

Grievance Policy and Procedure

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GRIEVANCE POLICY AND PROCEDURE

1 INTRODUCTION, SCOPE & PURPOSE

- 1.1 The Trust is keen to provide a positive and supportive working environment for all of its employees and as such will take every step to resolve issues in the workplace quickly and efficiently, at the lowest possible level.
- 1.2 This policy and procedure applies to all employees other than holders of senior posts, as defined in the Trust's Articles of Government, to whom the Trust's grievance procedure for senior postholders will apply. Separate procedures apply for these postholders.
- 1.3 The Trust will deal objectively and constructively with all grievances, and employees who decide to use the procedure may do so with the assurance that the problem will be dealt with fairly and in confidence. However, it must be recognised that it is not always possible to resolve grievances to everyone's satisfaction.
- 1.4 The consistent application of a fair and effective grievance procedure, in accordance with the Advisory Conciliation and Arbitration Services (ACAS) Code of Practice entitled 'Disciplinary and Grievance Procedures', will help to ensure consistent and fair treatment for all in relation to any issues about which individuals feel aggrieved.
- 1.5 If any information raised as a grievance, or part of a grievance, is related to a protected disclosure, "whistleblowing", this will be managed through the Protected Disclosure Policy.
- 1.6 This policy has been prepared taking account of prevailing legislation and new legislative requirements and follows best practice by enabling the Trust to demonstrate a management of change process which is fair, equitable and transparent.

2 GENERAL PRINCIPLES

- 2.1 A grievance is defined as 'a concern, problem or complaint that employees raise with their employer'. This may include a complaint from an employee about their treatment by managers or colleagues, changes to working practices, or a failure to fulfil duty of care obligations.
- 2.2 This procedure is not intended to deal with day to day issues of concern that should be dealt with by good communication and informal discussion, and should form part of normal working relationships. Issues that are the subject of collective negotiation or consultation with the recognised trade unions will not be considered under the grievance procedure.
- 2.3 If this is not successful or appropriate, the individual should proceed to Stage 1 of the Informal procedure. Advice can be sought from the HR Department.
- 2.4 This procedure should not be used to complain about dismissal or actions taken or penalties imposed through the disciplinary or capability procedures. An employee has a right to appeal in accordance with the disciplinary or capability procedure if s/he is dissatisfied with outcomes from these procedures.
- 2.5 The Trust will take any complaints of bullying and/or harassment seriously, investigating them promptly and taking appropriate action in accordance with Trust policy. Where an employee is alleged to have committed an act of bullying or harassment this will be dealt with through the Trust's Disciplinary Policy and Procedure and may be viewed as gross misconduct.
- 2.6 Confidentiality should be applied at times during the use of this procedure.
- 2.7 An employee who raises a grievance should not be discriminated against or victimised as a result of this.
- 2.8 On rare occasions an allegation may be of a malicious nature, disciplinary action may be instigated in these circumstances. This is also the case where an employee is making

repeated complaints of a similar nature which on investigation are unfounded – these may then be dealt with in accordance with the Complaints Procedure in line with vexacious complainants.

3 INFORMAL PROCEDURE (STAGE 1)

- 3.1 If informal discussion has been unsuccessful or is not appropriate, the employee should firstly discuss the issue informally with their line manager. However, if this is not possible because the grievance is with the line manager, then the employee should approach the line manager's manager instead.
- 3.2 The manager approached will discuss your concerns in confidence, make discreet investigations, and attempt to resolve the matter. Dealing with grievances in this way can often lead to the quickest and most effective resolution.
- 3.3 A written record of the discussion and the outcome will be provided within 5 working days after the grievance has been received.
- 3.4 It is anticipated that most grievances will be resolved at the informal stage. If, however, there is no satisfactory outcome or the matter is very serious or the employee does not wish to raise the matter informally, the employee may proceed straight to the formal stage of the procedure.

4 FORMAL PROCEDURE (STAGE 2)

- 4.1 If the employee feels that the matter has not been resolved at Stage 1, or where s/he considers it more serious or inappropriate to raise the matter informally, the grievance should be put in writing using the Trust Grievance Form (Appendix 1 to this procedure).
- 4.2 Full details of the complaint, including any relevant facts, including dates and names of those involved should be provided. Possible ways of resolving the grievance should also be identified. The employee should submit the completed grievance form to The HR Department.
- 4.3 Following receipt of the grievance form the Human Resources department will confirm receipt in writing.
- 4.4 The Trust will appoint an Investigating Officer who will arrange an initial meeting with the employee to discuss the grievance raised.
- 4.5 On completion of the investigation, a second meeting will be arranged with the employee and the Investigating Officer will discuss their findings with the focus of the meeting to seek to resolve the grievance. The Investigating Officer will discuss fully any potential outcomes and resolutions with the employee who raised the grievance and his/her representative/work colleague.
- 4.6 The Investigating Officer's decision will be communicated in writing to the employee within 5 working days of the meeting. The letter to the employee will outline, where appropriate, any actions the Trust intends to take or has taken to resolve the grievance, and will also inform him/her of the right to appeal. Where the decision is that the grievance is not found to be upheld or substantiated, the manager will explain the reasons for this in the letter.

5 APPEAL (STAGE 3)

- 5.1 If the grievance is not resolved to the satisfaction of the employee, s/he has the right to appeal. The grounds for the appeal must be stated clearly, in writing and sent to the the Head of School (or, in the case where the grievance relates to the Head of School, to the Executive Head Teacher) within 10 working days of receiving the decision of the formal meeting with the Investigating Officer.
- 5.2 The appeal will be dealt with by the Executive Head Teacher (or a member of the Local Governing Body where the Executive Head Teacher has been involved in an earlier process

relating to this grievance) who will meet with the employee to discuss the outcome letter and findings from the formal procedure.

- 5.3 The Senior Manager hearing the appeal will consider any representations made and will be supplied with all of the documentation submitted in relation to the earlier stages of the procedure.
- 5.4 The appeal meeting with the Senior Manager should be held as soon as is reasonably practicable and normally within 15 working days of receipt of the appeal notification.
- 5.5 The appeal should focus on the specific grounds of appeal rather than re-visiting the full grievance. However, the Senior Manager will refer to the outcome(s) from the original grievance meeting where this is applicable to the grounds of appeal and should gain an understanding from the employee and/or their representative as to why s/he does not believe the outcome from the original hearing resolved the grievance.
- 5.6 The decision of the Senior Manager will be provided in writing, as soon as is reasonably practicable and without unreasonable delay.
- 5.7 The decision is final and no further right of appeal will exist within the Trust.

6 MEDIATION

- 6.1 On occasion, it may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This involves the appointment of an independent and experienced mediator or accredited Restorative Justice Facilitator, who will discuss the issues raised by the 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. Where possible the mediator or RJ Facilitator will work within another of the Trust schools to where the employee raising the grievance is working.

7 OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES

- 7.1 Where an employee raises a grievance during a disciplinary process, the grievance process may be temporarily suspended in order to deal with the disciplinary process. In certain circumstances, the Trust may decide to deal with both cases separately and concurrently.

APPENDIX 1 - GRIEVANCE FORM

This form enables you to raise a formal grievance. You should only raise this if discussions with the person concerned and/or their line manager have failed.

Please complete and return to the Human Resources Department.

<p>Name:</p> <p>Faculty/Department:</p> <p>.....</p> <p>Email address:</p>
<p>Please explain how have you tried to resolve this matter informally?</p>

<p>Please describe the nature of the grievance: (Please continue on additional sheets if necessary)</p>

<p>Have you any other supporting evidence? Yes/No</p> <p>If yes, please attach</p>
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Please state the names of any employees who may provide information relating to your grievance:

Please advise as to how you would like your grievance to be resolved.

Signed: Date: