



## **GRIEVANCE POLICY**

### **1. INTRODUCTION**

The Grievance Policy is designed to promote fairness and consistency in the treatment of employees throughout the institution (HE, DSSF, ArtsEd Extra and all those in wider support functions) and to assist ArtsEd to function effectively.

All employees have a responsibility to familiarise themselves with this policy.

The purpose of this policy is to provide employees with a readily accessible procedure for addressing any problems or concerns they may have at work. This procedure should not replace normal employee–manager dialogue. However, where such informal dialogue has failed to resolve an issue of concern, then an employee may utilise this procedure in an effort to have an issue resolved to their satisfaction.

It is accepted that when people work together there will inevitably be situations where misunderstandings, problems or concerns need to be resolved. It is the policy of ArtsEd that a culture of good communication, openness and a willingness to co-operate and listen will exist. Therefore, it is envisaged that the majority of these issues or misunderstandings will be capable of being addressed informally in an efficient and effective manner.

However, where such issues are unresolved, they may become grievances. Employees are encouraged to seek resolution of an issue by utilising this procedure. The member of staff raising a grievance will be referred to as the ‘complainant’ in this policy.

The grievance procedure should not be used to lodge appeals against disciplinary sanctions. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Policy and Procedure.

ArtsEd will always strive to uphold the principles of, and its obligations under, the Equality Act 2010. In doing so, it will make provision for employees with disabilities and those possessing protected characteristics to ensure fairness and equal treatment. If a member of staff has any concerns in this regard, then they must discuss this with the HR Director, who will seek to mitigate and/or remove the concerns that have been raised so that the processes and procedures outlined in this policy can be implemented with fairness and equal treatment.

This procedure does not constitute contractual terms and conditions. ArtsEd reserves the right to amend any provision of this procedure subsequent to appropriate consultation. Any safeguarding matters will be handled under the Safeguarding Policy and other policies as necessary.

This policy fully incorporates the provisions of the Acas code.

## **2. REMIT**

This guidance is directed specifically for allegations which include concerns relating to:

- Bullying
- Harassment
- Sexual misconduct
- Victimisation
- Discrimination
- Working Conditions
- Pay and benefits

If your complaint does not fit into one of the categories above, then please seek advice from your line manager or HR.

This policy does not replace other ArtsEd policies or procedures.

## **3. PROCEDURE**

In order to provide an effective and timely resolution of employee concerns, the following procedure will be followed to ensure that employee complaints or problems receive full and careful attention. This grievance procedure is detailed in the flowchart in Appendix A.

Reasonable adjustments will be made to the procedure for disabled employees. Any employee who experiences difficulty with the procedure for any reason should seek assistance from the HR department.

At each grievance meeting held under the formal procedure, the complainant has a right to be accompanied by a colleague or a trade union official.

ArtsEd reserves the right to engage external third-party assistance at any stage of the grievance process. In addition, a representative from the HR Department will be present at formal grievance hearings, as appropriate.

There are a number of different processes that can be adopted and these are outlined below:

### **i. Informal discussion**

Employees should approach their Line Manager in the first instance to discuss issues and attempt to informally resolve them. Informal discussion can frequently solve problems without the need for written record. Employees should receive an outcome within 5 working days, however if the Line Manager should determine this is not possible, the reasons for this and estimated length of delay will be communicated to the employee.

### **ii. Mediation**

ArtsEd reserves the right to seek assistance from external mediators at any stage in the grievance procedure. Where both parties agree to undertake mediation, the grievance process will be suspended whilst this is ongoing.

If an employee is dissatisfied with the outcome of the informal discussion and/or mediation, they may invoke the formal grievance procedure.

Please note that an employee is required to engage in informal discussions and mediation (if relevant) prior to invoking the formal grievance procedure.

iii. Formal procedure

a. Initiating the grievance procedure

If a grievance cannot be resolved informally or the employee considers they have not been fairly treated, they may raise their grievance in writing to their Line manager and it will be treated as a formal grievance.

The employee should raise the grievance in writing to HR using the Grievance Form (Appendix B). This should explain the nature and extent of the grievance, including any relevant facts, dates, and names of individuals involved, and indicate the outcome the employee is looking for.

If the grievance concerns the Line manager, it should be raised with the Executive Leadership Team, Headteacher, Principal or the HR Director. If the grievance concerns the Executive Leadership Team, Headteacher, Principal or the HR Director then the matter should be referred to the Chair of Trustees.

Concerns regarding any matter which would fall within the scope of legislation on public interest disclosures (otherwise known as whistleblowing) must be raised under the whistleblowing policy.

b. Grievance hearing

Once a formal grievance has been made, a meeting will be arranged as soon as possible between the Grievance Chair and the employee. The Grievance Chair will normally be a member of staff who is more senior within ArtsEd than the subject of the allegations by the complainant. A minute taker will also be present. The employee may be accompanied by a fellow colleague or trade union official. The meeting will be held to discuss the grievance in detail and the employee should take any documents or evidence they have regarding the grievance to the meeting.

At the meeting the employee will have the opportunity to explain their grievance and how they think it may be resolved. Depending on the circumstances, the meeting may be adjourned for an investigation to take place. The amount of any investigation required will depend on the nature of the allegations and will vary according to the circumstances. Where the matter needs to be investigated and/or the meeting adjourned, an indication of the likely timescale for receiving a response will be given.

If an investigation is required then the Grievance Chair will appoint an investigator. This may involve holding investigation meetings with witnesses, requiring witness statements to be produced and reviewing written evidence. Following the investigation, a subsequent meeting would then take place with the Grievance Chair.

At the conclusion to these meetings, a decision will be taken by the Grievance Chair and the grievance will normally be responded to, in writing, within 10 working term-time days of the meeting being held; however, if the Grievance Chair should determine this is not possible, the reasons for this and estimated length of delay will be communicated to the employee. The employee will be informed of actions to take if they wish to appeal the outcome.

Minutes of all these meetings will be taken and copies will be made available to the employee. A copy of the minutes will be stored by the HR department.

iv. Appeal

Where the complainant is dissatisfied with the outcome of the grievance, or they feel unfairly treated, the employee may, within five working term-time days of the written decision, appeal in writing to the HR Director. The employee should write to HR setting out the reasons for their dissatisfaction.

The matter will progress to be heard by an employee senior to the Grievance Chair as an Appeal Hearing. The appeal will involve the same procedural steps as the grievance and the outcome will be provided to the employee within 10 working term-time days of the appeal being held, however if the Appeal Chair should determine this is not possible, the reasons for this and estimated length of delay will be communicated to the employee.

Where the subject of the grievance feels unfairly treated, or has concerns with the outcome of the investigation, then this should be raised with the HR Director within 5 working term-time days of their receipt of the findings of the outcome.

There will be no further stage of appeal. The decision on the grievance will be final.

**4. SIMULTANEOUS GRIEVANCE AND DISCIPLINARY MATTERS**

ArtsEd will make a decision on how to progress matters when an employee raises a grievance about a disciplinary procedure involving them. Acas guidance suggests that disciplinary hearings may be suspended for a short duration while the grievance is investigated. ArtsEd will assess the exact nature of the grievance and will have the final say over suspension of a disciplinary procedure.

**5. EXTENDING TIMESCALES UNDER THE PROCEDURE**

The timescales outlined in this procedure will be adhered to whenever this is reasonably practicable. There may be extenuating circumstances that are outside of either parties' control, for example, where a key witness is unavailable or the grievance requires extensive investigation.

Where it is not reasonably practicable to adhere to the deadlines, both parties will discuss any extension to the timelines.

**6. PROTECTION AGAINST DETRIMENT**

Nothing in this procedure is intended to prevent the employee from raising any concerns they have. Employees who raise concerns under this procedure will not be subject to any detrimental or less favourable treatment as a result of doing so.

Where the grievance is made with malicious intent, the employee will be subject to ArtsEd's disciplinary procedure.

**7. FORMER EMPLOYEES**

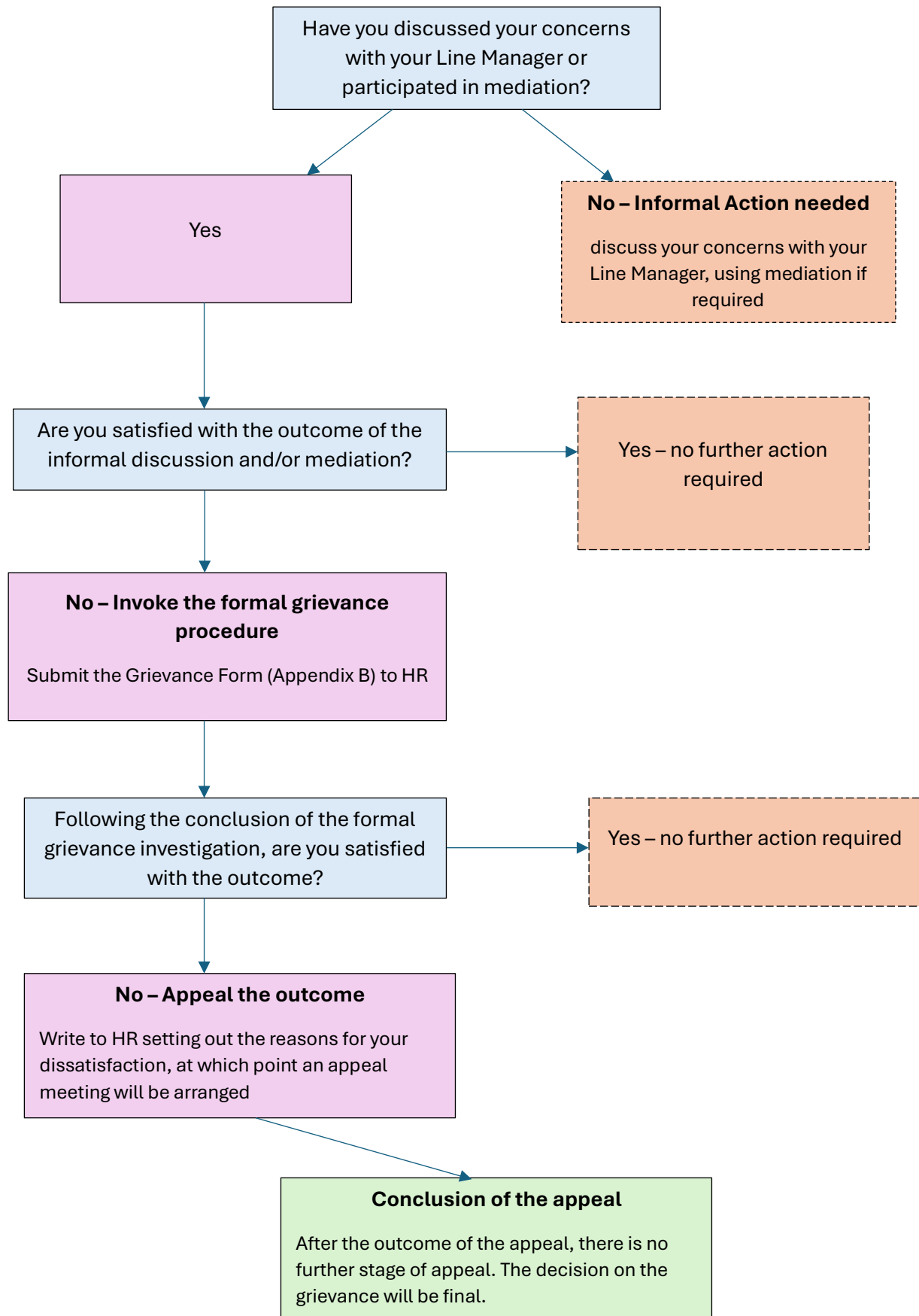
Former employees can raise a grievance under this policy within 3 calendar months of the end of their employment at ArtsEd. Should a grievance be raised by an employee leaving ArtsEd, where possible the grievance procedure will be concluded whilst they remain in employment. If it is not possible to conclude the process prior to their exit from the business, then it may be necessary to modify the procedure to complete it.

Should an ex-employee raise a grievance under this procedure, ArtsEd reserves the right to modify the procedure outlined above. This includes, but is not limited to, providing a written response.

## **8. RECORD-KEEPING**

Written grievances will be placed on the complainant's personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be retained in accordance with our policies and procedures on data retention, this is normally calendar 12 months.

## Appendix A – Grievance Flowchart



**Strictly Confidential****Appendix B: Notification of Grievance Form**

Please submit the form to ArtsEd's HR Department at [hr@artsed.co.uk](mailto:hr@artsed.co.uk). Once received, the grievance will be addressed and dealt with under the Company's grievance policy and procedure.

| Section 1 – Details of the employee |  |
|-------------------------------------|--|
| Name of employee:                   |  |
| Job title / role:                   |  |

| Section 2 - Is this grievance being made by you as an individual or collective ( <i>please select one</i> ) |          |                                                                     |
|-------------------------------------------------------------------------------------------------------------|----------|---------------------------------------------------------------------|
| <b>Individual</b>                                                                                           | Yes / No |                                                                     |
| <b>Collective</b>                                                                                           | Yes / No | <b>If as a collective, please give further details if possible:</b> |

| Section 3 – Stage of Grievance: please indicate stage of grievance and date action was taken |                                 |        |      |
|----------------------------------------------------------------------------------------------|---------------------------------|--------|------|
|                                                                                              |                                 |        | Date |
| <b>Informal</b>                                                                              | Has informal action been taken? | Yes/No |      |
| <b>Formal</b>                                                                                | Has formal action been taken?   | Yes/No |      |
| <b>Appeal</b>                                                                                | Has the appeal been heard?      | Yes/No |      |

| Section 4 – Mediation                      |        |
|--------------------------------------------|--------|
| Has mediation taken place?                 | Yes/No |
| If yes, who was present at mediation?      |        |
| If yes, what was the outcome of mediation? |        |

*Please note as per ArtsEd's Grievance Policy, you will be required to complete informal discussions (including mediation if relevant) prior to invoking formal action.*

| Section 5 - Type of grievance (please use all relevant boxes) |        |                    |        |
|---------------------------------------------------------------|--------|--------------------|--------|
| Bullying                                                      | Yes/No | Discrimination     | Yes/No |
| Harassment                                                    | Yes/No | Working Conditions | Yes/No |
| Sexual misconduct                                             | Yes/No | Pay and benefits   | Yes/No |
| Victimisation                                                 | Yes/No |                    |        |
| Other – please detail:                                        | Yes/No |                    |        |

**Section 6 - Details of grievance**

Please explain the nature of your grievance below, including as much detail as possible regarding background, reason for concern, dates, times, people involved etc

**Section 7 - What is your desired outcome?**

**Section 8 – please sign and date this form**

|                     |  |
|---------------------|--|
| Employee Name:      |  |
| Employee signature: |  |
| Date:               |  |



| Version Control                      |                                                                                                                                                         |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
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