

<b>Category</b>	Human Resources		
<b>Document Name</b>	Grievance Policy		
<b>Accountable Body</b>	RADIUS Trust		
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### Related Documents

Document	Reference
ACAS Code of Practice	N/A

### Related Policies

Name	Reference
Whistleblowing Policy	HR.P3
Disciplinary Policy	HR.P2

### 1. Introduction

This purpose of the Grievance Policy and Procedure is to provide a framework for the quick and effective resolution of problems or concerns that may arise within the workplace. This procedure does not form part of any employee's terms and conditions (is non-contractual) but sets out the process the Trust will normally follow. The Trust reserves the right to amend these procedures from time to time.

Headteachers and senior managers are responsible for the management of their school/ department and the CEO and the Trustees of the Trust have the responsibility to ensure that a fair and effective procedure exists for dealing with individual grievances. It is hoped that in the normal course of work the vast majority of problems can be resolved informally. The aim of the procedure is to help employees to settle problems fairly, promptly and, as near as possible, to the point of origin. To this end it is accepted that all parties will ensure that the spirit and intentions of the procedure are followed.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

### 2. Scope

The procedure applies to all employees of the Trust. The Trust aims through this procedure to deal with all grievances without unreasonable delay.

### 3. Grievance Process

The stages set out in the procedure are intended to safeguard the rights of all employees. However, it is accepted that the appropriate stage of the procedure to be invoked in the first instance may vary according to the nature or circumstances of the grievance. At any stage, the procedure can be adjourned to allow informal discussion to take place.

Grievance meetings will follow a systematic sequence achieving a balance between structure and informality to ensure that the employee's grievance is fully aired and explored. Throughout the procedure,



no person will adjudicate where he or she may have considered the case at an earlier stage or where their prior involvement prejudices objectivity.

### **3.1 Informal Resolution**

Many complaints and grievances can be resolved informally in discussion with the employee's immediate line manager and/or with colleagues directly. This can often lead to a speedy resolution of the problem.

### **3.2 Formal Resolution**

Where any informal attempts to resolve the grievance have been unsuccessful, the employee may consider formalising their grievance by setting out the complaint in writing.

The formal grievance must be presented to the Headteacher/Principal (or the CEO if the grievance relates to the Headteacher/Principal; or the Chair of the Personnel and Pay Committee if the grievance relates to the CEO).

The written grievance should include the following:

- The fact that the employee intends the matter to be raised as a formal grievance;
- A detailed account of the concern/complaint(s), including dates when any incident(s) took place and the names of any other people who may have been involved;
- A summary of what took place during any informal stage, who dealt with the complaint and why he/she was not satisfied with the outcome;
- What resolution the employee is seeking by making the formal grievance;
- Any supporting documentation which the employee wishes to be considered.

It is particularly important that the employee identifies what resolution (or options for resolution) he/she would deem to be acceptable. If a resolution is not identified, the employee may be asked to give the matter further consideration before the grievance is taken further.

An employee with a disability which affects their ability to put the grievance in writing should inform their line manager or the Headteacher/ Principal who will consider what reasonable adjustments can be put in place.

#### **3.2.1 Formal Grievance Meeting**

Upon receipt of the formal grievance, the Headteacher/Principal (or CEO) will determine whether he/she will hear the grievance or whether it should be referred to another senior manager or governor.

The person responsible for hearing the grievance will invite the employee to attend a formal meeting to discuss the matter. This meeting will take place without unreasonable delay from receipt of the grievance letter.

The employee has the right to be accompanied at this meeting by either a work colleague or trade union representative and should make every effort to attend the meeting at the proposed time (see below, 'Scheduling Formal Meetings').

During the meeting, the employee will be given the opportunity to explain his/her grievance and desired outcome. If the person hearing the grievance determines that the matter warrants further investigation or

other advice needs to be sought, he/she may adjourn the meeting so that any appropriate actions can be undertaken, such as interviewing witnesses or gathering evidence.

Without unreasonable delay following the meeting, the person hearing the grievance will write to the employee, either:

- a) Informing him/her of the outcome and any actions to be taken as a result;
- b) Updating him/her on the progress of any subsequent investigation, including the date by which it is expected that the investigation will be completed and an outcome may be communicated.

The letter informing the employee of the outcome will also include confirmation of the right to appeal in the event that he/she remains dissatisfied.

#### **4. Appeal**

If the employee is dissatisfied with the decision, the employee has the right to appeal the decision to the CEO or, where the initial grievance decision has been taken by the CEO, to the Chair of Personnel and Pay Committee within 10 working days. The appeal must be in writing and detail the grounds of appeal. The person to whom the Appeal is addressed may hear the appeal themselves or may appoint another appropriate Appeal Hearer.

The employee will be invited to an appeal meeting which will be arranged to take place without unreasonable delay (usually within 15 working days of the employee exercising their right of appeal) and allowing the employee at least 5 working days notice of the date.

As before, the employee has the right to be accompanied at this meeting by either a work colleague or trade union representative.

The Appeal Hearer will consider the grounds for appeal. Depending on the grounds of the Appeal, the Appeal may take the form of a review of the fairness of the decision or a full rehearing of the grievance. New evidence may be considered at the appeals stage but no additional grievances can be raised.

In advance of the meeting, the Appeal Hearer will be provided with a copy of the letter confirming the outcome of the original decision together with copies of all documentation relating to the employee's grievance. The Appeal Hearer may invite other members of staff, Governors or Trustees to support them in hearing the appeal if they wish. Those attending the appeal will be informed if any additional members will attend the appeal panel and will have the right to object if they have grounds for believing any additional attendees will not be impartial.

The Appeal Hearer will inform the employee of the outcome of their appeal without unreasonable delay, normally within 10 working days. The decision will be final.

#### **5. Right to be Accompanied**

The employee has the right to be accompanied to a formal grievance or appeal hearing by a work colleague or trade union/ professional association representative. The employee must tell the person holding the grievance meeting who the chosen companion is in good time before the meeting. The employee will not be allowed legal representation at any stage in the grievance procedure.

An employee acting as a companion is entitled to reasonable time off work with pay to attend hearings and to confer and prepare with the employee. A companion has the right to make opening and closing statements, to address the meeting when appropriate and to confer with the employee in private but not to answer questions on behalf of the employee.

## **6. Scheduling Formal Meetings**

Meetings will usually be held during the employee's usual working day. Other arrangements may be made by mutual agreement. School closure periods may result in a temporary suspension of the procedure.

The employee is expected to make every effort to attend meetings at the required time. The Trust will, where reasonably practicable, seek to liaise with the employee regarding the availability of his/her chosen work colleague or trade union representative to ensure that postponements are not necessary. If the employee's companion is unable to attend, an alternative date may be suggested by the employee. This will not be unreasonably declined provided it can be accommodated by those conducting the grievance meeting or appeal and does not result in an unacceptable delay. As a general rule, a delay of up to 5 working days will be acceptable but the Trust will consider each request on its own merits. Any subsequent postponements, or a failure of the employee to attend a scheduled meeting without good reason, is likely to result in the grievance meeting being conducted in the employee's absence and a decision being made based on the information available.

## **7. Correspondence and Written Records**

A note-taker will be present at all meetings. All notes, statements and reports will remain confidential to those parties involved in the grievance process.

Copies of any formal minutes taken during the grievance process will be given to the employee. Copies of letters, evidence and minutes relating to the issue will be held in the employee's personnel file and be kept confidential at all times.