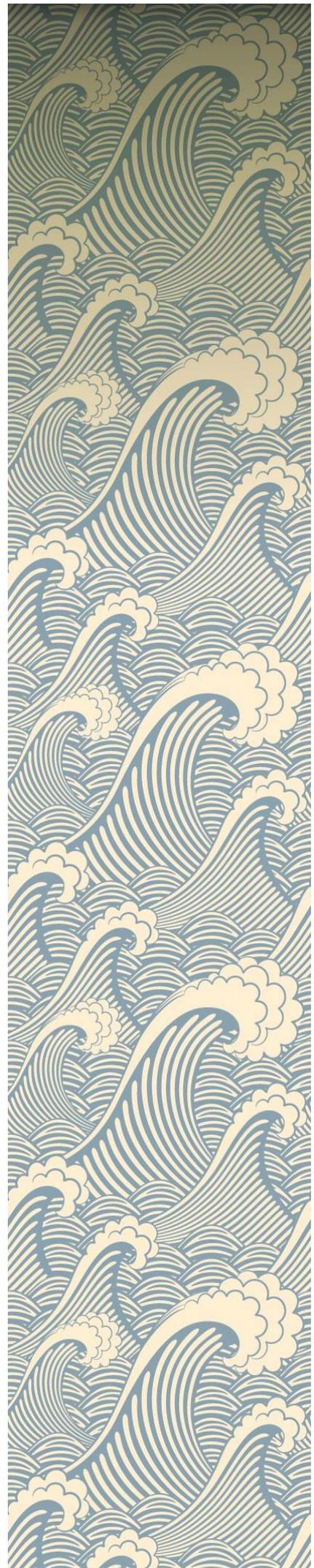




Griffin Schools Trust

Grievance Policy



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1. Introduction

- 1.1 Griffin Schools Trust (GST) 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 that may cause grievances include:
- Pay, terms and conditions of employment
 - Health and safety
 - Bullying and harassment
 - Equal opportunities
 - Discrimination

2. Purpose

- 2.1 This policy aims to:
- Enable any employee to have a legitimate grievance heard
 - Resolve grievances quickly and equitably
 - Resolve grievances as close to their source as possible
 - Encourage a harmonious working environment.

3. Scope

- 3.1 This procedure applies to all GST employees. It is not a substitute for good employment practices, and in the first instance every effort should be made by all parties to resolve grievances in a fair and just manner.

4. Equal Opportunities

- 4.1 The Grievance Procedure must always be applied fairly and in accordance with employment law.

5. Responsibilities

- 5.1 GST is responsible for maintaining fair, consistent and objective procedures for matters relating to staff grievances.
- 5.2 The Head has overall responsibility for the internal organisation, control and management of the policy in school. Where the term Head is referred to throughout this policy, this relates to the appropriate GST Headquarters manager, for staff employed at GST Headquarters.
- 5.3 The members of the SLT (senior leadership team or designated senior manager) have responsibility for the internal organisation, control and management of the policy in their areas of responsibility.
- 5.4 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 procedure and know how to conduct or represent at grievance hearings.

6. Timing

- 6.1 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. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 6.2 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 normally be rearranged within five working days.

7. Informal Stage

- 7.1 An employee should first raise a grievance orally with their immediate manager. The informal stage should be used for all grievances including instances where the grievance relates to the employee's immediate manager, a member of the SLT or the Head.
- 7.2 The manager will meet with the employee to discuss the grievance normally within 5 working days of receipt of the complaint. A decision will be communicated orally to the employee usually within a further five working days of this meeting. The manager should keep a written record of the matter.

8. Formal stage

8.1 Step One – Notification of Grievance

- 8.1.1 If the employee remains aggrieved, or the informal grievance procedure is inappropriate, or where the manager has failed to respond to the employee's concerns, the next step is for the employee to write to the appropriate member of the SLT (or to the Head in relation to a member of the SLT, or to GST HQ in cases involving the Head). S/he should give full details of the complaint including who dealt with it, the resolution offered and why s/he was not satisfied with it and the resolution now sought within 10 working days of the informal meeting. Formal grievances received after this time may still be considered if the manager hearing the case is satisfied that there are valid reasons for the employee's delay.
- 8.1.2 The Head, member of the SLT or representative from GST will acknowledge the grievance and is responsible for appointing an Investigating Officer to cases which are considered to be particularly complex or sensitive. The Investigating Officer should be impartial and should have had no previous substantial involvement with the grievance. GST HR must be consulted by the senior manager overseeing the investigation prior to the initiation of any investigation.
- 8.1.3 Care should be taken to ensure that the Investigating Officer will not be a disciplinary procedure decision-maker, in case the complaint is serious and becomes subject to the Disciplinary & Capability Procedure.
- 8.1.4 The Investigating Officer must investigate the complaint as soon as possible. If the Investigating Officer cannot investigate it personally within such a timescale, it should be assigned to another senior member of staff or representative from GST who is competent and able to do so. During their investigation the Investigating Officer should ensure that strict confidentiality protects the rights of all the parties involved.

- 8.1.5 The investigation process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all sides have the opportunity to present their view. The Investigating Officer will advise the employee if the 10 days is likely to be exceeded, what the likely timescale is and why it will take longer.

8.2 Step Two – Grievance Meeting

Meetings should be held during the employee's usual working day. Other arrangements can be made by mutual agreement. Closure periods will generally result in a temporary suspension of the procedure.

The employee is expected to make every effort to attend meetings at the required time. The relevant manager will, where reasonably practicable, seek to liaise with the employee regarding the availability of a chosen work colleague or trade union representative to ensure that postponements are not necessary. If the employee's work colleague or trade union representative 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 each request will be considered on its own merits. Any subsequent postponements, or a failure of the employee to attend a scheduled meeting without good reason, will result either in the grievance being decided on the basis of other available evidence or a decision that the grievance will not be given further consideration.

- 8.2.1 The member of the SLT will write to the employee giving details of the meeting, which will normally take place within 10 working days of receipt of the grievance letter or within 10 working days of completion of the investigation. 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.
- 8.2.2 The member of the SLT will hear the grievance. The person hearing the grievance may invite advisers as appropriate. For all meetings a note taker will attend to take minutes of proceedings. It is their role to minute the significant points of the meeting and the decision of the panel but not to produce a verbatim record.
- 8.2.3 Where a grievance is against the Head, a representative from GST will conduct the grievance meeting. In such instances, the employee's right of appeal will be to the CEO of GST.
- 8.2.4 The person hearing the grievance may decide to adjourn the meeting (normally for up to five working days) if necessary to undertake further investigations.
- 8.2.5 The employee should be allowed to explain their grievance and say how they think it should be settled. If the person conducting the meeting reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned for usually five working days to get advice or make further investigation.
- 8.2.6 The decision, and where appropriate, the action intended to resolve the grievance, will be communicated to the employee and representative in writing usually within five working days of the meeting. The employee must be notified, in writing, of their right to appeal and of their right to be represented by a work colleague or trade union representative at any appeal meeting.

- 8.2.7 The decisions normally open to the person hearing the grievance, are as follows:-
That the grievance is upheld, in which case, either:
- the Disciplinary & Capability Procedure may be invoked or
 - the respondent may be advised that any recurrence of the unacceptable behaviour may result in disciplinary action being taken or
 - a mutually agreeable resolution may be identified for all parties
 - that the grievance is partially upheld
 - that the grievance is not upheld
 - the Chair may recommend further mediation by an appropriate third party in order to facilitate working relationships.
- 8.2.8 If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done by writing to the Head (or the Chief Executive Officer of the Griffin Schools Trust if the grievance was against the Head), within 10 working days of receipt of the decision. In exercising this right, the employee must confirm in writing the grounds on which s/he is making the appeal. Without clear grounds, no appeal meeting will be arranged.

8.3 Step Three – Appeal

- 8.3.1 Appeals against grievance decisions will usually be considered by the panel in relation to one or more of the following grounds:
- (i) The procedure – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
 - (ii) 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.
 - (iii) The proposed action – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.
- 8.3.2 The Head will write to the employee, giving details of the appeal meeting, which will normally take place within 10 working days of receipt of the employee's appeal but giving at least 5 working days' notice. The letter must inform the employee of their right to be accompanied at the appeal meeting by a trade union representative or work colleague.
- 8.3.3 The Head, SLT member and a representative from GST who has not previously been involved in the case will hear the appeal, which will focus on specific reasons for not accepting the previous decision and will not be a re-hearing. The panel may invite advisers as appropriate. For all meetings a note taker will attend to take minutes of proceedings.
- 8.3.4 The Head, SLT member and a representative from GST will communicate the decision, which will be final, in writing to the employee normally within five working days of the appeal meeting. There is no further right of appeal.

9. Record keeping

9.1 Managers and panels must keep written records of meetings and discussions relating to the grievance. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file. Records should include:

- the nature of the grievance
- what was decided and actions taken
- the reason for the actions
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments.

10. Employee Representation

10.1 Where allegations are made against an employee, they should be informed of the right to be represented at all meetings and related hearings by a recognised trade union representative or other school colleague.

11. Special Situations

11.1 Collective Grievances

11.1.1 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 may 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.

11.1.2 Where the group are represented by one trade union it may be appropriate for the problem to be resolved through the collective agreements between the appropriate trade union and the school.

11.2 External sources of help

11.2.1 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, an external facilitator might be able to help resolve the problem. This intervention should be initiated in consultation with HR.

11.3 When the Grievance Procedure should not be used

11.3.1 Where the school has taken (or has indicated that it is considering taking) disciplinary or capability action against the complainant. If the complainant is unhappy about any disciplinary or capability sanction, the disciplinary/capability appeal process should be used (however, if the complainant has an unrelated grievance, the disciplinary/capability procedure and grievance procedure can run concurrently).

11.3.2 Grievances Arising Post Employment

Grievances which are already under consideration before a member of staff leaves employment will usually be seen through to conclusion in accordance with the timescales and process outlined in this procedure unless the employee no longer

wishes to engage with the process or there is clearly no purpose to be served in seeking to resolve the employee's complaint after s/he has left.

This procedure does not apply to grievances which are not raised until after the employee has left. Employees are expected to raise genuine concerns prior to employment ending. Concerns or complaints which are not raised until after employment has ended will be considered only on a discretionary basis, bearing in mind the nature of the concerns raised, the length of time since the employee left and any other relevant factors. The manager or GST representative assigned to consider the case may determine that the matter requires further investigation without necessarily treating the employee's concerns as a formal grievance.

11.3.3 Frivolous and Vexatious Grievances

The Governing Body expects all staff to act with honest intent when raising a grievance and will treat all genuine grievances seriously. Employees who raise concerns with vexatious or malicious intent may be subject to disciplinary action as a result.

In order for a concern to be duly treated as a grievance, employees are expected to demonstrate that they have a substantive complaint, even if this may have arisen from a genuine misunderstanding of the matter in question. Repeated grievances which replicate the same matters already addressed under the procedure will not be reconsidered unless new evidence has come to light which justifies reopening the grievance.

11.3.4 The Role of Mediation

In seeking to resolve a grievance, it may sometimes be appropriate for mediation to be considered, depending on the nature of the grievance. A third-party mediator may be asked to discuss the issues with those involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance have agreed to it.