



# **PONTEFRACT**

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## ACADEMIES TRUST

### **GRIEVANCE PROCEDURE**

### **ALL STAFF**

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Owner	Director of Finance Business and Operations

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# 1. Introduction, Purpose & Scope

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## 1. INTRODUCTION, PURPOSE AND SCOPE

- 1.01. The Ponterfract Academies Trust (“The Trust”) is committed to giving all employees the support and encouragement they need to raise aspirations, unlock potential and work to achieve excellence through encouraging a “can do” culture, across all areas of the Trust.
- 1.02. The Trust 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. All parties should be committed to resolving issues quickly and informally whenever possible; when this is not successful, or possible, a formal procedure is available.

### 1.1. PURPOSE

- 1.1.1. Grievances are defined by ACAS as “concerns, problems or complaints that employees raise with their employers”. Issues that may cause grievances include:
- terms and conditions of employment
  - health and safety
  - work relations (e.g. bullying and harassment, discrimination)
  - unreasonable existing or new working practices
  - working environment
  - organisational change
- 1.1.2. The ACAS Code of Practice provides practical guidance for handling grievance issues in the workplace. This policy aims to:
- Enable any employee or group of employees 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
- 1.1.3. A grievance can be made verbally or in writing and all staff should be committed to working towards informal resolution and support, as much as possible.

### 1.2. SCOPE

- 1.2.1. This procedure applies to all employees employed within The Trust to cover a range of employment issues. It is not a substitute for good employment practices, and every effort will be made by all parties to resolve grievances at the earliest opportunity and in a fair and reasonable manner.
- 1.2.2. At all formal stages of the grievance procedure employees have the right to be accompanied by a Trade Union representative, or a work colleague. This right extends to those whom the grievance may be about. In some circumstances, it may be appropriate and beneficial for the employee to involve Trade Union representatives, or a work colleague in the informal stages of grievance resolution. This is both to support the employee and support swift resolution of the issues raised.
- 1.2.3. Throughout all stages of the procedure all parties are expected to continue working

# 1. Introduction, Purpose & Scope

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normally. In exceptional circumstances where this is not practicable then it may be possible for an individual to be moved elsewhere within the school. If the grievance is in respect of the CEO/Executive Director/Headteacher/ Headteacher/Line manager the employee should carry out their normal day to day duties, wherever possible

1.2.4. There will be matters which fall outside the scope of this procedure:

- Statutory adjustments to pay and allowances (eg. National Insurance, Income Tax, Pension Scheme).
- appeal rights under the disciplinary, sickness absence or capability procedures.
- appeals related to a pension scheme.

1.2.5. There are also some issues which the procedure is unable to deal with and other procedures should be utilised, for example:

- Disciplinary Procedure
- Appraisal or Capability Procedure
- Pay Policy
- Sickness Absence Management Procedure
- Equality and Diversity Policy
- Recruitment and Selection Policy

## 1.3. FALSE, VEXATIOUS OR MALICIOUS GRIEVANCES

An employee who has been proven to have raised a false, vexatious or malicious grievance under this procedure may be subject to disciplinary action in accordance with the Disciplinary Procedure.

## 1.4. GRIEVANCES RAISED DURING A DISCIPLINARY PROCESS

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In these cases, advice should be sought from HR.

## 1.5. COLLECTIVE GRIEVANCES

In circumstances where an identical 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 grievance will then be dealt with through the formal part of the process. The employees should nominate one person to represent the group, in most cases this will be the trade union representative or trade union representative(s) where the employees involved are members of more than one trade union.

## 1.6. EQUAL OPPORTUNITIES

This Grievance Procedure must always be applied fairly and in accordance with The Trust's Equality and Diversity Policy.

## 2. Roles and Responsibilities

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### 2. ROLES AND RESPONSIBILITIES

#### 2.1. CEO/EXECUTIVE DIRECTOR/HEADTEACHER/HEAD OF SCHOOL/NOMINATED MANAGER RESPONSIBILITIES

- 2.1.1. Throughout this procedure, the term “Manager” will refer to the CEO/Executive Director/Headteacher/Head of School or nominated Manager with the delegated authority to take action. The Manager may wish to seek advice from the Human Resources Manager before taking action under this procedure.
- 2.1.2. In the case of a grievance against the CEO, the Chair of the Trust Board will undertake the role of Manager.
- 2.1.3. The role of the CEO is to ensure that this policy is applied fairly and consistently. Executive Director/Headteachers/Heads of School will delegate roles appropriately to senior leaders.

#### 2.2. EMPLOYEE RESPONSIBILITIES

- 2.2.1. Grievances should be raised by an employee(s) as soon as possible after the incident/issue takes place or arises.
- 2.2.2. All efforts should be made by employees to attend meetings that constitute part of this procedure. Where the employee is unable to attend meetings without justifiable reason then Trust leaders will assume that the employee no longer wishes to progress his/her grievance.
- 2.2.3. An employee is entitled to be accompanied throughout the formal stages of the procedure by an accredited trade union representative or a work colleague.
- 2.2.4. Employees who wish to seek advice on their complaints, prior to submitting a formal grievance should seek advice from their Trade Union, a colleague or an appropriate line manager.

#### 2.3. HUMAN RESOURCES MANAGER/ADVISOR ROLE

- 2.3.1. The Human Resources Manager/Advisor will provide advice and assistance to managers regarding this policy.
- 2.3.2. At all points in the process managers should seek advice from the HR representative, and an HR representative may be present at meetings. This will ensure that advice is available on procedural issues and any employment legislation matters.

#### 2.4. CONFIDENTIALITY

Confidentiality must be maintained at all times and the contents of meetings undertaken as part of this procedure must only be disclosed on a “need to know” basis and a judgement must be made on what information can be shared. Any employees who breach confidentiality may be subject to disciplinary action in accordance with the Trust’s Disciplinary Procedure.

## 2. Roles and Responsibilities

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### 2.5. RECORDS

Records relating to grievance resolution will be retained for up to one year.

## 3. Informal Stage

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### 3. INFORMAL STAGE

- 3.1. The Trust hopes that most grievances will be resolved at the informal stage without the necessity to proceed to the formal stage.
- 3.2. An employee should first raise their grievance with their immediate line manager. If the grievance is related to the line manager the matter should be discussed with the Head of School, CEO (where the matter relates to the Executive Director/Headteacher/Head of School), or the Chair of the Trust Board (where the matter relates to the CEO). If an employee has a grievance with a colleague, they should endeavour to resolve the matter by direct approach to that colleague or arranging a meeting through their line manager or other appropriate senior colleague. If it is necessary in order to resolve the issue, those concerned should also discuss it with a senior leader or the Head of School.
- 3.3. In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance (i.e. a mediator) during the grievance procedure. Mediation can be particularly effective when used to deal with minor issues, concerns or misunderstandings that are being dealt with during the informal stage of this procedure.
- 3.4. Where appropriate, the Manager shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. The Manager may also seek advice from the Human Resources Manager and consult with representatives of the trade union(s) concerned.
- 3.5. If, following the informal stage, the employee is dissatisfied with the outcome of the informal stage or regards the complaint as sufficiently serious he or she may proceed straight to the formal stage of this procedure. However, if the employee raises unrelated grievances at a later stage in the procedure these must be referred back to the informal stage of the process.

## 4. Formal Stage

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### 4. FORMAL STAGE

- 4.1. If the informal process has not been successful in resolving an employee's grievance, there is a collective grievance, or the grievance is of such a serious nature that an informal process cannot be followed, the employee is required to submit his/her grievance in writing (see Appendix A – Grievance Form) to the Head of School, CEO, or Chair of the Trust Board. This should include as much detail as possible about the issues/concerns and the outcome the employee is seeking as remedy of the situation.
- 4.2. On receipt of the written grievance, the Head of School/CEO/Chair of the Trust Board will acknowledge the grievance in writing and will arrange for a meeting to take place within 5 working days to discuss the matter and, if necessary, investigate the grievance. The employee must take all reasonable steps to attend the meeting. The employee should be in a position to show the Executive Director/Headteacher/Head of School/CEO/Chair of the Trust Board any supporting evidence of their complaint or to indicate any witnesses of the events of the grievance.
- 4.3. The meeting with the employee is to consider their written statement and the resolution that is being sought. It may be necessary to adjourn this meeting to seek further information or advice. The chair of the meeting may choose to conduct further research and interviews and has the right to delegate any investigation or research to another senior leader. Any information or documents from the previous informal stage may be used in this investigation to ensure that a full and impartial investigation is undertaken.
- 4.4. The employee will receive a written reply from the Executive Director/Headteacher/Head of School /CEO/Chair of the Trust Board, normally within 5 working days after this initial meeting, informing the employee of the decision, unless by agreement, the period is extended. The employee will also be informed of their right to appeal within 5 working days of the decision if they are not satisfied with the outcome.
- 4.5. The manager hearing the formal grievance should seek advice from the HR representative on the format for the grievance hearing.



## 5. Right of Appeal

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### 5. APPEAL STAGE

- 5.1. An employee has the right of appeal if they are dissatisfied with the outcome of the formal stage of this procedure and wish to pursue the matter further. Appeals against the outcome of any grievance may only be considered by the appeals panel in relation to one or more of the following grounds:
- **The procedure** – the grounds of appeal should detail how any 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 decision** – the ground of the appeal should state how the proposed action is inappropriate given the circumstances of the case.
- 5.2. Appeals must be submitted in writing to the CEO/Executive Director/Headteacher/ Head of School/Chair of the Trust Board within 5 working days from the date of written notification of the decision. The CEO/Executive Director/ Headteacher/Head of School/Chair of Trust Board will immediately refer the matter to a more senior leader or an appeals panel who will write to the employee, giving details of the appeal hearing, which will normally take place within 10 working days of receipt of the employee's appeal unless mutually agreed that there is a different timescale.
- 5.3. If an Appeals Panel is convened, this will be a panel of three representatives of the trust, none of whom have been involved in the issue previously. The trust may use Governors or leaders from across the trust to form an Appeals Panel. This is in the interests of impartiality and to ensure the appeal is heard without unreasonable delay. No member of the Appeals Panel will have been involved in or related to any preceding grievance stages.
- 5.4. The employee will be given no less than **5 working days' notice** in writing of the time and place of the Appeal hearing.
- 5.5. The employee may present any new evidence which was unavailable at the time of submission of the appeal documentation at least five working days prior to the Appeal.
- 5.6. The result of the Appeal and the reasons for the decision will be confirmed in writing to employee and their representatives within **5 working days** (unless by agreement the period is extended) by the Chair of the Appeals Panel.
- 5.7. The decision of the Appeal Panel shall be final and there will be no further right of appeal.
- 5.8. The Chair of the Appeal hearing should seek advice from the HR representative on the format for the grievance hearing.

# APPENDIX A: Grievance Form

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## APPENDIX A

Please retain a copy of this form once completed and submit the other form to the Executive Director/Headteacher/Head of School/CEO/Chair of Trust Board (in accordance with this procedure)

Name of Employee	
Job Title	
School	
Line Manager	

What are the details of your Grievance (attach supporting information if required)?

What action has already been taken in relation to your grievance (including who has considered it and the outcome)?

Please state what actions you consider are required to bring a satisfactory resolution to your grievance

Signature	
Date	