

HCC



# **GRIEVANCE PROCEDURE**

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**Signed – Governor**

**Print Name**

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## **1. Introduction**

The aim of this procedure is to achieve fair and equitable treatment for all employees of the school in relation to the management of grievances in the workplace.

The procedure applies to all employees of the school. This procedure does not form part of any employee's contract of employment and it may be amended at any time.

Whilst this procedure recommends that employees submit a written notice of grievance in order to have the matter dealt with formally, (see appendix 1), a grievance can be expressed in other ways, for example, verbally. It is important to recognise and deal with any potential grievances and seek clarification from the employee as to whether they wish to take their complaint formally through this procedure.

### **The procedure may be used for grievances:**

- between colleagues where there is no line management relationship
- between an employee and management including the Headteacher or a governor

The procedure may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

### **The procedure may not be used for grievances regarding:**

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- pay
- performance capability/performance appraisal
- harassment and bullying or
- whistleblowing (unless the employee is directly affected by the matter in question or where the employee believes they may have been victimised for an act of whistleblowing)

These are all covered by separate procedures.

An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal/complaint heard under any other policy. This procedure cannot be used to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

## **2. Principles**

The grievance procedure is designed to help school governing bodies, Headteachers and staff resolve individual or collective grievances by:

- affording the employee the opportunity of putting their case should they have a complaint which they are unable to resolve through regular communication with their line manager
- fostering good relationships between school management and staff by encouraging the speedy and effective resolution of grievances
- resolving grievances as near as possible to their point of origin in an atmosphere of trust and confidentiality

This procedure should be freely accessible to all staff, and a copy should be given to the parties at the outset of the formal stages.

Reasonable consideration will be given to facilitating adjustments required in accordance with the Equality Act 2010, for example frequent breaks or to facilitate assistance with the completion of the formal notification of grievance (appendix 1).

### **3. Roles and responsibilities**

By their nature, grievances are internal matters and may involve a number of people. It is not possible, nor desirable, given the emphasis upon dealing informally with grievances, to prescribe specific roles. However, the following broad guidelines may be helpful.

#### **3.1 The Headteacher**

The Headteacher, who may or may not be the subject of the grievance, will have a crucial role, together with the line-manager where appropriate, in achieving a resolution of the grievance at the informal stage.

#### **3.2 Chair of governors**

If a governor or governors are approached about a grievance, they should refer it without detailed discussion to the chair of governors. Where the Headteacher is the subject of the grievance, the chair of governors assumes the responsibilities of the Headteacher in arranging for the grievance to be considered.

#### **3.3 Other governors**

For reasons stated above, it is not appropriate for other governors to be involved in detailed discussion of the substance of a grievance unless, of course, they are themselves the subject of the grievance, because they may be needed for the formal meeting or appeal.

#### **3.4 Representation of a professional association or trade union**

In the interests of good employer/employee relationships, representatives have a role in advising and offering early support to their member at all stages with a view to seeking an agreed resolution as early as possible.

#### **3.5 Guidance for employees**

Where an employee has a grievance with a governor that does not involve any other member of staff, he/she should discuss the matter with the Headteacher before making an approach to the chair of governors.

Appendix 1 and 2 set out guidance for employees about how to raise a grievance.

### **4. Right to be accompanied**

An employee has the right to be accompanied and supported, at any formal stage of the procedure, by a work colleague or an accredited professional association/trade union representative.

The employee should give advance notice if he/she is to be accompanied and by whom. If the professional association/trade union or work colleague is unavailable at the time of the hearing, the employee should contact the individual organising the hearing to rearrange (once) to a time that is mutually convenient. Any postponement should not normally extend beyond five working days.

## **5. Stages in the grievance procedure**

### **5.1 Informal stage**

Most grievances can be resolved quickly and informally through discussion. If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of the appropriate manager, who may be the Headteacher or chair of governors. If the complaint is about the line manager he/she should speak informally to a more senior manager or Headteacher. This allows for problems to be resolved quickly and normal working relationships to resume.

Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced.

#### **5.1.1 Mediation**

During the informal stage, it may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of an impartial mediator. Mediation services are available through the Schools' HR Advisory team.

### **5.2 Investigation**

It may be necessary to carry out an investigation into a formal grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and witnesses and/or reviewing relevant documents.

The employee must co-operate fully and promptly in any investigation. This may include informing the investigating officer of the names of any relevant witnesses, disclosing any relevant documents and attending interviews as part of the investigation.

The school may instigate an investigation before holding a grievance meeting where considered appropriate. In other cases a grievance meeting may be held before deciding what investigations (if any) to carry out. In either case the school will hold a further grievance meeting after the investigation is completed to enable a decision is made.

### **5.3 Formal grievance meeting**

Grievances concerning issues that are more than three months old will not usually be investigated unless related to the current issue or there are exceptional circumstances.

Any reference to the hearing manager relates to the Headteacher or chair, i.e. the person conducting the meeting/hearing unless they have had prior involvement at the informal stage.

Where an employee's grievance remains unresolved, he/she should submit a written notice of grievance form (see appendix 1). The formal grievance will not proceed unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.

When submitting a grievance the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened the aggrieved party should explain clearly why they did not feel able to go through the informal stage.

The person hearing the grievance or chairing the panel should ensure that a note taker attends the hearing in order to record the main points and actions.

It is important that all grievances are considered fairly and without unreasonable delay. It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting. This should be in sufficient time to enable full consideration of the material. Both parties have the right to be accompanied.

Separate meetings with each of the parties involved may be held if this is deemed more appropriate. The manager considering the grievance will decide who should be present at any meeting.

The purpose of the grievance meeting is for the employee to explain their grievance and how it may be resolved. The decision will be reached as soon as reasonably practicable and usually within five working days of the final grievance meeting.

### **5.3.1 Witnesses**

Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case in advance of the hearing which has been exchanged with all parties as soon as reasonably practicable and in any event at least three working days prior to the hearing..

Testimonials regarding an employee's personality and character will not be accepted as witness statements, nor may such witnesses be called to attend a hearing for this purpose.

A witness who is not a school employee may provide a witness statement (not a testimonial) but would not usually attend a grievance hearing.

## **5.5 Appeal**

If the grievance is not resolved to the employee's satisfaction they may appeal in writing to the chair of governors, unless otherwise directed, **within seven calendar days** of receiving the written decision. The appeal notice should make clear the reasons for the appeal. The chair will arrange for three members of the governing body not previously involved, to hear the appeal and they may be supported by a HR adviser. Whilst new evidence on the same grievance may be submitted, no new grievance(s) may be added to the proceedings. New evidence will only be considered if relevant to the grievance outcome decision and there was a good reason why this had not been included as part of the original grievance.

The appeal hearing will take place **without unreasonable delay** and at the school's discretion may be a complete rehearing of the grievance or a review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light.

If the grievance was investigated by an investigating officer other than the hearing manager the investigating officer may be called as a management witness.

Following the appeal hearing, the chair of the panel considering the case will give a response to the grievance appeal. The chair of the panel will send written confirmation of the outcome to both parties as soon as reasonably practicable and usually within five working days of the decision, and this decision is final. There is no further right of appeal.

## **6. Overlapping disciplinary and grievance issues**

If an employee raises a grievance after disciplinary proceedings have started against them the school will consider suspending the disciplinary proceedings for a short period to consider the implications of the grievance (if any) on the disciplinary process. If the grievance and disciplinary issues are unrelated they can be heard separately otherwise they may be dealt with concurrently where appropriate.

## **7. Collective grievances**

Where a group of employees take out a grievance regarding the same subject matter, this will be heard using the process above in section 5.2 i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a professional association/trade union representative(s).

## **8. Vexatious, malicious and frivolous grievances**

All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Headteacher or chair of governors as appropriate will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.

## **9. Former Employees, Exit interviews and resignation letters**

**There is no explicit requirement in the ACAS Code for an employer to follow a grievance procedure in cases involving former employees but the employer reserves the right to deal with such complaints as it deems appropriate which could include an internal review and outcome letter.**

If a Headteacher/chair of governors receives a letter of resignation from an employee that includes what appears to be a grievance, they should write to the employee and ask them whether they would like to progress a grievance. An issue raised in an exit interview or leavers' questionnaire might constitute a grievance. If a manager has any concerns about the content of a resignation, exit interview or leavers questionnaire advice should be sought.

## Appendix 1

### Employee's notification of grievance

This form should be used to submit a grievance in accordance with the formal grievance procedure, adopted by the governing body of your school.

You and, where appropriate your professional association/trade union representative should complete the form and hand it to your Headteacher, the person against whom the grievance is being brought and the chair of governors. You are advised to keep a copy.

1.

Name: ..... School: .....

Post held: ..... Department/Faculty: .....

2. Describe briefly:

a) The nature of your grievance (this should include a full description of the nature of your complaint including any relevant facts, dates and names of individuals involved).

b) On what date did you first raise your grievance, and with whom?

c) What action has been taken on your grievance at the informal stage?

d) What outcomes are you seeking? *(Please detail actions you would like taken to resolve the situation, e.g. an apology)*

e) Whether you will be interested in exploring a resolution through mediation

3. Has your professional association/trade union representative been informed? YES/NO

If YES: (a) Do you wish the representative to receive correspondence? YES/NO

(b) Please identify the representative and where he/she may be contacted

Signed: ..... Date: .....

## **Appendix 2 – guidance for employees on how to raise a grievance**

### **What is a grievance?**

Anyone working in a school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. Examples of a grievance include (but are not limited to): conditions of employment, health or safety, relationships at work and new working practices. If you are a member of a trade union or professional association you should seek advice from your representative at the earliest stage as some concerns are dealt with through different procedures, and you need to consider section 5.1 of this procedure before setting out on a formal procedure.

### **What should I do if I have a grievance?**

Always try to resolve the grievance at source, if necessary by talking it through with your line manager. This allows for problems to be resolved quickly and normal working relationships to resume.

### **What is the informal process for handling a grievance?**

Talk to your line manager at one of your regular one-to-one meetings or, if such a meeting is a long way off, by requesting a special meeting for this purpose.

### **What do I do if the grievance cannot be resolved informally?**

Provide a written submission (see Appendix 1)

### **What information should I include in the notice of grievance?**

- what the grievance is about. (Be clear and specific)
- who is involved and when
- why the grievance has not been resolved at an earlier stage
- how you think the grievance can be resolved
- whether you will be interested in exploring a resolution through mediation

### **What happens once I have submitted notice of a formal grievance?**

A meeting will be arranged at which you have the opportunity to set out your grievance. This may be before or after any investigation has taken place although investigations are not always necessary. This is the formal stage of the procedure. All parties may be accompanied or represented by the professional association or trade union representative or by a work colleague. The chair of the meeting will advise you what the outcome is.

### **What happens if I don't like the outcome of this meeting?**

The job of the hearing manager at a formal meeting is to reach a conclusion that is fair and equitable to all sides. If you feel that the outcome is not fair, then an appeal meeting before a panel can be requested. The decision of the panel at this stage is final: there are no further hearings.

**Grievance flow chart**

