

POLICY: Grievance Procedure	REF: ESD007 Employment & Staff Development	VERSION: 1
APPROVAL BODY:	DATE: March 2017	REVIEW DATE: March 2020
LEAD PERSON:		
VERSION	REVIEWER/APPROVAL	REVIEW NOTES
1. 22/03/2017	Multi Academy Trust Board	New Policy
2.		

Resolving Grievance Procedure

Activate Learning Education Trust recognises that in any organisation members of staff may, from time to time, have concerns regarding their work, working relationships or the working environment. Mostly such concerns are resolved informally through discussions within their working area. If, however, a member of staff considers that their concerns have not been addressed adequately, he/she may raise them formally under the following procedure.

Grievance procedures are entirely separate from other procedures such as those relating to appraisal, capability, competency, discipline or harassment. The rights of employees under the grievance procedures should not be overridden by actions taken or proposed to be taken under the other procedures. This procedure is non-contractual and does not form any part of an individual employee's contract of employment.

Informal Grievance Procedure

Where an employee has a grievance against another employee (including the Head/Principal), he or she should first endeavour to resolve the matter by direct approach to the employee involved or in discussion with the Vice Head/Principal, Head/Principal, or other appropriate senior member of staff. An initial grievance should be raised informally at the earliest opportunity as it may not be appropriate to consider a specific incident if a considerable period of time has elapsed since the event.

Where an employee requests a personal interview with a member of staff, the Vice Head/Principal, Head/Principal or other appropriate senior member of staff, it should be granted within five working days of the request being made.

The Vice Head/Principal, other appropriate senior member of staff, or Head/Principal should seek to resolve the problem personally or by mutual agreement in consultation with the other member of staff.

It is recognised that on occasions an employee may have a grievance which needs more formal resolution. In such cases, it is possible to proceed directly to the formal grievance procedure.

Mediation is an effective way of resolving disputes and helps avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown

Formal grievance procedure

Stage 1

Where the matter has not been resolved under any of the procedures referred to above, the employee concerned should submit a formal written notice of grievance to the Head/Principal. Where the grievance is against the Head/Principal the grievance should be raised in writing to the Chair of the Board of Governors. The letter should set out the nature of the complaint clearly. Provide details such as dates and times of event. Give the names of any witnesses. Include supporting evidence. Explain how you believe the matter can be resolved.

The Head/Principal or the Chair of the Board of Governors will appoint an appropriate member of the Local Governing Body to hear the grievance. This will be supported by Group HR.

A record of the outcome of any meetings involving the formal stages of these procedures should be placed on the employee's file, together with copies of the written evidence considered and correspondence involved.

Investigations

Where more information is needed and an investigation is necessary, this will be carried out either by the nominated manager themselves or s/he may appoint an investigating officer. You will be told who this is.

Support

Grievances can be upsetting and stressful for all parties and managers have a responsibility for making sure all individuals involved in a dispute or grievance are offered appropriate support. This can be provided by offering additional one to one meetings or assigning a key contact for the employee. The Employee Assistance Programme is available to all employees.

Prior to the hearing

Group HR will write to the employee within 5 working days of receiving the Grievance Complaint, to invite the employee to attend a hearing to discuss the grievance. The hearing will be arranged to take place as soon as reasonably practicable, making any reasonable adjustments for disabled employees, but in any event within 4 weeks of the date of the invite, unless there are exceptional circumstances justifying a longer period.

The employee may be accompanied at this meeting by a Trade Union representative or workplace colleague of their choice. Solicitors are not permitted. If the employee's companion is not available, an alternative date within five working days will be provided. No further alternatives will be provided. If the grievance is about the actions of another employee or manager, that person should be provided with a copy of the Grievance Procedure, a copy of the formal written notice of grievance and any supporting documentation, and be asked to make a written response (including any witness statements or with any witness statements of their own) within 10 working days of receipt. The responding employee/manager should also be advised that they might wish to discuss the grievance with a work colleague or a trade union official before responding.

A copy of any written response to the grievance must be provided to the employee raising the grievance no later than 5 working days before the date set for the grievance hearing.

It is recommended that an independent note taker is appointed by the academy. If an appeal is requested, the notes will be used by the panel at an appeal hearing. The decision maker at the hearing should also retain their summary notes as a record of the grievance hearing.

Conduct of the hearing

The chair, who is the decision maker, is responsible for the conduct of the grievance hearing and will open the hearing by explaining the format, which should include:

- Confirmation that the use of the Grievance Procedure is appropriate in the circumstances and that those present have a copy.
- The three possible options at the end of the hearing, which are:
- The grievance is agreed and a remedy is decided on.
- The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
- The grievance is not agreed.
- Examination of the details of the grievance, any investigation and consideration of any witness statements.
- Consideration of a written (or other acceptable accessible format) response/evidence from any other employee named in the written grievance.
- The opportunity for the chair to question the employee.
- Consideration of what the employee believes would be a satisfactory resolution.
- The chair may decide to postpone the proceedings whilst s/he seeks clarification from any witness(es) or from the responding employee/manager of matters referred to in their witness statement or response.

Outcome of the hearing

After the hearing, the chair will consider the case and reach a decision. This will reflect the circumstances of the case and, in the case of a discrimination/harassment/bullying claim, may include remedial action against the alleged harasser, ranging from training to formal disciplinary action.

A decision should normally be made and communicated to the employee within 5 working days of the hearing unless the chair and employee both agree to set an alternative deadline or there are exceptional circumstances which prevent a decision being provided within this timeframe.

The chair must inform the employee in writing (or in another appropriate format, if required for disabled employees) of their response in relation to the grievance and remind them of the right of appeal against the decision if they are not satisfied with it.

A written summary of the meeting and any outcome must be made by the chair, including any details of what actions the employee can take if dissatisfied with the outcome of the grievance. A copy must be given to the employee, and a confidential copy retained for the employee's records.

Stage 2 - Appeal

If the decision made is to dismiss the grievance, and the employee continues to be dissatisfied, they should:

- Submit a written appeal to the Chair of Governors within 5 working days of notification of the outcome of the Grievance Hearing
- Ask that the grievance be considered at an appeal hearing, stating the reasons why they are appealing against the decision.

The Chair of the Board of Governors will send a written acknowledgement within 5 working days of receipt of appeal, confirming that the appeal will be considered at an appeal hearing. This appeal will be considered by a panel of nominated governors who have had no prior involvement in the case.

The appeal panel must appoint a note taker, arrange for a suitable room which must be free from interruptions and provide necessary requirements for disabled attendees.

Before the appeal hearing

The appeal hearing must take place no later than 4 weeks from the date of the written request from the employee to have the grievance heard in appeal. The details of the hearing and copies of any relevant documentation will be notified to the employee and panel members not less than 5 working days prior to the date of the hearing.

Employees will also be reminded of their right to be accompanied by a colleague from within the academy or a trade union official. If the companion is unable to attend on the proposed hearing date the employee can suggest another date provided this is reasonable and is no more than 5 working days after the original date.

NB: In cases of postponement of the appeal hearing (or of non attendance of the employee), the same provisions apply as for the grievance hearing. If an appeal has been re-scheduled and the employee fails to either attend, send a representative on their behalf or make a written submission, the appeal panel will be entitled to conclude that the employee has decided not to proceed, and no further action will be taken.

At the Appeal hearing

The panel hears a submission from each side;

- It takes account of the grounds of appeal and management response;
- It reviews the record of the grievance hearing and the outcome letter from the original hearing;
- The panel can seek clarification if required.
- If new evidence is introduced at this stage, the appeal panel will decide whether or not to allow such information to be considered.

Appeal decision

The three possible options at the end of the hearing are:

- The grievance is agreed and a remedy is decided on.
- The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
- The grievance is not agreed.

The Chair of the Appeal Panel will, within 5 working days of the appeal hearing, unless there is agreement to set an alternative deadline, notify the employee of the decision, as well as its rationale, in writing. Decisions at this stage will be final.

Confidentiality

Confidentiality must be maintained. Only those who need to know about the grievance will be informed.

Concerns from Ex Employees or During Notice Period

Wherever possible, a concern should be dealt with before an employee leaves employment. However, in cases where the employee has left employment before a concern has been raised the former employee should write to their former manager setting out the grievance as soon as possible, and not later than one month after leaving employment and a response will be given in writing.

If an employee raises a grievance during their notice period and there is insufficient time for an investigation and resolve the issues before the employee's employment ends a written response will be given.

Other Relevant Policies

Dignity at Work
Whistleblowing
Disciplinary

Monitoring and Evaluation

The Trust and Head/Principal will monitor the operation and effectiveness of the Grievance Procedure.

Procedure created: March 2017

Procedure review date: March 2020

FORMAL NOTIFICATION OF AN EMPLOYMENT RELATED CONCERN

An employee with a concern, who does not feel that the matter has been satisfactorily resolved at Stage 1 of the procedure or if the employee believes the concern to be of such a serious nature that it is not appropriate to raise the matter informally, should complete this form.

Name of employee: -----

Post held by employee: -----

Line Manager: -----

Full Details of Concern:

Do you wish to be accompanied at Stage 2 by a Trade Union Rep/Work Colleague? YES/NO (* please delete as required)

Name of Representative/Colleague: -----

FORMAL NOTIFICATION OF AN EMPLOYMENT RELATED CONCERN

Record of Action to date.

STAGE 1

a) Employee to whom direct approach made: -----

b) Date of Personal Interview with Line Manager:

c) Did you receive a decision from your Line Manager within 5 working days? YES/NO*

d) Did you receive a written interpretation of your Line Manager's decision? YES / NO*

If response is 'Yes', please attach a copy.

STAGE 2

e) Date form submitted to the Group Director of Human Resources & Organisational Development:

Signed: -----

Date: -----

(* delete as appropriate)

(continued)

**from your Line Manager
within 5 working days* YES / NO***

**d) Did you receive a written interpretation
of your Line Manager's decision? YES / NO***
If response is 'Yes', please attach a copy.

STAGE 2

**e) Date form submitted to the Group Director of Human Resources & Organisational
Development:**

Signed Date

(* delete as appropriate)