



Girls' Learning Trust

# **GRIEVANCE POLICY**

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# **PART A - POLICY**

## **1. POLICY STATEMENT**

1.1 The aims of this policy are to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly, fully and objectively.

1.2 The Trust is committed to ensuring that the process for dealing with concerns about workplace issues is fair and transparent, with adherence to the following principles:

- Both employees and the Trust should deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employees and the Trust should treat the content of any grievance as confidential and will only involve other individuals where absolutely necessary (e.g. witnesses or other involved parties). Careful consideration must be given to how much any individual needs to know in order to fulfil their role in the process.
- Where some form of formal action is needed, any reasonable or justified action proposed will depend on the circumstances of the particular case.

1.3 This policy should be read in conjunction with the following policies, which can be located on the GLT Staff Zone:

- Staff Anti-Harassment & Bullying Policy
- Staff Code of Conduct
- Whistleblowing Policy
- Disciplinary Policy
- Capability Policy

## **2. SCOPE**

2.1 This policy applies to all permanent staff who are employed by the Trust, regardless of length of service.

2.2 The policy does not apply to casual workers, agency workers, self-employed contractors, supply staff or volunteers.

2.3 This policy does not form part of an employee's contract of employment and may be amended at any time.

## **3. LEGISLATION & DEFINITIONS**

3.1 The Trust is required to set out its grievance procedures under general employment law.

3.2 The grievance procedures outlined in this policy are based on the Acas Code of Practice on disciplinary & grievance procedures.

3.3 For the purposes of this policy, the following definitions apply:

- A reference to Headteacher also means member of the Executive Leadership Team for staff who work across the Trust within our shared professional services.
- A reference to Executive Leadership Team in shared professional services means the CEO, Chief Financial Officer, Chief People Officer, Chief Infrastructure Officer and Head of Governance.

- A reference to Senior Leadership team in schools means the Headteacher, Deputy Headteachers and Assistant Headteachers.

3.4 A grievance is a concern, problem or complaint raised with the school or wider Trust by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying, discrimination or working relationships (please note that this is not an exhaustive list).

3.5 Mediation may be used at any stage of the process. Mediation involves an independent, impartial person working with both sides to find a solution. The mediator may be someone from inside or outside the Trust. Both sides will need to agree to mediation.

3.6 The provisions of the Acas Code of Practice, and therefore this policy, do not apply to:

- Redundancy dismissals.
- Non-renewal of fixed-term contracts.
- Collective grievances, raised on behalf of 2 or more employees by a representative or a recognised trade union or other appropriate workplace representative.

#### **4. ROLES AND RESPONSIBILITIES**

4.1 The Headteacher, or a nominated member of the senior/executive leadership team, will be responsible for coordinating the procedure.

4.2 Where the complaint is against the Headteacher the CEO will be responsible for coordinating the procedure.

4.3 Where the complaint is against the CEO, the Chair of Trustees will be responsible for coordinating the procedure.

4.4 Where appropriate (for example providing the complaint is not related to the line manager) line managers will be responsible for the informal part of this procedure. They will be supported by a member of the Trust's HR team.

4.5 A member of the HR team is responsible for supporting the progression of the informal stage to the formal stage where appropriate.

## PART B - PROCEDURE

### 5. INFORMAL STAGE

- 5.1 In the first instance, an employee should aim to resolve their grievance informally with their line manager. If the employee's concerns relate to their line manager, they should discuss the issue with the line manager's manager or with a member of the Trust's HR team.
- 5.2 It may be necessary for the employee who has raised a grievance to attend a meeting to discuss the concerns in more detail. This will be determined on a case-by-case basis.
- 5.3 Many grievances can be resolved at the informal stage with no need to progress matters further. However, if the matter has not been resolved at the informal stage, it will then proceed to the formal stage of the procedure.

### 6. FORMAL STAGE

- 6.1 If it is not possible to resolve the matter informally, employees should set out their grievance by email to [HR@girlslearningtrust.org](mailto:HR@girlslearningtrust.org).
- 6.2 The grievance email should be as specific as possible and should include:
- What the grievance is about.
  - Any relevant evidence, such as facts, dates, emails, witnesses or names of individuals involved.
  - What action has been taken in respect of the grievance at the informal stage.
  - What resolution the employee is seeking and/or what action they would like to be taken to resolve the situation. This should be specific and realistic.
- 6.3 Upon receipt of a grievance, HR will liaise with the Headteacher (or CEO if the Headteacher is the subject of the grievance) or relevant Executive leader for the Trust, who will appoint a Hearing Manager. This will be a member of the senior/executive leadership team with no prior knowledge of the grievance.
- 6.4 The Hearing Manager, supported by HR, will arrange a formal meeting (to be held in person, or over video conferencing if appropriate) within 10 working days of receipt of the grievance. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.
- 6.5 Employees have a statutory right to be accompanied to a grievance meeting. The companion must be a work colleague, a trade union official, or workplace trade union representative who's certified by their union to act as a companion. Employees must notify the hearing manager in advance of the meeting, to allow the hearing manager to prepare a suitable location and time off for the companion if necessary.
- 6.6 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.
- 6.1 If the employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.

6.2 The companion can address the hearing to put forward and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing, and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the hearing manager from asking questions.

## **7. RECORD KEEPING**

7.1 Employees and their representatives are not permitted to make any electronic recordings of any meetings. Summary notes will be taken by a member of HR or a suitably qualified notetaker.

7.2 The Trust reserves the right to electronically record any meetings or hearings. In these circumstances, employees will be informed that a recording is to be made and will be given a copy of the recording upon request.

7.3 Summary notes will be kept of all interviews and meetings. Where possible, these will be confirmed by the employee as an accurate reflection of what was discussed during the meeting.

7.4 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, and our privacy notice.

## **8. TAKING APPROPRIATE ACTION**

8.1 Following the meeting the Hearing Manager will determine any necessary next steps to help inform their decision regarding appropriate action. This may involve conducting a wider investigation into the complaint, for example interviewing any relevant witnesses.

8.2 Where a wider investigation is necessary, the Hearing Manager may decide it is necessary to arrange a further meeting with the employee before making their decision on the outcome of the grievance.

8.3 The Hearing Manager will communicate the outcome of the grievance to the employee in writing as soon as reasonably practicable and without unreasonable delay. The outcome will specify whether the grievance has been upheld or rejected and will be based on the findings from meetings and investigations, what is fair and reasonable, and with reference to what the Trust has done in any similar cases before. The outcome letter will set out the reasons for the decision and, where appropriate, the steps that will be taken.

8.4 Where a grievance is in relation to another employee, the individual raising the grievance will not be informed of the specific action that may be taken in relation to that employee. Any such action will remain confidential.

## **9. APPEALS**

9.1 The employee has a right to raise an appeal regarding the outcome of the grievance if they feel that the outcome does not resolve the problem, or any stage of the grievance procedure was wrong or unfair.

9.2 The employee should set out their grounds of appeal by email within 5 working days to [HR@girlslearningtrust.org](mailto:HR@girlslearningtrust.org).

9.3 An appeal hearing is not designed to re-hear the matter but to examine the grounds of appeal. The employee should therefore be specific about the grounds of the appeal. However, a full re-hearing may be appropriate in exceptional circumstances.

9.4 Upon receipt of an appeal, HR will liaise with the Headteacher (or CEO if the Headteacher is the subject of the grievance) or relevant Executive leader for the Trust, who will appoint an appeal Hearing Manager. This will be a member of the senior/executive leadership team who is independent from any previous stage of the grievance procedure.

9.5 Appeals will be heard without unreasonable delay, either in person or over video conferencing if appropriate.

9.6 Employees have the same statutory right as for the initial grievance hearing, to be accompanied to the appeal hearing by a work colleague, trade union official, or trade union representative who's certified by their union to act as a companion.

9.7 Summary notes will be taken by a member of HR or a suitably qualified notetaker. A copy will be sent to the employee.

9.8 The outcome of the appeal will be confirmed in writing by the appeal Hearing Manager as soon as reasonably practicable. The decision of the appeal Hearing Manager will be final.

#### **10. OVERLAPPING PROCEDURES**

10.1 If an employee raises a grievance after disciplinary proceedings have already started against them, the disciplinary proceedings may be temporarily suspended in order to consider the implications of the grievance on the disciplinary process. Alternatively, the disciplinary procedure may continue and the grievance may be dealt with entirely separately.

10.2 If the grievance and disciplinary proceedings address related matters, it may be possible to deal with the issues simultaneously. This could be either in the same hearing or, where two decision makers are necessary, in separate hearings, with any appeals to be heard together.

#### **11. MALICIOUS GRIEVANCE**

11.1 All complaints, even if thought to be made with malicious or vexatious intent, will be thoroughly investigated in accordance with the above policy and procedure.

11.2 Where the evidence clearly points to the complaint being wholly unfounded or deliberately designed to mislead or cause trouble for someone else at work, it may be deemed appropriate to commence disciplinary proceedings against the complainant.

11.3 In some cases, where a finding is made against the complainant, this may constitute gross misconduct and may lead to summary dismissal, following a fair disciplinary process. For example, where there is clear evidence that a complaint was dishonest, it may be deemed behaviour that would breach the implied trust and confidence between employer and employee.