



# Grievance Policy and Procedure for School based staff

**Adopted By:** Abingdon Primary School

**Date:** November 2016

<b>Review Date</b>	<b>Reviewer</b>	<b>Comments</b>
16.08.2011		Updates due to changes in legislation and in relation to procedure
4.4.2016	SE	General review and update following change to ACAS code
<b><u>Nov 2016</u></b>		<b><u>Ratified by Governors November 2016</u></b>

## **EMPLOYEE GRIEVANCES**

### **1.0 Introduction**

**1.1** The School's Grievance Procedure provides a mechanism by which employees' problems or concerns about their work, working environment or working relationships can be raised and addressed fairly and quickly before they develop into something more serious.

**1.2** Examples of situations which may be the source of problems and which may be addressed through the Grievance Procedure are:

- Relationships or treatment at work – an employee can, under this policy raise problems they may have in their working relationships with colleagues, or with supervisors/managers that are not appropriate to raise under any other school policy.
- Lack of management action – if an employee feels they have raised issues, for example Health & Safety concerns, via the appropriate channels but these have not been resolved, or there are no plans to resolve them, then it may be appropriate to raise these under this policy.
- Discrimination, harassment and bullying issues that an employee feels for any reason they cannot raise via the Discrimination, Harassment and Bullying Policy

This list is not exhaustive.

**1.3** Some complaints about employment fall outside the scope of the Grievance Procedure and require different treatment e.g:

- Disciplinary issues are dealt with under the Disciplinary Policy and Procedure.
- Grading/Salary issues are dealt with separately by the relevant Committee of the Governing Body.
- Income Tax, National Insurance and Pension matters should be raised directly with the School's payroll provider or the relevant pension team.
- Issues raised under the meaning of the Public Interest Disclosure Act 1998 (Whistleblowing) should be raised under the Whistleblowing Policy.

### **2.0 Scope**

**2.1** This policy and procedure apply to all employees of the School.

### **3.0 Aims**

3.1 The School aims to ensure that employees with a grievance relating to their employment have access to a procedure which will help to resolve the problem quickly, fairly and as close to the source of the problem as possible.

### **4.0 Policy**

4.1 The procedure should be used as a framework and should not inhibit constructive discussion. Employees should aim to settle problems informally with their colleagues and/or manager, where possible.

4.2 If this approach is not practicable or the approach fails to resolve the problem, the employee should discuss with a senior member of staff or the Headteacher who should endeavour to resolve the problem personally.

4.3 If the problem cannot be settled informally then the formal grievance procedure at paragraph 5.0 should be used.

4.4 If the employee is aggrieved about more than one issue, the procedure allows for these to be raised and, where appropriate, dealt with at the same time.

4.5 In some circumstances a grievance may apply to more than one employee. In such cases the group will be required to select one member to represent the group and to state their case, supported by their Trade Union official if required.

4.6 In circumstances where an employee raises a grievance during a disciplinary procedure the Headteacher may consider suspending the disciplinary process for a short period of time (no longer than 2 weeks) to investigate the grievance should the grievance be that:

- The employee is dissatisfied with the handling of the matter
- The disciplinary action may amount to discrimination
- The true reason for the disciplinary action is not that given by the manager

4.7 In circumstances where an employee raises a grievance during a disciplinary procedure related to the employees conduct and/or capability then the disciplinary procedure will continue and the employee's complaint/grievance will be dealt with as part of the ongoing disciplinary investigation.

### **5.0 Formal Procedure**

#### **5.1 Stage 1**

5.1.1 Employees should state in writing the basis of their grievance to their Headteacher, unless the grievance is against the Headteacher, in which case it should be put in writing to the Chair of Governors.

5.1.2 The Headteacher, or nominated person, should respond in writing to the employee within 5 working days inviting the employee to a meeting to discuss the issues raised (5 working days' notice should be given). This letter should also inform the employee of his/her statutory right to be accompanied by their Trade Union representative or a school colleague (example letter LET-SCH-

060). This meeting should be held as soon as possible ideally within 10 working days of the date of receipt of the grievance. Wherever possible the meeting should be arranged at a mutually convenient time, however the employee must take all reasonable steps to attend the meeting once it is arranged. (Should the grievance be raised during a disciplinary process as in paragraph 4.6 then the timescales may change. The employee and the Trade Union representative will be consulted at the time). A representative from Human Resources will attend the meeting to advise on procedure, if required.

**5.1.3** The meeting should proceed in accordance with the procedure for grievance meetings (Appendix A).

**5.1.4** The Headteacher, or nominated person, must respond in writing to the grievance within 5 working days of the meeting explaining the findings and outcome in relation to each allegation made. The letter should make the employee aware that if they feel that the matter has not been resolved or the timescales have been exceeded without reasonable cause or communication, then they may take the matter to Stage 2 (Appeal) (example letter LET-SCH-061). If it is not possible to respond within the specified time period (e.g. because the circumstances require further information to be collected) the employee should be given an explanation for the delay and informed when a response can be expected.

**5.1.5** Should the grievance be considered a potential disciplinary issue then a decision may be taken to move into the disciplinary procedure and a formal investigation under the disciplinary procedure will take place. Should this be the case the outcome of the grievance will be communicated following the outcome of the investigation and disciplinary process. However the employee who raised the grievance will not be informed of any action taken against individuals as a result of the disciplinary process.

## **5.2 Mediation**

**5.2.1** If both parties agree that this is appropriate, external mediation can be used to try to resolve particular relevant issues. The Headteacher may contact Human Resources for further information on this if required.

## **5.3 Stage 2 (Appeal)**

**5.3.1** If, after Stage 1, the employee is dissatisfied with the response received or if the timescales have been exceeded without reasonable cause or communication, the employee should be allowed to appeal to the Governing Body. This must be done in writing, and sent to the Headteacher within 10 working days of the date of the letter informing them of the outcome of the Stage 1 meeting, giving the specific reasons for the appeal.

**5.3.2** The Headteacher/Governing Body representative should invite the employee, in writing, to attend an appeal hearing and should inform the employee of his/her right to be accompanied by their Trade Union representative or a school colleague.(Example letter LET-SCH-062)

- 5.3.3 The appeal hearing will be arranged as soon as practicable and the employee will receive a minimum of 10 working days' notice. This period may be reduced only by mutual agreement.
- 5.3.4 The person who made the decision at stage 1 will be required to produce a report, including the original grievance letter and the outcome, and to attend the appeal hearing.
- 5.3.5 An appeal panel formed from the Governing Body, with advice from Human Resources, should hear the case, and inform the employee of their decision within 5 working days of the hearing. If it is not possible to respond within the specified time period the employee should be given an explanation for the delay and told when a response can be expected. (Example letter LET-SCH-063)
- 5.3.6 The Appeal Panel's decision is final, there will be no further right of appeal.
- 5.3.7 Further details of the appeal procedure can be found at Appendix B.

## **6.0 Records**

- 6.1 Information regarding the grievance raised and the employer's response, any action taken and the reason for action taken and the outcome of any appeal, will be kept on the relevant personal files held in the School.

## **7.0 Non-attendance at a Meeting or Hearing**

- 7.1 If the employee is unable to attend the arranged meeting due to circumstances beyond their control and which were not foreseen when the meeting was arranged, such as illness, then a further meeting should be arranged.
- 7.2 Where the employee's representative is unavailable and an alternative date/time is suggested, this must be within 5 days of the original date unless both parties agree otherwise.
- 7.3 If the employee has been invited to attend two meetings and on both occasions has not attended due to unforeseen circumstances then the manager may decide the outcome in their absence. The employee should be notified that if they do not attend the second meeting decisions may be made in their absence or the grievance may be treated as withdrawn. (Example letter LET-SCH-064)

## **8.0 Former Employees**

- 8.1 Grievances raised by former employees will be dealt with on a case by case basis.

## **9.0 Equality Statement**

- 9.1** The Grievance Policy applies to all employees irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

**In circumstances where the grievance is regarding the Headteacher a member of the Governing Body will replace the role of the Headteacher throughout this procedure.**

## **Outline Procedure for the Grievance Meeting**

The Headteacher, or nominated person, should make introductions as necessary, and then -

- invite the employee to re-state their grievance and perhaps indicate how they would ideally like to see it resolved.
- the Headteacher, or nominated person, can then ask questions or clarify any issues raised by the employee. Remember that a grievance meeting is not the same as a disciplinary hearing and is an occasion when discussion and dialogue may produce the answer.
- the Headteacher, or nominated person, can then respond to the grievance and give the employee opportunity to ask any questions.
- the Headteacher, or nominated person, may need to consider whether, after hearing the issues, it might be useful to adjourn –it might be necessary to check details, explore possibilities with other senior staff about the resolution of the grievance, or take advice from Human Resources.

Following the meeting the Headteacher, or nominated person, should respond to the employee's grievance, in writing, within 5 working days of the meeting and advise the employee of the right to take the grievance to stage 2 (appeal). If it is not possible to respond within this timescale (eg because further information needs to be collected) the employee should be given an explanation for the delay and when a response can be expected.

**Grievance Appeal Procedure**

An appeal panel formed from the Governing Body will hear the appeal with advice from a Human Resources representative. This panel should include 3 members of the Governing Body who have had no prior involvement in the matter.

Papers to be submitted by either party should be sent to the Chair of the appeals panel at least 5 working days prior to the appeal. The Chair of the panel will then ensure all parties receive all documents at least 3 days prior to the hearing.

The procedure for the appeal hearing will be as follows:-

- (a) The employee and/or representative shall state the case.
- (b) The Headteacher may ask questions of the employee and/or representative.
- (c) The Panel may ask questions of the employee and/or representative.
- (d) The Headteacher shall state the case.
- (e) The employee and/or representative may ask questions of the Headteacher.
- (f) The Panel may ask questions of the Headteacher.
- (g) The employee and/or representative to have the opportunity to sum up his/her case if he/she wishes.
- (h) The Headteacher to have the opportunity to sum up his/her case if he/she wishes.
- (i) The employee, employee representative and the Headteacher withdraw.
- (j) The Panel to deliberate, recalling employee and representative and Headteacher only if clarification of evidence already given is required. In such instances both parties should be recalled even though clarification may be required from only one side.
- (k) The Panel shall announce its decision to both sides unless further time for deliberation is needed, in which case both sides will be informed of this and the decision advised in writing.
- (l) The decision of the Panel will be notified to both sides in writing within 5 working days of the appeal hearing. If it is not possible to respond within this timescale the employee should be given an explanation for the delay and when a response can be expected.
- (m) The decision of the Panel is final.