

## Grievance Policy

Policy Code:	HR3
Policy Start Date:	September 2023
Policy Review Date:	September 2026

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR10 Redundancy Policy
- HR12 Staff Disciplinary Policy
- HR24 Allegations of Abuse Made Against Adults Policy
- HR41 Staff Anti-Bullying & Harassment Policy
- HR42 Low-Level Concerns Policy

## **1 Policy Statement**

- 1.1 This procedure shall apply to all staff of The Priory Federation of Academies Trust (the Trust).
- 1.2 This policy identifies the procedure to follow in response to a grievance raised by a member of staff of the Trust.
- 1.3 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire ITT.
- 1.4 This policy does not form part of any member of staff's contract of employment and it may be amended at any time. This policy does not apply to agency workers or self-employed contractors.
- 1.5 In reference to this policy, 'working' days will not include weekends. Depending upon a member of staff's contract, references to 'working' days within this policy will not include academy holiday periods.

## **2 Responsibility and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all staff are responsible for supporting colleagues and ensuring its success.
- 2.3 It is the responsibility of all staff to adhere to this policy and, wherever possible, to resolve issues informally. The implementation of this policy on an operational level is the responsibility of the Head of Human Resources.

## **3 Aims**

- 3.1 The purpose of this policy is to deal with any grievances in a prompt and equitable manner.
- 3.2 This policy aims to help to resolve individual grievances in a manner which is as fair and expeditious as possible. It is the Trust's policy to find a solution to individual grievances as early in the procedure as possible.

## **4 Definition**

- 4.1 A grievance is a complaint made by an employee to their employer to resolve a workplace problem and/or dispute.
- 4.2 Issues that could cause a grievance may include:
- terms and conditions of employment;
  - health and safety;
  - work relations;
  - bullying and harassment;
  - new working practices;
  - working environment;
  - organisational change;
  - allocation of work;
  - the way in which a member of staff has been managed; and/or
  - discrimination.

## **5 Using This Procedure**

- 5.1 This procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcome of another procedure where there is a relevant appeals procedure in place. If a member of staff is dissatisfied with any disciplinary action, they should submit an appeal under HR12 Staff Disciplinary Policy.
- 5.2 This procedure should not be used in situations where a member of staff simply disagrees with a reasonable management instruction from a manager.
- 5.3 If a member of staff has a concern about another adult's suitability to work with children, they should refer to HR24 Allegations of Abuse Made Against Adults Policy or HR42 Low-Level Concerns Policy.
- 5.4 This procedure does not apply to grievances concerning two or more staff (collective grievances) raised by a representative of any recognised Trade Union. Please see Section 12 for more information.
- 5.5 Where a member of staff raises a grievance during a disciplinary process the disciplinary process may 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.

- 5.6 Any member of staff who has any difficulty at any stage of this procedure because of a disability or because English is not their first language should contact the Head of Human Resources.
- 5.7 Staff should raise matters promptly and without unreasonable delay. As such, matters which occurred over 3 months ago may not be considered.
- 5.8 In the interest of ensuring that grievances are resolved as speedily as possible, time limits are given for appropriate stages in this procedure. These are for guidance. If it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to the personal circumstances of all parties involved in the procedure.
- 5.9 At any stage, and with the agreement of both parties, confidential mediation may take place, facilitated by an independent person, in an attempt to resolve the issues. This is an informal process and will only be used where all parties involved in the grievance agree to take part.
- 5.10 All grievances will be dealt with in the strictest confidence and at all stages of this procedure accurate records will be kept. Full details will be retained securely, in line with the Trust's HR6 Data Protection Policy. This information will be retained separately from an individual's personnel file.
- 5.11 Issues that are the subject of a consultation process with trade unions will not be considered under this procedure and should be addressed through the consultation arrangements.

## **6 Informal Process – Step 1**

- 6.1 The Trust believes that most grievances can be resolved quickly and informally through discussion with the member of staff's manager. If the member of staff feels unable to speak to their manager, or if their complaint concerns their manager, they should speak informally with the Head of Human Resources. If this does not resolve the member of staff's issue, they should follow the formal procedure below.

## **7 Formal Written Grievance – Step 2**

- 7.1 If the member of staff's grievance cannot be resolved informally, they should put their concerns in writing and send it to the Head of Human Resources indicating that it is a formal grievance. If the member of staff's grievance concerns the Head of Human Resources, this should be sent to the Clerk to Trustees.

- 7.2 The written grievance should contain a brief description of the nature of the member of staff's complaint, including:
- any relevant facts, dates and names of individuals involved;
  - information on informal action that has been taken so far, or if no action has been taken, the reasons why; and
  - an indication on resolutions (desired outcome) and how these can be sought.
- 7.3 In some situations the Trust may ask the member of staff to provide further information.
- 7.4 Staff should be aware that if their grievance relates to another member of staff, in order for them to provide a response, the member of staff named in the grievance will be provided with a summary of the written grievance.
- 7.5 In the event that a member of staff is named in another staff member's grievance, and they wish to raise a 'counter-grievance' they should follow the steps set out in this policy and a new grievance must be raised. It is not possible for the member of staff's 'counter-grievance' to be dealt with as part of the investigation into the original grievance.

## **8 Investigations**

- 8.1 It may be necessary for the Trust to carry out an investigation into a member of staff's grievance. If the Trust considers it necessary that an investigation is required, the Head of Human Resources will appoint an Investigating Officer. This will be as soon as possible and ideally within 10 working days of receipt of the grievance.
- 8.2 Any Trust Investigating Officer will have received guidance on investigations provided by the Trust, including the ACAS guidance on grievances. This is to ensure that the Investigating Officer is able to complete a fair and equitable investigation. A member of the HR Team will support the Investigating Officer throughout the process to ensure procedures are followed.
- 8.3 The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. Any investigation may involve interviewing and taking statements from the member of staff who raised the grievance and any witnesses, and/or may involve reviewing relevant documents.
- 8.4 The member of staff who raised the grievance must co-operate fully and promptly in the investigation. This may include providing the Trust

with the names of any relevant witnesses, disclosing any relevant documents and attending interviews as part of the investigation.

8.5 The Investigating Officer will follow the below procedure when conducting an investigation:

- if required, the Investigating Officer will meet with the member of staff who has raised the grievance to find out further information, this will be within 10 working days of the grievance being received. This is referred to as a grievance meeting (Section 10);
- if required, the Investigating Officer will meet and take statements from any member of staff who a grievance is against or any witnesses; and
- the Investigating Officer will compile a report of findings and issue an outcome letter to the member of staff who has raised the grievance, this will be issued within 10 working days of the final grievance meeting with the member of staff.

8.6 The Trust may initiate an investigation before holding a grievance meeting where this is considered appropriate. In other cases, the Trust may hold a grievance meeting before deciding what (if any) investigation to carry out. In those instances, a further grievance meeting will be held with the member of staff after the investigation and before a decision is reached.

## **9 Right to be accompanied**

9.1 The member of staff who has raised the grievance may bring a companion to a grievance meeting, or appeal meeting, held under this procedure. The companion may be either a trade union representative or a colleague. The right to be accompanied is only applicable if the grievance is relating to the performance of a duty by the employer to the worker, for example, this would cover bullying and harassment but would not cover a grievance about the member of staff's level of pay. The member of staff must tell the Investigating Officer who their chosen companion is, in good time before the meeting (i.e., at least the day before).

9.2 If a member of staff brings a companion to the meeting, they are responsible for making these arrangements and for providing the companion with any paperwork they might require for the meeting.

9.3 At the meeting the companion may make representations and ask questions but they may not answer any questions on the member of staff's behalf. The member of staff may talk privately at any time with their companion during the meeting/or during an adjournment.

- 9.4 Acting as a companion is voluntary and no staff member is under an obligation to do so. If a member of staff agrees to act as a companion, they will be allowed reasonable time off from their duties without any loss of pay to act as a companion.
- 9.5 If a member of staff's chosen companion is unavailable for the scheduled meeting, they may propose an alternative time for the meeting to take place, so long as the alternative time is reasonable, and within 5 working days after the original scheduled date. If the chosen companion will not be available for more than five working days afterwards, the Trust may ask the member of staff to choose someone else as a companion.
- 9.6 At the Trust's discretion, the member of staff may be allowed to bring a companion who is not a colleague or union representative (for example, a family member) as a reasonable adjustment if they have a disability, or if there is a language barrier.

## **10 Grievance Meetings**

- 10.1 The Trust will arrange a grievance meeting as soon as possible, normally within 10 working days of receiving a written grievance.
- 10.2 The member of staff and their companion should make every effort to attend the grievance meeting. If the member of staff or their companion cannot attend at the time specified, the member of staff must inform the Investigating Officer who will try, within reason, to agree an alternative time.
- 10.3 The purpose of the grievance meeting is to enable the member of staff to explain their grievance, how they think it should be resolved and to assist the Investigating Officer in reaching a decision based on the available evidence and the representations of the member of staff. One resolution could be voluntary mediation, facilitated by a member of the HR Team, who is independent to the grievance. This would need to be agreed by both parties.
- 10.4 If the grievance involves another member of staff, the Investigating Officer may request a meeting with the individual to provide relevant information. In the case of another member of staff having a grievance raised against them, the member of staff named in the grievance will be provided with a summary of the written grievance.
- 10.5 After an initial grievance meeting, the Investigating Officer may carry out further investigations and hold further grievance meetings as is considered appropriate. Such meetings will be arranged without unreasonable delay.



- 10.6 The Investigating Officer's decision will be communicated in writing to the member of staff as soon as reasonably practicable following the final grievance meeting, ideally within 10 working days. If it is not possible for a decision to be reached within this period, the Investigating Officer will write to the member of staff with an explanation for the delay and when the written decision can be expected. The letter to the member of staff will outline, where appropriate, what action the Trust/Academy intends to take to resolve the grievance, and will also inform them of the right to appeal. Where the decision is not to uphold the grievance, the Investigating Officer will explain the reasons for this in the letter. Where appropriate, a meeting may be held to provide this information in person to the member of staff.

## **11 Appeal – Step 3**

- 11.1 If the grievance is not resolved to the satisfaction of the member of staff, they may appeal in writing to the Clerk to Trustees, stating the full grounds for their appeal, within 10 working days of the decision being sent to the member of staff.
- 11.2 If the grievance concerns the Clerk to Trustees, any appeal should be sent to a member of the Executive Team.
- 11.3 The Trust will hold an appeal meeting without unreasonable delay, normally within 10 working days. The appeal meeting will be heard impartially by a more senior manager who has not been previously involved in the case (although they may ask someone previously involved to be present at the meeting). All staff will have the right to bring a companion to this meeting.
- 11.4 The Trust will write to the member of staff within 10 working days confirming the outcome of the appeal meeting. This is the end of the procedure and there is no further appeal.

## **12 Collective Grievances**

- 12.1 If more than one member of staff have identical grievances and all wish for them to be addressed in the same grievance process, staff can raise a collective grievance via this procedure. All staff involved must agree to do this, without any pressure being exerted on staff members to join the collective process.
- 12.2 If staff do not entirely voluntarily agree to this arrangement or if the grievances are not identical, the Trust will arrange to hear grievances on an individual basis.



- 12.3 If the staff involved in the collective grievance are all members of the same trade union, the trade union representative can raise the grievance on the staff's behalf. Alternatively, the staff involved can agree to nominate one member of staff to act on behalf of the group.
- 12.4 The collective grievance will be managed in accordance with Steps 1–3 of this policy. However, the written collective grievance should also:
- identify all staff members who wish to raise the grievance;
  - identify any nominated trade union representative or colleague to represent the staff group (if relevant);
  - state that all staff have voluntarily consented to use the collective grievance procedure; and
  - confirm that all staff understand that the collective grievance will give staff the right to only one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome.
- 12.5 If, following the grievance outcome, some staff are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

### **13 Disciplinary Proceedings**

- 13.1 In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating HR12 Staff Disciplinary Policy against individuals identified of potential misconduct as a consequence of this procedure.

### **14 Ex-members of staff**

- 14.1 The Trust will not investigate a grievance raised by a former member of staff who has left the employment of the Trust.

### **15 Misuse of Policy**

- 15.1 Any member of staff who raises a genuine grievance will suffer no detriment as a result of them raising the grievance, regardless of the outcome of the grievance.
- 15.2 However, grievance claims which are made in a vexatious manner, with the individual wilfully misleading the Trust, will not be tolerated. In such a case, the Trust may take action under HR12 Staff Disciplinary Policy against any member of staff who raises such a grievance.

## **16 Policy Change**

- 16.1 This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

## **The Priory Federation of Academies Trust**

### **Grievance Policy**

This Policy has been approved by the Priory Federation of Academies Trust's Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.