



EBOR ACADEMY TRUST

Policy Number

22d

Resolving Issues at Work (Grievance) Policy

Approved By: Ebor Academy Trust Board of Trustees

Approval Date: March 2021

Review Period: Three years

Review Date: March 2024

Author: Alison Taylor (HR Director)

Date Created/updated: February 2021

Version Number: 2

Contents:

- 1. Policy and Scope3
- 2. Principles.....3
- 3. Responsibilities4
- 4. Procedure – Informal Stage5
- 5. Procedure - Formal Stage6
- 6. Formal Appeal Stage7

- FLOWCHART FOR DEALING WITH CONCERNS9

1. Policy and Scope

- 1.1 Ebor Academy Trust aims to promote harmonious working practices at all times. However, it is recognised that occasionally, employees may have a concern in relation to their employment that they wish to talk about with management. In such cases, the procedure in this document should be followed, subject to para 1.3 below. Throughout this document the terms complaint and grievance are used synonymously. A separate policy applies to cases of alleged bullying and harassment and if a an individual's concern is regarding a public interest disclosure, the Trust's Whistleblowing Policy should be used instead. All policies are available on the Trust's central policy drive, through the school office or the HR team.
- 1.2 This procedure aims to provide a means for concerns/grievances to be raised and resolved fairly, promptly, as close to the point of origin and with the least formality as is possible. It applies to all employees.
- 1.3 The policy should be used for resolution of all issues at work except where an existing, agreed policy provides an appeals process. Concerns relating to the above should be raised under the relevant policy.
- 1.4 HR or recognised trade union representatives are available for assistance at any stage of the process.

2. Principles

- 2.1 The procedure can be used by individuals or groups of staff. Members of staff cannot raise grievances on behalf of other colleagues or groups of colleagues, unless they are doing so as their union or appointed workplace representative.
- 2.2 Individuals should always have in mind the outcome that they are expecting as a result of raising a concern and what a satisfactory resolution would be, whether at the informal or formal stage.
- 2.3 It is anticipated that, wherever possible, grievances will be resolved informally. However, where this is can not be achieved, the formal procedure will be invoked.
- 2.4 All reasonable efforts will be made to keep to the timescales in this procedure. However, on some occasions it may not be possible to do so and investigate a complaint thoroughly, in which case the timescales will be extended. In such cases the individual raising the grievance will be kept informed. Where a trade union representative or colleague is unable to attend a meeting under this procedure, the meeting may be delayed by up to 5 working days.
- 2.5 Should a grievance be found to be knowingly false, malicious or vexatious, this may result in disciplinary action being taken against the individual raising the claim.
- 2.6 If the grievance is against a member of a Local Governing Body, Headteacher or Trustee, the Chief Executive of the Trust will consider who is best placed to hear and investigate the matter. If a grievance is raised against the individual's line manager, the individual may raise it with the line manager's manager or the HR Director, who will assign the matter to an independent manager of appropriate seniority.

2.7 Employees are entitled to representation by a trade union representative or work colleague at all meetings held under the formal stages of this procedure. Representation may also be granted at meetings held under the informal stage of the procedure; in such cases this must be discussed and agreed in advance with the HR Director. The representative is entitled to address a meeting to do any or all of the following:

- a) Put the member of staff's case
- b) Ask questions
- c) Sum up their case
- d) Respond on the individual's behalf to any view expressed at the meeting
- e) Confer with the worker during the meeting
- f) Take notes at the meeting

The representative may not:

- a) Answer questions on the individual's behalf
- b) Address the meeting if the member of staff indicates that s/he doesn't wish the representative to do so
- c) Prevent the manager from explaining their case or prevent any other person at any meetings from making their contribution.

2.8 Headteachers should be represented by the employer rather than their union representative or colleague if the substance of the grievance is the headteacher enacting Trust policy or their usual work.

3. Responsibilities

3.1. The Trust will:

- a) Ensure that this policy is produced, communicated to all staff and regularly reviewed
- b) Review reports from HR on the number and type of grievances, and take action accordingly
- c) Nurture a culture of open communication, dialogue and continuous improvement.

3.2. Headteachers/ Managers will:

- a) Create a culture in their teams whereby staff feel they are able to raise concerns openly, through open communications
- b) Treat grievances seriously and remain committed to resolving them in accordance with this Procedure
- c) Take appropriate action to ensure that working relationships are preserved when concerns have been raised and that no retribution is taken against a colleague who raises a concern
- d) Ensure that meetings held under all stages of this procedure are conducted in an appropriate manner, as is conducive for resolving concerns
- e) Apply appropriate sensitivity and confidentiality when handling concerns
- f) Comply with the timescales of this procedure when investigating concerns or conducting appeals.
- g) Ensure no victimisation is taken against individuals registering grievances.

3.3. HR will:

- a) Retain records about the number and type of grievances and produce reports for senior management on these
- b) Identify any trends or points of learning from grievances raised and take action accordingly
- c) Ensure that suitable investigating managers and managers for appeal hearings are appointed
- d) Ensure that actions arising from an investigation are put in place over a reasonable period of time
- e) Ensure that anyone needing assistance to be able to access this Procedure fully, receives the support required.
- f) Ensure training is provided for managers in handling grievances appropriately
- g) Provide for notetakers to be present at meetings where required by the Investigating Manager
- h) Accompany and advise investigating and appeal managers as necessary.

3.4. The individual will:

- a) Comply fully with the terms of this procedure, especially raising concerns at the lowest level of the organisation possible, in a professional way, and being prepared to work towards a satisfactory resolution at all times
- b) Refrain from making malicious, vexatious or ill-founded claims
- c) Respecting confidentiality as appropriate.

4. Procedure – Informal Stage

4.1 The aim of this policy is to resolve all concerns at the lowest possible level, as quickly and fairly as possible. Therefore, where an individual has a work related concern, s/he should speak, where they feel able, with the individual causing the concern, or their line manager, with a view to resolving the matter. Alternatively, if they do not feel able to discuss the issue with the individual concerned, s/he may speak with the following, who will support them in trying to resolve the situation informally:

- a) Their own line manager
- b) A member of the HR advisory team (the HR director will advise the individual as to who this person is)
- c) Their line manager's manager.

4.2 Where a concern is raised under the informal stage to a manager or member of HR for resolution, this will be acknowledged within 5 working days by the person to whom it has been lodged and every effort will be made to resolve the concern within four weeks.

4.3 Managers do not need to keep minutes of informal meetings but a note of the outcome should be recorded and retained on file.

4.4 Where an employee does not feel that an issue has been satisfactorily resolved informally, then s/he may choose to raise the issue formally.

5. Procedure - Formal Stage

Raising a Formal Grievance

- 5.1 Where attempts to resolve the matter informally do not address the issue, or where the individual believes the matter to be too serious to be resolved under the informal stage, it may be appropriate to raise it formally under this procedure. When a formal grievance is formally registered, it is usual for the status quo to prevail until the outcome of the process, unless there are compelling reasons to make temporary adjustments pending the investigation.
- 5.2 Firstly the employee needs to put their concern(s) in writing to their line manager, or, if the line manager is the subject of the concern, to the HR Director, who will appoint an independent manager of suitable seniority to formally investigate the matter, focussing on resolving the issues raised. The written complaint will need to include:
- a) what the issue is;
 - b) the parties involved;
 - c) what has been done to try and resolve the issue informally;
 - d) why this has not worked;
 - e) what they see as a solution to the situation.

Investigating the Grievance

- 5.3 The investigating manager will then arrange to meet with the individual concerned within 10 working days upon receipt of the grievance. At the meeting the employee will explain their issue(s) and how they think the matter(s) should be resolved. The investigating manager will then fully investigate the issue(s) as soon as possible. This may involve a number of meetings with different people (including witnesses), to establish the facts and involve gathering together relevant documents. It may also involve meeting with the person raising the grievance again, to obtain further information from them. The employee has the right to be accompanied by a work colleague or recognised trade union representative at these meetings. This will usually be completed within eight weeks, unless both parties agree to an extension, or in the event that an extension is needed for a thorough process to take place.
- 5.4 If an employee becomes ill at a time when required to attend a Resolving Issues at Work meeting, the meeting will usually be postponed. An explanation and supporting medical evidence may be sought. Where it is apparent that the sickness absence will be for a prolonged period, the employee is likely to be referred to the Occupational Health Adviser to enquire if the employee is fit, or when they are likely to be sufficiently fit, to take part in the Resolving Issues at Work process. The Trust recognises the potential stress involved for all parties involved in the grievance and believes that it is in the interests of all involved in the process for it to be concluded in a timely manner.
- 5.5 In the event of longer term sickness absence, where an employee is not fit to take part in the Resolving Issues at Work process, other aspects of the process that can be completed in the employee's absence, such as interviewing different members of staff and gathering relevant documents, can continue. The employee's absence will be managed under the Sickness Management policy. Any formal meeting to be held with the employee under the Resolving Issues at Work procedure will normally be postponed until either they deem themselves or Occupational Health deems them (whichever is sooner) sufficiently fit to take part in that process. Having sought medical advice through the Occupational Health Service, where an

employee is deemed fit to take part in the Resolving Issues at Work process, the Resolving Issues at Work procedure should continue.

On Concluding the Investigation

- 5.6 Having fully investigated and considered the issues raised, the investigating manager may meet with the individual who has raised the grievance to discuss their decision(s) and actions for resolution. In all cases, the manager should present any findings and, where appropriate, intended actions arising out of the investigation to the employee in writing. This may be accompanied by a report to fully explain the process and outcome. Copies of meeting records should be given to the individual, unless it is deemed to be confidential, in accordance with ACAS guidelines. Proposed actions and outcomes should be saved on the employee's personal file. Outcomes may include that:
- a) The grievance is upheld in full with recommendations made.
 - b) The grievance is partially upheld with recommendations made to both/all parties.
 - c) The grievance is not upheld with reasons given.
 - d) The matter may be referred to mediation as part of any of the above options.
- 5.7 Investigating managers may wish to recommend any wider learning points arising from the investigation that will benefit the organisation, such as reviews of policy or practice. Such recommendations will be discussed in advance with the appropriate manager before being shared more widely.
- 5.8 If the issue is resolved at this formal stage a member of the HR team may monitor the situation to ensure that the actions are carried out.
- 5.9 If the employee who raised the issue does not accept the decision they will be given the right of appeal to an independent manager.
- 5.10 On occasion, conduct, capability or attendance issues may arise from investigations carried out under the Resolving Issues at Work policy. These issues should be addressed via the appropriate policy.

6. Formal Appeal Stage

- 6.1 In order to submit an appeal, the employee must be clear of the grounds of the appeal, which may include:
- a) the facts of the case and/or
 - b) procedural points and/or
 - c) new evidence emerging.
- 6.2 The employee's appeal letter/ email must be sent to the HR Director who dealt with the issue at the formal stage and must:
- a) Summarise what's happened to date.
 - b) State why they are not able to accept the manager's decision at step 2.

c) State what they feel the solution to the issue should be and why.

6.3 The employee is required to submit their written appeal no later than 10 working days of receipt of the letter informing them of the decision at the formal stage. If the individual is absent from work due to sickness a view may be sought from occupational health regarding the individual's ability to attend an appeal. This will be discussed in advance with the individual concerned.

6.4 At this point, arrangements will be made for the appeal hearing to take place, including the collation of documentation required. This will include:

- a) a copied set of all the previous relevant letters /pro-formas/information
- b) any action plan agreed
- c) the employee's written case for appeal.

The individual has the right to be represented at an appeal by a trade union representative or work place colleague.

6.5 All documentation should be sent to the manager hearing the appeal and the individual raising the grievance at least five working days before the appeal hearing takes place.

6.6 The appeal will be heard by an independent manager, previously unconnected with the case, of appropriate seniority. A member of the HR team will accompany the manager at the appeal for advisory purposes.

6.7 The decision of the appeal hearing will convey the outcome of the hearing within 5 working days. The decision of the appeal is final.

FLOWCHART FOR DEALING WITH CONCERNS

