



# The Three Rivers

Learning Trust

<b>Name of Policy</b>	<b>Grievance</b>
<b>Policy Number</b>	<b>H8</b>
<b>The Three Rivers Learning Trust</b>	
<b>Named Person(s)</b>	<b>AVEC</b>
<b>Review Committee</b>	<b>Full Board</b>
<b>Last review date</b>	Spring 2019
<b>Next review date</b>	Spring 2022

<b>Purpose</b>	framework for employees to raise concerns, problems or complaints regarding their employment
<b>Key Changes</b>	Update to one point in Appeal's section (highlighted)
<b>Sources</b>	AVEC, School Bus, Muckles and existing policy
<b>Statutory/Non-Statutory</b>	Statutory

## Scope

This procedure is recommended for adoption by the Board of trustees at The Three Rivers Learning Trust.

This procedure applies to all employees at the Trust who are directly managed by the board of trustees. This includes situations where the grievance concerns a

third party, such as a contractor or service user. Any staff who are not managed directly by the board of trustees, such as contractors, should raise their grievance under their own employer's grievance procedure.

Separate policies and procedures are available to deal with specific complaints of harassment and bullying (known as 'Dignity at Work') and protected disclosures in the public interest (known as 'Whistleblowing').

## **Purpose**

The purpose of this procedure is to provide a framework for employees to raise concerns, problems or complaints regarding their employment (work, working conditions or relationships with colleagues) and to enable these to be dealt with fairly and transparently.

This procedure cannot be used where separate procedures exist for "grievances" to be dealt with: for example, appeals against the issue of disciplinary warnings or dismissal, redundancy, pay or flexible working.

## **Legal considerations**

A worker has a statutory right to be accompanied by a trade union representative or work colleague at a formal grievance meeting if the grievance is specifically about the employer's duty to the worker, however under this procedure the right to be accompanied is extended to all grievances.

## **Roles and responsibilities**

- **Board of trustees:** The board of trustees of an academy must by law have procedures for dealing with grievances from employees about their employment.

Academies have greater flexibility regarding the individual(s) who may hear grievances and appeals, however these arrangements should comply with the principles set out in the Acas Code of Practice 'Disciplinary and grievance procedures'.

- **Managers:** All managers are responsible for dealing with concerns and complaints raised by employees in a fair and consistent manner and attempting to resolve these without the employee needing to use the formal stage wherever possible.

## **Principles**

- Employees and employers should always seek to resolve grievance issues within the workplace.
- Employees should raise issues promptly and managers/trustees should deal with these promptly.
- All parties should not unreasonably delay meetings, decisions and confirmation of those decisions.
- Employees, managers and governors should act consistently.
- Grievances should be resolved as closely as possible to where they

arise.

Decision makers, panel members and those hearing an appeal cannot have a family relationship with the member of staff involved and must be replaced by a suitable, unconflicted, person.

### **Informal stage**

- Employees should aim to resolve most grievances informally with their immediate manager. This allows problems to be raised and settled during the course of day-to-day working relationships and for matters to be settled quickly.
- The majority of grievances should be resolved through informal discussion and usual management channels without the need to use the formal stage of the procedure.
- Both the manager and the employee should keep a record of any informal meetings that take place.
- If the grievance concerns your line manager, you should discuss the case with the Head teacher. If the grievance is against the Head teacher, talk to the Chair of the Board of trustees.
- If the matter is not resolved informally or if there are specific circumstances that make the informal route inappropriate, the formal grievance procedure should then be used.

### **Formal stage**

- If it is not possible to resolve a grievance informally the employee should raise the matter formally and without unreasonable delay with the headteacher. If the headteacher is the subject of the grievance, the employee should raise the matter formally with the chair of the board of trustees. If the headteacher is the employee raising the grievance, they should raise the matter formally with the chair of the board of trustees, unless the chair of the board of trustees is the subject of the grievance in which case the matter should be raised with another trustee.
- In all cases the grievance should be raised in writing and should set out the nature of the grievance.
- The Headteacher or person(s) with delegated responsibility from the Head teacher should arrange for a meeting to discuss the grievance normally within 10 working days of receiving the letter. The purpose of the meeting is to:
  - allow the employee to explain their grievance and how they think it should be resolved;
  - identify if further information/investigations are required;
  - establish if a longer timescale/further meetings will be necessary.
- The Headteacher or person(s) with delegated responsibility may decide that there will be a group meeting if grievances on the same or similar grounds are submitted by two or more employees. In these circumstances the employees may select a representative employee or employees to attend the meeting, in which case there will be no additional right to an individual meeting.
- The employee has the right to be accompanied by a trade union representative or work colleague at the meeting. All parties should make every effort to attend the meeting. If the employee's chosen

representative is unavailable, the employee may propose a reasonable alternative within five working days.

- Following the meeting the Headteacher or person(s) with delegated responsibility should decide what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and ideally within 10 working days\* of the meeting. This should set out what action, if any, it is intended to take to resolve the grievance and include the employee's right to appeal. Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example, to protect a witness) some information may be withheld.
- It may be appropriate for the delegated person(s) to monitor and review any actions identified for an appropriate period.

\* Where extenuating circumstances mean that it is not possible to meet the 10 working day time scale, the Headteacher or person (s) with delegated responsibility will inform the relevant parties and agree alternative timescales.

## **Appeal**

- If the grievance is not resolved to the employee's satisfaction, they should write to the Clerk to the Board of trustees within 10 working days of receiving written confirmation of the decision and set out their grounds for appeal.
- A meeting of the appeals body should be held without unreasonable delay **under the arrangements set out in appendix 5.**
- The decision of the appeals body will be final and will be notified in writing within 10 working days of the hearing.

## **Particular cases**

- **Grievances about fellow employees**

If the grievance is with another employee, the manager should generally start by talking privately and informally to the individual about the concerns of their fellow employees.

Although such situations need careful handling, the manager could act as a "broker" for a meeting between the employees, allowing all parties the opportunity to state their case with a view to resolving the matter.

In certain circumstances, for example when relationships have broken down, it may be helpful to seek advice and assistance from an independent mediator if those involved are willing. This may be at any stage of the procedure, in which case the grievance procedure will be suspended during the mediation.

- **Grievances raised during other ongoing procedures**

Where an employee raises a grievance during an ongoing procedure, such as disciplinary, capability or sickness absence management, the procedure may be temporarily suspended in order to deal with the grievance. Such a delay will generally only be considered where there is evidence that the employee has been unfairly treated in which case another manager should

be brought in to deal with the case. Where the grievance and the other procedure are related it may be appropriate to deal with both issues concurrently.

- **Raising a grievance if you no longer work for the Trust**

This procedure applies where you have left the Trust and before you left:

- the Trust was not aware of the grievance before your employment ended; or
- the Trust was aware but the formal procedure had not been started or finished before the employment ended and both you and the Trust, agree in writing the following procedure.

You should put a grievance, in writing, to your former Headteacher. The Headteacher must respond in writing within 10 working days of receiving the grievance. This is then the end of the procedure within the Trust. Where your grievance is against your former Headteacher, you should put your grievance in writing to the Chair of the Board of trustees.

### **Records**

- Records of meetings and discussions relating to the grievance should be written during, or as soon after the event as possible, to ensure the accuracy of the record. Written records should be circulated to all parties to allow amendments or clarifications as required.
- All records relating to grievances should be retained and used in accordance with the GDPR (General Data Protection Regulations 2018) and other data protection legislation.

### **Time Limits**

- Timescales

The timescales set out in the procedure should be adhered to unless exceptional circumstances prevail. This includes situations where it is not possible to adhere to timescales due to the complexity of investigations required, non availability of witnesses and leave or other absences of relevant parties.

- Headteacher's responsibilities/Chair's responsibilities

Where it is anticipated that timescales cannot be met, the person dealing with the grievance at that stage has the responsibility for advising the parties and agreeing new time scales.

If the grievance is not dealt with within the specified time limits and a revised timescale has not been agreed, the employee has the right to proceed to the next stage of the procedure.

- Employee's responsibilities

If the employee fails to comply with a time limit within the formal procedure and no exceptional circumstances exist, the procedure will cease and the grievance will be considered to be settled or withdrawn. The only exception to this is where meetings are to be arranged.

## **Appendices**

[Appendix 1 - Informal Procedure](#)

[Appendix 2 - Formal Procedure](#)

[Appendix 3 - Letter of invitation to a formal grievance meeting \(to the aggrieved person\)](#)

[Appendix 4 - Letter outlining the outcome of formal grievance meeting](#)

[Appendix 5 - Process to be followed at a meeting of the Appeals Committee](#)