

**Wellspring Academy Trust
Grievance Resolution Policy**

Date Approved by Board:

17 May 2017

Responsible Department:

Human Resources

Contents Page

1.0	Scope	Page 2
2.0	Principles	Page 2
3.0	Informal Grievance Resolution	Page 3
4.0	Conducting Grievance	Page 4
5.0	Formal Grievance Resolution	Page 4
6.0	Grievance Hearing	Page 4
7.0	Right of Appeal	Page 5
8.0	Collective Grievances	Page 5
9.0	Persistent Grievances	Page 5
10.0	Grievance against the Senior Leadership Team	Page 6
11.0	Modified Grievance Procedure	Page 6

Appendix 1 Process and Protocol at Formal Grievance Hearings and Appeals

Appendix 2 Template Grievance Hearing / Appeal letters

Appendix 3 Grievance Procedure Flowchart

Appendix 4 Grievance Form

Appendix 5 Grievance Appeal Form

1.0 Scope

- 1.1 This policy applies to all employees of the Wellspring Academy Trust (the Trust) including those employed by Academies within the Trust.

2.0 Principles

- 2.1 The Trust believes that all employees should be treated fairly, equitably and with respect. If an employee is concerned about the treatment they have received or about any aspect of their work, they should discuss this with their Line Manager who will aim to resolve the situation on an informal basis. If the employee feels unable to approach their Line Manager directly, they should approach a senior member of the leadership team or the HR department, who will discuss ways of dealing with the matter with them.
- 2.2 Issues that may cause a grievance include the following:
 - Terms and conditions of employment.
 - Health and safety.
 - Work relations.
 - Bullying and harassment.
 - New working practices.
 - Organisational change.
 - Discrimination.
- 2.3 Problems arising during the course of employment should be aired and, where possible, resolved to the satisfaction of all concerned. This includes occasions when a manager may need to have a constructive and justified discussion with an individual regarding their performance.
- 2.4 All employees should always discuss any problems they encounter during their employment with their immediate Line Manager in the first instance.
- 2.5 The Trust Human Resources team are available to provide advice to employees. Employees who are a member of a trade union may also wish to seek advice from their trade union representative.
- 2.6 This policy is not appropriate for dealing with the following:
 - Staff development and review – see the Performance Management & Capability Policy.
 - Disciplinary matters – see the Disciplinary Policy.
 - Capability and underperformance matters – see the Performance Management & Capability Policy.
 - Attendance and sickness matters – see the Managing Sickness Absence Policy.
 - Matters relating to serious malpractice within the Trust – see Whistleblowing Policy.
 - Redundancy – see Managing Change Policy.

- A grievance about a matter over which the Trust has no control, such as disputes between employees as private individuals outside their employment.
- Issues that occurred more than 3 months after a particular incident has occurred – this **may** be considered within this policy if the incident/behaviour is continuing.

2.7 All aspects of the Grievance Resolution Policy will adhere to the ACAS Code of Practice.

2.8 The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

In the development of this policy due regard has been given to achieving these objectives.

3.0 Informal Grievance Resolution

3.1 It is expected that wherever possible the employee will have attempted to address the grievance informally by discussing with their Line Manager before pursuing the formal procedure.

3.2 The informal grievance should initially be raised with the Line Manager either verbally or in writing. The employee must be clear about the nature and details of the grievance and a possible resolution.

3.3 The Line Manager will conduct an informal resolution meeting with the employee as soon as possible in order to obtain a greater understanding of the grievance(s) and identify a suggested resolution in consultation with the employee. The Line Manager may confirm the outcome of the informal resolution meeting in writing.

3.4 Potential outcome of the resolution meeting **may** be:

- **Raising the matter directly.** It may be agreed that the employee raises the matter directly with the person against whom they have raised the grievance, choosing an appropriate time and using a non-confrontational manner. It is important to allow the other party to have the opportunity to respond from their point of view to jointly agree the method of moving forward.
- **Restorative meeting.** It may be appropriate to ask the Line Manager or HR representative to facilitate a meeting between the employee and the individual against whom they have raised a complaint. This should be undertaken in agreement between both parties and should take place in a mutually agreed location. It is expected that there will be an agreed method of moving forward.

- **Workplace Mediation.** It may be appropriate to follow ACAS mediation principles to help resolve the matter.
- 3.5 If either party is unhappy with the adopted method of grievance resolution at any stage, an alternative method may be agreed.
- 3.6 Where appropriate, the Line Manager should make a record of the resolution/outcome of the informal process and file it on employee's personal file.

4.0 Conducting the Grievance

- 4.1 A formal grievance procedure can be a stressful and upsetting experience for all parties. Everyone is entitled to be treated with respect. Abusive or insulting behaviour during the conduct of a grievance process, may be treated as misconduct under the Disciplinary Policy.

5.0 Formal Grievance Resolution

- 5.1 If the employee is dissatisfied with the informal process or the nature of the grievance renders an informal process inappropriate, they should submit a Grievance Form (**Appendix 4**) to their Line Manager, or where the complaint involves the Line Manager, to a member of the Senior Leadership Team within 10 working days of the informal resolution method being concluded. The employee will be required to provide details of the informal resolution and why it was not satisfactory, as well as any evidence to support their grievance. Where the informal route has not been used this must be indicated on the form, stating why this is the case and with supporting evidence/documentation attached.
- 5.2 The grievance will normally be acknowledged by the recipient within 5 working days (**Appendix 2 – letter 1**) and an investigation will be initiated (**Appendix 2 – letter 2**).
- 5.3 An investigation is simply the gathering of facts. It may be determined that the existing evidence can be presented at a hearing without the need for a detailed or separate formal investigation meeting. If that is the case, the employee will have an opportunity to put their case forward at a hearing.

6.0 Grievance Hearing

- 6.1 A hearing will be held as soon as is reasonably practicable. Please refer to **Appendix 1** for Process and Protocol at Formal Grievance Hearings and Appeals. Where confidentiality is necessary, this will be explained and an appropriate summary of the evidence gathered will be given to the employee.
- 6.2 The hearing will be conducted in line with the Trust's Hearings and Appeals - Terms of Reference.
- 6.3 The employee should ensure that they attend the hearing at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the

person hearing the grievance as soon as possible. If the employee fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the grievance will be considered to have been withdrawn.

6.4 The hearing will be concluded with one of the following outcomes:

- **Upheld** – where the grievance is founded, an appropriate action will be identified to remedy the situation, e.g workplace mediation or appropriate disciplinary action being taken.
- **Partially upheld** – where some aspects of the grievance are founded, and appropriate action will be identified to remedy the aspects of the grievance that are upheld.
- **Rejected** – where there is insufficient evidence to support the grievance raised.

7.0 Right of Appeal

7.1 If the employee is dissatisfied with the hearing outcome, they may submit an appeal (Appendix 5) in writing within 5 working days of receipt of the outcome letter. The appeal should be addressed to the person who heard the grievance.

7.2 Appeals will be to the next level of management/Board/Trust member as stated in the Trust's Hearings and Appeals – Terms of Reference.

7.3 The Appeal Hearing will focus on the employees' grounds and reasons of appeal, the employees' supporting evidence and the outcome letter from the person who heard the initial grievance. Please refer to **Appendix 1** for Process and Protocol at Formal Meetings, Hearings and Appeals.

7.4 The employee must clearly state why they feel that the formal grievance resolution is unsatisfactory and what outcome they are seeking, otherwise it may be rejected.

7.5 The outcome of the Appeal Hearing is final and precludes the right to take another grievance of a similar nature unless there is repetition of behaviour/action or the recommendations identified in the outcome have not been implemented.

8.0 Collective Grievances

8.1 In circumstances where a grievance may apply to more than one person and where a trade union is recognised it may be appropriate for the problem to be resolved through collective agreements between the trade union and the employer.

9.0 Persistent Grievances

9.1 Where an employee persists in submitting grievances which are considered frivolous or vexatious, disciplinary action may be taken against the employee.

10.0 Grievance against the Senior Leadership Team

10.1 Where the grievance is against a member of the Senior Leadership Team, and informal processes outlined in Section 3 have failed to resolve the situation, the employee may request the modified grievance procedure, to be addressed to the Clerk to the Governing Body, who nominate a suitable person to investigate (see Section 11).

11.0 Modified Grievance Procedure

11.1 The modified procedure will apply under the following circumstances:

- Where the employee has left employment with the Trust.
- Where the employee has a grievance against a member of the Senior Leadership Team.
- Where the employee specifically requests this procedure to be adopted.

11.2 The employee must complete the Grievance Form (**Appendix 4**) and submit it to the (Executive) Principal. Where the grievance is against a member of the Senior Leadership Team this should be submitted to the Clerk to the Governing Body. The form should state specific details of the complaint and the resolution which they are seeking, and include any evidence to support their grievance.

11.3 The (Executive) Principal or a nominated person will investigate the grievance and produce a written outcome to the employee who raised the grievance, normally within 20 working days.

11.4 Any current employee has the right of appeal against this decision and should revert to the standard grievance appeal procedure outlined above. An individual who has left employment has no further right of internal appeal.