

# GRIEVANCE POLICY AND PROCEDURE

Issue Number: 1.0  
Issue Date: 07.10.2013  
Review Date: 31.08.2016  
Reference: SPTA/HR/HR

# CONTENTS

1. Introduction
2. Scope
3. Definition
4. Right to be accompanied
5. Time limits
6. Support
7. Mediation
8. Informal Grievance Procedure
9. Formal Grievance Procedure
10. Grievance Hearing
11. Appeal against the grievance outcome
12. Modified Grievance Procedure
13. Records
14. Monitoring
15. Confidentiality
16. Review

## Appendix

- App 1 Grievance Form
- App 2 Grievance Monitoring Form
- App 3 Roles and Responsibilities

## **1. INTRODUCTION**

This grievance policy and procedure applies to all employees of School Partnership Trust Academies (SPTA).

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the Senior Department Head within the Core Team. Reference to 'SPTA' includes all Academies as well as the Core Team. The 'aggrieved employee' refers to the individual raising the grievance under this procedure. Further details regarding roles responsibilities can be found in **Appendix 3**.

The aim of the policy is to ensure that SPTA meets its moral and legal responsibilities by providing a straightforward and accessible method for employees to raise and resolve their concerns. Emphasis is placed on resolving issues before they develop into major difficulties for all concerned.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending meetings.

## **2. SCOPE**

This procedure has been drawn up to comply with the ACAS Code of Practice on Grievance Procedures. It is intended to provide a system which can enable employee grievances to be resolved fairly, consistently and promptly in order to minimise any conflict or disruption in the workplace. Grievances can occur at all levels and this policy applies equally to management and employees.

Where the grievance is against the Principal / Senior Leader, and informal procedures (section 8) have failed to resolve the situation, the aggrieved employee may request the modified grievance procedure (see Section 12). All other rights and procedures as stated in this document apply.

Where the Principal / Senior Leader is submitting a grievance and informal procedures (section 8) have failed to resolve the situation, it should be given directly to a SPTA Director who will assume responsibility for ensuring the policy and procedure are adhered to. The SPTA Director may nominate an appropriate person to respond on behalf of SPTA. All other rights and procedures as stated in this document apply.

## **3. DEFINITION**

A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues.

Issues that may cause grievances include terms and conditions of employment, health and safety, work relations, bullying and harassment, new working practices, working environment, organisational change and discrimination.

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

At every stage in the procedure, the aggrieved employee and any person against whom a complaint is made, may be accompanied by a Trade Union representative or work colleague.

If the chosen representative cannot attend on the proposed date, it is the aggrieved employee's responsibility to propose an alternative date which is no more than ten working days after the date originally proposed by the employer. All parties must ensure there are no unreasonable delays to the process.

All meetings must be convened at a mutually agreed time, date and venue and at the earliest opportunity.

When arranging a meeting, SPTA should be conscious of the need of the aggrieved employee and of their representative, to be given adequate time to prepare the case and of the representative's commitments. If agreement on a date proves impossible, the aggrieved employee's representative can choose an alternative date as long as that date is no more than five working days after the original date.

## **5. TIME LIMITS**

The aggrieved party should lodge any grievance promptly. This will allow details to be accurate and thorough in order to inform an investigation process, whilst reducing the chance of memories fading and details becoming less concise. It is recognised that a formal complaint can be very stressful to all parties and therefore it is essential that resolution be achieved as quickly as is reasonably possible.

In the interest of resolving disputes quickly and in order for SPTA to be in a position to investigate complaints effectively, SPTA recommends that employees raise their grievances formally, in a timely fashion and preferably within 60 days of the last act giving rise to the complaint.

SPTA recognises that in some cases it may not be possible for employees to raise their grievance in a timely fashion. Employees should be aware that if a grievance is presented late, SPTA's investigation of that grievance may be hindered and it may not be possible to resolve the grievance at all if evidence is no longer available.

All parties should make every effort to adhere to the time limits mentioned in this procedure. However, it is also recognised that differences in complexity and evidence gathering occur and there is also a need to balance the speed of resolution with allowing enough time for a thorough process to be conducted. Whilst the emphasis is on a speedy resolution, there may be occasions where flexibility is required and in exceptional circumstances, all parties may agree a revised time scale.

The time limits in this procedure relate to working days. For the purpose of this procedure, a working day will mean any day between Monday and Friday (inclusive) irrespective of the aggrieved employee's working pattern, but excluding public and bank holidays and academic holidays.

## **6. SUPPORT**

Raising a complaint at work can be a very difficult time both for those involved and their colleagues, whether it is tackled informally or formally. SPTA is committed to supporting all employees and will ensure that additional support is provided as requested.

If aggrieved employees choose to proceed to the formal stage, it is recommended that they contact their Trade Union or other representative for advice in the first instance.

The following resources are also available to all employees:

- CareFirst – 24 hour confidential telephone counselling service on 0800 174319 (referrals for face to face counselling via Academy management or SPTA HR)
- ACAS ([www.acas.org.uk](http://www.acas.org.uk) or 08457 474747)
- Occupational Health (refer to the SPTA Sickness Absence Policy)

## **7. MEDIATION**

Mediation is a voluntary process where the mediator helps people in dispute to attempt to reach an agreement. Mediation can often lead to a speedier resolution for all parties involved.

Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right or the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem, but not the outcome.

Mediation can be requested by either party at any stage in the grievance procedure. Where the option of mediation is agreed by both parties to be an appropriate method of resolving the dispute, the grievance procedure can be suspended whilst this takes place.

Mediation should not be used as the first resort in attempting to resolve a grievance as all employees are encouraged to speak to each other and talk to the person causing the grievance issue before they seek a solution via mediation.

## **8. INFORMAL GRIEVANCE RESOLUTION**

Aggrieved employees should, where possible, aim to settle their grievances informally with the person they have the grievance with at the earliest opportunity. They should discuss their concerns and make every attempt to resolve the matter within a reasonable timescale.

Where it is not possible for the aggrieved employee to talk to the person concerned, they should raise the matter with their immediate line manager, or if the grievance concerns their line manager, the aggrieved employee should instead talk to the next most senior person.

If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with according to the formal grievance procedure.

## **9. FORMAL GRIEVANCE RESOLUTION**

It is expected that wherever possible aggrieved employees will have attempted to address grievances informally before pursuing the formal procedure. This is because the purpose of this procedure is to resolve issues of concern and resorting to the formal procedure can:

- Extend the process longer than necessary
- Increase the feelings of conflict between the parties
- Increase the feelings of anxiety for all parties

Where the aggrieved employee is dissatisfied with the outcome of the informal resolution, they must complete sections 1 to 3 of the Formal Grievance Form (**Appendix 1**) as soon as possible. The form should state specific details of the complaint and, where possible, the resolution they are seeking. Where the Principal / Senior Leader wishes to submit a formal complaint, they should follow the same procedure but submit it to the SPTA Director. Where the aggrieved employee is unable to complete the Formal Grievance Form and submits their grievance in writing (e.g. letter / email), this should be accepted as a formal submission and the correspondence attached to a Formal Grievance Form on their behalf.

In order to fully consider and resolve the grievance, SPTA will ensure that the grievance hearing procedure is followed.

## **10. GRIEVANCE HEARING**

### **10.1 Notification of grievance hearing**

All parties involved will be informed in writing, providing at least ten working days' notice, of the grievance hearing date. SPTA will make an effort to verbally agree a mutually agreeable date, time and venue for the hearing to take place with both the aggrieved employee and the relevant trade union in order to avoid any delay in the process. These details will be confirmed in the written notification.

The written notification will contain the following information:

- The mutually agreed date, time and venue of the grievance hearing
- The aggrieved employee's statutory right to accompaniment by either a work colleague or trade union representative
- All parties' ability to produce any documents in evidence or references/testimonials, at least five working days before the hearing
- The requirement to provide names and status of any witnesses to be called at the same time as any documentary evidence

## 10.2 Grievance hearing

The grievance hearing will be carried out by the Principal / Senior Leader, or nominated person. In cases where the Principal / Senior Leader is the subject of, or has raised, the grievance, the role of Principal / Senior Leader will be carried out by a SPTA Director alongside the Chair of the Education Advisory Body. In all cases, SPTA HR will also be present.

The person conducting the hearing is responsible for ensuring a note taker is present at the hearing to take formal notes.

Following the grievance hearing, the Principal / Senior Leader or nominated person, may:

- Agree with the resolution proposed by the employee
- Decide on an alternative resolution
- Dismiss the grievance

The Principal / Senior Leader, or nominated person, may adjourn the meeting to request more information or evidence at any point, but the meeting will be reconvened as soon as possible.

The Principal / Senior Leader, or nominated person, will then confirm the outcome of the meeting to the aggrieved employee, in writing within five working days. The written notification will also inform the aggrieved employee of their right to appeal against the decision.

## 11. APPEAL AGAINST THE GRIEVANCE OUTCOME

Every aggrieved employee has the right to appeal against the outcome of the grievance hearing. The appeal hearing will focus only on the grounds of the appeal which the aggrieved employee raises within their letter of appeal.

An appeal panel composed of two SPTA Directors will hear any appeal against a grievance hearing outcome. In cases where the Principal / Senior Leader is the subject of the appeal hearing, the appeal hearing will be heard by an appeal panel composed of two SPTA Directors. If SPTA Directors were used at the original grievance hearing, it must be different SPTA Directors at the appeal hearing. In all cases, SPTA HR will be also present.

The appeal should be submitted by completing section 4 of the Grievance Form (**Appendix 1**) and submitting this to the SPTA HR Advisor to the hearing within ten working days of the receipt of the written confirmation of the grievance hearing outcome. The aggrieved employee should ensure that the form states specifically why they feel that the grievance resolution is unsatisfactory and, where possible, what outcome they are seeking. Where the aggrieved employee is unable to complete section 4 of the Formal Grievance Form and submit their appeal in writing (e.g. letter / email), this should be accepted as a formal submission and the correspondence attached to the Formal Grievance Form on their behalf.

The aggrieved employee will be informed in writing, providing at least ten working days' notice of the date of the appeal hearing. The appeal should be heard without unreasonable delay from all parties.

The written notification will contain the following information:

- The mutually agreed date, time and venue of the appeal hearing
- The aggrieved employee's statutory right to accompaniment by either a work colleague or trade union representative

### 11.1 Appeal Hearing

The person conducting the hearing is responsible for ensuring a note taker is present at the hearing to take formal notes.

The appeal panel may adjourn the meeting to request more information or evidence at any point, but the meeting will be reconvened as soon as possible.

Following the appeal hearing, the appeal panel may conclude the appeal hearing with one of the following options:

- Uphold the appeal and implement the resolution proposed by the aggrieved employee
- Uphold the appeal and implement an alternative resolution
- Dismiss the appeal and accept the decision of the original hearing

### 11.2 Notifications of decisions made by the appeal panel

Wherever possible, the appeal panel will convey their decision verbally and this decision will be confirmed to the aggrieved, in writing, not later than five working days after the hearing. This letter will also confirm that this decision is final and there is no further right of internal appeal.

## 12. MODIFIED GRIEVANCE PROCEDURE

The modified grievance procedure may apply under the following circumstances:

- Where the aggrieved employee has submitted a formal grievance but is then unable to attend a hearing within a reasonable timescale
- Where the aggrieved employee has left the employment of SPTA
- Where the aggrieved employee has a grievance against the Principal / Senior Leader
- Where the aggrieved employee submitting the complaint specifically requests this procedure to be adopted. This may be for a number of reasons and the request should be considered on an individual basis

### 12.1 The modified grievance procedure

The modified grievance procedure allows for the procedure to be completed without the aggrieved employee attending a hearing and is completed as a written process.



The aggrieved employee must complete sections 1 to 3 of the Grievance Form (**Appendix 1**) and submit it to the Principal / Senior Leader, or nominated person. This must be done as soon as possible or within SPTA's recommended 60 days of the latest event occurring. The form should state specific details of the complaint and, where possible, the resolution which they are seeking. At this point, the aggrieved employee should also include any evidence they can provide in support of the complaint. Where the aggrieved employee is unable to complete the Formal Grievance Form and submit their grievance in writing (e.g. letter / email), this should be accepted as a formal submission and the correspondence attached to a Formal Grievance Form on their behalf.

On receipt of the grievance form, the Principal / Senior Leader, or nominated person, will collect any further information required to clarify the grievance.

Following their investigation, the Principal / Senior Leader, or nominated person, will produce a written response to the aggrieved employee. This process will be conducted in a timely fashion, balancing the need for a thorough investigation process with the need for a speedy resolution.

Any aggrieved employee, currently employed, has the right of appeal against this decision and should revert to the standard grievance appeal procedure (see section 10). An aggrieved individual who has left employment, and is therefore no longer an employee, has no further right of internal appeal.

## **13. RECORDS**

Records of meetings and discussions relating to the grievance should be made during these meetings and should be circulated to all parties to allow amendments or clarifications as required to ensure their accuracy. The aggrieved employee may also wish to keep records of events to support their case.

In relation to a formal grievance, the organisation should keep a record of the nature of the grievance, what was decided and actions taken, the reasons for the actions, whether an appeal was lodged, the outcome of the appeal and any subsequent developments.

All records relating to formal grievances should be kept on the aggrieved employee's personal file. No duplicate records should be kept.

Any records of informal grievances should be deleted.

All records will be retained in accordance with the Data Protection Act.

## **14. MONITORING**

SPTA monitors the impact of its policies and procedures on all employees, in particular in relation to all aspects of the Equality Act 2010 in the work place. As such, the Formal Grievance Monitoring Form (**Appendix 2**) will be completed at the end of the process.

## **15. CONFIDENTIALITY**

All investigations and any subsequent grievance/appeal hearings will be dealt with in the strictest of confidence. The Principal / Senior Leader or nominated person (or SPTA Directors) should not discuss a case with anyone other than a SPTA HR Advisor.

## **16. REVIEW**

This policy will be reviewed every three years, or when there are changes to relevant legislation.

**APPENDIX 1  
FORMAL GRIEVANCE FORM**

<b>SECTION 1</b>	<b>FORMAL GRIEVANCE FORM</b>		
<i>This form should be used when submitting a grievance under the Formal Grievance Procedure. Wherever possible, a Formal Grievance should not be requested until the matter has been considered informally.</i>			
Have you tried to resolve this grievance informally?			YES    NO
<b>SECTION 2</b>	<b>AGGRIEVED EMPLOYEE DETAILS:</b>		
SURNAME:	FORENAMES:	CONTACT NO.: E-MAIL:	
JOB TITLE:			
ACADEMY:			
HOME ADDRESS:			
I will represent myself - YES    NO		My representative's name is: Union:	
I wish this grievance to be considered under the Modified Procedure Reason:			YES    NO
<b>SECTION 3</b>	<b>DETAILS OF GRIEVANCE</b>		
<p><b>DETAILS OF THE GRIEVANCE - TO BE COMPLETED BY THE AGGRIEVED EMPLOYEE</b>            Details of grievance including names and dates where appropriate: (Please continue on separate sheet if necessary)</p> <p>Details of resolution now requested:</p>			
SIGNATURE OF AGGRIEVED EMPLOYEE/JOB APPLICANT			DATE
<b>SECTION 4</b>	<b>APPEAL</b>		
Date & outcome from Grievance Hearing:			
Details of further action requested from Appeals Committee			

**APPENDIX 2  
FORMAL GRIEVANCE MONITORING FORM**

FORMAL GRIEVANCE MONITORING FORM		
<i>This form should be completed by the person chairing the formal grievance hearing</i>		
EMPLOYMENT DETAILS		
Employee Group (please tick)		
Full Time <input type="checkbox"/>	Permanent <input type="checkbox"/>	Management <input type="checkbox"/>
Part Time <input type="checkbox"/>	Temporary <input type="checkbox"/>	Teaching staff <input type="checkbox"/>
	Fixed Term <input type="checkbox"/>	Support staff <input type="checkbox"/>
DETAILS OF GRIEVANCE		
Provide a general description of the reason given for the grievance		
Date of grievance hearing: _____ Grievance stage: _____		
Outcome: Upheld <input type="checkbox"/> Rejected <input type="checkbox"/>		
Does the aggrieved employee intend to proceed to the next stage of the grievance procedure?		
Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		
PERSONAL DETAILS (AGGRIEVED EMPLOYEE)		
Gender: Male <input type="checkbox"/> Female <input type="checkbox"/>		
Age: _____		
Post Title & Grade: _____		
Ethnic Origin: _____		

## **APPENDIX 3 ROLES AND RESPONSIBILITIES**

### **Chair of the Education Advisory Body**

- Support the SPTA Director in managing and resolving grievances where the Principal / Senior Leader has raised the grievance or are the subject of the grievance

### **SPTA HR**

- Support the person assigned to manage the grievance issue
- Provide support and advice to the person managing the process to ensure the matter is resolved at the earliest possible opportunity and the lowest level of the procedure
- Ensure that the Grievance Policy and Procedure is adhered to

### **SPTA Director / Principal / Senior Leader**

- Respond promptly and give due consideration to any complaint submitted by an aggrieved employee, either verbal or written
- Make every reasonable effort to resolve their grievance at the earliest possible opportunity and the lowest level of the procedure
- Respond promptly and effectively to any complaint referred to an appeal hearing
- Ensure that the Grievance Policy and Procedure is adhered to
- Consider resolutions to any complaint and ensure that they are implemented quickly and effectively
- Provide required information, resources or referrals in support of the aggrieved employee submitting the grievance
- Provide a suitable person to attend meetings/hearings in order to take notes

### **Aggrieved Employee**

- Make every reasonable effort to resolve their grievance at the earliest possible opportunity and the lowest level of the procedure
- Present a clear and detailed complaint with a suggested resolution, where possible