



Hamp Academy

Grievance Policy

Version 1.0

Written By: Peter Elliott

**Policy Created
Date:** 1st September 2012

Signature

**Andy Berry
on behalf of the Sponsor**

Signature

**Chief Executive Officer
Bridgwater College Trust**

**Governing Trust
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1 Purpose

This policy exists to assist Hamp Academy in maintaining consistent and fair treatment for all. The procedure provides a process for dealing with occasions when a member of staff will have cause for complaint and wishes to raise a grievance about the matter that is causing concern.

Specifically it deals with concerns relating to:

- employees' own work, contractual conditions of employment, or wellbeing at work
- other employees' work or conduct at work that has a direct impact on the employee raising the grievance

The policy's prime objective is to resolve the issue to the mutual satisfaction of the parties involved. There may, however, be some cases where such a resolution is not feasible in which case the decision and the reason for the decision will be clearly explained to the originator of the grievance.

The Hamp Academy disciplinary procedure is applicable to all employees whether employed on an ongoing or fixed term (or other temporary) contract directly with Hamp Academy.

This policy and procedure is written to meet the ACAS Code of Practice and takes account of the Employment Act 2008, the Equality Act 2010 and all other relevant employment legislation. In line with the redrafted ACAS Code of Practice, there is one level of formal grievance rather than the two or three that may have existed previously plus access to Appeal. This ensures that grievances are dealt with as efficiently, effectively and speedily in order to contain the damage to employee relations that may occur in longer more drawn out processes.

It is appropriate for employees to use this policy and procedure to resolve a grievance they may have with:

Hamp Academy as their employer, over matters of:

- contractual duty
- their colleagues' work or conduct where the issue has a direct impact on the employee raising the grievance

Subject to the exclusions quoted below:

- i. Issues arising from claims of discrimination or bullying should be dealt with initially through the Equality Policy
- ii. Issues arising from disciplinary action taken by Hamp Academy against an employee must be dealt with through the disciplinary process within the Discipline Policy & Procedure
- iii. Issues arising from a complaint(s) made against another employee(s) that allegedly break the Disciplinary Rules will be dealt with under the Disciplinary Policy and Procedure.
- iv. Issues arising from organisational change involving redundancy or redeployment must be dealt with through the redundancy appeals process, within the Redundancy and

Redeployment Policy.

- v. Issues arising from collective disputes will be dealt with under the Collective Disputes Procedure detailed within Hamp Academy's Trade Union Recognition Agreement

2 General Principles

The following principles apply:

- Individuals' concerns will be taken seriously, objectively investigated, and dealt with in a timely manner
- No person raising a genuine concern will be subject to retribution, harassment, victimisation, or other penalty.
- All discussions relating to the concern will be conducted in confidence with information being restricted to individuals with a clear need to know.
- The employee with the grievance should make every effort to resolve the concern informally by discussing the matter in hand with their manager prior to implementing the formal stage of this procedure.

2.1 Fair Management & Personal responsibility

Hamp Academy expects all staff involved in the application of this policy and procedure to act professionally at all times. It expects the member of staff nominated with the management responsibility to apply this policy fairly and consistently and for the employee involved to participate in an open, honest and measured manner.

False allegations made against any employee or a group of employees may in themselves be treated as a matter for investigation under the disciplinary procedure if it is suspected that they were vexatious.

2.2 Procedure

Informal Resolution Employees are encouraged (but not obligated) to share their problems or concerns with their manager on an informal basis to try to resolve the issue without recourse to the formal stages of this procedure. A solution agreed informally between the parties involved is often the best way of resolving an issue.

2.3 Formal Grievance Process

Where informal discussion does not satisfactorily resolve the issue, or the employee does not feel able to raise the issue directly with their manager, they may follow the formal process described below.

Raising a formal grievance If the matter is serious and/or the employee does not feel able to raise the issue directly on a face-to-face basis, then the employee should raise the issue in writing directly with their manager. The correspondence should be succinct and describe the facts of the issue. The writer should avoid using emotional language or language that could be interpreted as being insulting or abusive.

If the employee does not feel able to raise the matter directly with their manager (perhaps because the manager is the cause of the grievance) then they should address the correspondence to the next level in the chain of management within the Academy. (Should the employee lodging the grievance be the Head teacher then the correspondence should be addressed to a nominated member of the Board of Trustees, enabling the Chair of the Board of Trustees to hear any appeal required.)

Holding a grievance meeting

The manager receiving the grievance will, promptly, arrange a formal grievance meeting to explore the issue with the employee and seek to understand the full nature of the grievance and the resolution that is sought by the originator, together with alternative possibilities for resolving the issue.

The employee may make a reasonable request to be accompanied at any formal grievance meeting – see below:

All parties should make every effort to attend the grievance meeting as it is in everyone's interests the matter is dealt with promptly. If the employee's companion advises they cannot attend on the planned date, the employee may propose an alternative date and time within 5 days of the original date of the meeting.

The meeting will be held in a suitable confidential place and notes of the content should be made.

If the grievance concerns others or is complex it may be necessary to postpone or adjourn this meeting whilst the issue is explored further enabling the facts of the matter to be investigated in order the grievance can be fairly considered. In this circumstance the investigation should be completed without undue delay and the meeting (re)convened or the outcome communicated promptly thereafter. The manager should give the employee a timescale within which this process can be completed.

Once the grievance meeting has, heard the facts of the matter it is preferable that the meeting is adjourned prior to deciding the outcome. This allows the issues raised to be fully considered and for reflection on how best to resolve the issue to the mutual satisfaction of the parties involved.

2.4 Communicating the outcome

Following the meeting and after all necessary exploratory conversations have been concluded, the manager will decide on what action, if any, to take to resolve the grievance.

Once the outcome has been decided, the grievance meeting may be reconvened to communicate it in person or it may be communicated in writing. If the former applies then confirmation of the decision in writing must be issued without undue delay.

The employee will also be advised as to the reasons the outcome is based on. The employee will be informed that they have the right of appeal if they are not content with the outcome of the meeting

and what they need to do to exercise this right.

3. Employees' Companions

Employee's rights

Employees have a statutory right to be accompanied by a companion in formal grievance meetings that are about Hamp Academy's contractual duty to an employee. Employees do not have a statutory right to have a companion at grievance meetings on other issues. However, Hamp Academy has no objection to an employee making a reasonable request to have a companion at any formal grievance meeting providing that this does not lead to undue delay in progressing the matter.

Who may be a companion

The chosen companion may be:

- a fellow worker,
- a trade union representative, or
- an official employed by a trade union.

The role of the companion

With the employee's agreement, the companion may address the meeting in order to:

- put the employee's side of the grievance
- sum up the employee's point of view
- respond on the employee's behalf to any view expressed at the meeting

The companion can also confer with the employee during the meeting and ask questions. The companion may not, however, answer questions asked of the employee nor prevent Hamp Academy from explaining their side of the matter or be disruptive to the running of the meeting. A trade union representative who is not an employed official must have been certified by their union as being competent to be an employee companion.

4. Grievance Appeals

The employee has the right to appeal if a grievance has not been resolved to their satisfaction during the formal process described above. Any appeal should be lodged in accordance with the Appeals Policy and Procedure.

5. Mediation

At management discretion, where the procedural steps above have been completed without a constructive solution being found, access to mediation services may be pursued in certain circumstances. Managers wishing to progress this options should refer to their HR Advisor in the first instance.