



GRIEVANCE

POLICY AND PROCEDURE

Reference: Delta/HR/GRI
Issue Number: 2.0
Issue Date: 23.11.2016
Review Date: 31.08.2016 (to be reviewed in spring 2017)

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. Delegation Authority
11. Grievance Hearing
12. Appeal against the grievance outcome
13. Modified Grievance Procedure
14. Records
15. Monitoring
16. Confidentiality
17. 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 Delta Academies Trust (“Delta” or “the Trust”).

Throughout this policy, ‘Manager’ refers to the person outlined in the table of delegation authority in section 10 under the column ‘Hearing (Manager)’. 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 the Trust 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.

Throughout the implementation of this policy, provision will be made for employees to be accompanied to meetings by either a work colleague or a trade union representative. This is considered to support the process in the following ways:

- English may not be the employee’s first language and a companion may be in a position to help facilitate the discussion.
- It may be necessary under the Equality Act 2010 as part of a reasonable access requirement for a disabled employee.
- It can give the employee confidence.
- The work colleague or trade union representative may have experience of prior successful arrangements and knowledge of wider workforce practices.

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 Manager, and informal procedures (section 8) have failed to resolve the situation, the aggrieved employee may request the modified grievance procedure (see Section 13). 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, the Trust 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 the Trust to be in a position to investigate complaints effectively, the Trust 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.

The Trust 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, the Trust'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. The Trust 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 Delta HR)
- ACAS (www.acas.org.uk or 08457 474747)
- Occupational Health (refer to the Trust's 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.

Reference: Delta/HR/GRI

Issue Number: 2.0 (23.11.2016)

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 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, the Trust will ensure that the grievance hearing procedure is followed.

10. DELEGATION AUTHORITY

For all grievance hearings and appeals, the following delegation model shall apply, in accordance with the Trust's Scheme of Delegations.

Post	Hearing (Manager)	Appeal
Chief Executive / Executive Director	Board Member	2 Board Members including one of Chair or Vice Chair
Member of the Executive Leadership Team	Chief Executive Officer	2 Board Members
Executive Principal	Regional Director	Chief Executive Officer and Director of Education
Principal, Head of Academy	Regional Director of Executive Principal (Head of Academy)	Chief Executive Officer and Director of Education
Group Directors (Curriculum or of Central functions)	Chief Executive or ELT Member	2 of Chief Executive Officer, Director of Education or ELT Member
Vice Principal and SLT Members	Regional Director (Secondary) / Executive Principal (Primary)	Chief Executive Officer and independent Regional Director
All Finance posts	Finance Director	2 of ELT Member or Chief Executive
All other Academy posts	Principal	2 of Executive Principal, Regional Director or Executive Director
All other Group posts	ELT Member	2 of Chief Executive, Executive Director or Regional Director

11. GRIEVANCE HEARING

11.1 Notification of grievance hearing

All parties involved will be informed in writing, providing at least ten working days' notice, of the grievance hearing date. The Trust 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

11.2 Grievance hearing

The grievance hearing will be carried out by the Manager, or nominated person. In cases where the Manager is the subject of the grievance, the role of the Manager will be carried out by a more Senior Manager. In all cases, Delta 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 Manager or nominated person, may:

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

The Manager 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 Manager 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.

12. 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 people (as per the table of delegation authority in section 10) will hear any appeal against a grievance hearing outcome. It is essential that different people hear the appeal and there are no members on the appeal panel which have been previously involved in the case. In all instances, HR will also be present.

The appeal should be submitted by completing section 4 of the Grievance Form (**Appendix 1**) and submitting this to the Delta HR department 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

12.1 Appeal Hearing

The appeal panel are 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

12.2 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.

13. 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 Delta
- Where the aggrieved employee has a grievance against the Manager
- 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

13.1 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 Manager, or nominated person. This must be done as soon as possible or within the Trust'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 Manager, or nominated person, will collect any further information required to clarify the grievance.

Following their investigation, the Manager, 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 12). An aggrieved individual who has left employment, and is therefore no longer an employee, has no further right of internal appeal.

14. 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.

15. MONITORING

The Trust 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.

16. CONFIDENTIALITY

All investigations and any subsequent grievance/appeal hearings will be dealt with in the strictest of confidence. The Manager or nominated person should not discuss a case with anyone other than a Delta HR representative.

17. REVIEW

This policy will be reviewed every three years, or when relevant legislation changes, by the Trust and the JNC policy 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
Part Time	<input type="checkbox"/>	Temporary
		Fixed Term
	<input type="checkbox"/>	Management
	<input type="checkbox"/>	Teaching staff
	<input type="checkbox"/>	Support staff
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"/>
	<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

Delta 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

Delta Manager

- 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