



# Staff Grievance Policy and Procedure

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**Author/owner: Board of Trustees**

**Review: Annual**

**NB.** 'Trustees' means the Directors referred to in the Trust's Articles of Association

## History of most recent policy changes

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1.0	January 2021		New policy and procedure introduced for the Tarka Learning Partnership Central Trust Team and Schools within the Trust	Requirement for a central policy to explain the approach to managing staff grievances in the Trust and schools within the Trust.

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## 1. Principles

Grievances are concerns, problems or complaints that employees raise with their employer. A grievance could be about an employee's work, working conditions or relationships with work colleagues.

Grievances will be dealt with fairly and in a confidential manner and without delay.

Managers and employees will raise and deal with issues promptly and will not unreasonably delay meetings, decision or confirmation of those decisions.

Employees will aim to settle most grievances informally through their manager wherever possible. Before moving to the formal grievance procedure the Head Teacher or HR Leader for the Tarka Learning Partnership, will need to be satisfied that the informal stage has been exhausted.

The Tarka Learning Partnership will keep written records of all grievances.

The Tarka Learning Partnership expects all managers and employees to comply with their obligations under equality legislation and ensures that all reasonable adjustments or supportive measures are considered to allow equal access to the policy and procedure regardless of age, gender, ethnicity, sexual orientation, disability, religion or belief, gender identity, pregnancy or marital status.

Any manager responsible for considering and resolving grievances within the Tarka Learning Partnership may seek guidance from the HR Leader of the Trust when applying this policy.

## 2. Scope

The Grievance Policy and Procedure applies to all current employees. This procedure should only be used by a single individual. Grievances on a matter of principle raised by a group of employees is a collective dispute and will be treated differently.

Grievances relating to harassment or bullying will need to take into consideration the requirements of the Tarka Learning Partnership's Dignity at Work policy and procedure although some cases will refer back to this policy and procedure.

If an employee wishes to raise any issues in confidence concerning unethical, illegal or improper conduct without fear of victimisation, subsequent discrimination or disadvantage, the Whistleblowing Policy may be more appropriate.

An appeal against selection for redundancy or a disciplinary sanction or capability issue should be referred to the respective policy.

This policy does not cover complaints about Trustees or Governors unless the complaint relates to the Trustees/Governors role as the employer of the Chief Executive Officer/Head Teacher. In other case the relevant Complaints Procedure should be used.

The Tarka Learning Partnership Grievance policy and procedure does not apply to those employed by other organisations, employed under another organisation's terms and conditions of employment which includes a contractual grievance policy.

This policy does not apply to casual workers, agency personnel or volunteers.

A manager, who has concerns and/or complaints about employees they manage cannot use this policy. These concerns should be dealt with through the application of the appropriate Tarka Learning Partnership policy such as the disciplinary or capability policy and procedure.

### 3. Legal requirements

This Grievance Policy and Procedure follows the best practice outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures and the ACAS guide to handling discipline and grievances at work.

The Tarka Learning Partnership recognises that employees have a statutory right to be accompanied, at any formal grievance meeting and related appeal hearing, by a companion of their choice; a work place colleague or trade union representative.

### 4. Time limits

The time limits included in this policy may be varied by mutual agreement. The policy refers to the number of "days" within which certain actions/events are to occur. A "day" is defined as any Monday to Friday excluding public holidays and published school holidays if the member of staff works in a school.

If a concern regarding a school-based employee is raised during a period of school closure, the timeframes indicated in this policy will commence from the first day of the school being opened. Where a concern is raised immediately prior to a period of school closure, the availability of any person(s) who may need to be interviewed as part of any investigation will be taken into consideration by both parties when mutually agreeing any required extension to the timeframes.

### 5. Good professional relationships/practices

It is the responsibility of all employees to take all reasonable steps to develop and maintain good working relationships with colleagues and to deal with workplace issues in a professional, practical and constructive manner.

Employees must try to resolve any difficulties at the earliest opportunity without having to use a formal process. This should be done in such a way as to have the minimum impact on the Tarka Learning Partnership, the school, other work colleagues and to preserve working relationships.

Resolving issues in a sensible and sensitive way will require all parties to recognise their part in the issue/difficulty and how their behaviour may be contributing to the circumstances. Employees must be willing and open to looking at ways of resolving the issues without resorting to formal processes, for example by using;

- i. an informal setting to discuss the matter with the colleague
- ii. the Tarka Learning Partnership HR Leader or Head Teacher or an appropriate colleague as a facilitator

### iii. mediation

Employees must be able to resolve issues professionally and respectfully by agreeing that when discussions take place they will ensure:

- Effective listening – so that each person fully understands the issues at hand and each other’s view;
- Effectively understanding – so that each person is able to respond, knowing what the issues are;
- A calm environment – no raised voices or inappropriate body language;
- A common ground – identifying and agreeing common understanding;
- The taking of responsibility – each person should admit when they are wrong if appropriate and take steps to make professional relationships work;
- Agree action – offering apologies if appropriate, agreeing the way forward and agreeing to meet again if appropriate.

Every attempt must be made to resolve the issues informally. If the matter cannot be resolved by way of professional dialogue the formal process should be used. The Head Teacher or HR Leader of the Tarka Learning Partnership will assess whether the informal stage of the process has been exhausted before a formal process can commence.

Failure to foster good professional working relationships could, in certain circumstances, lead to a decision to terminate the employment of one or more parties involved on the grounds that substantial reasons exist that make appropriate working relationships impossible and this is directly affecting the school. This may be an irrevocable breakdown in working relations or irresolvable personality differences between employees at work. This is known as dismissal for Some Other Substantial Reason (SOSR) and will be dealt with under the Tarka Learning Partnership Disciplinary Policy and Procedure.

## 6. Being accompanied

The Employment Relations Act 1999 determines that an employee has a statutory right to request to be accompanied at a formal disciplinary or grievance hearing.

The representative must be:

- a paid official from a recognised trade union/professional association
- an official of a trade union/professional association whom the union has reasonably certified in writing as having experience of, or as having received training in acting as an employee’s companion at disciplinary or grievance hearings
- an appropriate work colleague.

Friends/family members are not permitted to accompany the employee.

If an employee’s chosen representative is not available on the day proposed for the hearing, the employee can propose an alternative date within the following five days of the original date proposed.

## 7. Non-attendance

If an employee fails to attend a meeting or hearing under this policy through circumstances beyond their control, such as a certified illness, an alternative time and date may be offered. Alternatively, they may submit a written statement or nominate a representative to attend on their behalf.

Where an employee is persistently unable or unwilling to attend the meeting/hearing it will proceed in their absence and a decision based on the evidence available will be made.

A failure to attend a pre-arranged meeting or hearing may also lead to action being taken under the Tarka Learning Partnership's Disciplinary Policy.

## 8. Procedure

The employee must set out their complaint, the basis for it and the resolution they are seeking using the formal complaint form (Appendix 2) and forward this to the Head Teacher. Any documents relating to the complaint must also be submitted at this stage.

Where an employee raises a complaint about the Head Teacher, this should be submitted to the Chair of the Local Governing Body.

Where an employee raises a complaint about a member of the Central Trust Team, this should be submitted to the Chief Executive Officer of the Tarka Learning Partnership.

Where an employee raises a complaint about the Chief Executive Officer of the Tarka Learning Partnership this should be submitted to the Chair of Trustees for the Trust.

Receipt of a formal complaint form should be acknowledged in writing as soon as it is reasonably possible. If there is a potential for the complaint to constitute a "protected disclosure" under the Whistleblowing Policy, the Head Teacher should seek advice from the Tarka Learning Partnership HR Leader.

The parties may subsequently decide to resolve the complaint by means other than this policy i.e. mediation. This decision must be confirmed in writing and will not preclude the employee from raising their complaint under this policy at a later date.

## 9. Investigation

Depending on the circumstances of the complaint, the Head Teacher may decide that an investigation is necessary. The Head Teacher can either undertake an investigation themselves or arrange for an appropriate person ("the investigator") to carry this out on their behalf and report back to them. The Head Teacher will confirm with the investigator the extent to which they should gather information.

The investigator will not have had any previous involvement in the circumstances of the complaint, not close relationship with any of the parties involved nor a vested interest.

## 10. The responder

Where the complaint is related to the actions of another employee, for ease of reference and for the purposes of this policy, they will be known as the "responder". The responder will be informed of the complaint and given a copy of this policy. They will also be given the opportunity to respond to the complaint and be advised of the likely timescale of any investigation.

## 11. Grievance meeting

The Head Teacher will arrange a meeting within 10 days of receiving the formal complaint form. The timescale can be extended by mutual agreement to allow additional time for information to be gathered, although it is important that there is no unreasonable delay.

The School Business Manager, school Administrator or Clerk to the local Governing body will be responsible for arranging the grievance meeting, writing to employee and taking notes at the meeting itself.

Prior to the meeting, the Head Teacher will determine the appropriateness of sharing the information gathered and which parties to share this with.

It is important that the meeting allows for free flowing discussion and dialogue in an attempt to find an amicable solution to the complaint. The employee will be invited to restate their complaint and how they would like to see it reasonably resolved.

The Head Teacher will listen to all the points raised, consider any additional information gathered. The employee will be informed of the outcome of the grievance within 5 days of the hearing.

The outcome letter will detail key factors considered, the reason for the decision and what action, if any, was agreed to resolve the complaint. The letter will also detail the employee's right of appeal, should the employee raising the grievance feel that the complaint is not fully resolved.

The Head Teacher should also ensure that suitable feedback is given to the responder and that this is undertaken within a reasonable timeframe.

## 12. Appeal

If an employee wishes to appeal against the decision, they must do so in writing, stating the grounds for their appeal, within 5 days of receiving the written response.

The appeal should be sent to the Clerk of the Local Governing Body who will then arrange for an appeal to take place by convening an Appeal Committee. The appeal will be heard without unreasonable delay. A minimum of 5 days' notice will be given to allow for preparation.

The decision will be given verbally to all parties at the end of the appeal hearing unless valid reasons exist not to do so. The decision will be confirmed in writing to the employee within 5 days.

An appeal meeting is not a re-hearing of all the facts but to determine if the original decision was reasonable given the circumstances. The process ends with the decision of the Appeal Committee.

## 13. Human Resources advice/support

HR advice and support can be sought by any manager or governor involved in the application of this policy at any stage, from the Tarka Learning Partnership HR Leader. This includes attendance at meetings/hearings where required.

#### **14. Employee responsibilities**

Employees have a contractual responsibility to carry out the requirements of their job satisfactorily, to ensure that their conduct is appropriate and that they have good professional relationships with their colleagues.

Employees should bring to the attention of management any concerns/problems/complaints that arise in the course of their work so that they can be resolved fairly and promptly.

Employees involved in the investigation and resolution of complaints must participate appropriately and have due regard to Acceptable Behaviour and Employee Standards in the Tarka Learning Partnership staff Code of Conduct.

#### **15. Multiple complaints**

If an employee raises multiple complaints relating to different issues, to avoid duplication of this policy and to aid a prompt resolution, the issues will be dealt with together, where possible.

#### **16. Vexatious/malicious complaint**

False or vexatious complaints will be taken very seriously and will be managed under the Tarka Learning Partnership's Disciplinary policy where it is clear that an employee has made an allegation(s) of this type against the school and/or another employee.

#### **17. Overlapping issues**

Where an employee raises a grievance whilst being managed under another policy e.g. Disciplinary, Capability, Absence Management, the manager should refer to the applicable policy and take appropriate action. Invoking the Grievance Policy does not necessarily mean that other processes will be put on hold.

#### **18. Mediation**

Mediation is a voluntary process where trained mediators help people in dispute to attempt to reach an agreement.

#### **19. Confidentiality**

Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy or the resolution of an issue.

Failure to maintain confidentiality may result in action being taken under the Disciplinary Policy.

Disclosure of information may also be a breach of the General Data Protection Regulations and may lead to action being taken under the provisions of this legislation in addition to action being taken under the Disciplinary Policy.

## **20. Recording of information**

A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made.

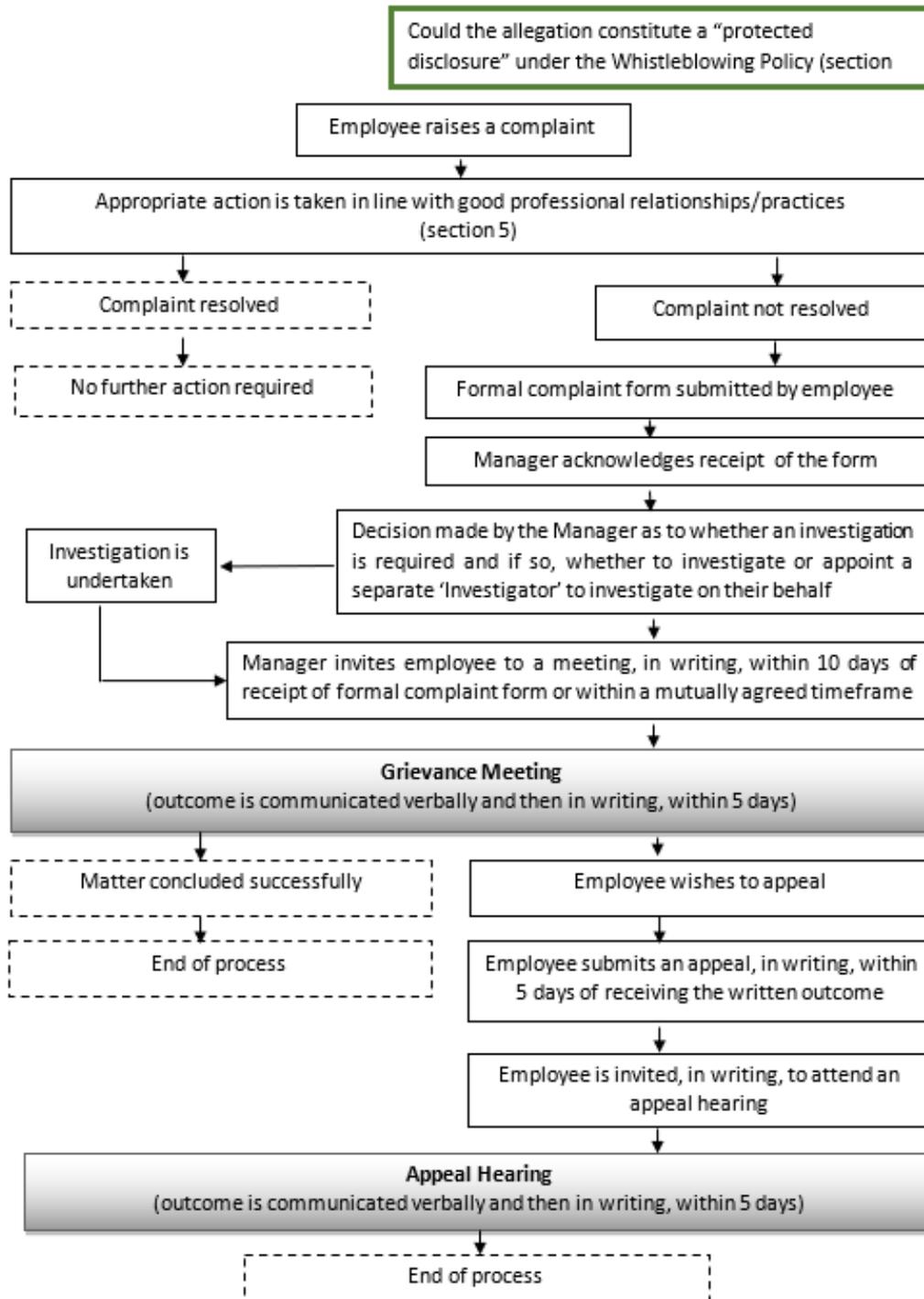
The Head Teacher will ensure there is a record of the process which should include all statements, records and evidence. All records will be retained confidentially, securely and in accordance with the General Data Protection Regulations.

## **21. Support for employees**

Employees are encouraged to seek support from their trade union/professional association in the first instance. Procedural guidance relating to this policy is available from the Trust HR Leader on 01271 443124.

Occupational Health support is also available if necessary, this should be made by the employee's line manager/school.

Appendix 1 – Procedure Flow Chart



Appendix 2 – Formal Complaint Form

To be completed by the employee raising the grievance

<b>Employee Name:</b>	<b>Job Title:</b>
<b>Employee contact details:</b> Address for correspondence:	<b>Telephone numbers:</b> Mobile:
	Home:
	<b>Email address:</b>
<b>School:</b>	<b>Name of line manager/Head Teacher:</b>

**DETAILS OF THE COMPLAINT/GRIEVANCE**

Detail your complaint here including what you have done to resolve this matter by way of professional dialogue and explain why this has not resolved the situation to your satisfaction. Alternatively, state why the circumstances are so serious and/or complex that informal resolution by professional dialogue cannot be attempted or would be unsuccessful. Attach any supporting evidence where necessary.

*(Continue on a separate sheet if necessary)*

**WHAT OUTCOME ARE YOU SEEKING?**

State the outcome that you are seeking and specifically what action or actions, in your view are needed to resolve your complaint satisfactorily.

**Employee signature:** .....

**Date:** .....

You should now give this form to your line manager or Head Teacher and keep a copy for your records.

<b>Name of manager/Head Teacher:</b>	<b>School:</b>
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**Date complaint received:**

**SUMMARY OF ACTION TAKEN AND OUTCOME:**

The employee should be written to following the Grievance meeting confirming the outcome of their grievance, any actions that will be taken and their right of appeal. Attach a copy of the letter and any notes taken as part of the investigation and at the Grievance Meeting to this form.

**Manager/Head Teacher signature:** .....

**Date:** .....