



GMAT POLICIES

Grievance

Greater Manchester Academies Trust

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With you...for you...about you...

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Introduction

Greater Manchester Academies Trust attaches great importance to the establishment and continuance of positive working relationships with its employees however it is recognised that on occasions working relationships can break down.

The aim of the Grievance Policy and Procedure is to foster effective working relations and provide a mechanism for dealing fairly, promptly and consistently with any grievance raised by an employee in connection with a concern, problem or complaint in relation to his/her employment with the Academy.

Employees covered by this Policy and Procedure

This procedure applies to all Greater Manchester Academies Trust employees but not agency workers or casual staff.

This procedure is referred to in the Statement of Particulars and forms part of an employee's contract of employment.

The Policy

Policy statement

A Grievance is any legitimate cause for complaint or dissatisfaction, by an individual or group of employees regarding, a decision or instruction from management or the action(s) of another employee during the course of the employment. The grievance procedure can be used for allegations of bullying, harassment and discrimination.

The grievance procedure can be used to resolve any problems with the exception of the following:

- disciplinary matters
- selection for redundancy
- performance management matters
- matters relating to income tax
- matters relating to national insurance
- the rules of the local government / teacher pension schemes
- any other matter where there is already a laid down appeal process or other procedure for resolving problems
- where the Trust has no control over a grievance raised
- where the Grievance Procedure has been invoked within twelve months of the completion of action under the procedure in relation to the same grievance, or a similar issue, unless the action agreed to redress the grievance has not been implemented

Principles

In order for managers to develop and maintain a positive employee relations climate and a positive working environment it is essential that they understand the Academy's Grievance Procedure and its delineation with other Trust Policies and Procedures, particularly the Whistleblowing Policy.

An employee will be entitled to be accompanied by a trade union representative or work colleague at both informal and formal meetings held in accordance with the Grievance Policy and Procedure. A trade union representative or work colleague may be present to observe grievance proceedings and advise an employee, but he/she cannot answer questions on an employee's behalf. If the grievance involves an employee being aggrieved by a colleague, they both have the right to be accompanied. There will be no right to external legal representation in any internal grievance proceedings.

In the case of a group of employees raising a grievance, they too can be accompanied by a trade union representative or work colleague, or may elect a spokesperson or form a small committee (no more than 3 members) to present the grievance themselves.

Once a grievance has commenced no new, or additional, issues can be added as the grievance progresses through the stages. In this situation a separate grievance would need to be raised by the employee(s).

A delay in processing a grievance should only occur if there is an agreement with the employee (and his/her representative) and management, or where there are specific circumstances which necessitate a delay of the hearing, e.g. annual leave or sickness.

If there are specific circumstances that result in an unavoidable delay of proceedings, these reasons should be conveyed in writing to the employee and his/her representative or by the employee/representative to the appropriate line manager, and agreement sought for new arrangements.

If any employee subject to the disciplinary procedure raises a related grievance, it may be appropriate to suspend the disciplinary process and consideration be given to the grievance, or to ask another manager to deal with the disciplinary process. Neither process should be unduly delayed.

If a grievance is raised, which, when investigated indicates the need to conduct a further investigation under the formal disciplinary procedure, either against a third party or the respondent to the grievance, the grievance may be suspended pending the outcome of the disciplinary investigation and/or hearing. In these cases the employee with the grievance should be notified in writing.

If the grievance relates to the employee's immediate Line Manager, the employee should submit the grievance in the first instance to the Principal/Head who will ensure that the

grievance is investigated by an independent senior manager but still at the informal stage. This may or may not be a member of the Senior Leadership Team in the area of complaint, dependent upon the circumstances.

Grievances against members of the Senior Leadership Team will be heard by the Principal/Head.

Grievances against the Principal/Head will be heard by the Chair of Governors (or their designate).

Where a grievance involves an employee being aggrieved with a colleague, the Chair of the hearing may suggest meeting with each employee (and his/her representative) individually in the first instance. In such cases the nature of the allegations will be shared with the subject of the complaint in order that he/she is able to respond to the issues raised.

Where a grievance is deemed to have been suitably resolved because the employee did not progress the grievance within the specified time limit, the employee will not be able to re-submit the same grievance.

Once the Grievance procedure has been completed, in line with this procedure, the employee will not be able to re-start the procedure in respect of the same grievance, unless the action decided upon by management to resolve the grievance has not been implemented.

If grievances are submitted during periods of absence by any party involved, the time limits for the responses will not commence until all the parties are back in work unless agreed otherwise by all parties involved.

Any employee who raises a vexatious grievance will be subject to disciplinary action.

The grievance policy and procedure is not an appropriate means of settling differences of opinion between employees unless they feel that their employment at the Trust has been adversely affected by the other employee's actions etc.

There is no compulsion on work based colleagues to attend hearings at the request of colleagues; and individual employees must not be pressurised to act in such a capacity for a colleague against their will.

Whilst any grievance is subject to this procedure the status quo shall apply, i.e. whatever lawful practice, instruction or agreement existed prior to the grievance being formally raised. No action by either party shall be taken until the grievance has been resolved or all stages have been exhausted.

The Procedure

The Informal Stage

Where an employee has a grievance which involves a colleague (not a manager) he/she should initially endeavour to resolve the matter by a direct approach to the colleague concerned without involving management; the employees should talk to each other about the situation that has occurred and try to mutually resolve the issue. Failing that, the employee with the grievance should discuss the matter initially with his/her immediate Line Manager.

In all other cases, if an employee has a grievance about a relevant matter he/she should discuss this initially with his/her immediate Line Manager.

A meeting to discuss the grievance should take place within 2 working days of the grievance being raised.

At the meeting the employee has to inform the Line Manager of his/her suggested solution to the grievance and what the employee wants management to do in order for the grievance to be suitably resolved.

The Line Manager must reply verbally to the grievance within 2 working days, and if requested by the employee, confirm the decision in writing within 5 working days.

If the employee is dissatisfied with the decision of the Line Manager the employee has the right to progress the matter to Stage One of the formal procedure. The employee must notify the Line Manager of this by completing and submitting a Stage One Grievance Statement Form (Form 1) within 5 working days of the Line Manager's verbal response. If this does not occur the grievance will be considered as suitably resolved and the employee will not be able to raise the grievance again.

Mediation

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. An independent third party or mediator can sometimes help resolve grievance issues. The role of a mediator is to discuss the issues raised in the grievance with all parties involved and seek to facilitate a resolution. Mediation is a voluntary process and will only be used if all parties involved in the grievance agree.

Formal Stage - Stage One

A Stage One Grievance Hearing will normally be convened within 10 working days of receiving a Stage One Grievance Statement Form (Form 1) from the employee (attached at Appendix 1).

The grievance will normally be heard by a member of the Senior Leadership Team (SLT) other than the Principal/Head. The selected manager will act as Chair at the hearing.

Present at the Hearing will be the employee, his/her representative and the Line Manager who initially heard the grievance at the informal stage.

At the Hearing the employee (or his/her representative) must explain:

- why he/she is still aggrieved
- what the suggested solution to the grievance is
- what the employee wants management to do in order for the grievance to be suitably resolved

The format for a Stage One Hearing is attached at Appendix 2. The Chair must respond to the grievance as soon as possible after the Hearing and confirm the decision in writing, normally within 5 working days. Sample letters are attached at Appendix 4. If the employee is dissatisfied with the decision of the Chair, the employee has the right to appeal at Stage Two under the formal procedure. The employee must notify the Chair of this by completing and submitting a Stage Two Grievance Statement Form (Form 2) within 5 working days of receiving the Chair's written response. If this does not occur the grievance will be considered as suitably resolved and the employee will not be able to raise the grievance again.

Formal Stage – Stage Two

A Stage Two Hearing is an appeal of the Stage One and will normally be convened within 10 working days of receiving a Stage Two Grievance Statement Form from the employee. The Stage Two Grievance will be usually be heard by the Principal/Head (or if more appropriate the Chair of Governors, another member of SLT or the Governing Body). At this stage the Chair may wish to be supported by an HR Adviser, who can also advise at the hearing.

Present at the Hearing will be the employee, his/her representative and the SLT Manager who heard the Stage One Grievance. The Line Manager who initially heard the grievance at the informal stage, will also be available to offer background if necessary.

At the Hearing the employee (or his/her representative) must explain:

- why he/she is still aggrieved, following Stage One
- what the suggested solution to the grievance is
- what the employee wants management to do in order for the grievance to be suitably resolved

The format for a Stage Two Hearing is attached at Appendix 3. The Chair must respond to the grievance as soon as possible after the Hearing and confirm it in writing within 5 working days. Sample letters are attached at Appendix 4. The decision at this stage will be final. Records & Monitoring The Trust will keep appropriate records of grievances that are

presented by employees. To avoid duplication of effort this will be done through the Grievance Statement Forms and the response letters from the Chair of the Hearing. The records will include:

- a) The nature of the grievance raised
- b) A copy of the written statement of grievance by the employee
- c) Management’s response
- d) A record of the action taken
- e) A record of the reasons for the action taken
- f) Whether there was an appeal, and if so the outcome

plus a record of any relevant subsequent developments after the Hearing.

The documents will be kept together in a file, by grievance, and should not be placed on employee’s personal file.

All paperwork relating to a grievance must be kept for a period of 12 months from conclusion of the process.

The Trust will collate anonymous diversity monitoring information regarding formal grievance cases on a quarterly basis and report them to the Governing Body.

Appendix 1

Stage One Grievance Statement

Name		Department	
Post Title		Length of Service in Post	
Data of Informal Grievance meeting		Manager who heard Informal Grievance	
Complete all sections			
What are you aggrieved about? Please be specific.			
Relevant Background to the Grievance			

What remedy do you want? What do you think Management should do to resolve the grievance to your satisfaction?			
What was the outcome of your Informal Grievance Meeting? (please attach any correspondence you have received)			
Signed		Dated	

Please retain a copy of this document along with any written responses you receive for your records and future reference.

A copy of the letter confirming the outcome of the Stage One Hearing for the employee should be attached to this form by the Chair of the Hearing.

Stage Two Grievance Statement

Name		Department	
Post Title		Length of Service in Post	
Data of Informal Grievance meeting		Manager who heard Informal Grievance	
Complete all sections			
What was the outcome of your Stage One Hearing? (please attach any correspondence you have received)			

What do you continue to be aggrieved about? Please be specific.			
What remedy do you want? What do you think Management should do to resolve the grievance to your satisfaction?			
Signed		Dated	

Please retain a copy of this document along with any written responses you receive for your records and future reference.

A copy of the letter confirming the outcome of the Stage Two Hearing for the employee should be attached to this form by the Chair of the Hearing.

Appendix 2 – Format of Grievance Hearing – Stage 1

Hearing Officer

- Usually a member of the Senior Leadership Team (SLT) acting as Chair.
- Human Resources Adviser, as required in an advisory capacity.

The Parties & Witnesses

- The employee bringing the grievance and their representative.
- The manager who dealt with the grievance at the informal stage (respondent)

- Witnesses as required. This may be another employee if the grievance is about them (they too are entitled to representation).

Format

The Chair introduces everyone and explains the purpose of the meeting, which is to make a decision at stage one of the Academy's Grievance Procedure.

The Chair will ask the employee bringing the grievance, or their representative, to explain why he / she is aggrieved.

The employee bringing the grievance may call witnesses in support of their case who may have questions put to him / her by all parties before he / she leaves the room.

The Chair and the HR adviser have the opportunity to ask any questions of the employee bringing the grievance.

The respondent will have the opportunity to ask any questions of the employee bringing the grievance.

The respondent puts forward their case; what they heard at the previous meeting, what they considered and the decision they reached.

The respondent may call witnesses in support of their case who may have questions put to them by all parties before he / she leaves the room.

The employee bringing the grievance or their representative has the opportunity to ask any questions of the respondent.

The Chair and the HR adviser have the opportunity to ask any questions of the respondent.

The respondent sums up.

The employee bringing the grievance sums up.

All parties withdraw except for the Chair and the HR Adviser whilst a decision is made. If possible, a decision will be given verbally – shortly after the hearing and in all cases the decision must be confirmed in writing within five working days of the hearing. All parties will be recalled to hear the decision and the aggrieved employee will be informed of their right of appeal to Stage 2 of the procedure.

Appendix 3 - Format of Grievance Appeal Hearing - Stage Two

Hearing Officer

- Usually the Principal/Head who will act as Chair (or their designate as sometimes it may be more appropriate for another member of SLT or the Chair of Governors to be the Hearing Officer)

- A Human Resources Adviser, as required in an advisory capacity.

The Parties & Witnesses

- The employee bringing the grievance and their representative.
- The member of SLT who dealt with the grievance at Stage One (respondent)
- Witnesses as required. This may be another employee if the grievance is about them (they too are entitled to representation).

Format

The Chair introduces everyone and explains the purpose of the meeting, which is to consider a Stage Two Grievance, i.e. an appeal against the decision at Stage One of the Academy's Grievance Procedure.

The Chair asks the employee bringing the grievance, or their representative, to explain why he/she wishes to appeal against the decision at stage one.

The employee bringing the grievance may call witnesses in support of their case who may have questions put to him / her by all parties before he / she leaves the room.

The Chair and the HR adviser have the opportunity to ask any questions of the employee bringing the grievance.

The respondent will have the opportunity to ask any questions of the employee bringing the grievance.

The respondent puts forward their case; what they heard at the Stage One meeting, what they considered and the decision they reached.

The respondent may call witnesses in support of their case who may have questions put to them by all parties before he / she leaves the room.

The employee bringing the grievance or their representative has the opportunity to ask any questions of the respondent.

The Chair and the HR Adviser have the opportunity to ask any questions of the respondent.

The respondent sums up.

The employee bringing the grievance sums up.

All parties withdraw except for the Chair and the HR Adviser whilst a decision is made. If possible, a decision will be given verbally – shortly after the hearing and in all cases the decision must be confirmed in writing within five working days of the meeting.

All parties will be recalled to hear the decision and the aggrieved employee will be informed that there is no further right of appeal to the Academy.

Appendix 4 – Sample Letter – Inviting an Employee to Attend a Grievance Hearing

Dear <name>

Invitation to a Formal Grievance Hearing

I refer to your **Stage One (Two)** Grievance Statement Form which I received on <date> and write to inform you that a hearing has been arranged to take place at <time> on <date> in room < number>.

I will hear the grievance, and <name>, a Human Resource Adviser will be in attendance in an advisory capacity. I have also made arrangements for <name> your Line Manager (if this is a stage one) and /or the Chair of the Stage One Hearing (if this is a Stage Two) to attend to respond to your grievance, as they have dealt with this grievance to date.

You have a right to be accompanied at the grievance hearing by your trade union representative or a work based colleague of your choice.

Yours sincerely

Name Title