



Grievance Policy and Procedure

Policy Number	
Named Person(s)	COO
Review Committee	Board
Last review date	September 2019
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GRIEVANCE POLICY AND PROCEDURE

In keeping with Tyne Community Learning Trust's other policies and procedures, this document is issued for guidance and is not intended to have contractual effect. Tyne Community Learning Trust reserves the right to vary, amend or depart from the contents of this policy and procedure from time to time in appropriate circumstances.

1.0 Policy

Tyne Community Learning Trust encourages open communication and consultation where employees raise problems and concerns and aims to ensure that these are settled as a matter of course.

It is our aim to encourage employees with a concern, problem or complaint to seek satisfactory solutions as unresolved issues can cause unhealthy working relationships.

We will aim to resolve grievances as quickly as possible concerned in an environment of mutual trust and confidence. Where this is not possible, every effort will be made to explain the reasons for the decision.

It is our aim that initially employees will raise concerns informally with line management. If employees are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved through informal discussion.

Employees who have raised grievances will be treated fairly at all times.

2.0 Scope

The grievance policy and procedure applies to all full time, part time permanent, temporary and casual teacher and support staff.

3.0 Definitions

Employee: full time, part time, permanent and temporary teachers and support staff who undertake to do work under an employment contract for Tyne Community Learning Trust, personally. Employees are entitled to a wide range of employment rights.

School: Any school that is part of the Trust and the central team for the purposes of this policy

Grievance: a concern, problem, or complaint raised by an employee with management.

Grievance Panel: two or more governors/trustees, which may include the Headteacher who will consider and make a decision on the formal grievance raised.

Grievance Appeal Panel: three or more governors/trustees (who have not been members of the grievance panel, or involved in any of the earlier stages of the grievance) who will consider and make a decision on the appeal raised by the employee against a grievance decision made by the grievance panel.

4.0 Principles

Open communication and consultation throughout the Trust is encouraged where employees raise problems and concerns and these are settled as a matter of course.

All grievances should be dealt with in a fair, transparent and consistent manner.

The procedure is designed to establish the facts quickly and to deal with grievance issues consistently.

It is hoped that the majority of grievances will be resolved at the informal stage with the line manager.

The identity of witnesses may be kept confidential, if appropriate e.g. pupils/students.

Employees will be advised in writing of the arrangements for the grievance meeting and the outcome of the meeting will also be confirmed in writing to the employee.

Employees will have the opportunity to state their case at a grievance meeting and be represented or accompanied, if they wish, by a work colleague or suitably qualified trade union representative.

An employee has the right to appeal against any grievance outcome. An appeal hearing will be arranged as soon as possible and will be conducted by a panel of governors/trustees.

5.0 Responsibility

5.1 Board of Trustees

The Board of Trustees has responsibility for adopting, developing and reviewing this policy and procedure and ensuring that effective monitoring systems and procedures are in place.

The Board of Trustees has delegated authority to the CEO and/or Headteacher, to make decisions in relation to grievances.

5.2 Headteacher/Grievance Appeal Panel

The Headteacher/Grievance Appeal Panel will:

- be trained to deal with grievances;
- support a culture where employees are encouraged and feel empowered to discuss and raise concerns, problems or complaints relating to their work at school;
- arrange and attend the meetings outlined in this procedure;
- consider and make a decision on each grievance or grievance appeal, objectively and fairly; and
- maintain confidentiality when dealing with a grievance issues within legal obligations; and
- understand clearly this grievance policy and procedure and ensure that these are communicated to all workers.

If the headteacher is not a member of the decision-making committee s/he may attend the formal meeting and advise the governors, unless s/he is the subject of the grievance or there is some other conflict of interest.

5.3 Employee

The employee will:

- fully understand and comply with the grievance policy and procedure;
- engage objectively in all discussions regarding a grievance which s/he has raised; and
- ensure that the grievance issue raised remains confidential, with the exception of family members and the grievance procedure companion.

5.4 Responsibility for the operation of this policy lies with the Headteacher who has responsibility for grievances and who will ensure that the process is managed effectively and that grievances are considered objectively and fairly.

6.0 **Investigation**

Tyne Community Learning Trust is committed to ensuring that all grievances are investigated fully. This may involve the person who has received the grievance, or an independent investigating officer, carrying out interviews with the employee concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information.

7.0 Relationship between Grievances and Other Human Resources Procedures

If, while being involved in a human resources procedure, such as disciplinary, absence management, redundancy, an employee raises a grievance, depending on the individual circumstances, the grievance procedure and other human resources procedure may either run concurrently, or the other human resources procedure may be temporarily suspended whilst the grievance is considered.

8.0 Malicious or Vexatious Grievances

Employees are encouraged to raise grievances and will not suffer any detriment from doing so. However, if a grievance is found to be malicious or to have been made in bad faith, the employee will be subject to the disciplinary procedure.

9.0 Informal stage

An employee raising a grievance about his/her employment should discuss it informally with his/her line manager. The manager will provide a response within five working days. (See Notes 1–3 below for exceptions to this process.)

10.0 Formal Stage

10.1 Right to be Accompanied

An employee has the right to be accompanied to a grievance meeting by a work colleague, or suitably qualified trade union representative.

Where an employee chooses to be accompanied, s/he must advise their School of the name of the person they wish to have as a companion.

The companion has the right to address the grievance meeting, respond on behalf of the employee to any views expressed at the meeting, and confer with the employee during the meeting, but does not have the right to answer questions on behalf of the employee.

If the employee's chosen companion is not be available at the time proposed for the meeting, the School will postpone the meeting to a time not more than five working days after the date originally proposed.

10.2 Stage 1

If the employee feels that the matter has not been resolved satisfactorily through informal discussions, he/she must outline the nature of the grievance and the desired resolution of the grievance, in writing to their Headteacher. Where the Headteacher is the subject of the grievance, the employee should raise the grievance with the Chief Executive.

The employee will receive a reply within five working days and a grievance meeting will be arranged. The employee, any relevant witnesses and the Headteacher/Grievance Panel members will attend the meeting. The employee may be accompanied by a work colleague or suitably qualified trade union official. The Headteacher/Grievance Panel members will give a written response within five working days of the meeting and will inform the employee of the appeals procedure to stage 2.

10.3 Stage 2 (Appeal)

If the employee is not satisfied with the Headteacher/Grievance Panel's response, s/he should write to the Chair of the Local Governing Body/Board of Trustees setting out his/her grounds for appeal (see procedure for hearings and appeals) and must do so within ten working days of being informed of the grievance meeting decision.

The employee will receive a reply within five working days and a grievance appeal hearing will be arranged, as in Stage 1, with the grievance appeal panel.

Following the hearing, the Grievance Appeal Panel will provide a written response within five working days of the hearing to the employee.

The outcome of the grievance appeal hearing is final.

11.0 **Monitoring and Review**

This policy and procedure will be monitored and reviewed every three years by Board of Trustees. Where there are issues with the way the policy and/or procedure are working, these will be looked at closely with a view to identifying measures to improve their effectiveness.

Notes

1. An employee may raise a grievance directly with the Headteacher, the Chief Executive, the Chair of the Local Governing Body/Board of Trustees, or a governor/trustee] if it:
 - a. concerns the immediate manager; or
 - b. is of too personal or sensitive a nature to raise with the line manager.
2. Grievances concerning discrimination, bullying or harassment by the line manager may be raised directly with the Headteacher, the Chief Executive the Chair of Governors/Board of Trustees, or a governor/trustee. This may be done informally or formally.
3. If the grievance concerns an alleged wrongdoing or criminal offence by someone within the organisation, this should be raised immediately with the Headteacher, Chief

Executive or the Chair of Governors/Board of Trustees] (see the Whistleblowing policy and procedure). The Public Interest Disclosure Act 1998 (known as the Whistle-blowers' Act) provides more information on the additional protection available for protected disclosures.

4. The grievance procedure cannot be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure.
5. The timescales listed above will be adhered to wherever possible. Where there are good reasons, eg the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.
6. Tyne Community Learning Trust reserves the right to seek assistance from external facilitators at any stage in the grievance procedure.