessary steps to investigate appropriately, if required.

The timing and nature of any investigation will differ dependent on the content of the grievance. It is at the discretion of the grievance manager to decide what is appropriate in each case.

It is possible that the grievance manager investigating the concern will need to give the aggrieved employee, or other employees, the opportunity to respond to any information or facts ascertained from the investigation. This will be judged on a case-by-case basis by the grievance manager.

9.7 Outcome

Once the formal grievance meeting has been held a decision will be reached as soon as reasonably practicable. An outcome of the grievance will be put in writing to the employee within seven calendar days or as soon as reasonably practical.

- further investigation is required
- uphold the grievance in full
- uphold the grievance in part and reject other parts
- do not uphold the grievance

If the grievance is upheld in full or in part, you should identify action that you will take to resolve the issue.

9.8 Appeal

The employee has the right to appeal against the outcome of the formal grievance. To exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 calendar days from receipt of the letter.

Where possible, the appeal will be heard by an appropriate person or panel of individuals, with no prior involvement in the case.

At the discretion of the school/Trust, the appeal will be a rehearing or a review of the original decision. The decision of the appeal hearing will be final. It will be confirmed to the employee in writing within seven calendar days or as soon as reasonably practical.

9.8.1 *Re-Hearing*

A re-hearing is a re-run of the original hearing where a new panel hears the matter again and comes to their own outcome. The employee will be able to put forward their points and all original documentation should be reconsidered, apart from the original outcome and minutes of the original hearing.

9.8.2 *Review*

A review may be appropriate where the original decision is reviewed in line with the employees' specific grounds of appeal. A review is not an opportunity to rehear the grievance and evidence is not heard again at the hearing. The manager/panel will need to re-read documentation relevant to the grounds of appeal.

9.8.3 *New Evidence*

New evidence will only be considered if relevant and there is sufficient reason why it was not presented earlier.

If this is provided shortly before, or at an appeal meeting, an adjournment may be necessary to consider the new information. If further investigation is required and has led to additional documents and/or witness statements being produced, the other party must be given a reasonable opportunity to consider/respond and if necessary, submit rebuttal evidence.

10. Mediation

The Trust recognises that, in certain circumstances, it may be appropriate to explore the use of mediation. This can be as an outcome of both informal and formal procedures.

Mediation is a tool used by an independent third-party to aid two or more parties in the resolution of a dispute and is voluntary.

Appendix 1

Employee's notification of grievance

This form should be used to submit a grievance in accordance with the formal grievance procedure, adopted by the Trust.

You should complete the form and hand it to your line manager (or more senior member of staff if your line manager is the subject of your grievance, CEO if the Headteacher is the subject of your grievance or Chair of the Board of Trustees if the CEO is the subject of your grievance). You are advised to keep a copy.

Name:	School:
Post Held:	Key stage:
Describe briefly: a) The nature of your grievance (this should include a full description of the nature of your complaint including any relevant facts, dates and names of individuals involved) b) On what date did you first raise your grievance, and with whom? c) What action has been taken on your grievance at the informal stage? d) What outcomes are you seeking? <i>(Please detail actions you would like taken to resolve the situation)</i>	

e) Are you open to exploring a resolution through mediation?

Signed:

Dated: