

UNIVERSITY ACADEMY OF ENGINEERING SOUTH BANK

Grievance Procedure

Introduction

This procedure has been adopted by the Board of Governors and is designed to enable employees to seek a response or redress to any grievance they may have relating to their employment by University Academy of Engineering South Bank.

Grievance procedures are entirely separate from other procedures such as those relating to appraisal, capability, competency, discipline or harassment. The rights of employees under the grievance procedures should not be overridden by actions taken or proposed to be taken under the other procedures. This policy is non-contractual and does not form any part of an individual employee's contract of employment.

Wherever possible, a grievance should be raised informally. Where the informal process fails or is inappropriate, the formal procedure should be invoked.

Aim

The aim of this procedure is to provide a fair arrangement by which individual employees may raise grievances in the course of and connected with their employment and have them considered promptly and satisfactorily as near to the point of origin as possible.

The procedure applies to all Academy based staff but does not relate to matters regarding salary and grading (which will be dealt with by the Pay Policy adopted by the Board of Governors) or with complaints of unfair discrimination, harassment or victimisation which will be dealt with by the appropriate procedure adopted by the Board of Governors.

The grievance procedure will not be used to raise complaints or further challenge issues that are being dealt with as a matter of discipline, appraisal or capability and will be dealt with by the appropriate procedure.

Employee grievances can arise from a variety of sources. They can arise among employees or with managers including the Principal. Grievances can be of a relatively straightforward nature or can be of fundamental importance.

This document sets out a procedure which may enable a grievance to be resolved informally and without recourse to any subsequent stage. For occasions when this is not appropriate or has failed, a more formal procedure is set out, which will assist with the resolution of disputes. Open management, consultation with staff and staff participation should contribute to a positive atmosphere in the school which would avoid the raising of grievances. Thus it should be rare to require recourse to this procedure.

The Board of Governors has responsibility for the overall management of the Academy for example, has sole responsibility for recruitment, the promotion of employees, leave of absence, pay determination and employment procedures. It is for the Board of Governors; therefore, to establish a committee of its own members which will seek to resolve staff grievances should a final stage be required.

A grievance cannot be referred beyond the governing body.

The Academy will treat all grievances seriously and seek to resolve these promptly and satisfactorily. Deliberate abuse of the procedure will result in appropriate action being taken (i.e. action under the disciplinary procedure). An employee should seek to exhaust this procedure to resolve a grievance if not satisfied with the outcome of any previous stage.

A record of the outcome of any meetings involving the formal stages of these procedures should be placed on the employee's file, together with copies of the written evidence considered and correspondence involved.

Employees have the opportunity to call upon the services of trade union and professional association representatives for advice on procedures and rights. Employees can also call upon the support of trade union and professional association representatives (or work colleague) to represent them throughout the formal stages of the grievance procedure.

If the grievance is not resolved or no reasonable steps have been taken to resolve the grievance within the specified timescales, then the employee has the right to proceed to the next stage of the procedure unless both parties have agreed that the time limit should be extended. Where an employee fails to comply or has not taken any reasonable steps to comply within the specified timescales, the procedure will cease and the grievance will be considered settled unless it has been agreed that the failure was not the fault of the employee or both parties have agreed that the time limit should be extended.

The time commitments are incorporated in the procedure to ensure that grievances are raised, progressed and resolved as quickly as possible. It is recognised, however, that in some circumstances, the time limits as set out will not be reasonable. These are most likely to be where a grievance is of a complex nature or where the appropriate members of staff and/or governors are not available for a valid reason to progress the issue within the timescale (for example, holiday commitments, short term sickness and so on) or where mediation is used. In these exceptional circumstances the timescales may be altered and the grievance dealt with within the new timescales set. In these circumstances, the person instigating the grievance will be informed, in writing, as to the circumstances leading to the delay.

Informal Grievance Procedure

Where an employee has a grievance against another employee (including the Principal), she or he should first endeavour to resolve the matter by direct approach to the employee involved or in discussion with the Vice Principal, Principal, or other appropriate senior member of staff. An initial grievance should be raised informally at the earliest opportunity as it may not be appropriate to consider a specific incident if a considerable period of time has elapsed since the event.

The Vice Principal, other appropriate senior member of staff, or Principal should seek to resolve the problem personally or by mutual agreement in consultation with the other member of staff.

It is recognised that on occasions an employee may have a grievance which needs more formal resolution. In such cases, it is possible to proceed directly to the formal grievance procedure.

Formal grievance procedure

Stage 1

Where the matter has not been resolved under any of the procedures referred to above, the employee concerned should submit a formal written notice of grievance to the Principal. Where the grievance is against the Principal the grievance should be raised in writing to the Executive Principal.

The Principal or the Executive Principal will appoint an appropriate member of the Senior Leadership team or governor to hear the grievance.

Prior to the hearing

The decision maker must write to the employee within five working days of receiving the Grievance Complaint, to invite the employee to attend a hearing to discuss the grievance. The decision maker should arrange for the hearing to take place as soon as reasonably practicable, making any reasonable adjustments for disabled employees, but in any event within 4 weeks of the date of the invite, unless there are exceptional circumstances justifying a longer period. The decision maker's decision is final.

If the grievance is about the actions of another employee or manager, that person should be provided with a copy of the Grievance Procedure, and details of the concern, and be asked to make a written response (including any witness statements or with any witness statements of their own) within five working days of receipt. The responding employee/manager should also be advised that they might wish to discuss the grievance with a work colleague or a trade union official before responding.

A copy of any written response to the grievance must be provided to the employee raising the grievance no later than three working days before the date set for the grievance hearing.

It is recommended that an independent note taker is appointed by the Academy. If an appeal is requested, the notes will be used by the panel at an appeal hearing. The decision maker at the hearing should also retain their summary notes as a record of the grievance hearing.

Conduct of the hearing

The appropriate person, who is the decision maker, is responsible for the conduct of the grievance hearing and will open the hearing by explaining the format, which should include:

- Confirmation that the use of the Grievance Procedure is appropriate in the circumstances and that those present have a copy.
- The three possible options at the end of the hearing, which are:
 - The grievance is agreed and a remedy is decided on
 - The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further
 - The grievance is not agreed.
- Examination of the details of the grievance and consideration of any witness statements
- Consideration of a written (or other acceptable accessible format) response/evidence from any other employee named in the written grievance
- The opportunity for the appropriate person to question the employee
- Consideration of what the employee believes would be a satisfactory resolution
- The appropriate person may decide to postpone the proceedings whilst she/he seeks clarification from any witness(es) or from the responding employee/manager of matters referred to in their witness statement or response.

Outcome of the hearing

After the hearing, the appropriate person will consider the case and reach a decision. This will reflect the circumstances of the case and, in the case of a discrimination/harassment/bullying claim, may include remedial action against the alleged harasser, ranging from training to formal disciplinary action.

A decision should normally be made and communicated to the employee within five working days of the hearing unless the appropriate person and employee both agree to set an alternative deadline or there are exceptional circumstances which prevent a decision being provided within this timeframe.

The decision maker must inform the employee in writing (or in another appropriate format, if required for disabled employees) of their response in relation to the grievance and remind them of the right of appeal against the decision if they are not satisfied with it.

A written summary of the meeting and any outcome must be made by the decision maker, including any details of what actions the employee can take if dissatisfied with the outcome of the grievance. A copy must be given to the employee, and a confidential copy retained for the employee's records.

Stage 2

If the decision made is to dismiss the grievance, and the employee continues to be dissatisfied, they should:

- Submit a written appeal to the Executive Principal within five working days of notification of the outcome of the Grievance Hearing. If the grievance is against the executive principal, then the written appeal is submitted to the Chair-person of the South Bank Academies Trust Board.
- Ask that the grievance be considered at an appeal hearing, stating the reasons why they are appealing against the decision.

The Chair of the Board of Governors will send a written acknowledgement within five working days of receipt of appeal, confirming that the appeal will be considered at an appeal hearing. This appeal will be considered by a panel of at least three governors who have had no prior involvement in the case.

The appeal panel must appoint a note taker, arrange for a suitable room which must be free from interruptions and provide necessary requirements for disabled attendees.

Before the appeal hearing

The appeal hearing must take place no later than 4 weeks from the date of the written request from the employee to have the grievance heard in appeal. The details of the hearing and copies of any relevant documentation will be notified to the employee and panel members not less than five working days prior to the date of the hearing.

Employees will also be reminded of their right to be accompanied by a colleague from within the school or a trade union official. If the companion is unable to attend on the proposed hearing date the employee can suggest another date provided this is reasonable and is no more than five working days after the original date.

NB: In cases of postponement of the appeal hearing (or of non-attendance of the employee), the same provisions apply as for the grievance hearing. If an appeal has been re-scheduled and the employee fails to either attend, send a representative on their behalf or make a written submission, the appeal panel will be entitled to conclude that the employee has decided not to proceed, and no further action will be taken.

At the Appeal hearing

The panel hears a submission from each side;

- It takes account of the grounds of appeal and management response;
- It reviews the record of the grievance hearing and the outcome letter from the original hearing;
- The panel can seek clarification if required.

- If new evidence is introduced at this stage, the appeal panel will decide whether or not to allow such information to be considered.

Appeal decision

The three possible options at the end of the hearing are:

- The grievance is agreed and a remedy is decided on.
- The grievance is agreed in part and a remedy is determined in respect of that part of the grievance, whilst the remaining part is not considered any further.
- The grievance is not agreed.

The Chair of the Appeal Panel will, within five working days of the appeal hearing, unless there is agreement to set an alternative deadline, notify the employee of the decision, as well as its rationale, in writing. Decisions at this stage will be final.

Monitoring and Evaluation

The Board of Governors and Principal will frequently monitor the operation and effectiveness of the Academy's Grievance Procedures and retain the right to amend or withdraw this policy at any time.