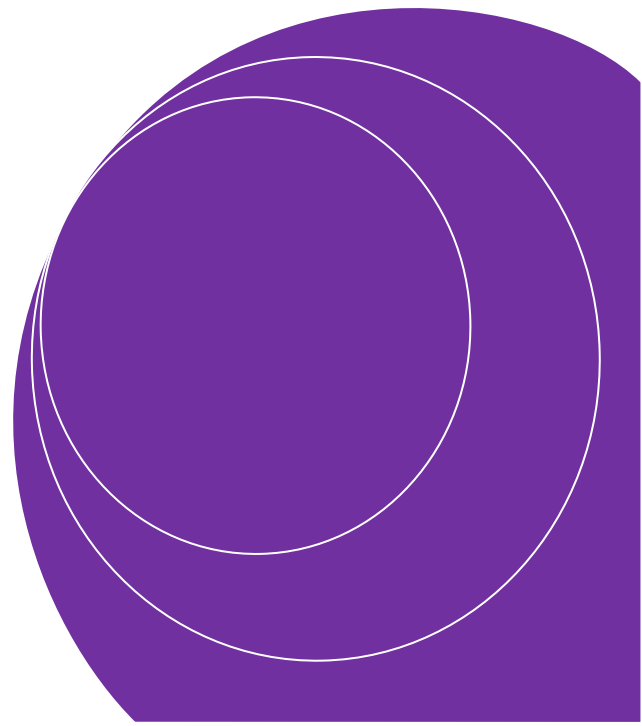


# E-ACT

## Grievance Policy and Procedure



## Grievance Policy and Procedure

### 1. Introduction

- 1.1 E-ACT 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. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.

### 2. Purpose

- 2.1 This policy aims to:

- Enable any employee 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;

### 3. Governance

- 3.1 The Local Governing Body (LGB) is a committee of E-ACT. The LGB is responsible for setting out disciplinary and grievance rules and procedures for staff, however, they may delegate these matters to either:

- the Principal;
- a sub-committee of the LGB;
- a sub-committee and the Principal;

Therefore, where this procedure refers to the LGB representative this can be any one of the above.

### 4. Scope

- 4.1 This procedure applies to all employees of E-ACT Academies. It is not a substitute for good employment practices, and every effort should be made by all parties to resolve grievances in a fair and just manner at the earliest opportunity without invoking this procedure.
- 4.2 Where the procedure has been invoked all parties should still make every effort to ensure the grievance is resolved in a fair and just manner.

## **5. Equal Opportunities**

- 5.1 The grievance procedure must always be applied fairly and in accordance with employment law and E-ACT Diversity and Equality Policy.

## **6. Responsibilities**

- 6.1 Management and employee representatives who may be involved in grievance matters should be competent for the task. They should be familiar with the provisions of the grievance procedure, and know how to conduct or represent at grievance hearings.

## **7. Timing**

- 7.1 Grievance matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied where possible. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 7.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged without undue delay.

## **8. Informal Stage**

- 8.1 An employee should first raise a grievance orally with their immediate manager. If the grievance relates to the employee's immediate manager, or member of the SLT or Principal, the formal stage of the grievance procedure may be invoked immediately.
- 8.2 The manager will normally meet the employee to discuss the grievance within 5 working days of receipt of the complaint. A decision will be communicated to the employee within a further 5 working days of this meeting, normally orally. The manager should keep a written record of the matter.
- 8.3 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, referral to the Employee Assistance Programme or an external facilitator might be able to help resolve the problem.
- 8.4 If, following the informal stage, the employee remains aggrieved, or where the manager has failed to respond to the employee's concerns despite a written request to do so, they may progress to the next stage of the procedure. This must be done by writing to the Principal, giving full details of the complaint, and the redress required within 5 working days of notification of the immediate managers decision.

## **9. Formal Hearing**

- 9.1.1 As delegated by the LGB the person(s) hearing the grievance will write to the employee, giving details of the hearing, which will normally take place within 10 working days of receipt of the grievance
- 9.1.2. A representative from E-ACT may also attend to advise on procedural matters and matters of precedent. The employee will be entitled to be accompanied by a trade union representative or a work colleague.
- 9.1.3 The LGB representative may arrange for a preliminary investigation to be conducted prior to the hearing, and may decide to adjourn the hearing, for up to 10 days, in order to conduct further investigations.
- 9.1.4 The LGB representative will communicate their decision in writing to the employee within 5 working days of the hearing. The employee must be notified of their right to appeal within 10 working days of the decision.

### **10.3 Appeal Sub-Committee**

- 10.3.1 Appeals will be heard by the Appeals Sub-Committee. Appeals against grievance decisions will usually be considered in relation to one or more of the following grounds:
- (i) **The Procedure** – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
  - (ii) **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.
  - (iii) **The Proposed Action** – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.
- 10.3.2 The Clerk to the Governors will write to the employee, giving details of the appeal hearing, which will normally take place within 15 working days of receipt of the employee's appeal. The letter will inform the employee of their right to be accompanied at the appeal hearing by a trade union representative or work colleague.
- 10.3.3 The Chair will communicate the decision, which will be final, in writing to the employee within 5 working days of the appeal hearing.

## **11. Special Situations**

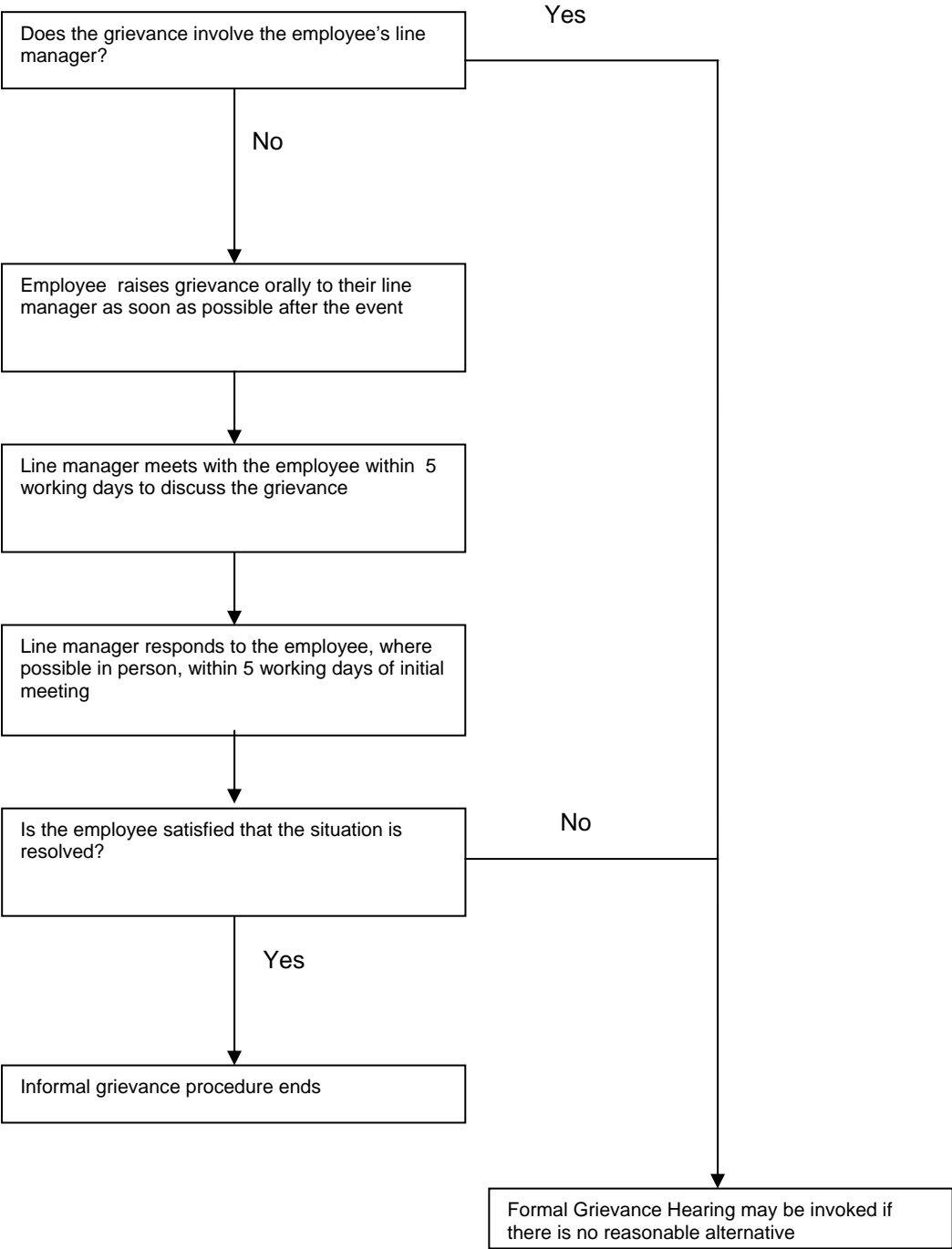
### **11.1 Collective Grievances**

- 11.1.1 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 should nominate one person to represent the group, in most cases this will be the trade union representative or trade union representatives where the employees involved are members of more than one trade union.

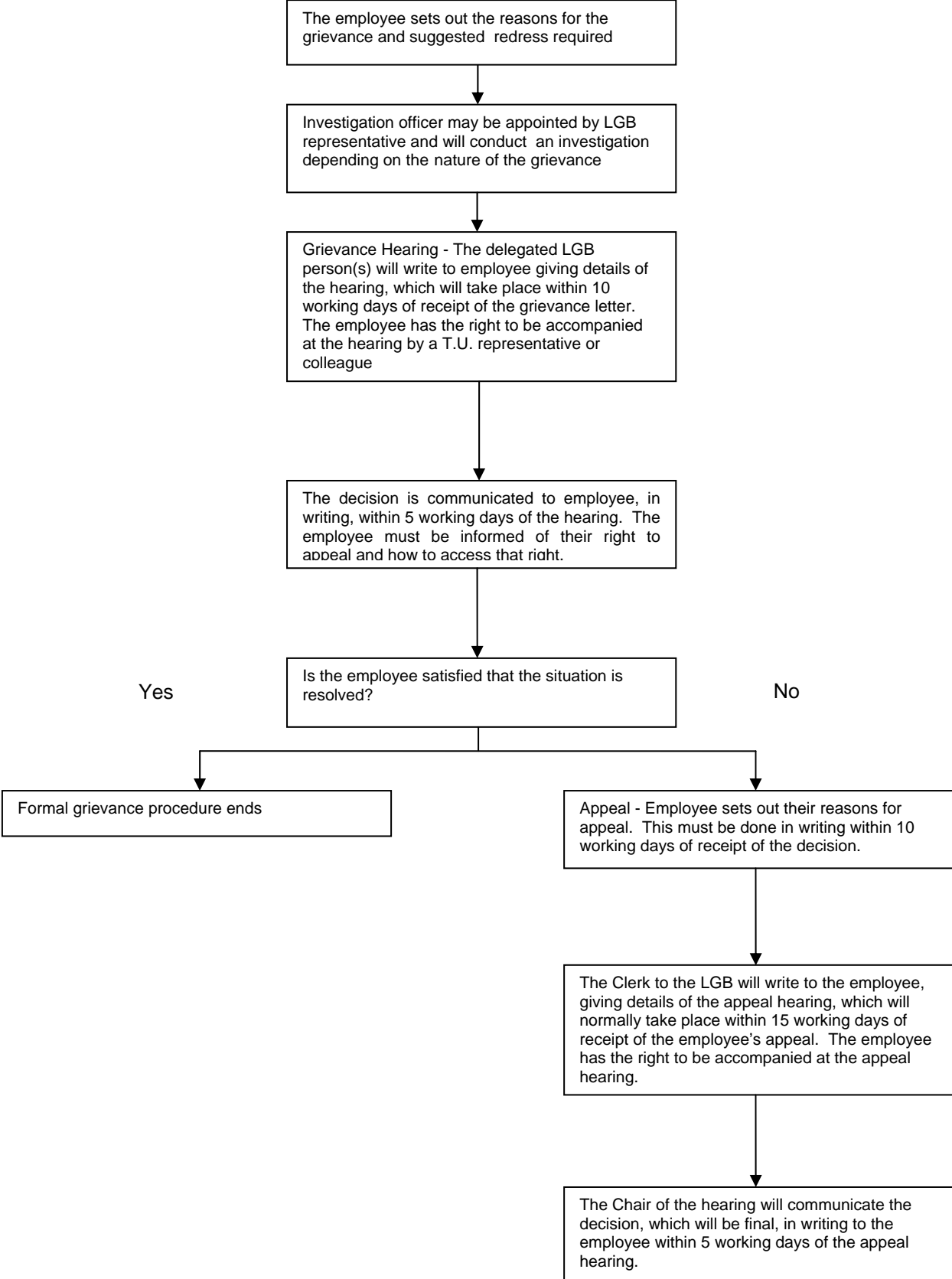
## **12. Review**

12.1 This policy will be reviewed every two years in consultation with the recognised trade unions.

# Informal Grievance Procedure Process



# Formal Grievance Procedure Process



**Model Invitation Letter to a Formal Grievance Hearing**

Date.....

Dear .....

**Formal Grievance Hearing**

Following receipt of your letter dated..... in which you raised the following concerns under the Academy's grievance procedure (list concerns):

I would like to invite you to attend a formal grievance hearing which will be conducted by *name of person(s) delegated by the LGB.....will attend in order for us to address the issues and .....will be taking notes.*

You have the right to be accompanied by your trade union representative or a work colleague.

If there is any aspect of this letter, that you do not understand, please contact me.

Yours sincerely

**Model Letter Stating Outcome of Formal Grievance Hearing**

Date.....

Dear.....

**Outcome of Formal Grievance Hearing**

Following the formal grievance hearing held on .....(date), I write to confirm that I/the panel has decided to :

uphold your grievance (*add any recommendations and any redress*) and confirm information also provided to the Principal

or

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

You have the right to appeal against this decision. If you wish to appeal, you must do so within 10 working days of the date 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

**Model Letter Notifying and Appeal Hearing**

Date.....

Dear .....

**Appeals Sub-Committee Hearing**

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

During the hearing you have the right to be accompanied by your trade union representative or work colleague.

The names of those who will be hearing your appeal are.....(names)

Yours sincerely

**Model Letter Stating Outcome of Appeal Hearing**

Date.....

Dear.....

**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)

The Appeal Panel has, therefore, decided that :

the outcome of the grievance hearing was correct, therefore, the matter is now closed

or

the outcome of the grievance hearing is not upheld and the Appeal Panel recommend .....(give recommendations) the Principal has also been informed of these recommendations

The decision of the Appeal Panel is final.

Yours sincerely