

## **GRIEVANCE POLICY - SCHOOLS**

### **1. INTRODUCTION**

- 1.1. This policy relates to all employees in schools.
- 1.2. Grievances are concerns, problems or complaints that an employee may have regarding their employment. The grievance procedure provides a mechanism for issues to be dealt with fairly, efficiently and consistently, whilst maintaining confidence and trust.
- 1.3. An employee may have a grievance relating to the management of the school or another employee.
- 1.4. An employee who raises an issue of harassment or bullying may initially use the Dignity at Work policy to try to resolve the matter themselves. If they do not want to use the Dignity at Work route due to the nature of the issue, or their attempt has been unsuccessful, they may use the grievance policy.
- 1.5. The majority of grievances should be resolved through informal discussion and mediation without the need to invoke the formal stages of the procedure. Employees must initially raise their grievance informally with their line manager (or next more senior manager who is not the subject of the grievance) prior to raising a formal grievance in writing. The procedure for raising a grievance informally is shown in paragraph 7.
- 1.6. Grievances should be examined carefully and be dealt with as quickly as possible. Long delays can make the situation worse and may give employees the impression that managers in schools are reluctant to deal with their issues.

### **2. GRIEVANCE TYPES**

- 2.1. Where more than 1 employee has the same grievance (eg a small group) but it is not a 'collective grievance', the grievance can be heard as a group using this policy. This can only be done if all parties are in agreement. If this is not the case, the grievance will be heard individually as normal.
- 2.2. There is a separate procedure for Collective Grievances.
- 2.3. The procedure should not be used for raising issues which are outside the responsibility or control of the Governing Body. It should not be used where separate mechanisms exist.

### **3. GENERAL PRINCIPLES**

- 3.1. Where a grievance is raised, the employee must be provided with a copy of this document.
- 3.2. All employees will be treated with respect and dignity throughout the grievance procedure, in accordance with the Equal Opportunities Policy.
- 3.3. Both the employee and the school should seek to raise and resolve grievance issues without unreasonable delay.
- 3.4. The Headteacher should seek advice from the Schools HR Team when a grievance is raised.
- 3.5. When a grievance is received, care should be taken to ensure that although the Headteacher must be informed, the case should not be considered by the Headteacher if they have responsibility for being a decision-maker during a disciplinary procedure. This is in case the grievance becomes subject to the disciplinary procedure.
- 3.6. Where applicable, an Investigating Officer will carry out any necessary investigations.
- 3.7. All parties must be aware of the need for confidentiality.
- 3.8. Any action taken due to the outcome of the grievance meeting should be monitored and reviewed by the line manager/Headteacher /Representative of the Leadership Team/Chair of Governors as appropriate to ensure that it effectively deals with the issues raised.

### **4. SUPPORT**

- 4.1. An employee is strongly advised to contact their Trade Union or another party for support or advice.
- 4.2. At any stage of the procedure the employee may be accompanied by a representative from their Trade Union or a work colleague. This will be recommended to the individual at the formal stages.
- 4.3. Where an employee has difficulty expressing themselves because of language or other difficulties they may like to seek help from a representative from their Trade Union or a work colleague. The employee should inform the Manager/Headteacher where appropriate and arrangements will then be made if necessary.
- 4.4. When anyone with a disability is involved in the grievance procedure, reasonable adjustments should be made where necessary.

- 4.5. The Employee Assistance Programme Right Corecare is available to all employees. The employee should be advised of this.

Right Corecare 0800 1116 387 or [www.eap.rightcorecare.co.uk](http://www.eap.rightcorecare.co.uk)

Teachers also have access to Teacher Support Network on 08000 562 561 or [www.teachersupport.info](http://www.teachersupport.info)

## **5. HEADTEACHERS**

- 5.1. If a formal grievance is against the Headteacher or is raised by the Headteacher, the grievance letter should be sent to the Chair of Governors.
- 5.2. If a formal grievance is against the Headteacher or a formal grievance is raised by the Headteacher, the same process will be followed but the Stage 1 meeting will be heard by the Chair of Governors (where appropriate) and the Stage 2 meeting heard by a Governing Body panel.
- 5.3. Mediation will be considered in line with paragraph 8.
- 5.4. If a grievance raised by a Headteacher lies with a member or members of the Governing Body or the Governing Body collectively, the Director of Children's Services (or designated HR representative) will endeavour to find a solution to the grievance within mediation.

## **6. THE PROCEDURE**

The grievance procedure consists of the following:

- Raising a grievance informally
- Mediation (Requested at any point in the procedure)
- Formal Stage 1
- Formal Stage 2
- Appeal

## **7. RAISING A GRIEVANCE INFORMALLY**

- 7.1. The majority of grievances can be resolved through informal discussion with the line manager without the need to invoke the formal stages of the procedure.

- 7.2. Employees must initially raise their grievance informally with their line manager (or next more senior manager who is not the subject of the grievance) prior to raising a formal grievance in writing.
- 7.3. Informal discussion helps any concerns to be heard, responded to and appropriate action to be taken as soon as possible.
- 7.4. Where appropriate, the line manager will inform the Headteacher that a grievance has been raised informally.
- 7.5. Mediation will be arranged where appropriate.
- 7.6. The line manager will keep a record, showing the date and time of the meeting and briefly stating what was discussed and the outcome/action taken, where appropriate. The record should be stored securely and be kept separate from personal files.
- 7.7. Where raising the grievance informally and/or mediation have been unsuccessful, the matter should be raised through the formal grievance procedure.

## **8. MEDIATION**

- 8.1. If the grievance is not resolved to the satisfaction of the employee in an informal way, the parties involved may undertake mediation. Mediation may also occur at any other stage of the procedure. Formal stages must be suspended if mediation takes place.
- 8.2. If the grievance rests against either a senior member of staff or the Headteacher it would be sensible for the parties to consider mediation at an early stage.
- 8.3. If mediation is necessary, the Headteacher/Chair of Governors will contact the Schools HR Team for advice about mediation and how it can be arranged, if appropriate.
- 8.4. All parties involved will be informed by the Schools HR Team within 10 working days of requesting mediation, as to the way in which mediation intends to proceed.
- 8.5. If, at any point, any party becomes dissatisfied with the approach the mediator is taking, the formal grievance procedure may be resumed. The mediation stage should not extend over more than 1 calendar month unless all parties agree that a longer time span can apply.

## **9. FORMAL PROCEDURE - STAGE 1**

- 9.1. A Flowchart is shown in Appendix 1.
- 9.2. Where raising the grievance informally and/or mediation have been unsuccessful, the employee should raise the matter formally with the line manager. This should be done in writing and should set out the nature of the grievance. If the grievance lies with the line manager, the employee may raise the grievance with the next more senior manager who is not the subject of the grievance.
- 9.3. The manager will inform the Headteacher that they have received a formal grievance.
- 9.4. The manager should meet with the employee to hear the grievance within 10 working days of receiving the grievance depending on the availability of those involved.
- 9.5. The employee will be notified in writing of the date, time and venue for this meeting. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their Trade Union or a work colleague. The letter will inform them of who will attend the meeting and who will make the decision. A copy of the grievance policy will be enclosed.
- 9.6. A note taker for the manager may attend.
- 9.7. Appendix 2 provides important information for grievance meetings and appeals.
- 9.8. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.
- 9.9. The meeting may be adjourned. Examples of reasons to adjourn:
  - To consider and make their decision.
  - To allow time for mediation between the parties.
  - To allow more information to be obtained.
  - To allow for investigation.
  - In order to continue on another day.
  - In order for the manager to invite another party to the meeting, depending on the circumstances of the case (Advice is available from the Schools HR Team).
- 9.10. After the manager has adjourned to consider and make their decision, they will reconvene the meeting and announce their decision and do one or more of the following:
  - Discuss with the employee ways in which the grievance may be resolved.

- Announce their views on the way in which the grievance should be resolved and the action to be taken.
  - Provide an explanation that no action will be taken, together with reasons for this outcome.
  - Action an alternative reasonable way forward.
- 9.11. Within two working days of the meeting (or as soon as practicable thereafter), the manager will confirm to all parties in writing their decision on the grievance, reasons for the decision, who attended and who made the decision. Where appropriate, the letter will set out what action will be taken to resolve the grievance. The letter will also inform the employee of their right to move to Stage 2 of the formal procedure if they are not happy with the outcome of the meeting.
- 9.12. Records should be kept in accordance with paragraph 5 of Appendix 2.

## **10. FORMAL PROCEDURE - STAGE 2**

- 10.1. If the grievance is not satisfactorily resolved at Stage 1, the employee should raise the matter formally with the Headteacher within 10 working days of receiving the Stage 1 decision. This should be done in writing setting out the nature of the grievance.
- 10.2. The Headteacher (or representative from the Leadership team) should meet with the employee to hear the grievance within 15 working days of receiving the letter, depending on the availability of those involved.
- 10.3. The employee will be notified in writing of the date, time and venue for the meeting. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their Trade Union or a work colleague. The letter will inform them of who will attend the meeting and who will make the decision.
- 10.4. A note taker for the Headteacher (or representative from the Leadership team) may attend.
- 10.5. The Headteacher (or representative from the Leadership team) may invite other parties to the meeting depending on the circumstances of the case. Advice is available from the Schools HR Team.
- 10.6. Appendix 2 provides important information for grievance meetings and appeals.
- 10.7. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.

- 10.8. The meeting may be adjourned. Examples of reasons to adjourn:
- To consider and make their decision.
  - To allow time for mediation between the parties.
  - To allow more information to be obtained.
  - To allow for investigation.
  - In order to continue on another day.
- 10.9. After the Headteacher (or representative from the Leadership team) has adjourned to consider and make their decision, they will reconvene the meeting and announce their decision and do one or more of the following:
- Discuss with the employee ways in which the grievance may be resolved.
  - Announce their views on the way in which the grievance should be resolved and the action to be taken.
  - Provide an explanation that no action will be taken, together with reasons for this outcome.
  - Action an alternative reasonable way forward.
- 10.10. Within two working days (or as soon as practicable thereafter), the Headteacher (or representative from the Leadership team) will confirm to all parties, in writing their decision on the grievance, reasons for the decision and details of appeal arrangements, who attended the meeting and who made the decision. Where appropriate, the letter will set out what action will be taken to resolve the grievance.
- 10.11. Records should be kept in accordance with paragraph 5 of Appendix 2.

## **11. APPEAL**

- 11.1. The grievance appeal may be instigated if the aggrieved employee feels that their grievance has not been satisfactorily resolved or that the grievance procedure was incorrectly operated.
- 11.2. The appeal must be made in writing to the Clerk to the Governing Body within 10 working days of the employee being informed of the original outcome. The letter must clearly state the grounds for the appeal.
- 11.3. The Appeal Committee will meet with the employee to hear the appeal.
- 11.4. The appeal will normally be held within 20 working days of receiving the appeal letter, depending on the availability of those involved.

- 11.5. The Appeal Committee will be made up of a minimum of three members of the Governing Body, one of whom shall be the Chair or Vice-Chair. In no case will the persons considering the appeal have had any involvement in decisions taken under previous stages.
- 11.6. The employee will be notified in writing of the date, time and venue for the appeal. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their Trade Union or a work colleague. The letter will inform the employee of who will attend the appeal and who will make the decision.
- 11.7. The Clerk will act as secretary to the Appeal Committee.
- 11.8. The Clerk to the Governing Body may invite other parties to the appeal depending on the circumstances of the case. Advice is available from the Schools HR Team.
- 11.9. Appendix 2 provides important information for grievance meetings and appeals.
- 11.10. At the appeal, the employee will be given the opportunity to explain their case.
- 11.11. The appeal may be adjourned. Examples of reasons to adjourn:
  - To consider and make their decision.
  - To allow time for mediation between the parties.
  - To allow more information to be obtained.
  - To allow for investigation.
  - In order to continue on another day.
- 11.12. After the Appeal Committee has adjourned to consider and make their decision, they will reconvene the appeal and announce their decision and where appropriate, set out what action will be taken to resolve the grievance.
- 11.13. The decision of the Appeal Committee and reasons for the decision will be confirmed in writing to all parties involved within two working days of the appeal (or as soon as practicable thereafter).
- 11.14. Where appropriate, the letter will set out what action will be taken to resolve the grievance.
- 11.15. The letter should confirm to the employee that once the grievance procedure, including the appeals stage has been exhausted, this is the end of the internal procedure.
- 11.16. Records should be kept in accordance with paragraph 5 of Appendix 2.



## **12. RECEIVING A GRIEVANCE FROM A FORMER EMPLOYEE**

- 12.1. Wherever possible, a grievance should be dealt with before an employee leaves employment.
- 12.2. If a grievance is received from a former employee, the grievance policy should not be used. The grievance can be dealt with as a complaint.