



# Triumph Learning Trust

Aspiration - Collaboration - Innovation

## Grievance Policy and Procedure

### Policy Details

<b>Policy Level</b>	Trust
<b>Document Approver</b>	Trust Board
<b>Document Status</b>	Approved
<b>Applicable to</b>	All Trust Employees
<b>Review Frequency</b>	Every 3 Years

### Revision History

Revision	Date	Details	Approved by
0	1 September 2024	First Issue	
1	April 2025	Revised	JCNC

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## **1. Introduction**

The purpose of this procedure is to give individual employees a formal opportunity to raise certain issues related to their treatment at work and their employment conditions with their immediate line manager or their Headteacher and to allow for a level of appeal against any decision made with which they disagree.

This policy is managed through the JCNC process and forms part of an employee's terms and conditions of employment.

Grievances are concerns, problems or complaints that employees raise with their employers. A grievance procedure is a formal way for an employee to raise a problem or complaint to their employer.

This policy will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status.

The policy is written in line with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.

All proceedings under this policy shall be held in private and shall be confidential. An overview of the process contained within the policy can be found in Appendix 1. This flowchart may be a helpful resource for employees when going through the process.

## **2. Scope of Policy**

This policy applies where an employee wishes to raise a grievance about another employee at the Trust, or about the Trust itself. This could include, but is not limited to:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination
- Disciplinary process
- Lack of Protection for Whistleblowers (per policy TLT-SP-007-E)

Grievances relating to bullying, harassment, discrimination and/or victimisation should be managed in combination with the Trust Bullying and Harassment Policy (TLT-NSP-006-I).

This policy does not apply where there are matters of:

- disciplinary action which should be addressed in first instance under the disciplinary policy (TLT-SP-001-I), unless the grievance is in relation to that process not being started, or satisfactorily concluded;
- disciplinary decisions which should be addressed under the appeals process within the disciplinary policy;
- illegal activities, wrongdoing or malpractice which should be addressed by following the whistleblowing policy (TLT-SP-007-E);
- competence or capability which is dealt with under the capability policy (TLT-SP-006-I), unless it is clear that the employee is capable of reaching the required standard and has actively not done so.

### **3. Responsibilities**

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with grievances. The Trust recognises that grievance rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Headteacher has overall responsibility for promoting and maintaining standards of work conduct within each school and the Trust CEO has overall responsibility for promoting this across the Trust.

Line Managers are responsible for being the first point of contact for raising a grievance and are responsible for taking all necessary informal action to resolve any conflict or concern within their team or department.

Headteachers are responsible for being the first escalation point in the grievance process and are responsible for conducting informal or formal action in line with this policy. Where the grievance relates to the Headteacher or a member of the Shared Services team this should be the CEO.

The Trust Executive Leadership Team are responsible for all appeals under this policy, and may undertake the role of first escalation point in situations where it is not appropriate for the school to do so.

Where the grievance is in relation to the CEO, references to the first escalation point in this policy should be read as the Chair of Trustees, and the appeal should be heard by a different Trustee.

Grievances relating to Health and Safety issues should be made directly to either the Headteacher or a member of the Executive Leadership Team at the Trust who are empowered to take immediate action.

The Trust Executive Leadership Team are responsible for appointing the investigating officer and panel and overseeing the effectiveness of action being taken. Advice should be sought from Trust HR provider regarding this policy.

All efforts should be made by employees to attend meetings that constitute part of this policy. The employee is required to continue to undertake their duties in the normal way during the entire grievance procedure. The Trust will ensure that all parties involved in this process will be offered appropriate support, including counselling where appropriate.

Employees are also encouraged to seek the advice and support of a trade union representative if they have a grievance.

#### **4. Representation**

Employees have a statutory right to be accompanied at formal grievance meetings by their trade union representative or a workplace colleague.

The employee is responsible for arranging their representation, including notifying the representative of the meeting date in good time and sending copies of all relevant documentation. Where the employee's trade union representative or workplace colleague is not available at the time proposed for the meeting, the employee may propose an alternative date and time within five working days where possible.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their trade union representative or workplace colleague, providing five working days' notice in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative or workplace colleague may address a meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a disability or other special need.

#### **5. Approach to Resolving Grievances**

The Trust will take all grievances seriously regardless of whether they have been raised informally or formally. Where possible, grievances will be resolved via the informal

grievance procedure. All grievances will be given full consideration and all relevant views obtained in a timely manner with an outcome being reached within a maximum of twenty working days.

Employees should state at an early stage what outcome they may want from the grievance process.

All parties involved in the grievance process will maintain confidentiality throughout the process. All outcomes from informal and formal meetings, with supporting justification, will be communicated to the employee(s) in writing.

Once the grievance has been satisfactorily resolved, the relevant manager will ensure that all corrective actions agreed (where applicable) are in place and have had or are having the desired effect. This will be reviewed within a mutually agreed timescale.

## **6. Informal Grievance**

Employees should let their Line Manager know the nature of their grievance and issues promptly, in order to try to resolve any grievance informally in the first instance and to try to resolve problems quickly. If the grievance is against their Line Manager, they should raise it with the Headteacher, the CEO or a member of the Executive Trust Leadership team.

The Line Manager (or other appropriate person) will normally hold a confidential meeting to discuss the grievance with one or both of the parties to try to resolve the matter within ten working days. Conversations will be handled in a way that is sensitive to the circumstances and the needs of the individuals concerned. No assumptions will be made at the outset about the facts of the case and all grievances will be conducted with fairness, objectivity and impartiality. Avoid at all times language which may be considered predetermined, lacking impartiality, discriminatory, insulting or abusive.

The manager will be responsible for investigating the grievance.

If the Line Manager considers there to be no merit in the concern, the employee should be advised of the reason(s) why within fifteen working days. If there is merit to the concern, the Line Manager and the employee should discuss together the options available to resolve it.

Line Managers should be able to resolve informal grievances and if another Line Manager is addressing the grievance, the Line Manager must be kept informed of the progress with weekly updates.

If possible, an informal discussion with all parties concerned should then take place and a note of the discussion should be taken and retained for a period of six months after which time the discussion should be discarded.

Where appropriate, and if the employee agrees that this would help resolve the issues, it may be suitable to address issues being raised through other mechanisms such as mediation or one to one meeting.

If it is felt that raising a grievance informally has not resolved the issue or you do not wish for it to be dealt with informally due to the severity, you should follow the formal procedure.

## **7. Formal Grievance**

If your grievance cannot be resolved informally, you should put it in writing using the Notification of Grievance Form (TLT-CO-007-I) and submit it to your Headteacher or CEO, indicating that it is a formal grievance. If the grievance relates to these individuals, then the grievance should be sent to a member of the Trust Executive Leadership Team.

The written grievance should contain:

- A brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved
- Actions taken to resolve the matter informally and the reason for dissatisfaction with the informal solution proposed (if appropriate)
- The outcome the employee is seeking
- Any witnesses to the matters complained about

When writing the grievance, you should stick to the facts and avoid language that is insulting or abusive. A copy of the grievance will be shared with the employee who the grievance is against in order for them to be able to respond.

In some situations, we may ask you to provide further Information.

A formal grievance should be raised as soon as possible after the act or omission complained of, or as soon as possible after the latest act or omission in a series of linked events, unless there is a good reason for the delay, as this will assist in any investigations required and ensuring a timely resolution.

Where more than one member of staff has lodged a grievance relating to the same or substantially the same issue, either individually or as part of a collective grievance raised by a trade union, the Trust (led by the CEO unless the grievance relates to the CEO in which case it will be overseen by an external party appointed by the Trust Board) may deal with the grievances together in the interests of fair and consistent decision-making. In these cases, the trust will ensure to:

- Follow the same formal procedure for all grievances
- Keep information confidential

- Consider what each individual employee wants
- Explain to the employees how their grievances are being dealt with.

It may be decided to have a single meeting to cover all grievances, if all employees agree. Nevertheless, each employee still has the right to their own grievance meeting in which employees who are part of the grievance are not present.

Under Stage One, a meeting will be arranged between either the Headteacher or CEO and the employee (within 10 working days of receiving the grievance). A minute taker will also be present. The employee may be accompanied by a colleague or trade union representative. The meeting will be held to discuss the grievance in detail and the employee should take any documents or evidence they have regarding the grievance to the meeting.

The Headteacher, CEO, or someone they nominate who has not previously been involved with the case will complete a full factual, objective and impartial investigation into the matter. This may involve holding investigation meetings with witnesses, requiring witness statements to be produced and reviewing written evidence. A decision will be taken by the Headteacher or CEO following the investigation and where possible the grievance will be responded to, in writing, within 10 working days of the meeting being held. Should the investigation take longer than 10 working days the employee will be kept informed of expected timescales. The Trust will endeavour to ensure that all grievances are concluded within 20 working days of them being raised. The employee will be informed of actions to take if they wish to appeal the outcome.

Minutes of the meeting will be taken and copies will be made available to the employee. A copy of the minutes will be stored by Trust HR provider.

## **8. Formal Grievance Meetings**

We will arrange a grievance meeting with you, normally within 10 working days of receiving your formal grievance. The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made. A response to your grievance may not be possible immediately concluding this meeting as further investigation may be needed. You will be advised of timescales as part of this meeting. The Trust will endeavour to ensure that all grievances are concluded within 20 working days of them being raised.

You have a right to be accompanied at any formal meeting as outlined in this policy. Guidance on conducting grievance meetings is provided in Appendix 2.



## 9. Formal Grievance Investigations

It may be necessary to carry out an investigation into your grievance. The investigation may be initiated before holding the grievance meeting with you where appropriate. In other cases, the grievance meeting may be held first before deciding what investigation (if any) to carry out.

If an investigation is necessary, the amount of any investigation required will depend on the nature of the allegations and will vary from case to case. The investigation may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. You 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. Employees involved will be released to attend any meetings.

An investigation will normally be carried out by the person appointed to conduct your grievance meeting, however in exceptional circumstances based on the content of the grievance and any new information, this may need to be someone else appointed by the Trust. The person appointed will ensure that the grievance is investigated impartially, objectively and fairly as per ACAS guidance and this policy.

Where disciplinary action may be warranted following a grievance, the investigation process within the disciplinary policy should be followed.

Guidance on conducting grievance investigations is provided in Appendix 3.

## 10. Grievance Outcomes

Following your grievance meeting/s and any investigation carried out, the person appointed to determine the outcome of your grievance will write to you to inform you of the outcome of your grievance and if appropriate any further action that the Trust intends to take to resolve the grievance.

Where appropriate we may hold a further meeting to give you this information in person. The Trust will also remind you of your right of appeal.

### Disciplinary Action

Where the investigation has highlighted that disciplinary action may be necessary, the process contained within the disciplinary policy must be followed for that employee. Confidentiality will be maintained for all parties and it will not be possible to inform the complainant about the disciplinary action taken where it relates to another individual. Any grievance found to be malicious or vexatious may lead to disciplinary action being taken against the person that raised the grievance.

## Mediation

Mediation involves an independent, impartial person working with both sides to find a solution and may be used at any stage of the process. The mediator may be someone from inside or outside the organisation. Mediation is a voluntary process. The Trust and the parties involved in the process may consider that mediation may help resolve the grievance and ask those involved to participate to resolve the issue. The grievance process may pause in order for mediation to take place. If mediation is not accepted, is inappropriate or is unsuccessful the grievance process will resume.

## 11.Appeals

Where the employee is not satisfied with the outcome of the formal grievance, they can appeal to the Executive Trust Leadership Team. The employee must email the CEO (or Chair of Trust Board) within 10 working days of receipt of the decision letter outlining the reasons for the appeal.

The appeal may be heard by any member of the Trust Leadership Team, unless they have already been involved in the informal or formal grievance decisions.

Grievance appeals will usually be conducted and determined by a panel of three members of the Trust Leadership Team.

You may be accompanied by an appropriate work colleague or an accredited trade union representative at any grievance appeal hearing as defined in this policy.

A decision may not be made during the appeal hearing itself. The panel may consider it necessary to carry out further investigations before reaching any decisions.

The panel will confirm its final decision in writing without unreasonable delay but within 5 working days of the hearing. This is the end of the procedure and there is no further appeal.

## 12.Duty of care

The Trust recognises that employees making grievances may find the process outlined in this policy difficult or stressful and may already be in a challenging work situation. Those leading any such process will be expected to take active steps to ensure that support mechanisms are identified and offered as appropriate on a case-by-case basis, including encouraging the employee to seek advice and support from their line manager or another senior member of staff, or their Trade Union representative, and providing details of the Trust's employee assistance programme who can provide wellbeing support throughout the process.

### **13. Record keeping**

Managers and panels must keep written records of meetings and discussions relating to the grievance process. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file.

Written grievances will be placed on an employee's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed lawfully in accordance with Data Protection principles.

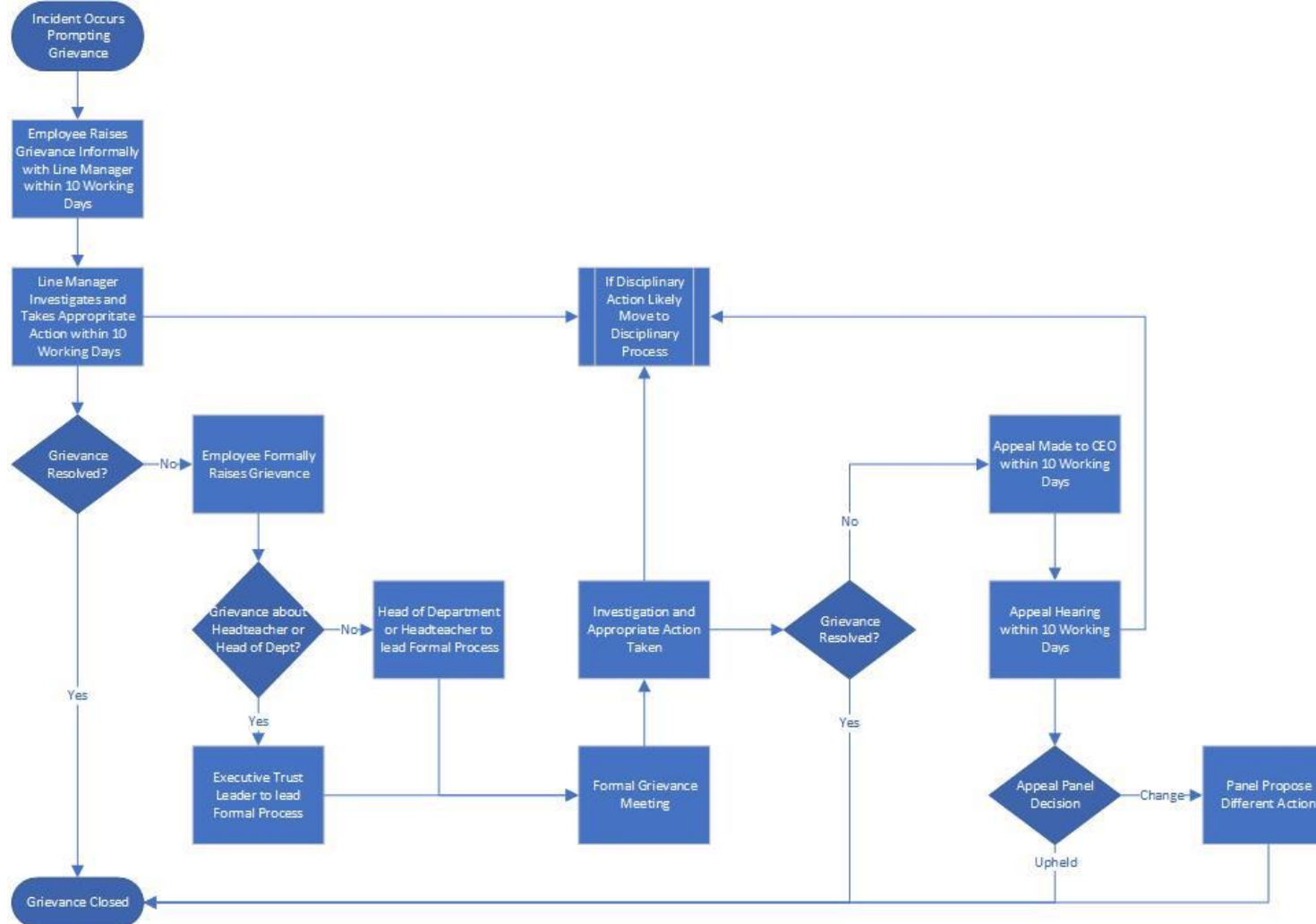
### **14. Monitoring and Review of Policy**

This policy will be reviewed every 3 years in consultation and negotiation with recognised Trade Unions via the Joint Consultation and Negotiation Committee and revised as necessary. It may be reviewed sooner as statutory or legal obligations require, or requested by either side.

## 15. Appendices

<b>Appendix 1</b>	Flow chart overview of grievance policy
<b>Appendix 2</b>	Guidance for conducting grievance meetings
<b>Appendix 3</b>	Guidance for conducting grievance investigations

## Appendix 1 – Flow chart overview of grievance policy



## Appendix 2 – Guidance for conducting grievance meetings

The purpose of the meeting is to establish exactly what the problems are and how they have disadvantaged the employee. It is often important to get exact details of incidents and their impact on the employee. It is important to ask the employee during the meeting what they believe the solution to their grievance is and what do they expect the outcome to be. It is important to prepare your questions in advance and ensure they are not leading or suggestive in any way. Moreover, it is vital that you remain objective and you do not form a view until you have gathered all the evidence.

In chairing the meeting, the investigating officer should:

- Explain who is present and why (i.e. there may be someone present taking minutes)
- check that everyone has the appropriate papers, including the original written formal grievance
- explain the way that the meeting will be structured, including any time constraints
- provide an opportunity for comments and clarification before commencement of the meeting
- advise that should it become necessary to adjourn the meeting, a target timescale for this will be agreed at the meeting
- Ensure that the complainant is aware of all support available to them which could help them during this process, such as the employee assistance programme or their trade union representative.

The investigating officer should ensure that the following procedure is observed:

- the complainant should introduce their formal grievance submission, explaining the reason for their complaint and why the informal process was unsuccessful and what they expect to achieve through the formal grievance process
- the investigating officer may ask questions during or after the complainant's presentation
- the Chair should then adjourn the meeting to consider the complaint and undertake any further investigation required.

## Appendix 3 – Guidance for conducting grievance investigations

All formal grievances should be investigated in line with this policy. In cases where the investigation may lead to disciplinary action, the disciplinary policy must be followed and an investigation officer appointed.

An investigation is a fact-finding exercise to collect all the relevant information on a matter. A properly conducted investigation can enable an employer to fully consider the matter and then make an informed decision on it.

The role of an investigator is to be fair and objective so that they can establish the essential facts of the matter and reach a conclusion on what did or did not happen. An investigator should do this by looking for evidence that supports the allegation and evidence that contradicts it.

Tips for conducting a fair and thorough investigation:

- Make written records of all conversations and evidence reviewed
- Take care to ask the right questions so that you are not leading participants
- Use open questions to provide broad responses and closed questions to clarify specific points raised
- This is not an interrogation – avoid framing questions towards the individual, i.e. why did you do that?
- Ask one question at a time
- Verify information where possible to establish facts
- Refer to policies and statutory requirements if relevant
- Maintain confidentiality throughout

### Reporting the investigation findings

Once the investigation has been concluded as far as reasonably possible and appropriate, you may need to produce an investigation report that explains your findings. The report should cover the facts that were and were not established, and whether there were any mitigating circumstances. No information should be excluded where relevant so that it can be considered unbiased.

The report should reflect your own conclusions, however your opinions on what may or may not have occurred should not form part of this report as they are not relevant facts to the grievance. The report should be written in an objective style, avoid the use of jargon, be kept simple wherever possible, be concise and explain any acronyms used.

A brief outline of an investigation report should cover:

- Introduction

- Process of the investigation
- The investigation findings
- Conclusion of report
- Supporting documents

Where there is not absolute certainty on a matter, you should arrange your evidence into:

- Uncontested facts – where facts are not in dispute
- Contested facts – where facts are contested or contradictory, you should determine what, on the balance of probabilities, took place
- Unsubstantiated claims – where it has not been possible to substantiate an allegation

The report should make a recommendation on whether further action may be necessary or beneficial. You should not suggest a possible sanction or prejudge any disciplinary investigation or hearing. The recommendation should be either formal action, informal action, or no further action.

**Formal Action** – This could be to initiate a disciplinary investigation, change a policy or procedure, or to further investigate

**Informal Action** – This could be training, counselling, mediation

**No Further Action** – No actions necessary, but could recommend that counselling, or mediation would be beneficial to the parties in the organisation.

#### Responding to the complainant

The findings of the investigation should then be formally communicated in writing to the complainant, letting them know if their grievance has been upheld or not.

Where the grievance has not been upheld it should be explained why this is the case.

Where the grievance has been upheld, it may not be appropriate to detail the actions the Trust will take in response as any other parties involved have their own right to privacy. For example, if the investigation has found that a process or policy was at fault this is acceptable to share with the complainant, and that the Trust will correct this. However if an individual was at fault and the action was training need or formal measures then this would not be appropriate to share with the complainant.

Depending on the grievance, it may be suitable to hold an in-person meeting to explain the outcome verbally before sending the written confirmation. This would be particularly beneficial in more complicated cases where verbal explanation would assist with avoiding misunderstanding.