



HR: GRIEVANCE POLICY AND PROCEDURE

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1. ABOUT THIS PROCEDURE

- 1.1 It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 This procedure applies to employees only, other than in relation to discrimination issues, as set out in paragraph 1.3. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 1.3 Where a grievance relates to discrimination, harassment, or victimisation, this procedure applies to all staff, including employees, agency workers, consultants, self-employed contractors, volunteers and interns. You may use this procedure to raise a complaint where you have experienced discrimination, harassment, or victimisation yourself, or where you have witnessed this happening to someone else. Further information and support is available from the Trust HR department.
- 1.4 This procedure has been implemented following consultation with staff and the recognised support and teaching trade unions.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. USING THIS PROCEDURE

- 2.1 Issues that could cause grievances may include:
- (a) terms and conditions of employment;
 - (b) health and safety;
 - (c) work relations;
 - (d) bullying and harassment;
 - (e) new working practices;
 - (f) working environment;
 - (g) organisational change; and
 - (h) discrimination.
- 2.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure which is available from the Trust HR department.

- 2.3 We have a separate Anti-Harassment and Anti-Bullying Policy that may be useful if you have been the victim of bullying or harassment, or wish to report an incident of bullying or harassment involving other people. It is available from the Trust HR department.
- 2.4 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.
- 2.5 This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of a trade union or other representative body. These will be dealt with as appropriate to the facts of the case. *See section 9 for further detail.*
- 2.6 If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with your line manager as soon as possible.
- 2.7 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.
- 2.8 Staff should raise any grievance(s) as soon as possible, or at least within 3 months. Cases raised outside of the 3 month timeframe will be considered by whomever you submit your complaint to, and only progressed if there are extenuating circumstances.

3. RAISING GRIEVANCES INFORMALLY

- 3.1 Most grievances can be resolved quickly and informally through discussion with your line manager or Headteacher. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager or the Trust HR department. If this does not resolve the issue, you should follow the formal procedure below.
- 3.2 Mediation
- (a) Mediation is a way to mend relationships when there is a disagreement at work. Mediation is held by a neutral person (a 'mediator') this can either be someone in the HR department or an external mediator. The mediator is impartial. This means they do not take sides. They're there to help everyone involved find a solution they can all agree to. It's not about judging who was right or wrong in the past, but looks at how to agree on working together in the future. It's a good idea to try and resolve the problem informally first, before thinking about using mediation.
 - (b) If the problem cannot be resolved informally, an employee can use mediation. Mediation can be used at any stage in a disagreement, but it's best to start it as soon as possible. The earlier the disagreement is dealt with, the less chance there is of things getting worse.

- (c) Mediation is a quick way to resolve disagreement at work and is:
 - less formal
 - flexible
 - voluntary
 - confidential
 - usually not legally binding

- (d) Mediation helps to mend workplace relationships by:
 - finding solutions that everyone agrees to
 - improving communication
 - allowing everyone involved to have control of what's finally agreed
 - reducing stress
 - keeping valuable employees
 - avoiding more formal processes, such as going to employment tribunal
 - stopping more grievances being raised

- (e) Mediation outcomes are decided by everyone involved and can be flexible. Outcomes might include:
 - an acknowledgement of each party's views
 - a commitment to change behaviour
 - a commitment to regularly review the agreement reached
 - an agreement to review policies and procedures
 - an agreement to share work more fairly and provide more responsibility

- (f) If an employee does not want to take part in mediation, they do not have to.

- (g) Mediation is voluntary and confidential. The mediator will agree with everyone involved what information can be shared outside the mediation and how. If you do not reach an agreement, anything that's been said during the mediation must be kept confidential and cannot be used in future procedures.

- (h) If an employee is interested in mediation, please contact the Trust HR Department.

4. FORMAL WRITTEN GRIEVANCES

- 4.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager or Headteacher, indicating that it is a formal grievance. If the grievance concerns your Headteacher, you may submit it to the CEO or Trust HR department instead. You can write to The Partnership Trust, Mulberry Lodge, Longfellow Road, Radstock, BA3 3AL or email HR@thepartnershiptrust.com / emassey@thepartnershiptrust.com. In the event that your complaint involves a member of the Trust Central Services or the CEO, you should refer it to the Chair of Trustees. You can email the Chair of Trustees at governance@thepartnershiptrust.com

4.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, names of individuals involved and outlining the resolution sought. In some situations, we may ask you to provide further information.

5. INVESTIGATIONS

5.1 It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The CEO/Headteacher will usually appoint an Investigating Officer to carry out the investigation.

5.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

5.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with you after our investigation and before we reach a decision.

6. RIGHT TO BE ACCOMPANIED

6.1 You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting.

6.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

6.3 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

6.4 If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

6.5 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

7. GRIEVANCE MEETINGS

- 7.1 We will arrange a grievance meeting, normally within one calendar week of receiving your written grievance.
- 7.2 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.
- 7.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.
- 7.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 7.5 We will write to you, usually within one calendar week of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

8. APPEALS

- 8.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the individual detailed in your outcome letter, stating your full grounds of appeal, within one calendar week of the date on which the decision was sent or given to you.
- 8.2 We will hold an appeal meeting, normally within one calendar week of receiving your written appeal. This will be dealt with impartially by a manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see section 6).
- 8.3 We will confirm our final decision in writing, usually within one calendar week of the appeal hearing. This is the end of the procedure and there is no further appeal.

9. COLLECTIVE GRIEVANCES

- 9.1 If you and another employee (or more than two of you) have identical grievances and you all wish to have it addressed in one grievance process, you can raise a collective grievance. If you are raising a collective grievance, the requirements set out in this policy are varied as follows.

9.2 Raising a formal grievance

Your written complaint should be headed "Formal collective grievance". Your complaint must be submitted in one document and must clearly identify and be signed by each

employee raising the collective grievance. You and your colleagues will need to nominate one of you to act on behalf of all of you throughout the grievance process. Your grievance letter must identify whom you have appointed to be the nominated representative.

If you and your colleagues are all members of the same trade union, your trade union representative may raise the collective grievance on your behalf.

9.3 Stage 2 - Hearing your grievance

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance meeting. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing and any action that will be taken as a result of your collective complaint.

9.4 Stage 3 - Appeal

If you, or any of your colleagues, are not satisfied with the outcome of your collective grievance, you may submit a formal appeal. You should appeal in writing to the individual detailed in your outcome letter within one calendar week of receipt of the collective grievance outcome letter.

Your appeal should be headed "Formal collective appeal". Your appeal must be submitted in one document and must clearly identify those withdrawing from the process and signed by those wishing to appeal. Your appeal letter must also identify whom you have appointed to be the nominated representative throughout the appeal stage.

If you have been appointed to be the nominated representative, you will be invited to attend one collective grievance appeal meeting. You will be entitled to be accompanied by a fellow employee or a trade union official. Following the appeal meeting, there will be one identical outcome. Your nominated representative will be notified of the outcome in writing. The outcome of the collective appeal is final.

If only one employee wishes to appeal, the normal grievance procedure will apply to the appeal.

9.5 Dealing with your grievances individually

We reserve the right to hear your grievances individually if you do not all voluntarily agree to the collective grievance process, if your grievances are not identical, or there are exceptional circumstances.