

Grievance Procedure

0161 Education CIC

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0161 Education helps children and young people shift their mindset to make positive choices for themselves and those around them. We care about the individual. We commit to each programme. We provide change.

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1. Statement of Intent

The Governing Body of 0161 Education CIC is committed both to providing education of the highest quality for all its pupils and to exercising its responsibilities for managing employees in a positive and supportive way. These commitments require the Governing Body to ensure that a fair and established procedure should exist whereby a grievance related to a person's employment may be aired, with a view to its resolution.

Grievance procedures are necessary for promoting fairness and order in the treatment of individual grievances or disputes and for ensuring the application of consistency in the management of such grievances.

This procedure has been adopted by the governing body of 0161 Education following consultation with staff and their trade union/ professional association representatives. This procedure supersedes any procedure previously in place in this organisation either formally or through custom or practice for the management of grievances.

2. Introduction

This grievance procedure is separate and distinct from the disciplinary procedure. The grievance procedure should not be used as a means of imposing any disciplinary penalty on the employee. If, however, the question of disciplinary proceedings arises as a result of the hearing of a grievance, it should be dealt with in accordance with the organisation's disciplinary procedure.

A copy of this procedure can be obtained from the organisation's Manager. Similarly, disciplinary proceedings shall not be affected or interrupted by the employee invoking the grievance procedure.

As per ACAS guidance, issues which can be raised under this process include:

- Terms and conditions of employment (not grading)
- Health and Safety
- Work relationships
- Bullying and harassment
- Working environment
- Discrimination

Making a false, vexatious or malicious grievance under this procedure is a serious disciplinary offence which could result in disciplinary action following an investigation.

If the investigating officer considers that the subject matter of the grievance indicates a potential case of misconduct, they may decide that it is more appropriate to cease or put on hold any further consideration of the issues under this procedure and to refer the issues for consideration under the organisation's disciplinary procedure.

Senior nominated Managers involved in this process will deal with matters as timely as possible and will keep employees and their Professional Association/Trade Union representative regularly updated if the required timescales cannot be met.

The organisation shall appoint a Committee, referred to as the Appeals Committee, consisting of not less than three with one independent, with delegated powers to deal with grievance matters that reach the appeal stage. The Head of centre/senior managers should not be a member of this Committee.

0161 Education should make arrangements for notes to be taken of any meetings held under this procedure and of any subsequent Appeal Hearing. The notetaker should not be any member of the panel. Such notes will be typed up within ten working days of the Appeal Hearing. Such notes will be distributed to all parties who attended the Hearing, as soon as possible thereafter, but within five working days of being signed by the Chair of the appeal.

Panel members may still make their own notes during a Hearing to assist in their decision making on the conclusion of the Hearing.

3. The Procedure

Stage 1

1. Before raising a grievance under Stage 2 of this procedure, complainants should try to resolve the matter either through discussing the matter with The head of centre / Manager, (or in the case of a grievance involving the head of centre) with, if possible, the other party.
2. Stage 1 will be used to resolve a grievance in the following ways:
 - i. Participating in a mediation session with both parties facilitated by an independent mediator from the Local Authority. Both parties must agree to attending such a mediation session. Further details of the mediation process are attached at Appendix C.
 - ii. A stage 1 meeting to be arranged with the Headteacher / Manager, complainant and respondent to try to resolve the issues that are causing concern to the complainant. In the case of a grievance submitted against the Head of centre, the Chair would attend this meeting.

At Stage 1 it is not expected representation from Professional Associations/Trade Unions will be required to facilitate resolution of the issues at a local level. However an employee may decide they wish to be accompanied and this will be facilitated if required.

If the Stage 1 process successfully resolves the grievance, the form found at Appendix A will be completed to record this and a copy of the form will be placed on both individuals personnel file at 0161 Education.

Stage 2

3. Where the matter is still not resolved under stage 1 of the procedure, or if it is determined by the Head of centre on receipt of the grievance that the matter is too serious to be dealt with under the stage 1 of the process the employee / Head of centre should submit written notification to the Clerk of the Governing Body that the matter will be proceeding to Stage 2. The written notification must state what resolution the complainant is seeking in relation to their grievance.
4. At this point in the procedure, the Clerk to the Governing Body will share a copy of the grievance submitted by the complainant with the respondent named in the grievance.
5. An Investigating Officer will be appointed to investigate the grievance submitted.
6. In most cases, the Head of centre would act as the Investigating Officer, however they can delegate this authority to a Senior Manager in the organisation if deemed appropriate. Care should be taken that the person who is to be the Investigating Officer has no direct interest in the outcome of the case and is not a witness to any of the events referred to in the grievance notification.
7. If an employee is raising a grievance against the Head of centre, the Chair of Governors would normally act as the Investigating Officer. If this is not possible, the Vice Chair of Governors would act as the Investigating Officer. If either Governor has already been involved at Stage 1 of the process, they should not act as the Investigating Officer and another Governor should be appointed to act as Investigating Officer.

8. The Investigating Officer will arrange to meet with the complainant as soon as possible to discuss their grievance. This meeting will normally be held within 15 working days of a complainant submitting their formal grievance. The employee may be accompanied by a Professional Association / Trade Union / representative or work colleague.

9. The Investigating Officer will also arrange to meet with the respondent in order for them to have an opportunity to respond to the issues raised in the grievance. The respondent may be accompanied by a Professional Association / Trade Union / representative or work colleague.

10. The Investigating Officer may also need to interview anybody else linked to the grievance in order to establish more details in relation to the grievance raised. Anyone identified as a witness should be advised that interview notes will be taken and given to the witness to sign and date to confirm they are an accurate reflection of the interview. Witnesses should be advised that these notes may be disclosed to both the complainant and respondent named in the grievance as part of the formal process and also they may be required to attend a formal hearing as a witness to be questioned on the information they have given to the Investigating Officer.

Outcome of stage 2

11. On conclusion of the investigation, the Investigating Officer should prepare a report detailing their findings. The outcome should be communicated to the employee concerned with a letter attaching a copy of the report and any supplementary evidence within 10 working days of the completion of their investigation. The outcome may be:

- To uphold the grievance
- To partly uphold the grievance
- To dismiss the grievance

Where the investigating officer concludes one of the above, they will make recommendation(s) for management and/or the employee to follow.

If the grievance was against named individual(s), they should also be advised of the outcome of the investigation, and where appropriate, what action will be taken, (e.g, grievance has been dismissed, training recommendations, taken forward under the Disciplinary procedure etc).

4. Appeal Hearings

- The employee will have the right to appeal against the decision of the Investigating Officer. The appeal should be submitted in writing including a statement of case (see below), to the Governors, within ten working days of receipt of the written confirmation of the Investigating Officer's decision. In all cases of appeal, both parties (ie the investigating officer and the employee) will be required to submit a statement of case. In the case of the employee, this statement of case should outline their reasons for their appeal.
- The purpose of an appeal hearing is not to re hear the grievance but to examine the grounds of appeal.

- Appeals are not intended to allow for an employee to present the same information to an appeals panel and as such the grounds for appeal must be clearly stated and must be based on the original paperwork. Notification of a disagreement with the investigating officer's decision is not sufficient enough reason on its own as grounds for appeal. Further details of the specifics of the grounds for appeal must be given by the employee.
- The Clerk shall make arrangements to convene a meeting, on a mutually convenient date, of the Appeals Committee to consider the appeal. Where possible, the meeting for this purpose shall take place within fifteen organisational working days of receipt of the appeal. The parties concerned shall be given five working days' notice of the time and place of the appeal hearing. The parties concerned will also be provided with at this time, copies of all documentation received to date that is to be placed before the Appeals Panel. This will include all papers previously submitted in evidence to the investigating officer. Only in exceptional circumstances and at the discretion of the Chair of the Appeal Hearing, will documentary evidence that has not been included with the Statement of Case be allowed to be submitted on the day of the appeal hearing.
- At this time, the Governors will also inform the person named in the grievance that the complainant has submitted an appeal and they will be advised if they are required to attend the appeal hearing as a witness.
- The employee raising the grievance may be accompanied by a Professional Association / Trade Union / representative or work colleague and the Investigating Officer would normally be accompanied by a senior manager at the appeal hearing.
- The procedure to be followed in respect of an appeal hearing is outlined at APPENDIX B.
- The decision of the Appeal Committee shall be final and there is no further right of appeal.
- The Chair of the Appeals panel will communicate any recommendations made as an outcome of the appeal, to the Headteacher or any other appropriate person in the organisation within five working days of the outcome letter being sent to the appellant, this will include forwarding a copy of the outcome letter to the Headteacher.
- The respondent who has been named in the grievance will also be notified of the outcome of the appeal by the Chair of the panel.

Appendix A

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Resolution Form - Stage 1 Grievance

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Issues discussed:

Agreed outcomes / action points:

Responsible Officer:

Review date agreed by all parties (NB, a review period may not be required in all cases):

To be signed by all parties in attendance. We accept the above agreed outcome / action points to address the issues raised under the informal stage of the grievance procedure.

Signed:

Date:

Signed:

Date:

Signed:

Date

Signed:

Date:

Appendix B

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Procedure for the conduct of a formal hearing

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The Clerk to the Governing Body or other officer appointed by the Academy for this purpose shall minute the hearing.

1. All business connected with the meeting should be discussed in the presence of all concerned, except when the appropriate Governors Committee consider their decision in accordance with Paragraph 10 below.
2. Introduction by the Chairperson and reminder to members and all present of the Procedure under which the hearing has been called, the manner in which the hearing will be conducted as set out below in paragraphs 3-12 and the degree of confidentiality required. The Chairperson shall also remind all of those present at the hearing that the Chairperson shall control the hearing at all times and that decisions on procedure, (including the admissibility of evidence and the calling of witnesses) and the conduct of parties and their representatives present at the hearing made by the Chairman shall be binding on all.
3. Employee to state their grounds for appeal and call any witnesses they sees fit.
4. Panel to seek points of clarification from the Employee arising from their submission.
5. Questions by the investigating officer to the Employee.
6. Investigating Officer to summarise the case in support of their decision.
7. Panel to seek points of clarification from the Investigating Officer.
8. Questions by the Employee to the Investigating Officer.
9. Summary statement by the Employee.
10. Summary statement by the Investigating Officer, panel may ask further questions of either party.
11. Panel may ask further questions of either party All parties to withdraw; Human Resources adviser to panel and clerk to remain.
12. Panel deliberation and conclusion.
13. Recall of both parties to hear the decision of the Panel.
14. Confirmation of the panel's decision within 10 days of the date of the hearing which is final.

NOTE: If the member of staff whose action or inaction gave rise to the initial expression of grievance is in attendance at the hearing then the Chairperson of the appeals panel may modify the above procedure to afford them the opportunity to make representation and be questioned upon that representation by the other parties present as considered appropriate.

Appendix C

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What is mediation?

As a responsible employer, QBTA is committed to ensuring that our employees can carry out their job of work in a safe and supportive environment. We have a variety of ways for employees to improve their position in work through supportive policies and procedures. However, during the course of your working life you may develop issues that are of concern to you which may benefit from third party intervention.

Mediation is an alternative process for resolving disputes in which a trained Mediator facilitates a mediation session(s) where you and the person you are in dispute with negotiate an agreement to end your conflict. Mediation is used as a conflict resolution strategy for employees who are unable to resolve their dispute without assistance.

Mediation is not the answer to every conflict situation; however a mediation session can create a turning point in conflicts that have festered for years.

The Mediator is not empowered to make the decision for you about the conflict. Their role is to facilitate the process and enable a dialogue to take place between the two parties. The aim of this is for you and the person you are in dispute with to find an agreement that will enable you to establish mutually acceptable future behaviour.

The Mediator will not be able to provide legal advice or support you through any other formal procedure. Instead they will help to guide you to:

- Try to understand the issues of concern
- Consider options for resolving the problems
- Find a mutually acceptable solution

What Mediation is not

Mediation is not an attempt to decide who was/is at fault. Mediation is a structured, assisted process to bring the dispute to an end, not to declare winners or losers.

Mediation is not designed to establish the true facts of what happened. Mediation looks to the present and to the future.

Mediation is not designed to find out what the mediator thinks about the situation. The Mediator's role is to lead and guide the disputants towards a truce.

Why should I choose Mediation?

Quite simply mediation is your opportunity to be heard. During the mediation session the parties are able to talk directly. Mediation is not bound by the rules of a formal proceeding, therefore parties are able to bring up whatever concerns them most. If you believe you have an issue with a

work colleague that cannot be resolved without the support of a third party; mediation may be able to help.

What can I expect to happen in Mediation?

It is a formal process. Therefore the Mediator will arrange to meet with both yourself and the individual who you have named as having an issue with. It is important for mediation to be safe that both parties agree to commit to this process and be open to finding a resolution.

A Mediation session is structured as follows:

First Contact First Party

The Mediator will make contact with one of the disputants to talk through the process of mediation and answer any questions. The Mediator is not there to ascertain what is going on.

First Contact Second Party

The Mediator will meet with the second party as they as met with the first party.

Working on the dispute

The Mediator will arrange times and a location that is neutral to both parties.

Opening Statement

The Mediator will open the session with a welcome and an explanation of what will happen.

Uninterrupted Time

Each person takes a turn speaking while everyone else listens, no interruptions are allowed.

The Exchange

Then the discussion takes place. For a while people may accuse each other and attempt to set each other straight on facts. They explain why they are upset and may make demands.

The Mediators will keep the discussion within the agreed boundaries, making sure that each person is heard and each is protected. The Mediators will not try to determine the truth or who is at fault. Rather, they listen for what matters to people and for possible areas of agreement. Sometimes the Exchange brings about what we call a “turning point” of reconciliation.

Setting the agenda

Discussion shifts towards the future: what will happen from now on? The parties agree on an agenda of issues, which need resolution.

Building the agreement

The parties work through each issue on the agenda, generating several ideas, the weighing, adjusting and testing the alternatives to pull together a workable mutually acceptable solution.

If the parties can settle their differences, the parties write a formal agreement containing those decisions. Both parties sign this and keep a copy.

Closing Statement

The Mediator will review what has been accomplished and remind both parties of the next steps.

How long does Mediation Take?

It is anticipated that you will need to meet for half an hour with a mediator prior to your mediation session.

The purpose of this pre-meeting is to talk you through the process and gain agreement to participate in the mediation session.

The actual mediation meeting should take no more than 2 - 3 hours. One session is usually sufficient, although a review session can be offered if appropriate.