



Astrea Academy Trust  
INSPIRING BEYOND MEASURE

# Grievance Resolution Policy and Procedure 2022-23

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## 1. Introduction

- 1.1. The purpose of this policy is to ensure that all employees of Astrea Academy Trust with a grievance relating to their employment, can use this policy to support the resolution of grievances in a timely, fair and transparent manner.
- 1.2. This policy applies to all individuals working for Astrea Academy Trust (Astrea) at all levels and grades, whether they are employees, workers, trainees, contractors, casual or agency staff, volunteers or non-executives. For the purpose of clarity, the term 'employee' will be used throughout but refers to all individuals covered by the policy.
- 1.3. In applying this policy, the Trust will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good employee relations between people of diverse groups. In particular, on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, trade union membership or non-membership, or any other personal characteristic.

## 2. Aims and Principles of the Policy

- 2.1. This policy is designed to facilitate all employees in resolving individual grievances by working to the following principles:
  - 2.1.1. Allow the employee to put his/her case forward.
  - 2.1.2. Inform that employees should, wherever possible, seek to resolve their differences informally in the first instance, without recourse to formal procedures.
  - 2.1.3. Ensure that there is an opportunity for the informal resolution of grievances as near as possible to the point of origin and in an atmosphere of trust and confidentiality, in order to enable colleagues to resume productive and professional working relationships more easily in the future.
  - 2.1.4. Ensure that the Astrea Grievance Resolution Policy and Procedure is known to all staff and is freely available to them.
  - 2.1.5. Ensure that formal grievances are investigated and resolved in a timely, transparent, fair, consistent and systematic way.
  - 2.1.6. Inform that all parties have a right to be accompanied by a trade union representative or work colleague at all stages.
  - 2.1.7. Wherever possible, normal working will continue throughout the grievance process until resolution has been reached. Where this is considered not possible, or there is disagreement, the matter should be referred to a HR representative.
  - 2.1.8. Grievances raised by an employee, who is subject to disciplinary proceedings, will usually be heard only when the disciplinary process has been completed. In instances where the grievance has a bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of the disciplinary process which may then be suspended in order for the grievance to be heard. Where an initial investigation into the complaint finds that the grievance and disciplinary cases are related it may be appropriate to deal with both matters concurrently. If the grievance is found to have no bearing on the matters being investigated under the disciplinary process, the disciplinary proceedings will continue.
- 2.2. For the purposes of this procedure, the following stipulations apply:

- 2.2.1. The grievance must be specific to the individual.
- 2.2.2. For complaints about collective matters, the collective procedure (section 7) may apply.
- 2.2.3. Where there is another recognised route available to resolve the matter, then the relevant policy will apply and should be used.
- 2.2.4. The complainant must feel the grievance is significant but should seek advice from their trade union at the earliest opportunity. The grievance must involve a complaint of unfairness because an employee disagrees with a decision that an employer is contemplating taking, has taken or has failed to take.
- 2.2.5. Issues that may cause grievances include terms and conditions of employment, health and safety, bullying and harassment, new working practices, the working environment, organisational change, discrimination.
- 2.2.6. The employee raising the grievance must be specific about what outcomes would resolve the grievance. For example, an apology, a fuller explanation of a decision, or a different decision.
- 2.2.7. The policy may be used for grievances between colleagues, for example, employees may complain that they have been bullied, harassed or discriminated against by another employee or may complain about another employee's attitude, capability for the job or even personal habits.

2.3. The policy is not generally to be used for grievances about:

- 2.3.1. Disciplinary action;
- 2.3.2. Termination of employment;
- 2.3.3. National Insurance, Income Tax or pensions;
- 2.3.4. Pay or performance management;
- 2.3.5. Whistleblowing;
- 2.3.6. GDPR requests.

All of which are covered by separate policies and processes. Where these do not cover the substance of the grievance (for example if their scope does not cover the person raising the complaint), Astrea HR may authorise the use of this Grievance Resolution Policy.

## 2.4. Written Records

2.4.1. Written records of any grievance must be kept. These records should be treated as confidential and be kept no longer than is necessary in accordance with the GDPR and Data Protection Act.

Records should include:

- The nature of the grievance/original record of the grievance
- Decision and actions taken with reasons
- Whether an appeal was made
- The outcome of any appeal
- Subsequent developments

2.4.2. Notes should be taken at all meetings. The employee raising the grievance and the employee whom it is raised against should sign the notes from their own meetings as a true record. Witnesses should be informed that their statements and meeting notes may be disclosed to all parties concerned.

## 2.5. Representation

2.5.1. At all stages of the procedure, either party has the right to be accompanied and/or represented by his/her trade union or professional association representative or by a work colleague.

2.5.2. Where a grievance is against an accredited trade union or professional association representative, no action shall be taken until the matter has been discussed with Astrea Head of HR and a full-time officer of that trade union or professional association.

## 2.6. General Principles

2.6.1. Time limits in the policy should be adhered to whenever possible, they may be altered to meet particular circumstances by agreement between the parties. There will be a balance between the principle of resolving a grievance promptly and that of ensuring sufficient time is taken to find a resolution that allows everyone to return to normal working as quickly as possible.

2.6.2. A determination of a grievance being potentially malicious requires a high standard of evidence to justify the determination. The Trust seeks to encourage concerns being raised in good faith and to that end employees must be reassured that raising a grievance or for supporting a colleague in good faith will never lead to a detrimental position for their employment. Knowingly raising or supporting a malicious grievance however could lead to disciplinary action, in line with the Trust's Disciplinary Policy and Procedure.

2.6.3. All parties involved in a grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, treat each other with respect and maintain confidentiality.

2.6.4. All parties must be aware that the outcomes of a resolution process may need to be justified

before an employment tribunal or court.

2.6.5. All employees must be aware that access to the Grievance Resolution Policy does not require completion and submission of a formal notice of grievance. A written complaint that falls within the scope of a grievance procedure should be dealt with using the Trust's policy, even where the complaint is not presented on the recommended Employee's Notification of Grievance Form (Appendix 4).

### **3. Scope of the Policy**

- 3.1. The procedure can be paused to enable parties to seek resolution through mediation. Mediation is a voluntary process and may be considered at any stage of this procedure to help resolve issues between individuals. It may be used in situations such as: dealing with conflict between colleagues or between a line manager and employee, rebuilding relationships after a formal dispute has been resolved, addressing a range of issues including relationship breakdown, personality clashes and communication problems.
- 3.2. It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to go ahead. The mediator will facilitate the process of seeking to resolve the issues but not the outcome, which will be agreed by the individuals.
- 3.3. If employees raise issues about matters not entirely within the control of the organisation, such as issues around behaviour of parents towards them, these should be treated in the same way as other grievances, and it should be made clear to third parties that issues will be dealt with seriously, and action taken, if necessary, to protect employees.
- 3.4. If more than one person has the same grievance then the processes under Collective Grievances may be followed if the parties agree this is appropriate in the circumstances (Section 7).

## 4. Informal Resolution

4.1. Many workplace problems can easily be solved at a local level and in an informal manner. Employees are encouraged to raise their concerns informally, at the lowest possible level to provide an opportunity for issues to be resolved without recourse to the formal procedure. Employees should consider approaching the member of staff about whom they are raising a grievance, to see whether the grievance can be resolved by informal discussion, before approaching their line manager. If the grievance is about their line manager the employee should still consider approaching the line manager to see whether the grievance can be resolved through informal discussion.

Employees are encouraged to contact their trade union representative or professional association, at the earliest opportunity.

If the individual feels unable to raise the issue with their line manager, they should speak to another manager or another appropriate person.

4.2. Raising an informal grievance does not mean that it is not important, rather that open honest dialogue may be an easy and appropriate route to resolve a concern before it escalates further.

4.3. Employees are encouraged to address issues informally wherever possible and are invited to consider alternative interventions. Depending on the nature of the grievance examples of alternative interventions may include: Mediation, Facilitated Conversation, Coaching and Mentoring. To understand more about what interventions may be beneficial the employees should discuss this with their line manager, HR or trade union representative.

4.4. Where an employee is aggrieved about any other matter relating to their employment which may not fall under this policy, they should, in the first instance, discuss their concerns with their line manager. At this stage the meeting should be as informal as possible.

### 4.5. Meetings Under the Informal Stage

4.5.1. If an employee has approached the member of staff about whom they are raising a grievance and a resolution has not been successful then an informal meeting with the employee's line manager should be arranged. If the grievance is about the line manager, then the meeting should be with another manager or appropriate person. The line manager should seek to understand the employee's concern/s, what outcome the employee is seeking and whether any further meetings are required.

4.5.2. More than one discussion may be necessary to achieve a resolution at the informal stage. At the conclusion of the meeting/s, the employee and the line manager should agree what actions will be taken to achieve an acceptable outcome and by when.

4.5.3. It is good practice for the manager to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. The manager must share this note with the employee and endeavour to do so in a timely manner.

4.5.4. Where a grievance about a fellow employee is raised informally, after meeting with the employee who has raised the complaint, generally, the next step would be for the manager to meet privately with the person complained about in order to help clarify the situation and seek a resolution. It is important that any informal meeting is non-judgemental in order to

support both parties in the resolution process.

## **5. Formal Resolution**

### **Step 1**

5.1. If the employee feels that it has not been able to resolve their grievance satisfactorily at the informal stage then they should raise the grievance formally. This must be done in writing, preferably via the Employee Notification of Grievance Form (Appendix 4). It is important that the grievance is clear and outlines the facts associated with the complaint. It is advised that the employee seeks advice and support from their trade union representative before submitting a formal grievance.

5.1.1. The employee must give a copy of their written grievance to their line manager or if they feel unable to raise the issue with their line manager, they should submit their grievance to another manager or appropriate person. The line manager will hear the grievance as the Investigating Officer or if the grievance has been raised with another manager or appropriate person, a suitable representative will be appointed to act as the Investigating Officer on this occasion. In all instances the manager should seek advice from HR.

5.1.2. The Investigating Officer will aim to acknowledge the grievance in writing within 5 working days and will ideally aim to arrange for a meeting to take place within 10 working days of the grievance being raised. All parties must take reasonable steps to attend this meeting.

### **Step 2**

5.2. The employee may bring a trade union or professional association representative or a work colleague to the meeting. If the employee or his/her representative are unable to attend on the date given, a suitable alternative date should be agreed upon, preferably within 5 working days of the original date.

5.2.1. The Investigating Officer will lead the meeting and will ensure the employee has the opportunity to explain their concerns and say how they think the matter can be resolved.

5.2.2. The Investigating Officer is responsible for ensuring a note taker is present at the meeting to take formal notes which will be shared with all parties, ideally within 5 working days of the meeting.

5.2.3. It may be possible for the Investigating Officer to resolve the grievance at this meeting. It is more usual that the Investigating Officer will need to adjourn the meeting to carry out further investigation, interview witnesses and collate further information. Once the investigation has been completed the original meeting will be reconvened to provide verbal feedback and to share the findings. The Investigating Officer must arrange for a note taker to be present.

5.2.4. If the grievance is against a fellow employee, that person will be invited to attend a meeting as part of the investigation and should be allowed to see relevant evidence and copies of witness statements so they can fairly prepare for the meeting. They may bring a trade union representative or work colleague to the meeting. The employee who raised the grievance will be informed of this.

5.2.5. At the reconvened meeting the parties will be able to discuss the outcome of the



investigation. It is important that this meeting does not become adversarial and should focus on the facts of the case.

5.2.6. Following this meeting the Investigating Officer will come to a decision. This should be, if possible, at the meeting with parties informed orally of the outcome. In any case the Investigating Officer should confirm their decision in writing to all parties ideally within five working days.

The outcome letter must contain the following information:

- Whether the grievance is upheld in full, or
- The grievance is rejected, or
- The grievance is partially upheld – i.e. agrees with some of the employee's concerns, but not others.
- The reasons for the decision.
- Any recommendations or agreed actions for the parties to take regarding resolution of the grievance (although the employee does not have the right to know what action will be taken in relation to another employee).
- The complainant's right to appeal the decision, and the timescales involved in so doing (within 10 working days of receiving the outcome letter).

In addition to the above, the parties can be referred to mediation, if they are in agreement with this outcome and after discussion with Astrea HR.

In cases where the grievance was about a fellow employee, that individual should also be informed of any aspect of the decision that affects them and the reasons for it. The employee who raised the grievance should be informed of which other parties will be told about the decision and what type of information they will be given. The need for confidentiality from all parties must be made clear.

It is important that any recommendations or actions are followed up by the Investigating Officer to ensure the matter is satisfactorily resolved.

## **6. Appeal - Stage 3**

- 6.1. If the employee is not satisfied with the outcome of the formal grievance, they are entitled to appeal. This must be done, in writing, using the Employee's Notification of Grievance Appeal Form (Appendix 5) within 10 working days of receiving the outcome letter.
- 6.2. The employee must submit their grievance to the HR Department, clearly outlining the reason/s for their appeal. The Employee's Notification of Grievance Appeal Form will be forwarded to the relevant line manager/senior manager who will be appointed to chair the Appeal Meeting.
- 6.3. An Appeal Panel will be formed consisting of two senior employees who have had no involvement in the grievance. The Appeal Panel Chair will acknowledge the appeal request, in writing, within 5 working days of receiving the request and will ideally arrange for a meeting to take place within a further 10 working days. A note taker will be present to minute the meeting and an HR representative may also be present to advise the panel.
- 6.4. At the Appeal Meeting, the Chair will seek to understand:

- The employee's reasons for raising an appeal and
- Their original concerns (the subject of the grievance)

6.5. The panel will review all information gathered from the grievance. Any party can invite the Investigating Officer or other witnesses to the meeting, to provide information or may refer to the documents collated as part of the Formal Resolution process. All parties must submit documentation or/and names of witnesses, at least 3 working days in advance of the Appeal Meeting.

6.6. Following an adjournment to consider all the information that they have heard, the Appeal Panel will make a decision. The rationale for the decision will be recorded in the notes and the Chair will let the employee know the outcome of the appeal in person at the end of the meeting, and this decision will be confirmed in writing, within 5 working days of the meeting. If a decision is not able to be made on the day, the Chair will confirm with the employee the date by which they can expect a decision and they will then notify the employee of the outcome in writing, within 5-10 working days of the meeting.

6.7. With regard to this procedure, the decision of the Appeal Panel is final.

## **7. Collective Grievances**

7.1. Where a grievance is raised by more than one employee and the nature of the grievance and the desired resolution is the same, the grievance will be treated as a collective grievance.

7.2. A Trade Union representative can raise a collective grievance on behalf of employees. If this route is taken it is requested that the Trade Union(s) involved raise the collective grievance first of all with the Head of HR, either directly or through the Trust's National Joint Consultative Committee (NJCC) forum.

7.3. If the grievance is not raised by a trade union representative, the employees with the same grievance may elect a spokesperson to act collectively on their behalf. If this route is taken the spokesperson is requested to raise the collective grievance with the Head of HR.

7.4. The principles of this procedure will also apply to collective grievances if this is the chosen route following discussion with the Head of HR.

7.5. In all instances, the group of employees should formally lodge their grievance in writing, preferably by completing the Employee's Notification of Grievance Form (attached at Appendix 4). One form should be submitted but must be signed by all employees.

## **8. Grievances Raised by Exiting Employees**

- 8.1. A grievance may be raised by an employee in a letter of resignation or in an exit interview or questionnaire. This procedure should be followed if the employee is still in their contractual notice period.

## Appendix 1

### Guidelines for Conducting the Investigation:

Invite the complainant to an interview/meeting first, ensuring they are:

- Offered the right to be accompanied
- Reminded that they should bring along any documentary evidence that they may think is useful
- Asked to bring the name of any witnesses that they think should be seen and explain their reasons for this

Inform the person whom the grievance has been raised against and invite them to interview ensuring they are:

- Offered the right to be accompanied
- Reminded to bring along any documents they feel may be useful
- Asked to bring the name of any witnesses they think should be seen and explain their reasons for this

The interview/ meeting:

- Remind attendees of confidentiality and that any information will be shared with either party and disclosed in the course of the investigation to relevant parties.
- Go over the process of the investigation and give them a copy of this policy
- Go over the process of the interview/meeting

Interviews with witnesses:

- Explain to the witness why they have been called and clarify they are not themselves the subject of the grievance procedure.
- Explain to witnesses that their statements will be disclosed to all parties concerned (however, it is possible, in certain special circumstances – for example to protect a witness – that the employer might withhold some information.)

## Appendix 2

### Guidelines for Conducting a Resolution Meeting:

- Hold the session away from interruptions and in private.
- Allow the employee an opportunity to speak openly about their grievance and listen carefully to what they have to say.
- Endeavour to explore and understand what the grievance is about, including the feelings behind the facts.
- Ask open ended questions, including asking the employee what resolution they are looking for.
- Reflect back a summary of what you have understood the employee to say and check this is correct.
- Explore possible solutions.
- These meetings can become heated and emotional. Stay calm and allow feelings to be expressed and to cool down. Once this has occurred you can begin to look for constructive solutions.
- Encourage the employee to suggest constructive solutions and suggest solutions yourself.
- Seek an adjournment if necessary.
- Take time to make a decision, and if the grievance is being dealt with by a line manager, consider if it needs to be escalated to the Principal.
- Accept that it may not be possible to achieve the outcome desired by the complainant.

Following the meeting, write up the notes into a summary of key points and agreed actions and send this to the employee. Check this document regularly to ensure actions are taking place.

## **Appendix 3**

### **Conducting an Appeal Meeting**

A representative of Astrea HR may be invited to attend by the committee to offer specialist advice to the panel.

1. Chair opens the meeting, makes introductions and explains the process of the meeting
2. The person raising the grievance (or their representative), presents their case, explaining their reason for appealing the decision of the original investigation.
3. The Investigating officer from Stage 1 and 2 may be invited to the hearing to present their case or provide the documentation.
4. Members of the Appeal panel and the Astrea HR representative may ask questions of the person who raised the grievance.
5. The Investigating officer if present responds to the complainant's case.
6. The person who raised the grievance, or their representative may ask questions of the Investigating Officer.
7. Members of the Appeal panel and the Astrea HR representative may ask questions of the Investigating Officer.
8. The Investigating officer sums up their case.
9. The person who raised the grievance sums up their case.
10. The Chair adjourns the meeting in order for the panel to discuss the case. The Astrea HR representative remains to advise.

This procedure may be varied with the agreement of all parties.

## Appendix 4

### Employee's Notification of Grievance Form

This form may be used to submit a grievance in accordance with the Resolution Procedure.

Name:	Academy/Central Team:
Post held:	Department:
Date of Employment:	Work e-mail address:
Requesting Formal Resolution Meeting:	YES/NO
Describe briefly the nature, time, place and events leading up to your grievance (continue on a separate sheet if necessary – please attach any extra sheets) (include names of persons involved, witnesses, if any):	
It is important to seek a resolution to a grievance informally, at the lowest possible level. Please indicate how you have attempted to do this - when did you first raise your grievance and with whom? Why do you feel the matter was not satisfactorily resolved?	
Explain how your grievance can best be resolved:	
Signed	Dated
Print Name	
Received by	Dated

## Appendix 5

### Employee's Notification of Grievance Appeal Form

This form may be used to submit a grievance appeal in accordance with the Resolution Procedure.

Name :	Academy/Central Team:
Post held:	Department:
Date of Employment:	Work e-mail address:
Requesting Appeal Meeting YES/NO Describe the grounds of your appeal:	
Explain how your grievance can best be resolved:	
Signed Print Name	Dated
Received by	Dated