



**LAURUS**

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TRUST

# **Grievance Policy**

<b>Policy Title and Summary</b>	Grievance Policy
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<b>Last Review Date</b>	December 2020
<b>Next Review Date</b>	December 2023
<b>Reviewed By</b>	J Jenkins W Mason S Carty
<b>Date and Responsibility of next update/review</b>	The Staff Grievance Policy and Procedure will monitored and reviewed every three years unless legislative changes.
<b>Trade Union Consultation</b>	TBA
<b>Ratification Date</b>	23/03/21
<b>Audience</b>	All employees
<b>Equality Impact Assessment</b>	
<b>Related Documents</b>	Disciplinary Policy Sickness Absence Policy Bullying and Harassment Policy Discretionary Leave Policy Flexible working Policy Conditions of Service for School Teachers (Burgundy Book) NJC for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) School Teachers Pay and Conditions Document (STPCD)
<b>Legal Framework</b>	Employment Rights Act 1996 Equality Act 2010 ACAS Code of Practice and Guidance Data Protection Act 2018 Health and Safety at Work Act 1974
<b>Glossary</b>	A grievance has been defined as a complaint or a strong feeling that you have been treated unfairly.  Discrimination - The Equality Act defines direct discrimination as less favourable treatment because of a protected characteristic. Harassment will amount to discrimination if it relates to a "relevant protected characteristic".

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## **Introduction**

The Laurus Trust is committed to adopting a working environment which is conducive to good working relationships. It recognises however, that there will be occasions when problems occur and that it is in the best interests of all concerned to deal with these quickly and fairly.

The following Grievance Procedure has been produced in accordance with the Employment Rights Act 1996 and the ACAS Code of Practice on Grievance Procedures after consultation with the Associations representing Heads of School, Teachers and Trade Unions representing support staff employed by The Laurus Trust.

The Laurus Trust recognises the need for an appropriate procedure for dealing with employee grievances and that a fair and established procedure exists in the Trust whereby employees may raise a grievance related to their employment and ensure that it is resolved.

Any employee having a grievance related to their employment will have the right to express that grievance and to be represented by a trade union or other work colleague at all stages of the procedure and is advised to contact their representative at the earliest opportunity.

These grievance procedures are to be used where an individual employee has a grievance with another employee, the Head of School or the Trustees. Most grievances will be capable of resolution at school/Trust level. Exceptionally some grievances may involve the Trustees and thus may not be capable of resolution at school level.

It is emphasised that the procedure set out in this document is designed to deal with individual grievances or disputes. It is not intended that it should be applied to collective disputes.

Although every effort will be made to deal with complaints as speedily as possible the time limits defined below may be extended by mutual agreement to allow time for full investigation.

## **Scope**

1. This policy applies to all Laurus Trust staff including temporary staff, self-employed contract workers, agency contract workers and volunteers.
2. The procedure is available to deal with both group and individual grievances relating to employment conditions.
3. The policy covers the process which should be adhered to when an employee raises an informal concern and a formal grievance. Examples of a concern or grievance are as follows, but not exhausted to:
  - Working conditions or environment;
  - Employment rights;
  - Terms and conditions;
  - The way you are managed;
  - New working practices;
  - Unfair treatment;
  - Opportunities for career development.
4. The policy covers grievances in the workplace and in any work-related setting outside the workplace.
5. The policy does not cover complaints that amount to an allegation of misconduct or bullying and harassment on the part of another staff member. Complaints of this nature will be dealt with under the Trusts Disciplinary Policy and/or Bullying and Harassment Policy.

6. It will also not apply to issues relating to rates of pay (as these should be addressed via the Job Evaluation appeals procedure).
7. If your complaint is in relation to any formal action taken against you, this should be dealt with in line with the appeal process set out within the related policy and procedure.
8. Employees are encouraged to voice any concerns they have about any aspect of their employment without fear of reprisals.

## **Principles**

1. Every effort should be made to deal with complaints and/or grievances informally in the first instance. This will not prevent use of the formal procedures at a later stage. All complaints will be properly considered.
2. Cases will be handled in a timely manner, where there is delay the individual will be notified of the reason and anticipated date of conclusion. Cases will be handled sensitively and wherever practicable in confidence.
3. All employees are encouraged to raise their concerns when they arise and to have free and open communication with their line manager to ensure that questions, queries and problems can be dealt with quickly and to the satisfaction of everyone.
4. At all stages of this procedure, individuals have the right to be accompanied by a trade union representative or by a work colleague.
5. The purpose of this policy is to:
  - Outline what the informal and formal processes are for dealing with informal concerns and formal grievances;
  - Explain the approach to dealing with concerns raised;
  - To clarify the expectations of all staff;
  - To signpost links to other supporting information.
6. It is recognised that where employees are concerned about areas of their work or employment this can negatively impact employees' wellbeing and professional performance. If not appropriately tackled this behaviour can have serious consequences, for the individual themselves, their colleagues and the Trust.
7. Effects on the organisation can include a loss of morale, poor work performance, increased turnover of staff, sickness absence, legal claims and damage to the Laurus Trust reputation.
8. The Trust recognises that not all problems will be capable of a resolution which satisfies all those concerned, but the grievance procedure will ensure that the problem is addressed and that a clear response is provided at each stage.

## **Roles**

### **Employee**

1. Anyone raising a grievance should try to resolve it informally at an early stage. Ideally this would be with their line manager, however, other people can also assist/facilitate such as a work colleague, trade union representative or HR.
2. Grievances raised under this procedure must be made in good faith. Employees who are found to have made malicious, vexatious or spurious complaints may themselves become subject to disciplinary investigation.

### **Line Managers**

3. In addition, all those who act in a line management role are responsible for:

- Ensuring that you understand what constitutes a grievance and the need to take action to resolve it;
  - The implementation and communication of this policy and for ensuring that your teams have an awareness of it and know the standards of behaviour expected of them;
  - Demonstrating the behaviours expected from all employees;
  - Ensure that any complaint is dealt with seriously, quickly and confidentially;
  - Supporting employees so that they are confident that they will be protected against victimisation or retaliation for bringing a grievance;
  - Appropriately managing malicious, spurious or vexatious grievances.
4. Managers should be responsive and supportive to any employee who raises a concern and provide clear advice on the procedure to be followed and sources of support which might be available, maintain confidentiality and take appropriate action to address the issues.
  5. Managers should encourage employees to openly discuss their concerns with them in order to support fast and informal resolution.

### **Human Resources**

6. The HR team will provide advice and guidance on the application of the Policy.
7. The HR team will work to ensure consistency in application across the Laurus Trust.
8. The HR team is responsible for this Policy, undertaking reviews and amendments.

### **Informal Procedure**

1. Where an employee has a grievance which involves other members of staff including the Head of School, they should first of all endeavour to resolve the matter by a direct approach to the member of staff involved or in discussion with their line manager, other senior members of staff or, if appropriate, with the Head of School. Where a member of staff requests a personal interview, it should be granted within five working days of receipt of the request.
2. The line manager or other appropriate senior member of staff or the Head of School should seek to resolve the problem personally or, by mutual agreement, in consultation with other member/s of the staff. The Head of School may also, by mutual agreement, seek consultation with the CEO, the Trustees, or with representatives of the trade union concerned as may be thought appropriate.
3. In circumstances where the Head of School or alternative has not been involved and where the employee is dissatisfied with the outcome, the employee may request a personal interview with the Head of School. The interview should be granted within five working days and the Head of School should respond orally as soon as possible bearing in mind the possible need to consult with the CEO.
4. In circumstances where the Head of School has been involved at an earlier stage, or where the grievance is against the Head of School, the matter should be referred to the formal stage. In all cases a genuine attempt should be made by all parties to resolve the grievance at the informal stage before it will be considered at the formal stage.
5. Where an employee has a grievance against the Trustees, they should first of all attempt to resolve the matter by a direct approach to the Head of School and then either to the Chair of Trustees or the CEO as appropriate. Where the employee requests a personal interview it should be granted within five working days. The Chair of Trustees or the CEO should seek to resolve the grievance.

## **Formal Procedure**

1. Where the matter has not been resolved under the informal procedure, the member of staff concerned may submit a formal written notice of the grievance to the Head of School, with a copy to the person/s concerned if other than the Head of School. Where the matter involves a grievance against an individual Trustee or the Trustees as a whole then formal written notice should be submitted to the Chair of the Trustees with a copy to the CEO. When an employee intends to register a formal grievance, they must do so within 3 months of the occurrence which led to their grievance.
2. The Head of School or nominated senior leader will arrange a hearing to consider the grievance. Such a meeting should be arranged within ten working days of receipt of such a request. Copies of all relevant documents will be made available to all parties five working days before the hearing. The parties should be allowed to make their submissions personally, accompanied by a representative of their trade union or a work colleague. The decision of the Head of School will be confirmed in writing within five working days of the hearing. Under most circumstances this will be the final stage of the procedure.
3. The grievance hearing will follow the hearing process as set out in the Laurus Trust Disciplinary Policy.

## **Appeals**

1. The employee shall have the right of appeal against any decision taken following a grievance hearing, as follows:
  - in the case of any decision of the Head of School through a hearing process, an appeal should be made to the CEO. A panel will be convened which shall be composed of not less than 3 members of the Board of Trustees. The Appeals Panel shall have the power to uphold, partly overturn or fully overturn the original decision;
  - in the case of any decisions by the CEO, an appeal should be made to an Appeals Panel of the Board of Trustees, which shall be composed of not less than 3 members of the Board of Trustees not involved in the initial hearing. The Appeals Panel shall have the power to uphold, partly overturn or fully overturn the original decision;
  - Trustees involved in such hearings will need to consider the rules surrounding personal interest when taking part.
2. All appeals must be submitted in writing to the relevant person within 10 working days of receipt of written notification of the outcome of the original hearing.
3. All relevant documents should be circulated to all parties at least five working days prior to the appeal hearing or as soon as practicable thereafter and should allow the parties concerned, if they so wish, to make their submission, each of them being accompanied by a work colleague or official representative of their union or association. The decision of the appeal panel will be confirmed in writing within five working days and other interested parties will be informed as appropriate.
4. An appeal under this procedure will not affect the right of an employee to appeal to an Employment Tribunal, in appropriate circumstances, nor will it affect the time limits for such a procedure.

## **Head of School**

1. Where a Head of School has a grievance, they should first endeavour to resolve the matter by informal discussion with the person concerned.
2. Where the matter remains unresolved, the Head of School should discuss it with the CEO or other appropriate identified member of the Senior Leadership Team.

3. Where the matter is not resolved informally the Head of School should submit a formal written notice of the grievance to the CEO. Where a Head of School intends to register a formal grievance they should do so in writing within 3 months of the occurrence which led to their grievance.
4. Where a formal written notice of the grievance is submitted by the Head of School the procedures set out under the Formal section of this policy should then apply.
5. The procedures outlined in the Appeals section, will apply should a Head of School wish to appeal against a decision made under the Formal section of the procedure.