



# Grievance Policy and Procedure

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This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy.

# Document provenance

This policy was approved by Trustees as follows –	
Education & Personnel Committee	Date: 14 December 2017
Frequency of review: every 2 years	Next review date: November 2019
ELT Owner: Director of Corporate Services	Author: National HR Officer

### Summary of changes at last review:

- Added timescales for an informal grievance to be heard
- Provided clarity on how a grievance against another employee will be dealt with and how the outcome will be communicated to the employees involved

# Grievance Policy and Procedure

## 1. Introduction

- 1.1 E-ACT 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. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.
- 1.2 Issues which may cause grievances include (but are not limited to):
  - Pay, terms and conditions of employment
  - Health and safety
  - Bullying and harassment
  - Equal opportunities
  - Discrimination
- 1.2 Employees wishing to make a protected disclosure should consult the E-ACT Whistleblowing policy.

## 2. Purpose

- 2.1 This policy aims to:
  - Enable any employee 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;

## 3. Governance

- 3.1 The Board of Trustees is responsible for setting out capability rules and procedures for staff, however, they may delegate these matters to either:
  - A Committee of the Board
  - The Chief Executive
  - A National Director
  - A Regional Director
  - The Head Teacher.
- 3.2 Therefore, where this procedure refers to the Board of Trustee representative, this can be any one of the above.

## 4. Scope

- 4.1 This procedure applies to all employees of E-ACT. It is not a substitute for good employment practices, and every effort should be made by all parties to resolve grievances in a fair and just manner at the earliest opportunity without invoking this procedure.
- 4.2 Where the procedure has been invoked all parties should still make every effort to ensure the grievance is resolved in a fair and just manner.

## 5. Equal Opportunities

- 5.1 The grievance procedure must always be applied fairly and in accordance with employment law and E-ACT Diversity and Equality Policy.

## 6. Responsibilities

- 6.1 Management and employee representatives who may be involved in grievance matters should be competent for the task. They should be familiar with the provisions of the grievance procedure, and know how to conduct or represent at grievance hearings. Appropriate training should be made available to managers where required.

## 7. Timing

- 7.1 Grievance matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied where possible. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 7.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged without undue delay.

## 8. Informal stage of a grievance

- 8.1 An employee should first raise a grievance orally with their immediate manager. If the grievance relates to the employee's immediate manager, or member of the Academy SLT, Headteacher, Regional Director, National Director or CEO the formal stage of the grievance procedure may be invoked immediately. If the grievance is raised by a member of the Academy SLT, Headteacher, Regional Director, National Director or CEO, the formal stage of the grievance procedure may be invoked immediately.
- 8.2 Where the grievance is against the Board of Trustees, the employee should put their concerns in writing to the Director of Corporate Services (with strategic lead for Governance) who will liaise with the Chair of the Board of Trustees directly.
- 8.3 In the informal stage, the line manager shall seek, where appropriate, to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. No employee, however, shall be required to approach any person against whom they have a grievance if they feel uncomfortable about doing so. The employee may, instead, put their concerns in writing.
- 8.4 The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. The employee shall have the right of representation by union representatives or work colleague at any meetings convened during the informal stage. During the meeting, the manager and the employee will address the issues and how they can seek a resolution. At this meeting, the manager may need to adjourn the meeting if new facts arise that require investigation.
- 8.5 If a grievance is raised against another employee, then a manager may need to investigate the matter further. When a grievance is made against another employee, the manager will write to the employee to inform them of the allegations and provide the opportunity to respond and allow the manager to establish the facts in the case.
- 8.6 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 and report that an informal grievance has been managed to the Regional Operations Director within 48 hours of the decision being communicated to the employee. If a grievance has been made

against another member of staff and there is not a case to answer, the respondent will be advised and no further action will be taken. If following a grievance being made against a member of staff and it is found that there is a case to answer, then disciplinary proceedings may be invoked.

- 8.7 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, referral to the Employee Assistance Programme or an external facilitator might be able to help resolve the problem.
- 8.8 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, they may progress to the next stage of the procedure (a formal hearing). This must be done by writing to the Headteacher (academy based staff), Regional Director of Operations (regional based staff) or relevant ELT Director (nationally based staff). The employee submitting the grievance must give full details of the complaint, and the redress required, within 5 working days of notification of the immediate managers decision.

## 9. Formal hearing

- 9.1 As delegated by the Board of Trustees the person(s) hearing the grievance will write to the employee, giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another date which should be within five working days.
- 9.2 Please refer to the E-ACT Scheme of Delegation for the appropriate delegated persons for formal hearings.
- 9.3 The person(s) delegated by the Board of Trustees to hear the grievance must ensure that a representative from E-ACT's procured HR service is in attendance at the hearing either in person or by telephone/ dial-in to advise on procedural matters and matters of precedent.
- 9.4 The person delegated to hear the grievance may arrange for a preliminary investigation to be conducted prior to the hearing, and may decide to adjourn the hearing, for up to 10 days, in order to conduct further investigations. The person carrying out any such investigation should be impartial and should have had no previous substantial involvement with the grievance. Any investigation should be carried out in strict confidence to protect the rights of all parties.
- 9.5 All parties, and if applicable, the respondent, should have the opportunity to make submissions at the hearing, which should be conducted taking account of the advice set out in Discipline and Grievances at Work: The ACAS Guide.
- 9.6 The decisions normally open to the person hearing the grievance are as follows:-
- That the grievance is upheld
  - That the grievance is partially upheld
  - That the grievance is not upheld
- 9.7 Depending on the decision made by the Hearing Officer, the following outcomes may apply:
- The Disciplinary Procedure may be invoked
  - The respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or mutually agreeable resolution may be identified for all parties, for example the Chair may recommend further mediation by an appropriate third party in order to facilitate working relationships.
- 9.8 The person delegated to hear the grievance will communicate their decision in writing to the

employee within 5 working days of the hearing. The employee must be notified of their right to appeal within 10 working days of the decision.

## 10. Appeals Committee

10.1 Appeals will be heard by the Appeals Committee, as delegated by the Board of Trustees (please refer to E-ACT's Scheme of Delegated Authority for the relevant appeals committee panel). Appeals against grievance decisions will usually be considered in relation to one or more of the following grounds:

- The Procedure - the grounds of appeal should detail how 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 Proposed Action - the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.

10.2 The Regional Co-ordinator will write to the employee on behalf of the Appeals Committee, giving details of the appeal hearing, which will normally take place within 15 working days of receipt of the employee's appeal. The letter will inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.

10.3 The appeals hearing should be conducted taking account of the advice set out in *Discipline and Grievances at Work: The ACAS Guide*.

10.4 The person(s) delegated by the Board of Trustees to hear the appeal must ensure that a representative from E-ACT's procured HR service is in attendance at the appeal to advise on procedural matters and matters of precedent. The HR consultant must be experienced in employment law and advise in accordance with E-ACT procedure.

10.5 The Chair of the appeals panel will be nominated from amongst the appeals committee.

10.6 Both the employee raising the appeal and the Hearing Officer at the Grievance Hearing must be given the opportunity to present their case. The Appeals Committee have a responsibility to ascertain all of the relevant facts of the appeal and have a duty to examine in-depth all information provided on the grounds of the appeal. If the Appeals Committee do not feel that they have sufficient information available to them, the Chair of the Appeals Committee can take the decision to adjourn the appeals meeting, for up to 10 working days, in order for any relevant information to be ascertained.

10.7 The Regional Co-ordinator will communicate the decision, which will be final, on behalf of the Appeals Panel in writing to the employee within 5 working days of the appeal hearing. The decision will also be communicated to the Hearing Officer for information, and any lessons learned/ future recommendations for improving ways of working will be disseminated to the relevant persons for action.

## 11. Collective grievances

11.1 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 should 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.

## 12. Grievances raised by former employees

12.1 Depending on the circumstances the academy may consider dealing with grievances from

former employees. The procedure outlined in the Grievance Policy does not apply to former employees. The former employee will not be invited to attend a hearing and will receive a written outcome once all the information has been considered. There will be no right of appeal.

### **13. Review**

13.1 This policy will be reviewed every two years in consultation with the recognised trade unions.