

SCHOOLS HR ADVISORY SERVICE
HR SOLUTIONS TO MEET YOUR BUSINESS NEEDS

GRIEVANCE PROCEDURE



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GRIEVANCE PROCEDURE

1.0 INTRODUCTION

- 1.1 The Governing Body recognises the right of every employee to express a grievance and to be given a fair hearing. This formal grievance procedure exists to ensure fair and consistent handling of grievances. The governing body have a responsibility to ensure that all staff are aware of the Schools Grievance Procedure.
- 1.2 This procedure is written in line with current employment legislation, the ACAS Code of practice on disciplinary and grievance procedures and with the requirements of the School Staffing (England) Regulations 2002.
- 1.3 Please note that where 'trade union representatives' or 'trade unions' are referred to in the text of this Policy, what is meant is the designated North Somerset Council Representative or Regional Official of each Recognised Trade Union (not the school-level representatives of those Trade Unions). The exception to this is where reference is made to employees having the right to be accompanied by a trade union representative, official employed by a trade union or work colleague. In this instance, the choice of representative would be made by the individual employee in consultation with the trade union as necessary.

2.0 EMPLOYEES COVERED BY THIS PROCEDURE

- 2.1 This procedure applies to all teaching and support staff of the School.
- 2.2 The Grievance Procedure does not apply when:
 - The employee wishes to complain about an actual or possible dismissal including redundancy
 - The employee raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the public interest disclosure provisions of the 1996 Act
 - The employee wishes to complain about action short of dismissal to which the Schools disciplinary or capability procedure applies, unless the grievance is that this involved unlawful discrimination or is not genuinely on grounds of conduct
- 2.3 The Grievance Procedure will apply when you as an employee or as part of a group of employees, have a concern, problem or complaint about work that you raise with the school / council as your employer.
For example:
 - Interpretation of terms and conditions of employment
 - Work relations
 - Workplace behaviour amounting to bullying or harassment
 - New working practices
 - Work environment

- Organisational change
- Discrimination

3.0 GENERAL PRINCIPLES

- 3.1 The grievance procedure will be available to all School employees so that grievances can be properly considered.
- 3.2 A grievance is defined as 'a complaint by an employee about action which his/her employer has taken or is contemplating taking' (Dispute Resolution Regulations 2004). Employer can mean any representative of the employer (ie the school or the Local Authority).
- 3.3 Employees may wish to raise complaints about their employment. These can often be resolved informally by their immediate line manager. However, where an employee states in writing his/her wish to raise a formal grievance, this procedure must be followed.
- 3.4 A grievance may be raised by an employee personally. A Trade Union Representative may help the employee draft a grievance.
- 3.5 An employee raising a grievance has a right to be accompanied and/or represented by a trade union representative, official employed by a trade union or a work colleague at meetings held at any stage of this procedure.
- 3.6 Written records will be kept during the process and treated as confidential. Formal minutes will be given to the employee if taken.
- 3.7 If a collective grievance arises, involving a group of employees within the same school, but relating to the same issue, this may be dealt with through this policy and the group of staff may nominate a spokesperson to represent their case. Even though this will be dealt with as a collective grievance, the grievance statements must be submitted independently. When each person's grievance issue is the same in each case, it will be necessary to hold only one hearing at each stage. (By 'same issue' what is meant is reason for the grievance (e.g. bullying rather than any individual incident needing to be the same.)
- 3.8 In the event that the School determines, in the course of following this Grievance Procedure that there has been possible misconduct on the part of one or more employees it may be necessary to investigate these concerns separately under the provisions of the Disciplinary Procedure before the Grievance Procedure has been concluded.
- 3.9 Time limits may be altered by mutual agreement.
- 3.10 Confidentiality should be maintained during all stages throughout the Grievance Procedure. This is to be done by ensuring that only those people who need to know through the course of their duties have access to the

details of the grievance(s). Failure to comply with this requirement may lead to disciplinary action being taken through the Disciplinary Procedure.

- 3.11 Under the Equality Act 2010 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so by themselves because of a disability.

4.0 PRE-PROCEDURAL RESOLUTION

- 4.1 Staff can raise any issues with their line manager on an informal basis, either orally or in writing. Open communication can often be the quickest and best way of resolving grievances, depending on the issues involved. An expectation of this procedure is that before individuals invoke the formal stages of this procedure, they first attempt to resolve their complaint informally by discussing their complaint with their line manager, or another suitable person. However if any employee feels that their grievance has not been resolved to their satisfaction through the informal approach they can then proceed to the formal procedure as detailed below.

- 4.2 Managers should be aware of, and be prepared to explore, alternative methods of resolving any complaints that arise by discussing the issue and examining a range of possible solutions with the employee. Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties in order that working relationships can be maintained.

5.0 STAGE ONE - REGISTERING A WRITTEN GRIEVANCE WITH LINE MANAGER

- 5.1 If an employee decides that his/her grievance cannot be resolved informally outside of the Grievance Procedure, he/she should put the grievance in writing, with the help of a Trade Union Representative if desired. The employee should complete a 'Notification of Grievance' form (attached as Appendix 1) and forward this to the line manager/ Headteacher. A grievance should be raised as soon as possible after an event or incident. In circumstances where the grievance relates directly to the line manager the employee should put the grievance in writing to the Headteacher. Where the grievance relates to the Headteacher the employee should put the grievance in writing to the Chair of Governors.

6.0 INVESTIGATION

- 6.1 In some cases, depending on the nature and complexity of the grievance, it may be necessary to appoint an Investigating Officer. The Investigating Officer will usually be the Head Teacher/Deputy Head, Assistant Head or Governor or an individual external to the school, e.g. a HR Adviser and is responsible for investigating the complaint(s) made, including the events surrounding or leading up to submission of the complaint. Ordinarily the

Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes. The report will be used as a basis for the discussion with the individual at the Stage 1 Grievance Meeting.

7.0 STAGE ONE GRIEVANCE MEETING WITH LINE MANAGER / HEADTEACHER / NOMINATED GOVERNOR

- 7.1 The line manager or Headteacher or (if the grievance is against the Headteacher, a nominated governor) will arrange to meet with the employee to discuss the grievance. The meeting will take place at the earliest opportunity and no later than 20 working days after receipt of the written grievance. The employee will be informed of their right to be accompanied and/or represented by a trade union representative, official employed by a trade union or work colleague.
- 7.2 The employee will be asked to state his/her grievance at the meeting, and will be asked to indicate his/her resolution.
- 7.3 If necessary the person meeting with the employee regarding the grievance may adjourn the meeting in order to investigate the matter further.
- 7.4 The person dealing with the grievance at this stage will respond to the employee's grievance in writing, within 5 working days of the meeting or reconvened meeting where there has been an adjournment. The response will inform the employee of his/her right to progress their grievance to Stage 2 if they are not satisfied with the response provided at Stage 1.

8.0 STAGE TWO – THE GRIEVANCE HEARING

- 8.1 The employee must register his/her grievance at Stage 2 in writing to the Chair of Governors within 10 working days of receiving the written outcome of the Stage 1 Grievance Meeting (or reconvened meeting where there has been an adjournment).
- 8.2 The Chair of Governors, will arrange for the grievance to be heard by a panel normally comprising of 3 school governors who have not previously been involved in the grievance. The Stage 2 Hearing will take place at the earliest opportunity and no later than 20 working days after receipt of the written grievance by the Headteacher/Chair of Governors.
- 8.3 The Chair of Governors will inform the employee of his/her right to be accompanied and/or represented by a trade union representative, official employed by a trade union or work colleague.
- 8.4 At the Stage 2 Hearing the employee will be able to explain why he/she remains aggrieved and how he/she believes the grievance should be resolved.

- 8.5 The person who met with the employee at Stage 1 will normally attend the Stage 2 Hearing to explain his/her decision to the Governor Panel.
- 8.6 Where appropriate the Governor Panel may adjourn to investigate the matter further.
- 8.7 The chair of the panel will notify the employee of the decision in writing, within 5 working days of the Stage 2 Hearing or the reconvened Stage 2 Hearing where there has been an adjournment.

9.0 STAGE THREE – APPEAL

- 9.1 Where the employee is dissatisfied with the outcome of the Stage 2 Grievance Hearing he/she may appeal. The employee must register his/her appeal by writing to the Chair of Governors within 10 working days of receiving the written outcome of the Grievance Hearing (or reconvened Hearing where there has been an adjournment).
- 9.2 The Chair of Governors, will arrange for the appeal to be heard by a panel of 3 school governors (normally the Schools Appeal Panel) who have not previously been involved in the grievance.
- 9.3 The Chair of Governors will arrange an Appeal Hearing and will inform the employee of his/her right to be accompanied and/or represented by a trade union representative, official employed by a trade union or work colleague.
- 9.4 At the Appeal the employee will be able to explain why he/she remains aggrieved and how he/she believes the grievance should be resolved.
- 9.5 The chairperson at the Stage 2 Grievance Hearing will normally attend the Appeal Hearing to explain his/her decision to the Governor Appeal Panel.
- 9.6 Where appropriate the Governor Appeal Panel may adjourn to investigate the matter further.
- 9.6 The chairperson of the Appeal Panel will notify the employee of the decision in writing, within 2 working days of the appeal or the reconvened appeal where there has been an adjournment. This decision will be final.

10. ATTENDANCE AT MEETINGS

- 10.1 Employees are required to make all reasonable attempts to attend meetings and interviews convened under the Grievance Procedure. If it is not reasonable or practicable for an employee or their companion (see right to be accompanied) to attend a grievance meeting including the grievance hearing for a reason which was not foreseeable when the meeting/hearing was arranged, one further meeting/hearing will be arranged. Should the employee not attend a re-arranged meeting/hearing the meeting/hearing will normally

continue in the absence of the employee. Employees will be offered the opportunity to be represented in their absence or make a written submission.

- 10.2 If an employee is absent from work due to sickness and the absence is expected to continue to the date of a grievance hearing, the grievance hearing may still take place. A decision will be made taking full account of any medical view provided by the employee's GP and/ or the school's occupational health service provider.

11. RIGHT TO BE ACCOMPANIED

- 11.1 Employees who wish to be accompanied at meetings/hearings convened under the provisions of the Grievance Procedure have a right to be accompanied by a single companion who is either:

- a work colleague;
- a trade union or workplace representative or
- an official employed by a trade union.

- 11.2 Employees may alter their choice of companion should they wish.

- 11.3 The single companion must not be a legal representative. The employee should provide enough time for the school to deal with the companion's attendance at the meeting and should inform their Headteacher (or the Headteacher's representative) whether their companion is a fellow worker or trade union official or representative (and of their name where possible) prior to any meeting. In making their choice the employee should bear in mind the practicalities of the arrangements.

- 11.4 If the chosen companion is a work colleague, the work colleague may refuse the request to be a companion, however, should they accept they will be given paid time off to prepare for and to attend meetings.

- 11.5 It will be the responsibility of the employee to contact and liaise with their chosen companion. If the employee's chosen companion will not be available at the time proposed for the meeting by the school, the school will postpone the hearing to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed. Should the chosen companion not be available the meeting will be re-arranged once only.

12. EQUAL OPPORTUNITIES

- 12.1 Managers must not discriminate on the grounds of race, age, gender, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity, or other grounds when dealing with any matters under the school's Grievance Procedure. Managers will also

need to ensure that the needs of employees are given careful consideration when applying this policy.

13.0 GRIEVANCES FROM EX-EMPLOYEES

- 13.1 There is no legal requirement to deal with grievances raised by ex-employees. However, Headteachers may want to consider dealing with such grievances in order to identify possible employment tribunal complaints and, where possible and appropriate, prevent those grievances from becoming tribunal complaints. Advice can be sought from the Human Resources Service.

14. OTHER RELEVANT POLICIES/DOCUMENTS

- Disciplinary Policy and Guidance
- Code of Conduct
- Bullying & Harassment

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Revised: June 2015 (due to changes in the Acas Code of Practice with regard to the right to be accompanied)

Review Date: May 2016

All our policies and guidance can be found at www.nsesp.org

Version: 2

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APPENDICES



APPENDIX 1

Notification of Grievance form

To: The Headteacher / Chair of Governors

I wish to register a formal grievance under Stage 1/ Stage 2 (*delete as appropriate*) of the Model Grievance Procedure for Schools.

The cause of my grievance is: (This should set out clearly the nature and extent of the problem and include any relevant details)

I have taken the following steps to resolve the problem or grievance before invoking the formal grievance procedure:

I believe that my grievance could be resolved in the following way:

NB: You may ask your Trade Union Representative to help you to complete this pro-forma. You may have your trade union representative or work colleague with you during any meetings related to your grievance.

Signed.....
.....

Print
Name:.....

Job
Title:.....

Line
Manager:.....