

	<b>School: St John's CE(A) Primary School</b>
	Non-contractual

# Grievance Procedure

## For School/Academy Managed Staff and Centrally Employed Teachers

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N.B For the purposes of clarity, references to;

- Governing Body may mean Board of Directors
- Governors may mean Directors and/or Local Academy Representatives (In accordance with the relevant Scheme of Delegation of Authority).

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## 1. INTRODUCTION

- 1.1 This procedure is designed to ensure that if an individual has a complaint or grievance about a specific aspect of his/her employment it is dealt with and resolved quickly, fairly and as closely as possible to the point of origin. This helps to prevent minor disagreements developing into more serious disputes. It is important that the details of any grievance and the desired resolution are clearly stated by the employee.
- 1.2 This procedure applies to all employees working in schools/academies and centrally employed teachers.
- 1.3 The reference to “Headteacher” means equivalent line manager in the case of centrally employed teachers and Principal in the case of academies.
- 1.4 This procedure has been adopted by the Governing Body of \_\_\_\_\_ School/Academy on \_\_\_\_\_ (date)) following consultation with the recognised teachers’ and support staff trade union associations.
- 1.5 This procedure does not apply to those matters for which other established complaint/appeal arrangements are in place. These include but are not limited to;
  - Disciplinary action (see Disciplinary Procedure for exceptions)
  - The performance management process
  - Action taken under Capability Procedure
  - Action taken under Supporting Attendance Procedure
  - Pay and Grading
  - Recruitment and Selection
  - Redundancy including RITSSE
  - Taxation, national insurance & pension
  - Public Interest Disclosure
- 1.6 Grievances should be raised as soon as possible after the event about which the complaint is being made. The employer may, at its discretion, decline to deal with grievances which relate to matters which occurred more than three months before the grievance was raised.
- 1.7 The mediation service is available in order to try and resolve workplace disputes at the earliest opportunity. To discuss mediation please contact your usual HR Officer for information. If mediation does not resolve the issue then employees may move straight to the Formal Stage of the procedure.
- 1.8 A 24 hour independent confidential counselling service is available for employees. The Dove Service can be contacted on 01782 683155. Employees may also wish to consult their professional association/trade union and/or the teacher support line on 08000 562561.
- 1.9 This procedure does not form part of employees’ contracts of employment and may be amended from time to time.

## **2. SCOPE OF PROCEDURE**

- 2.1 **Current Employees** - an employee's grievance will be dealt with differently depending on the nature of the grievance and whether it is an individual grievance or a collective grievance about a single school, or a collective grievance about a number of schools. In maintained schools, in cases where the grievance could involve a contravention of the law, the Enhanced School Procedure may apply. This is outlined in section 5 (page 8).

## **3. GRIEVANCE PROCEDURE**

### **3.1 INFORMAL DISCUSSION**

#### **Individual Grievance**

**3.1.1** When the employee's grievance is about a colleague, and the employee feels able, the employee should approach the other member of staff concerned to see whether the grievance can be resolved by informal discussion. Most concerns can usually be resolved in this way.

**3.1.2** Where the grievance is about the Headteacher and the employee feels able, the employee should approach the Headteacher to see whether the grievance can be resolved by informal discussion. The grievance can also be brought to the Chair of Governor's attention who can arrange to resolve the matter informally.

**3.1.3** Where the grievance is about a member of the Local Authority's staff, and the employee feels able, the employee should approach the Officer concerned to discuss their concerns, to see whether the grievance can be resolved by informal discussion.

**3.1.4** Where an employee is aggrieved about any other matter relating to their employment, the appropriate course of action in the first instance is for the employee to discuss their concerns with the Headteacher, or the appropriate line manager. At this stage the meeting should be as informal as possible.

**3.1.5** Should an employee request to be accompanied by their trade union or work colleague at the initial stage, this will not unreasonably be refused. It may not always be necessary for employees to be represented at the initial stage of the procedure but it is important to note that trade union representatives have an important role to play in resolving matters throughout the various stages of the procedure.

**3.1.6** Where after every effort has been made the grievance cannot be resolved informally, it can be raised under the formal grievance procedure.

#### **Collective Grievance**

**3.1.7** Where more than one individual raises the same grievance to the Headteacher this will normally be dealt with as a single collective grievance rather than as a number of individual complaints. In such cases either the trade union or other work based representative can raise the matter informally on behalf of all those employees involved and can represent them through the various stages of this procedure.

**3.1.8** Similarly if the grievance relates to issues across a number of schools with one employer the grievance will be dealt with as a collective grievance rather than individual complaints. The trade unions or other work based representatives should raise the matter informally in the first instance on the basis of a collective grievance. Should grievances on behalf of employees be raised separately by the trade unions or work based representatives the schools will reserve the right as appropriate to treat the grievance as a collective grievance by informing those trade unions or work based representatives, that they can represent the employees collectively through the stages of this procedure. In maintained schools, Headteachers of each respective school will form a panel advised by HR to informally address the concerns as a collective response relevant to their schools.

**3.1.9** Where a grievance is brought on behalf of more than one person, the trade union or work based representative must ensure that they have the express consent to bring the grievance on behalf of the people concerned (if less than 20 employees). This information must be made available to the school where the person is employed. The information should be disclosed within five working days of any such request.

**3.1.10** In exceptional circumstances, where there is a failure to resolve a collective grievance, conciliation may be sought from external agencies with the agreement of both parties. Trade Union representatives are advised to inform their Regional Officers where conciliation is sought.

## **3.2 FORMAL STAGE**

### **Individual grievance**

**3.2.1** If the employee remains dissatisfied in terms of the outcome from the informal stage of the grievance, they should submit this in writing and send to the Headteacher who will hear the grievance formally.

**3.2.2** Where the employee's grievance is about the Headteacher and this has not been resolved by informal action, the grievance should be submitted in writing to the Chair of Governors, or equivalent senior manager for centrally employed teachers who will hear the grievance formally. Alternatively, the Chair of Governors could appoint an individual Governor at the school to hear the grievance or, make arrangements to provision the time of a Local Authority Officer (or another external third party) to hear the matter. To request the assistance of a Local Authority Officer the Chair of Governors should write to the Assistant Director Learning Services. It is also advisable that within ten working days, the Chair of Governors discuss the matter with HR who will advise on the process.

**3.2.3** Where the grievance is about a Local Authority Officer the employee should submit the grievance in writing to the Assistant Director Learning Services. Within 10 working days, the Assistant Director Learning Services will appoint a suitable person to hear the grievance.

**3.2.4** The written grievance must set out the nature of the grievance, clearly explaining the events, dates, facts and details of any witnesses where possible. The grievance should also state the desired outcome that the employee seeks. Where appropriate, a copy of the grievance will be given to the named employee whom the grievance is about. In circumstances where it is not appropriate to provide an exact copy of the grievance, the named employee will be provided with details of the complaint (unless in exceptional circumstances where it could interfere with the investigation).

**3.2.5** The Headteacher or other person nominated as Hearing Officer will write (where possible within 5 working days of receipt of the grievance) to invite the employee to a meeting to discuss the matter formally. The employee will be notified in writing of their right to be represented at the meeting. In all cases every effort should be made for the meeting to be held within 10 working days of receipt of the individual's written grievance.

**3.2.6** All information that is to be presented at the meeting should be provided to the Hearing Officer and their HR Officer, at least 3 working days before the meeting is to take place. This is to help ensure that the Hearing Officer has a full understanding of the issues being discussed. In exceptional circumstances information can be submitted on the day of the meeting; however this is at the discretion of the Hearing Officer. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.

**3.2.7** At the meeting the employee or representative will have the opportunity to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Hearing Officer to resolve the matter at this stage.

**3.2.8** The employee is entitled to be represented at the meeting, if they wish, by either a trade union representative or a colleague. The trade union representative or colleague should be allowed to address the meeting, to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The trade union representative or colleague 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 employee who the grievance is about from explaining their case.

**3.2.9** In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into before discussing it further.

**3.2.10** After the meeting the Hearing Officer, will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

**3.2.11** Copies of the response should also be forwarded to the person about whom the grievance has been made.

### **Collective Grievance**

**3.2.12** In the case of a collective grievance the trade union representatives or work based representatives shall submit this in writing to the Headteacher. Where the collective grievance is about a particular school, the relevant Headteacher will hear the grievance formally and investigate where necessary. Where the grievance relates to an issue/s across a number of maintained schools a panel of Headteachers will be convened to hear the grievance. The panel will consist of one Headteacher from each respective school.

**3.2.13** The requirements set out above in section 3.2.4 to 3.2.11 should then be followed, except that in 3.2.10, the Hearing Officer should respond to the grievance in writing to all the respective parties, and not just one individual.

## **3.3 APPEAL**

## **Individual Grievance**

**3.3.1** If the employee remains dissatisfied they can appeal to their Chair of Governors (or equivalent senior manager for centrally employed teachers). If the grievance is about the Headteacher the appeal must be addressed to the Governor's Appeal Committee. If the appeal is about a Local Authority Officer the appeal must be addressed to the Assistant Director Learning Services.

**3.3.2** The Appeal will be heard by the Appeals Committee, and a Chair will be nominated by the panel. In the case of an appeal about a Local Authority Officer, the appeal will be heard by the Assistant Director Learning Services or another suitable nominated person.

**3.3.3** The appeal must be made in writing within 10 working days of the date of the written response at the Formal Stage and must confirm the grounds of the appeal.

**3.3.4** In all cases, the employee will be invited to attend a meeting to appeal against the decision. The employee will be notified in writing of their right to be accompanied at the meeting. Every effort should be made for the appeal hearing to be held within 10 working days of receipt of the individual's written appeal.

**3.3.5** The Headteacher (or other nominated person who heard the original grievance) will be invited to the appeal in order to explain the decisions arrived at the original grievance, and to deal with any issues raised concerning the conduct of the original grievance. The individual will be informed which staff have been invited to the meeting. A representative from HR may also be in attendance at the appeal hearing to advise the Appeals Committee/Assistant Director/other nominated person.

**3.3.6** All information that is to be presented at the appeal hearing should be provided at least 3 working days before the meeting is to take place.

**3.3.7** Employees have the same right to be represented at appeal hearings as at the Formal Stage.

**3.3.8** Following the appeal hearing, the Chair of the Appeal Committee, Assistant Director or other nominated person will respond to the appeal in writing, where possible within 5 working days, either upholding the appeal or turning down the appeal and thus supporting the original grievance decision. Where it is not possible to respond within 5 days, the individual should be contacted and advised of the estimated timescale within which a substantive response will be provided.

**3.3.9** The letter will give reasons for the decision and, where the appeal is upheld, explain in what respect the original grievance decision has been varied, and what action, if any, will be taken to attempt to resolve the grievance.

**3.3.10** The decision taken at the appeal stage will be deemed final.

## **Collective Grievance**

**3.3.11** If any party is dissatisfied with the outcome of the Headteacher/ Panel of Headteachers investigation of the grievance, either party may collectively request an appeal hearing. The appeal will be heard by an Appeals Committee, who will nominate a Chair to lead on proceedings. Where the grievance appeal relates to a collective issue across maintained schools a panel of governors will be convened

to include a nominated representative of the governing body from each respective school. For the purposes of a collective grievance about a specific school the panel will consist of three nominated governors from the governing body. In both cases the panel will nominate a Chair to lead on proceedings.

**3.3.12** The requirements set out above in section 3.3.3 to 3.3.10 should then be followed, except that in 3.3.9, the Chair of the Appeals Committee should respond to the appeal in writing to all the respective parties, and not just one individual.

#### **4. THE ENHANCED SCHOOL PROCEDURE**

##### **(For maintained schools only)**

This procedure will be used in those circumstances where the nature of the grievance could result in a contravention of the law. In the case of a maintained school the Assistant Director Learning Services must be notified of the position and be provided with overview of the situation.

**4.1** Where it appears to the aggrieved employee (or to the Headteacher when he/she is made aware of the complaints) that the enhanced school procedure should apply, the Assistant Director Learning Services, must be immediately notified of the position.

**4.2** If the Assistant Director agrees that the procedure applies, the Headteacher or a member of the SLT team as appropriate will be responsible for meeting with the employee with the support of a HR Officer. In cases where the grievance is about the Headteacher a LA representative shall meet with the employee with HR Support.

**4.3** The procedure set out in paragraphs 3.2.1 to 3.2.11 will apply.

**4.4** The appeal hearing will be held as appropriate depending on the position of the hearing officer. If it is an LA Officer the matter could be set jointly before the Assistant Director of Learning Services and the Chair of Governors (acting on behalf of the governing body). Alternatively if the hearing officer is an employee of the school the matter will be referred to a panel of three governors to hear the appeal.

#### **5. THE GRIEVANCE PROCESS DURING SICKNESS ABSENCE**

**5.1** In the interests of progress for all parties, the grievance may continue to be heard during absence following consultation with the employee concerned, or their representative and Occupational Health if appropriate.

**5.2** If an employee is not fit to attend meetings concerning their grievance, consideration will be given to the employee being allowed to send a representative or make written representations instead, or the matter being delayed until the employee is fit to attend.

#### **6. GRIEVANCES ABOUT SPECIFIC INDIVIDUALS**

**6.1** Where grievances have been made about named employees, employees are entitled to be informed as soon as possible that a grievance has been made about them, and they will be provided with relevant details of the grievance, (unless in exceptional circumstances where it could interfere with the procedure).

**6.2** Should there be a concern that working relationships may become difficult whilst the issue is being resolved, this should be discussed with HR, in order to determine what measures can be taken to attempt to relieve these difficulties and ensure fairness to both parties during the process.

**6.3** Care needs to be taken that neither an employee raising a grievance nor one who may be the subject of a grievance should suffer victimisation, retribution or exclusion as a result of the grievance procedure having been invoked. Where appropriate, a stress risk assessment may be undertaken to ensure suitable support is provided.

**6.4** Wherever possible the outcome of the grievance will be notified to the employee about whom the grievance is made on the same day as it is notified to the employee raising the grievance.

## **7. KEEPING RECORDS**

**7.1** Management notes should be taken at all grievance meetings. The employee raising the grievance, and the employee who has had the grievance raised about them, should be asked to sign the notes from their own meetings. Witnesses should be informed that their statements/meeting notes may be disclosed to all parties concerned.

**7.2** Records will include:

- The nature of the grievance raised
- A copy of the written grievance
- The school's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome
- Subsequent developments

## **8. REVISION OR TERMINATION OF THIS PROCEDURE**

**8.1** The operation of this procedure will be periodically reviewed from time to time in light of the changes to legislation and any new requirements.

**Appendix 1**

**Formal Grievance Notification Form**

**FORMAL GRIEVANCE NOTIFICATION FORM**

<b>Employee's Name:</b>	
<b>School or Academy</b>	
<b>Name of Line Manager:</b>	
<b>Trade Union Representative:</b>	
<b>Name of person who will accompany you:</b>	
<b>Name and job title of the employee(s) about whom the grievance is raised (if appropriate)</b>	
<b>Please provide details of your grievance providing as much detail as possible particularly dates, times , locations as appropriate ( Continue on a separate sheet if necessary)</b>	
<b>Witnesses to the above (name and job title):</b>	
<b>Please provide details of any attempts to resolve the matter informally and the reason for dissatisfaction with the informal process (if appropriate):</b>	
<b>Please state the outcome you are seeking.</b>	
<b>Signed (employee):</b>	
<b>Date:</b>	

Procedure for Appeal Meeting

(NB: In the case of maintained schools only, the Governor's Appeal Committee may ask a representative of the Assistant Director of Learning Services to attend to offer specialist advice).

1. Introductions by Chair; explanation of procedure
2. Appellant, or their representative, to state his/her grounds for appeal.
3. Original hearing officer may ask questions of the appellant or their representative
4. Members of the Appeal Committee, HR Officer and/or representative of the Assistant Director of Learning Services may ask questions of the appellant or their representative
5. Original hearing officer to state how they made their original decision.
6. Members of the Appeal Committee and representatives of the Assistant Director of Learning Services may ask questions of the original hearing officer.
7. Appellant (or representative) may ask questions of original hearing officer.
8. Appellant or their representative, to sum up case.
9. The original hearing officer to sum up case
10. Parties retire, the Assistant Director of Learning Service's representative to remain to advise the governors.
11. Appeals Committee to consider the case and notify the parties of their decision. This may be conveyed at the conclusion of the Appeal hearing and then confirmed in writing, or confirmed in writing at a later date by the Committee.

The above procedure should be varied to reflect the process and parties to the grievance used within this procedure as reflected in the relevant process identified in previously.

The process may be varied by agreement of all parties.