



LINCOLN ANGLICAN
ACADEMY TRUST
DIOCESE OF LINCOLN

Ephesians 4:32 *Be kind to one another, tenderhearted, forgiving one another, as God in Christ forgave you.*

Document Title	Grievance Policy
Author/Owner (Name and Title)	Laura Lowe
Version Number	V1
Date Approved	
Approved By	LAAT Board

<u>Policy Category</u> (Please Indicate)	1	Trust/Academies to use without amendment
	2	Academy specific appendices
	3	Academy personalisation required (in highlighted fields)

Summary of Changes from Previous Version

Version	Date	Author	Note/Summary of Revisions
V1	March 2024	Laura Lowe	Consulted on with Trade Unions. No substantial changes made. Minor changes to wording.

Clarification of terms - Colleague

Where the term colleague is used in this policy, we are referring to employees.

The exception being in cases of any support or representation at formal meetings, where the term colleague, expressly relates to a work colleague of the person they are supporting.

1 Policy Statement

- 1.1 It is the Trust's policy to ensure that all colleagues have access to a procedure to help deal with any grievances relating to their employment in a fair and equitable manner and without unreasonable delay.
- 1.2 It should be stressed that the grievance procedure is not a substitute for sound employment practices, and colleagues and managers of the Trust alike are strongly encouraged to try and resolve disagreements or complaints informally before they reach the formal stages of the procedure. The formal stages of this policy should only be used where this has not been possible. It is however, up to the colleague to decide this.
- 1.3 The Trust supports the concept of mediation whilst recognising that mediation does not suit every situation. Mediation should be agreed by the parties involved.

Issues that may cause grievances include:

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational change
- Discrimination

This list is not exhaustive.

- 1.4 This policy ensures a full and fair procedure in line with the ACAS code of practice.
- 1.5 This policy does not form part of any colleague's contract of employment and may be amended at any time following consultation with the recognised trade unions.
- 1.6 This procedure has been implemented following consultation with the recognised Trade Unions.

2 Who is covered by the procedure?

This procedure applies to all colleagues regardless of length of service. The policy will apply to agency workers on contracts of 13 weeks and over. It does not apply to self-employed contractors.

3 Using this Policy

- 3.1 Grievances that amount to an allegation of misconduct on the part of another colleague may be investigated under the Disciplinary Procedure and colleagues will be informed if this is the case.
- 3.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If a colleague is dissatisfied with the outcome of any other procedure, then they should submit an appeal in accordance with the relevant appeals procedure.
- 3.4 Where a colleague raises a grievance during a disciplinary process the disciplinary process may, in certain circumstances, 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 Dignity at Work Policy that should be used if a colleague feels that they have been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people.
- 3.6 The Trust operates a separate Whistleblowing Policy to enable colleagues to report illegal activities, wrongdoing or malpractice. However, where a member of staff is 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 This procedure does not apply to grievances concerning two or more colleagues (collective grievances) raised by a representative of the Trade Union or other representative body. These will be dealt with as appropriate to the facts of the case and in line with Appendix IV of the burgundy book for teachers in England and Wales.
- 3.8 Based on the merits of the case, in exceptional circumstances a manager may consider suspending or redeploying a colleague during the grievance process. In these cases, the provisions regarding suspension in the Disciplinary Procedure will apply. Colleagues will be encouraged to seek relevant Trade Union advice.
- 3.9 Written grievances will be placed on personnel files along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be retained for 12 months following a conclusion and disregarded at this point. These will be processed in accordance with Data Protection Policy and in line with Data Protection Policy and GDPR.

4 Raising grievances informally - Step 1

- 4.1 The Trust believe that most grievances can be resolved quickly and informally through open communication and discussion between colleague and line manager. However, no colleague shall be required to approach any person against whom they have a grievance if they feel uncomfortable doing so. We would always aim to resolve a grievance informally where possible. If a colleague feels unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to a more senior manager. If this does not resolve the issue, then the colleague should follow the formal procedure below.

5 Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This may involve the appointment of a third-party mediator (or may be carried out by an appropriate member of SLT), who will discuss the issues raised by in a grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved agree.

Mediation will be managed sensitively, taking into account needs of all parties. Any mediator must be independent of the process.

6 Formal written grievances - Step 2

- 6.1 If a grievance cannot be resolved informally, the colleague should put it in writing using the form at Appendix 1 and submit it to their line manager. If the grievance relates to their manager then they should submit the grievance to the Headteacher, Senior Trust Manager or the CEO. Any grievance relating to a Headteacher or senior manager should be submitted to the CEO or Chair of Directors as appropriate. Guidance on the appropriate person can be sought from Colleague Services.
- 6.2 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, we may need to ask a colleague to provide further information. A colleague should also state what the desired outcome would be to resolve the situation.
- 6.3 Where the Head teacher raises a grievance, it should be dealt with by a relevant Executive Headteacher or senior manager of the Trust. Any appeal would go to a senior manager of the Trust not previously involved in the case or a panel.

7 Investigations

- 7.1 In some cases it may be necessary for an investigation into a grievance to be carried out. The amount of any investigation required will depend on the nature of the grievance and will vary from case to case. It may involve interviewing and taking statements from the colleague and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by a suitable line manager or someone else appointed by the Trust, unless it is inappropriate for them to do so. This person will be guided and supported by Colleague Services.
- 7.2 Investigations are undertaken to establish the facts by a fair and objective competent person with no involvement in the case.

Notes will be taken at any meetings. Colleagues are encouraged to seek union support and guidance and can be supported by a trade union representative or workplace colleague at such meetings.
- 7.3 Colleagues must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

- 7.4 Normally such investigations should be completed within 20 working days other than for particularly complex cases.
- 7.5 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases, we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, we will hold a further grievance meeting with the colleague after our investigation and before we reach a decision.

8 Role of Companion at Meetings and Hearings

- 8.1 Any colleague may bring a companion to all formal meetings and we will consider any reasonable request to be accompanied at other meetings under the process. The companion may be either a trade union representative or a work colleague. The colleague should inform the manager conducting the meetings who their chosen companion is, in good time before the hearing.
- 8.2 Should the colleague choose to bring a companion to the hearing they will be responsible for making these arrangements. Colleagues will be responsible for sharing copies of any paperwork for their trade union representative or work place companion.
- 8.3 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.
- 8.4 Every effort will normally be made to accommodate a choice of companion. A choice of companion will not normally be considered unreasonable. However, it may be possible if they have a conflict of interest or may prejudice the meeting. Any such refusal will be explained.
- 8.5 A companion may make representations, ask questions, and sum up the position, but will not be allowed to answer questions on the colleague's behalf. They may confer privately with their companion at any time during a meeting.

9 Grievance meeting

- 9.1 We will arrange a grievance meeting, as soon as practically possible, but normally within 5 working days of receiving your written grievance, unless investigation is required first, see above. The format for the meeting is shown at Appendix 2. Colleagues will be kept informed at all stages.
- 9.2 Colleagues and their chosen companion (if any) should make every effort to attend the grievance meeting. If they cannot attend at the time specified, they should inform us as soon as is reasonably practical and we will try, within reason, to agree an alternative time and usually within 5 working days.
- 9.3 The purpose of a grievance meeting is to enable the colleague to explain their grievance and how they think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations they have made.

- 9.4 We will write, usually within 5 working days of the final grievance meeting, informing the colleague of the outcome of the grievance and any further action that we intend to take to resolve the grievance. We will also remind colleagues of their right of appeal. Where appropriate we may hold a meeting to give this information in person.

10 Appeals

- 10.1 If the grievance has not been resolved to a colleague's satisfaction they may appeal in writing to the manager, using the form at Appendix 3 to state the full grounds of appeal, within 5 working days of the date on which the decision was sent or given.
- 10.2 We will hold an appeal meeting, normally within 10 working days (although this time scale may be extended) of receiving the written appeal. This will be dealt with impartially by a more senior manager who, where possible, has not previously been involved in the case or a panel, see Appendix 2. Colleagues have a right to bring a companion to the meeting (see paragraph 8).
- 10.3 The Senior Manager hearing the appeal, will confirm the 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.

11 Monitoring and Review

- 11.1 All records will be treated as confidential and in line with the Data Protection Act and General Data Protection Guidelines.
- 11.2 The Trust will monitor the application of this policy to ensure consistency of application and adherence to equalities legislation as required under the Equality Act.
- 11.3 This information will be shared with trade union representatives on an annual basis, including anonymised data and breakdown by protected characteristics.

Appendix 1 - Form for employees to use to set out their grievance.

CONFIDENTIAL

CONFIDENTIAL	
Grievance	
<p>This form is intended for use by a colleague of the Trust who wants to raise a formal grievance.</p> <p>This form should be completed and delivered to your line manager in an envelope marked “confidential” or sent as an email attachment with “confidential” in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance meeting with you. If attempts to resolve the grievance informally have not been explored, then this will happen prior to a grievance meeting being arranged. If there are likely to be any delays in hearing your grievance, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your grievance meeting to take place.</p>	
Formal Grievance	
Employee’s name	
Academy/Central Team	
Job title	
Employee’s Department	
Date of grievance	
Does your grievance relate to your line manager	
Summary of the issue	
<p>Please set out your grievance providing as much detail as possible. You may attach additional sheets if required.</p>	

Individuals involved in the grievance
--

Please provide the names and contact details of any people you believe to be relevant to your grievance.

Outcome requested from the grievance meeting

Please set out what outcome you would like to see from your grievance meeting, and why and how you believe that this will resolve the issue.

Declaration

I confirm that the above is true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

Form completed by

Signature

Date

For completion by recipient

Date form received

Name of recipient

Job title

Signature

Appendix 2 - Format for grievance meetings and appeals

During any grievance meeting conducted by the Trust and its academies, the following will take place:

1. Introductions

The chair will introduce welcome all parties and explain its purpose and how it will be conducted.

The parties present at the hearing will introduce themselves and confirm their respective roles in the meeting. The employee will be entitled to be accompanied, if they wish, by a fellow worker or trade union representative of their choice.

2. Purpose of the meeting

The chair will explain that the purpose of the meeting is to give the employee the opportunity to restate their grievance and to provide suggestions about how it could be resolved.

3. Employee restates the grievance as set out in their grievance

4. The meeting considers outcome of investigations

Where an investigation has taken place in advance of this meeting, the findings will be presented by the investigation officer and the employee and panel may ask questions.

5. Witnesses

Both the employee and investigating officer can call witnesses and either side can ask questions of the witnesses. The panel may also ask questions of the witnesses.

6. The panel may adjourn the meeting if it is necessary to investigate any new facts that arise.

7. Employee and/or their representative will be asked if they have anything further to add and are able to sum up their case.

8. The chair or the panel will sum up the information presented at the meeting and the meeting will be adjourned and the panel make their decision.

9. Decision is delivered

The chair may reconvene the meeting and inform the employee of the outcome. The chair may choose to convey the decision in an alternative way to the employee and if this is the case should inform the employee of this prior to adjourning the hearing to make the decision.

10. Right of Appeal

The chair will inform the employee that they will have the right to appeal against their decision on the grievance. The chair will describe timescales for lodging an appeal and the appeal being heard.

Appendix 3 - Form for employees to use to set out their grounds of appeal against the formal grievance outcome.

CONFIDENTIAL

CONFIDENTIAL	
Employee Grievance Appeal	
<p>This form is intended for use by an employee of the Trust who wants to appeal a decision regarding a formal grievance that they have raised.</p> <p>This form should be completed and delivered to your line manager in an envelope marked “confidential” or sent as an email attachment with “confidential” in the subject line.</p> <p>In accordance with our grievance procedure, we will arrange a formal grievance appeal meeting with you. If there are likely to be any delays in hearing your appeal, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.</p>	
Formal Grievance Appeal	
Employee’s name	
Academy/Central Team	
Job title	
Employee’s Department	
Date of original grievance	
Date you were given the decision that you are appealing against	
Does your grievance relate to your line manager	
Summary of the issue	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been flawed in those circumstances). You may attach additional sheets if required.</p>	