



HUNGERHILL SCHOOL

GRIEVANCE POLICY

GRIEVANCE PROCEDURE

**For Staff Employed in Schools
With Delegated Budgets**

People & Performance Improvement

GRIEVANCE PROCEDURE

1. INTRODUCTION AND POLICY ISSUES

1.1 Purpose

1.1.1 This procedure has been developed for employees to use as a guide if they have a grievance relating to their employment. The purpose of such a guide is to enable employees and managers to resolve grievances as quickly and as fairly as possible.

1.1.2 It is the responsibility of line managers to deal with grievances and this procedure enables them to be addressed quickly and effectively.

1.1.3 Advice and guidance on the process may be sought from People & Performance Improvement (P & PI) or from a trade union representative.

1.2 Scope

1.2.1 The procedure applies to all employees of schools where the Governing Body has delegated responsibility for the employment and management of staff.

1.2.2 Normally this procedure applies to individuals, however where two or more people have a grievance advice should be sought from Human Resources on the appropriate way of addressing the complaint.

- 1.2.3 This procedure should only be used where there is no other procedure under which an employees concern or complaint could be addressed (e.g. recruitment procedure, appeals stages of disciplinary, capability, employee reductions or managing attendance procedures).

- 1.2.4 Where an employee is unhappy about decisions taken under another procedure they may raise a complaint under those procedures and should not raise a separate grievance.

- 1.2.5 Unless there are exceptional circumstances, such as long-term absence, the grievance must be raised within three months of the incident or action occurring.

1.3 Key Principles

1.3.1 A member of staff who feels aggrieved should initially discuss the matter by direct approach to the member of staff involved, or their line manager, or the head of department, or other appropriate senior member of staff

including, if necessary, the Headteacher.

1.3.2 The dignity of all parties will be respected and honoured in the operation of this procedure.

1.3.3 Line managers are responsible for dealing with and resolving employee grievances, wherever reasonably possible. In this regard most concerns and complaints are best resolved informally through normal day-to-day supervision and consideration should be given to the scope for mediation to assist with this.

1.3.4 Where it has not been possible to resolve the issues the following procedure will apply.

(See Fact Sheet: Line Manager's Responsibilities)

2. STATEMENT OF GRIEVANCE

2.1 A grievance must be submitted in writing to the employee's line manager. (Employees can use the form at **Appendix 1** of this procedure if they wish).

N.B. Grievances should **not** be sent to Human Resources, although an HR Consultant will assist the school where necessary in responding to the grievance.

2.2 In situations where the grievance is about concerns regarding their line manager, employees are still encouraged to try to resolve the matter with them. Only where the grievance is about the line manager and the employee does not feel able to address the grievance with them should the grievance be addressed to a more senior manager (i.e. 1 tier up from their line manager), or

the Headteacher. Where a manager would be compromised in dealing with an issue, appropriate measures should be put in place to deal with an issue and/or advice sought.

- 2.3** Where a member of staff has a grievance with the Headteacher he/she should, in the first instance, try to resolve the matter by direct approach to the Headteacher. If the grievance remains unresolved the matter should be referred to Governors.
- 2.4** Where a member of staff has a grievance with the Governors which does not involve any other member of the staff, they should submit their grievance in writing to the Chair of Governors.

(See Fact Sheet: “Employees’ Entitlements”)

3. Mediation

- 3.1** Where the parties to a grievance feel it may be useful consideration will be given to mediation to try to resolve the matter in hand.
- 3.2** Consideration can be given to the use of mediation at any point of the procedure. Managers are asked to seek advice from HR before deciding to use this method in an attempt to resolve an issue.

(See Fact Sheet: “Mediation”)

4. ARRANGE A MEETING

- 4.1** Once a grievance has been received the line manager will arrange a meeting, without unreasonable delay and at a mutually convenient time, to address the grievance or to explore the scope for mediation. This will normally be held within 15 working days. Any reason for delay should be communicated to the employee/s.
- 4.2** The arrangements for the meeting should be confirmed in writing at least 3 days prior to the meeting and the employee informed of their right to be accompanied by a trade union representative or work colleague.
- 4.3** The line manager, or Headteacher, or panel of Governors, will conduct the meeting and, where considered necessary, have a Human Resources Consultant, in attendance. The manager is advised to arrange for someone not involved in the case to take a note of the meeting and to act as a witness to what is said.

- 4.4** If the employee, or their representative, is unable to attend the meeting an alternative time/date may be proposed and providing the alternative date is reasonable and mutually convenient, the meeting will be rearranged.

Note: If anyone is unable to attend the rearranged date, advice should be sought from Human Resources to consider how to proceed in a way that is fair to all concerned.

- 4.5** All parties involved in the grievance are entitled to be present at the meeting and witnesses can be called as appropriate.
- 4.6** If during the meeting an investigation into the facts is felt to be appropriate the meeting should be adjourned whilst this takes place.
- 4.7** The employee should be informed when they might reasonably expect a response if one cannot be made at the time of the meeting. The response should be confirmed in writing as soon as possible following the conclusion of the meeting, normally within 5 working days and no later than 10 working days, in sufficient detail to enable the parties to understand the reasons for the outcome. They should also be informed of their right of appeal.

(See Fact Sheet: “Structure & Conduct of Hearings”)

5. STAGE 3: APPEAL

- 5.1** An appeal should be made in writing to the manager, Headteacher, or Governors who dealt with the grievance meeting, within 5 working days of being advised of the outcome of the meeting. Receipt of the appeal should be acknowledged in writing by the school.
- 5.2** The school will then ensure arrangements are made for an appeal.
- 5.3** The arrangements for the appeal should be confirmed in writing, giving at least 3 days notice of the meeting and the employee informed of their right to be accompanied by a trade union representative or work colleague.

- 5.4** The appeal should be heard by someone, or a different panel of Governors, who has had no involvement in the previous stages of the grievance.
- 5.5** A response to the appeal should be given in writing as soon as possible, usually within 5 working days, but normally no longer than 10 working days. The letter should include a statement to inform the employee that the appeal was the final stage of the procedure.

(See Fact Sheet: "Appeals")

PRIVATE AND CONFIDENTIAL

GRIEVANCE FORM - FOR USE BY EMPLOYEES

PLEASE COMPLETE ALL QUESTIONS ON THIS FORM. MAKE A COPY AT THE SAME TIME AS YOU FILL IT IN AND KEEP ONE COPY, GIVE THE OTHER COPY TO YOUR LINE MANAGER, HEADTEACHER, OR CHAIR OF GOVERNORS, AS APPROPRIATE.

NAME OF EMPLOYEE: _____

JOB TITLE: _____

SCHOOL _____

DEPARTMENT: _____

LINE MANAGER: _____

WHAT IS YOUR GRIEVANCE?

WHAT ACTION HAS ALREADY BEEN TAKEN ON YOUR GRIEVANCE?

WHO HAS CONSIDERED IT? WHAT WAS THE RESULT?

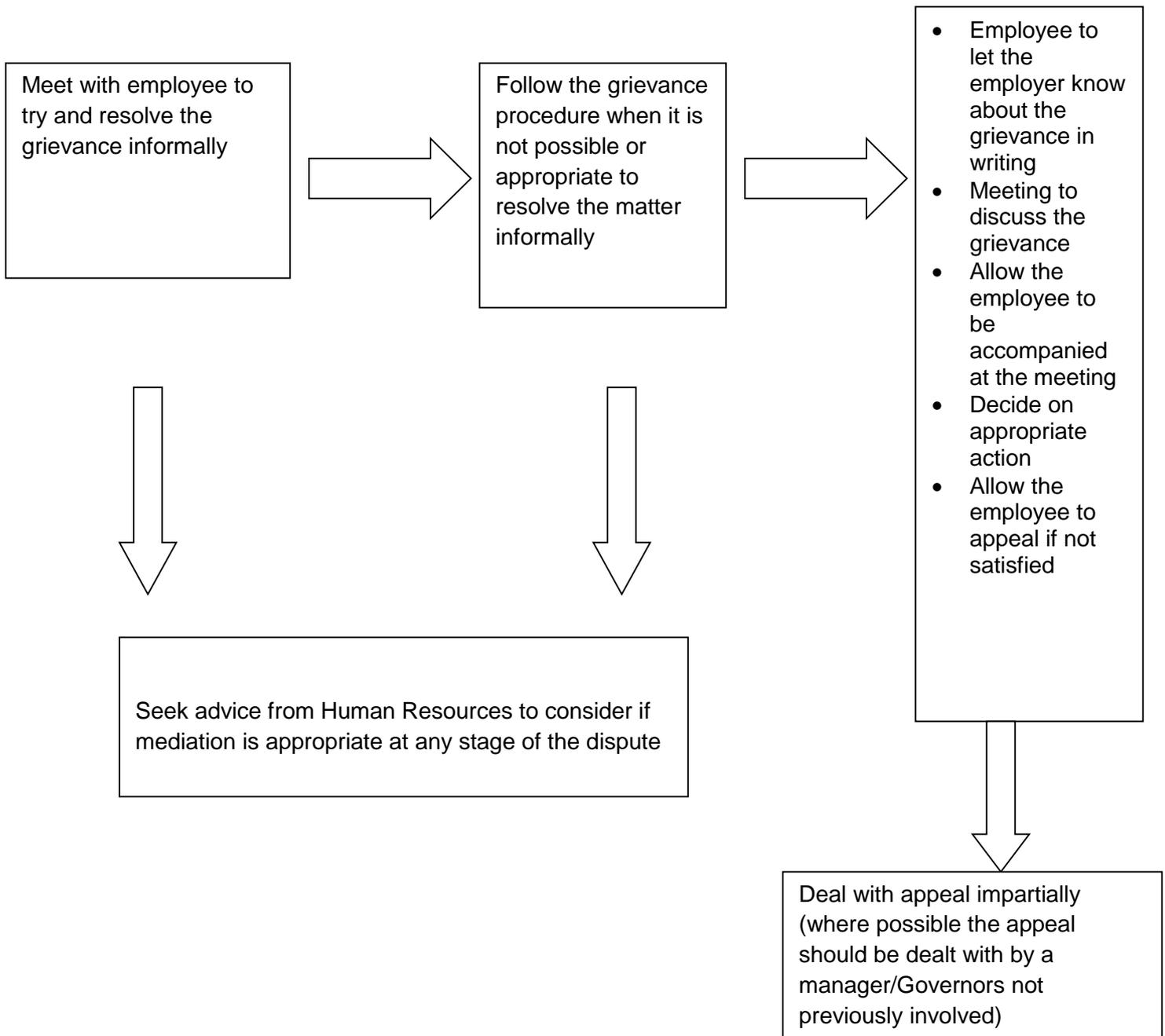
IF THERE IS A PREFERRED OUTCOME YOU ARE SEEKING AND YOU WISH TO EXPRESS THAT, PLEASE DO SO BELOW:

SIGNED: _____

DATE: _____

Handling Grievances

The following overview is based on the good practice advice published by the Acas Code of Practice. It provides guidance on the steps to take if you receive a grievance from an employee. Human Resources can provide further advice to managers who are unsure how to proceed with a grievance they have received.



Employees' Entitlements

Employees are encouraged to resolve any grievances they might have regarding their employment informally with their line manager through normal day-to-day supervision, or by direct approach to the member of staff involved, the head of department, or other appropriate senior member of staff including, if necessary, the Headteacher. However, if they feel that their grievance has not been addressed then they are entitled to:

- submit their grievance in writing to their line manager, Headteacher, or Chair of Governors, setting out the nature of the grievance;
- have arrangements for the meeting to discuss their grievance confirmed, in writing, at least 3 days in advance;
- obtain assistance from trades union representatives, or work colleagues, to help raise their grievance if they have difficulty in expressing themselves due to language or other difficulties;
- have their grievance considered without undue delay;
- be kept informed of the progress of their complaint;
- be accompanied at all stages of the procedure by a trades union representative or work colleague (see Fact Sheet on "Employee Representation");
- have the outcome of their grievance communicated to them in writing, normally within 5 working days and no later than 10 working days following the meeting;
- have their grievance considered at an appeal meeting if they remain aggrieved (see Fact Sheet on "Appeals");
- have their appeal heard without unreasonable delay;
- have the arrangements for the appeal confirmed, in writing, at least 3 working days prior to the meeting;
- have the outcome of their appeal confirmed in writing within 5 working days, but normally no later than 10 working days following the appeal, unless a prior response date has been agreed by all parties.

Employee Representation

Employees have a statutory right to be accompanied by a work colleague or trades union official at a grievance meeting. However, when choosing a representative an employee should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.

Managers should give consideration as to whether any reasonable adjustment may be needed for a worker with a disability (and possibly for their chosen representative if they are disabled), e.g. provision of a support worker or advocate with knowledge of the disability and its effects.

Role of Representative

A representative can:

- request to rearrange the date of the meeting if they are not available;
- 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;
- confer with the employee during the meeting;
- if they are a work colleague, have reasonable paid time off to fulfil the responsibility;
- seek an adjournment.

A representative cannot:

- respond to questions on behalf of the employee;
- address the meeting if the employee does not wish it;
- prevent the employer from explaining their case;
- act as a trades union representative unless they are either a full-time official or accredited by their own trades union to perform such a role.

Line Managers' Responsibilities

Every effort should be made to resolve grievances at an informal level, outside this procedure, wherever reasonably possible. When a grievance is raised with a line manager, Headteacher, or Chair of Governors, they should:

- meet with the employee promptly to discuss the issue;
- keep a record of their discussion, including date, details discussed, advice given and the decision taken;
- consider if mediation might be useful (**see Fact Sheet on “Mediation”**).

If the employee remains dissatisfied and it is felt necessary to invoke the formal grievance procedure the line manager, Headteacher, or Chair of Governors will be responsible for:

- acknowledging receipt of the grievance raised within 3 working days;
- arranging a meeting in accordance with Stage 4 of this procedure, notifying all parties involved of the arrangements and giving at least 3 working days notice of the meeting (if representative is not available, seek to rearrange meeting within 5 working days);
- considering whether any reasonable adjustments are necessary for a person who is disabled;
- considering whether an interpreter is required;
- determining who else should attend the hearing to facilitate an appropriate response (e.g. another manager or employee who could respond to the grievance);
- ensuring that a record is kept of the meeting and that all documents relating to the grievance are kept confidential;
- keeping the aggrieved employee informed of the timescales involved and providing an explanation when these cannot be met;
- informing the employee of the outcome of the grievance usually within 5 working days, or by no later than 10 working days, after the meeting and also advising them of the right of appeal.

Mediation

An independent third party or mediator can sometimes help resolve grievance issues. The mediator's role is to seek to resolve the problem and any agreement should come from those in dispute.

Where informal discussions to attempt to resolve a grievance have failed the Headteacher should refer the matter to Human Resources (HR). If it is felt mediation is appropriate, and providing that both parties agree, HR will organise mediation procedure. However, it should be noted that mediation can be instigated at any stage of the procedure.

A trained mediator, with no prior knowledge of the circumstances, will facilitate discussions between the parties involved in an attempt to bring about a resolution. Employees are entitled to be accompanied by a trades union representative, or work colleague, at mediation meetings and pre-meetings.

Examples of when mediation can be used:

- to resolve conflict involving colleagues of a similar job or grade, or between a line manager and their staff;
- to rebuild relationships after a formal dispute has been resolved;
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

Mediation should not be used:

- before any attempt to discuss the situation with management has taken place;
- by a manager to avoid their managerial responsibilities;
- when a potential criminal activity has taken place;
- when an individual wants a case of discrimination or harassment investigated;
- if the parties do not have the power to settle the issue;
- when one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

Structure and Conduct of Grievance Meetings

Structure of the Meeting

- 1 **Introductions** and explanation of the process by the Chair.
- 2 **Presentation** of the grievance by the employee and/or their representative.
- 3 Witnesses to be called as necessary, by the employee and to leave after
 - questioning by the employee and their representative
 - questioning by the respondent
 - questioning by the Chair/Committee and the HR Consultant

unless it is agreed they should remain.

- 4 The respondent to ask questions of the employee.
- 5 The Chair/Committee and the HR Consultant to ask questions of the employee.
- 6 The respondent to respond to the grievance, calling witnesses if necessary.
- 7 Witnesses to be called as necessary by the respondent and to leave after
 - questioning by the respondent
 - questioning by the employee
 - questioning by the Chair/Committee and the HR Consultant

unless it is agreed they should remain.

- 8 The employee and/or their representative to ask questions of the respondent.
- 9 The Chair/Committee and the HR Consultant to ask questions of the respondent.
- 10 **Summing up** – Employee or their representative first, then the respondent.
- 11 **Meeting closes** for the Chair/Committee to consider the case.

The outcome of the grievance will normally be communicated to the employee in writing within 5 working days, or by no later than 10 working days, after the meeting. If further investigations are required then this timescale may be deferred, by agreement, and if necessary the meeting will be reconvened.

Conduct During the Meeting

The role of the Chair of the meeting is to:

- maintain good order;
- be responsible for the proper conduct of the meeting;
- ensure all parties are provided with adequate opportunity to state their case;
- take notes and ask questions, as appropriate;
- determine an appropriate response on the evidence presented;
- inform the employee of the outcome.

The HR Consultant's role is to:

- clarify any procedural matters raised;
- provide professional advice during the meeting and during the decision-making process;
- ask any relevant questions of any parties as appropriate.

Standards of Behaviour

- all those involved in the meeting are expected to be respectful and courteous;
- any behaviour from any party deemed to be inappropriate, offensive, intimidating, malicious, insulting or abusive and/or intended to humiliate or injure another party will not be tolerated and could lead to the meeting being discontinued.

Adjournments

- an adjournment may be sought at any time during the meeting where appropriate;
- the decision to adjourn rests with the Chair.

Appeals

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. The appeal should be dealt with impartially and wherever possible by a manager/ Committee who has not previously been involved in the case.

PROCEDURE:

An appeal must

- be submitted in writing, stating clearly the grounds for the appeal
- be received within 5 working days from the receipt of the letter confirming the outcome of the grievance meeting

Arrangements for the appeal

- a mutually convenient date for all parties involved to be offered within 10 working days of receipt of the appeal, unless a different timescale is agreed.

The appeal will follow the same format as the original meeting as set out in the “Fact Sheet on Structure and Conduct of Hearings”. This comprises

- introductions and explanation of process
- presentation of appellant’s grievance (with reference to documents and witnesses as appropriate)
- questioning of appellant’s grievance and witnesses (by respondent, appeals body and adviser)
- presentation of respondent’s case (with reference to documents and witnesses as appropriate)
- questioning of respondent’s case and witnesses (by appellant, appellant’s representative, appeals body and adviser)
- final summaries from appellant and respondent (in that order)
- adjournment for appeals body to make decision.

The appeals body will determine whether to

- uphold the original outcome of the grievance meeting; or
- partially uphold the original outcome; or
- not uphold the original outcome.

Where possible the outcome of the appeal will be given orally at the end of the meeting and will be confirmed in writing usually within 5 working days, but by no later than 10 working days.

Subject only to any statutory rights the appellant may wish to exercise, the decision of the appeal meeting will be final and no further rights of appeal will be allowed under this procedure.

There are circumstances in which an employee may apply to take their case to an Employment Tribunal. If an Employment Tribunal claim is received please contact Human Resources immediately for advice.

Former Employees

It is good practice to address complaints or concerns raised by a former employee after he or she has left the organisation, or to conclude an on-going grievance process where an employee has left before the process has been exhausted. In such circumstances, the grievance must be registered in writing within a reasonable period of time, and will not normally be addressed if it is raised more than 3 months after the end of the individual's employment.

The line manager/Headteacher must:

- acknowledge receipt of the grievance promptly and, if able to do so, provide a written response, inviting the individual to ask for a meeting if they consider the matter has not been adequately addressed prior to leaving;
- if a meeting is requested this should be arranged without unreasonable delay and at a mutually convenient time;
- advise the former employee that a union representative can attend the meeting with them. If they do not belong to a union they should be advised that a friend can attend the meeting to support them;
- decide whether it is appropriate for the Headteacher or panel of Governors to hear the grievance;
- determine who else should attend the meeting to facilitate an appropriate response (e.g. another manager or employee who could respond to the grievance or provide the relevant information);
- consider whether any reasonable adjustments are necessary at the venue for the meeting for a person who has a disability;
- ensure that a record is kept of the meeting and that all documents relating to the grievance are kept confidential;
- confirm the outcome of the grievance in writing as soon as possible, usually within 5 working days, or by no later than 10 working days, from the date of the meeting.

The decision of the grievance meeting will be final and former employees have no further rights of appeal under this procedure.