

GRIEVANCE – SCHOOLS

Grievance Policy

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Collective Grievance

GRIEVANCE POLICY - SCHOOLS

1. INTRODUCTION

- 1.1. This policy relates to all employees in schools.
- 1.2. Grievances are concerns, problems or complaints that an employee may have regarding their employment. The grievance procedure provides a mechanism for issues to be dealt with fairly, efficiently and consistently, whilst maintaining confidence and trust.
- 1.3. An employee may have a grievance relating to the management of the school or another employee.
- 1.4. An employee who raises an issue of harassment or bullying may initially use the Dignity at Work policy to try to resolve the matter themselves.
- 1.5. The majority of grievances should be resolved through informal discussion and mediation without the need to invoke the formal procedure. Employees must initially raise their grievance informally with their line manager (or next more senior manager who is not the subject of the grievance) prior to raising a formal grievance. The procedure for raising a grievance informally is shown in paragraph 7.
- 1.6. Grievances should be examined carefully and be dealt with as quickly as possible. Long delays can make the situation worse and may give employees the impression that managers in schools are reluctant to deal with their issues.

2. GRIEVANCE TYPES

- 2.1. Where more than 1 employee has the same grievance (e.g. a small group) but it is not a 'collective grievance', the grievance can be heard as a group using this policy. This can only be done if all parties are in agreement. If this is not the case, the grievance will be heard individually.
- 2.2. There is a separate procedure for a Collective Grievance.
- 2.3. The procedure should not be used for raising issues which are outside the responsibility or control of the Governing Body. It should not be used where separate mechanisms exist.

3. GENERAL PRINCIPLES

- 3.1. When a grievance is raised, the employee must be provided with a copy of this document.
- 3.2. All employees will be treated with respect and dignity throughout the grievance procedure, in accordance with the Equal Opportunities Policy.
- 3.3. The employee and the school should seek to raise and resolve grievance issues without unreasonable delay.
- 3.4. The Headteacher should seek advice from the Schools HR Team when a grievance is raised.
- 3.5. When a grievance is received, care should be taken to ensure that although the Headteacher must be informed, the case should not be considered by the Headteacher if they have responsibility for hearing a formal grievance or for being a decision-maker during a disciplinary procedure (in case the grievance becomes subject to the disciplinary procedure).

The role of considering the grievance would be delegated to a member of the Leadership Team (where appropriate). The Schools HR Team can provide advice regarding this.

- 3.6. Where applicable, any necessary investigation will be carried out.
- 3.7. All parties must be aware of the need for confidentiality.
- 3.8. Any action taken due to the outcome of the grievance meeting should be monitored and reviewed by the line manager/Headteacher /Representative of the Leadership Team/Chair of Governors as appropriate to ensure that it effectively deals with the issues raised.

4. SUPPORT

- 4.1. An employee is strongly advised to contact their Trade Union or another party for support or advice.
- 4.2. At any point in the procedure the employee may be accompanied by a trade union representative or a work colleague. This will be recommended to the individual at the formal meeting and appeal.
- 4.3. Where an employee has difficulty expressing themselves because of language or other difficulties, they may like to seek help from a trade union representative or a work colleague. The employee should inform the Manager/Headteacher where appropriate and arrangements will then be made if necessary.

- 4.4. When anyone with a disability is involved in the grievance procedure, reasonable adjustments should be made where necessary.
- 4.5. Employee Assistance Programme (EAP)

Information regarding the EAP provision is provided in Appendix 3.
- 4.6. Teachers also have access to the Teacher Support Network on 08000 562 561 or www.teachersupport.info

5. HEADTEACHERS

- 5.1. If a formal grievance is against the Headteacher or is raised by the Headteacher, the grievance letter should be sent to the Chair of Governors.
- 5.2. If a formal grievance is against the Headteacher or a formal grievance is raised by the Headteacher, the same process will be followed but the formal meeting will be heard by the Chair of Governors (where appropriate).
- 5.3. Mediation will be considered in line with paragraph 8.
- 5.4. If a grievance raised by a Headteacher lies with a member or members of the Governing Body or the Governing Body collectively, the Director of Children's Services (or designated HR representative) will endeavour to find a solution to the grievance within mediation.

6. THE PROCEDURE

The grievance procedure consists of the following:

- Raising a Grievance Informally
- Mediation (Requested at any point in the procedure)
- Raising a Formal Grievance
- Appeal

7. RAISING A GRIEVANCE INFORMALLY

- 7.1. The majority of grievances can be resolved through informal discussion with the line manager without the need to invoke the formal procedure.

- 7.2. The employee must initially raise their grievance informally with their line manager (or next more senior manager who is not the subject of the grievance) prior to raising a formal grievance. An informal grievance may be raised verbally or in writing.
- 7.3. Informal discussion helps any concerns to be heard, responded to and appropriate action to be taken as soon as possible.
- 7.4. Where appropriate, the line manager will inform the Headteacher that a grievance has been raised informally.
- 7.5. Mediation will be arranged where appropriate.
- 7.6. The line manager will keep a record, showing the date and time of the meeting and briefly stating what was discussed and the outcome/action taken, where appropriate. The record should be stored securely and be kept separate from personal files.
- 7.7. Where raising the grievance informally and/or mediation have been unsuccessful, the matter should be raised through the formal grievance procedure.

8. MEDIATION

- 8.1. If the grievance is not resolved to the satisfaction of the employee in an informal way, the parties involved may undertake mediation. Mediation may also occur at any other point in the procedure. The formal procedure must be suspended if mediation takes place.
- 8.2. If the grievance rests against either a senior member of staff or the Headteacher it would be sensible for the parties to consider mediation at an early stage.
- 8.3. If mediation is necessary, the Headteacher/Chair of Governors will contact the Schools HR Team for advice about the process and how mediation can be arranged, if appropriate.
- 8.4. Mediation can take many forms, including using a third party facilitator.
- 8.5. Any costs associated with a mediator would need to be paid for by the school.
- 8.6. All parties involved will be informed by the Schools HR Team within 10 working days of requesting mediation, as to the way in which mediation intends to proceed.
- 8.7. If, at any point, any party becomes dissatisfied with the approach the mediator is taking, the formal grievance procedure may be started or

resumed. Mediation should not extend over more than 1 calendar month unless all parties agree that a longer time span can apply.

9. FORMAL PROCEDURE - RAISING A FORMAL GRIEVANCE

- 9.1. A Flowchart is shown in Appendix 1.
- 9.2. Where raising the grievance informally and/or mediation have been unsuccessful, the employee should raise the matter formally with the Headteacher. This should be done in writing and should set out the nature and grounds of the grievance and what the desired outcome would be.
- 9.3. The Headteacher (or representative from the Leadership team) should meet with the employee to hear the grievance within 10 working days of receiving the grievance (depending on the availability of those involved).
- 9.4. The employee will be notified in writing of the date, time and venue for this meeting. The letter will inform the employee that they can attend accompanied, if they wish, by a trade union representative or a work colleague. The letter will inform the employee of who will attend the meeting and who will make the decision. A copy of the grievance policy will be enclosed.
- 9.5. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved.
- 9.6. A note taker for the Headteacher (or representative from the Leadership team) may attend.
- 9.7. The meeting may be adjourned. Examples of reasons to adjourn:
 - To consider and make their decision.
 - To allow time for mediation between the parties.
 - To allow more information to be obtained.
 - To allow for investigation (which would normally be undertaken by the person considering the grievance).
 - In order to continue on another day.
 - In order for the Headteacher (or representative of the Leadership team) to invite another party to the meeting, depending on the circumstances of the case (Advice is available from the Schools HR Team).
- 9.8. After the Headteacher (or representative of the Leadership team) has adjourned to consider and make their decision, they will reconvene the meeting and announce their decision and do one or more of the following:

- Discuss with the employee ways in which the grievance may be resolved.
 - Announce their views on the way in which the grievance should be resolved and the action to be taken.
 - Provide an explanation that no action will be taken, together with reasons for this outcome.
 - Action an alternative reasonable way forward.
- 9.9. Within two working days of the meeting (or as soon as practicable thereafter), the Headteacher (or representative from the Leadership team) will confirm to all parties in writing their decision on the grievance, reasons for the decision, who attended and who made the decision. Where appropriate, the letter will set out what action will be taken to resolve the grievance. The letter will also inform the employee of their right of appeal .
- 9.10. Records should be kept in accordance with paragraph 5 of Appendix 2.
- 9.11. Appendix 2 provides important information for grievance meetings and appeals.

10. APPEAL

- 10.1. The grievance appeal may be instigated if the aggrieved employee feels that their grievance has not been satisfactorily resolved or that the grievance procedure was incorrectly operated.
- 10.2. The appeal must be submitted in writing to the Clerk to the Governing Body within 10 working days of the date of receipt of the outcome letter. The letter must clearly state why the original decision is being appealed and should include:
- What the grounds for the appeal are.
 - What the employee's desired outcome is.

If the grounds for the appeal are not clearly stated in writing, the employee will be contacted to provide further information in order for the appeal hearing to be arranged.

- 10.3. The Appeal Committee will meet with the employee to hear the appeal.
- 10.4. The appeal will normally be held within 20 working days of receiving the appeal letter, depending on the availability of those involved.
- 10.5. The Appeal Committee will be made up of a minimum of three members of the Governing Body, one of whom shall be the Chair or

Vice-Chair. In no case will the persons considering the appeal have had any involvement in decisions taken previously in the process.

- 10.6. The employee will be notified in writing of the date, time and venue for the appeal. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a trade union representative or a work colleague. The letter will inform the employee of who will attend the appeal and who will make the decision.
- 10.7. The Clerk to the Governing Body will act as secretary to the Appeal Committee.
- 10.8. The Clerk to the Governing Body may invite other parties to the appeal depending on the circumstances of the case. Advice is available from the Schools HR Team.
- 10.9. At the appeal, the employee will be given the opportunity to explain their case.
- 10.10. The appeal may be adjourned. Examples of reasons to adjourn:
 - To consider and make their decision.
 - To allow time for mediation between the parties.
 - To allow more information to be obtained.
 - To allow for investigation (which would normally be undertaken by the Chair of the Panel).
 - In order to continue on another day.
- 10.11. After the Appeal Committee has adjourned to consider and make their decision, they will reconvene the appeal and announce their decision and where appropriate, set out what action will be taken to resolve the grievance.
- 10.12. The decision of the Appeal Committee and reasons for the decision will be confirmed in writing to all parties involved within two working days of the appeal (or as soon as practicable thereafter).
- 10.13. Where appropriate, the letter will set out what action will be taken to resolve the grievance.
- 10.14. The letter should confirm to the employee that once the grievance procedure, including the appeal has been exhausted, this is the end of the internal procedure.
- 10.15. Records should be kept in accordance with paragraph 5 of Appendix 2.
- 10.16. Appendix 2 provides important information for grievance meetings and appeals.

11. RECEIVING A GRIEVANCE FROM A FORMER EMPLOYEE

- 11.1. Wherever possible, a grievance should be dealt with before an employee leaves employment.
- 11.2. If a grievance is received from a former employee, the grievance policy should not be used. The grievance can be dealt with through the school complaints procedure.

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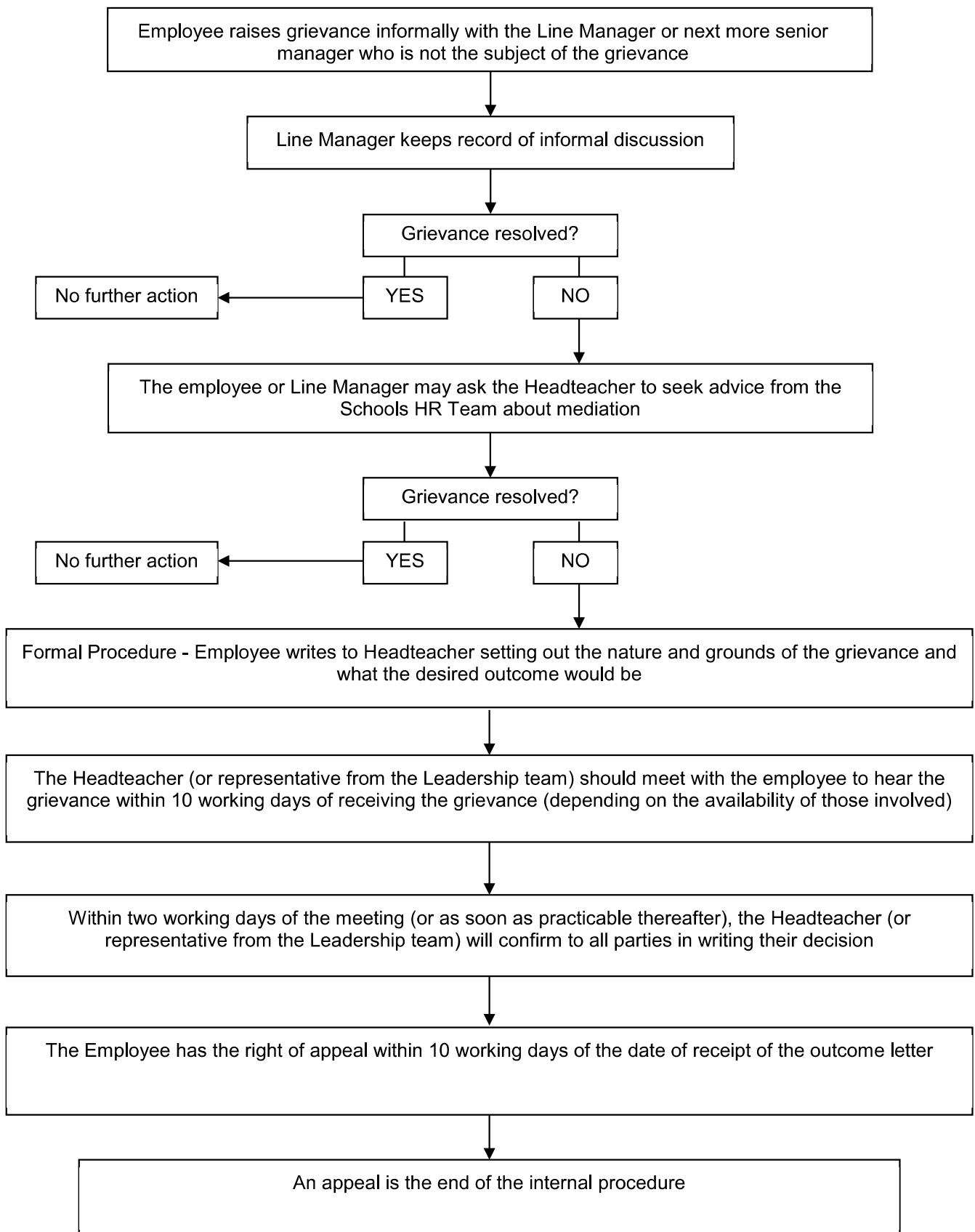
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APPENDIX 1

At every stage of the procedure, the employee may be accompanied by a trade union representative or a work colleague if they wish.

Please read in conjunction with the Grievance Policy

GRIEVANCE PROCEDURE - FLOWCHART



APPENDIX 2

GUIDANCE – IMPORTANT INFORMATION FOR GRIEVANCE MEETINGS AND APPEALS

1. TIME LIMITS FOR MANAGEMENT RESPONSE TO A GRIEVANCE

- 1.1. Time limits for a management response are included within the formal procedure. This is to reinforce the need to deal with a grievance as quickly as possible, so that the employee is able to return to full concentration on work duties.
- 1.2. Meetings should take place without unreasonable delay, with consideration to the timings given within the procedure. Arrangements may need to take into account the working patterns of all those involved in the case. For example, employees who work term time only or the availability of Governors or Trade Union representatives.
- 1.3. In some instances, investigation is needed and this may lengthen the process. Some grievances will take longer to be dealt with in sufficient depth.
- 1.4. Timescales may be varied by mutual agreement in exceptional circumstances.

2. MEETINGS

- 2.1. Meetings should be arranged to start at a reasonable time of the day. Enough time should be allocated.
- 2.2. Time limits should be discussed at the beginning of the meeting to ensure that all parties act to the best of their ability. Very long days should be avoided and meetings should not continue into late evening if possible.
- 2.3. If a meeting is arranged for a potentially complex case, rooms should ideally be booked for 2 days. The 2 days should where possible be consecutive days or as close together as possible to ensure continuity of the meeting.
- 2.4. Refreshments should be arranged in advance and breaks should be allocated if necessary.

3. ATTENDANCE AT A GRIEVANCE MEETING

- 3.1. If a meeting is arranged, the employee raising the grievance should make every effort to attend the meeting.

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- 3.2. If a representative of the employee raising the grievance is unable to attend a meeting, the employee may offer an alternative date as long as it is reasonable and is no longer than 5 working days after the original date. The Headteacher/Clerk will postpone the meeting once for this reason and rearrange to this alternative date where possible.
- 3.3. If an employee who is raising the grievance does not attend a meeting, the school should find out the reason for the non-attendance and rearrange the meeting. The number of times the meeting should be rearranged depends on the circumstances of the case. The Schools HR Team can provide advice regarding this, which may include seeking medical advice from the Occupational Health Team.
- 3.4. It may be suitable to gain advice on whether the employee who is raising the grievance is fit to attend a meeting, although not fit to attend work.
- 3.5. It is also important to consider the Equality Act and the duty of reasonable adjustment in relation to non attendance at meetings.

4. INVOLVEMENT OF OTHER PARTIES

- 4.1. Where necessary, investigation will occur in order to establish the facts of the grievance being raised.
- 4.2. In certain cases, it may be appropriate to allow other parties to attend the grievance meeting, where their contribution may help those making the decision to understand the issues being raised. However, in most cases it will not be necessary for them to attend the grievance meeting, as the issues in the grievance will have been established during the investigation process.
- 4.3. If the employee wishes to invite another party to a meeting, they should inform the Headteacher/Clerk to Governors and the request will then be considered on a case by case basis.

The Schools HR Team can provide advice to the Headteacher/Clerk to Governors.

5. RECORD KEEPING FOR ALL GRIEVANCES RAISED

- 5.1. The school must keep records of all informal and formal grievances raised. The records should be stored by the school securely and be kept separate from personal files.
- 5.2. In relation to a formal grievance, the record should include the nature of the grievance raised, a copy of the written grievance, the response

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to the grievance and any action taken with reasons, details and outcome of an appeal if appropriate and any subsequent developments. One full pack and all notes taken during the meeting/appeal must be kept.

- 5.3. A copy of any formal notes or minutes should be given to the employee.
- 5.4. A copy of the outcome letter should be kept on the individual employee's personal file in school.
- 5.5. A copy of the outcome letter should be sent to the Schools HR Team to be held on the personal file held in the Schools HR Team.
- 5.6. All records and minutes should be treated as confidential and be kept in accordance with the Data Protection Act 1998.
- 5.7. Personal files and records should be kept for 25 years after termination of employment.

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