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# SCHOOL GRIEVANCE POLICY

# EVENLODE PRIMARY SCHOOL

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December 2014 Review January 2016
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## **EVENLODE PRIMARY SCHOOL GRIEVANCE PROCEDURE**

### **1. PURPOSE**

1.1 To establish a procedure to assist in the resolution of individual grievance from employees in a fair, consistent and effective manner.

### **2. SCOPE**

2.1 The policy applies to all school based employees directly employed by the Governing Body including the Head Teacher. Grievances made about the Head teacher will be dealt with by the Chair of Governors who may nominate another Governor to manage the formal stages of the procedure.

2.2 The Policy may be used by employees in the school to raise grievances about their work, working conditions and/or colleagues. This policy does not apply to collective grievances, grievances connected with pay matters, or redundancy where separate policies/procedures apply. However, if a grievance under this policy is raised by more than one person, it is possible to elect a spokesperson to represent the group.

2.3 This Policy is to facilitate the resolution of an employee's grievance and to have it considered fairly and without delay. To ensure prompt resolution, employees should use this policy to address concerns within 3 months of the alleged incident.

2.4 This policy/procedure is not for use by Head teachers/line managers who have concerns about employees they manage. These concerns should be dealt with through the appropriate School policy, e.g. disciplinary, capability

### **3. POLICY STATEMENT**

3.1 The Governing Body and head teacher encourages open communication between all employees with the purpose of ensuring a harmonious workplace, maintaining constructive working relationships and finding mutually acceptable solutions to workplace problems and issues.

### **4. PRINCIPLES**

4.1 Employees should at all times, try to resolve issues in the workplace on an informal basis by open and honest communication.

4.2 All grievances will be dealt with in a fair and equitable manner.

- 4.3 For issues that involve grievances against colleagues, staff involved can mutually agree to take part in a mediation process in order to resolve outstanding issues. This should be initiated by the Head teacher on request and will be arranged (not necessarily conducted) by a Personnel Officer.
- 4.4 At the formal stages of procedure, written records will be retained and a copy provided to the person who has raised the grievance.
- 4.5 All matters will be treated in confidence.
- 4.6 Where the matter is connected to harassment or bullying the appropriate policy will be followed.
- 4.7 Timescales referred to in the policy relate to term time only and working days are Monday - Friday.
- 4.8 Whenever possible meetings will take place during normal school hours. However, due to commitments of the governing body it may be necessary to hold meetings after normal working hours.
- 4.9 Employees who raise grievances may be accompanied by a work colleague or Trade Union representative at the formal stages (investigation, 1 and 2) of the procedure.
- 4.10 Employees who have had a grievance raised against them, may be invited to attend meetings conducted under this policy (providing this is mutually agreed with all parties) and in this instance they will be entitled to be accompanied by a work colleague or Trade Union representative at the formal stages of the procedure (investigation, Stage 1 and 2).

## **PROCEDURE**

### **5. Informal**

- 5.1 When an employee has a grievance arising from his/her employment he/she should initially raise the matter with his/her line manager (for example Head of Department/Bursar/Asst Head).
- 5.2 The line manager should arrange to meet with the employee to discuss the issue and desired resolution. As this is at an informal stage, there is no need to provide written notice of the meeting and there is no right to be accompanied by a work colleague or Trade Union representative.
- 5.3 If the grievance is about another employee, they should be interviewed, provided with details of the grievance and given the opportunity to respond.
- 5.4 If appropriate, the line manager may wish to convene a meeting with both parties present to reach an agreed way forward or to consider mediation.

5.5 At this stage, there is no need to keep full formal written records but a brief note of concerns and resolution should be kept and a copy provided to the person raising the grievance.

5.6 If the grievance is about another employee, they should be provided with a brief note of the outcome which could be; grievance not upheld; grievance partially or fully upheld. If there was an agreed resolution to the matter, this should also be provided.

5.7 If the grievance is about immediate line manager (including Head teacher) and this cannot be resolved informally by discussing it with the manager concerned, the matter should be progressed to the formal stage 1 of the procedure. Grievances about the Head teacher in this event should be referred to the Chair of Governors in the first instance.

## 6 Formal (Stage 1)

6.1 If it has not been possible to resolve the grievance at the informal stage the matter should be referred to the Head teacher using the form shown in Appendix 1. If the grievance is about the Head teacher, the form should be sent to the Chair of Governors. It is important that the nature of the grievance and desired outcome is clearly laid out.

6.2 If the matter appears relatively straight forward and does not require further investigation, the Head teacher will arrange a meeting within 15 days of receipt of the written grievance.

6.3 The invitation to the meeting must be in writing, giving 10 days notice and advice of the right to be accompanied by a work colleague or Trade Union representative.

6.4 If the grievance is more complex, the Head teacher will arrange for an investigation to be conducted by a member of the senior management team or alternative person (e.g. Governor). The employee raising the grievance must be informed of this and given an indication of the time needed for the investigation to take place. Whenever possible, the investigation should be concluded between 10-15 days but may be extended if necessary.

## 7. Investigation

7.1. The investigator will be required to produce a report for the Headteacher/Governor which will include investigation into the facts of the case.

7.2 In addition to interviewing the person who has raised the grievance, it will be necessary to interview the person about whom a grievance has been raised (for issues about work colleagues). Both parties will be entitled to be accompanied by either a work colleague or Trade Union representative.

7.3 If the grievance is about a work colleague, they should be given relevant information about the concerns in order to respond.

7.4 If it is necessary to interview witnesses they should be advised that whilst their statements will, if possible, be kept anonymous this cannot be guaranteed. The investigator must get written agreement to use any statements given as part of the investigation. There is no right to be accompanied but they may seek advice from their Trade Union representative.

7.5 On conclusion of the investigation, the report will be given to the Head teacher/Chair who will arrange the grievance meeting.

## 8. Action required prior to the grievance meeting

8.1 The meeting to discuss the grievance should be held within 15 days of receipt of written grievance or receipt of the investigation report if undertaken.

8.2 The employee will be given 10 days written notice of the meeting and advised of right to be accompanied. A copy of the investigation report, if undertaken, plus any supporting documents will be sent with the letter of invite.

8.3 If the grievance is about a work colleague, and if the Head teacher/Governor/Appeals Committee thinks it necessary, they will arrange for the person about whom the grievance has been raised to attend the meeting provided this is with the mutual agreement of the employee who raised the grievance. They must be provided with a copy of relevant information which they need to respond to.

8.4 Witnesses may also be requested to attend the meeting but this should be done by exception and only if there is a major difference in accounts obtained as part of the investigation.

## 9. Meeting

9.1 At the meeting, the employee will provide an outline of their grievance and desired outcome based on the contents of their original letter and the investigation report (if this has been undertaken).

9.2 The Head teacher/Governor/s need to ensure they have sufficient information on which to determine the outcome of the meeting. This may, if necessary, involve speaking to the person about whom the grievance was raised and/or witnesses. Ideally, all parties should be present for these discussions but if this proves difficult/sensitive, separate meetings may be held.

9.3 A format for the meeting is shown at Appendix 2.

## 10. Outcome

10.1 If possible, the outcome of the grievance will be advised verbally following the meeting and confirmed in writing within 5 days.

10.2 If it is not possible to confirm the outcome immediately following the meeting, the Head teacher/Governors will confirm the outcome in writing within 10 days.

10.3 In exceptional circumstances, it may be necessary for further information to be obtained before a decision can be made. In this case, the employee should be advised and given an indication of timescales for completion. This should not exceed 10 days from date of original meeting.

10.4 Possible outcomes from the meeting could be:

- a) Grievance not upheld
- b) Grievance is partially upheld
- c) Grievance is upheld

In event of the grievance being partially or fully upheld, resolution of the matter will be determined by the desired outcome of the person who raised the grievance.

10.5 Outcomes of grievances that involve allegations against another employee could include mediation between parties, additional training, transfer or instigation of disciplinary procedures against the person about whom the grievance was raised.

## 11. Stage 2 - Appeal

11.1 If the matter is not resolved at stage 1 the employee may refer the matter to the Chair of the Appeals Committee within 5 working days of receipt of written outcome of Stage 1.

11.2 The employee should complete the form shown in Appendix 1 outlining the reasons for lodging the appeal.

11.3 The Appeals Committee should arrange to meet within 15 days of receipt of Appeal notification.

11.4 The invitation to the meeting should be in writing giving 10 days notice. The employee must be advised of their right to be accompanied. The Appeals Committee will also deal with any grievances against the Head teacher.

11.5 The Appeals Committee will have copies of all documents connected with the grievance previously used at stage 1. If necessary, the Appeals Committee may extend the time to deal with the grievance if it is necessary for further investigation to take place.

11.6 The Appeal meeting will be conducted along the lines outlined in Appendix 2.

11.7 The outcome of the meeting will be confirmed in writing within 10 days of the meeting.

11.8 The decision is final and there is no further stage of appeal.

## 12. Right to be accompanied

12.1 At formal stages (investigation, stages 1 and 2) of this procedure, employees are entitled to be accompanied by either a work colleague or Trade Union representative.

12.2 This right applies to employees, about whom a grievance has been raised if they are required to attend any meetings connected with the formal procedure, as above.

### 13. Notification of meetings

13.1 Notification of meetings must be in writing, giving 10 days notice. Employees must be advised of their right to be accompanied by either a Trade Union representative or work colleague.

### 14. Notes

14.1 At the formal stages of the procedures comprehensive notes should be kept and copies given to the employee who raised the grievance along with written confirmation of the outcome of the meetings. Whenever possible, an independent note taker should attend meetings – for Governing Body meetings this should be the Clerk to the Governing Body.

### 15. Support

15.1 All employees have access to free, confidential Counselling Services provided on behalf of the Vale of Glamorgan. They can be contacted on 029 20 468565. Any appointments should be made outside of school hours whenever possible.

### 16. Grievances raised during a disciplinary

16.1 If a grievance is raised during a disciplinary process which is directly connected to the process of the disciplinary e.g. the behaviour of the Head/Manager undertaking the action, it may be suspended in order for the grievance to be considered first. However, the resolution of the grievance should not unduly delay the disciplinary process and following consultation with Human Resources, the disciplinary may continue prior to the conclusion of the grievance if it is considered appropriate.

16.2 Someone other than the person dealing with the Disciplinary matter should deal with grievances raised in this event.

### 17. Vexatious/Malicious Allegations/Complaints

17.1 Any employee raising a reasonable and genuine grievance shall suffer no detriment as a result of raising the complaint. However, false or vexatious complaints will be taken very seriously.

17.2 The Schools Disciplinary Policy may be invoked where, on the balance of probabilities, it is reasonable to find that an employee has made a false, vexatious

and/or malicious complaint and/or deliberately made a complaint to cause distress, harm and/or to falsely discredit a colleague, Governing Body or School.

## 18. Employees who have had a grievance raised against them

18.1 If an employee is subject to a grievance, they have the right to be accompanied by a work colleague or union representative at formal stages of the procedure including investigation meetings. They should be provided with relevant information connected with the grievance at the investigation stage in order to respond to the concerns raised.

18.2 If necessary, they may be required to attend the grievance meeting if this is considered appropriate. They are entitled to be accompanied by either a work colleague or Trade Union representative.

18.3 Following conclusion of the grievance procedure, the employee will be advised of the outcome which could be:

- Grievance not upheld – no further action (therefore there will be no action taken against the employee). This will be confirmed in writing.
- Grievance partially/upheld – appropriate action will be taken against person about whom grievance was raised. This could include training, coaching, transfer or disciplinary action. This list is not exhaustive.

18.4 If disciplinary action is appropriate, the employee will be provided with all relevant information in line with the Disciplinary policy.

18.5 Employees who are subject to a grievance must not take any retaliatory action against anyone involved in the process. Failure to comply with this could result in disciplinary action. Support may be sought via their Head teacher, trade union representative and/or Vale confidential Counselling service.

## 19. Witnesses/statements

19.1 The following provisions apply to anyone asked to provide witness evidence in relation to grievance procedures:

- They must give their agreement to be involved in the procedure.
- They may be requested to submit written witness evidence
- They may be interviewed as part of investigation process. There is no right to be accompanied although they may seek advice from a Trade Union representative.
- They will be asked to sign (as accurate record) any statements provided.
- Whilst efforts will be made to keep witness evidence anonymous, this cannot be guaranteed. This must be clearly explained by the investigator.
- In exceptional circumstances, they may be required to attend grievance meetings.
- Witnesses must not subsequently be subject to any adverse treatment by anyone involved in the process. If this is the case, they must immediately

report this to their Head teacher (or Chair of Governors in case of Head teacher) who may take action in line with the Schools Disciplinary policy.

## 20. Monitoring and Review

20.1 This procedure will be monitored by Human Resources to ensure consistency of application. Basic statistics will be retained (in accordance with the Data Protection Act) for monitoring purposes.

20.2 The procedure will be reviewed on the basis of every two years or in light of any developments in employment legislation or good employment practice.

This document is also available in large print and other formats upon request.

Consultation with GMB/Unison/ATL/NAHT/NUT/ASCL/UCAC	March 2013
Accepted/adopted by Governing Body of School Evenlode Primary School.	March 2013

Formal Grievance Form

To be completed by the employee raising the Grievance

Name:

Job Title

School

Head teacher

DETAILS OF GRIEVANCE

Outline the nature and reason for your grievance. Please give specific details such as dates, times and witnesses where necessary. Attach any supporting evidence if necessary.

(continue on separate sheet if necessary)

**PREVIOUS ACTION**

What steps have you taken to resolve this grievance informally? Why do you remain dissatisfied?

Alternatively, if this is a Stage 2 Grievance, why was the matter not concluded to your satisfaction at Stage 1?

**REMEDY YOU ARE SEEKING**

Please state what remedy you are seeking and specifically what action or actions, in your view, are needed to resolve your grievance satisfactorily.

## Format for Stage 1 Grievance and Stage 2 Appeal meetings

1. The employee or his/her representative will be invited to outline their grievance to the Head Teacher/Appeals Committee.
2. The Head teacher/Appeals Committee member will be given the opportunity to ask questions about the matters raised.
3. If the grievance relates to another employee they will be allowed to respond to the matters raised. (provided this has been mutually agreed beforehand). They will also be allowed to ask appropriate relevant questions to the issues raised.
4. If the matter is at Stage 2 of the procedure, the Head teacher (or person who dealt with Stage 1 if not Head teacher) will be allowed to outline their response to the Stage 1 grievance and reasons for determination.
5. The Head teacher/Appeals Committee member will be given the opportunity to ask questions of the any of the parties involved in the meeting.
6. In order to ensure a fair and transparent process, any of the parties involved will be allowed to cross question each other, but the meeting must not be allowed to become hostile or threatening to anyone.
7. All parties will be invited to sum up briefly. The employee with the grievance should be the last to sum up.
8. All parties will withdraw whilst the Head teacher or Appeals Committee consider the grievance. If further information is required, both parties (if applicable) will be invited back into the meeting.
9. If a decision can be made within a reasonable time limit, this will be communicated verbally to the person raising the grievance. If further time is needed, the employee will be advised and asked whether they wish to have the meeting reconvened when decision is made or if they will accept outcome in writing.
10. If the grievance is about a work colleague, they should be advised of the outcome verbally as soon as possible after the outcome has been confirmed to the person raising the grievance. The decision will also be confirmed in writing.