



Staff Grievance Policy

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Author Initials	HR Team (TH)
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(This policy supersedes all previous Staff Grievance policies)

CONTRACTUAL POLICY

Amendments

Policy Date	New Version Number	Summary of change	Comments
May 2020	1.1		

Union Consultation

Date	Action (meeting, email etc)	Comments	Attendance
10/07/17	Meeting with Union Reps		UNISON, GMB, NASUWT, ATL, NUT

CONTRACTUAL POLICY

Contents

1.	Terms of Reference.....	4
2.	General Principles.....	5
3.	Stages of the Grievance Procedure	6
4.	Review of policy	9

CONTRACTUAL POLICY

1. Terms of Reference

- 1.1 This Policy applies to all Trust employees,
- 1.2 The policy has been implemented following consultation with staff and recognised trade unions. It has been formally adopted by the Trust.
- 1.3 This policy is contractual and forms part of any employee's contract of employment.

2. Being Accompanied

- 2.1 The Employment Relations Act 1999 determines that an employee has a statutory right to request to be accompanied at any disciplinary or grievance hearing. To invoke that right an employee must make a reasonable request to the employer to be accompanied by either:

- a paid official from a recognised trade union/professional association
- an official of a trade union/professional association whom the union has reasonably certified, in writing, as having experience of, or as having received training in acting as an employee's companion at disciplinary or grievance hearings
- an appropriate work colleague.

- 2.2 Friends/family members are not permitted unless they fall under the above criteria and it is agreed as appropriate. It would not normally be reasonable for an employee to be accompanied by a work colleague or trade union/professional association representative whose presence would prejudice the hearing and/or was from a remote geographical location, if someone suitable and willing was available on site.

3. If an employee's chosen representative is not available on the day proposed for the meeting, the employee can propose an alternative date within the following five days of the original proposed date

4. Non Attendance

- 4.1 If an employee fails to attend a meeting through circumstances beyond their control, such as certified illness, an alternative time and date may be offered. Alternatively they may submit a written statement or nominate a representative to attend on their behalf.

CONTRACTUAL POLICY

5. General Principles

- 5.1 The aim of this policy is to enable any employee to have their grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.
- 5.2 The policy applies to all employees of the Trust, full and part-time, permanent and temporary employees.
- 5.3 If a grievance is raised during a period of service/school closure, this policy will commence from the first day of the service/school being open. Where a grievance is raised immediately prior to a period of service/school closure, the availability of any person(s) who may need to be interviewed as part of the investigation will be taken into consideration by all parties when mutually agreeing any required extensions to the timeframes.
- 5.4 A grievance is a complaint by an employee about any aspect of their employment such as but not limited to:
- Terms and Conditions of Employment
 - Health and Safety
 - Work relations
 - Bullying and Harassment
 - Working Environment
 - Organisational Change
 - Discrimination & Equality
 - Pay (except where dealt with under the Pay Policy)

This list is intended as a guide and is not exhaustive

- 5.5 A grievance arising from dismissal or disciplinary action is to be resolved by appeal within the disciplinary procedure. The grievance procedure is not available in addition to, or in substitution for the disciplinary procedure unless the grievance is against the person(s) who are the decision makers of the disciplinary issue.
- 5.6 Those responsible for dealing with employee's grievances will treat them seriously and attempt to resolve them as quickly as possible.
- 5.7 Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits.

CONTRACTUAL POLICY

- 5.8 At any stage of the procedure the Trust may wish to refer to an adviser external to the Trust for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal hearing within the grievance procedure. Such conciliation is without prejudice to the position of both parties in the procedure.

6. Stages of the Grievance Procedure

6.1 Stage 1 – Raising Grievances Informally

The employee should raise the grievance with the person causing the grievance in the first instance. If the grievance cannot be resolved directly, or the employee feels unable to raise it directly then the employee should personally present the grievance, either orally or in writing to their immediate line manager. The line manager should give a reply as soon as possible within a calendar week, even if it is only an interim reply. If the employee's grievance is against the line manager personally, the grievance may be referred directly to Stage 2 but it would be reasonable to let the line manager know this move is intended. See Appendix 1 for the Relevant Person/Body to whom to refer complaints. The employee has a right to be accompanied at this meeting (para 1.4)

6.2 Stage 2 – Formal Grievance Hearing

If the employee is not satisfied with the reply by their line manager (who is not the Headteacher), the employee should submit the grievance in writing, indicating that it is a formal grievance, in accordance with appendix 1. The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates and names of individuals involved, as well as an indication of the resolution that the employee is seeking. In some situations, we may ask you to provide further information.

- 6.3 The Relevant Person will normally meet the employee to hear the grievance and reply as soon as possible, within two calendar weeks (10 working days), even if it is only an interim reply pending further investigation. At this stage, the employee may be accompanied by a 'companion' (see terms of reference) at any meeting to discuss the grievance.

CONTRACTUAL POLICY

6.4 The Relevant Person may be accompanied by another employee, or by an HR Advisor. If necessary for the Relevant Person to attempt conciliation between two or more employees at this stage, each employee may be accompanied by a 'companion' at any meeting. If the Relevant Person is unable to resolve the grievance and/or the employee raising the grievance is not satisfied with the outcome, then the employee may appeal to the Appeal Committee at Stage 3.

6.5 Stage 3 – Formal Appeal Hearing

The employee has 2 calendar weeks (10 working days) to lodge an appeal.

6.6 An Appeal Committee of 3 Governors and/or Directors in accordance with appendix 1 shall be convened by the Clerk and will be held within a reasonable timeframe of receiving a written appeal. The Appeal Committee may have an adviser(s), to attend at its meeting who may also be involved in its private deliberations. The adviser(s), who should not have had any previous involvement in dealing with the grievance, shall not have a vote in the decision of the Appeal Committee.

6.7 The Appeal Committee shall decide the procedures by which it will hear the grievance which will allow all parties to present their cases. The Appeal Committee shall advise all parties prior to the start of the hearing, of the procedure it intends to follow. The Appeal Committee's decision is final.

Additional Information

7. Employee Responsibilities

7.1 Employees have a contractual responsibility to carry out the requirements of their job satisfactorily, to ensure that their conduct is appropriate and that they have good professional working relationships with their colleagues.

CONTRACTUAL POLICY

7.2 Employees should bring to the attention of management any concerns/problems/complaints that arise in the course of their work so that they can be resolved fairly and promptly.

8. Multiple Complaints

8.1 If an employee raises multiple complaints relating to different issues, to avoid duplication of this policy and to aid a prompt resolution, the issues will be dealt with together, where possible.

9. Vexatious/Malicious Complaints

9.1 False or vexatious complaints will be taken very seriously and will be managed under the Disciplinary Policy where it is clear that an employee has made an allegation(s) of this type against the academy and/or another employee.

10. Overlapping Issues

10.1 Where an employee raises a grievance whilst being managed under another policy e.g. Disciplinary, Capability, Managing Sickness Absence, the manager should refer to the applicable policy and take appropriate action. Invoking the Grievance Policy does not necessarily mean that other processes will be put on hold.

11. Mediation

11.1 Mediation is a voluntary process, where trained mediators help people in dispute to attempt to reach an agreement.

12. Confidentiality

12.1 Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy or the resolution of an issue. Failure to maintain confidentiality may result in action being taken under the Disciplinary Policy.

12.2 Disclosure of information may also be a breach of the Data Protection Act and may lead to action being taken under the provisions of this legislation in addition to action being taken under the Disciplinary Policy.

CONTRACTUAL POLICY

13. Recording of Information

- 13.1 A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made. All records will be retained confidentially, securely and in accordance with the Data Protection Act.

14. Review of policy

- 14.1 This policy is reviewed every three years or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.

CONTRACTUAL POLICY

Appendix 1

Complaint about	Refer to	Panel
School issue or staff	Head Teacher	Local Governing Body
Head Teacher	CEO	Local Governing Body
Shared Services issue or staff	Trust Business Manager	ESW Board
ESW Executive staff	CEO	ESW Board
CEO	Trust Chair	ESW Board
Members of Local Governing Bodies	Chair of LGB	Local Governing Body
Chairs of Local Governing Bodies or Directors	Trust Chair	ESW Board
Trust Chair	CEO	ESW Board