




The LETTA Trust

Grievance Policy

Approved & adopted on:	Autumn 2023	To be reviewed:	Autumn 2024 annual
Reviewed by:	TB Resources	Signed:	



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1. Aims

The LETTA Trust is committed to providing a supportive working environment where every employee is treated with dignity and respect. We recognise however that there will be situations where employee complaints arise and this policy and procedure sets out a framework for managing these complaints.

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

2. Legislation & guidance

We are required to set out grievance procedures under general employment law.

These grievance procedures are based on the [disciplinary & grievance code of practice from Acas](#).

These procedures also comply with our funding agreement & articles of association.

3. Definitions

A **grievance** is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as terms and conditions of employment, working conditions, working environment, new working practices, organisational change, health & safety concerns, bullying or discrimination or work relations. This policy does not cover issues raised by people who are not employed by the school, as this would fall under our complaints procedure.

General Principles

There are a number of issues that can cause grievances at work and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation. The aim of this procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

Where the grievance relates to a matter covered by another procedure for example pay, probation or whistleblowing, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the appropriate procedure.

Where an employee raises a grievance during any existing process or procedure that process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. Management will have discretion to decide which option is appropriate, in all circumstances.

The procedure applies to all employees including the Headteacher and members of the leadership team, full and part-time, permanent and temporary employees. It does not apply to self-employed staff, contractors, external consultants, agency staff and members of Local Governing Boards, trustees, or members. However, such workers should raise any concerns directly with their hiring manager, or HR if this is more appropriate, who will advise on how these matters can be addressed.

The following issues will not be considered under this procedure. These are issues that:

- are normally subject to national conditions of service or local agreement



- are the subject of collective negotiation or consultation with recognised trade unions
- have been or are being dealt with under the school's Disciplinary procedure
- are about any disciplinary action taken against an employee (as this should be dealt with as an appeal under the disciplinary procedure)
- in most cases are over 3 months old, (however employees may refer to earlier matters if they believe that they support the complaint)
- are part of issues which have previously been investigated
- are covered by statutory controls such as Income Tax, National Insurance and Pension Schemes
- are covered by other national or local appeals procedures
- complaints that might be covered by the Public Interest Disclosure Act 1998 (whistle blowing complaints)
- redundancy dismissals or non renewal fixed term contract employees

This procedure does not form part of any employee's contract of employment and it may be amended at any time.

An employee who is a member of a trade union may consult that trade union's representative before invoking the grievance procedure, but the employee should normally raise the problem personally with the immediate line manager before involving his/her trade union representative.

Those responsible for dealing with employees' grievances will treat them seriously and attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.

Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

At any stage of the procedure the Headteacher and/or Governors may refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the position of both parties in the procedure.

The Headteacher and/or senior managers and/or Governors may wish to take advice from the school's HR Adviser before considering a grievance.

4. Grievance procedures

We are committed to dealing with grievances fairly & objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

4.1 Informal stage

Most grievances can be resolved quickly and informally through discussion. If an employee feels unable to speak to the person causing the grievance, then the employee should speak informally to his/her immediate line manager. If the member of staff's concerns relate to their line manager they should discuss the issue with the line manager's manager. If this does not resolve the issue, the employee should follow the formal procedure below.

It may be necessary for the member of staff who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by case basis.

4.2 Formal stage

If the employee is not satisfied his/her concerns have been addressed informally, the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher without unreasonable delay and within three months of the incident or



decision which gives rise to the complaint. The Employee should use the Notification of Grievance Form (Appendix A) to state the grounds of their grievance and the remedy that is being sought.

It may be necessary to carry out an investigation into the grievance. Therefore an investigating officer will be appointed. This will be an independent individual with no prior knowledge of the complaint. The investigating officer will undertake a grievance investigation & will make a recommendation. If the complaint concerns the Headteacher, the formal complaint should be raised with the CEO or Chair of the Local Governing Board who may investigate the complaint, or who may appoint an appropriate third party to investigate the complaint or commission an external investigator.

The amount of any investigation required will depend on the nature of the complaints and will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents.

The employee must cooperate fully and promptly in any investigation. This may include informing those handling the investigation of the names of any relevant witnesses, disclosing any relevant documents and attending interviews.

A grievance panel will also be appointed. This group of people will be separate from the investigating officer & will be chaired by an independent individual, with no prior knowledge of the complaint. The panel will be made up of at least 2 people & may include the headteacher, a local governor, the employee's line manager or another senior member of staff. The panel may be advised at the hearing by the school's HR Adviser.

A formal meeting will be arranged within 10 working days after the grievance has been raised. At the meeting, the employee will be given the opportunity to explain their grievance & how they think it should be resolved.

Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

At any grievance meeting or appeal meeting, an employee's Companion may make representations and ask questions, but should not answer questions on the employee's behalf.

If an employee's chosen Companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative Companion.

Preparing for the formal meeting

Prior to the meeting the chair should consider:-

- arranging for someone who is not involved in the case to take notes of the meeting & to act as a witness to what was said
- whether to offer independent mediation dependent on the nature of the grievance.

During the formal meeting

During the meeting the chair should:

- remember that a grievance meeting should allow for discussion & dialogue which may lead to an amicable solution.
- invite the employee to re-state their grievance & how they would like to see it resolved



- consider adjourning the meeting if it is necessary to investigate any new facts which may arise
- sum up the main points of the grievance
- inform the employee when they might reasonably expect a response if one cannot be made at the time.

Where a grievance is against the headteacher, a local governor other than the Chair (nominated by the Staff Discipline Sub-committee of the LGB) will conduct the formal hearing stage of the procedure. In such instances, the employee's right of appeal will still be to the Chair of the LGB.

4.3 Deciding on appropriate action

The meeting will be adjourned & the panel will reflect on it before coming to a decision.

This decision will be communicated to the employee in writing within 10 school working days. It will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome, & explain how to do this.

4.4 Appeals

If the employee is not satisfied with the outcome of the grievance they have the right to appeal the decision.

The employee should set out their grounds of appeal in writing & submit this to the clerk to the Local Governing Board within 10 school working days of receiving the written confirmation of the original decision. The employee must detail how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate. The appeal process will not involve a reconsideration of the original complaint(s) but will focus on the specific areas with which the Complainant(s) is/are dissatisfied.

A grievance appeal panel will be appointed. This will be a group of people independent from any previous stage of the grievance procedure. The panel may be advised at the hearing by the school's HR Adviser.

The LETTA Trust's scheme of delegation helps us decide who will sit on the panel. It may be made up from 'all non-employee members of the Local Governing Board & all non-employee Trustees forming panels of three as required'.

Any appeal meeting will, in normal circumstances, be held no later than 20 school working days following receipt by the Appeal Manager or Appeal Committee of the written appeal. If it is not possible for an appeal meeting to be held within this timeframe, the Complainant(s) should be advised when the appeal meeting can reasonably be expected to take place. .

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The outcome of the appeal will be confirmed in writing to the employee within 10 school working days. This is the end of the procedure and there is no further right of appeal.

5. Record keeping

Minutes will be kept for all meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed.

Records of all materials relating to the grievance process will be kept securely for as long as necessary in line with the Data Protection Act 1998.



6. Monitoring arrangements

This policy will usually be reviewed every 3 years, but can be revised as needed. It will be reviewed & approved by the Trust Board Resources Committee.

7. Links with other policies

This policy links with our policies on:

- Staff disciplinary procedures
- Staff code of conduct
- Complaints procedure, which sets out how grievances will be raised by those not employed by the school
- Equality objectives



Appendix A - Employee's Notification of Grievance

This form should be used to submit a grievance in accordance with the formal stage of the Grievance Procedure, adopted by the Governing Body.

Send the completed Employee's Notification of Grievance Form (Appendix A) to your Line Manager. If your grievance relates to your Line Manager, send it to the line manager's manager. If your grievance relates to your Headteacher then send it to the Chair of Governors (or other Governor if the grievance is against the Chair). You are advised to keep a copy. Please be aware that the information will, in normal circumstances, be shared with any person/s complained about. Please think carefully about what you write.

1. Name:

2. Post held:

Describe briefly:

2.1. The nature of your grievance. Please include all relevant facts, dates and names of people involved and any witnesses. (continue on a separate page if necessary)

2.2. When did you first raise your grievance, and with whom? Is this a one-off issue or part of a chain of events?

2.3. What action has been taken on your grievance at the informal stage?



2.4. What steps or action do you want to be taken as a remedy for your grievance?

3. If you are a member, have you informed your trade union or professional association representative? YES/NO
- If yes: do you wish the representative to receive correspondence? YES/NO
- If yes: please identify the representative and provide email and postal addresses and telephone number YES/NO

Printed Name:

Signed:

Date:



Appendix B - Appeal Against Outcome

APPEAL FORM

Name:

Job title:

Work location:

Please complete this form in full if you are dissatisfied with the outcome of your complaint. You may complete it personally or, with your permission, your representative may complete it on your behalf.

Please return this form, together with any supporting documents to the Appeal Manager or Appeal Committee **within 10 school working days** of the date of the letter advising you of the outcome of your complaint. You must clearly state why you wish to appeal and specify why you are dissatisfied with the outcome of your complaint. This could include:

1. procedural irregularities prejudiced the outcome
2. there was bias amongst the original decision makers
3. new information/evidence has come to light that should be investigated
4. the proposed action (e.g., mediation) is inappropriate in the circumstances

In all cases, you must give full details for your reasons. If you are appealing on the grounds that new information/evidence is available, you should also explain why this information/evidence has only just become available. **Please note that the appeal process will focus on the specified grounds of appeal and will not be a reconsideration of the original complaint.**

I wish to appeal against the outcome of my complaint because ...

Please continue on a separate sheet if more space is needed

Signature:

Date: