



# ASPIRATIONS

## GRIEVANCE POLICY

Version control	
Aspirations Grievance Policy 2019-09-01	Update to align with revised job titles and changed governance arrangements.
AAT Grievance Policy 2019-06-01	Provisional review undertaken. No changes other than to logo.
AAT Grievance Policy 2016-09-01[2]	<p>Version 2016-09-01 was originally circulated prior to being jointly agreed between the Trust and the recognised trade unions.</p> <p>Version 2016-09-01[2] is unchanged other than the version control information has been updated to show that the policy was jointly agreed by the Trust and the recognised trade unions at the NCJ meeting held on 20 September 2016.</p>

<b>Date of next review:</b>	<b>September 2021</b>	<b>Owner:</b>	<b>Director of HR &amp; Compliance</b>
<b>Type of policy:</b>	<b>Network/Statutory</b>	<b>Approving Body:</b>	<b>Board</b>

## **1. Introduction**

- 1.1 The Aspirations Academies Trust (Aspirations/ the Trust) is committed to creating a positive working environment. It is recognised, however, that there may be occasions where an employee may wish to raise a concern, problem or complaint arising out of his or her employment. On many occasions the issue will be resolved quickly and informally but when this is not possible a formal procedure is available.

Issues that may cause grievances include:

- Terms and conditions of employment<sup>1</sup>
- Health and safety
- Work relations
- Working practices
- Working environment
- Bullying and harassment
- Discrimination

## **2. Purpose**

- 2.1 This policy aims to:

- Enable any employee to have a legitimate grievance heard
- Resolve grievances quickly and equitably
- Determine grievances as close to their source as possible
- Encourage a harmonious working environment

## **3. Scope**

- 3.1 This procedure applies to all employees of the Trust. It is not a substitute for good employment practices and all parties are expected, where appropriate, to resolve grievances in a fair and just manner without invoking this procedure.

## **4. Equal Opportunities**

- 4.1 The grievance procedure must always be applied fairly and in accordance with employment law and the Trust's Equal Opportunities Policy.

## **5. Responsibilities**

- 5.1 The Aspirations Board is responsible for maintaining fair, consistent and objective procedures for matters relating to staff discipline and grievance across all areas of the Trust, including its academies. Accordingly it shall arrange for the Grievance Policy to be reviewed periodically consulting as appropriate, including with unions in accordance with the Trust's Trade Union Recognition Agreement.
- 5.2 Within each academy, the Principal, in conjunction with the Regional CEO, has overall responsibility for the internal organisation, control and management of matters concerning the implementation of the Grievance Policy.

<sup>1</sup> Normally concerns about pay would be addressed through the appeal process set out in the Pay Policy

- 5.3 Within each academy and other work areas, managers will have responsibility delegated to them consistent with their job roles for matters concerning the application of the Grievance Policy.

## **6. Timing**

- 6.1 Grievance matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.
- 6.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged without undue delay. Wherever reasonably possible, meetings held under this policy will be arranged during the employee's normal working hours.

## **7. Informal Stage**

- 7.1 Grievances should be raised as soon as possible after the relevant event and within a reasonable period. Where a manager concludes a matter has not been raised within a reasonable period, a decision may be made that the matter will not be further considered under the Grievance Policy. Advice should be sought from the Trust's Director of HR and Compliance before reaching such a conclusion.
- 7.2 An employee should normally first raise a grievance informally with their immediate manager. If the grievance relates to the employee's immediate manager, or member of the SLT or Principal, the informal grievance may be raised with an appropriate, more senior manager<sup>2</sup>.
- 7.3 The manager will normally meet the employee to discuss the grievance within 5 working days of notification of the complaint. A decision will be communicated to the employee within a further 5 working days of this meeting, normally orally. The manager should keep a written record of the matter.

## **8. Formal stage**

- 8.1 If the employee remains aggrieved by the outcome from the informal stage, or the grievance is a highly serious matter for which the informal grievance procedure is inappropriate, the formal stage should be applied. This is instigated by the employee writing to the appropriate member of the SLT<sup>3</sup> (or to the Principal if the grievance concerns a member of the SLT or the Regional CEO if the grievance concerns the Principal), giving full details of the complaint and the redress sought.
- 8.2 As soon as possible (normally within 5 working days) following receipt of the written notification of grievance, the member of the SLT (or Principal/Regional CEO as appropriate) shall arrange a meeting with the grievant (who may be accompanied as set out in 8.3) with the aim of clarifying the details of the complaint and the resolution the grievant is seeking. The manager will determine how the matter will be

<sup>2</sup> If the grievance relates to the Principal the matter should normally be raised with the Regional CEO. Queries concerning the most appropriate person with whom to raise a grievance may be raised with the Trust's Director of HR and Compliance.

<sup>3</sup> The formal stage is set out in the Policy in the context of a grievance raised by an Aspirations employee working within an academy. Equivalent arrangements shall apply for Aspirations staff who are not employed to work at a particular academy (e.g. members of the Aspirations central management team).

considered but may consult with the grievant concerning this. For certain cases, for example those that are particularly complex or sensitive, an investigating officer may be appointed. The investigating officer should be impartial and should have had no previous involvement with the grievance. The Trust's Director of HR and Compliance must be consulted prior to the initiation of any investigation.

- 8.3 At any formal meeting considering the matter with the grievant, he/she will be allowed to be accompanied by a trade union representative or work colleague. Similarly, where an employee is the subject of a grievance complaint made by a colleague that potentially may lead to disciplinary action, at any investigation meeting with that employee she/he will be allowed to be accompanied by a trade union representative or work colleague.
- 8.4 Any necessary investigation should be undertaken as soon as possible. Where circumstances arise that significantly delay the relevant manager from undertaking the investigation, consideration should be given to the possibility of assigning the investigation to another appropriate manager. The investigation shall be undertaken on a confidential basis and all parties involved (including those interviewed in the course of an investigation) are expected to respect the confidentiality of the matter.
- 8.5 The investigation process must be completed as quickly as possible, and should usually take no more than 10 working days, ensuring that all sides have the opportunity to present their side. Within five working days of the conclusion of the investigation a report will be produced by the investigating officer summarising the nature of the grievance, the resolution sought by the grievant, the relevant facts that have been established and the investigating manager's conclusions. Appended to the report shall be notes of meetings undertaken during the investigation and other relevant evidence referred to in the report. The report will be made available to the Principal or Regional CEO (as appropriate) who may consult with the Trust's Director of HR and Compliance.
- 8.6 The member of the SLT (or Principal/Regional CEO as appropriate) shall review the matter, taking account of the investigating officer's report and shall determine a response to the grievance. This will normally be initially communicated to the grievant at a meeting and in all cases will be confirmed in writing.
- 8.7 If, following this stage, the employee remains dissatisfied with the decision, they may register an appeal. This must be done by writing to the Principal (or Regional CEO if the grievance was against the Principal), within 10 working days of receipt of the letter confirming the decision. The letter of appeal should set out the grounds of appeal, as explained further in 9.1.

## **9 Step three - Appeal**

- 9.1 Appeals against grievance decisions will usually be considered by a Grievance Appeal Panel in relation to one or more of the following grounds:
  - (i) The **PROCEDURE** – the grounds of appeal should detail how procedural irregularities prejudiced the grievance decision.
  - (ii) The **FACTS** – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
  - (iii) The **PROPOSED ACTION** – the grounds of the appeal should detail how the proposed action is inappropriate given the circumstances of the case.

The panel shall comprise of the Principal<sup>4</sup> (or the Regional CEO if the outcome to the formal stage was determined by the Principal or a member of the Regional Board if the outcome to the formal stage was determined by the Regional CEO) and a member of the Aspirations central management team who has not previously been involved in the case.

- 9.2 The Chairperson of the Grievance Appeal Panel will write to the employee, giving details of how the appeal shall be considered. This may be at a meeting before the Panel in the form of a hearing at which the grievant and the manager who determined the outcome to the formal stage attend at the same time, with relevant witnesses called to attend as appropriate. Alternatively the Panel may decide to see the relevant parties separately. [Appendix A sets out a model procedure for the conduct of a hearing]
- 9.3 The appeal process will focus on the specific grounds of appeal and will not normally be a re-hearing. The panel may invite advisers (for example an HR representative) as appropriate. For all meetings a note taker will attend to take minutes of proceedings. For any meeting the grievant is required to attend as part of the appeal process, she/he shall have the right to be accompanied by a trade union representative or work colleague.
- 9.4 The chair of the appeal panel will communicate the decision, which will be final, in writing to the employee within 5 working days of the appeal hearing.

## **10. Record keeping**

- 10.1 Managers and panels must keep written records of meetings and discussions relating to the grievance. These must be written during or as soon after the event as possible to ensure the accuracy of the record. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file in accordance with the Data Protection Act 1998.

Records should include:

- The nature of the grievance
- What was decided and actions taken
- The reason for the actions
- Whether an appeal was lodged
- The outcome of the appeal

- 10.2 Employees may also wish to keep records of events to support their case.

<sup>4</sup> The appeal stage is set out here in the context of a grievance raised by an Aspirations employee working within an academy. Equivalent arrangements shall apply for Aspirations staff who are not employed to work at a particular academy (e.g. members of the Aspirations management team).

## **11. Special Situations**

### **11.1 Collective Grievances**

11.1.1 Collective matters raised by the recognised trade unions will normally be considered in accordance with the Trust's Trade Union Recognition Agreement. In circumstances where a grievance is raised by or on behalf of more than one person around a common issue, then this may be heard as a collective grievance rather than a number of individual grievances. The procedure for hearing a collective grievance will be based on the procedure for an individual grievance.

### **11.2 External sources of help**

11.2.1 In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance, where relationships have broken down, an external facilitator might be able to help resolve the problem. This intervention should be initiated in consultation with the Trust's Director of HR and Compliance.

### **11.3 Grievances raised during the course of Disciplinary Policy proceedings**

11.3.1 Sometimes an employee may raise a grievance related to the case during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend application of the Disciplinary Policy for a short period until the grievance can be considered. The employee should raise the grievance in accordance with this procedure.

11.3.2 Depending on the nature of the grievance, the academy may need to consider bringing in another manager to continue to hear the disciplinary case.

## **12. Review**

12.1 This policy will be reviewed every two years (and at other times as necessary to comply with any relevant legislative change) in consultation with the recognised trade unions.

**Model for the conduct of a grievance appeal hearing**

In cases where the principal (and/or other relevant person(s) as appropriate) decides the appeal will be considered at a hearing the procedural arrangements set out below shall normally be followed:

1. The relevant attendees shall be:
  - the principal (and/or other relevant person(s) considering the appeal) (“the appeal manager”)
  - the grievant (who may be accompanied as set out in 9.3)
  - the manager who determined the formal stage outcome (“the manager”)
  - a notetaker
2. Where the grievant and/or the manager have given two days’ prior notification of their intention to call one or more witnesses, the relevant witnesses will be called to the hearing at the relevant stage of proceedings.
3. The appeal manager shall make introductions and confirm the arrangements for the hearing. This shall include confirming details of witnesses.
4. The grievant shall be invited to confirm the grounds of their appeal (see 9.1) and make representations concerning these. During this stage the grievant may call their witnesses to give evidence. Witnesses shall only remain present at the hearing while they are presenting their evidence and responding to any follow up questions.
5. The manager and the appeal manager may ask the grievant questions (normally after the grievant has finished making their representations). Similarly they may ask witnesses questions.
6. The manager will respond to the appeal. During this stage the manager may call their witnesses to give evidence. Witnesses shall only remain present at the hearing while they are presenting their evidence and responding to any follow up questions.
7. The grievant may and the appeal manager may ask the manager questions (normally after the manager has finished making their representations). Similarly they may ask witnesses questions.
8. The grievant may make a closing statement to summarise the key points of their appeal (but not introducing new evidence)
9. The manager may make a closing statement to summarise the key points of their response to the appeal (but not introducing new evidence)
10. The grievant and manager shall leave the room while the appeal manager determines the outcome.