



Lingfield Education Trust

Grievance Policy

Policy Version Control	
Policy type	Academy Trust
Policy prepared by (name and designation)	Nick Blackburn CEO
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1. POLICY STATEMENT

- 1.1 The Trust values all its employees and appreciates the essential role they play in delivering high quality education to their children and young people.
- 1.2 The Trust also recognises that good employment relations practices – including those relating to recruitment, induction, training, communication and consultation – can prevent many grievances from arising.
- 1.3 The Trust aims to promote these areas through a number of proactive employment practices and initiatives.
- 1.4 The Trust feels that all employees should be treated fairly and with respect. In cases where employees are unhappy about their treatment at work, or about any aspect of their work, they should raise their concerns immediately with their manager, who will try and resolve the situation on an informal basis.
- 1.5 If the concerns relate to the employee's manager, employees should still raise them directly with their manager if they feel able to do so. Where this is not possible, employees should discuss their concerns the CEO or Executive Headteacher or in cases where the grievance relates to the CEO with the Chair of the Board of Directors.
- 1.6 If the informal process has been tried unsuccessfully, or the circumstances of the case make the informal route inappropriate, the Trust will use a formal process. Both the informal and formal procedures are set out in this policy.

2. EQUALITIES

- 2.1 The Board of Directors is committed to ensuring that all HR policies are compliant with and promote the equalities agenda. The Trust will operate this policy consistently and in a non-discriminatory way by taking account of any relevant individual circumstances that may impact on the situation, including an employee's:
 - Race (including culture and nationality)
 - Religion or belief
 - Gender (including transvestitism, transgender and transsexuality)
 - Sexuality (including homosexuality and bisexuality)
 - Impairment (including physical and / or mental impairments)
 - Age
 - Any other equality issue (e.g. people with dependants and/ or caring responsibilities)
- 2.2 Further guidance on addressing equality issues when implementing this policy and the related procedure is given in the associated guidance and is also available from the Trust's HR Provider.

3. INTRODUCTION

- 3.1 This policy and the related procedures aim to:
 - help the Trust to deal with grievances in the workplace as quickly and effectively as possible

- promote fairness and transparency by providing written rules and procedures that are specific, clear and applied consistently
- 3.2 They replace all grievance policies and procedures previously adopted by the Trust and reflect the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 3.3 They provide the means for employees to raise genuine complaints and concerns and have them dealt with fairly and objectively, without fear of recrimination. They are not intended to establish guilt or provide punishment - rather as a means of resolving problems at work. However, it is important that any grievances raised are genuine and not malicious as the actions of all parties involved in the grievance (including the employee who has raised the grievance) will be considered.
- 3.4 If the grievance relates to a potential disciplinary issue, the matter will be dealt with under the Trust's Disciplinary Policy and related procedure.
- 3.5 This policy must be read in conjunction with the related guidance document (not currently available).

4. DEFINITION

- 4.1 Grievances are concerns, problems or complaints that an employee has about their work, working conditions or relationships with colleagues.
- 4.2 Employees may not raise a grievance if the grievance is already covered by another Trust policy or procedure, or the appeal mechanism related to these. For example:-
- grievances relating to bullying and harassment or discrimination should be raised under the Trust's Anti Harassment and Bullying Policy;
 - complaints against any disciplinary or capability action taken against an employee will be dealt with as an appeal under the Trust's Disciplinary or Capability Policies;
 - complaints against pay and grading should be raised under the Job Evaluation Appeals Process (NJC only) and in line with the Trust Pay Policy;
 - complaints about decisions made under the pension scheme will normally be considered under the Internal Dispute Resolution Procedure (LGPS) or the Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments Regulations 2008 (TPS);
 - serious concerns about something wrong within the Trust should be raised under the Confidential Reporting Policy.
- 4.3 The requirement to attend an appointment with Occupational Health or a sickness absence review meeting does not constitute a grievance.
- 4.4 Issues subject to collective negotiation or consultation with the recognised trade unions are not covered by this policy.
- 4.5 This policy also does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative, which will be handled in accordance with the collective grievance process.

5. SCOPE

5.1 This policy and the related procedures apply to all Trust employees including the CEO/Executive Headteacher/Head Teacher/Head of School.

6. GENERAL PRINCIPLES

6.1 The Trust recognises the importance of dealing with grievance issues fairly. As such:-

- employees must advise the Trust of grievances as soon as possible;
- informal action will normally be taken to resolve problems before moving to the formal procedure;
- where some form of formal action is needed, the action that is reasonable or justified will depend on all the circumstances of the particular case;
- the Trust will carry out necessary investigations to establish the relevant facts without unreasonable delay;
- employees will be given the opportunity to state their case;
- employees will be provided with copies of the paperwork relating to any investigation (including witness statements as appropriate) in advance of any Grievance or Appeal Hearing;
- employees have the right to be accompanied at investigatory meetings, Grievance Hearings and Appeals by their trade union representative, workplace colleague or friend of their choice who does not have a conflict of interest;
- an employee will have the right to appeal against the outcome from the Grievance Hearing.

6.2 The Trust will deal with issues promptly and fairly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

7. RESPONSIBILITY

7.1 **CEO/Executive Headteacher/Head Teacher/Head of School and Board of Directors** are responsible for ensuring that this policy and the related procedures are implemented effectively in the Trust. They should ensure that managers with staff management responsibilities have had appropriate training on the application of this policy.

7.2 **Employees with staff management responsibilities** have primary responsibility for managing employees effectively to try and prevent grievance situations from occurring. Proactive use of performance management processes, supplemented by regular meetings to discuss day-to-day performance, should help to establish an ongoing positive working relationship between managers and their team members. Ideally, this should prevent grievance issues from occurring in the first instance.

They should ensure that they have received training on how to implement this policy and the related procedures and make their CEO/Executive Headteacher/Head Teacher/Head of School aware of any difficult cases.

7.3 **Employees** must raise any grievance they have as soon as it arises, with the aim of addressing issues before they escalate and must act reasonably in working to resolve the grievance with those assigned to address cases. They must also comply with this policy and the related procedures as appropriate.

7.4 The Trust’s HR provider are responsible for advising managers on effective case management. HR staff may advise managers, CEO/Executive Headteacher/Head Teacher/Head of School and Board of Directors at investigatory meetings, Grievance and Appeal Hearings.

8. AUTHORISED OFFICERS

8.1

Stage of Procedure	Authorised Officer	Appeal Hearing Officer
Informal – Stage 1	<p>Employee’s manager, HT/HoS or nominated manager.</p> <p>Where the grievance is against the employee’s direct manager, employees should still raise it directly with their manager if they feel able to do so</p> <p>Where this is not possible, employees should discuss their concerns with the EHT/HT/HoS</p> <p>Where the grievance is against the EHT/HT/HoS it should be raised with the CEO.</p> <p>Where the grievance is against the CEO it should be raised with the Chair of the Board of Directors</p>	<p>No right of Appeal (but may move to formal procedure if there are clear and justifiable grounds for doing so)</p>

Formal Stage 2	<p>Investigation undertaken by the CEO/EHT/HT/HoS or nominated manager.</p> <p>In the case of a grievance against the CEO the matter may be investigated by a member of the Board of Directors or an independent officer</p> <p>Heard by either the CEO or Hearing Panel of the Board of Directors</p>	<p>Appeals Panel of the Board of Directors</p>
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8.2 Further information is given in the guidance to this policy (not currently available).

9. MEDIATION

9.1 In some cases, mediation may help to resolve grievances, especially those involving working relationships. Mediation can be used either before grievances escalate, or as part of recommended action at any stage of the procedure. Further details are given in the guidance that accompanies this policy.

10. THE GRIEVANCE PROCEDURE

Informal Procedure – Stage 1

10.1 The majority of potential grievance issues can be resolved informally. It is important that all parties involved in the grievance attempt to do so as quickly and as close to the point of origin as possible.

10.2 This generally involves employees raising the grievance verbally with their line manager as soon as it arises (although they may do so in writing if they wish).

10.3 If the concerns relate to the employee's manager, employees should still raise them directly with their manager if they feel able to do so. Where this is not possible, employees should discuss their concerns with the EHT/HT/HoS. Where the concerns are with the CEO it should be raised with the Board of Directors.

10.4 Although the employee does not have a legal right to representation at this stage of the process, both this and HR involvement may be agreed in certain cases.

10.5 A quiet word is often all that is required and many problems can be raised and settled at an early stage during the course of everyday working relationships. This approach is normally less time-consuming and less likely to damage working relationships.

10.6 The formal procedure should generally only be used as a last resort.

10.7 A record should be kept of the actions taken to try and resolve the grievance. This may be referred to at a later stage, if appropriate, if the matter is progressed to another stage under the policy.

Formal Procedure – Stage 2

- 10.8 The grievance will only be dealt with formally if the employee can demonstrate that s/he has tried to go through the informal route but this has failed, or that the grievance is of such a serious nature that it warrants moving immediately to the formal procedure.
- 10.9 The employee should raise any formal grievance in writing and without unreasonable delay with the CEO/EHT/HT/HoS. The letter must set out clearly the nature of the grievance and the facts concerned and what steps they have taken to resolve their grievance at Stage 1. If the CEO/EHT/HT/HoS feels that the matter should not go straight to Stage 2 they may refer it to another manager to consider at Stage 1.

Formal Grievance Meeting

- 10.10 After the grievance has been received, the CEO/EHT/HT/HoS will arrange a meeting with the employee without unreasonable delay to discuss the grievance. The employee may be accompanied by their representative and the CEO/EHT/HT/HoS may be accompanied by an HR Advisor and a note taker, if necessary.
- 10.11 The manager who tried to address the grievance under the informal procedure, if this was not the CEO/EHT/HT/HoS, will also attend the meeting to explain how they tried to resolve the issue.
- 10.12 The purpose of the meeting will be for the employee to explain his / her grievance and how they feel it could be resolved. No decision will be made about the grievance at the meeting to allow proper consideration of the matter and / or undertake further investigation (as is normally appropriate).
- 10.13 A note will be taken of the meeting, which the employee will be invited to check for accuracy following the meeting.

Formal Grievance Investigation

- 10.14 The CEO/EHT/HT/HoS will undertake or organise any further investigation (as relevant) before arranging a Grievance Hearing.
- 10.15 Any investigation necessary will take place without unreasonable delay. The CEO/EHT/HT/HoS will keep the employee informed of timescales and the reason for any delay.
- 10.16 Investigations may include interviewing witnesses and taking notes of the meeting or statements and writing a report on the investigation. A note will be taken of any meetings with witnesses, which the employee(s) concerned will be invited to check for accuracy following the meeting. Further information on conducting interviews is available in the guidance to this policy.
- 10.17 In some circumstances, evidence given by witnesses may have to remain confidential or anonymous. Where this is necessary, the Trust will explain the reason(s) for this and provide an appropriate summary of the evidence gathered instead.
- 10.18 Where appropriate, the employee will be provided with a summary of the information gathered in reasonable time prior to the Hearing to allow the employee time to consider their response.

Grievance Hearing

- 10.19 The Grievance Hearing will be held as soon as is reasonably practicable, subject to the requirements of the investigation and will be heard by either the CEO or the Hearing Panel of the Board of Directors.
- 10.20 The Trust will give the employee at least 7 calendar days' / 5 working days' prior notice of the meeting in writing. The employee may be accompanied by their representative. The CEO or the Hearing Panel may be accompanied by an HR Advisor, if necessary. The CEO/EHT/HT/HoS and, the manager who dealt with the grievance under the informal procedure, if that was not the CEO/EHT/HT/HoS, may also attend the meeting to explain how they tried to resolve the issue. A note taker will also attend.
- 10.21 The CEO or the Hearing Panel conducting the Hearing may also invite witnesses interviewed as part of the investigation process to attend. However, the employee who has raised the grievance will be notified of the names of any witnesses attending at least 7 calendar days' / 5 working days' before the Hearing.
- 10.22 Where possible, the employee's representative should be consulted about the date and time of the Grievance Hearing. If the representative cannot attend on the proposed date, an alternative time and date will be arranged ideally not more than five working days after the original date.
- 10.23 If the employee is unable to attend due to circumstances beyond their control, they should advise the CEO or the Hearing Panel as soon as possible. If the employee fails to attend without explanation, or if it appears that the employee has not made sufficient attempts to attend, the grievance will be considered as being withdrawn.
- 10.24 At the Hearing, the employee will be asked to explain their grievance further and how they think it should be resolved. The CEO/EHT/HT/HoS/Manager who tried to address the grievance under the informal procedure will then explain how they tried to resolve the issue. The issue of temporary alternative employment may also be discussed where relevant.
- 10.25 The Trust should allow the employee to call relevant witnesses to the Hearing (i.e. where those witnesses will help the employee to put his/her case and the Trust to understand the issues.) However, this must have been agreed in advance of the Hearing as the material facts should have been established in the investigation.
- 10.26 The CEO or the Hearing Panel may adjourn the Hearing if necessary to allow further investigation to be carried out.

- 10.27 At the end of the Hearing, the CEO or Hearing Panel must decide on what action, if any, to take. Decisions will be communicated to the employee in writing within 5 working days of the Hearing. Where appropriate, the letter will set out what action will be taken to resolve the grievance. The letter will also advise that the employee can appeal if they are not content with the action taken. A copy of the letter will be placed on the employee's personal file.
- 10.28 The CEO or Hearing Panel (usually through the EHT/HT/HoS) should also make any witnesses interviewed as part of the investigation aware of the outcome, as appropriate. This is especially important if the grievance concerned them personally (although such cases are generally dealt with under the Trust's Anti Harassment and Bullying Policy).

Appeal – Stage 3

- 10.29 Where an employee feels that their grievance has not been resolved satisfactorily, they may appeal, providing there are clear and justifiable grounds for doing so.
- 10.30 This involves writing to the CEO or Hearing Panel who made the decision at the Grievance Hearing within 5 working days of receipt of the letter advising of the outcome.
- 10.31 The employee must clearly state the grounds for their appeal (i.e. the basis on which they feel that the result of the grievance was wrong, or the action taken as a result of the grievance inappropriate) and how they feel this could be resolved.
- 10.32 The Appeal will be heard without unreasonable delay and the employee will normally be advised of the date, time and location of the Appeal Hearing and issued with any relevant paperwork at least 7 calendar days' / 5 working days' before the Appeal Hearing.
- 10.33 The Appeal will be heard by the Appeal Panel of the Board of Directors. They will be accompanied by an HR Advisor and a note taker will also attend.
- 10.34 The CEO/EHT/HT/HoS will present the case and may also invite witnesses interviewed as part of the investigation process to attend. However, the employee who has raised the grievance will normally be notified of the names of any witnesses attending at least 7 calendar days' / 5 working days' before the Appeal Hearing.
- 10.35 The CEO or a representative of the Hearing Panel who heard the Grievance at Stage 2 may also need to attend to explain the decision and they may wish to be accompanied by the original HR Advisor.
- 10.36 The employee may be accompanied by their representative. Where possible, the employee's representative should be consulted about the date and time of the Disciplinary Hearing. If the representative cannot attend on the proposed date, an alternative time and date will be arranged ideally not more than five working days after the original date.

- 10.37 If the employee is unable to attend due to circumstances beyond their control, they should advise the person conducting the Appeal Hearing as soon as possible. If the employee fails to attend without explanation, or if it appears that the employee has not made sufficient attempts to attend, the grievance will be considered as being withdrawn.
- 10.38 At the Appeal Hearing, the employee will be asked to explain the grounds of their appeal. The CEO/EHT/HT/HoS may be asked to detail the investigation and a representative of Committee A from the Grievance Hearing may then be asked to explain the reason (s) for the decision.
- 10.39 Again, the Trust should allow the employee to call relevant witnesses to the Hearing (i.e. where those witnesses will help the employee to put his/her case and the Trust to understand the issues.) However, this must have been agreed in advance of the Hearing as the material facts should have been established in the investigation.
- 10.40 The Appeal Panel/Committee B will consider the grounds put forward by the employee and assess whether or not the conclusion reached at the original Grievance Hearing was appropriate.

The Appeal is usually a re-hearing of the original grievance in which case the whole matter will be considered. However, on some occasions an employee may be dissatisfied with just one or a few specific areas in relation to the original grievance. As such, the Appeal Panel/Committee B may confine discussion to those specific areas rather than consider the whole matter afresh.

- 10.41 The outcome of the Appeal Hearing will be communicated to the employee in writing without 5 working days. The Appeal Hearing is the final stage of the grievance procedure. A copy of the letter will be placed on the employee's personal file.

11. ILLNESS / ABSENCE DURING THE FORMAL GRIEVANCE PROCEDURE

- 11.1 Where an employee who wishes to pursue a grievance is absent from work due to illness, the Trust will seek advice from the Occupational Health Service on the employee's ability to go through the process before progressing the grievance further.
- 11.2 If the employee's absence from work occurs during the course of the grievance, the Trust will also seek advice from Occupational Health on the employee's fitness to attend meetings, Hearings, Appeals etc.
- 11.3 If the employee is absent from work due to illness, the Trust will progress the grievance as far as possible in relation to each case (i.e. interviewing witnesses and collecting relevant information).
- 11.4 Where the employee considers that the absence has resulted from a grievance, the Trust will progress grievances swiftly so as not to prolong the sickness absence unnecessarily.

11.5 The Trust's Sickness Management Policy and procedures will continue to be implemented as normal throughout any grievance process. The Trust will seek to keep the employee at work wherever possible through temporary redeployment etc.

12. OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

12.1 If it becomes evident during any stage of the grievance procedure that a potential disciplinary issue is involved, the grievance procedure will be suspended and the matter dealt with under the Trust's Disciplinary Policy and related procedure.

12.2 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended temporarily in order to deal with the grievance. However, where the grievance and disciplinary cases are related, the Trust may deal with both issues concurrently under the disciplinary process.

12.3 Please contact the Trust's HR provider for further advice.

13. CHILD PROTECTION MATTERS

13.1 Where such matters arise as a result of a grievance, they will need to be investigated under Child Protection. These override all other procedures in child protection cases. Relevant cases will also be referred to the Local Authority Designated Officer (LADO). Please contact the Trust's HR provider for further advice.

14. CRIMINAL ISSUES

14.1 Where the authorised officer dealing with the grievance feels that criminal issues are involved in the grievance, they should contact the Trust's HR provider for further advice.

15. FORMER EMPLOYEES

15.1 In cases where a (former) employee raises a grievance after employment has terminated, the Trust is not obliged to follow this policy and the related procedures.

15.2 In some cases, the Trust may feel it appropriate to engage in dialogue with the former employee (i.e. to write to the employee to answer the points raised) to try and resolve the issue. However, this does not require use of the formal procedure with a right of appeal. Please contact the Trust's HR provider for further advice.

16. TRADE UNIONS

16.1 The Trust recognised trade unions have been consulted in the development of this policy. They will accompany, support and represent their members at interviews, Hearings and Appeal Hearings relating to this and any associated policy and procedure.

17. TRAINING

- 17.1 It is important that all employees, including all levels of management are aware of the procedures for dealing with grievances. The Trust should ensure all managers are appropriately trained in the application of the policy and procedures.

18. CONFIDENTIALITY

- 18.1 All employees involved in or with knowledge of grievances must conduct themselves appropriately and treat all information confidentially and in accordance with their role in the process. Information will only be shared with relevant parties.

19. WRITTEN RECORDS

- 19.1 Details of all grievances raised and subsequent action taken will be retained on the employee's personal file held in accordance with the Data Protection Act 1998 and other legislative provisions.

20. MONITORING AND REVIEW

- 20.1 The Trust will keep this policy and the related procedure under review to make sure they are relevant and effective.
- 20.2 The Trust's recognised trade unions will be consulted before new or additional rules are introduced.

21. ADVICE

- 21.1 For further advice on this policy and the related procedure, or if managers have any concerns about practical implementation, please see the related guidance to this policy, or contact the Trust's HR provider.

Academised to reflect the change of School status only – January 2014

Review Date: - Autumn 2018