



Outcomes Focused, Child Centred

Northern Education Trust Grievance Policy

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Grievance Policy

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1. Introduction

- 1.1 As the employer of staff, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to a nominated officer.
- 1.2 Throughout this policy it refers to 'nominated officer'. This will usually be the Principal, Executive Principal, Service Director, Line Manager or any officer as nominated by the Chief Executive Officer. In some instances, it will be the Chief Executive Officer as outlined in the Scheme of Delegation.
- 1.3 Nominated officers dealing with grievances will be adequately trained for the task, familiar with the procedures and knowledgeable about how to investigate a grievance and how to conduct or represent at grievance hearings.
- 1.4 This policy allows for individual employees to raise concerns related to their employment including matters relating to the Trust. The aim of the policy is to resolve individual grievances as quickly as possible in an equitable way.

2. Scope

- 2.1 This grievance policy applies to all employees of the Trust.
- 2.2 The grievance policy deals with staff concerns, problems or complaints, including employee relations issues. If the complaint is related to alleged bullying, harassment or matters of alleged discrimination, investigations should be carried out through the Dignity at Work policy, in the first instance.

An employee can raise a grievance on any of the following:

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- Bullying and harassment.
- New working practices.
- Working environment.
- Organisational change.
- Discrimination.

Please note this list is not exhaustive.

- 2.3 The grievance policy is not to be used for the following matters:
 - Matters covered by collective bargaining arrangements between the Trust and Trade Unions.
 - Redundancy; Appeals on redundancy will be dealt with under the provisions of the Redundancy Policy.
 - Disciplinary and Capability issues, including appeals.
 - Income Tax or National Insurance matters.
 - The rules of the pension schemes.
 - Any other matters outside the control of the Trust.

- 2.4 In addition, employees may not simply complain about the Trusts established procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.
- 2.5 Appeals against staff grading or pay awards should be dealt with by the Trusts pay policy appeal system.
- 2.6 Where an employee raises a grievance during a disciplinary or capability process the disciplinary/capability 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.

3 Representation

- 3.1 During the hearing and appeal processes, both parties to a grievance have a statutory right to be accompanied by a Trade Union representative¹ or work colleague; however NET allow representation at all stages of the process, including meetings. A Trade Union representative who is not an employed official must have been certified by their union as being competent to accompany the employee. For avoidance of doubt an investigating Officer will not be entitled to representation when acting in the role of investigating Officer.
- 3.2 It is the responsibility of the employee to arrange for his/her representation including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's chosen Trade Union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative time. If the alternative time is reasonable and falls within 5 working days after the original date proposed, the meeting/hearing must be postponed to that time or to a time convenient to all parties.
- 3.3 The Trade Union representative or work colleague may also address a hearing/meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee, but may not answer questions on their behalf.
- 3.4 It is good practice for management to try and agree a mutually convenient date for the meeting/hearing with the employee and their representative or work colleague to ensure that meetings do not have to be delayed or postponed.
- 3.5 The Trust will also need to consider whether any additional support for the employee is required, for example when a physical disability or other special need is identified.

4 Duties of the Nominated Officer & Employees

4.1 Responsibility of the nominated officer

- 4.1.1 To take action where it is recognised at an early stage that could prevent or minimise the likelihood of complaints being made.
- 4.1.2 To ensure that all employees are advised of how to raise concerns and of the availability of the Grievance Policy.

¹ A Trade Union is defined as any body listed on the Certification Officer's list of Trade Unions

- 4.1.3 Where concerns and problems are raised, to deal with matters promptly, sympathetically, fairly and impartially.
- 4.1.4 To attempt to resolve the problem and deal with the concerns at local level and informally where possible.
- 4.1.5 To advise employees of the right to be accompanied by a Trade Union official or work colleague.
- 4.1.6 Meet the timescales for contacting employees and to progress matters, without unreasonable delay, when the formal procedure is commenced.
- 4.1.7 In considering solutions, the nominated officer needs to have regard to the impact of their decisions on for example, other employees, matters of employment law or other policies and procedures adopted by the Trust.
- 4.1.8 To document and record each step in the policy.

4.2 Responsibility of all Employees

- 4.2.1 Bring concerns to the nominated officer as soon as it is recognised that there is a problem that they cannot resolve themselves.
- 4.2.2 All employees need to recognise that the purpose of this policy is to ensure a working environment, where it is possible to bring concerns to the attention of management and have them dealt with promptly, sympathetically, fairly and impartially.
- 4.2.3 The aim is to deal with genuine grievances, where possible, in an informal manner to the satisfaction of all parties. It is therefore, particularly important not to be tempted to proceed with unfounded or malicious complaints. It is important to remember that where a formal grievance is considered the behaviour and responsibility of all parties involved (including the complainant) will be examined.

5 Informal Procedure

- 5.1 There will be times when an employee is dissatisfied with a particular incident or treatment. It is expected that these concerns should be raised at the time and a joint resolution found between the employee(s) or the nominated officer rather than resorting immediately to the formal Grievance Policy.
- 5.2 The nominated officer should deal with all grievances raised, whether or not the grievance is presented in writing at this stage. Wherever possible the nominated officer should, with the employee's consent, attempt to address the concerns on an informal basis and ensure the employee is satisfied with the outcome.
- 5.3 In many cases considering and responding to the issues raised at a local level may be all that is needed, and will often be a more satisfactory way of dealing with a grievance than a formal meeting. Depending on the nature of the grievance it may be that the nominated officer was unaware of the problem until raised by the employee.
- 5.4 Talk to the employee in private, listen to whatever they have to say about the issue. This should be a two way discussion, aimed at identifying the cause of the employee's grievance and finding a way to resolve it, that is mutually acceptable.

- 5.5 It may be necessary to seek clarification about the issues raised from other parties at this stage.
- 5.6 An especially effective tool in settling a dispute at an initial phase is mediation. In each case consideration will have to be given as to whether mediation will be appropriate. Subject to the agreement of both parties, mediation can be arranged to try to settle the grievance. See the stages involved in mediation at **Appendix 2**. For the avoidance of doubt, mediation can be employed at any stage.
- 5.7 A note of any informal resolution of the grievance should be kept for reference purposes. It may be necessary to confirm in writing any agreed resolutions.
- 5.8 If the complaint involves the person with whom the grievance would normally be raised the employee should approach the next available senior member of staff.
- 5.9 If the complaint is related to alleged bullying or harassment, investigations should be carried out through the Dignity at Work Policy, in the first instance. This follows the same approach to handling grievances but provides specific advice and support.

6 Formal Procedure

- 6.1 Although the emphasis is on dealing with matters informally, in the event that an informal discussion fails to bring an acceptable resolution within 10 working days, or such other timescales as agreed by both parties, the following formal procedure should be used.
- 6.2 Before submitting a formal grievance, it is advisable that employees seek support from a work colleague or Trade Union representative.
 - 6.2.1 If the employee wishes to proceed under the formal process, they must confirm this in writing to the nominated officer by completing the pro-forma attached to this document at **Appendix 1**.
 - 6.2.2 A formal grievance must set out the following:
 - The name and job title of the employee.
 - The reason the employee is aggrieved.
 - The action they have taken so far to try to resolve the problem.
 - Where no previous action has been taken the reason why it is not possible/appropriate to deal with it informally.
 - The expected outcome or an indication of what would be required to resolve the grievance.
- 6.3 On receiving a formal grievance, a full investigation will take place by an investigating officer. When the investigation is complete, a grievance hearing will be set up in line with the Scheme of Delegation.
- 6.4 Where the allegations are against the Principal or member of the Executive team, the investigating officer will be another member of Executive as appropriate; in the case of the Chief Executive Officer the investigating officer will be a Trustee nominated by the Chair of Trustees.

- 6.5 Following the investigation the employee will be invited to the hearing giving 5 working days' notice confirming the right to be accompanied by a Trade Union representative or a work colleague.
- 6.6 The hearing will be heard as set out at **Appendix 5**.
- 6.7 Wherever possible, the employee will be informed verbally of the decision. The Chair will confirm in writing following the hearing and will inform the complainant that they can appeal against the decision if they are not satisfied with the outcome.
- 6.8 In some circumstances it may also be necessary to disclose information gathered as required for audit, disciplinary, employment tribunal or other legitimate purposes.

7 Collective Grievances

- 7.1 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 representatives where the employees are members of more than one union.
- 7.2 A collective grievance will be dealt with as for an individual grievance under paragraphs 5, 6. in addition, 10. Mediation can also be used (**Appendix 2**).
- 7.3 In exceptional circumstances, the parties to a collective grievance may still fail to agree despite the collective grievance policy being exhausted and a dispute may be declared which will be dealt with under a separate policy. Collective disputes may arise other than from a collective grievance.
- 7.4 The matter may be referred to the National Joint Consultative Committee for conciliation and resolution.

8 Grievance after Termination of Employment

- 8.1 A Former employee has the right to raise a grievance within 6 months of their termination date. The former employee should receive a written response with the right of appeal.

9 Timing

- 9.1 Grievances should normally be conducted within the timescales laid down in the policy. However, where there is a valid reason to do so, timescales can be varied by the nominated officer. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 20 working days.
- 9.2 All parties should make every effort to attend meetings.

10 Formal Grievance Policy – Appeal

- 10.1 If the employee is dissatisfied with the response at the formal stage he/she should notify the person who heard the grievance within 10 working days from receipt of the response to the grievance. The notification must be confirmed in writing, using the pro forma shown in **Appendix 1**, giving detailed reasons for wishing to progress to appeal. This

must give specific grounds such as why the employee is not satisfied with the initial outcome and what outcomes they are seeking at appeal.

10.2 The written notification of the employee's intention to appeal should then be given to the nominated officer so that an appeal hearing can be arranged.

10.3 A panel will be convened to hear the appeal as outlined in the Scheme of Delegation (the Panel) with advice from the Trust HR Function. The appeal will be heard by the panel within 20 working days of receipt of the notification of appeal from the employee and the employee should have at least 10 working days' notice of the Appeal Hearing.

11 Conducting Grievance Appeal Hearings

11.1 Grievance appeal hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored. **(See Appendix 5)**

12. Panel Deliberations

12.1 The Panel will consider what was said together with any written submissions.

12.2 If the Panel are confident that they have sufficient information to reach a decision, then the decision should normally be given verbally and in any event confirmed in writing within 5 working days.

The Panel's decision will be final.

13. Record Keeping

13.1 The maintenance of accurate and contemporaneous records is essential, particularly in the event of referral to an Employment Tribunal. Notes are not necessarily verbatim, and there is no requirement for agreed minutes, it should be noted that consideration by an employment tribunal might be an extended time after the matter was considered internally. If minutes are not agreed, then both sets of minutes/notes will be attached with a note to state that they have not been agreed.

13.2 Records should be held in a secure and confidential manner, often the issues raised by an employee are particularly sensitive and it is essential that information is kept in accordance with GDPR.

13.3 Documentation that should normally be retained includes:

- all papers presented at the Hearing and Appeal meetings;
- notes of meetings (contemporaneous or otherwise);
- information collated by the Panel or used to assist in making a decision;
- confirmation of the decision, or other supplementary correspondence;
- Clarity on how decisions were reached.

14. General Principles Underlying This Policy

14.1 Consistency of Treatment & Fairness

14.1.1 The Trust is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

14.2 Confidentiality

14.2.1 The conduct of conduct process will be treated with confidentiality. However, the desire for confidentiality does not override the need for the Trust to quality assure the operation and effectiveness of the policy.

14.3 Monitoring & Evaluation

14.3.1 Northern Education Trust is committed to monitoring and reviewing the effectiveness of the Grievance Policy with recognised trade unions, both at national level through the JCC and at local level with Academy representatives.

Once completed send to the nominated officer who will arrange for your grievance to be considered.

Response of the nominated officer :

.....

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Nominated officer to consider and respond within 20 WORKING DAYS of receipt of initial notification by the employee.

Part 2 – Appeal Stage - Please continue on a separate sheet if necessary.

Once completed to be given to the person who heard the initial grievance.

I wish to record I am dissatisfied with the initial response for the following reasons:

.....

.....

.....

.....

.....

I am seeking the following outcome:

.....

.....

.....

.....

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Stages of Mediation (ACAS guide Feb 2013)

Separate meeting

- **First contact with the parties** – the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.

Joint meeting

- **Hearing the issues** – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.
- **Exploring the issues** – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions.
- **Building and writing an agreement** – as the process develops, the mediator will encourage and support joint problem-solving by the parties, ensure the solution and agreements are workable and record any agreement reached.
- **Closing the mediation** – once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases, no agreement is reached and other policies may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings.

Example Letters

Model Invitation Letter to Grievance Meeting (Formal Stage)

Date

Dear

RE: Grievance Policy

I am writing to acknowledge receipt of your grievance letter dated in which you raise the following concerns:

-
-

In order to discuss your concerns in more detail I would like to invite you to attend a meeting with me on (date) at (time) at (venue). I will be supported at the meeting by who is a representative of Northern Education Trust HR function.

You have the right to be accompanied by your Trade Union representative or work colleague but it is your responsibility to arrange this. Please confirm your attendance and who will be accompanying you by (date).

Please contact me if you need any further clarification of the process. If the above date and time is not suitable please let me know so we can arrange a time that is mutually convenient to all parties.

I enclose a copy of the grievance policy/You have already received a copy of the grievance policy. (delete as appropriate)

Yours sincerely

Name
Job Title

Model Letter Informing Employee of Outcome of Investigation (Formal Stage)

Date

Dear

Outcome of Formal Grievance Investigation

Following the formal grievance meeting held on(date), and the subsequent investigation I am writing to inform you that the investigation is now complete.

After carefully considering your grievance and the information gathered from interviewing other parties I confirm that I have decided to:

(Delete as appropriate)

Uphold your grievance (enter here the reasons why and add any recommendations)

OR not to uphold your grievance because (give reasons and include any recommendations).

You have the right to appeal against this decision to an Appeals Panel. If you wish to appeal, you must do so within 10 working days of receipt of this letter. If there is any aspect of this letter, you do not understand or on which you require further clarification, please contact me.

Yours sincerely

Name

Job Title

CC (TU rep) CC File

Model Letter Invite to Appeal Hearing

Date

Dear

Grievance Policy – Invite to Appeal Hearing

In response to your letter of(date) stating that you wish to appeal against the outcome of the formal grievance investigation notified to you on(date), I write to inform you that the appeal hearing will be held at(time) on.....(date) in.....(venue).

You have the right to be accompanied by your Trade Union representative or work colleague but it is your responsibility to arrange this. I will be supported at the hearing by; HR Advisor Northern Education Trust.

The names of those who will be hearing your appeal are (names), although these may be subject to change. The panel will be supported by ; HR Representative, Northern Education Trust.

The documents that will be presented at the hearing are enclosed. Please confirm your attendance and who will be accompanying you by (date). Please also let me have any further documents you may wish to refer to at the hearing by the same date.

Yours sincerely

Name
Job Title

CC: (TU rep) CC: File

Model Letter Outcome of Appeal Hearing

Date

Dear

Grievance Policy - Outcome of Appeal Hearing

Following the appeal hearing held on(date) attended by.....(names), I write to inform you of the outcome of the hearing.

On the evidence presented to the Appeal Panel, it is found that (give findings).

Following careful consideration, The Appeal Panel has, therefore, decided that :

(Delete as appropriate)

Your appeal is not upheld.(give recommendations) the Principal/Service Director has also been informed of these recommendations.

Your appeal is upheld.(give recommendations) the Principal/Service Director has also been informed of these recommendations.

The decision of the Appeal Panel is final.

Yours sincerely

Name

Job Title

CC: (TU rep) CC: File

Grievance Policy
Procedure for a Hearing

1. The investigating officer to present the Trusts case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the investigating officer and any witnesses about the facts provided.
3. The Chair panel to have the opportunity to question the investigating officer and any witnesses.
4. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
5. The nominated officer to have the opportunity to ask questions of the employee or his/her representative and witnesses.
6. The Chair panel to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The investigating officer to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point).
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point) although the respondent can be called.
9. The investigating officer and the employee and his/her representative to withdraw.
10. The Chair panel to consider the facts presented to them.

The hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Chair panel feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

The investigating officer will be accompanied by a representative from the Trust HR function.

Grievance Policy
Procedure for Appeal Hearing

1. The employee/representative will introduce their submission and why they are dissatisfied with the outcome.
2. The investigating officer may question the appellant and his/her representative.
3. The Appeals Panel may ask questions during or after the employee's presentation.
4. The investigating officer will present their findings from the investigation.
5. The employee/representative may question the investigating officer.
6. The Appeals Panel may ask questions during or after the investigating officer presentation.
7. The employee/representative will have the opportunity to sum up their submission.
8. The investigating officer will have the opportunity to sum up their submission.
9. The Appeals Panel will have a final opportunity to clarify any points and if necessary the Appeals Panel at this stage **may** wish to call the respondent.
10. The Appeals Panel will then adjourn the hearing to consider the complaint
11. All parties except the Appeals Panel and anyone advising will then withdraw.
12. The Chair panel to consider the facts presented to them.

The Appeal Hearing may also be adjourned at the deliberation stage, in order for further investigation if the Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

The investigating officer will be accompanied by a representative from the Trust HR function.

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Employees are also encouraged to contact their Trade Union representative for advice and support where appropriate.