



Minsthorpe Academy Trust Grievance Policy and Procedures

September 2018

Equality Statement

Minsthorpe Community College values diversity, and is determined to ensure that everyone is treated fairly, with dignity and respect; where the opportunities we provide are open to all; and that we provide a safe, supportive and welcoming environment - for staff, students and visitors.

Equality Impact Assessment (EIA)

This policy has been assessed with regard to its impact on equalities issue, with specific reference to the aims of the Equality Act 2010. The equality impact assessment focused on race, gender, disability, pregnancy and maternity, age, sexual orientation, gender identity and religion/belief.

EIA outcomes

- No areas of potential negative impact were found and actions resulting in positive impact are in place where appropriate.

Policy last reviewed:	Due for next review:	EIA:	Role Responsible:
Spring 2016	Spring 2018	11 th November 2011	P&HRD
Summer 2018	Summer 2020	11 th November 2011	P&HRD

1. INTRODUCTION

1.1 This procedure has been established in accordance with the ACAS Code of Practice which reflects the College governors' responsibilities for dealing with certain grievances. The aim of this procedure is to achieve fair and equitable treatment for all employees in the college in relation to the management of grievances in the workplace.

1.2 The procedure applies to all employees of the college.

1.3 This procedure may not be used for grievances regarding:

- Disciplinary action
- Termination of employment
- Pay and grading
- Performance capability/performance appraisal

All of which are covered by separate procedures.

An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal heard under any other policy. The Grievance Policy cannot be used to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

1.4 The objective of the Grievance Procedure is to enable any individual or group grievance to be quickly and satisfactorily settled. Grievances can arise from a variety of sources and they can be relatively simple or fundamentally important: they can arise among members of staff, or with the Principal or the Governing Body. In order to deal with these situations at the most appropriate level, this procedure is set out in three parts:-

1.4.1 Stage One, whereby grievances can be discussed in an informal setting and hopefully resolved without recourse to any subsequent stage.

1.4.2 Stages Two and Three, a formal grievance procedure, where the matter has not been resolved at Stage One. It is, of course, anticipated that most grievances will be resolved through informal discussions and without the need to implement formal procedures.

1.5 At each stage of the procedure the employee or group of employees may be represented or supported by a colleague or trade union representative.

1.6 The time limits which are given for various stages may be changed by mutual agreement. Where indicated, a time limit should be mutually agreed.

1.7 The Procedure is applicable where employees have any grievance related to employment, except those indicated in 1.3 above.

2. STAGE ONE - INFORMAL GRIEVANCE

- 2.1 Where an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter informally by approaching the person(s) involved, and if necessary request the involvement of the appropriate manager, who may be the Principal. This allows for problems to be resolved quickly and normal working relationships to resume.
- 2.2 Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process if commenced. It is acknowledged however that there may be occasions where employees may not feel able to follow this route, in such circumstances dialogue with the HR Team, Principal or Chair of Governors where appropriate is recommended in order to discuss the concern(s).

3. STAGE TWO – FORMAL GRIEVANCE

- 3.1 Where an employee's grievance remains unresolved, he/she should submit a written notice of grievance to the HR Team. A formal grievance meeting should not take place unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.
- 3.2 When submitting a grievance the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened the aggrieved party should explain clearly why they did not feel able to go through the informal stage.
- 3.3 The HR Team will arrange a meeting to discuss and seek to resolve the issue with the interested parties (who will include the Principal, a member of the Governing Body and a representative of the College Human Resource team). The meeting should take place within ten working days of receipt of the written grievance.
- 3.4 It is important that all grievances are considered fairly. It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting.
- 3.5 Following the meeting, the decision of the Chair of the Panel will be confirmed in writing to the employee within five working days.

4. STAGE THREE - APPEAL

- 4.1 If the employee wishes to exercise his/her right of appeal they must do so within 7 calendar days of receiving the written decision. The appeal notice should be submitted in writing to the Chair of Governors and make clear the reasons for the appeal. Whilst new evidence on the same grievance may be submitted, no new grievance(s) may be added to the proceedings. New evidence will only be considered if relevant to the grievance outcome decision and there was a good reason why this had not been included as part of the original grievance.

- 4.2 The hearing will take place without unreasonable delay of the Chair receiving the written notice of appeal. This is not a reinvestigation of the original grievance but a review of the decision made by the original panel.
- 4.3 The original Chair of the Panel who considered the grievance initially will present their reason for reaching their decision to the Panel. Alternatively a statement clearly setting out why the decision was reached can be submitted to the hearing.
- 4.4 Following the appeal hearing, the Chair of the Panel considering the case will give a response to the grievance. The Chair of the Panel will send written confirmation of the outcome to both parties within 5 working days of the decision, and their decision is final. There is no further right of appeal.

5. COLLECTIVE GRIEVANCES

- 5.1 Where a group of employees take out a grievance, this will be heard using the process above, i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a Professional Association/Trade Union representative.

6. VEXATIOUS, MALICIOUS AND FRIVOLOUS GRIEVANCES

- 6.1 All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Principal or Chair of Governors as appropriate will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.