

# GRIEVANCE RESOLUTION PROCEDURE

**The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 26<sup>th</sup> November 2015.**

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Chair of OHCAT Board



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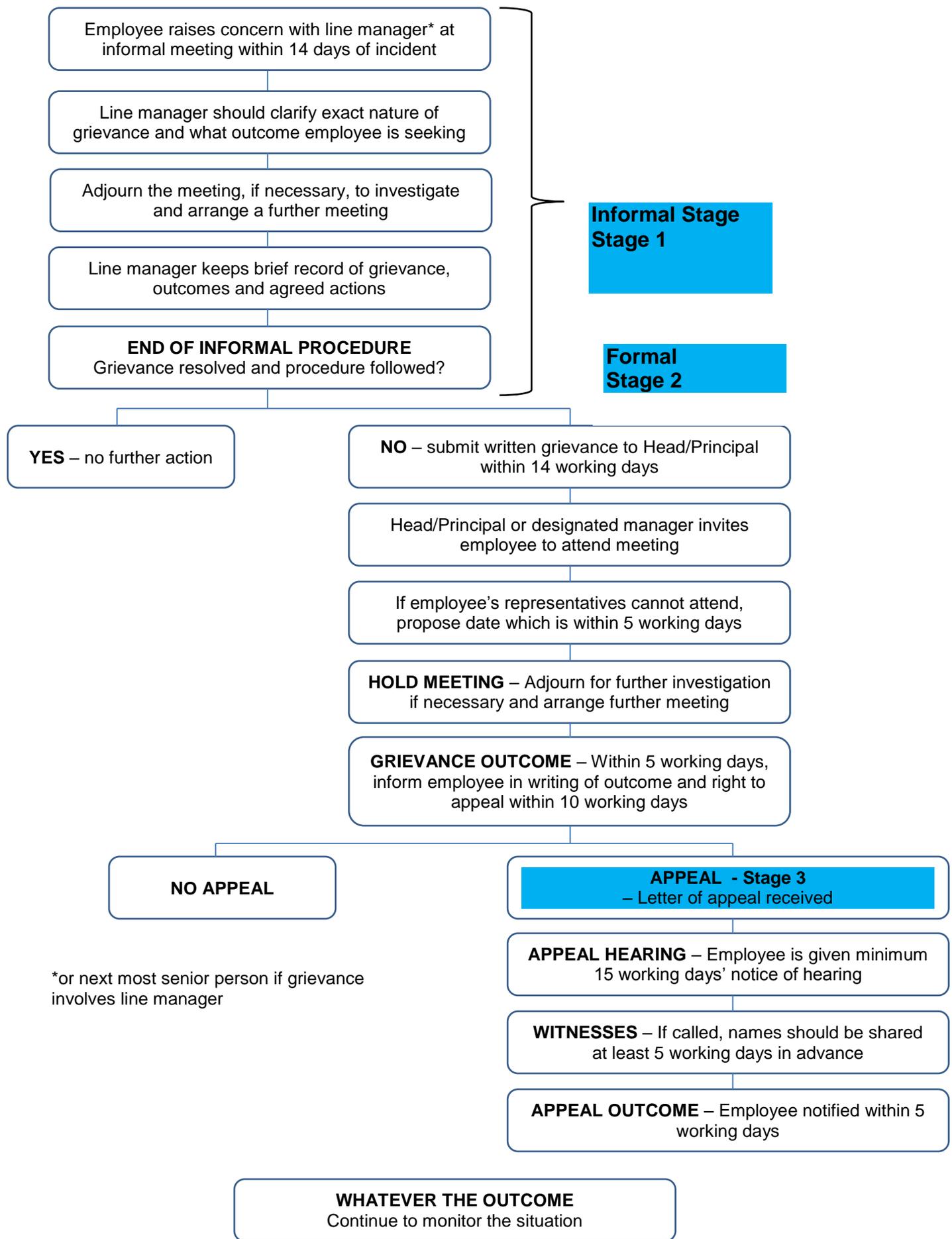


# GRIEVANCE RESOLUTION PROCEDURE

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## Grievance Procedure – Informal & Formal Stages



\*or next most senior person if grievance involves line manager

# Grievance Resolution Procedure

## 1. INTRODUCTION

- 1.1 This procedure applies to all employees of Orchard Hill College and Academy Trust (OHC&AT) and is based on the ACAS Code of Conduct.
- 1.2 All references to Orchard Hill College and Academy Trust (OHC&AT) include both Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT) as employers unless otherwise specified.
- 1.3 Grievances are concerns, problems or complaints that employees raise with their employers. All parties should aim to resolve any grievance as quickly as possible.
- 1.4 In some cases it may be useful to use an independent mediator.
- 1.5 It would be expected that an employee would raise a grievance with their line manager in the first instance, who would deal with the informal stage of the procedure. Where the grievance is not resolved at the informal stage the Head/Principal or designated manager would undertake steps 1 and 2 of the formal procedure. Any appeal submitted at step 3 of the procedure would be heard by a panel established by the Governing Body (LGB/Committee/Board) for this purpose. This panel may include Governor(s) and/or member(s) of the Senior Leadership Team, except in the case of a grievance involving the Head of College, Senior Leadership Team and Clerk to the Governors, where the panel will include only Governors. No appeal shall be heard by any person who is involved in making the decision against which the appeal is made. The decision of the appeals panel is final and there is no further right of appeal.
- 1.6 Although appeals against the result of job evaluations are heard by an appeals panel established as in 1.4 above, they are dealt with under the job evaluation procedure and not the grievance resolution procedure.

## 2. RIGHT TO BE ACCOMPANIED

- 2.1 Employees have the right to be accompanied by a work colleague or trade union representative or official at a formal grievance resolution meeting which deals with a complaint about a duty owed by the employer to the employee. Details of rights to be accompanied can be found in Appendix 1.

## 3. RESOLVING GRIEVANCES INFORMALLY – STAGE 1

- 3.1 Grievances should normally be raised within 14 days of the incident. If the employee wants to raise a grievance outside of this timescale they must first show good reasons for their delay. A delay in raising the grievance without satisfactory reason could result in the grievance not being heard.
- 3.2 If an employee has a grievance relating to their employment, the matter should be raised initially with the employee's manager. The grievance should be raised orally in the first instance and it should be made clear to the manager

that the matter is an informal grievance. In the event that the grievance relates to the manager who would normally deal with a grievance at this stage, the grievance should be referred to the immediate line managers' own manager.

- 3.3 The manager will take appropriate steps to resolve the grievance as quickly as possible on an informal basis. He/she shall enquire into the grievance and will discuss it with the employee. A written record of the discussion, the outcome and any action and review timescales agreed will be kept and a copy given to the employee within 5 working days of the final informal stage meeting. It is anticipated that most grievances will be resolved at this stage.
- 3.4 The grievance should be discussed in private. The line manager should ask the employee the exact nature of their grievance and what outcome is being sought, listening carefully to all of the points raised.
- 3.5 Issues may be raised that mean that it is necessary to adjourn the meeting to obtain further information or interview other parties, for example if a third party is involved.
- 3.6 If the concern is about or in some way relates to the CEO, the employee should contact the Clerk to the Governors who will inform the Chair of the Board and arrange an appropriate meeting.

#### **4. FORMAL PROCEDURE – STAGE 2**

Where informal action does not resolve the matter the employee may feel that a move to the formal procedure is necessary and this should be done within 14 days of being notified of the outcome of the final informal stage meeting. A delay in raising the grievance formally without satisfactory reason could result in the grievance not being heard.

#### **5. Raising a Grievance Formally**

- 5.1 Where it has not been possible to resolve the grievance informally, the employee should raise the grievance formally within 14 days of being notified of the outcome of the informal stage of the procedure. This should be done by setting out the details of the grievance and how they would like to see it resolved, in writing, to their Head/Principal or designated manager. If the subject of the grievance is the Head/Principal or designated (line) manager, the letter should be addressed to the CEO. If the subject of the grievance is the CEO, the letter should be addressed to the Chair of the Board.
- 5.2 The formal written grievance should include a summary of the informal stage, who dealt with it, why the outcome was not considered satisfactory and what resolution is being sought. It is helpful to include any additional evidence that was not presented at the informal stage such as letters or emails.
- 5.3 When stating their grievance employees should stick to the facts and avoid language which could be considered insulting or abusive.
- 5.4 Employees who have difficulties in expressing themselves because of

language, literacy or other difficulties may like to seek help from a work colleague or trade union representative. Employees who, because of a disability, have difficulty in submitting a written grievance should make this known to the Head/Principal at the earliest opportunity who will consider what reasonable adjustment can be made to assist the employee.

5.5 When a grievance is raised it is important to establish the facts of the case. Although some facts may become known during the informal stage a full investigation must be carried out once a move to the formal stage has been made.

5.6 The Head/Principal will appoint an Investigating Officer to carry out an investigation into the grievance as detailed in the employee's letter/form.

## **6. Holding a Grievance Resolution Meeting**

6.1 On receipt of the formal written grievance the CEO/Head/Principal should appoint a Manager to arrange to meet with the employee. This may also be an external advisor. This meeting should normally take place within 10 working days of receiving the written grievance. If for any reason the meeting cannot take place within this timescale, for example where it is anticipated the investigation may cause a delay, the meeting should be arranged as soon as possible and the employee notified of the delay and the reasons for it.

6.2 When preparing for the meeting the Manager should:

- arrange for the meeting to be in private where there will not be interruptions;
- inform the employee of their right to be accompanied;
- ensure that copies of any relevant papers, including the investigation report, are made available to the employee in advance of the meeting;
- consider arranging for someone who is not involved in the case to take a note of the meeting and act as a witness to what was said. Thought should be given to the appropriateness of the person carrying out this role. Confidentiality must be maintained;
- consider arranging for an interpreter where the employee has difficulty speaking in English. It may be that this person is in addition to the companion but ideally the same person should carry out both roles\*;
- consider whether adjustments are necessary for a person who is disabled and/or their companion is disabled. Reasonable adjustment may be needed for an employee with a disability (and possibly for their companion if they are disabled), for example the provision of a support worker or advocate with knowledge of the disability and its effects. It may be that this person is in addition to the companion but ideally the same person should carry out both roles\*;
- consider whether to offer mediation;
- look at whether similar grievances have been raised before, how they were resolved and any follow up action that has been taken. This ensures consistency of treatment;
- consult with a representative from OHC&AT's Human Resources team.

\*the employee should make known any special requirements as soon as possible so that appropriate arrangements can be made.

When conducting the meeting the Manager should:

- remember that a grievance resolution hearing is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may lead to an amicable solution.
- make introductions as necessary.
- invite the employee to restate their grievance and how they would like to see it resolved.
- put care and thought into resolving grievances. They are not normally issues calling for snap decisions and the employee may have been holding the grievance for a long time. Allowance should be made for the employee to let off steam if they are under stress.
- be calm and fair and follow the procedure. Grievances can sometimes be taken as personal criticism but they should be heard in a calm and objective manner being as fair as possible in the resolution of the problem.
- consider adjourning the meeting if it is necessary to investigate any new facts which arise or to seek advice.\*\*
- sum up the main points.
- tell the employee when they will receive a response.

6.3 After the meeting the Manager should:

- where necessary investigate any further matters that were raised and, if this is necessary, consider holding a second meeting once this further investigation is complete.\*\*
- decide on how to deal with the employee's grievance after reflecting on and giving proper consideration to the evidence presented.
- consider whether any action to be taken to resolve the grievance may have an impact on other employees who may themselves feel aggrieved.
- consider whether the grievance highlights any issues concerning College/Trust policies, procedures or conduct.
- write to the employee setting out the decision, any action to be taken and their right of appeal. Where the grievance is not upheld ensure that the reasons are fully explained. The decision letter should be sent to the employee within 5 working days of the meeting.\*\*
- monitor and review any action taken to ensure that the issues are dealt with effectively.

\*\* where it has been decided to adjourn the meeting to carry out further investigation the employee should be informed of this, in writing, and given a date for a second meeting. This letter should be sent to the employee within 5 working days of the meeting.

6.4 The possible outcomes of a grievance resolution meeting are:

- to uphold the grievance in full;

- to reject the grievance;
- to partially uphold the grievance;
- to offer mediation.

## **7. Appeal – Stage 3**

7.1 Where the employee is not happy with the decision they must put their appeal in writing within 10 working days, setting out the grounds for appeal, and send it to the Head of Human Resources, or to the Clerk to the Governors if it relates to the CEO or the Head of Human Resources.

7.2 When preparing for the meeting the CEO/Head/Principal/Manager/Clerk to the Governors (for the CEO) will:

- arrange a meeting to hear the appeal without unreasonable delay and ideally within 15 working days of the receipt of the letter of appeal.
- arrange a venue and separate waiting areas for both parties and any witnesses.
- inform both parties that they must provide the names of any witnesses to be called at least 5 days before the date of the meeting. This information will be shared with all parties in advance of the meeting.
- consider arranging for an interpreter where the employee has difficulty speaking in English. It may be that this person is in addition to the companion but ideally the same person should carry out both roles.\*
- consider whether adjustments are necessary for a person who is disabled and/or their companion is disabled. Reasonable adjustment may be needed for an employee with a disability (and possibly for their companion if they are disabled), for example the provision of a support worker or advocate with knowledge of the disability and its effects. It may be that this person is in addition to the companion but ideally the same person should carry out the same role.\*
- write to the employee to invite them to the meeting giving the time, date and venue and informing them of their right to be accompanied.
- prepare an agenda for the meeting.
- send copies of all relevant paperwork to all parties including the relevant records and notes from the original grievance meeting/s.
- be responsible for ensuring that all parties have copies of all appropriate paperwork and a copy of the grievance resolution procedure prior to the hearing.
- arrange for minutes of the meeting to be taken and ensure that both parties are invited to join the hearing together. Thought should be given to the appropriateness of the person carrying out this role. Confidentiality must be maintained.
- send the written decision letter to the employee within 5 working days of the decision being made including the notification that there is no further right of appeal.

\*the employee should make known any special arrangements as soon as possible so that appropriate arrangements can be made.

The Head/Principal/Manager and the employee will attend the meeting to

present the case, together with their companions.

7.3 When conducting the meeting the Chair of the panel will:

- remember that a grievance resolution appeal hearing is not the same as a disciplinary appeal hearing and is an occasion when discussion and dialogue may lead to an amicable solution.
- make introductions as necessary.
- invite the employee to restate the reasons for their appeal and how they would like to see their grievance resolved.
- put care and thought into resolving grievances. They are not normally issues calling for snap decisions and the employee may have been holding the grievance for a long time. Allowances should be made for the employee to let off steam if they are under stress.
- be calm and fair and follow the procedure. Grievances can sometimes be taken as personal criticism but they should be heard in a calm and objective manner, being as fair as possible in the resolution of the problem.
- give all parties the opportunity to present their case and ask questions.
- allow both parties to summarise their views on the grievance.
- sum up the main points.
- tell the employee when they will receive a response.

7.4 At the end of the meeting both parties will leave together and be told that the decision will be given in writing within 5 working days.

There is no further right of appeal.

## 8. OVERLAPPING GRIEVANCE/DISCIPLINARY CASES

Where an employee raises a grievance during the disciplinary process the disciplinary process can be temporarily suspended to allow for the grievance to be dealt with, although it may be appropriate to continue with the disciplinary investigation/hearing first. However, where the grievance and the disciplinary cases are similar it may be appropriate to deal with both issues concurrently.

### POLICY REVIEW DETAILS

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### RELATED POLICIES AND PROCEDURES

Appraisal Procedure  
Capability Procedure  
Staff Code of Conduct

Staff Development Policy  
Disciplinary Procedure  
Dignity at Work Policy

## **APPENDIX 1: Notes regarding the right to be accompanied**

Employees have the right to be accompanied by a work colleague or trade union representative or official at a formal grievance resolution meeting which deals with a complaint about a duty owed by the employer to the employee. However, it is good practice to allow the employee to be accompanied at any formal grievance resolution meetings even when the right does not apply. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. The employee is responsible for arranging such attendance.

To exercise their right to be accompanied the employee must first make a reasonable request. It would not normally be reasonable for an employee to be accompanied by a companion whose presence would prejudice the hearing or who might have a conflict of interest. The request does not have to be in writing.

The trade union representative or work colleague may address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, ask witnesses questions and confer with the worker during the meeting. However, the companion does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining the case.

Where a work colleague has agreed to accompany the employee they are entitled to take a reasonable amount of paid time off to fulfill that responsibility. A reasonable amount of time would be to allow them to familiarise themselves with the case, confer with the employee before and after the hearing and attend the meeting.

If the trade union representative or work colleague is unable to attend on the date set the employee can suggest an alternative date as long as it is reasonable and not more than 5 working days after the original date.

The employee should inform the person arranging the meeting who their companion will be.