



Schools Based Staff - Grievance Procedure

1. Introduction

- 1.1 This policy has been adopted by the Governors and is designed to enable grievances to be resolved as efficiently and quickly as possible and to minimise the prospect of long term damage to relationships at the school.
- 1.2 Wherever possible, a grievance should be raised informally. Where the informal process fails or is inappropriate, the formal procedure should be invoked.
- 1.3 Grievance procedures are entirely separate from other procedures such as those relating to appraisal, capability, competency, discipline or harassment. The rights of employees under the grievance procedures should not be overridden by actions taken or proposed to be taken under the other procedures.
- 1.4 A record of the outcome of any meetings involving the formal stages of these procedures should be placed on the employee's file, together with copies of the written evidence considered and correspondence involved.
- 1.5 The membership of any sub-committee of Governors should be a matter for determination by the Governing Body.

2. Scope of Policy

- 2.1 The procedure applies to all school-based staff, where the Governing Body has adopted this policy, including Foundation and Voluntary Aided schools.
- 2.2 This procedure does not apply where there are matters of **bullying, harassment, discrimination and/or victimisation** for which there is a separate procedure adopted by the Governing Body.
- 2.3 This policy has been drawn up following consultation with the recognised Trade Unions. Where the Governing Body wishes to deviate from this proposed policy or adopt any other policy, it is the responsibility of the Governing Body to arrange consultation with appropriate representatives of recognised trade unions or professional associations.

3. Legal background

- 3.1 This procedure takes account of the amendments made as a result of the Employment Act 2008 which repealed the Employment Act 2002 (Dispute Resolution) Regulations 2004. It also takes account of the ACAS Code of Practice on Disciplinary and Grievance Procedures that came into effect on 6 April 2009.

- 3.2 As noted within the ACAS Code of Practice, workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.
- 3.3 The ACAS Code advises that to exercise the right to be accompanied a worker must first make a reasonable request. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing is available on site.

4. When the procedure is used

- 4.1 Grievances are concerns, problems or complaints that employees raise with their employer.
- 4.2 This procedure can be used for any matter directly arising out of an employee's employment, **except** where another more specific process exists for that purpose. These other processes include:
- harassment complaints;
 - grading appeals;
 - pensions appeals;
 - redundancy/redeployment appeals;
 - managing employee performance appeals;
 - disciplinary appeals;
 - probationary appeals;
 - recruitment complaints; and,
 - matters covered by the Whistleblowing policy.
- 4.3 Grievances will not be progressed under this procedure if the above areas are applicable; such cases will be heard under the appropriate policy.
- 4.4 This procedure can be used for individual and collective grievances, but must not be used for matters which should more properly be discussed within the normal joint consultative processes agreed with trade unions.
- 4.5 In some cases outside help such as an independent mediator can help to resolve problems, especially those involving working relationships. See 11.2 below.

5. Informal Stage – all staff

- 5.1 Day-to-day issues will normally be resolved through dialogue between the employee and their immediate supervisor / Head Teacher; or the other party to the grievance if this is not the employee's manager or supervisor. This will be more effective if the employee raises the issue as soon as possible.
- 5.2 An informal meeting between the immediate supervisor / Head Teacher and the employee will allow them to discuss the issue on a **one-to-one** basis outside of the formal process outlined below. Although the date of any informal discussions and any actions agreed should be recorded, no formal notes of these meetings will be made as these discussions do not form any part of the formal processes.

Refer to Appendix A for guidance on informal meetings

Employees should also be informed of additional support that is available to them through:

- Employee Assist, Mon-Fri 9.00am to 5.00pm
telephone: 01604 626787, employeeassist@relatenorthants.org.uk;
and / or
 - Teacher Support Network telephone: 08000 562561,
www.teachersupport.info/ or
 - A trade union representative
- 5.3 If the grievance is not resolved through the informal process, the employee may invoke the formal procedure. To raise a formal grievance the employee must register the grievance, in writing, with the Head Teacher, clearly setting out the nature of the grievance. The formal grievance must normally be **raised within 3 months of the event** giving rise to the grievance.

6. Raising a formal grievance

- 6.1 To raise a formal grievance the employee must register the grievance, in writing, with the Head Teacher, clearly setting out the nature of the grievance. A formal grievance must normally be **raised within 3 months of the event** giving rise to the grievance. This will constitute a Stage 1 grievance.
- 6.2 There is a standard grievance form available for employees wishing to submit a formal grievance. Please refer to Appendix B.
- 6.3 In the first instance, a formal grievance should be raised with the head teacher. Where the grievance concerns the Head Teacher, the employee should address the grievance directly to the Chair of Governors.

- 6.4 Where the grievance is raised by the Head Teacher, this should be sent to the Chair of Governors. If the grievance concerns the Chair of Governors, the Head Teacher should address the grievance directly to the Corporate Director of Children and Young People's Services.

7. Formal Procedure – Stage 1 – Employee Grievance

- 7.1 On receipt of a Stage 1 grievance, the Head Teacher will:
- Consider whether to offer independent mediation;
 - Acknowledge the receipt of the grievance and arrange a meeting with the employee normally within 7 calendar days; ensuring that the employee is advised of their right to be accompanied by a trade union representative or work colleague at the meeting;
 - Consider arranging for someone who is not involved in the case to take an accurate note of the meeting and to act as a witness to what has been said;
 - Seek advice from their Senior HR and Change Advisor on whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary, to allow for consistency of treatment; and
 - Consider whether any reasonable adjustments are necessary to enable a person who is disabled, and/or their companion, to participate in the Stage 1 meeting.

The meeting

The Head Teacher should:

- make introductions as necessary;
- invite the employee to explain their grievance and how they would like to see it resolved;
- sum up the main points;
- adjourn the meeting prior to taking any decisions in order to reflect and consider all the points raised;
- advise the employee of the action they propose to take and the time-scale. This response can be oral and then confirmed in writing, within 7 calendar days. If it is not possible to respond within these time periods, the employee must be told why and when a response can be expected; and
- let the employee know that they may appeal against the outcome of Stage 1 and progress to the next and final stage of the formal grievance procedure if they consider that the grievance has not been satisfactorily resolved.

8. Formal Stage 1- Head Teacher Grievance

Where the grievance is raised by the Head Teacher, this should be sent to the Chair of Governors. On receipt of a Stage 1 grievance, the Chair of Governors will:

- Consider whether to offer independent mediation;
- Acknowledge the receipt of the grievance and arrange a meeting with the Head Teacher normally within 7 calendar days; ensuring that the Head Teacher is advised of their right to be accompanied by a trade union representative or work colleague at the meeting;
- Consider arranging for someone who is not involved in the case to take an accurate note of the meeting and to act as a witness to what has been said;
- Seek advice from their Senior HR and Change Advisor on whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary, to allow for consistency of treatment; and
- Consider whether any reasonable adjustments are necessary to enable a person who is disabled, and/or their companion, to participate in the Stage 1 meeting.

The meeting

The Chair of Governors should:

- make introductions as necessary;
- invite the Head Teacher to explain their grievance and how they would like to see it resolved;
- sum up the main points;
- adjourn the meeting prior to taking any decisions in order to reflect and consider all the points raised;
- advise the employee of the action they propose to take and the time-scale. This response can be oral and then confirmed in writing, within 7 calendar days. If it is not possible to respond within these time periods, the employee must be told why and when a response can be expected; and
- let the Head Teacher know that they may appeal against the outcome of Stage 1 and progress to the next and final stage of the formal grievance procedure if they consider that the grievance has not been satisfactorily resolved.

9. Stage 2 – Employee Appeal Stage

If the employee considers that their grievance has not been satisfactorily resolved at Stage 1, the employee can appeal. The employee must do this in writing, within 7

calendar days of receipt of a written outcome from the Head Teacher following the Stage 1 grievance.

The standard grievance form can be used by employees wishing to progress their grievance to the appeal stage. The notice of appeal must clearly set out the grounds of appeal and be sent to the Head Teacher.

On receipt of a Stage 2 appeal, the Head Teacher will:

- acknowledge the receipt of the appeal and arrange for a panel of Governors to hear the appeal.
- Write to the employee, normally within 7 calendar days to advise of the date of the hearing; ensuring that the employee is advised of their right to be accompanied by a trade union representative or work colleague, and advising that this stage constitutes the final stage of the School's Grievance Procedure;
- discuss the grievance with the Senior HR and Change Advisor;
- consider arranging for someone who is not involved in the case to take an accurate note of the meeting and to act as a witness to what has been said; and
- consider whether any reasonable adjustments are necessary to enable a person who is disabled and/or their companion to participate in the appeal meeting.

The meeting

The Chair of the panel should:

- make introductions as necessary;
- invite the employee to explain their reasons for appeal;
- sum up the main points;
- adjourn the meeting prior to taking any decisions in order to reflect and consider all the points raised;
- advise the employee of their decision / action they propose to take and the time-scales for this. This response can be oral and then confirmed in writing, within a further 7 calendar days. If it is not possible to respond within these time periods, the employee must be told why, and when a reply can be expected; and
- let the employee know that the decision of the Governors is final.

10. Stage 2 – Head Teacher Appeals

10.1 If the Head Teacher considers that their grievance has not been satisfactorily resolved at Stage 1, they can appeal. The Head Teacher must do this in

writing, within 7 calendar days of receipt of a written outcome the following the Stage 1 grievance.

- 10.2 The standard grievance form can be used by the Head Teacher if they wish to progress their grievance to the appeal stage. The notice of appeal must clearly set out the grounds of appeal and be sent to the Corporate Director of Children and Young People's Services.
- 10.3 On receipt of a Stage 2 appeal, the Corporate Director of Children and Young People's Services will:
- acknowledge the receipt of the appeal and arrange for a panel of Governors, not previously involved in the case, to hear the appeal.
 - Write to the Head Teacher, normally within 7 calendar days to advise of the date of the hearing; ensuring that the Head Teacher is advised of their right to be accompanied by a trade union representative or work colleague and advising that this stage constitutes the final stage of the School's Grievance Procedure;
 - discuss the grievance with the Senior HR and Change Advisor;
 - consider arranging for someone who is not involved in the case to take an accurate note of the meeting and to act as a witness to what has been said; and
 - consider whether any reasonable adjustments are necessary to enable a person who is disabled and/or their companion to participate in the appeal meeting.

The meeting

The Chair of the appeal panel should:

- make introductions as necessary;
- invite the Head Teacher to explain their reasons for appeal;
- sum up the main points;
- adjourn the meeting prior to taking any decisions in order to reflect and consider all the points raised;
- advise the Head Teacher of their decision / action they propose to take and the time-scales for this. This response can be oral and then confirmed in writing, within a further 7 calendar days. If it is not possible to respond within these time periods, the employee must be told why, and when a reply can be expected; and
- let the Head Teacher know that the decision of the second panel of Governors is final.

11. Handling grievances

- **11.1 Timescales**
- All grievances should be handled in a timely manner. The timescales within this policy are recommended timescales only. If it is not possible to respond within these timescales, the parties involved must be told why and when a resolution /outcome can be expected.
- **11.2 Mediation**
 - This is a voluntary process, agreed by both parties whereby an independent third party mediator helps two or more people in dispute to attempt to reach an agreement. The agreement comes from those in dispute not from the mediator. Mediation can be used at any stage of the grievance process. This will mean that any formal procedures are halted whilst mediation route is pursued. If mediation is unsuccessful, the process will revert to the stage reached prior to mediation.

The Head Teacher should contact their Senior HR and Change Advisor for further information on mediation options.

11.3 Record keeping

A written record must be kept of any grievance that is dealt with. Records will include: the nature of the grievance, what was decided and the actions taken, the reasons for the actions, whether an appeal was lodged, the outcome of the appeal; and any subsequent developments. Details of these will be sent to the Schools HR Operations Team. These records are confidential and must be kept in accordance with the Data Protection Act. Confidentiality will be given the utmost importance at all stages of the procedure.

Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken.

11.4 Role of the Companion

Employees are entitled to be accompanied at **formal** grievance meetings by either a work colleague or a trade union representative.

If an employee chooses to be accompanied, the companion is allowed to address the meeting in order to put forward the employee's case, sum up the case, respond on the employee's behalf to any view expressed at the hearing, and confer with the employee during the meeting. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking the witnesses questions. However, the employer is not legally required to permit the companion to answer questions on behalf of the employee, address the hearing if the employee indicates that s/he does not wish the companion to do so, or conduct themselves in a way that prevents the employer from explaining the case.

11.5 Grievance Meetings

Grievance meetings should be planned to ensure that timings and locations are reasonable to both parties. The employee should be given sufficient time before any meeting to prepare. In the event that the employee falls ill or other circumstances beyond the employee's control prevent him/her from attending the meeting, then an alternative date should be arranged.

11.6 Overlapping grievance and disciplinary cases

Where an employee raises 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 concurrently. Contact your Senior HR and Change Advisor for further advice on this matter.

11.7 Abuse of the grievance procedure

Employees who abuse the grievance resolution procedure by making malicious complaints or operating the procedure vexatiously may be liable to disciplinary action.

11.8 Grievances resulting in disciplinary action

If the employee's grievance results in disciplinary proceedings against another employee, these will be handled in accordance with the disciplinary procedure. The employee raising the grievance has no right to influence or be informed of the outcome of disciplinary proceedings. However, the employee raising the grievance may be called as a witness to any disciplinary hearing which may subsequently occur.

12. Grievances from employees who leave the School part way through the process
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If a grievance is already being progressed and the employee leaves whilst the grievance is unresolved, the standard grievance procedure should still be followed where practicably possible, in order to try and resolve the issue. Contact your Senior HR and Change Advisor for further advice.

13. Attendance of the Corporate Director, Children and Young People's Services

The Corporate Director of Children's and Young People's Services or his/her representative should have the right to attend any meeting of Governors for the purpose of offering advice.

INFORMAL APPROACH TO GRIEVANCES

Overview

In organisations where managers have an open policy for communication and consultation problems and concerns are often raised and settled as a matter of course.

Employees should aim to settle most grievances informally with their Head Teacher. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

In some cases outside help such as an independent mediator can help resolve problems especially those involving working relationships.

This kind of informal chat is not part of any formal action. However, both Head Teacher and employee should be aware that formal processes will start if the situation continues.

How should it be done?

The line manager / Head Teacher should talk to the employee in private. This should be a two way discussion, aimed at discussing the issue/s and seeking a resolution. It is important to listen to what the employee has to say about the issue. It may become evident that there is no problem – if so this should be made clear to the employee.

It is important to ensure that any informal discussion does not turn into a formal discussion, as this may unintentionally deny the employee certain rights, such as the right to be accompanied. If, during the discussion, it becomes obvious that the matter may be more serious, the meeting should be adjourned. The employee should be told that the matter will be continued under the formal procedure.

Managers should keep brief notes of the date of any informal discussions and any actions agreed as a result of the meeting.

The meeting should not be minuted as it is informal.

Consideration should be given at any stage to whether the use of an independent mediator may be helpful.

**SCHOOLS BASED EMPLOYEE
NOTIFICATION OF GRIEVANCE**

PERSONAL DETAILS			
Name		Job Title:	
Contact address			
Contact phone number			

REPRESENTATIVE DETAILS			
Name of trade union		Name of TU representative or work colleague	

STAGE OF GRIEVANCE	
	Tick appropriate box
Stage 1	<input type="checkbox"/>
Stage 2 -appeal (final stage)	<input type="checkbox"/>

NATURE OF ALLEGED GRIEVANCE (please state fully the nature of your alleged grievance, including date(s) of when the event occurred). Continue on separate sheet if required.

RESPONSE AT PREVIOUS STAGE (please state the response provided at the previous stage if relevant or reasons for the your appeal)

RESOLVING THE GRIEVANCE (please state in your opinion how the grievance could be resolved)

Signature: _____ Date: _____

Please forward a copy of this form to the Head Teacher/Corporate Director CYP.

The information provide on this form will be used in connection with the school's grievance resolution procedure and will be retained in your personnel file.