

GRIEVANCE POLICY AND PROCEDURE

Policy Code <i>QSC/36</i>	Authorisation Date <i>November 2024</i>	Next Review Date <i>November 2025</i>
Enquiries Contact: <i>support@uk.oneschoolglobal.com</i>	Approval Authority <i>OSG UK Board</i>	Policy Author <i>Martyn Pointer, Regional Director of HR</i>
Associated Documents • <i>Employment Agreement</i> • <i>Disciplinary Policy & Procedures</i> • <i>Staff Handbook</i> • <i>Confidentiality Policy</i> • <i>Disciplinary Policy</i> • <i>Staff Code of Conduct</i> • <i>Capability Policy Anti-Bullying and Harassment Policy</i> • <i>Carer's Policy</i> • <i>Absence Policy</i> • <i>Data Protection Policy</i> • <i>Whistleblowing Policy</i> • <i>Equal Opportunities Policy</i>		

1. PURPOSE

OneSchool Global UK (OSG UK) is committed to ensuring the safety, protection and wellbeing of its staff. The Grievance Policy and Procedure exists to facilitate in the resolution of concerns raised by employees to the employer. To ensure that concerns, problems or complaints regarding an employee's employment, working conditions, or relationships with other colleagues can be aired and, where possible, resolved informally, quickly and to the satisfaction of all involved. This policy and procedures is written to comply with the ACAS Code of Practice on disciplinary and grievance procedures and the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures (Northern Ireland).

2. SCOPE

This policy applies to all employees and workers at all stages of employment. This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour.

3. DEFINITIONS

Term	Definition
ACAS	Arbitration, Conciliation and Advisory Service
Grievance	Concerns, problems or complaints regarding an employee's employment, working conditions, or relationships with other colleagues.
Working Days	Are defined as weekdays (Monday to Friday). This excludes Bank Holidays and statutory holidays. This is regardless of the actual days worked by any employee.

4. POLICY STATEMENT & INTRODUCTION

- 4.1. OSG UK recognises that any employee may at some time have problems, complaints or concerns with their employment, working conditions or relationships with colleagues that they wish to raise.
- 4.2. OSG UK aims to ensure that staff with a grievance relating to their employment can use this procedure to resolve grievances as quickly and as reasonably possible and via a consistent and fair process.
- 4.3. OSG UK observes that many grievance issues can be dealt with informally and aims to do so wherever possible and encourages staff to do the same.
- 4.4. Examples of issues that may cause grievances include, but not be limited to, the following:
 - Terms and conditions of employment
 - Health and safety
 - New working practices
 - Working environment
 - Work relations
 - Equal opportunities
 - Organisational change
- 4.5. Typically, issues involving bullying, harassment or whistleblowing should be dealt with under separate procedures
- 4.6. Throughout the procedure the principle applies that both the employer and its employees should act consistently, should raise and deal with issues promptly, and should not unreasonably delay meetings, decisions, or confirmation of those decisions.
- 4.7. Grievances must be presented promptly in order to allow effective early action; employees should (unless there are exceptional circumstances) present a grievance by no later than three calendar months of the matter complained of. Management reserves the right to reject grievances where they have not been presented within a reasonable timescale.
- 4.8. Employees are under a duty to co-operate with the grievance process and must attend meetings, provide evidence and generally behave in such a way as to facilitate the prompt resolution of the matter.
- 4.9. Misuse of the procedure may result in the disciplinary process being applied (e.g. by bringing repeated unfounded grievances, using the grievance procedure for reasons other than a genuine desire to resolve a dispute, or using the process with what may be construed as malicious intent, or unreasonable conduct during the process or at meetings).
- 4.10. Bullying, harassment or victimisation will not be tolerated. All employees must comply with the school's Staff Code of Conduct, Anti-Bullying and Harassment Policy and Equal Opportunities Policy and are required to act in accordance with it.
- 4.11. The OSG UK Human Resources team reserve the right to attend any of the stages of this procedure.
- 4.12. All information processed during a grievance will be kept in accordance with the Data Protection Policy and Confidentiality Policy.

5. PROCEDURES

5.1 Grievances relating to Disciplinary Matters

- 5.1.1 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance.
- 5.1.2 Where the grievance and disciplinary cases are related, or where the grievance constitutes an appeal against a disciplinary decision or a probationary period decision in most circumstances it may be appropriate to deal with both issues concurrently, or at a subsequent disciplinary hearing or appeal hearing. In these cases, the grievance should be raised in the context of the OSG UK Disciplinary Policy and Procedure or the OSG UK Probationary Policy and Procedure, whichever is applicable. In these circumstances there is no need for the employer or the employee to follow this grievance procedure.

5.2 Grievance Procedure – Informal Stage

- 5.2.1 Appendix 1 provides an overview of the informal stage of the grievance process.
- 5.2.2 Employees who have a grievance regarding their employment should initially raise the matter informally with the Campus Principal their line manager. If an incident relates to the Campus Principal the employee should initially contact the Regional Principal. The employee should provide details and the nature of the complaint, without unreasonable delay, within three calendar months of the incident. This is unless exceptional circumstances apply. The employer is not obliged to consider a grievance raised outside of this timescale.
- 5.2.3 The recipient of the grievance will record details and attempt to resolve the grievance.
- 5.2.4 The purpose of the informal stage is to resolve the issue in an open, honest and positive manner, to avoid formal escalation and may include informal meetings at a time reasonably agreed with the employee. If such a meeting is held its purpose is to ascertain what the employee is concerned about, what outcome the employee is seeking and whether further meetings and escalation to the formal stage may be required.
- 5.2.5 At the end of the informal stage the employee will be informed what action(s) will be taken to achieve the appropriate outcome(s) and by when. Should the employee be dissatisfied with the result, or if the grievance cannot be resolved informally, they should raise the grievance formally without unreasonable delay.

5.3 Mediation

- 5.3.1 In some circumstances the employer may consider whether it is appropriate for the matter to be dealt with by a third-party mediator. Mediation can only be undertaken if the employer and the employee agree to that course of action.
- 5.3.2 Mediation is an intervention led by a mediator who using active participation works to find points of agreement and make those in conflict work towards and agree a fair result in order to resolve a dispute.
- 5.3.3 Any mediation procedure will be confidential to the parties with the expenses of an agreed mediator met by the employer.

5.4 Confidentiality

Unless agreed otherwise, the employer and the employee will keep the details of grievances and any investigation or outcomes confidential as far as practicable.

The identity of the person raising the grievance will not be provided to any other employee unless deemed necessary as part of the grievance processor as may be required in order to enable the Campus and or Grievance Manager to comply with the terms of this policy.

5.5 Grievance Procedure – Formal Stage

5.5.1 Lodging a Grievance

- i. Where it is not possible to resolve a grievance informally employees should raise the matter formally without unreasonable delay, with an appropriate manager, usually the Campus Principal or Line Manager, if an incident relates to the Campus Principal the employee should initially contact the Regional Principal. The grievance should be raised within three calendar months of the incident. This is unless exceptional circumstances apply. The employer shall not be obliged to consider a grievance raised outside of this timescale.
- ii. The grievance should be lodged in writing to the appropriate manager informing them of the nature and details of the grievance, sharing any key dates, times and any witnesses where applicable. It should also include details of any actions already taken by the employee to resolve the grievance (if any).
- iii. It is the employee's responsibility to ensure that the employer has all information necessary to investigate the grievance. Details of the remedy sought by the employee should also be identified at the point of lodging a grievance.
- iv. Employees should use the template provided at Appendix 2 to set out their grievance.

5.5.1.1 Appointing Grievance Manager/Panel

5.5.2 On receipt of the complaint, concerns or grievance letter, in all cases, the Campus Principal or Regional Principal, (if complaint is about the Campus Principal) the details will be refer to the HR Business Partner regarding next steps and appoint a Grievance Manager, to evaluate and determine next steps this will include assessment on whether any immediate action should be taken, e.g., paid management leave pending investigation.

5.5.3 The Grievance Manager must not have had any previous dealings with the case and should be impartial. The Grievance Manager must be at an appropriate level of seniority and must have sufficient experience and/or training to allow a thorough understanding of relevant issues.

5.5.4 The person against whom the complaint is made will be informed by the Campus Principal/Regional Principal of the nature of the complaint lodged against them and of the availability of advice and support. Any immediate action taken (such as paid management leave) will be notified.

5.5.5 Formal Grievance Meeting

- i. The Grievance Manager will write to the employee who has raised the grievance to invite the employee to attend a formal grievance meeting without unreasonable delay where possible. Employees are entitled to be accompanied at the grievance meeting (see section 5.8). Both the employee and their companion must make every reasonable effort to attend the meeting. Where there are any difficulties in respect of attendance the employee and/or their companion must notify the person dealing with the matter as soon as possible.

- ii. During the grievance meeting the employee should explain their grievance and how they believe it can be resolved. The Grievance Manager will seek to clarify the facts and detail of the grievance, and the remedy sought in order to understand the complaints and appropriately respond. Notes and any records from the informal stage may also be considered within a reasonable timeframe.
- iii. If, at the grievance meeting, it appears that further investigation is needed, the Grievance Manager may adjourn the meeting. Where it is not appropriate to confirm the outcome in writing without reconvening the discussion, the Grievance Manager should arrange to reconvene the discussion to finish the process at a reasonable time at a later date.

Where appropriate, if the Grievance Manager decides an investigation is required, the grievance manager will make the employee aware. The Grievance Manager assigned will then carry out the investigation and interview witnesses to the detailed events or concerns. The Grievance Manager may appoint an independent investigator who will gather the facts and information and interview witnesses.

5.5.6 Outcome of the Meeting

- i. After the grievance meeting has been completed (which includes any reconvened meeting held and any further investigations have been completed) the Grievance Manager must decide on what appropriate action should be taken, if any.
- ii. The employee will receive the grievance decision in writing without unreasonable delay. The meeting outcome letter will detail the decision, a full explanation of how the decision was made, and any action/s the Grievance Manager will take to resolve the grievance, where applicable.
- iii. The outcomes of the grievance may be:
 - To uphold, either wholly or in part, the grievance
 - To not uphold the grievance
 - Describe the recommendations and or actions that the grievance manager will put forward to the relevant line manager, Campus Principal or Regional Principal, depending on the grievance to resolve the grievance or as a consequence of the grievance.
- iv. Whether an additional investigation is required or not, if it is not possible for the grievance manager to respond within a reasonable time, the grievance manager will provide an explanation for the delay and identify when a response can be expected.
- v. The employee will be informed of their right to appeal the decision and how to lodge an appeal.
- vi. If as a result of a grievance, disciplinary action or other action is being considered towards other employees, the individual who raised the grievance will not be advised of the outcome of those proceedings. This is confidential and private to the employees involved.
- vii. If it is necessary and appropriate to take disciplinary action, the employer will determine what action is appropriate in line with the Disciplinary Policy and Procedure. Disciplinary action will be proportionate and may include, but not be limited to, verbal warnings, written warning, suspension with pay or termination of employment.

5.5.7 GRIEVANCE REPORT

5.5.8 The Grievance Manager will create a written report which will include any evidence of whether the alleged grievance complaint took place. The report could include:

5.5.8.1 a recommendation to invoke disciplinary action as there is evidence to suggest that the complaint had taken place

5.5.8.2 a recommendation other than disciplinary action, in line with the complainant wishes as outlined in their grievance. This could include for example:

- Mediation
- Written or verbal apology

5.5.8.3 a recommendation other than disciplinary action

- Additional Training

5.5.8.4 a recommendation to take no further action on the complaint. This will be appropriate if the Grievance Manager has been unable to find evidence relating to the complaint or that there is evidence to suggest that alleged complaint did not take place

5.5.9 Where there is evidence that the alleged complaint did not take place or that the complaint is malicious, the Grievance Manager's report will recommend further investigation of the circumstances which may lead to disciplinary action against the complainant.

5.6 Lodging an Appeal

- i. Where the employee feels that their grievance has not been satisfactorily resolved, they may lodge an appeal.
- ii. If the employee wishes to appeal, they must formally write to the senior manager named in the outcome letter advising of their grounds for appeal. This must be received within 10 working days of receiving written confirmation of the outcome of the grievance meeting.
- iii. The employee should use the form at Appendix 3 to lodge their appeal.

5.7 Appeal Meeting

- i. The appeal must be heard by three members of the National Leadership Team and/or Principal Team who have previously had no dealings with the case. At this meeting, the complainant is entitled to be represented by a suitably appointed workplace colleague or a trade union representative and will have an opportunity to make oral submissions at the meeting. The panel will consider the employee's reasons for raising an appeal and the details of their original complaint, it is not a rehearing of the original grievance. The panel will deliberate following the meeting, and the complainant will receive, in writing, the final decision of the appeal.
- ii. The appeal meeting should take place without unreasonable delay. If this is not practicable the employee will be informed of the reason for the delay.
- iii. The employee will be notified of the appeal date in advance.
- iv. Any difficulties in respect of attendance should be highlighted as soon as possible to the individual/s dealing with the matter. Where the employee cannot attend the Grievance Appeal

Panel, they may suggest an alternative date which should be without unreasonable delay and within 7 calendar days of the original date suggested wherever possible.

- v. The appeal panel will hear representations from the employee and their companion and from any managers presenting information regarding the grievance meeting, prior to reaching a decision. The process outlined in Appendix 4 should be followed wherever practicable.
- vi. The purpose of the appeal panel is not to rehear the grievance hearing or hear any new issues; the scope of the appeal is to review the process adopted, to review the decision made as a result of the grievance hearing and to consider any new evidence submitted.
- vii. The appeal panel reserves the right to adjourn the hearing in order to conduct any further inquiries. Should the appeal hearing need to adjourn, the hearing may be reconvened where the appeal panel deems it necessary to do so within a reasonable timeframe.
- viii. The appeal panel reserves the right to not reconvene the appeal hearing and instead will notify the employee of the outcome in writing without unreasonable delay, within 7 calendar days wherever possible.
- ix. The meeting outcome will be communicated in writing without unreasonable delay, wherever possible within 7 calendar days of the appeal decision being made.
- x. The decision of the appeal hearing is final and there is no further right of appeal.

5.8 Right to Be Accompanied - Employee's Companion

5.8.1 Employees have the right to be accompanied at any formal grievance meeting (which includes any appeal meeting) by a companion of their choice (unless the request is unreasonable) who is either:

- A suitable work colleague; or
- A trade union representative*; or
- An official employed by a trade union

As per the ACAS code, 'a trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker'.

5.8.2 No other representation will be permitted to attend the meeting. Where there are grounds for a reasonable adjustment for a disabled employee to be made for an alternative companion, the employee should discuss this with the Grievance Manager.

5.8.3 Employees should consider the practicalities of arrangements in making their choice of companion. Employees may amend their choice of companion if they wish but they must notify the Grievance Manager of this without unreasonable delay enabling arrangements for the companion to attendance the formal grievance meeting.

In all cases, the employee must tell the manager who their chosen companion is at least 24 hours before the meeting.

5.8.4 During a meeting the employee's companion contribution must be in line with the ACAS Code of Practice in so far as the companion is permitted to:

- address the meeting to explain and sum up the employee's case;

- respond on behalf of the worker to any views expressed at the meeting; and
- confer with the worker during the meeting.

5.8.5 A companion does not have the right to:

- answer questions on the employee's behalf,
- address the meeting if the employee does not wish it; or
- prevent the grievance manager from explaining their case.

5.8.6 The employee will be required to inform the employer in advance who their chosen companion is and whether they are a fellow worker or trade union official or representative.

5.8.7 If the companion is not available at the time the Grievance Manager has proposed for the meeting. The Grievance Manager can postpone the meeting to a time proposed by the employee, where this is reasonable and mutually convenient. The Grievance Manager may at its discretion postpone the meeting for longer.

If the employee fails to attend the re-arranged meeting, they will be advised that grievance or representation may be:

- Considered by the Grievance Manager in their absence.
- Considered to have been withdrawn and nothing further will be done.

5.9 Recording of meetings

Employees and their companions are prohibited from recording (whether covertly or otherwise) the proceedings at the grievance meeting, and at any appeal meeting, without the express written permission of the employer. Failure to seek prior written permission could result in disciplinary action.

5.10 Record Keeping

5.10.1 The employer will retain and treat as confidential, written records of investigations and outcomes in line with the Data Protection Act and GDPR. It is important, and in the interests of both employer and employee, to retain these written records during the grievance process for future reference.

5.10.2 Records should include:

- a copy of the written grievance;
- the employer's response;
- action(s) taken;
- the reasons for action(s) taken; • whether an appeal was lodged; and • the outcome of any appeal.

5.10.3 Relevant records should be given to the employee including any formal minutes that may have been taken. In certain circumstances, for example to protect a witness, the Grievance Manager may withhold and / or redact some information.

Monitoring and review

The Regional Director of HR /Trustees will review this policy on an annual basis. The next scheduled review date for this policy is November 2025

6. GUIDELINES & LEGISLATION

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Equality Act 2010
- Worker Protection (Amendment of Equality Act 2010) Act 2023
- The Worker Protection (Amendment of Equality Act 2010) Act 2023
- ACAS (2015) 'Code of Practice on Disciplinary and Grievance Procedures'
- Labour Relations Agency Code of Practice on Disciplinary and Grievance procedures (Northern Ireland)

7. APPENDICES

- Appendix 1 Overview of the Grievance Procedure (Formal and Informal Stages)
- Appendix 2 Grievance Form
- Appendix 3 Appeal Form
- Appendix 4 Appeal Hearing Process

8. VERSION CONTROL

Policy Code	Date	Version No.	Nature of Change
QSC/36	September 2019	2	
QSC/36	September 2021	3	Review, no changes
QSC/36	July 2023	4	Review, minor policy sequence changes
QSC/36	November 2024	5	Review and amend in line with legislation change – sexual harassment

Appendix 1 – Overview of the Grievance Procedure

Informal Stage

Employee raises concerns regarding employment with line manager or Campus Principal. *If an concerns relates to the Campus Principal the employee should initially contact the Regional Principal.

Line Manager/Campus Principal follows up the concerns and forms a response to employee's concerns

Line Manager/Campus Principal feeds back to employee, files notes, outcome and response

Completed without unreasonable delay

Formal Stage

Employee submits a formal grievance to Campus Principal/ Line Manager. If any concerns relate to the Campus Principal the employee should initially contact the Regional Principal.

Grievance Manager invites employee to a mutually agreeable meeting without unreasonable delay

Formal Grievance Meeting

Grievance Manager investigates the grievance

No further investigation of the grievance required

Manager writes to inform employee of the grievance outcome and their right to appeal

Within 7 calendar days of the grievance meeting/reconvened meeting where possible

Manager writes to inform employee of the grievance outcome and their right to appeal

Within 7 calendar days of the grievance meeting where possible

Employee submits written appeal

Within 7 calendar days of the date of the outcome letter

Appendix 2 – Grievance Form (invoking the formal stage)

Employee Name	
Job Title	
Campus	
Date of Grievance	

Description of the grievance *Please provide as much detail as possible, including dates and times where possible*

Were there any witnesses? If so, please detail who they are

Resolution Sought (what resolution are you seeking?)

Signed	
Print Name	
Date	
Office use only:	
Has the grievance form been received having been completed by the employee?	
Yes / No	
If so, when was the grievance form received? Date: Time:	
By Whom: (Name & Role Title)	
Has the grievance form been completed by a member of management following/during* a conversation with the employee? Yes / No	
(*delete as appropriate)	
If so, when was the grievance form completed? Date: Time:	
By Whom: (Name & Role Title)	
In the presence of: (Names & Role Titles):	
If applicable - Grievance form passed from recipient to (name & role title):	
Grievance meeting arranged for:	

Appendix 3 – Appeal Form (following a Grievance Meeting)

Employee Name	
Job Title	
Campus	
Date of Grievance Meeting	
Date received outcome of Grievance Meeting	

Please set out the grounds for your appeal e.g. are you appealing the outcome, are you dissatisfied by the process followed, etc. Please provide as much detail as possible.

[illegible]

Resolution Sought *What resolution are you seeking?*

Have you attached all relevant information pertaining to your grievance and the appeal? Yes / No

Signed	
Print Name	
Date	

Office use only:

When was the grievance appeal form received? Date: Time:

By Whom: (Name & Role Title) (UK Head of HR)

List of evidence / supporting documentation provided by employee to accompany appeal form

Grievance form passed from UK Head of HR to (name & role title):

Grievance Appeal meeting arranged for: (*within 14 calendar days of the referral to appeal*)

Appendix 4 - APPEAL HEARING PROCESS

A. PRIOR TO THE APPEAL MEETING

Prior to the hearing of any appeal all parties should have had access to all of the submissions by all parties at least two working days in advance.

B. DURING THE APPEAL MEETING

1. The employee will present their grounds for appeal.
2. If new information is presented during the course of the hearing, the Chair of the panel may decide to adjourn to allow all parties to consider it.
3. Either party may ask for an adjournment to take advice or to compose themselves if they find the proceedings overwhelming.
4. All parties must conduct themselves in an appropriate and constructive manner. Obstructive behaviour or conduct will not be tolerated.
5. The Chair should ensure that there are sufficient breaks and that all hearing attendees act in a cooperative constructive manner. Where it is deemed that this is not the case, the matter should be raised and noted by the Chairperson.
6. At the discretion of the Chairperson, supported by HR where necessary, the panel will hear both sides and will decide whether to uphold the appeal or not.
7. Notes of the meeting should be taken by a suitable note-taker and promptly produced as non-verbatim notes. These will be circulated to all parties following the meeting within a reasonable timescale.

C. PROCESS TO FOLLOW AT THE APPEAL MEETING

1. The Chairperson introduces themselves, any panel members and allows an opportunity for all those participating in the meeting to do so. The Chair must ensure that all procedural steps have been adhered to and confirms the order of the agenda with all those present, including any housekeeping arrangements
2. The Chair checks that all parties have the relevant documents and identifies the specific purpose/s of the meeting.
3. The Chair invites the employee side to present the grounds for their appeal against the formal grievance outcome. The Companion may contribute as outlined in section 5.8 of the policy, which includes presenting the appeal on behalf of the employee.
4. The Chairperson asks questions and reviews any relevant new evidence with the employee.
5. The employee or their companion make any summing up statement prior to the closure of the meeting.
6. The participants then withdraw to allow the appeal panel to deliberate, discuss the findings and reach a decision. In certain circumstances it may be necessary for the panel to seek further information or to make further inquiries in order to reach their decision.

7. The appeal outcome must be confirmed in writing by the Chairperson without unreasonable delay, within seven calendar days of the appeal outcome being available wherever possible.
8. The decision of the appeal panel is final.