

Policy Title:	Staff Grievance Policy
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Version	Date	Description
1.1	18/05/26	Explanation on Appropriate Leader, changes to Section 1, 3, 5, 6, 7, Appendix 1. Additional section on Data Protection
1.2		
1.3		
1.4		

“Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind.”

Grievance Policy and Procedure

As an organisation, Primitas Learning Partnership believe that it is important that colleagues have the facility to raise any grievances relating to their employment and that these are dealt with promptly, fairly, consistently and without delay. The purpose of this policy and procedure is to give you the opportunity to raise grievances either informally or formally.

Any reference to 'the employer' refers to Primitas Learning Partnership.

Any reference to 'the employee' refers to the member of staff who is raising a grievance (either informally or formally) against a colleague.

The Appropriate Leader will be determined according to the employer's decision making structure (Appendix 1). This policy applies to employees, referred to in this policy as colleagues.

Deciding Manager – in the case of grievances raised by staff, the Headteacher is the Deciding Manager under formal procedures. The Chair of Governors is the Deciding Manager if the grievance is made against the Headteacher. The Chief Executive Officer (CEO) is the Deciding Manager if the grievance is against a member of the Central Team. The Chair of the Trust Board will be the Deciding Manager if the grievance is against the CEO.

The procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply once you have left the employer.

1. General Principles

- 1.1 A grievance is a concern, problem or complaint that an employee raises with the employer. If an employee's grievance relates to bullying or harassment, then they must use this grievance procedure to address it.
- 1.2 This procedure cannot be used as an additional means of appeal against a decision or sanction under another policy.
- 1.3 If an employee raises a grievance, or supports someone in raising their grievance, they will be protected from detriment and will not be victimised or placed at any disadvantage as a result of raising or supporting a grievance.
- 1.4 If an employee's grievance is proven to be knowingly malicious or vexatious, they will be subject to disciplinary action and formal action may be taken in line with the Disciplinary Policy and Procedure.
- 1.5 An employee can use this procedure either on their own or collectively with, otherwise others, known as a collective grievance.
- 1.6 We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure where necessary and in line with our equal opportunities policy.

- 1.7 An employee must raise and submit their grievance within 3 months of the concern, problem or complaint arising. We reserve the right not to investigate grievances that are older than three months. There may be some exceptions to this timescale dependent on the nature of the issue. For example, where a number of instances occur over a number of months, they may be considered. Conversely, an isolated incident or issue that occurred many months or years ago may not be.

2. Link with Other Policies and Procedures

The employer has various procedures for dealing with complaints and it may be that the grievance procedure is not the most appropriate to address an employee's concern or complaint.

2.1 Whistleblowing Policy

If an employee's complaint relates to possible malpractice, wrongdoing or illegal activities which you wish to report, the complaint should be made in accordance with the employer's Whistleblowing Policy. However, an employee may also raise the matter as a grievance under this procedure if they feel that they have been directly affected by the matter in question or have been treated less favourably for raising the matter.

2.2 Disciplinary/Appraisal Policies

Where an employee raises a grievance during disciplinary/appraisal proceedings

- The disciplinary/appraisal proceedings may be temporarily suspended in order to deal with the grievance or
- The grievance and disciplinary/appraisal may be run concurrently where they are related

2.3 Complaints related to pay and or grading

There are separate policies and procedures for dealing with complaints about grading or job evaluation, these processes are detailed in the Pay Policy.

3. Managers Responsibility

3.1 All Appropriate Leaders should:

- Comply with the requirements set out in this policy and procedure and observe the time requirements
- Ensure that at all times they treat the process as confidential
- Promote and operate the grievance policy and consider any grievances fairly and thoroughly
- Try to resolve the grievance without delay
- Where appropriate, ensure that mediation has been explored and offered to parties as a way of resolving the grievance before it reaches the formal stages
- Create and maintain a good working environment while the grievance is being handled
- Personally support all parties affected by the grievance
- Ensure that notes are kept and shared with the parties as appropriate

4. Status Quo

- 4.1 For the purposes of this procedure, 'status quo' means the working arrangements or practices in place immediately before the event causing the grievance.
- 4.2 The status quo will apply (except where working practices are dangerous, where there would be a breach of statute, or where there would be a significant impact on an employee's welfare) until the issue has been resolved or the formal stages of the procedure have been completed.

5. Mediation

- 5.1 Mediation is a confidential process that seeks to help colleagues resolve disputes in the workplace. Mediation is an informal process where colleagues involved in a dispute or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.
- 5.2 Mediation can be used at any point in the procedures, for example where, other informal approaches have been unsuccessful, or if you do not feel that the formal procedure is the right option, you may want to consider mediation as an alternative to the formal procedure. Mediation is a voluntary option and it can only be used when both parties agree to take part. There is no penalty or detriment if you choose not to participate in a mediation process.
- 5.3 If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager must contact the Appropriate Leader as soon as possible so that a mediator can be arranged.
- 5.4 If an employee has raised a grievance and decide to pursue mediation, the grievance may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal grievance will be closed.
- 5.5 If an employee goes through mediation and it is not successful, they can then go through the formal grievance procedure.

6. Right to be Accompanied

- 6.1 An employee has the right to be accompanied by a companion at any meeting as part of the grievance procedure. The companion may be another employee of the Trust (who is not a family member), a trade union representative or an official employed by a trade union.
- 6.2 The companion is allowed to address the meeting, to put forward and sum up the employee's case, respond on their behalf to any views expressed at the meeting and confer with them during the meeting.
- 6.3 Under this procedure, the employee does not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative) apart from those people already referred to above.

6.4 It would not normally be reasonable for the employee to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for them to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

6.5 Where appropriate, eligible colleagues, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

7. The Grievance Stages

7.1 Stage 1 - Informal Procedure

Many issues or concerns can be dealt with on an informal basis, outside of the formal grievance procedure, through discussion with a line manager and we would encourage this. The employee must inform the Appropriate Leader whenever they are raising a grievance informally and should clarify what outcome they are seeking. They must then give their line manager reasonable time to deal with their complaint informally.

7.1.1 If your concern is about the Appropriate Leader then you can discuss the matter informally with the Chair of Governors or Chair of Trustees. No action will normally be taken unless agreed with them first.

7.2 Stage 2 – The Formal Procedure

If the employee's grievance has not been resolved informally or they feel that the informal process is not appropriate, then they can raise the matter formally. To do this, the employee (or their companion) must put their complaint in writing to the Appropriate Leader (who will be the Deciding Manager for the case), making it clear that they wish to raise the matter as a formal grievance. If the grievance concerns the Appropriate Leader, then the employee should send their grievance to the Chair of Governors or Chair of the Trust Board as appropriate, who will become the Deciding Manager for the case.

7.2.1 The employee's complaint should explain the basis of their grievance, and it will be helpful to include any relevant dates, facts and any thoughts they may have on the outcome they are seeking.

7.2.2 If the employee chooses to follow the formal route, then, on receipt of the grievance, the Appropriate Leader, who formally takes on the role of Deciding Manager, will instigate the formal process. The Deciding Manager will:

- arrange a meeting with the employee to discuss the grievance
- ensure the meeting is in private
- respect their confidentiality
- ensure that notes are taken of their grievance at the meeting
- explore the extent to which attempts to resolve the issue informally have been pursued.
- carefully consider all the points raised and agree any steps or actions to try and resolve the grievance.

7.2.3 Where reasonably practicable, the meeting will be held within **10 working days** of receipt of the written grievance and sooner where the grievance is related to harassment or bullying.

7.2.4 Depending on the employee's grievance and the outcome of the meeting, the complaint may need to be formally investigated. If this is the case, the employee will be notified of this and kept informed of the progress of the investigation. Investigations will be dealt with as confidentially and sensitively as possible, in line with the Investigations Procedure.

7.2.5 Once the consideration of employee's grievance has been completed, the Deciding Manager will write to the employee with the outcome within **10 working days**. Potential outcomes of the grievance meeting are that the grievance is:

- upheld
- partially upheld or
- not upheld

The employee will also be advised of their right of appeal should they be dissatisfied with the decision, together with confirmation of to whom their appeal should be made.

7.3 **Stage 3 – The Appeal**

If the employee is not satisfied with the outcome at Stage 2, they may appeal the decision. The appeal must be in writing and set out in line with the list below and must include all the information the employee wishes to rely on at the appeal meeting. The employee must send their appeal to the Grievance Appeal Panel within **5 working days** of the date they received the letter notifying them of the grievance decision.

7.3.1 The employee must be appealing against either:

- the finding that their grievance was not upheld where the evidence does not support this finding
- the fact that they do not feel that the correct procedure was followed
- the fact the new evidence has come to light that would change the outcome
- the outcome is inconsistent with how others have been treated

7.3.2 The employee will be invited to the meeting in writing in accordance with the Formal Meeting/Appeal Procedure. They will be given at least **10 working days'** notice of the appeal meeting to consider their appeal and any suggestions they have for resolving the grievance. The employee has the right to be accompanied at the appeal meeting by their companion.

7.4 **Outcome**

7.4.1 The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The Chair of the Appeals Panel will either recall the employee to the appeal hearing or will write to them confirming their decision. The appeal outcome will be confirmed in writing within **10 working days** of the appeal hearing. There is no further right of appeal.

- 7.4.2 In some circumstances and with the agreement of both parties the employer may agree to appoint an independent mediator or conciliator which may include ACAS or another person acceptable to both parties.

8. Records

- 8.1 At the end of the formal stage of the grievance procedure, the Appropriate Leader hearing the case will send the employee written confirmation of the decision, within **10 working days** following the meeting. The letter will record the outcome and any terms of any agreement reached in resolving the grievance/dispute. At stage 2 the letter will also explain who the employee can appeal to if they are still not satisfied.

- 8.2 A copy of the outcome letter and any formal meeting notes will remain on your personnel file.

9.1. Data Protection

PLP will comply with the provisions of the Data Protection Act 2018. Employee data will be processed by PLP in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of PLP's business. PLP will ensure that personal information about an employee, including information in personnel files, is securely retained.

Academy Decision-Making Structure for Staff Grievances

In line with Primitas Learning Partnership's scheme of delegation, responsibility for the management of disciplinary matters has been delegated to the Appropriate Leader which is as follows:

- *The Headteacher for colleagues within their Academy*
 - *The Governing Body if the concern is about the Headteacher*
 - *The Chief Executive Officer for colleagues within the Central Team*
 - *The Trust Board if the concern is about the Chief Executive Officer*
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1. The Appropriate Leader is the Deciding Manager of Stage 2 cases. Where the grievance is against the Headteacher or CEO, the Chair of the Local Governing Body or the Chair of the Trust Board is the Deciding Manager.
 2. During Stage 1, the Appropriate Leader will delegate the management and oversight of informal grievance resolutions to the Deputy Headteacher if the grievance is against a member of teaching staff.
 3. During Stage 1, the Appropriate Leader will delegate the management and oversight of informal grievance resolutions to an appropriate manager if the grievance is against a member of associate staff.
 4. If the matter cannot be resolved informally, or the matter is too serious, it must be referred to the Appropriate Leader who will make the decision to instigate formal procedures and will then direct the formal procedures if implemented.
 5. If any grievance concerns the Appropriate Leader, the matter must be referred directly to the Chair of Governors or Chair of the Trust Board as appropriate, who will direct the procedures as required.
 6. Responsibility for the appeals process (7.3) sits with the Trust Board and the Grievance Appeals Panel is comprised of Trustees.