



# Grievance Policy and Procedure for School Staff



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## 1. Policy Statement

The governing body recognises that from time to time employees may have concerns relating to their employment. We believe that in most instances these concerns can be dealt with quickly and effectively if the employee discusses his/her concerns with the headteacher at an early stage. However, if this is not possible, it may be necessary to use more formal procedures.

## 2. Purpose

This policy encourages resolution of grievances in a fair and speedy manner, as close as possible to the point of origin. It is designed to deal with grievances or disputes concerning individual members of staff employed at the school and does not apply to collective disputes regarding important issues of principle, for which separate arrangements exist.

## 3. Scope

This procedure applies to all employees within the school, both teaching and support staff. It also applies to ex-employees who raise a grievance in writing within 4 weeks of leaving the employment of the school.

Staff grievances can arise from a number of sources, whether amongst work colleagues, with the headteacher or with the governing body.

Where an employee is the subject of either the Disciplinary Procedure or Capability Procedure and s/he has a grievance relating to this process, there are rights of representation and appeal within these procedures where the employee has an opportunity to raise the issue. In exceptional circumstances where the grievance is clearly impeding the progress of the disciplinary or capability procedure, consideration may be given to suspending the disciplinary or capability procedure for a period of no more than 14 calendar days\* whilst the grievance is dealt with.

## 4. Definitions

Potential actions or concerns that may give rise to a grievance are:

- Not applying school policies or procedures correctly or fairly
- Unfair working practices
- Unreasonable requests
- Unfair management practices
- Health & safety concerns

Issues which are not covered by this policy:

- Reasonable day-to-day management behaviour
- Matters which are not work related
- Disagreements with school policy
- Complaints that can be resolved by utilising more appropriate procedures such as appeals procedure for capability or disciplinary, collective disputes procedure or the bullying and harassment procedure.

(The above lists are not exhaustive)

\* all references to calendar days exclude Bank Holidays

## 5. Responsibilities

Governors, acting as, or on behalf of the employer, have an implied duty of care under health and safety legislation as well as responsibilities under discrimination law.

The headteacher is responsible for ensuring that any grievance raised under this procedure is taken seriously and is acted upon quickly, efficiently and effectively.

If the headteacher has a grievance, the Chair of governors is responsible for taking any necessary action.

Employees who submit a grievance will be deemed to have done so in good faith and will suffer no detriment or victimisation as a result of this.

Every employee involved in a grievance is expected to conduct himself or herself in an appropriate manner and respect the confidentiality of information disclosed.

Any individual who is the subject of a grievance will normally be told of the allegations and, if appropriate, will be asked to respond. In raising a grievance an employee automatically gives his/her permission for any relevant details to be shared with the person(s) named in the grievance.

All employees will be protected from intimidation and discrimination during the grievance process. Retaliation against an employee for pursuing a complaint in good faith is a disciplinary offence, as is deliberately making an unfounded complaint.

## 6. Grievance Resolution

### Stage 1 - Informal Action

The governing body strongly encourages employees to seek a personal resolution to a grievance, by making a direct approach to the member of staff concerned. If this is not possible, the employee may discuss the matter with his/her line manager, the headteacher or any other senior member of staff. If the headteacher has a grievance, s/he should raise the matter with the Chair of governors.

Where it is not possible to resolve the matter through informal discussion, Stage 2 of the procedure should be invoked.

### Stage 2 - Informal Mediation

Mediation is a process through which a neutral third person works with the people involved in a complaint to help them reach an agreement. The third party could be the headteacher, a senior member of staff, an HR Adviser, a governor or a Local Authority mediator. This list is not exhaustive.

The employee should request a meeting with the person concerned, and a mutually acceptable third party to act as a mediator, stating that s/he is invoking Stage 2 of the Grievance Procedure. The request may be made orally or in writing and the meeting should take place on a mutually convenient day, usually within 10 working days of the request being made. Other than the mediator, no other additional parties are involved in this meeting.

At the meeting both parties should seek to resolve the problem by mutual agreement in consultation with the third party mediator.

### Stage 3 - Formal Meeting

Where informal resolution is not appropriate or where the Stage 2 process above has failed to resolve the grievance, the employee should complete a Notice of Formal Grievance form (Appendix 2) and submit this to the headteacher (or directly to the Chair of governors where the headteacher is the subject of the complaint or is the complainant) to invoke Stage 3 of the grievance procedure. The form must be submitted within seven calendar days of the Stage 2 mediation meeting or within four weeks of the complaint first being raised.

Within seven calendar days of receipt of the Grievance Form, a letter should be sent to both parties stating that the governing body's Hearings Committee will be convened to discuss the matter on a mutually convenient date, normally within twenty one calendar days of receipt of the form. Committee members should, where possible, have no previous detailed involvement in the case.

The letter will cover the following points:

- i) state that Stage 3 of the Grievance Procedure has commenced;
- ii) summarise the nature of the grievance to be heard;
- iii) give a minimum of fourteen calendar days' notice of the date, time and place of the hearing before the Hearings Committee;
- iv) remind both parties of the right to be accompanied by a work colleague or representative;
- v) state that all relevant documents should be exchanged at least seven calendar days before the hearing;
- vi) state that the headteacher has a right to attend for the purpose of giving advice, where s/he is not one of the two parties concerned.

The appointed clerk to the hearing will send copies of any documents which are to be submitted to the Hearings Committee, the employee (and his/her representative or work colleague), and the Group Director, School Improvement and Planning (or his representative) and, in the case of an Aided school, the Diocesan Director of Education (or his/her representative) at least seven calendar days before the hearing. Nevertheless, with the agreement of all parties, any new documentation relevant to the case may be accepted at the commencement of the hearing itself: in such an event sufficient copies should be provided for all parties and an adjournment may be necessary.

The governing body's Hearings Committee should seek to settle the problem. The procedure to be followed is set out in Appendix 3. The Hearings Committee should be advised by the headteacher, where s/he is not one of the two parties concerned, and the Group Director, School Improvement and Planning (or his/her representative) and, in the case of an Aided school, the Diocesan Director of Education (or his/her representative), who may be present throughout the hearing.

## **Stage 4 - Appeals**

The Appeal Committee will consider an appeal within twenty one calendar days of the appeal being lodged. A representative from the Local Authority will attend to act in an advisory capacity.

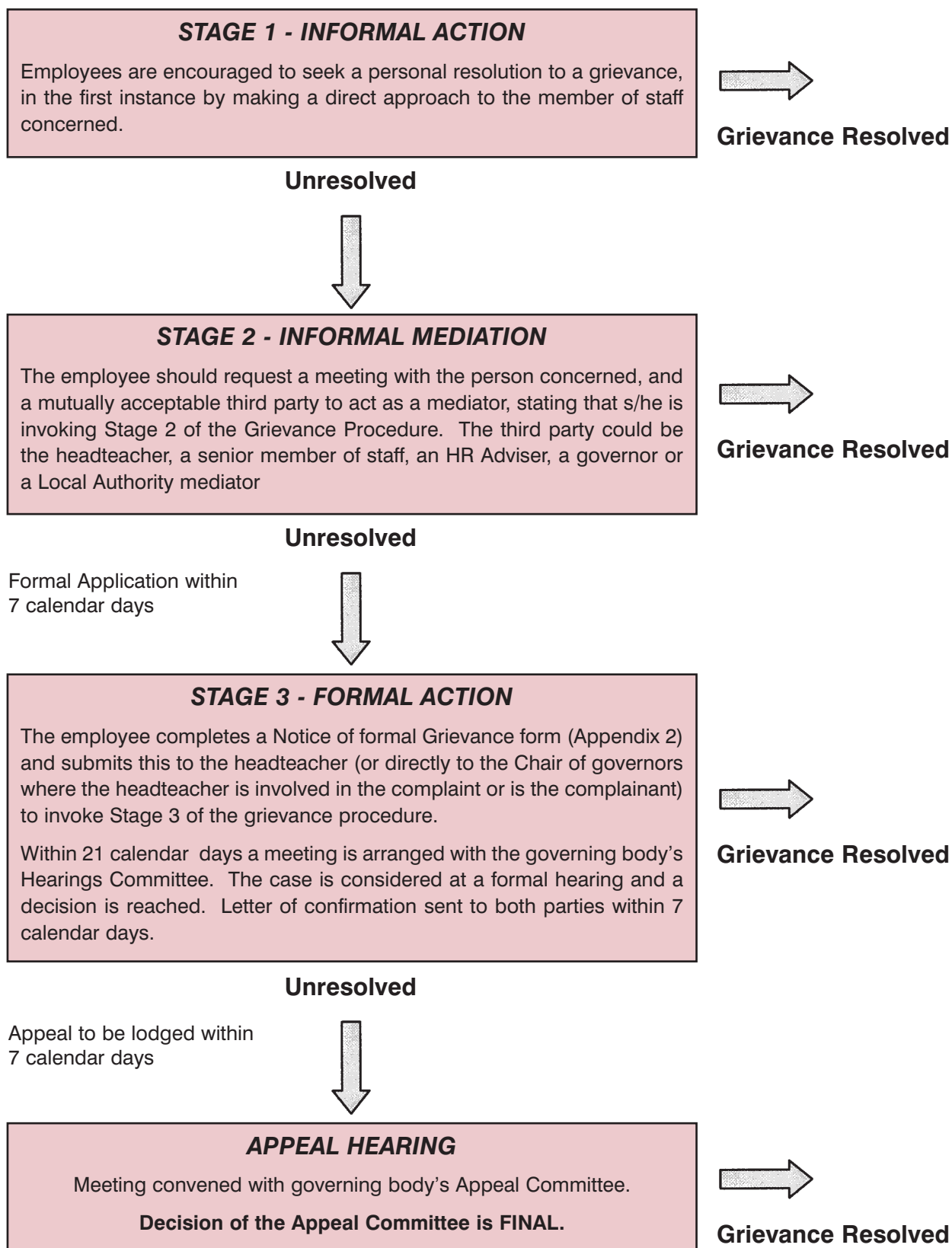
Both parties must be informed in writing of the date, time and venue of the appeal hearing at least fourteen calendar days beforehand. At the same time, copies of all documents which are to be submitted by either party must be sent to the Appeal Committee at least seven calendar days\* before the hearing. Both parties may be accompanied at the hearing by a union representative or work colleague. The hearing will be conducted as outlined in Appendix 3.

The decision of the Appeal Committee is final and the outcome will be confirmed in writing to all parties within seven calendar days of the hearing. A grievance cannot be referred beyond the appeal hearing decision. If it emerges that an important issue of principle may be at stake which may be considered through the conciliation machinery of the Collective Disputes Procedure, advice may be sought from the Group Director, School Improvement and Planning (or his/her representative).

## **7. Complaints against the Governing Body**

Every effort should be made to resolve the issue by using stages 1 and 2 of the above procedure. If the matter remains unresolved then advice should be sought from the Group Director, School Improvement and Planning.

## Grievance Procedure for School Staff





## Notice of Formal Grievance (Stage 3)

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### SECTION 1: Personal details

Name: ..... Job Title: .....

School: .....

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Who is the subject of your complaint?

Name: ..... Job Title: .....

What is his/her relationship to you? (please select one of the options below)

Work colleague/line manager/other (please state) .....

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### SECTION 2: Complaint details

1. Please provide brief details of your complaint - where possible please include specific examples of events rather than generalised statements. Please continue on another sheet if necessary:

2. Where and when did these events take place?

3. Were there any witnesses? Yes / No (if yes please provide names)

4. How did the above incident (s) make you feel? This could be how you felt at the time and how you feel now.

5. How did you react at the time? Did you respond back to the individual and if so what was your response?

6. Have you tried to resolve the matter informally? Yes / No.

If you answered yes to Q6, please provide details of what you did, and what the outcome was. If you answered no, please explain why you have not raised it with the individual.

7. Have you spoken to anyone else regarding the incident(s)? If so, who?

8. By making this complaint, what is the outcome that you are seeking?

Date:.....

Signed: .....

***Please pass this form to your headteacher. If your complaint is about the headteacher or the headteacher is the complainant, the form should be passed to the Chair of governors. Once received, someone will contact you to discuss the matter further. If you need any advice on the process, please contact your HR officer.***

## Formal Procedure for Grievance Hearing

1. The grievance will be presented by the complainant (or his/her representative or work colleague);
  - the complainant (or his/her representative or work colleague) may call witnesses individually in the presence of the other party (and his/her representative or work colleague);
  - the other party (and/or his/her representative or work colleague) may question the complainant (and/or his/her representative or work colleague) and the witnesses;
  - the Committee may, through the Chair, ask questions of both parties and any witnesses;the witness(es) should then withdraw.
2. The other party (or his/her representative or work colleague) will then present his/her case;
  - the other party (or his/her representative or work colleague) may call witnesses individually in the presence of the complainant (and his/her representative or work colleague);
  - the complainant (and/or his/her representative or work colleague) may question the other party (and/or his/her representative or work colleague) and the witnesses;
  - the Committee may, through the Chair, ask questions of both parties and any witnesses;the witness(es) should then withdraw.
3. The complainant (or representative/work colleague) may sum up his/her case.  
The other party (or representative/work colleague) may then sum up his/her case.
4. The Committee will then consider the matter in private. Only those members of the Committee who have been present throughout the hearing will take part in the deliberations leading to a decision or determination of the Committee. Any advisers to the Committee will remain but both parties (and their representatives or work colleagues) will withdraw.
5. The Committee may recall the parties only to clear points of uncertainty on information already given. If recall is necessary, then both parties are to return, even if only one is concerned with the point giving rise to doubt.
6. The Committee will come to a decision.
7. Once the decision has been reached, the Chair of the Committee will immediately inform both parties and the headteacher (if not otherwise notified) of the decision. This will be confirmed in writing to both parties within seven calendar days of the end of the hearing. The letter of confirmation should state that the case has been properly considered, state what the decision is and give reasons for the decision.
8. The complainant should be informed of his/her right of appeal to the governing body's Appeal Committee following the initial hearing. Any appeal must be lodged within seven calendar days following receipt of the written confirmation of the determination. The procedure to be followed at the appeal hearing will be as described above. The decision of the Appeal Committee is FINAL.

