



Grievance Policy and Procedure

Policy reviewed by Academy Transformation Trust on	April 2016
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This policy links to:

- Disciplinary Policy and Procedure
- Dignity at Work (Harassment and Bullying) Policy and Procedure
- Complaints Procedure
- Whistleblowing Procedure

Review Date – April 2018



Our Mission

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

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1. Policy Statement

- 1.1 It is Academy Transformation Trust's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a complaint we will investigate any formal grievance that you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 Issues that may cause grievances include:
- (a) terms and conditions of employment;
 - (b) health and safety;
 - (b) work relations;
 - (c) new working practices;
 - (d) working environment;
 - (e) organisational change; and
 - (f) discrimination.
 - (g) bullying and harassment (see 1.3)
- 1.3 For grievances relating to bullying and harassment the Dignity at Work (Harassment and Bullying) Policy may be used.
- 1.4 This policy should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 1.5 During the course of a grievance investigation, it may become apparent that the complaint is better dealt with under a different policy (for example, the disciplinary policy). Should this be the case this will be fully discussed with the aggrieved employee and agreement will be sought from them to proceed and deal with matter under the relevant policy. It will be confirmed with all parties that the grievance matter is concluded at that point and instead transferred underneath a different policy.
- 1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any timescales for action, as appropriate
- 1.7 This policy has been implemented following consultation with the recognised Trade Unions.

2. Who is covered by the policy?

- 2.1 This policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. Using this policy

- 3.1 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Policy and you will be informed if this is the case.
- 3.2 This Grievance Policy should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under Disciplinary Policy.
- 3.3 Where an employee raises a grievance during a disciplinary process the disciplinary process may in certain circumstances be temporarily suspended in order to address the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to address both issues concurrently.
- 3.4 There is a separate Dignity at Work (Harassment & Bullying) Policy that may be useful if you believe that you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. The complaint process is explained in the Dignity at Work (Harassment & Bullying) Policy and it refers back to this policy if a formal complaint is required.
- 3.5 We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Policy.
- 3.6 In exceptional circumstances a manager may consider suspending or redeploying an employee during the grievance process. In these cases, the provisions regarding suspension in the Disciplinary Policy will apply.
- 3.7 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.

4. Confidentiality

- 4.1 It is the aim of Academy Transformation Trust to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them as confidential in connection with an investigation or grievance matter, save for disclosure to their representative.
- 4.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this policy without prior consultation and agreement. If recordings are permitted, the employee will be required to share recordings with us.

- 4.3 Employees will normally be told the names of any witnesses whose evidence is relevant to proceedings, unless there is an exceptional reason that a witness's identity should remain confidential. In such a situation, this will be explained to the employee.

5. Raising grievances informally – Step 1

- 5.1 We believe that most grievances can be resolved quickly and informally through open communication and discussion with a line manager. No employee shall be required to approach any person against whom they have a grievance if they feel uncomfortable doing so. We would always aim to resolve grievances informally where possible. Informal discussion helps concerns to be heard and responded to as soon as possible. If the employee feels unable to speak to their line manager, for example, because the complaint concerns them, then the employee should speak informally to a more senior manager. If this does not resolve the issue, the employee should follow the formal procedure in Section 6. Employees may be assisted by a trade union representative or work colleague.
- 5.2 Although any discussion is informal, the manager should still keep a record, showing the date and time of the meeting, briefly stating what was discussed and the outcome.

6. Mediation

- 6.1 If the grievance is not resolved to the satisfaction of the employee at any stage in the process, it is open to the parties involved to request mediation. Mediation may also be offered to the employee as an alternative to the formal procedure despite the employee raising a formal written grievance. In this circumstance, mediation can only take place if all parties agree. If mediation is requested, or agreed as an alternative to the formal procedure the Principal will contact the Trust Head Office HR Department for advice about mediation and how it can be arranged, if appropriate.
- 6.2 Mediators may be employees trained and accredited by an external mediation service who act as internal mediators. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators
- 6.3 Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. In order for mediation to be used, the process must be agreed upon by all parties involved, before it begins. All parties will be required to agree to a mediation agreement. Formal stages must be suspended if mediation takes place. The Stages of Mediation is in Appendix 1.
- 6.4 Mediation is especially effective when used at the initial phase of any disagreement, before conflict escalates at work. An early intervention can prevent both sides from becoming entrenched, and the difference turning into a formal grievance. If the disagreement is resolved early on, there is less chance of the working relationship breaking down irrecoverably. This improves the likelihood of maintaining good and

productive employment relations in the longer term. Ultimately, mediation can provide a swifter response to conflict and can nip potentially damaging disputes in the bud.

- 6.5 The mediation stage should not extend over more than 1 calendar month unless all parties agree that a longer time span can apply.
- 6.6 Mediation is a strictly confidential process. If mediation has been successful, parties will be given a copy of the agreements. Nothing that has been said during the mediation can be used in future proceedings.

7. Formal written grievances – Step 2

- 7.1 If a grievance cannot be resolved informally employees should put their grievance in writing using the form at Appendix 2 and submit it to their line manager (or a more senior manager if the grievance is about the line manager) and send a copy to the Trust Head Office HR Department. If the grievance is about the Principal, the grievance should be sent directly to the Trust Head Office HR Department.
- 7.2 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask the employee to provide further information. Employees should state what their reasonable desired outcome would be to resolve the situation. Employees should also state what they have done themselves to resolve the matter informally before raising a grievance.
- 7.3 Instead of pursuing the formal procedure, employees are encouraged to consider if mediation could resolve the matter. (See paragraph 6.1).

8. Investigations

- 8.1 In some cases it may be necessary to carry out an investigation into a grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from the employee who raised the grievance and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by a manager or someone else appointed by the Principal¹ and they will be known as the investigating officer. The investigating officer will be a person competent to undertake the role.
- 8.2 External investigating officers may be appointed if appropriate.
- 8.3 Employees must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

¹ If the Principal is the employee who raised the grievance then the Trust Head Office HR Department will appoint the investigating officer.

- 8.4 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

9. Role of companion at meetings

- 9.1 An employee who has raised a grievance may bring a companion to any grievance meeting or appeal meeting under this policy. The companion may be either a trade union representative or a work colleague. The employee should inform the manager conducting the meetings who their chosen companion is, in good time before the meeting.
- 9.2 Should the aggrieved employee choose to bring a companion to a meeting, they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the meeting.
- 9.3 Acting as a companion is voluntary and colleagues are under no obligation to do so. If a colleague agrees to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.4 In all meetings under this policy a companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.
- 9.5 In addition, we may, at our discretion, allow the employee to bring a further companion who is not a colleague or trade union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability, or if they have difficulty understanding English.
- 9.6 If the employee and/or their companion cannot attend a meeting they should inform the manager conducting the meetings immediately and offer a reasonable alternative time within five days of the original. If your chosen companion is not available for more than five working days afterwards, we may ask you to choose someone else.

10. Grievance meeting

- 10.1 We will arrange a grievance meeting, normally within 5 working days of receiving a written grievance. The format for the meeting is shown at Appendix 2.
- 10.2 The grievance meeting will be conducted by a manager (which could be a member of the senior leadership team) or a panel (comprising Governors which could include a representative from the Trust). The panel will comprise individuals that have not previously been involved in the case. An HR representative nominated by the Trust's HR

Department will also be in attendance, this could be the Academy's HR representative or from the Trust's Head Office HR Department. If an investigation has taken place, the investigating officer will also be present throughout the meeting.

- 10.3 Employees must make every effort to attend meetings. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken in the employee's absence based on the available evidence.
- 10.4 The purpose of a grievance meeting is to enable an employee to explain their grievance and how they think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations the employee has made. Everyone involved in the process is entitled to be treated calmly and with respect. The Trust/Academy will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the Disciplinary Policy.
- 10.5 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- 10.6 The possible outcomes of the grievance meeting, are as follows: -
- i) That the grievance is upheld, in which case, either:
 - the Disciplinary Procedure may be invoked or
 - the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or
 - a mutually agreeable resolution may be identified for all parties
 - ii) That the grievance is partially upheld
 - iii) That the grievance is not upheld
 - iv) The manager or panel may recommend further mediation by an appropriate mediator to facilitate working relationships
- 10.7 We will write to the employee who raised the grievance, usually within 5 working days of the final grievance meeting, to inform them of the outcome of their grievance and any further action that we intend to take to resolve the grievance. We will also remind the employee of their right of appeal. Where appropriate we may hold a meeting to give the employee this information in person.

11. Appeals – Step 3

- 11.1 If the grievance has not been resolved to the employee's satisfaction they may appeal in writing to the manager who conducted the meeting, using the form at Appendix 4 to state the full grounds of appeal, within 10 working days of the date on which the employee was informed of the decision.
- 11.2 We will hold an appeal meeting, normally within 10 working days (although this time scale may be extended but will be without unreasonable delay) of receiving the employee's

written appeal. This will be dealt with impartially by a more senior manager who, where possible, has not previously been involved in the case. Employees have a right to bring a companion to the meeting (see paragraph 8).

- 11.3 Where possible, the appeal meeting will be conducted by an appeal chair who could be a chair of governors or the Principal, or a representative from the Trust. The meeting chair will be supported by a panel that could consist of governors/representatives from the Trust. The panel will consist of individuals who have not been previously involved in the case.
- 11.4 Appeals against grievance decisions will usually be considered in relation to one or more of the following grounds:
- i. The Procedure – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision. This may result in a complete re-hearing.
 - ii. The Facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
 - iii. The Proposed Action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case
- 11.5 The appeal meeting will be dealt with as impartially as possible. If the appeal meeting is to be a complete re-hearing witnesses may be called and minutes from the previous hearing will not be shared. The Trust Head Office HR Department will decide if the appeal meeting needs to be a re-hearing. A further right to appeal will not be given if the appeal meeting is a complete re-hearing.
- 11.6 We will confirm our final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

12. Special Circumstances

12.1 *Collective grievances*

In circumstances where a grievance is raised by or on behalf of more than one person, the details of the grievance must be set out in writing and signed by all who are party to the grievance. The employees may nominate one person to represent the group, in most cases this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union.

Where the group are represented by one trade union it may be appropriate for the problem to be resolved through local discussions between the appropriate trade union and the academy.

If a collective grievance is received from teachers the Trust will refer to Appendix IV of the Burgundy Book.

12.2 *Grievances against Employee Representatives*

Any grievances being contemplated in respect of staff representatives of recognised trade unions within this procedure should not commence without notification in advance to the full-time official or nominee, of the appropriate Trade Union.

12.3 *Grievances raised during the course of the disciplinary procedure*

Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens, and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee will have to raise the grievance in accordance with this policy.

Depending on the nature of the grievance, the academy may need to consider bringing in another manager to continue to hear the disciplinary case.

12.4 *External sources of help*

In certain circumstances, it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, a mediator might be able to help resolve the problem. Mediation will be used only where all parties involved in the grievance agree. This intervention should be initiated in consultation with HR. External investigators may also be asked to help where appropriate.

13. Review of policy

This policy is reviewed [frequency] by [Academy/Trust] [in consultation with [the recognised trade unions]]. We will monitor the application and outcomes of this policy to ensure it is working effectively. The Governing Body takes seriously its responsibilities in respect of equality monitoring and will monitor the equality impact of this policy in respect of all protected characteristics as defined under the Equality Act 2010.

Appendix 1 - Mediation

Mediation seeks to provide an informal and speedy solution to workplace conflict, and it can be used at any point in the grievance policy. What the process offers is a safe and confidential space for participants to find their own answers. It does this in a number of ways, by:

- exploring the issues, feelings and concerns of all participants and rebuilding relationships using joint problem-solving
- allowing those involved to understand and empathise with the feelings of those they are in conflict with
- giving participants insights into their own behaviour and that of others and opening up opportunities for change
- helping participants develop the skills to resolve workplace difficulties for themselves in future
- encouraging communication and helping the people involved to find a solution that both sides feel is fair and offers a solution that favours them
- using energy generated by conflict in a positive way to move things on.

Stages of mediation

Separate meeting

First contact with the parties – the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.

Joint meeting

Hearing the issues – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.

Exploring the issues – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions.

Building and writing an agreement – as the process develops, the mediator will encourage and support joint problem-solving by the parties, ensure the solution and agreements are workable and record any agreement reached.

Closing the mediation – once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases, no agreement is reached and other procedures may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings.

Appendix 2 - Form for employees to use to set out their grievance

Employee grievance	
<p>This form is intended for use by an employee of ATT who wants to raise a formal grievance.</p> <p>This form should be completed and delivered to your line manager in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. This form should also be copied the Trust Head Office HR Department.</p> <p>In accordance with our grievance policy, we will arrange a formal grievance meeting with you. If attempts to resolve the grievance informally have not been explored, then this will happen prior to a grievance meeting being arranged. If there are likely to be any delays in hearing your grievance, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your grievance meeting to take place.</p>	
Formal grievance	
Employee's name:	
Academy/Office job title:	
Employee's department:	
Date of grievance:	
Does your grievance relate to your line manager?	Yes/No
Summary of grievance:	
<p>Please set out your grievance providing as much detail as possible. You may attach additional sheets if required. You should include a summary describing any action you have taken yourself to resolve the matter informally, prior to making this grievance. If you have not made efforts to resolve the matter yourself informally, please explain why.</p>	

Individuals involved in the grievance:

Please provide the names and contact details of any people you believe to be relevant to your grievance. Please advise how the people have been involved, are they a witness or are they the subject of your complaint.

Outcome requested from the grievance meeting:

Please set out what outcome you would like to see from your grievance meeting, why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above is true to the best of my knowledge, information and belief.

Form completed by:

Signature:

Date:

For completion by Recipient:

Date form received:

Name of recipient and job role:

Signature:

Appendix 3 – The grievance meeting

The meeting should be attended by the manager or the panel hearing the grievance, an HR adviser, a note-taker, the aggrieved employee and his or her companion.

The purpose of the grievance meeting is to allow the employee to restate and fully explain the details of the grievance and how he or she thinks it should be resolved. The main task for the manager chairing the meeting is to gain a clear understanding of the grievance by listening to the employee and asking questions to clarify the facts.

The meeting should be held in a private room away from any interruption. The manager should aim to keep the meeting amicable and should ensure a non-biased and objective approach throughout.

Format of the meeting

When conducting the meeting, the manager or chair of panel should:

- introduce those present;
- invite the employee to restate his or her grievance and how he or she would like it to be resolved;
- allow the employee to submit any supporting evidence;
- permit the employee's companion to ask questions, put the employee's case forward, respond to any views expressed and confer with the employee, but not to answer questions on the employee's behalf;
- sum up the main points and explain what will happen next; and
- advise the employee of when he or she can expect a response, subject to any further investigation that may be necessary.

Witnesses

It is not usual for witnesses to attend the grievance meeting. Witnesses should usually be interviewed at the investigation stage, rather than at the meeting. However, where an employee makes a request to call a witness, the manager can agree to it if the person in question is willing to attend and his or her attendance is likely to be helpful. The aggrieved employee, the investigating officer, the manager or panel can ask witnesses questions during the grievance meeting.

Further investigation

If new facts arise during the meeting that call for further investigation, the manager or chair of panel should adjourn the meeting and ask the investigating officer to carry out the necessary investigation. The manager or panel should send the details of the further investigation to the aggrieved employee. It may be necessary for the manager or panel to hold a further meeting to allow the aggrieved employee to comment on the findings of the investigation. The manager or chair of panel should not take a decision about the outcome of the grievance before it has all the relevant facts.

Making the decision

Unless the issue is straightforward, the manager or chair of panel should not take a decision in the meeting, but should adjourn the meeting to allow for a thorough consideration of all the information.

Appendix 4 - Form for employees to use to set out their grounds of appeal against grievance appeal

Employee grievance appeal	
<p>This form is intended for use by an employee of ATT who wants to appeal a decision regarding a formal grievance they have raised.</p> <p>This form should be completed and delivered to your line manager in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> <p>In accordance with our grievance policy, we will arrange a formal grievance appeal meeting with you. If there are likely to be any delays in hearing your appeal, we will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.</p>	
Formal grievance appeal	
Employee's name:	
Academy/Office job title:	
Employee's department:	
Date of your original grievance:	
Date you were given decision that you are appealing against:	
Does your grievance relate to your line manager?	Yes/No
Summary of appeal:	
<p>Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been flawed in those circumstances). You may attach additional sheets if required.</p>	

Individuals involved in the appeal:

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

Outcome requested from the appeal:

Please set out what outcome you would like to see from your appeal, why and how you believe that this will resolve the issue.

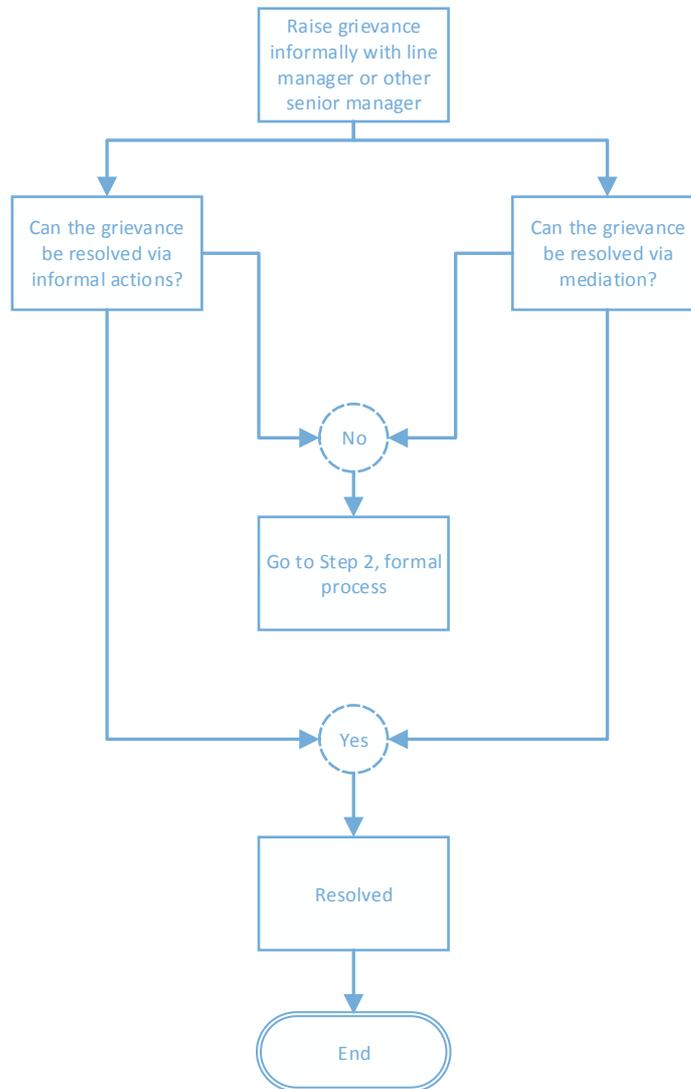
Declaration:

I confirm that the above is true to the best of my knowledge, information and belief.

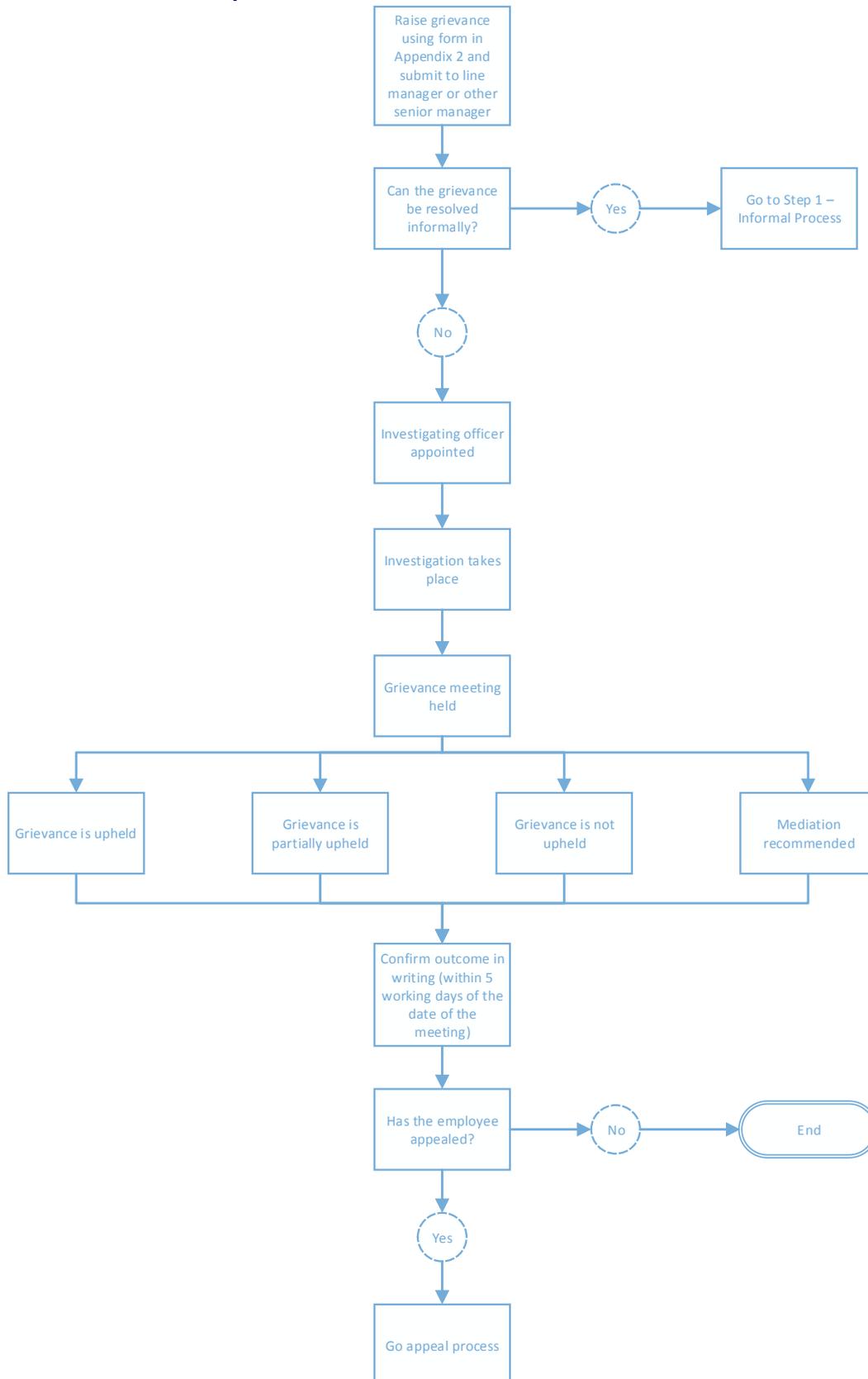
Form completed by:	
Signature:	
Date:	
For completion by the Recipient:	
Date form received:	
Name of recipient and job role:	
Signature:	

Appendix 5 – Grievance Flow Charts

Informal Process – Step 1



Formal Process – Step 2



Appeal Process – Step 3

