



**LAURUS**  
TRUST

# **Grievance Policy**

**Date of Review: 01/11/2024**

**Date of Next Review: 01/11/2027**

<b>Policy Title and Summary</b>	Grievance Policy
<b>Author</b>	S Carty
<b>Last Review Date</b>	November 2024
<b>Next Review Date</b>	November 2027
<b>Reviewed By</b>	S Carty & J Jenkins
<b>Date and Responsibility of next update/review</b>	The Grievance Policy will be monitored and reviewed every 3 years, unless there is a statutory change
<b>Trade Union Consultation</b>	
<b>Ratification Date</b>	
<b>Audience</b>	All employees
<b>Related Documents</b>	Disciplinary Policy Sickness Absence Policy Bullying and Harassment Policy Discretionary Leave Policy Flexible Working Policy Whistleblowing 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) Data Protection Policy
<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

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# Introduction

The Laurus Trust is committed to providing a harmonious, safe and effective working environment in which all employees are able to work to the best of their abilities. We acknowledge, however, that there may be occasions when employees wish to raise a concern in connection to their employment.

Unresolved grievances can negatively impact employees' wellbeing and professional performance. It is therefore in everyone's interests to resolve grievances as quickly as possible. As such, the Trust recognises the importance of having a policy and procedure in place to deal with any grievances fairly, efficiently and consistently.

The Trust is committed to equality and diversity principles in operating this policy. At all stages, the application of this policy will be carried out in accordance with the Trust's duty and commitment to encouraging equality, diversity and inclusion among our employees, and eliminating unlawful discrimination.

When applying this policy, the Trust will not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origin), religion or belief, sex and sexual orientation.

Information about complaints made under this policy will be handled carefully and in accordance with the Data Protection Act 1998 and The General Data Protection Regulation to ensure that sensitive details remain confidential.

## Scope

1. This policy applies to all Laurus Trust employees, including fixed term staff and casual staff.
2. This policy applies to grievances raised by an individual, or collectively by a group of staff.
3. Grievances may include, but are not limited to complaints in relation to:
  - Working conditions or environment, including health and safety;
  - Employment rights;
  - Work relations;
  - Terms and conditions of employment;
  - Management style;
  - Working practices;
  - Unfair treatment;
  - Organisational change;
  - Opportunities for career development.

4. The term 'complainant' will be used throughout this policy in reference to the employee that has raised a grievance.
5. Where a grievance is about a specific individual, the term 'alleged perpetrator' will be used throughout this policy in reference to the employee that is the subject of the grievance.
6. The policy covers grievances related to issues or concerns in the workplace and in any work-related setting outside the workplace.
7. Where a complaint is in relation to the way an employee has been treated, and this could constitute bullying and/or harassment, it will be more appropriate to manage the issues under the Bullying and Harassment Policy.
8. If an employee's complaint relates to formal action taken against them, this should normally be managed via the appeal procedure under the relevant policy (e.g., Disciplinary Policy, Sickness Absence Policy, or Capability Policy).
9. If an employee wishes to report a wrongdoing which is in the public interest, they should refer to the Whistleblowing Policy for further information and guidance.
10. Whilst this policy applies to collective grievances, it should not be used to deal with any issues which are already the subject of consultation or negotiation with trade unions.
11. The Trust is responsible for ensuring that the Grievance Policy is ratified and regularly reviewed.
12. The purpose of this policy is to:
  - Outline the informal and formal processes for dealing with grievances;
  - Explain the Trust's approach to dealing with grievances;
  - Signpost to supporting information.

## Principles

1. Grievances (informal or formal) should be raised within 3 months of the incident(s) occurring to enable the matter to be resolved swiftly. In exceptional circumstances, consideration may be given to consideration of a grievance which is received more than 3 months after the incident(s) in question occurred.
2. Every effort should be made to deal with grievances informally in the first instance. This will not prevent use of the formal procedures at a later stage.
3. It is recognised that it may not always be possible or appropriate to manage grievances informally. For example, when the grievance is particularly serious in nature. Under these circumstances, consideration should be given to proceeding directly to the formal procedure.
4. Where a formal complaint is received without an attempt having been made to deal with the issue informally, HR, in consultation with the complainant and/or their representative, will determine whether it should be dealt with formally, or whether an informal process should be

considered in the first instance.

5. Cases will be handled in a timely manner and where there is a delay, the individual(s) involved will be notified of the reason and anticipated date of conclusion. Cases will be handled sensitively and in confidence, wherever practicable.
6. At all stages of this procedure, complainants and alleged perpetrators have the right to be accompanied to meetings by a trade union representative or work colleague. There is no entitlement for the employee to be accompanied by a legal representative unless the Trust is legally represented.
7. Employees who wish to raise a concern are encouraged to do so in confidence and without fear of reprisal.
8. Complaints raised under this procedure must be made in good faith. Complainants who are found to have made malicious, vexatious or spurious complaints may themselves become subject to disciplinary investigation.
9. Normally, the complainant will decide whether to raise a grievance formally. However, under certain exceptional circumstances (e.g., where the Trust is made aware of a serious concern which falls within the scope of this policy), the decision may be taken to proceed with an investigation. Before taking any such decision, full consideration will be given to the views of the complainant, the seriousness of the concern and the wellbeing of those involved.
10. If an issue is brought to the attention of the Trust by someone other than the complainant (e.g., a colleague or relative), it may be investigated, as appropriate, in line with this policy. However, the Trust reserves the right to amend the procedure or vary it, as appropriate, based on the nature of the issues raised.
11. If an ex-employee raises a post-employment grievance, it will be managed in-line with the principles of this policy. However, the Trust reserves the right to amend the procedure or vary it, as appropriate, based on the nature of the issues raised.
12. If a group of employees wishes to raise a collective grievance, they should nominate a spokesperson to liaise with the Trust in relation to the issues raised, in-line with the procedure laid out in this policy. This may be an employee or a trade union representative. Each employee who is a signatory to the collective grievance is required to be named and have given their written consent for the nominated representative to act and speak on their behalf.

## Roles and Responsibilities

### Employee

1. Employees:
  - Have a responsibility to participate in the stages of the Grievance Policy in an attempt to address any issues as swiftly as possible;
  - Should cooperate with others in a way which will facilitate a resolution to their grievance being reached;

- Have a responsibility to help to create a positive and harmonious working environment.

## Line Managers

### 2. Line managers are responsible for:

- Applying the Grievance Policy fairly and consistently, in consultation with Trust HR, taking the individual circumstances of each case into consideration;
- Ensuring that they understand what constitutes a grievance;
- Ensuring that their teams are aware of this policy and understand the standards of behaviour expected of them;
- Demonstrating the behaviours expected from all employees;
- Ensuring 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 genuine complaint;
- Appropriately managing malicious, spurious or vexatious complaints, in consultation with HR;
- Signposting employees to appropriate health and wellbeing support, where required;
- Encouraging employees to discuss any concerns in order to support a fast and, wherever possible, informal resolution.

## Human Resources

### 3. HR will:

- Provide advice and guidance on the application of the policy, taking individual circumstances into account;
- Ensure the policy is applied fairly and consistently;
- Be present at meetings arranged under the policy, where appropriate and requested by the manager;
- Write and send invite and outcome letters for any meetings held under the policy, in consultation with the manager;
- Provide support and guidance on how to best manage working relationships and workplace issues.

## Informal Procedure

1. Where a complaint is against, or involves, another member of staff, the complainant should try to resolve the matter informally in the first instance by making a direct approach to the alleged perpetrator(s). To support with this, complainants may find it helpful to seek advice and support from their line manager, trade union representative, HR, or a trusted work colleague.

2. If a complaint is against an employee's manager, it may be appropriate for the complainant to approach a more senior manager, HR, or a trade union representative for further advice.
3. If the complaint is against a member of SLT, it may be appropriate for the complainant to approach a more senior leader, HR, or a trade union representative for further advice.
4. If a member of SLT wishes to raise a grievance, they should approach the CEO in the first instance, or contact HR, or a trade union representative for further advice.
5. If the CEO wishes to raise a grievance, they should approach the Chair of the Trustees in the first instance, or contact HR, or a trade union representative for further advice.
6. Depending on the circumstances of the complaint and the complainant's preference, it may be appropriate for a manager, trade union representative or HR to facilitate an informal conversation between the complainant and alleged perpetrator(s).
7. Where a complaint is not aimed at a specific individual but is about another matter, for example working conditions, it may be appropriate for a manager, trade union representative or HR to facilitate an informal conversation between the complainant and the member of staff responsible for the issue the complaint pertains to.
8. Informal discussions may cover the following:
  - The nature of the problem/complaint raised by the complainant;
  - Views of the alleged perpetrator(s) or other concerned individuals;
  - Perceptions of all the individuals involved;
  - A remedy which is acceptable to all parties;
  - Consideration of whether a mediation session would be beneficial, subject to all parties being in agreement.
9. If the issue remains unresolved or reoccurs, it is important that the complainant raises it again as soon as possible. Dependent upon the circumstances, it may be appropriate for the issue to be escalated to the Head of School (or another member of SLT) in a final attempt to resolve the matter informally. The complainant should confirm their intention to escalate their informal complaint in writing to the Head of School (or another member of SLT), for example, via email.
10. In this case, the Head of School (or other member of SLT) should arrange to meet with the employee as soon as possible, and normally within 5 working days of them escalating their complaint. The purpose of the meeting is to have a further discussion around how an informal resolution to their complaint can be reached, in-line with the informal discussion points detailed above.
11. If the complainant is still dissatisfied with the outcome once the informal process been exhausted, they may wish to proceed to the formal stage of the procedure.
12. Consideration should also be given to proceeding to the formal stage of the procedure if the Head of School (or another member of SLT) has already been involved earlier in the informal stage and therefore cannot facilitate a further informal conversation.

# Formal Procedure

1. If it has not been possible to resolve an issue informally, or if the informal approach was deemed inappropriate, a formal complaint may be raised in writing using the formal grievance form, which can be found on the [HR HUB](#). The form should be submitted to the Head of School (or another member of SLT), HR and the person(s) concerned (if applicable).
2. The written complaint should detail:
  - Details of any action already taken to attempt to resolve the issue informally and the outcome. If an informal route was not followed, details of why this was not deemed appropriate should be included;
  - An overview of the grievance, including details of specific incident(s), (e.g., times, dates, locations and any witnesses);
  - Confirmation of the desired outcome/resolution;
  - Confirmation that the grievance is made in good faith.
3. Upon receipt of a formal grievance, a grievance hearing will be arranged within 10 working days. The hearing will be chaired by an appropriate member of SLT with no previous involvement in the case, supported by an HR representative. In some circumstances, it may be appropriate for the grievance to be heard by the Trustees. For example, if the grievance has been raised by the CEO.
4. Copies of all relevant documents will be made available to all parties as soon as they are available, and at least 5 working days before the hearing.
5. In some cases, it will be possible for the grievance manager to confirm the outcome of the grievance within 7 working days of the hearing.
6. In other cases, it may be necessary for the grievance hearing chair to carry out further investigation before a decision can be reached. When this is required, the procedure outlined below should be followed.

## Investigating a formal complaint

1. Where the grievance does not relate to a specific individual / individuals, the grievance manager will undertake an investigation into the issues raised.
2. Where the grievance is about a specific individual / individuals, the alleged perpetrator(s) should be informed in writing that a complaint has been made against them, with details about the nature of the allegation(s).
3. Depending on the nature and seriousness of the concerns raised, the meeting with the alleged perpetrator(s) may be held as a formal investigation meeting under the Disciplinary Policy.
4. The grievance manager will consider whether any witnesses will also need to be interviewed as part of their investigation.
5. The grievance manager will seek to establish the full details of what has happened and will review all information provided by the complainant, the alleged perpetrator(s) and any

witnesses.

6. The investigation should be completed as efficiently as possible, whilst also ensuring that enough time is allowed to investigate thoroughly. Where an investigation is likely to be delayed (e.g., due to the availability of key witnesses or the scale of the investigation), all involved parties should be informed.
7. Where other complaints come to light about the alleged perpetrator, they will be considered as part of the investigation.
8. Counter-complaints will normally be dealt with as part of the same investigation.

## Interim Action

1. Depending on the individual circumstances, the grievance manager may need to consider putting interim measures in place, with the aim of supporting a speedy and comprehensive investigation. For example, consideration may be given to altering the working arrangements of the parties involved for the duration of the investigation (e.g., a temporary change to the work location and/or working pattern of some/all parties). Any adjustments should be viewed as a neutral act intended to alleviate difficult/awkward situations for those involved and do not in any way imply that a complaint has been proven.
2. The parties involved are also able to request an adjustment to their working arrangements for the duration of the investigation. Any such requests will be considered by the grievance manager, advised by HR.
3. In certain cases, suspension of one or both parties may be deemed necessary to facilitate the investigation. This should be viewed as a neutral act to facilitate a comprehensive investigation. Any suspension will be on full pay and should be reviewed at regular intervals. All notices of suspension should be put in writing. Further information regarding the Trust's suspension procedure can be found within the Disciplinary Policy.
4. All parties should recognise that whilst a temporary change to working arrangement may alleviate some of the issues during the investigatory period, it may not be possible to guarantee that parties will not come into contact at work. It is the expectation that all parties will act professionally and in line with the Laurus Trust values in their interactions with each other.

## Outcomes of a Formal Grievance

1. Following the grievance hearing (or, in the case that further investigation is required, when the investigation is complete), the grievance manager will decide on the most appropriate outcome. This could include one of the following:

### **The grievance is not upheld**

- This outcome will be appropriate where the case made by the complainant was not supported by evidence gathered during the investigation;

- The grievance manager may decide to make some recommendations as part of their conclusion. This could include, but is not limited to, additional training or coaching or a review of policy / procedure.

### **The grievance is partly or fully upheld**

- This outcome will be appropriate where there is evidence to support some / all of the complaint;
  - The grievance manager will outline their recommendations as part of their conclusion. This could include, but is not limited to, additional training or coaching or a review of policy / procedure;
  - Where the investigation carried out by the grievance manager establishes that misconduct or gross misconduct has occurred, the matter may be referred to a disciplinary hearing, under the Disciplinary Policy;
  - The investigation undertaken by the grievance manager in relation to the grievance will be considered as the disciplinary investigation. Therefore, further investigation will not normally be required prior to the disciplinary hearing;
  - In the interests of confidentiality, the detailed outcome of any disciplinary hearing will not be communicated to the complainant.
2. Sufficient detail will be shared with both parties (and their trade union representative, where relevant) to explain the rationale for the decision reached by the grievance manager.
  3. The complainant will be informed in writing of outcome of their grievance (normally) within 7 working days of the grievance hearing taking place, including details of their right to appeal. Where further investigation is required following the grievance hearing, the grievance manager will provide the complainant with a timescale in which they can expect the written outcome.
  4. The alleged perpetrator will be informed in writing of the decision of the grievance manager regarding next steps, within 7 working days of the meeting taking place. Where the outcome is that no action or informal action should be taken, there will be no right to appeal. Where the outcome is that the matter should be referred to a disciplinary hearing, the alleged perpetrator will have the right to appeal against the outcome of the hearing under the Disciplinary Policy.
  5. Where the investigation concludes that the original complaint was malicious, vexatious or spurious, this may result in disciplinary action being initiated against the complainant.
  6. Following the conclusion of an investigation or subsequent action, the grievance manager may decide that it is appropriate to recommend the transfer an individual (either the complainant or the alleged perpetrator) to a suitable alternative post. Such moves should not be viewed as a disciplinary sanction but as an intervention to avoid problems reoccurring and to provide an opportunity for improvement. Any transfers would normally be on existing terms and conditions.

# Appeals

1. Where a complainant is dissatisfied with the outcome of their grievance, they should outline the grounds of their appeal in writing and submit to Trust HR.
2. Appeal hearings will be conducted by a manager with the appropriate seniority who has not had any previous involvement with the case, advised by a representative of HR.
3. Arrangements for the hearing will be the same as those within the Trust's [Hearing Procedure](#).
4. The purpose of the appeal hearing is to establish whether the outcome of the grievance hearing was reasonable / appropriate.
5. The grievance manager will attend the appeal hearing to answer questions relating to the outcome reached.
6. The appeal hearing chair will normally inform the complainant of their decision at the end of the hearing, unless further time is required to investigate any issues raised during the meeting which are likely to impact that decision. The decision will also be confirmed to the employee in writing, with confirmation that there is no further right to appeal.
7. The possible outcomes of the appeal hearing are:
  - The original decision is upheld and remains in place;
  - The original decision is not upheld and a revised outcome is determined which will replace the original findings;
  - The original decision is not upheld, and the original outcome is completely withdrawn.

## Equality Impact Statement

Names and titles of people involved with this assessment	Rachel Robinson Assistant Trust Director of Inclusion														
Impact assessment carried out with regard to identified characteristics	<table> <tr> <td>Race</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Disability</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>SEX</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Age</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Religious belief</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Sexual orientation</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Gender Reassignment</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Race	<input checked="" type="checkbox"/>	Disability	<input checked="" type="checkbox"/>	SEX	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>	Religious belief	<input checked="" type="checkbox"/>	Sexual orientation	<input checked="" type="checkbox"/>	Gender Reassignment	<input checked="" type="checkbox"/>
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Sexual orientation	<input checked="" type="checkbox"/>														
Gender Reassignment	<input checked="" type="checkbox"/>														
Summary of any issues/proposed changes	NA														
Date	November 2024														
Date of next review	December 2027														



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