

Grievance policy

Grievance policy: document provenance

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Summary of changes in this review	• Minor updates to terminology and wording throughout
Related policies and documents	• Professional conduct policy • Disciplinary policy

Unless there are legislative or regulatory changes in the interim, the policy will be reviewed as per the review cycle. Should no substantive change be required at this point, the policy will move to the next review cycle.

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1. Policy statement

- 1.1. The purpose of our grievance procedure is to provide a framework for resolving concerns or complaints raised by members of staff in our trust, for example grievances may be raised about:
- terms and conditions of employment
 - health and safety
 - work relations and concerns about leadership / management actions
 - working practices and the work environment
 - organisational change
 - discrimination
- 1.2. We will make every effort to resolve the concerns of employees informally, if possible, where a formal grievance is raised we will meet with the employee to discuss their concerns. We will then investigate and respond in writing to their concerns with our decision. The member of staff will be able to appeal against the decision if they remain dissatisfied.
- 1.3. We will ensure that no member of staff who, in good faith, raises a grievance will be subject to detriment or unfair treatment because of raising their concerns.
- 1.4. Whilst this policy and the procedure described within do not form part of an employee's terms and conditions of employment, we have developed it to be consistent with the ACAS Code of Practice on Grievance and Disciplinary Procedures. In drafting this policy, and when considering future amendments and changes we will consult with recognised trade unions, including varying the application of this procedure and timescales for action as appropriate.

2. Scope and Purpose

- 2.1. This procedure applies to all employees regardless of length of service. It does not apply to casual workers, agency workers or self-employed contractors who should raise concerns with their contact in our trust in the first instance. Should there be a need to raise the concerns formally they should use our trust complaints procedure.
- 2.2. The procedure is not intended to be used:
- Where the concern amounts solely to an allegation of misconduct on the part of another employee. In these circumstances and where this is clear from the outset, the employee will be informed that the concerns will be investigated under our trust disciplinary procedure and no further action will be taken under our grievance procedure.
 - Where an employee simply disagrees with a reasonable management instruction from a manager or senior leader in our trust
 - Where it is felt that it is more appropriate for the matter to be dealt with through mediation. Mediation will only be used to resolve a potential grievance where all parties agree to the process. Our trust HR team will ensure that a suitably trained / experienced mediator is appointed to facilitate the discussion.
- 2.3. When, in the course of investigating a grievance raised under this policy, potential misconduct on the part of any employee is identified then this may result in the instigation of our trust disciplinary procedure, or the most appropriate procedure to deal with these concerns.

3. Resolving concerns informally

- 3.1. It is important to recognise that most grievances can be resolved informally through open communication and discussion between the employee and their line manager. We expect that all line managers, supported by senior leaders or our trust HR team where necessary, will make it a priority to resolve concerns expeditiously when raised.
- 3.2. Where an employee's concerns are about their line manager, and they feel they cannot talk with their line manager directly about them, they should speak informally with a more senior manager or raise their concerns with a member of our trust HR team; again, we expect that where concerns are raised, the person they are raised with will do their best to resolve the concerns promptly.
- 3.3. We would expect all employees to have made efforts to resolve their concerns informally before raising a formal grievance where possible. Where the concerns cannot be resolved informally, or where it is felt that it is inappropriate to attempt informal resolution, the employee should follow the formal process laid out in this policy.

4. Formal Grievances

- 4.1. Where an employee has been unable to resolve their grievance informally, or where it is felt that attempting an informal resolution is inappropriate, the member of staff should put their concerns in writing and submit it to the principal (for academy-based members of staff) or the relevant functional lead (for staff working in shared services teams). Where a concern relates to a principal or functional lead, or the employee raising the grievance is a principal, functional lead or



member of the trust executive team then they should raise the grievance with an appropriate member of our trust executive or a member of our trust HR team.

4.2. When submitting a formal grievance, the employee should:

- clearly state the points of grievance
- identify particular situation or events, individuals involved and potential witnesses to aid the investigation of their grievance
- be clear about the dates / times particular actions happened, as appropriate
- explain their desired outcome / how they would like their concerns resolved

4.3. On receipt of a formal grievance the manager should acknowledge the grievance and, in discussion with our trust HR team, ensure that a suitably senior and experienced leader is appointed to meet with the individual raising the grievance, investigate their concerns and respond on behalf of our trust.

Grievance meeting

4.4. The grievance manager will arrange to meet with the employee raising the grievance, normally within ten working days of receiving the employee's written grievance.

4.5. It is expected that the employee, and their companion (if applicable), should make every effort to attend the meeting as originally planned, should they be unable to make the original date and time the grievance manager should work with the employee to arrange a suitably convenient time, this should be within a working week of the original meeting date.

4.6. The purpose of the meeting is to:

- allow the employee to explain their grievance more fully
- allow the employee to explain how they think their grievance should be resolved and what they consider a satisfactory outcome would be
- give the hearing manager an opportunity to ask any questions that may be necessary to understand the points raised more fully and to ensure they have sufficient information on which to base an investigation and decision on the outcome

Investigation

4.7. Following this initial meeting the hearing manager may carry out such investigation as they consider necessary and reasonable to ensure that they are able to respond fully on behalf of our trust. In some cases, investigation may start before the initial meeting if this will assist earlier resolution. The investigation may well mean meeting with other members of staff identified in the concerns or who may have witnessed events / behaviours described in the grievance; such meetings will be arranged and held without unreasonable delay. The notes taken at any meetings under this process will be shared with those attending the meeting as soon as reasonably practicable after the meeting.

4.8. In investigating the grievance, it may be necessary to share some of the details of the concerns raised with other individuals to ensure all of the relevant details are collected, at all times, those questioned as part of the investigation will be reminded of the need for confidentiality.

4.9. Where a grievance raises concerns about the behaviour / actions of a specific individual it may be necessary to share the relevant sections of the original grievance letter with them to ensure they are able to respond fully to the concerns raised. Where the detail is shared it may mean that the person is able to identify the individual raising the grievance. Individuals who are the subject of a grievance must be reminded, by the hearing manager, of the need for confidentiality and that they shouldn't approach the individual raising concerns to discuss them directly.

4.10. As part of investigating the concerns the hearing manager may feel it necessary to hold further meetings with the individual raising the grievance though this may not always be necessary.

Right to be accompanied

4.11. Employees attending meetings as part of the investigation of a grievance they have raised, or where they are the subject of a grievance raised by another member of staff, will be given reasonable notice of such meetings and, as detailed below, will be able to be accompanied by a work-based colleague or trade union representative. The employee is responsible for making arrangements with their companion and for sharing any paperwork / information they may require at the meeting.

4.12. Where an employee is attending a meeting as part of the investigation of a grievance raised by someone else, they are not the subject of the concerns and are providing information as a potential witness they will not normally have a right to be accompanied by a work-based colleague or trade union representative. The hearing manager can, at their discretion, allow them to be accompanied in line with the provisions of this section, however, this should not cause a delay to timely investigation of the grievance, and we would not normally rearrange meetings to facilitate the attendance of a companion.

4.13. Where an employee chooses to be accompanied to a meeting held under this policy, they must inform the grievance manager giving as much notice as possible so that the relevant arrangements to facilitate their attendance can be made.



Where the employee asks a work colleague to act as their companion, it must be remembered that acting as a companion at such meetings is entirely voluntary and colleagues are under no obligation to do so. If they agree to attend, they will be given reasonable time off from duties to talk with the individual before any meeting and for the meeting itself.

- 4.14. If the employee's chosen companion is unavailable at the time the meeting is scheduled, the hearing manager should work with the employee to agree a reasonable date and time for the rearranged meeting, this should be within a working week of the original date and time. If the employee's chosen companion will not be available for more than a working week we may ask the employee to choose another companion.
- 4.15. Exceptionally we may, at our discretion, allow the employee to bring a companion who is not a colleague or union representative (e.g. a family member) as a reasonable adjustment, e.g. if the employee has a disability or if the employee has difficulty understanding English.

Outcome

- 4.16. We will, within ten working days of the conclusion of any investigation, write to the employee to confirm the outcome of their grievance and any further action we intend to take as a result. We will also remind the employee of their right to appeal, and the action they should take if they wish to appeal the outcome (including the person to appeal to).
- 4.17. When the hearing manager feels it is appropriate, we may hold a meeting to give this information to the employee in person.

Appeals

- 4.18. If the employee is dissatisfied with the outcome of the grievance they may, if they choose, appeal in writing to the point of appeal identified in the outcome letter of their grievance. Appeals should normally be made within a calendar week of the employee receiving the outcome letter. The nominated point of appeal will, in consultation with our trust HR team, ensure that a senior leader not previously involved in investigating or responding to the grievance is appointed to hear the appeal.
- 4.19. The appeal hearing manager will write to invite the individual to an appeal meeting, which will be arranged without unreasonable delay and normally within two working weeks of the appeal being received. The employee will have the right to be accompanied at the appeal meeting as described above.
- 4.20. Following the appeal meeting the appeal hearing manager will undertake such review and additional investigation as they feel reasonable and sufficient to enable them to make a decision on the employee's appeal.
- 4.21. Having reached a decision on the appeal, the appeal hearing manager will confirm their decision in writing, usually within a working week of the appeal meeting; they will confirm that this decision is final on behalf of our trust and there is no further right of appeal under this policy.

Record keeping

- 4.22. A copy of any written grievance, together with notes taken during the process of resolving the grievance and a copy of the outcome letter will be retained on the employee's personal file. These will be processed in accordance with our data protection policy.

5. Collective grievances

- 5.1. Where a number of employees raise the same or similar concerns, then rather than trying to resolve these concerns through the grievance process our trust HR team and relevant senior leaders will, through the joint working arrangements that exist, work with representatives of the relevant trade unions to understand the concerns and offer a resolution.

6. Review

- 6.1. Responsibility for update of this policy rests with the chief people officer who shall present it to the trust executive for review every year as a minimum.

