Good Shepherd Trust

Life in all its fullness

# Grievance Policy

| Version Number | Version Description | Date of Revision/Review |
|---|---|---|
| 1 | Original | Jan 2016 |
| 2 | Reviewed – No Changes | Sep 2017 |
| 2 | Reviewed – No Changes | Sep 2021 |
| 3 | Reviewed – No Changes | Sep 2024 |
| 4 | Date of next review | Sep 2027 |
| | | |
| | | |
| | | |
| | | |

## Values

In keeping with our Trust vision, every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially

In working with transparency and openness

## 1. Introduction

The Grievance procedure is intended to assist all employees to resolve difficulties within the workplace and to support employees who wish to raise concerns about their work, working environment or relationships with colleagues. All grievances will be managed under this procedure and managers and employees should raise and deal with issues promptly and not unreasonably delay meetings, decisions or confirmation of those decisions. The grievance procedure will not apply to issues where other more specific procedures apply.

The following procedure will be applied fairly in all instances where a grievance has been raised however the Trust reserves the right not to pursue grievances that are malicious or vexatious, or which repeat complaints which have already been dealt with.

Managers and employees should attempt to resolve grievances informally in the first instance. The employee is entitled to be accompanied by a trade union representative or work colleague at every stage.

## 2. Scope

This procedure applies to all employees of the Trust.

This document has two sections, this high level introduction followed by the in-depth guidance section which details the grievance process and procedure to be followed. Where other policies and procedures are identified they should be read and followed where applicable.

## 3. Principles

The Trust has a duty to support its employees with any concerns, or grievances that they wish to raise.

This procedure will ensure that:

- lawful, non-discriminatory and effective arrangements exist for dealing with employee concerns and grievances
- employees are aware of their responsibilities to raise any problems
- managers are aware of their responsibilities with the aim of resolving issues as soon as possible

## 4. Process

1. Where an employee has a grievance they should discuss it with their manager. The manager and employee should both try and resolve the grievance informally together, normally within 5 working days.
2. Where the grievance concerns the line manager, employees should discuss the matter with the next line of management.
3. If the informal approach does not resolve the concern then the employee should raise the matter formally in writing stating the nature of their grievance and the expected resolution. See guidance notes in section 2.

4. Within 5 working days of receipt of the letter the line manager will arrange a formal meeting during which the grievance will be considered. See guidance in section 2.
5. Within 5 working days of the formal meeting the line manager will write to the employee advising them of the outcome of the meeting and outlining the next step including their right of appeal against the decision. See guidance section 2.
6. Appeals are to be lodged within 5 working days. Within 10 working days of receiving the appeal letter an appeal meeting will take place. See section 2 Guidance for detail. The outcome of the appeal meeting will be formally notified to the employee in writing within 5 working days
7. There is no further right of appeal.

Should further clarification or support be required please contact the Trust HR advisers.

## Section 2

### 1. Introduction

Anybody working for the Trust may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with their manager. They want the grievance to be addressed, and if possible, resolved as soon as possible. It is also clearly in the Trust's interests to resolve problems before they can develop into major difficulties for all concerned.

Issues that may cause grievances include:

- Health and Safety
- Work relations
- Working environment and conditions
- Discrimination

Grievances may occur at all levels and this guidance applies equally to managers and employees. Employees might raise matters not entirely within the control of the Trust, such as client or customer relationships. The Trust will take third party grievances seriously and action will be taken to support the employee.

The Trust will aim to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible every effort will be made to explain the reasons for the decision and where employees are not satisfied with the outcome they have the right to pursue their grievance to the next stage of the procedure.

Employees who raise grievances will be treated fairly at all times throughout this procedure. However, if a grievance is found to be malicious or to have been made in bad faith the employee may be subject to the Disciplinary Procedure.

The grievance procedure will not apply to issues where separate procedures apply as follows:

- Grading of the employee's post
- A case of alleged bullying or harassment
- Appeals against disciplinary decisions
- Appeals against dismissal
- A grievance cannot be raised on the basis of non-acceptance of an application for voluntary redundancy.
- Issues that are the subject of collective negotiation or consultation with the recognised trade unions

The above list is not exhaustive and where a problem cannot be raised through the grievance procedure the manager will advise the employee that the grievance will not be heard under this procedure and inform them of the correct procedure to follow.

When thinking about what action to take managers should consider if they need any further advice from their senior manager or from the Trust HR advisers.

### 2. Informal Discussions

Employees should aim to settle most grievances informally with their line manager. The Trust encourages open communication between managers and employees. Many problems can be settled quickly during the course of everyday working relationships.

Where the problem concerns the immediate line manager, employees should discuss the matter with the next line of management.

In a school setting this will be a meeting with the Headteacher (or their nominee). If the

grievance involves the Headteacher, the grievance should go to the Chair of the Local Governing Body.

A record will be kept of the meeting and the outcome of the informal discussion.

If as a result of the initial meeting the manager/Headteacher (or their nominee) determines that there is potentially a conduct issue to address, through the formal disciplinary procedure, the employee's grievance or complaint will be put on hold, whilst the matter is investigated. The manager/Headteacher will keep the employee up to date. The manager / Headteacher should at this stage inform the Trust of the instigation of formal procedures.

## 3. Mediation/Facilitated Discussion

In some cases it can be helpful to involve an independent third party or mediator, to help resolve problems by way of mediation; sometimes referred to as a facilitated discussion. Mediation is a voluntary process where an impartial third party helps two or more people in dispute to attempt to reach an agreement. Mediation cannot be imposed on anyone and does not prevent an employee from pursuing the formal route. The Trust will encourage all parties to participate in some form of mediation/facilitated discussion. Mediators may be formally trained and accredited or may carry out this role in addition to their day jobs. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Whilst there is no formal right to be accompanied during mediation, and both parties are generally unaccompanied, an employee may wish to be accompanied by a trade union representative or co-worker.

Mediation distinguishes itself from other approaches to conflict resolution as it is:

- Less formal
- Flexible
- Voluntary
- Voluntarily binding, but normally has no legal status
- (generally) unaccompanied
- Owned by the parties

If the informal approach does not resolve the concern, the employee may raise the issue formally.

## 4. Formal Grievance Meeting

Where a grievance is serious or an employee has attempted to raise a problem informally without success, the employee should raise it formally in writing with the appropriate line manager

If the grievance is about their manager, it should be addressed to their manager's immediate line manager.

In a school setting where an employee has a grievance with the management operation or actions of the Local Governing Body of the school which does not involve any other member of the staff, a direct approach can be made to the chair of the Local Governing Body. Alternatively a direct approach can be made to the Trust CEO.

When stating their grievance, the employee should clearly state:

*a) Why they are raising a formal grievance, and the nature of the grievance.*

*b) The outcome or resolution they are looking for. This needs to be reasonably achievable.*

If the above is not clear the manager/Headteacher should contact the employee to request this information prior to a meeting being arranged.

Receipt of the formal grievance should be acknowledged by the manager/Headteacher in writing within 5 working days. The manager/Headteacher will arrange a meeting with the

employee within 5 working days and confirm this in writing advising them of their right to be accompanied by a trade union representative or work colleague. In a school setting this will be a meeting of the Committee of the Local Governing Body (the Committee) and may include a representative of the Trust.

The purpose of the meeting will be to consider the grievance with a view to resolving the matter. Managers/the Committee should remember that a grievance meeting is not the same as a disciplinary meeting, and is an occasion when discussion and dialogue may lead to an amicable resolution

The following should be considered:

- Arranging for someone who is not involved in the grievance to take a note of the meeting
- whether it is necessary for a manager/Headteacher to attend to provide further information
- whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment
- whether any adjustments need to be made or support offered to the member of staff to enable them to fully participate in the meeting
- whether to offer independent mediation
- In complex cases, the Committee should consider whether it is necessary to appoint an investigation officer.

It is generally good practice to adjourn a meeting before a decision is taken about how to deal with an employee's grievance. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, if required. If it is possible to reach a decision within a short timescale, the meeting will be reconvened and the decision given.

Should further checking be required the manager/Headteacher/Chair of Local Governing Body, on behalf of the Committee, must give this the highest priority and it should be carried out without undue delay whilst ensuring that the facts are investigated thoroughly.

Once additional checking has been completed the meeting should be reconvened and the employee advised of the outcome.

As a result of the meeting it may be decided that it is appropriate to move onto a different procedure and if this is the case the employee must be advised of this, given a copy of the relevant procedure and kept informed of progress.

After the meeting the Committee must within 5 working day, set out clearly in writing their decision in response to the grievance, any action that is to be taken, and the employee's right of appeal.

The letter should:

- state who the appeal should be made to
- explain that is should be in writing
- explain that it should set out the specific grounds of appeal
- give the time limit for appealing (5 working days)
- include a copy of the notes of the key points from the grievance meeting

Where an employee's grievance is not upheld the reasons must be carefully explained. If the grievance highlights any issues concerning policies, procedures or conduct (even if not sufficiently serious to merit separate disciplinary procedures) they should be addressed as soon as possible.

The manager/Headteacher must ensure that any action taken is monitored and reviewed, as appropriate, so that it deals effectively with the issues.

## 5. Appeal

All employees have the right of appeal against any decision as a result of the grievance procedure. Please see the **Appeals Policy** for information on how the Appeals process works.

## 6. Keeping Written Records

Notes will be taken of all key points raised at grievance meetings and appeals and a copy given to the employee. This information may be required at an Employment Tribunal.

Managers are advised to keep a record of all grievance cases. This record should include:

- the complaint made by the employee
- findings made and actions taken
- the reason for actions taken
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments
- notes of any formal meetings

These records are to be kept confidential and retained in accordance with this procedure and the Data Protection Act 2018.

## 7. Overlapping Grievance and Disciplinary Cases

A grievance raised during the course of the disciplinary procedure (including a claim of harassment) will be referred to the Chair of the Local Governing Body or Trust CEO as appropriate, who will decide whether the grievance should be considered separately, or as part of the disciplinary process.

Where the employee's grievance relates to the disciplinary case it will be investigated as part of the disciplinary process and will not suspend the disciplinary procedure.

## 8. Associated Procedures

Where a grievance concerns more than one employee the same procedure will apply but, if the employees affected wish, the appropriate trade union representative can raise the matter as a **Collective Dispute** in accordance with the Trust agreed process.

If the complaint concerns alleged wrongdoing or criminal offence by persons within the Trust it should be raised immediately under the **Whistleblowing Procedure.**

Any complaint or incident involving financial irregularity must be immediately notified to Chief Executive Officer before proceeding with any disciplinary procedure or action. Serious cases may also need to be reported to the police who might then conduct a criminal investigation.

Any complaint involving suspected sexual, physical or emotional abuse against children and/or vulnerable adults must be investigated using the Trust's Safeguarding Procedures. This may involve a joint approach with the Police.

The manager/Headteacher should inform the Local Authority Designated Officer (LADO) of any complaints involving suspected child protection cases within 24 hours.

Complaints concerning discrimination, bullying or harassment should be raised in accordance with the **Harassment Policy**.

## 9. Former Employees

The grievance procedure is focused on resolving disputes with current employees and is therefore not applicable to former employees or to complaints made in a resignation letter or exit interview. However managers should take all complaints seriously and seek to investigate

any potential areas of dispute when an employee is leaving, providing they are raised without unreasonable delay. This may involve meeting with the former employee but there is no right of appeal against any decision or action taken.

## 10. Equality

Reasonable adjustment may be needed for a worker with a disability (and possibly for their companion if they are disabled) e.g. the provision of a support worker or advocate with knowledge of the disability and its effects.

The Manager/Headteacher should also consider providing more flexibility in arranging the date and venue of a meeting or appeal, rearranging dates due to ill health and providing an interpreter for employees if required.

The Manager/Headteacher should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a grievance.