



# The Arthur Terry Learning Partnership

## Grievance procedure

This policy was approved by the Trustees in December 2021

**John Vickers**..... Chair of Trustees

This policy will be reviewed annually on or before December 2022

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(Note: Where reference is in this policy is to “Manager”, this will mean: CEO, Director of Education, Executive Team or Head Teacher.)

## **1 Policy statement**

1.1 It is the Trust's 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. Where an employee makes the Trust aware that they have a complaint a meeting will be held to discuss it with them, carry out any necessary investigation where required, inform them in writing of the outcome, and give them a right of appeal if they are not satisfied.

1.2 Issues that may cause grievances include:

1.2.1 terms and conditions of employment;

1.2.2 health and safety;

1.2.3 work relations;

1.2.4 new working practices;

1.2.5 working environment; 1.2.6

organisational change; and

1.2.7 discrimination.

1.3 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.

## **2 Who is covered by the procedure?**

2.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

2.2 Agency workers should raise any concerns directly with their employer who will contact the ATLP as appropriate.

2.3 Self-employed contractors should raise any concerns directly with the contact person for the contract. Where concerns cannot be resolved informally, a formal complaint can be submitted using the ATLP Complaints Policy.

### **3 Using this procedure**

3.1 Employees should raise matters promptly and without unreasonable delay. Matters that occurred over 3 months ago may not be considered without good reason for the delay in raising the matter. The employer will deal with matters in the same way.

3.2 Complaints that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to and dealt with under the Disciplinary Procedure if appropriate, the employee will be informed if this is the case.

3.3 This Grievance Procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the Disciplinary Procedure.

3.4 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3.5 There is a separate Anti-harassment and Bullying Policy that may be useful if an employee believes they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.

3.6 The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where they are directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, they may raise the matter under this grievance procedure.

3.7 Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure.

3.8 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.

3.9 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

3.10 The Trust offers access to confidential counselling should you require it. The details to access this service are as follows: DAS telephone counselling telephone 0117 934 2121, or alternatively you can contact the Education Support Partnership: <https://www.educationsupport.org.uk>, or telephone **08000 562 561**.

### **4 Confidentiality and data protection**

4.1 It is the aim of the Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.

4.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

4.3 During any action, including any decisions taken under this procedure, the Trust will collect, process and store personal data in accordance with its data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with the Workforce Privacy Notice, the Retention and Destruction Policy and in line with the requirements and in line with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

## **5 Low level concerns**

5.1 All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern - no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

Examples of such behaviour could include, but is not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

5.2 Where staff wish to raise or report a low level concern, they should refer to the 'Allegations and Concerns raised in relation to Staff, Supply Staff, Contractors and Volunteers' policy in the first instance.

## **6 Raising grievances informally - Step 1**

6.1 The Trust believes that most grievances can be resolved quickly and informally through open communication and discussion with the line manager or other appropriate manager. A grievance will always be aimed to resolved informally where possible and employees are encouraged to seek informal resolution. If an employee feels unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to the headteacher or a more senior manager. A member of the executive team may speak to the Chair of the Trust Board in the event the grievance is with regard to the CEO. If this does not resolve the issue, the formal procedure below should be followed.

## **7 Formal written grievances - Step 2**

7.1 If the grievance cannot be resolved informally it should put it in writing and submitted to the headteacher/manager as appropriate, indicating that it is a formal grievance. If the grievance concerns, or is raised by, the headteacher it should be submitted to the Director of Education via the School. If the grievance concerns the Director of Education, it should be submitted to the CEO. If the grievance concerns the CEO, it should be submitted to the Chair of Trust Board. In accordance with equality law, the Trust will consider making reasonable adjustments, to enable complainants to access and complete this grievance procedure.

7.2 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations, the Trust may need to ask for further information to be provided. The desired outcome to resolve the situation should also be stated. It should be noted that where a grievance relates to another employee, in order for them to provide a response, they will be given a copy of your grievance.

## **8 Investigations**

8.1 In some cases it may be necessary for the Trust to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from the person who raised the grievance and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by an investigating officer, appointed by the headteacher/Director of Education/CEO/manager as appropriate. In the case of an investigation into a complaint against a headteacher, the Director of Education will determine who will carry out the investigation. In the case of a complaint against the Director of Education, the CEO will determine who will carry out the investigation. In the case of a complaint against the CEO, the Chair of the Trust will determine who will carry out the investigation.

8.2 The employee must co-operate fully and promptly in any investigation. This may include informing the Trust of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

8.3 The employer may initiate an investigation before holding a grievance meeting where the employer considers this appropriate. In other cases, the Trust may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, a further grievance meeting will be held with the employee after the investigation and before a decision is reached.

## **9 Right to be accompanied**

9.1 The employee 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. The employee must tell the person holding the grievance meeting who their chosen companion is, in good time before the meeting.

9.2 Should the employee choose to bring a companion to the hearing, they will be responsible for making these arrangements and for providing the companion with any paperwork that they require for the meeting.

9.3 At the meeting, the companion may make representations to the Trust and ask questions but should not answer questions on the employee's behalf. The employee may request an adjournment to speak to them privately at any time during the meeting.

9.4 Acting as a companion is voluntary and 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.

9.5 If the chosen companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, the Trust will postpone the meeting. If the chosen companion will not be available for more than five working days afterwards, the employee may be asked to choose someone else.

9.6 The Trust may, at its discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of your family) as a reasonable adjustment if they have a disability, or if they have difficulty understanding English.

## **10 Grievance meeting**

10.1 The employer will arrange a grievance meeting, normally within 5 working days of receiving the written grievance.

10.2 The employee and their companion (if any) should make every effort to attend the grievance meeting. If the employee or their companion cannot attend at the time specified, the employee should inform the Trust immediately and it will try, within reason, to agree an alternative time.

10.3 The purpose of a grievance meeting is to enable the employee to explain their grievance and how they think it should be resolved, and to assist the Trust to reach a decision based on the available evidence and the representations made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

10.4 After an initial grievance meeting the Trust may carry out further investigations and hold further grievance meetings as considered appropriate. Such meetings will be arranged without unreasonable delay.

10.5 The Trust will write to the employee, usually within 5 working days of the final grievance meeting, to inform them of the outcome of their grievance and any further action that it intends to take to resolve the grievance. The Trust will also remind them of their right of appeal. Where appropriate a meeting may be held to give this information in person.

## **11 Appeals - Step 3**

11.1 If the grievance has not been resolved to the employee's satisfaction, they may appeal in writing to the headteacher/Director of Education/CEO/manager, stating their full grounds of appeal, within 5 working days of the date on which the decision was sent or given to them.

11.2 The Trust will hold an appeal meeting without unreasonable delay, normally within 10 working days of receiving your written appeal. This will be dealt with impartially by the Head Teacher/Director of Education/CEO/more senior manager, who has not previously been involved in the case (although they may ask anyone previously involved to be present). An appeal meeting will be held by the next level of seniority. You have a right to bring a companion to the meeting (see paragraph 8).

11.3 The employer will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

## **12 Collective Grievances**

12.1 If the employee or another employee (or more than two employee's) have identical grievances and all wish them to be addressed in the same grievance process, a collective grievance can be raised via this grievance procedure. All employees concerned must agree (without any pressure being exerted on staff members to join the collective process) to do this.

12.2 If all such employees do not entirely voluntarily agree to this arrangement or if the grievances are not identical, the Trust will arrange to hear each grievance on an individual basis.

12.3 If all such employees are all members of the same trade union, the trade union representative can (if employees all wish him or her to do so) raise the grievance on their behalf. Alternatively, all such employees can agree to nominate one to act on behalf of all of them.

12.4 The collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

12.4.1 Identify all employees who wish to raise the grievance;

12.4.2 Identify any nominated trade union representative or colleague that are representing all employees;

12.4.3 State that they have all voluntarily consented to use the collective grievance procedure;

12.4.4 Confirm that they understand that the grievance will give each of them the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.

12.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

## **13 Disciplinary Proceedings**

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the organisation's disciplinary policy against individuals identified of potential misconduct as a consequence of this procedure.

## **14 Review of policy**

This policy is reviewed and amended annually by the Trust in consultation with the recognised trade unions. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.