



GRIEVANCE PROCEDURE

ALL STAFF

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1. Introduction, Purpose & Scope

1.0 INTRODUCTION

- 1.01 The Pontefract Academies Trust (“The Trust”) is committed to giving all employees the support and encouragement they need to raise aspirations, unlock potential and work to achieve excellence through encouraging a “can do” culture, which nurtures confident and competent people.
- 1.02 The Trust is committed to creating a positive working environment. It is recognised, however, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of his or her employment. The Trust will aim to resolve issues quickly and informally whenever possible; when this is not possible a formal procedure is available.

1.1 PURPOSE

- 1.1.1 Grievances are defined by ACAS as “concerns, problems or complaints that employees raise with their employers”. Issues that may cause grievances include:
- terms and conditions of employment
 - health and safety
 - work relations (e.g. bullying and harassment, discrimination)
 - unreasonable existing or new working practices
 - working environment
 - organisational change
- 1.1.2 The ACAS Code of Practice provides practical guidance for handling grievance issues in the workplace. This policy aims to:
- Enable any employee or group of employees to have a legitimate grievance heard;
 - Resolve grievances quickly and equitably
 - Determine grievances as close to their source as possible
 - Encourage a harmonious working environment
 - Promote sound employment practice

1.2 SCOPE

- 1.2.1 This procedure applies to all employees employed within The Trust. It is not a substitute for good employment practices, and every effort will be made by all parties to resolve grievances in a fair and just manner at the earliest opportunity without invoking this procedure.
- 1.2.2 Where the procedure has been invoked all parties must make every effort to ensure the grievance is resolved in a fair and just manner.
- 1.2.3 Throughout all stages of the procedure all parties are expected to continue working normally. In exceptional circumstances where this is not practicable then it may be possible for an individual to be moved elsewhere within the school. If the grievance is in respect of the CEO/Executive Headteacher/ Headteacher/Line manager the employee should carry out their normal day to day duties, wherever possible
- 1.2.4 There will be matters which fall outside of the control of the Trust and the

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scope of this procedure:

- Statutory adjustments to pay and allowances (eg. National Insurance, Income Tax, Pension Scheme. These in the first instance should be raised with the School Business Manager who will discuss with the relevant body.
- Personal matters not directly related to employment. Employees may wish to discuss these with their Manager or Human Resources Manager/Advisor for support.

1.2.5 There are also some issues which the procedure is unable to deal with and other procedures should be utilised, for example:

- Disciplinary Procedure
- Appraisal or Capability Procedure
- Pay Policy
- Sickness Absence Management Procedure
- Equality and Diversity Policy
- Work Life Balance Policy
- Recruitment and Selection Policy

1.3 MODIFIED PROCEDURE

1.3.1 For employees who have raised a grievance but not completed the procedure before leaving the Trust the modified procedure will apply where both parties have agreed to this. Any decisions made whilst following this process will be communicated in writing to all those involved. Where the former employee does not agree to this modified process the full grievance procedure should be followed.

1.3.2 The modified procedure if agreed will mean that a nominated manager will continue to consider the grievance and will set out their response in writing to the former employee within 28 days. There will be no right of appeal.

1.4 FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

1.4.1 An employee who has been proven to have raised a false, vexatious or malicious grievance under this procedure will be subject to disciplinary action in accordance with the Disciplinary Procedure.

1.5 GRIEVANCES RAISED DURING A DISCIPLINARY PROCESS

1.5.1 An employee may during the course of a disciplinary process, raise a grievance. Where the grievance is related to the disciplinary case then it may be appropriate that both matters are dealt with simultaneously. However, it is advisable that another Manager is allocated responsibility for investigating the disciplinary aspect of the case. In instances where the grievance has no relationship to the disciplinary matter then both procedures may be dealt with separately.

1. Introduction, Purpose & Scope

1.6 COLLECTIVE GRIEVANCES

In circumstances where an identical 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 grievance will then be dealt with through the formal part of the process. The employees should nominate one person to represent the group, in most cases this will be the trade union representative or trade union representative(s) where the employees involved are members of more than one trade union.

1.7 SAFEGUARDING

There may be occasions where this procedure needs to be modified to comply with the requirements of the School Safeguarding and Child Protection Procedures, for example, by allowing the Local Authority Designated Officer to offer advice at appropriate stages.

1.8 EQUAL OPPORTUNITES

- 1.8.1 This Grievance Procedure must always be applied fairly and in accordance with The Trust's Equality and Diversity Policy.

2. Roles and Responsibilities

2.0 CEO/EXECUTIVE HEADTEACHER/HEADTEACHER/NOMINATED MANAGER RESPONSIBILITIES

Throughout this procedure, the term “Manager” will refer to the CEO/Executive Headteacher/Headteacher or nominated Manager with the delegated authority to take action. The Manager may wish to seek advice from the Human Resources Manager/Advisor before taking action under this procedure.

In the case of a grievance against the CEO, the Chair of the Trust Board will undertake the role of Manager.

2.1 EMPLOYEE RESPONSIBILITIES

Grievances should be raised by an employee(s) as soon as possible after the incident/issue takes place or arises.

All efforts should be made by employees to attend meetings that constitute part of this procedure.

An employee is entitled to be accompanied throughout the formal stages of the procedure by an accredited trade union representative or a work colleague. If the employee’s representative is unable to attend on any specified date, the employee may request that a meeting is postponed. They should then offer an alternative date within 5 working days of the original date. This will only be accommodated on one occasion. Where the employee is unable to attend the rescheduled meeting without justifiable reason then management will assume that the employee no longer wishes to progress his/her grievance.

Employees who may have difficulty raising a written grievance on the form provided should seek assistance of a Trade Union representative or colleague.

2.2 HUMAN RESOURCES MANAGER/ADVISOR ROLE

The Human Resources Manager/Advisor or his/her nominee will provide advice and assistance to managers in regards to the commencement and operation of this procedure.

The Human Resources Manager/Advisor or his/her nominee reserves the right to attend any meetings held in relation to any of the procedures set out in this document. They must also be in attendance at any hearings which may lead to dismissal. This will ensure that advice is available on procedural issues and any employment legislation matters.

2.3 CONFIDENTIALITY

Confidentiality must be maintained at all times and the contents of meetings undertaken as part of this procedure must only be disclosed on a “need to know” basis and a judgement must be made on what information can be shared. Any employees who breach confidentiality may be subject to

2. Roles and Responsibilities

disciplinary action in accordance with the Trust's Disciplinary Procedure.

2.4 RECORDS

Records of any informal grievance matters will be retained by the manager including the nature of the grievance raised, the outcome of the grievance and the justification of any actions taken in response to the grievance. These will be kept securely and not on an employee's personal file. The outcome of any informal grievances will be retained indefinitely and associated notes and documentation will be retained in accordance with the circumstances of the case in the context of the Data Protection Act.

The Trust Human Resources Advisor will retain papers on any formal grievance or appeal for a period of 6 months. Retention beyond this period will be judged in accordance with the circumstances of the case and in the context of the Data Protection Act.

3. Informal Stage

- 3.0 The Trust hopes that most grievances will be resolved at the informal stage without the necessity to proceed to the formal stage.
- 3.1 An employee should first raise their grievance orally with their immediate line manager. If the grievance is related to the line manager the matter should be discussed with the Headteacher, CEO (where the matter relates to the Headteacher), or the Chair of the Trust Board (where the matter relates to the CEO).
- 3.2 The Manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a further 5 working days of this meeting, normally orally. The Manager should keep a written record of the matter.
- 3.3 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance (i.e. a mediator) during the grievance procedure. Mediation can be particularly effective when used to deal with minor issues, concerns or misunderstandings that are being dealt with during the informal stage of this procedure.
- 3.4 Where appropriate, the Manager shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. The Manager may also seek advice from the Human Resources Manager/Advisor and consult with representatives of the trade union(s) concerned.
- 3.5 If, following the informal stage, the employee remains aggrieved, or where the Manager has failed to respond to the employee's concerns despite a written request to do so, the employee may progress to the formal stages of this procedure.

4. Formal Stage

- 4.0 If the informal process has not been successful in resolving an employee's grievance, there is a collective grievance, or the grievance is of such a serious nature that an informal process cannot be followed, the employee is required to submit his/her grievance in writing (see Appendix A – Grievance Form) to the Headteacher, CEO, or Chair of the Trust Board as set out in paragraph 2 of this procedure. This should include as much detail as possible about the issues/concerns and the outcome the employee is seeking as remedy of the situation.
- 4.1 On receipt of the written grievance, the Headteacher/CEO/Chair of the Trust Board will acknowledge the grievance in writing and will arrange for a meeting to take place within 10 working days to discuss the matter and investigate the grievance. The employee must take all reasonable steps to attend the meeting. The employee should be in a position to show the Executive Headteacher/Headteacher/CEO/Chair of the Trust Board any supporting evidence of their complaint or to indicate any witnesses of the events of the grievance.
- 4.2 The employee will receive a written reply from the Executive Headteacher/Headteacher/CEO/Chair of the Trust Board, normally within 5 working days after this initial meeting, informing the employee of the decision, unless by agreement, the period is extended. The employee will also be informed of their right to appeal within 10 working days of the decision if they are not satisfied with the outcome.

5. Right of Appeal & Holding an Appeal

- 5.0 An employee has the right of appeal if they are dissatisfied with the outcome of the formal stage of this procedure and wish to pursue the matter further. Appeals against the outcome of any grievance may only be considered by the appeals panel in relation to one or more of the following grounds:
- **The procedure** – the grounds of appeal should detail how any procedural irregularities prejudiced the grievance decision
 - **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.
 - **The decision** – the ground of the appeal should state how the proposed action is inappropriate given the circumstances of the case.
- 5.1 Appeals must be submitted in writing to the CEO/Executive Headteacher/Headteacher/Chair of the Trust Board within 5 working days from the date of written notification of the decision. The CEO/Executive Headteacher/Headteacher/Chair of Trust Board will immediately refer the matter to the Trust/School Appeals Panel who will write to the employee, giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal unless mutually agreed that there is a different timescale.
- 5.2 A quorum of the Appeals Panel will be three. No member of the Appeals Panel (including nominated substitutes) will have been involved in or related to any preceding grievance stages.
- 5.3 The employee will be given no less than **5 working days' notice** in writing of the time and place of the Appeal hearing.
- 5.4 The employee may present any new evidence which was unavailable at the time of submission of the appeal documentation at least five working days prior to the Appeal.
- 5.5 The result of the Appeal and the reasons for the decision will be confirmed in writing to employee and their representatives within **5 working days** (unless by agreement the period is extended) by the Chair of the Appeals Panel.
- 5.6 The decision of the Appeal Panel shall be final and there will be no further right of appeal.
- 5.7 The procedure to be followed at the Appeal Hearing is shown in Appendix B

APPENDIX A: Grievance Form

Please retain a copy of this form once completed and submit the other form to the Executive Headteacher/Headteacher/CEO/Chair of Trust Board (in accordance with this procedure)

Name of Employee	
Job Title	
School	
Line Manager	

What are the details of your Grievance (attach supporting information if required)?

What action has already been taken in relation to your grievance (including who has considered it and the outcome)?

Please state what actions you consider are required to bring a satisfactory resolution to your grievance

Signature	
Date	

APPENDIX B: Procedure for Grievance Meeting

1. The Chair of the Grievance Meeting will be responsible for ensuring appropriate introductions are made to all parties in the room.
2. The Chair of the Grievance Meeting will confirm that the meeting is being held in accordance with the Trust's agreed Formal Grievance Procedure and ask if there are any points of order which should be considered.
3. If the employee does not have a Trade Union representative or a work colleague present, the Chair of the grievance meeting must confirm with the employee that they know of their right to be accompanied/represented and have chosen not to be accompanied/represented. If they were not aware of the right to be accompanied/represented, the Panel may determine that a postponement is appropriate to enable any party to seek accompaniment/representation.
4. The Chair checks that the employee has the relevant documents and identifies the specific grievance complaint.
5. The aggrieved employee or their representative explains the detail of the grievance, the reasons for the appeal, and how the grievance might be resolved.
6. The Chair has the opportunity to ask questions.
7. The Chair will remind aggrieved employee of the need to maintain confidentiality and, following clarification that they are no longer needed; the aggrieved employee will be asked to leave the grievance meeting.
8. The CEO/Executive Headteacher/Headteacher/Chair of Trust Board will explain the reason for the decision taken in respect of the grievance claim.
9. The Panel will have the opportunity to ask questions.
10. The Chair of the Panel will advise the CEO/Executive Headteacher/Headteacher/Chair of the Trust Board of the need to maintain confidentiality and, following clarification that they are no longer needed, they will be asked to leave the grievance meeting.
11. The Panel will deliberate in private, with advice from the Human Resources Adviser/Manager, only recalling the two parties to clarify points of uncertainty on evidence already given.
12. If any new facts emerge during hearing, the Panel should decide whether further investigation is required and if so, adjourn the grievance meeting and reconvene when the investigation is completed.
13. The decision of the Panel, together with their reasons will be confirmed in writing to the employee as soon as practicable, but no later than 5 working days after the conclusion of the grievance meeting unless by agreement the period is extended.
14. If the employee continues to be dissatisfied, he/she will have a right of appeal. The grounds for appeal must be submitted to the Chair of the grievance meeting within 5 working days of receipt of the outcome letter.

APPENDIX C: Procedure for Appeal Hearing

1. The Chair of the Appeal Panel (the “Panel”) will be responsible for ensuring appropriate introductions are made to all parties in the room.
2. The Chair of the Panel will confirm that the Appeal Hearing is being held in accordance with the Trust’s agreed Formal Grievance Procedure and ask if there are any points of order which should be considered.
3. If the employee does not have a Trade Union representative or a work colleague present, the Chair of the Panel must confirm with the employee that they know of their right to be accompanied/represented and have chosen not to be accompanied/represented. If they were not aware of the right to be accompanied/represented, the Panel may determine that a postponement is appropriate to enable any party to seek accompaniment/representation.
4. The Chair checks that all parties have the relevant documents and identifies the specific grievance complaint.
5. The aggrieved employee or their representative explains the detail of the grievance, the reasons for the appeal, and how the grievance might be resolved.
6. The Panel has the opportunity to ask questions.
7. The Panel will remind aggrieved employee of the need to maintain confidentiality and, following clarification that they are no longer needed; the aggrieved employee will be asked to leave the Appeal Hearing.
8. The CEO/Executive Headteacher/Headteacher/Chair of Trust Board will explain the reason for the decision taken in respect of the grievance claim.
9. The Panel will have the opportunity to ask questions.
10. The Chair of the Panel will advise the CEO/Executive Headteacher/Headteacher/Chair of the Trust Board of the need to maintain confidentiality and, following clarification that they are no longer needed, they will be asked to leave the Appeal Hearing.
11. The Panel will deliberate in private, with advice from the Human Resources Adviser/Manager, only recalling the two parties to clarify points of uncertainty on evidence already given.
12. If any new facts emerge during hearing, the Panel should decide whether further investigation is required and if so, adjourn the hearing and reconvene when the investigation is completed.
13. The decision of the Panel, together with their reasons will be confirmed in writing to the employee as soon as practicable, but not later than 5 working days after the conclusion of the Appeal Hearing unless by agreement the period is extended.
14. The decision of the Panel shall be final and there will be no further right of appeal