



**THE ENQUIRE LEARNING TRUST**

**GRIEVANCE PROCEDURE**

**Implemented: 1<sup>st</sup> September 2015**

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## **1. Scope**

**1.1** This procedure applies to all employees of the Enquire Learning Trust (the Trust) including those employed by academies within the Trust.

## **2. Principles**

**2.1** The Trust believes that all employees should be treated fairly and with respect. If you are concerned about the treatment you have received or about any aspect of your work, you should discuss this with your line manager who will attempt to resolve the situation on an informal basis. Please note that if you hold an informal meeting with your line manager, but the concerns are extremely concerning, this may become formal immediately. If you feel unable to approach your line manager directly, you should approach a more senior member of the leadership team or someone from the HR department, who will discuss ways of dealing with the matter with you.

All aspects of the grievance procedure will adhere to the ACAS Code of Practice.

**2.2** Where attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under the procedure. A formal grievance should be concerned with the way in which you have been treated another member of staff or manager within the Trust. Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the disciplinary procedure.

**2.3** Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under the grievance procedure whilst negotiations are live.

**2.4** Complaints that you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you are subject to disciplinary proceedings will usually be heard separately to the disciplinary process. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings.

**2.5** Grievances submitted more than 3 months after a particular incident has occurred, may not be accepted through this procedure unless the incident/behaviour is continuing.

## **3. MEDIATION**

**3.1** It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of an impartial third-party mediator, who will discuss the issues raised by your grievance

with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree to this action.

#### **4. THE RIGHT TO BE ACCOMPANIED**

**4.1** You have the right to be accompanied by a fellow worker or trade union representative at any grievance meeting or subsequent appeal. Please note that individual workers are not obliged to agree to accompany you. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing. At any hearing or appeal hearing, your chosen companion will be allowed to address the meeting, respond on your behalf to any view expressed in the hearing, and sum up the case on your behalf.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled at a mutually agreed time, date and venue, provided that you can propose an alternative time as soon as possible after the scheduled date, but where possible within 10 working days.

**4.2** If you are an employee that has been named in a colleagues grievance, and are required to be interviewed as part of the investigation, you are also entitled to bring a representative or companion with you to the meeting. This will be clearly explained at the point in which you are asked to attend the meeting.

#### **5. CONDUCTING THE GRIEVANCE PROCEDURE**

**5.1** The organisation recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. Abusive or insulting behaviour from anyone taking part in or conducting grievance procedures may be treated as misconduct under the disciplinary procedure under the relevant procedure.

#### **6. FORMAL GRIEVANCE**

##### **6.1 Making the complaint**

You must first put your complaint in writing to your line manager, or where the complaint involves the line manager, you should put the complaint in writing to a member of the leadership team or the HR department. This written statement will form the basis of any investigation or hearing that takes place so it must clearly set out the nature of the grievance as well as the outcome you are seeking.

Dependant on the nature of your complaint, further attempts may be made to resolve the matter informally otherwise the matter will proceed to a full grievance hearing.

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by you, although the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, you will be given a copy long enough in advance of the hearing for you to consider your response (and no less than 5 working days before the date of the hearing). In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this

will be explained to you and an appropriate summary of the evidence gathered will be given to you.

If the grievance is against the Chair of Governors at your particular academy, the same procedure will be followed but it is likely that any hearing and appeal hearing will be heard by either a Principal or panel of three school governors from a different academy within the Trust.

## **6.2 The grievance hearing**

The hearing will be held as soon as is reasonably practicable, subject to any need to carry out prior investigations. It will be conducted by your line manager (unless your line manager is implicated within the grievance) and attended by an HR representative. At the meeting, you will be asked to explain the nature of your complaint and what action you feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence if the line manager has enough information to consider the case.

While you will be given every opportunity to explain your case fully, you should confine your explanation to matters that are directly relevant to your complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of your complaint. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue.

Where a decision can be taken at the hearing, the conducting manager will advise of their recommendations. Occasionally a decision cannot be taken at the hearing due to a number of factors and in this instance the decision will be confirmed as soon as possible after the hearing.

Following the meeting, you will be informed in writing of the outcome within seven working days and told of any action that the organisation proposes to take as a result of your complaint. You may discuss this outcome informally with either your manager or designated HR representative.

If you are dissatisfied with the outcome, you may submit an appeal.

## **7. APPEAL**

Your appeal should be made in writing to the manager who conducted the initial grievance hearing. You should clearly state the grounds of your appeal, i.e. the basis on which you say that the result of the grievance was wrong or that the action taken as a result was inappropriate. This should be done within 5 working days of the written notification of the outcome of the grievance.

An appeal meeting will be arranged to take place ideally within 10 working days of the submission of your formal appeal. The appeal hearing will be conducted by a member of the senior leadership team, who will consider the grounds that you have put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate. Where members of the senior leadership team were involved earlier in the process, the appeal panel will consist of 3 school governors. The Trust reserves the right to call upon governors from other academies within the Trust if there are not enough governors available within the specific school to take part.

The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which you are dissatisfied in relation to the original grievance. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

You should ensure that you attend the meeting at the specified time. If you are unable to attend because of circumstances beyond your control, you should inform your line manager of this as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

Following the appeal meeting, you will be informed of the outcome within seven days. The outcome of this meeting will be final.

**Please note: This procedure will be reviewed periodically to ensure it's effectiveness. All reviewed procedures will be agreed at the Trust's JCC.**