



# Athena Learning Trust Trust-wide Staff Grievance Policy

## **Review**

Reviewed on: 31st October 2022

Reviewed by: Board

Review Period: 3 years





## **1. Introduction**

**1.1** The aim of this policy is to enable any employee to have their grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

**1.2** The policy applies to all current employees of the Schools/Trust, full and part-time, permanent and temporary employees. If it is the CEO who is raising a grievance then the Chair of Trustees is the person to whom the CEO refers to as their immediate line manager at Stage 2. If the CEO's grievance is not resolved at that stage the matter should be referred to Stage 3, to be heard by a Panel of the Trust.

**1.3** A grievance is a complaint by an employee about any aspect of their employment such as but not limited to:

- Terms and Conditions of Employment
- Health and Safety
- Work relations
- Bullying and Harassment
- Working Environment
- Organisational Change
- Discrimination & Equality
- Pay (except where dealt with under the Pay Policy)

This list is intended as a guide and is not exhaustive.

**1.4** A grievance arising from dismissal or disciplinary action should be resolved by appeal within the disciplinary procedure. The grievance procedure is not available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who are the decision makers of the disciplinary issue.

**1.5** Those responsible for dealing with employee's grievances will treat them seriously and attempt to resolve them as quickly as possible.

**1.6** Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

**1.7** At any stage of the procedure the school may wish to refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides, outside the formal hearing within the grievance procedure. Such conciliation is without prejudice to the position of both parties in the procedure.



## **2. Being Accompanied**

**2.1** In line with employment legislation you may make a reasonable request to be accompanied at any grievance hearing. This may be

- a paid official from a recognised trade union/professional association
- an appropriate work colleague

**2.2** Friends/family members are not permitted unless they fall under the above criteria and it is agreed as appropriate. It would not normally be reasonable for an employee to be accompanied by a work colleague or trade union/professional association representative whose presence would prejudice the hearing and/or was from a remote geographical location, if someone suitable and willing was available on site.

**2.3** If an employee's chosen representative is not available on the day proposed for the meeting, the employee can propose an alternative date within the following five days of the original proposed date

## **3. Timescales**

**3.1** If an employee fails to attend a meeting through circumstances beyond their control, such as certified illness, an alternative time and date may be offered. Alternatively they may submit a written statement or nominate a representative to attend on their behalf.

**3.2** If a grievance is raised during a period of service/college closure, this policy will commence from the first day of the service/college being open. Where a grievance is raised immediately prior to a period of service/college closure, the availability of any person(s) who may need to be interviewed as part of the investigation will be taken into consideration by all parties when mutually agreeing any required extensions to the timeframes.

## **4. Stages of the Grievance Procedure**

### **4.1 Stage 1 – Raising Grievances Informally**

The employee should raise the grievance with the person causing the grievance in the first instance. If the grievance cannot be resolved directly, or the employee feels unable to raise it directly then the employee should personally present the grievance, either orally or in writing to their immediate line manager.

The line manager should give a reply as soon as possible within a calendar week, even if it is only an interim reply. If the employee's grievance is against the line manager personally, the grievance may be referred directly to Stage 2 but it would be reasonable to let the line manager know this move is intended.



If the immediate line manager is the CEO or Principal, then the employee may go directly to Stage 2 but it would be reasonable to let the CEO/Principal know this move is intended.

#### **4.2 Stage 2 – Formal Grievance Hearing**

If the employee is not satisfied with the reply by their line manager (who is not the CEO/Principal), the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Principal.

The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved, as well as an indication of the resolution that the employee is seeking. In some situations, we may ask you to provide further information.

The Principal (or delegated senior leadership team member) will normally meet the employee to hear the grievance and reply as soon as possible, within two calendar weeks (10 working days), even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a union representative or colleague at any meeting to discuss the grievance.

The Principal (or delegated senior leadership team member) may seek the advice of a member of the HR team at the meeting. If necessary to attempt conciliation between two or more employees at this stage, each employee may be accompanied by a union representative or colleague at any meeting called by the Principal (or delegated senior leadership team member). If the Principal (or delegated senior leadership team member) is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome, then the employee may appeal to a Panel committee.

Where the grievance is against the CEO/Principal, Stage 2 shall be heard by a Panel committee comprised of Trustees.

#### **4.3 Stage 3 – Formal Appeal Hearing**

The employee has 2 calendar weeks (10 working days) to lodge an appeal.

An appeal panel committee shall be convened and the appeal hearing will be held within a reasonable timeframe of receiving a written appeal. The appeal panel committee may have an HR adviser or external consultant to attend at its meeting who may also be involved in its private deliberations. The adviser, who should not have had any previous involvement in dealing with the grievance, will not have a vote in the decision of the appeal panel and will be for advisory purposes only.

The appeal panel shall decide the procedures by which it will hear the grievance, which will allow all parties to present their cases. The appeal panel shall advise all parties prior to the start of the hearing, of the procedure it intends to follow.

The appeal panel's decision is final.



## **5. Employee Responsibilities**

**5.1** Employees have a contractual responsibility to carry out the requirements of their job satisfactorily, to ensure that their conduct is appropriate and that they have good professional working relationships with their colleagues.

**5.2** Employees should bring to the attention of their line manager/management any concerns/problems/complaints that arise in the course of their work so that they can be resolved fairly and promptly.

## **6. Complaints (Multiple, Vexatious and/or Malicious)**

**6.1** If an employee raises multiple complaints relating to different issues, to avoid duplication of this policy and to aid a prompt resolution, the issues will be dealt with together, where possible.

**6.2** False or vexatious complaints will be taken very seriously and will be managed under the Disciplinary Policy where it is clear that an employee has made an allegation(s) of this type against the academy and/or another employee.

## **7. Overlapping Issues**

**7.1** Where an employee raises a grievance whilst being managed under another policy e.g. Disciplinary, Capability, Attendance, the manager should refer to the applicable policy and take appropriate action. Invoking the Grievance Policy does not necessarily mean that other processes will be put on hold.

## **8. Mediation**

**8.1** Mediation is a voluntary process, where trained mediators help people in dispute to attempt to reach an agreement. This may be considered as a measure to help resolve disputes.

## **9. Confidentiality**

**9.1** Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy or the resolution of an issue. Failure to maintain confidentiality may result in action being taken under the Disciplinary Policy.

**9.2** Disclosure of information may also be a breach of the Data Protection Act and may lead to action being taken under the provisions of this legislation in addition to action being taken under the Disciplinary Policy.



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## **10. Recording of Information**

**10.1** A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made.