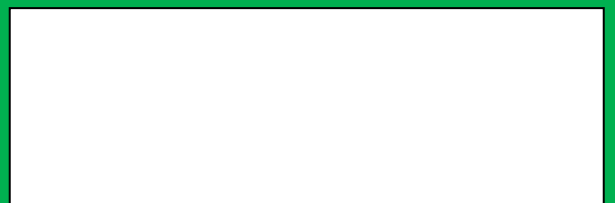




Blackpool Multi Academy Trust Grievance Procedure



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1. INTRODUCTION

- 1.1 The Trust and the Trades Unions attach great importance to the establishment and continuance of good working relationships at all levels within the Trust. As a result throughout this process there is a right of representation by either a Trade Union representative or work colleague, **they cannot answer questions on an employees behalf, however, they can put the case, sum up and confer with the worker during the meeting.**
- 1.2 It is recognised that, from time to time, working relationships may be affected by dissatisfaction due to a variety of reasons and any such issue(s) should be resolved promptly in the interest of good employee relations. The Grievance Procedure provides a mechanism for issues to be dealt with fairly and equitably before they develop into major problems.
- 1.3 Both parties should be encouraged to resolve the issues(s) informally before the formal process is commenced, however, in some circumstances the seriousness of the Grievance may make this inappropriate.
- 1.4 A Grievance can be defined as “A concern, problem or complaint that you may have in relation to your employment”
- 1.5 If you feel unable or unwilling to raise the matter with your line manager yourself, you may ask a Trade Union representative or work colleague to do this on your behalf. If they do this, they should make it clear that they are doing so as part of the informal stage.
- 1.6 Ex employees may raise a Grievance within 4 months of their last day of service.

2. EXCLUSIONS TO THE PROCEDURE

- 2.1 This procedure will not apply in the following circumstances:
- ◆ Where an employee, or his or her representative, fails to register his or her appeal within the timescales laid down, in paragraph 5.2 below, unless it has been agreed that the time limits can be extended.
 - ◆ A grievance is raised about a matter over which the employer has no control or where management is acting in accordance with Trust policy, which has been through an appropriate consultation process.
 - ◆ Where an employee has serious concerns about an aspect of the Trust’s work or those who work for the Trust. In such circumstances the Whistleblowing Policy would apply to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriages of justice and dangers to health and safety.
 - ◆ Where an employee has concerns about the Governing Body the Complaints Procedure should be used.

3. AREAS OF POSSIBLE GRIEVANCE

- 3.1 The Grievance procedure is intended to cover the following circumstances:
- ◆ An individual grievance by an employee relating to his/her employment; and
 - ◆ A collective grievance held by more than one employee about a particular issue concerning their employment.
- 3.2 It is impossible to provide a comprehensive and exhaustive list of all the issues that might give rise to a Grievance but some of the more common include:
- ◆ Health and Safety
 - ◆ Relationships at work
 - ◆ Working practices not covered by the job description
 - ◆ Fair and equitable treatment

4. ADVICE AND SUPPORT

An employee who feels aggrieved can contact: HR, their Trade Union representative or the Employee Assistance Programme (EAP Telephone number 0800 525 967) to:

Seek confidential advice and support

Consider the outcome you are seeking

Decide on the most appropriate way of dealing with this i.e. whether to pursue the matter formally/informally or not

5. INDIVIDUAL AND COLLECTIVE GRIEVANCE PROCEDURE

Informal Stage (if appropriate)

5.1 An employee who feels aggrieved should, in the first instance, raise the issue(s) with his/her Headteacher/Line Manager immediately or as soon as practicable, explaining the action or event giving cause to the grievance. Although this is an informal process, a note of the resulting discussion should be agreed and provided to all parties and a copy retained. If, as a result of this discussion, the matter remains unresolved then the employee(s) has access to the formal stages of the Grievance Procedure and should at that stage complete the Grievance Proforma (attached at Appendix 'A').

The Formal Stage

- 5.2 **ONCE A GRIEVANCE ENTERS THE FORMAL STAGE THE GRIEVANCE PROFORMA ATTACHED, AT APPENDIX 'A', MUST BE COMPLETED IN ALL CASES. NO UNRELATED ISSUES CAN BE CONSIDERED ONCE THE PROFORMA HAS BEEN SUBMITTED AND THE FORMAL STAGE OF THE GRIEVANCE PROCEDURE HAS COMMENCED. A SEPARATE GRIEVANCE WOULD NEED TO BE SUBMITTED IN SUCH CIRCUMSTANCES. IT IS EXPECTED THAT ANY ISSUES RAISED AT THE FORMAL STAGE HAVE BEEN DISCUSSED DURING THE INFORMAL PROCESS.**

STAGE 1

Where an employee or group of employees are aggrieved about a particular issue(s) and the issue(s) cannot be resolved informally, the matter will be submitted in writing, by the individual(s) on the appropriate proforma, to the Headteacher (or Local Governing Body Chair of Governors if the grievance relates to the Headteacher). Once the proforma has been received and reviewed (including any necessary investigation) then the Head Teacher or appropriate designated person/Local Governing Body Chair of Governors will hear the grievance within **10** working days or if necessary agree an extension to the timescale to complete the investigation. A response will be given to the employee(s) in writing within **5** working days of the hearing.

STAGE 2

If the individual(s) continues to be aggrieved, then he/she can refer the matter to the Grievance Committee using the originating proforma and the management response from Stage 1, within **5** working days of receiving the Stage 1 decision as above. The Grievance Panel will then be convened within **10** working days of receipt of proforma, consisting of at least 3 Local Governing Body Governors. The decision of that Panel will be communicated to the individual(s) in writing within **5** working days of the hearing, unless, further investigation is required, in which case an extension of the timescales would be agreed

STAGE 3

If the individual(s) continues to be aggrieved, and wishes to Appeal against the decision of the Grievance Panel, then the matter will be referred to the Appeals Committee. The employee must state the reasons for the Appeal in writing, accompanied by the originating proforma within **5** working days of receiving the Stage 2 decision.

A Panel will then be convened within **10** working days of receipt of proforma, consisting of at least 3 Local Governing Body Governors. The decision of that Panel is final and will be communicated to the individual(s) in writing within **5** working days of the hearing unless, further investigation is required, in which case an extension of the timescales would be agreed

6. PROCEDURE AT FORMAL HEARINGS (STAGES 2 AND 3)

6.1 The procedure to be followed at a Grievance Panel (Stages 2 and 3) is as follows:

- ◆ The agreed paperwork will be circulated to Panel Members in advance of the hearing.
- ◆ The Chair will clarify the issues to be considered and the remedies being sought. Should any unrelated issues be introduced that did not form part of the original grievance or management's response they would not form part of the Panel's considerations but could be referred back to an earlier stage of the Grievance Procedure or be raised as a separate grievance as appropriate.
- ◆ The individual(s) or his/her representative put the case in the presence of the Headteacher, appropriate designated person and/or their representative and call witnesses named in the original proforma as he/she wishes.
- ◆ The Headteacher, appropriate designated person and/or their representative has the opportunity to ask questions of the appellant(s) and his/her witnesses.
- ◆ The Panel may ask questions of the appellant(s) and his/her witness.
- ◆ The Headteacher, appropriate designated person and/or their representative shall put the case, in the presence of the appellant(s) and his/her representative and may call any necessary witnesses to give evidence.
- ◆ The appellant(s) or his/her representative will then have the opportunity to ask questions of the Headteacher, appropriate designated person and/or their representative on the evidence given by him/her and any witnesses whom he/she has called.
- ◆ The members of the Panel may ask questions of the Headteacher, appropriate designated person and/or their representative and any witnesses called.
- ◆ The Headteacher, appropriate designated person and/or their representative and the appellant(s) or his/her representative, have the opportunity to sum up their case if they so wish.
- ◆ The Headteacher, appropriate designated person and/or their representative and the appellant(s) and his/her representative, together with any witnesses, will then withdraw.

6.2 The Panel will then consider their decision. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.

- 6.3 The Panel will announce their decision either orally on the day, (and follow this up in writing), or within **5** working days of the Panel hearing. **The decision of the Appeals Panel will be final.**

NB: *The Chair of the Panel may adjourn the proceedings at any stage if it is requested by either side or if the Chair believes this is necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained or clarity of information is required from witnesses the Chair will specify the nature of the information required.*

Any adjournment will be for a stated period determined by the Panel. Witnesses will be required to be on-call throughout the proceedings but will not usually be present for all the hearing.

7. INABILITY TO ATTEND A FORMAL GRIEVANCE HEARING

- 7.1 If an employee, or his/her representative, has a justifiable reason for being unable to attend a Grievance Hearing, it will be rearranged. If the employee is unable to attend the rearranged hearing it will proceed in his/her absence but with his/her representative being provided with an opportunity to make representations on the employee's behalf. A Grievance Hearing cannot be unduly delayed pending the availability of a full time Trade Union official. If the employee, or his or her representative, does not attend the re-arranged hearing the grievance would be heard in their absence and a decision made on the basis of the originating grievance proforma and management's response.

8. EMPLOYMENT TRIBUNALS

- 8.1 If an employee remains unsatisfied with the outcome of a Grievance they may consider proceeding to an Employment tribunal. In order for your application to the Tribunal to be accepted the Grievance procedure must first be exhausted.

..... ACADEMY/DEPARTMENT

GRIEVANCE PRO-FORMA

NAME(S):

NAME OF REPRESENTATIVE:

POST TITLE:

BACKGROUND - WHAT HAS HAPPENED? *(Please give details of time(s), date(s) and witnesses if appropriate)*

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WHY ARE YOU AGGRIEVED?

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WHO DO YOU FEEL IS RESPONSIBLE FOR YOUR GRIEVANCE?

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WHAT REMEDY DO YOU WANT?

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Signed: **Date handed to Line Manager:**

**MANAGEMENT RESPONSE TO THE GRIEVANCE
(To be given within 5 working days of the hearing)**

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.....

Signed: **Date handed to employee:**

**THE RESPONSE(S) TO THE GRIEVANCE AND THE PROPOSED REMEDIES
ARE ACCEPTABLE/NOT ACCEPTABLE**

**IF NOT ACCEPTABLE WHY DO YOU REMAIN AGGRIEVED?
(To be submitted within 5 working days of receipt of Management's response)**

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Signed: **Date submitted to Clerk of Governors:**

**NB IF YOU WISH TO PROVIDE FURTHER INFORMATION, PLEASE
CONTINUE ON A SEPARATE SHEET**

Please retain a copy of this proforma, along with any written response you receive for your reference.

GRIEVANCE PROCEDURE - FOR BOTH INDIVIDUAL AND COLLECTIVE GRIEVANCES

