



Trafford Alternative Education Provision



Staff Grievance Policy & Procedure

[2018]

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Person Responsible:	Lynda Thompson Executive Headteacher
Approved By:	Trafford Alternative Education Management Committee
For Action By	Senior Leadership Team
For Information to:	Teaching Staff



Trafford Alternative Education Provision



Our Mission Statement:

Trafford Alternative Education Provision is committed to providing....

A 21st Century education that promotes the academic, emotional and social development of our students. Our aim is to create a holistic, nurturing and inspiring environment where students are supported and encouraged to take charge of their lives, their learning and their decisions. Every student will have an understanding of their personal journey, challenges and future opportunities. All will be encouraged to become independent thinkers and learn to value and respect others thus enabling them to meet the challenges of the wider world. In partnership with parents, carers, schools and outside agencies we will provide students and staff with a positive and supportive learning experience.

We will achieve our vision by constantly thinking about the bigger picture, working as one team, valuing our staff and their continual development and by frequently reviewing, debating and developing the curriculum.

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1. Introduction

1.1 In any school employees may have problems or concerns about their work, working environment or working relationships that they wish to raise and have addressed. The following procedure provides a way for these to be dealt with fairly and quickly, before they escalate and get worse. It is recognised that grievances may arise in a variety of forms. It is hoped that, wherever possible, grievances can be settled informally, without recourse to the formal stage of the procedure.

2. Employees

2.1 Employees must first discuss their grievance with their line manager, as soon as possible and no later than 2 months of the event giving rise to the grievance. The longer an employee leaves a grievance the more difficult it is for Trafford Alternative Education to investigate and deal with it.

2.2 The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring a Trade Union representative or a school colleague to any meeting.

2.3 The Governing Body expects that employees will also set out with the intention of settling the dispute as speedily as possible.

2.4 Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager.

2.5 If the dispute cannot be resolved informally the employee must follow the formal procedures. If the employee is not satisfied with the final decision he/she has a right of appeal to the Governing Body's Appeal Panel.

2.6 The aggrieved employee has the right to be accompanied by a Trade Union representative or a work colleague of his/her choice, if he/she wishes but by no-one else, at all formal stages of the procedure.

The employee's Trade Union representative/School colleague has the right to:

- Address the hearing, putting forward the employee's case;
- Sum up the case;
- Respond on the employee's behalf to any views expressed at the hearing; and
- Confer with employee during the hearing.
- The Trade Union representative/School colleague may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so. The Trade Union representative/School colleague may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.

2.7 If the employee is disabled, the manager will make reasonable adjustments to any provisions, criteria or practices associated with following the Grievance Procedure that may affect the employee.

2.8 Throughout this document any reference made to a Manager can be defined as an Executive Headteacher, Chair of Governors or a member of staff delegated by the Executive Headteacher or Chair of Governors to hear the grievance.

2.9 This procedure shall apply equally to Executive Headteachers who have a grievance as it applies to other members of staff.

2.10 A group of employees with the same grievance may raise the matter as a collective grievance under this procedure, provided that it is not more appropriate to use the Joint Consultation Framework (i.e. a grievance relating to the application of existing arrangements should be raised through this procedure, rather than the Joint Consultation Framework which would address proposed changes to existing arrangements).

2.11 Employees are advised to consult their Trade Union representatives at any stage of the procedure.

2.12 Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998. Throughout the grievance process, documentation will be shared with the employee where that is appropriate.

2.13 If an employee raises a grievance that is found to be for malicious or vexatious motives, the manager may consider taking disciplinary action.

2.14 Any parties, knowingly giving false information at any stage of the grievance process may be subject to disciplinary action.

2.15 It should be noted that where an employee becomes sick during the course of a grievance, or submits a grievance while off sick, resolution of the grievance is likely to contribute to their recovery. Efforts to resolve the issues rose should therefore, where possible, and in conjunction with advice from Occupational Health, continue during the period of sickness absence.

3. Scope of the Procedure

3.1 This recommended procedure is subject to the provision of relevant Education Acts. **The procedure applies to all employees of Trafford Alternative Education (THS/TMES).**

3.2 The procedure cannot be used to challenge formal outcomes in other procedures which have an appeal process or to complain about the application of another procedure that has an appeal process (e.g. Disciplinary procedure, Capability procedure, Attendance Management procedure, Redundancy procedure, Flexible Working procedure).

3.3 The procedure does not apply to a complaint regarding discrimination, harassment and bullying, victimisation or inappropriate behaviour which should be addressed under Trafford Alternative Education Provision's Dignity at Work Policy.

3.4 Where a grievance has been heard in accordance with this procedure, the member of staff cannot submit further grievances on the same topic. This provision seeks to ensure that the same grievance is not resubmitted if it is not upheld.

3.5 A Human Resources Advisor may be invited to attend the formal grievance stage of the procedure for the purpose of giving advice to the management representative in accordance with the procedure outlined within Appendix 1, or the appropriate Committee of the Governing Body in accordance with the procedure outlined within Appendix 2.

4. Stage One (Informal)

4.1. Where an individual member of staff has a grievance, s/he should first of all attempt to resolve that grievance informally through discussions with their line manager, or with the other party if the grievance relates to the actions of another employee.

4.2 The line manager, if it is deemed appropriate, may feel it necessary to discuss the grievance with the Executive Headteacher in order to resolve the issue.

4.3 Informal resolution will involve the Executive Headteacher where the grievance relates to the actions of another employee. Informal discussions and/or meetings with both individuals, and / or discussions with Human Resources will take place.

4.4 Most grievances should be resolved at this level.

4.5 If the grievance is not resolved within 5 working days or if you consider that you have not been fairly treated, you may raise a formal grievance as set out at Stage 2 below.

5. Stage Two (Formal)

5.1 If the grievance is not satisfactorily resolved, you may refer the matter to the Executive Headteacher in writing or the Chair of Governors if your grievance is with the Executive Headteacher.

5.2 The grounds of the grievance must be set out in writing and include the full details of the grievance, advising what steps have already been taken to resolve the issue informally, what resolution is sought, along with any supporting documentation relevant to the grievance. This should be copied to any other person(s) concerned.

5.3 On receipt of the formal grievance, the Executive Headteacher/Chair of Governors will arrange a hearing, normally within 10 working days, with the aggrieved employee, or with both parties if the grievance relates to the actions of another employee. A Human Resources representative can be in attendance to support this hearing if appropriate. The employee is entitled to be accompanied by a Trade Union representative or a work colleague at the hearing.

5.4 The hearing will be conducted in accordance with the procedure set out in Appendix 1.

5.5 The outcome of the formal grievance hearing will be communicated to the aggrieved person and the other person(s), if the grievance relates to the actions of

someone else, in writing, normally within 5 working days of the hearing, along with their right of appeal against the decision if the employee continues to be aggrieved.

5.6 In potentially complex cases, where the complainant does not feel able to attend a meeting with the respondent, or where an investigation may be required to establish the facts, the Executive Headteacher, following consultation with the Chair of Governors, or the Chair of Governors, may appoint an appropriate and experienced individual from within Trafford Alternative Education to conduct the investigation. If appropriate they can be supported by a Human Resources representative, or another suitably experienced person. The investigation should include meetings with all parties. Where an investigation has been undertaken, a meeting will be held with the complainant to outline the findings and any recommendations from the investigation and to give them the right of appeal. Alternatively, in agreement with the complainant, the outcome can be confirmed in writing and the right to appeal against the decision given.

6. Stage Three (Appeal)

6.1 If the employee continues to feel aggrieved, they should submit their appeal within 10 working days of receipt of the letter outlining the decision of the grievance hearing. Additional evidence/information submitted at a later date will only be considered in exceptional cases and with the agreement of all parties.

6.2 The Appeals Committee of the governing body will normally meet within 15 working days of the member of staffs' letter advising appeal, being received. Governors who were involved in the grievance hearing will not be part of any subsequent panel.

6.3 The Appeal will be conducted in accordance with the provisions set out in Appendix 2.

6.4 The decision of the Appeals Committee will represent the final stage of the procedure.

Appendix 1: Grievance Hearing

1. Not less than 5 working days in advance of the hearing a written statement of case, documentary evidence and list of witnesses (if applicable) will be submitted to the Executive Headteacher / Nominated Person/Chair of Governors by the complainant, and respondent where the grievance relates to another employee. The written statements must outline the steps taken to try and resolve the grievance and, in the case of the complainant, what resolution is sought.
2. The complainant and the respondent may be accompanied at the hearing by a Trade Union representative or work colleague of his/her choice, if he/she wishes, but by no-one else.
3. The Executive Headteacher / Nominated Person/Chair of Governors may be advised by a Human Resources Advisor.
4. The undermentioned procedure will be followed at the grievance hearing (note that where an investigation has been undertaken, the investigating officer will also be present to outline their findings and recommendations at an appropriate point in the hearing, and questions may be asked from all parties);-
 - a. The complainant or their representative will outline the grievance.
 - b. The complainant to call witnesses where applicable.
 - c. The line manager / respondent, where appropriate, may ask questions of the complainant and witnesses.
 - d. The Executive Headteacher / Nominated Person/Chair of Governors may ask questions of the complainant and witnesses.
 - e. The line manager / respondent where appropriate, or their representative will respond to the complainant's grievance.
 - f. The line manager / respondent to call witnesses.
 - g. The complainant may ask questions of the respondent and witnesses.
 - h. The Executive Headteacher / Nominated Person/Chair of Governors may ask questions of the line manager / respondent and witnesses.
 - i. Withdrawal of witnesses.
 - j. Both parties where appropriate to summarise their cases.
 - k. All parties to withdraw whilst the Executive Headteacher / Nominated Person/Chair of Governors deliberates.
5. The persons conducting the hearing may adjourn the proceedings at any time if this appears necessary or desirable.
6. The Executive Headteacher/Nominated Person / Chair of Governors with only the Human Resources Advisor present will deliberate in private, only recalling the parties to clarify points of uncertainty on the evidence already given. If recall is necessary, all parties will return.
7. The Executive Headteacher/Nominated Person / Chair of Governors will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing, or in writing, within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.

8. For the purpose of the hearing, the decision of the Executive Headteacher/Nominated Person / Chair of Governors as to what matters are of relevance to the proceedings will be final.

Appendix 2: Formal Appeal Hearing Against the Decision of Executive Headteacher/Nominated Person/Chair of Governors



Trafford Alternative Education Provision



TRAFFORD HIGH SCHOOL
High School

1. The Committee will not normally consist of less than 3 members of the Trafford Alternative Education Provision's Governing Body (excluding any members of staff of the Trafford Alternative Education Provision). Where this is not reasonably practicable, the Committee may consist of two members (excluding members of staff of the Trafford Alternative Education Provision).
2. The complainant on submission of their appeal should provide a written statement of case, documentary evidence and a list of witnesses (if applicable), to the designated Clerk of the relevant Committee.
3. On receipt of notification of appeal the clerk will inform the decision maker of the original grievance hearing that an appeal has been lodged. The clerk will also request from the decision maker submissions of written statement of case, documentary evidence and list of witnesses (if applicable) normally within 10 working days of notification.
4. The clerk will normally arrange the appeal hearing within 15 working days from receipt of the appeal.
5. A copy of the order of proceedings and all relevant documentation will be distributed by the Clerk to all parties involved in the appeal hearing, normally 5 working days prior to the hearing.
6. The relevant committee may be advised by a Human Resources Advisor.
7. The complainant and respondent may be accompanied at the hearing by a Trade Union representative or fellow employee of his/her choice, if he/she wishes, but by no-one else.
8. The under mentioned procedure will be followed at the grievance appeal hearing:
 - a. The complainant or their representative will outline the grievance.
 - b. The complainant to call witnesses, where appropriate.
 - c. The decision maker of the original hearing may ask questions of the complainant and witnesses.
 - d. The Appeal Committee may ask questions of the complainant and witnesses.
 - e. The decision maker of the original hearing will respond to the complainant's grievance.
 - f. The decision maker of the original hearing to call witnesses, where appropriate.
 - g. The complainant may ask questions of the decision maker of the original hearing and witnesses.
 - h. The Appeal Committee may ask questions of the decision maker of the original hearing and witnesses.
 - i. Withdrawal of witnesses.

- j. Both parties to summarise their case.
- k. All parties to withdraw whilst the Appeals Committee deliberates.

9. The Appeals Committee may adjourn the proceedings at any time if this appears necessary or desirable.

10. The Appeals Committee with only the Human Resources Advisor present, will deliberate in private, only recalling the complainant (and his/her representative) and the decision maker of the original hearing, to clarify points of uncertainty on the evidence already given. If recall is necessary, both parties will return.

11. The Chair of the Appeals Committee will communicate the decision, with reasons, to both parties either orally at the conclusion of the hearing or in writing within 5 working days of the hearing. If given orally, the decision will be confirmed in writing.

12. For the purpose of the hearing, the decision of the Chair of the Appeals Committee as to what matters are of relevance to the proceedings will be final.

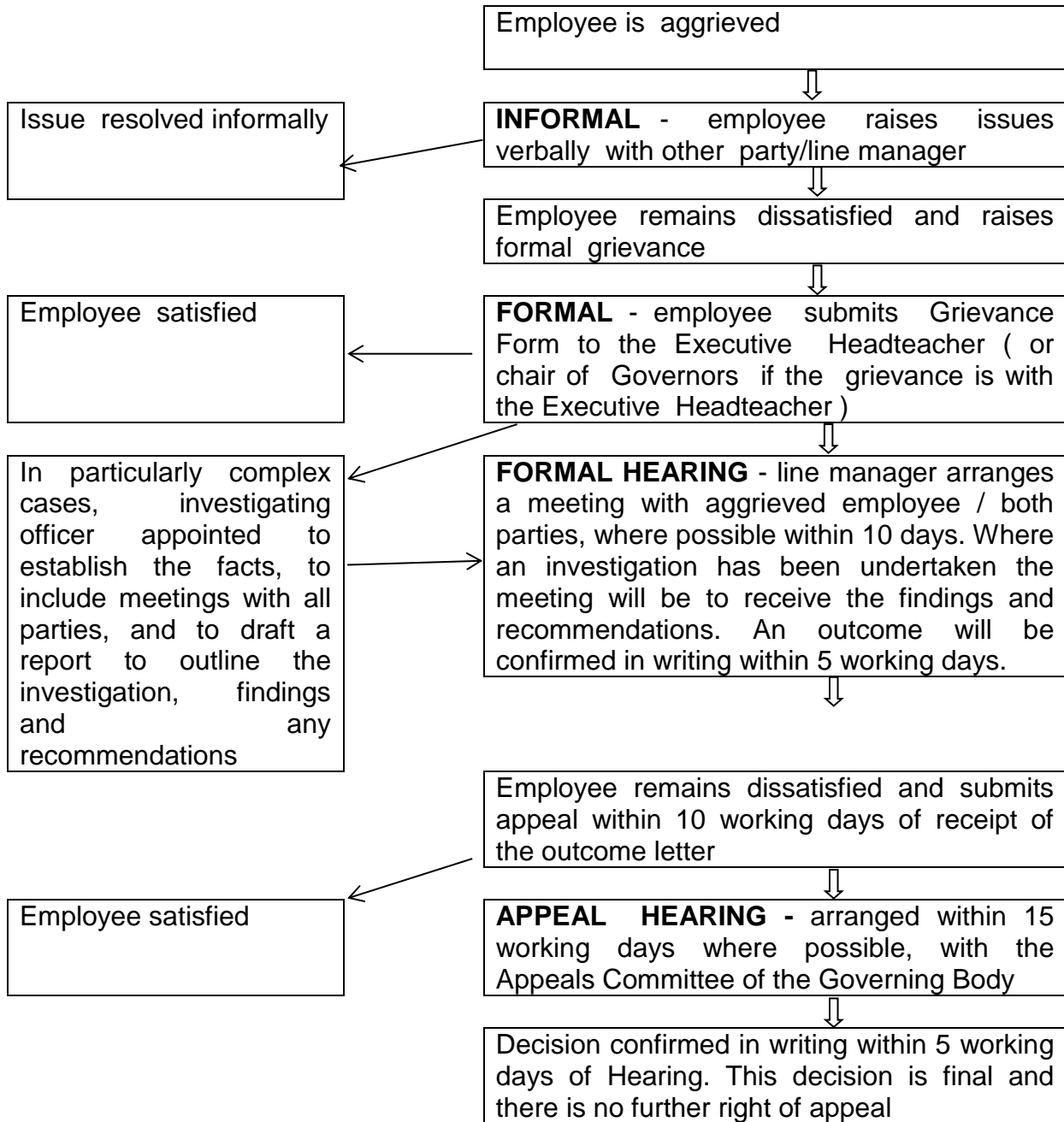
Appendix 3: Flowchart



Trafford Alternative Education Provision



TRAFFORD HIGH SCHOOL
Trafford Park, Trafford



Appendix 4: Formal Grievance Form



Trafford Alternative Education Provision



TRAFFORD HIGH SCHOOL
Trafford, Greater Manchester

Formal Grievance Form	
Name:	
Job Title:	Line Manager:
Date of event:	
Summary of grievance:	
Details of any witnesses:	
Other supporting evidence:	
Details of informal steps taken to resolve the grievance and why it is felt that the issue has not been resolved informally (include dates):	
What resolution are you seeking?	
Do you wish to be accompanied at a formal Grievance Hearing by a work college, certified Trade Union representative or a Trade Union official?	Yes or No
Name of work colleague/representative/official:	
I request a formal hearing under Stage 2 of the Grievance Procedure	
Signed:	
Date:	