



Wessex
Learning Trust
We Learn Together!

Staff Grievance Policy

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Wessex Learning Trust Staff Grievance Policy

This policy will be reviewed by the Board of Trustees every three years or earlier if legislation requires it.

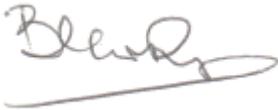
A handwritten signature in black ink that reads "Gavin Ball". The signature is written in a cursive style with a large, looped initial 'G'.

Signature:

Name: Mr Gavin Ball

Position: Chief Executive

Date: 14 October 2019

A handwritten signature in black ink that reads "Brian Kirkup". The signature is written in a cursive style with a large, looped initial 'B'.

Signature:

Name: Mr Brian Kirkup

Position: Chair of the Board

Date: 14 October 2019

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1. Introduction and Aims

1.1 This Procedure is based on the ACAS Code of Practice and relevant employment legislation and supersedes all previous grievance and disputes procedures.

1.2 This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, objectively and consistently.

2. Definition

2.1 A grievance is a concern, problem or complaint raised with the school/academy or Trust by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination or work relations. This policy does not cover issues raised by people who are not employed by the Trust as this would fall under the Trust's Complaints Policy. In addition, as other recourse options are available in other Trust policies, this policy does not apply to:

- pay or grading ;
- performance or capability matters;
- redundancy;
- ill health retirement;
- requests for flexible working;
- whistle blowing;
- disciplinary matters;
- Non-renewal of fixed term contracts.

3. Method of Operation

3.1 An employee should be able to express their concern or complaint and explain how they would like to see it resolved. The majority of concerns or grievances are best dealt with 'informally' and this should be viewed as the preferred route.

3.2 Mediation can be a very effective way to deal with issues and should always be considered as an option at an early stage.

3.3 Where applicable, an investigation will take place which may involve witnesses being interviewed. When hearing a grievance, the Headteacher, Governors or Trustees must consider any investigation report prepared and must see each party in the dispute and exercise discretion as to the most appropriate way forward. This may include speaking to the parties separately or talking to them together.

3.4 Either party may seek adjournments at any time during any meeting. The parties may, by mutual agreement, modify the timescales referred to in this policy or vary the approach where it is agreed by both sides that this would be more conducive to resolving the grievance.

3.5 If the employee is not satisfied with the outcome of the report or Hearing, then the procedure can move to an Appeal.

4. Principles

- 4.1 Individuals must be reassured that they will not be victimised for bringing a grievance or acting as a witness or companion.
- 4.2 All grievances will be handled in confidence. However, there may be circumstances where it will be necessary to advise another employee/person of the nature of any complaint made against them.
- 4.3 The Academy expects that all grievances are made in good faith. Any employee bringing a grievance, which is considered to be vexatious or malicious, will be dealt with through the Disciplinary Policy.

5. Informal Stage

- 5.1 If an employee has a grievance relating to their employment they have the right to express it. In the first instance they should try to resolve the matter by discussion with the colleague concerned as this is usually the best way to resolve problems satisfactorily and quickly.
- 5.2 If the grievance is unresolved, the employee should raise the matter informally with their Line Manager. If the grievance relates to the actions or decisions of the employee's Line Manager, they should raise the matter informally with the Headteacher/Executive Headteacher or, if the grievance is against the Headteacher/Executive Headteacher, the Chair of Governors. For WLT Centrally employed staff, the process remains the same in that the employee should raise the matter informally with their Line Manager or the Chief Executive as appropriate. If the grievance is against the Chief Executive, the matter will be dealt with under the "formal stage".
- 5.3 The employee may find it helpful to complete the "Employee Concern Form" (see Appendix 1). This form enables the employee to set out the nature of their concerns, and what, if anything, they have done to resolve them and to describe the resolution they are now seeking. The relevant person will reply orally to the grievance within five working days and may, at their discretion, confirm the decision in writing.
- 5.4 Although meetings at this stage are informal, the employee may request to be accompanied by a work colleague or work place Trade Union Representative and this should not be unreasonably refused.
- 5.4 If the grievance is about the actions or decisions of a Governors Committee or the full Governing Body, the matter will be dealt with immediately at the "formal stage", otherwise every effort should be made to resolve matter informally where possible.
- 5.5 If, having raised the grievance informally, the employee considers that the grievance has not been resolved to their satisfaction they have the right to invoke the formal stage.

6. Formal Stage

- 6.1 If the employee is dissatisfied with the informal response they can raise the same concerns formally, by registering their grievance in writing to the Headteacher (or the Chair of Governors if the grievance is against the Headteacher or the Trust Board if the grievance is against the Chief

Executive). This is the first formal stage of the process. The form at Appendix 2 should be completed by the employee.

6.2 The employee should then be invited to a meeting to discuss the grievance (normally within ten working days) where the grievance will be heard by the Headteacher, or a panel of three Governors if the grievance is against the Headteacher. If the grievance is against the Chief Executive, a panel of three Trustees will be convened.

6.3 The employee has the right to be accompanied by a companion at this meeting. The employee and the companion must take all reasonable steps to attend this meeting and where possible should be consulted about the date and time of the meeting. If this is not possible the meeting should be rearranged for a date normally not more than five working days after the date originally proposed.

6.4 Witnesses may be called by the employer or the employee. The employee must be informed in writing of the decision, normally within five working days of the meeting. The letter should detail any actions that the employer intends to take or, if the grievance is not upheld, explain the reasons for this. The employee should be advised that they have a right of appeal if they remain dissatisfied with the outcome of the grievance hearing and should forward their appeal in writing to the Clerk to Governors within ten days of the outcome letter.

6.5 Depending on the complexity of the matters raised the person looking at the grievance may wish to initiate a formal investigation before the grievance hearing occurs. If this is the case any investigation report should be circulated five working days before the hearing to allow a full and considered discussion of the issues. If a formal investigation is required, then the grievance hearing should be held as soon as possible after the conclusion of the investigation.

6.6 During any investigation it may become apparent that the grievance is best resolved through more informal / other routes or via mediation. In addition the investigation itself may have helped to resolve the grievance. In these circumstances, with agreement, it may be possible to conclude the grievance without progressing to a formal hearing. In these circumstances the outcome should still be communicated in writing.

7. Appeal Stage

7.1 If the employee is still dissatisfied with the outcome of the 'formal stage' they can appeal the decision and raise the same concerns with the Chair of Governors. If the 'formal stage' has already used the Governing Body the appeal will be heard by a panel of three Trustees. If the 'formal stage' has already used a panel of Trustees, a new panel of three Trustees will be convened. The form at Appendix 3 should be completed by the employee seeking an appeal.

7.2 The Clerk to the Governors or Clerk to the Trustees will, as soon as possible, and in any event within ten working days, arrange a date for a meeting with the interested parties. As soon as practicable and in any event within ten working days after this meeting the Chair of the panel will confirm the decision in writing.

8. Matters of Principle

8.1 The matter will end at the appeal stage unless it is agreed between the Academy/Trust Board and the Trade Unions concerned that an important matter of principle arises, which should be considered in accordance with the appropriate negotiating machinery.

9. Post-Employment Grievances

9.1 Wherever possible, a grievance should be dealt with before an employee leaves employment. However, if an employee has already left employment and the grievance procedure has either not been completed or has not been started prior to them leaving, the employee should write to their Headteacher, Chair of Governors or Chair of the Trust Board setting out the grievance as soon as possible after leaving employment. A grievance from a past employee will not be considered after thirty calendar days from when the employee ceased being employed by the Trust.

9.2 Where a grievance is received after an employee has left employment then the Headteacher, Chair of Governors or Chair of the Trust Board will look into the matter and send a written response as soon as possible. There will be no right of appeal in these situations.

10. Role of the Companion

10.1 The companion may be **only** one of the following:

- A fellow employee;
- An official employed by a Trade Union;
- A workplace Trade Union representative who is certified in writing by the Trade Union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

10.2 The companion is permitted to address the hearing in order to:

- Put the employee's case;
- Sum up the employee's case;
- Respond on the employee's behalf to any view expressed in the hearing;
- Confer with the employee during the hearing.

10.3 An employee who has agreed to act as a companion will be given reasonable time to confer with the employee both before and after the hearing.

11. Record Keeping

11.1 Minutes will be kept of all meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

11.2 Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention requirements.

Employee Concern Form – Informal Stage

If you have a concern relating to your employment, we want to deal with it quickly and fairly. You are encouraged to resolve the issue by talking it through with the person or people concerned before taking formal action.

Please use this form to write down your concern. Having a written record helps those involved to understand your concern and the resolution that you are seeking.

Personal and Confidential	
RAISING A CONCERN WITH A COLLEAGUE OR YOUR EMPLOYER	
Name:	
In your own words, please summarise the issue that is concerning you. Please use an additional sheet of paper if you need to. <i>Please include details such as dates and times, what issue is concerning you, who is involved and what is their relationship to you, e.g. Colleague, Line Manager or Headteacher.</i>	
Please state who you have already spoken to about this issue, include brief details of the outcome of these discussions.	
Please describe what resolution you are seeking.	
Signed:	Dated:

You should now pass this form to your Line Manager, Headteacher or Chief Executive as appropriate.

Grievance Form – Formal Stage

If you have a grievance relating to your employment please use this form to write down your grievance. Having a written record helps those concerned to understand your grievance and the resolution that you are seeking.

The appropriate person (Headteacher, Executive Headteacher, Chair of Governors) will ask to meet you to explain how your grievance will be dealt with in accordance with the Grievance Policy.

The response to your grievance will be written on this form, discussed and returned to you (a separate and more detailed letter may be issued by the person or Committee that decides the response to your grievance).

If you are not satisfied with the response, you have the right to appeal.

If you wish to provide any documents/statements with this form you may do so.

To:

From: (Please print)

..... (Job Title)

My grievance is that: Please set out the issue/s. Please use an additional sheet of paper if you need to. You may wish to submit relevant documents in support of your case as you feel are necessary.

Please state who you have already spoken to about this issue: include details of the outcome of these discussions.

Please describe what outcome/s you are seeking:

At any meeting you may be accompanied. If you wish to be so, please tick the appropriate box: Academy Colleague or my Trade Union representative

OUTCOME OF FORMAL GRIEVANCE HEARING - Meeting/Hearing

(to be completed by the Headteacher, Executive Headteacher, Governor Panel etc hearing the grievance)

The outcome of the meeting held on/...../..... (Date) was that:

I/we have / have not upheld the grievance

The reasons for this are:

The agreed actions were:

Signed:.....(Headteacher/ Chair of Committee)

Date:.....

(Please return this form to the employee with a copy to the Headteacher)

DECISION BY EMPLOYEE RAISING GRIEVANCE

I am satisfied with the outcome.

I am still dissatisfied and have decided to appeal.

Any other comments

(Please use to record all other outcomes, including withdrawing the grievance due to resolution outside this process).

Signed:(Employee)

Date:

(Please return a copy of this form to the Headteacher/Chair of Committee)

Grievance Form – Appeal Stage

If you wish to appeal the decision of a previous formal stage please use this form to write down your grievance. Alternatively you may write to the Chair of Governors/Chair of the Trust Board detailing the grounds of your appeal.

The Chair of Governors/Chair of the Trust Board will ask to meet you to explain how your appeal which will be dealt with in accordance with the Grievance Policy. The response to your appeal will be communicated either in person or via letter from the Chair of Governors.

Upon receipt of your appeal the Clerk to Governors/Clerk to the Trust Board will, as soon as possible but within 10 working days, arrange a date for a meeting with the interested parties.

If you wish to provide any documents/statements with this form you may do so.

The appeal is the last stage of the Grievance and Dispute Procedure.

To: Chair of Governors

From: (Please print)

..... (Job Title)

My appeal is that: Please set out the reason(s) for your appeal outlining where you disagree with the previous decision. Please use an additional sheet of paper if you need to. You may wish to submit relevant documents in support of your case as you feel are necessary.

Please describe what outcome/s you are seeking:

At any meeting you may be accompanied. If you wish to be so, please tick the appropriate box: Academy Colleague or my Trade Union representative

OUTCOME OF APPEL HEARING - Meeting/Hearing

(to be completed by the Chair of Governors hearing the appeal)

The outcome of the meeting held on/...../..... (Date) was that:

I/we have / have not upheld the appeal

The reasons for this are:

The agreed actions were:

Signed:.....(Chair of Governors)

Date:.....

(Please return this form to the employee with a copy to the Headteacher)

DECISION BY EMPLOYEE RAISING GRIEVANCE

I am satisfied with the outcome.

I am still dissatisfied.

Any other comments

(Please use to record all other outcomes, including withdrawing the grievance due to resolution outside this process).

Signed:(Employee)

Date:

(Please return a copy of this form to the Chair of Governors)