

Schools Grievance Policy & Procedure

Approved by: Schools Human Resources

Trade Unions

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1. Policy

1.1 Aim

The aim of the Grievance Policy and Procedure is to promote and encourage a working environment in which School employees feel comfortable to raise their concerns without fear of reprisal or recrimination.

It is fundamental to this procedure that no employee shall suffer any detriment as a result of raising a grievance in good faith.

The procedure provides a framework in which employees can have their concerns and grievances resolved in a fair and timely manner.

Exemptions

This procedure is *not* intended to deal with:

- cases where a support staff member wishes to appeal against the grading of their post; this is dealt with by the Council's **job evaluation procedure**.
- cases where management has started proceedings under the disciplinary, capability, probation or sickness absence procedures.
- decisions of performance management/appraisal, this is dealt with by the Council/School's performance management policy/pay policy/appraisal scheme.

1.2 Scope

The Grievance Policy and Procedure applies to all Council/School employees.

1.3 Responsibilities

Employees are responsible for:

- attempting, where appropriate, to resolve issues informally with their headteacher/line manager prior to invoking the formal stages of the procedure.
- arranging their own representation for all formal meetings under this procedure.

Headteachers/line managers are responsible for:

- attempting to resolve issues raised informally as part of their normal management processes.
- maintaining confidentiality throughout the process.
- acting as a role model, promoting a working culture where colleagues and managers treat each other with respect.
- notifying Schools Human Resources upon receipt of a formal grievance.
- ensuring a response is made swiftly in the event of the issue being raised.

Schools Human Resources (HR) is responsible for:

- providing impartial advice and support throughout the process
- monitoring the application of the procedure, reporting trends and non-compliance to the Chair of Governors and the Executive Director of Children & Young People's Service (CYPS)

2. Procedure

2.1 Introduction

- 2.1.1 Grievances are defined as *concerns, problems and complaints that employees raise with their managers* (ACAS). Where an employee wishes to complain about malpractice or any other serious matters as a protected disclosure they should use the Council's **whistleblowing procedure**.
- 2.1.2 Where the employee raises a grievance against a person other than an employee of the Council/School, or an employee of a partner organisation, the grievance will be investigated in accordance with this procedure and appropriate action taken. However, the employee should be made aware of the limited remedies available to the Council/School.
- 2.1.3 If the substance of the grievance relates to the activities of a trade union official or one of its members undertaking such activities, the headteacher/line manager must contact Schools HR before proceeding. Schools HR will normally arrange a meeting with the relevant Branch Secretary or regional officer before any action is taken.
- 2.1.4 Where an employee alleges **bullying/harassment/victimisation** this will be investigated in accordance with the School's Disciplinary Policy and Procedure.

2.2 Collective grievance

- 2.2.1 In circumstances where a grievance applies to more than one employee, it may be appropriate to raise a collective grievance, which can be raised by the relevant union, with the consent of the employees, using the Council's **collective disputes procedure**.

2.3 Malicious grievances

- 2.3.1 All employees have the right to bring a grievance and it is a fundamental principle of this policy that no employee shall be subject to any detriment for having raised a grievance in good faith. Where a grievance is raised maliciously, i.e. where an employee raised a grievance on grounds which they knew to have been false with the intention of harming another person, disciplinary action may be taken against the employee raising the grievance. The headteacher/line manager should seek advice from Schools HR before taking any action.

2.4 Timescales

- 2.4.1 The headteacher/line manager must as far as is practicable, adhere to the timescales as set out in this procedure. Exceptionally where there are compelling reasons for delay at the formal stages of this procedure the headteacher/line manager must write to the employee concerned to advise of these reasons; informing them of any reasonably revised timescales, which must not extend any stage of the procedure by more than 10 working days.

3. Informal stage

3.1 Raising an informal grievance

- 3.1.1 Employees should attempt to resolve their grievance informally with the headteacher/line manager in the first instance, except where this is inappropriate having regard to the nature of the grievance. A grievance must be raised within 4 calendar months of the event or matter occurring.
- 3.1.2 When an employee raises an informal grievance, the headteacher/line manager will meet with the employee and discuss the issue(s) raised within 7 working days. If this is not possible, the employee should be advised of the delay. The headteacher/line manager will establish the employee's desired outcome in an attempt to resolve the issues in a way that is acceptable to the employee.
- 3.1.3 The headteacher/line manager will take appropriate action to follow up and clarify facts which may include discussions with other members of staff and seek advice from Schools HR.
- 3.1.4 The headteacher/line manager will advise the employee of the outcome of the grievance in writing within 5 working days of the initial meeting.
- 3.1.5 If at this stage the employee does not feel that the matter has been resolved satisfactorily, they will be advised that they may proceed to the formal stage of the procedure.

4. Formal stage

4.1 Raising a formal grievance

- 4.1.1 Where an employee feels that their grievance has not been resolved satisfactorily at the informal stage, or where an informal approach would have been inappropriate, they may proceed to the formal stage of the procedure.
- 4.1.2 The employee should submit the reasons for their grievance in writing to their headteacher/line manager, or where the headteacher/line manager is the subject of the grievance, to either the Headteacher or the Chair of Governors as appropriate. The grievance should set out the basis for the complaint or concern, along with the employee's suggested remedies for resolution. Where an employee is raising a formal grievance without having sought an informal resolution, they should also set out the reasons why an informal approach would, in their opinion, have been inappropriate.
- 4.1.3 Upon receipt of the formal grievance letter the headteacher/line manager will invite the employee to a meeting to discuss their grievance. The employee will be entitled to be accompanied at the meeting by a trade union representative or a work colleague. The trade union or work colleague does not have the right to answer questions on the employee's behalf or address the meeting. This meeting shall take place within 10 working days of receiving the grievance. The headteacher/line manager may be accompanied by Schools HR Officer.
- 4.1.4 Consideration will be given to adjourning the meeting for any investigation that maybe necessary. The investigation may include interviewing other members of staff. The employee will be invited to explain fully their complaint and suggest how they would like to see it resolved.

The emphasis of the investigation will be to find ways to resolve the grievance and alleviate the employee's concerns. The headteacher/line manager should check the following:

- the exact nature of the grievance
- any potential witnesses
- the desired outcome

- 4.1.5 The headteacher/line manager will arrange for a note-taker to take notes of the meeting. A copy of the notes taken will be provided to the employee as soon as is reasonably practicable to be checked for accuracy.
- 4.1.6 The headteacher/line manager will also meet with any other persons they deem necessary.
- 4.1.7 The headteacher/line manager will advise the employee of the outcome of their grievance in writing within 5 working days of the completion of their investigation and within 20 working days of the raising of the formal grievance. The headteacher/line manager may also wish to meet with the employee to explain verbally their decisions/outcome, particularly where they have not upheld the grievance.
- 4.1.8 Where a grievance has been raised involving work colleagues the headteacher/line manager may opt to offer mediation as a means to improve working relationships where all parties are willing to cooperate with this. Guidance on mediation may be sought from Schools HR.
- 4.1.9 In the event that the headteacher/line manager has not responded to the grievance within 20 working days of the grievance being raised formally and the employee has not received a written explanation for any delay, it shall be open to the employee to take the grievance to the next stage (appeal).

5. Appeal/Second stage formal grievance

5.1 Lodging an appeal

- 5.1.1 If the employee is dissatisfied with the outcome of the grievance investigation at the formal stage, or if no response has been received within 20 working days, they may pursue the grievance to the next stage (appeal).
- 5.1.2 The employee must submit their written notice of appeal within 10 working days of receipt of the grievance outcome letter to the Chair of Governors. An employee may appeal in the event that the grievance outcome letter has not been received within 20 working days of the grievance having been raised formally.
- 5.1.3 The employee shall clearly state the reasons why they wish to continue to pursue their grievance to the appeal stage.

5.2 The appeal hearing

- 5.2.1 The Chair of Governors or her/his nominee shall arrange for the grievance to be heard by a panel of 3 Governors. The panel shall consist of 3 governors who shall not have had any prior involvement in the case. The Chair of the panel shall be either trained or suitably experienced in chairing formal panels.
- 5.2.2 A hearing shall be arranged within 20 working days of notification of the appeal, and the employee shall receive a minimum of 5 working days notice of the date of the hearing. The employee should be sent the documents to be considered at the appeal hearing. The employee should be advised to

provide copies of any documentation and names of any witnesses at least 2 working days prior to the hearing.

5.2.3 The following shall attend a grievance appeal hearing;

- a panel of 3 governors who will hear the case
- a Schools HR representative who shall act as an impartial advisor to the panel
- the employee and her/his representative
- the headteacher/line manager presenting the case
- Schools HR adviser to the headteacher/line manager
- any other employee called as a witness, who shall be present only to give their evidence;
- any other employee at the discretion of the panel
- a note taker

5.2.4 **Order of business**

The order of business at a grievance hearing will normally be:

- Introductions
- Presentation by employee/representative
- Questions to the employee/representative by management and the panel
- Presentation by management
- Questions to management by the employee/representative and the Panel
- Summing up by employee/representative
- Summing up by management
- Decision of the panel
- Panel to confirm outcome in writing within 5 working days

5.2.5 The panel may adjourn a grievance hearing in order to obtain additional information, in which case the hearing shall be reconvened within 10 working days on a date to be agreed between the panel and the employee prior to the adjournment.

5.2.6 At the conclusion of the hearing, the panel shall deliberate in private and shall consider all the evidence, documents and submissions. The panel may reconvene to inform the employee of their decision but this shall in any event be confirmed in writing within 5 working days of the conclusion of the hearing.

5.2.7 The decisions that may be arrived at by a panel are as follows;

- that the grievance is unfounded, in which case no action shall be taken
- that the grievance is upheld in full or in part, in which case the panel may recommend appropriate remedial action
- any other reasonable recommendation which does not impose a detriment to the employee

5.2.8 The letter notifying the outcome of the panel's decision shall confirm that this concludes the grievance procedure. The decision shall be final.

6. Overlapping grievance and disciplinary cases

- 6.1 Where an employee raised a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

7. Details of approval and variation process

- 7.1 Where the Council/School wishes to amend or terminate this procedure, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council/School reserve the right to implement its proposed amendment(s)/termination by giving 1 month's notice to employees of its proposal(s).