



# Grievance Policy

01 September 2022



## Version Control

Current version	Previous version	Summary of changes made
01 Sep 22	01 Sep 13	Updated terminology. Clarification regarding Union representation and HR Support added (1.6 & 1.7). Procedure at Formal Hearings moved to Appendices.
01 Sep 22	01 Sep 13	Sections renumbered. Formatting of paragraphs, headings and appendices standardised.

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# 1 Introduction

- 1.1 {School name} ('the school') and the Trades Unions attach great importance to the establishment and continuance of good working relationships at all levels within the school.
- 1.2 However, it is recognised that, from time to time, working relationships may be affected by dissatisfaction due to a variety of reasons and any such issues should be resolved promptly in the interest of good employee relations. The grievance procedure provides a mechanism for issues to be dealt with fairly and equitably before they develop into major problems.
- 1.3 Both parties should be able to clearly demonstrate that every effort has been made to resolve the issues informally before the formal process is commenced.
- 1.4 A grievance can be defined as 'a complaint by an employee about action which their employer has taken or is contemplating in relation to them'.
- 1.5 If at any time, prior to or during the implementation of the grievance procedure;
  - an employee, governor or witness has reasonable grounds to believe that commencing the procedure would result in significant threat to themselves, their property, or any other person or the property of any other person; or
  - an employee, governor or witness has been subject to harassment and has reasonable grounds to believe that commencing the procedure would result in them being subjected to further harassmentthen the process or procedure would be brought to a halt to allow the appropriate action and decisions to be taken.
- 1.6 Any employee who is interviewed as part of the investigatory process will have the opportunity to be accompanied either by a colleague of their choice, who must be an employee of the School or a Trade Union Representative. The colleague or Trade Union Representative would be present to observe the proceedings and advise the employee but cannot answer questions on the employee's behalf. The employee must notify the school in advance of the meeting of the name of their companion and whether they are a worker or a trade union representative.
- 1.7 It is important to remember that advice from a School's HR Adviser is available at every stage of the procedure.

## 2 Exclusions to the procedure

- 2.1 This procedure will not apply in the following circumstances;
  - Where an employee, or his or her representative, fails to register his or her appeal within the timescales laid down, in Section 5 below, unless it has been agreed that the time limits can be extended.
  - A grievance is raised about a matter over which the employer has no control or where management is acting in accordance with school policy.

- Where an employee has serious concerns about an aspect of the school's work or those who work for the school. In such circumstances the [Whistleblowing Policy](#) would apply to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriages of justice and dangers to health and safety.

### **3 Areas of possible grievance**

3.1 The grievance procedure is intended to cover the following circumstances;

- an individual grievance by an employee relating to their employment; and
- a collective grievance held by more than one employee about a particular issue concerning their employment.

3.2 It is impossible to provide a comprehensive and exhaustive list of all the issues that might give rise to a grievance but some of the more common include;

- The application of terms and conditions of employment
- Health and safety
- Relationships at work
- Working practices not covered by the job description
- Fair and equitable treatment

### **4 Handling of disputes**

4.1 In the event of a dispute, or any other employee relations problem, which cannot be dealt with under the school's grievance procedure then both sides will recognise the need to exhaust the appropriate conciliation machinery.

### **5 Informal stage of the grievance procedure**

- 5.1 An employee who feels aggrieved must, in the first instance, raise the issue with the Head Teacher, Line Manager or Chair of Governors (if the grievance relates to the Head Teacher) immediately or as soon as practicable, explaining the action or event giving cause to the grievance. Although this is an informal process, a note should be retained of the resulting discussion.
- 5.2 If, as a result of this discussion, the matter remains unresolved then the employee has access to the formal grievance procedure and must at that stage complete the grievance proforma, attached at [Appendix A](#).
- 5.3 It may also be appropriate at this stage for the employee to consult with their Trade Union Representative for advice.

### **6 Formal stages of the grievance procedure**

6.1 Once a grievance enters the formal stage the grievance proforma attached, at [Appendix A](#), must be completed in all cases. No new issues can be considered once

the pro-forma has been submitted and the formal stage of the grievance procedure has commenced. A separate grievance would need to be submitted in such circumstances.

### **Stage 1**

- 6.2 Where an employee or group of employees are aggrieved about a particular issue and the issue cannot be resolved informally, the matter will be submitted in writing, by the individual or individuals on the appropriate proforma, to the Head Teacher, or Chair of Governors if the grievance relates to the Head Teacher.
- 6.3 Once the proforma has been received then the grievance will be investigated by the Head Teacher or Chair of Governors. At the end of the investigation the Head Teacher or Chair of Governors will notify the individual or individuals in writing of the outcome within five working days of the conclusion of the investigation.

### **Stage 2**

- 6.4 If the individual continues to be aggrieved then the matter will be referred to a panel of Governors. The employee must use the originating proforma and the management response from Stage 1, within five working days of receiving the Stage 1 decision as above.
- 6.5 A panel will then be convened as soon as practicably possible, consisting of at least three Governors, accompanied by a School's HR Adviser who will attend in an advisory role. The decision of that panel will be communicated to the individual in writing within five working days of the hearing.

### **Stage 3**

- 6.6 If the individual continues to be aggrieved then the matter will be referred to the appeals panel. The appeal must be made in writing to the Chair of Governors, by the individual or individuals using the originating proforma and the management response within five working days of receiving the Stage 2 decision.
- 6.7 A panel will then be convened as soon as practicably possible, consisting of at least three Governors, who have not been involved in the original hearing, accompanied by a School's HR Adviser who will attend in an advisory role. The decision of that panel will be communicated to the individual in writing within five working days of the hearing.

## **7 Inability to attend a formal grievance hearing**

- 7.1 If an employee, or their representative, has a justifiable reason for being unable to attend a grievance hearing, it will be rearranged.

- 7.2 If the employee is unable to attend the rearranged hearing it will normally proceed in their absence but with their representative being provided with an opportunity to make representations on the employee's behalf.
- 7.3 A grievance hearing cannot be unduly delayed pending the availability of a full time Trade Union official.
- 7.4 If the employee, or his or her representative, does not attend the rearranged hearing the grievance would be heard in their absence and a decision made on the basis of the originating grievance proforma and managements response.



# Grievance proforma

Your Contact Details			
Name			
School			
Job Title			
Telephone	Home	Work	Mobile
Background			
Please provide details of your concerns. Please give details of times and dates if appropriate. Continue on a separate sheet if necessary.			
What has happened?			
Why are you aggrieved?			
Who do you feel is responsible for your grievance?			
What remedy do you want?			
Signed			Date

**Management response to the grievance**

To be given within five working days of the hearing. Continue on a separate sheet if necessary.

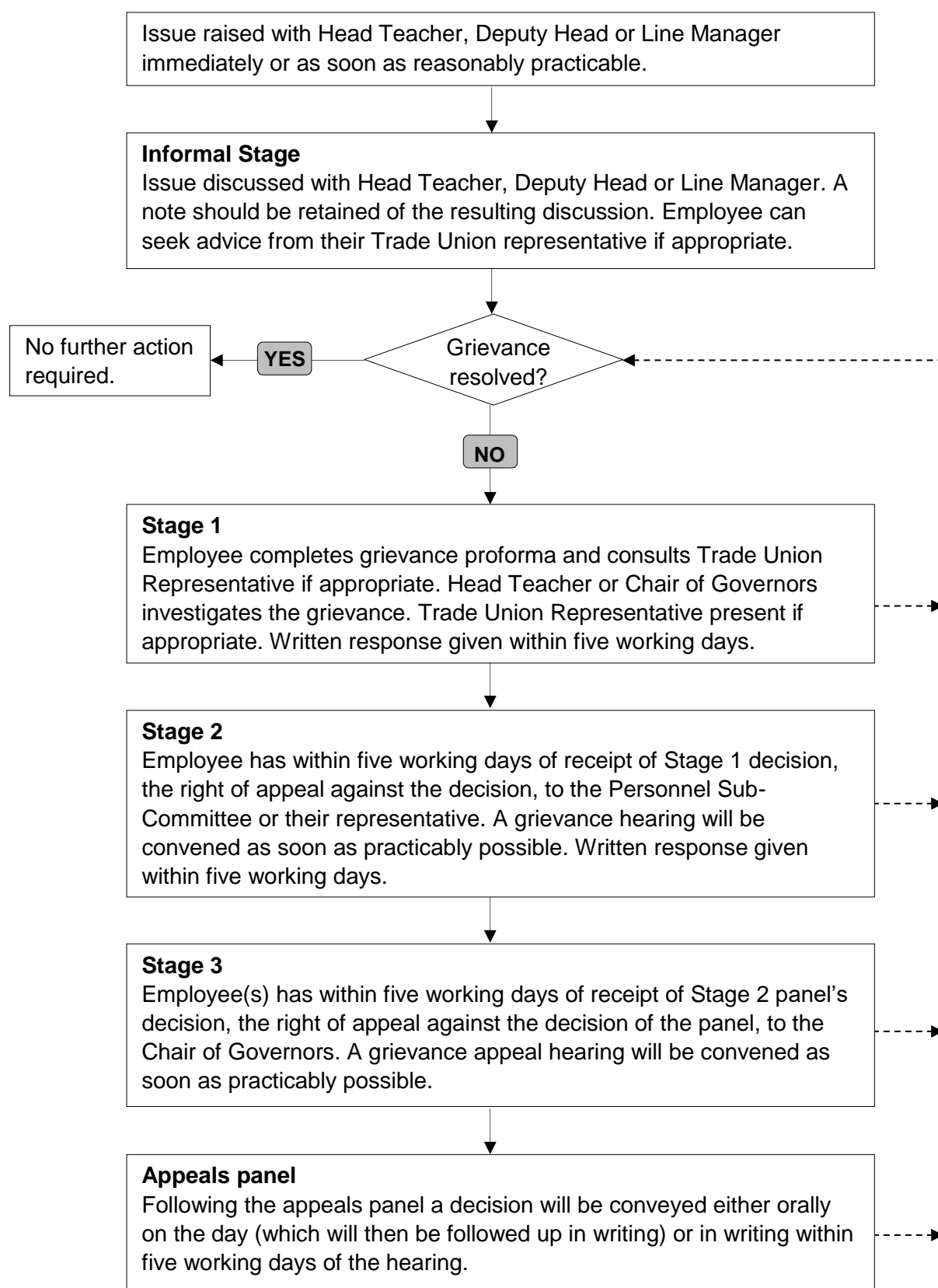
**Signed****Date****Management response accepted?**

To be submitted within five working days of receipt of management's response. Continue on a separate sheet if necessary.

**Is the response to the grievance and the proposed remedy accepted?**Yes ☐No ☐**If not acceptable why do you remain aggrieved?****Signed****Date**

Please retain a copy of this proforma, along with any written response you receive for your reference.

# Grievance procedure



## Procedure at formal hearings

The procedure to be followed at a grievance panel (Stage 2 and Stage 3) is as follows;

- i. The agreed paperwork will be circulated to panel members in advance of the hearing.
- ii. The Chair will clarify the issues to be considered and the remedies being sought. Should any issues be introduced that did not form part of the original grievance or management's response they would not form part of the panel's considerations but could be referred back to an earlier stage of the grievance procedure or be raised as a separate grievance as appropriate.
- iii. The appellant or their representative put the case in the presence of the management representative and call such witnesses as they wish.
- iv. The management representative has the opportunity to ask questions of the appellant and their witnesses.
- v. The panel may ask questions of the appellant and their witness.
- vi. The management representative shall put the case, in the presence of the appellant and their representative and may call any necessary witnesses to give evidence.
- vii. The appellant or their representative will then have the opportunity to ask questions of the management representative on the evidence given by them and any witnesses whom they have called.
- viii. The members of the panel may ask questions of the management representative and any witnesses called.
- ix. The management representative and the appellant or their representative, has the opportunity to sum up their case if they so wish.
- x. The management representative and the appellant and their representative, together with any witnesses, will then withdraw.

The panel will then consider their decision. If it is necessary to recall one or other of the parties to clarify a piece of evidence already given, both parties are to return notwithstanding that only one is concerned with the point giving rise to doubt.

The panel will announce their decision either orally on the day, and follow this up in writing, or within five working days of the panel hearing.

The decision of the panel will be final.