



GRIEVANCE POLICY

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All Settlebeck statutory Policies are regularly reviewed by the Policies Committee of the Governing Body. HR policies will be additionally updated in the light of any amendments recommended following Trade Union consultation.

GRIEVANCE POLICY FOR SETTLEBECK SCHOOL STAFF

1. Introduction

In order to ensure that fair and effective arrangements exist for dealing with all staff grievances relating to their employment at the school, the following procedure provides for full and speedy consideration of all the relevant facts in order that grievances may be resolved as efficiently, fairly and promptly as possible.

The procedure is designed to deal with individual grievances. It is not intended that the procedure should be applied to collective disputes or to grievances relating to matters for which specific redress is otherwise available e.g. a case of alleged harassment or bullying, an appeal against dismissal (in both these cases, separate procedures exist). See Section 6 General Advice for further details.

Staff grievances can arise from a variety of sources. They can arise among members of the staff or with immediate line managers or the headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the governors of the school or the administration of the school and the Trust. To meet this situation the procedure provides:

- (1) An informal stage which may enable a grievance to be resolved without recourse to any subsequent stage;
- (2) A formal stage where the first /informal part of the procedure is inappropriate or has failed.

2. PROCEDURE - Scope and Purpose

2.1 This procedure is intended to help resolve concerns, problems or complaints which employees wish to raise in a prompt and fair manner.

2.2 The overall aim is to ensure that employers and employees attempt to resolve difficulties themselves by using their organisation's internal dispute resolution machinery rather than the employee resorting immediately to an Employment Tribunal. This procedure complies with the ACAS Code of Practice on Disciplinary and Grievance procedures.

2.3 It is recognised that many matters that may become the subject of a formal grievance stem from simple misunderstandings. It is therefore incumbent upon both the school and its employees, but particularly upon individual managers, always to strive to make their actions, instructions and requirements clear and to act in such a way that all employees shall have confidence that they will be treated reasonably. Headteachers, managers and governing bodies should always respond to questions and explain the reasons for their actions. Similarly, it is incumbent upon employees not to pursue frivolous matters or malicious grievances using this procedure.

2.4 The following matters cannot be raised under this grievance procedure:

- Disciplinary matters for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals;
- Amounts deducted for income tax, national insurance and other statutory deductions from pay;
- Matters where separate procedures apply e.g. Harassment or Bullying, Whistleblowing.

Further advice can be sought from the school HR Manager.

2.5 This procedure applies to all employees at the school. Whilst the grievance procedure should not be used for appeals against disciplinary decisions, if the complaint is against the behaviour of a manager during the course of a disciplinary case it may be raised as a grievance with a senior manager. (See the General Advice (Para.4.2 below) for further details)

2.6 It is the Trust's policy to encourage employees with grievances relating to their employment to resolve them informally through discussion with those concerned and their manager. However, if the employee is not satisfied with the result of these discussions she/he should use the formal procedure to seek a satisfactory solution.

2.7 The school will endeavour to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible every effort will be made to explain the reasons for the decision and where employees are not satisfied with the outcome they have the right to pursue their grievance in accordance with the formal steps contained in the procedure.

2.8 Employees who raise grievances will be treated fairly at all times throughout this procedure. However, if a grievance is found to be malicious the employee concerned may be subject to the Disciplinary Procedure.

3. Aims and Definitions

3.1 The aim of a grievance procedure is to enable any member of staff to have her/his grievance heard and to seek to resolve a situation or seek redress. The intention is that grievances should be settled quickly and fairly and first be discussed informally with the immediate manager or supervisor or other appropriate person.

3.2 The grievance procedures and recommended advice are applicable to all employees at the school, full and part-time, permanent and temporary, in support and teaching posts including headteachers, deputies and assistant headteachers.

3.3 Most grievances will involve other members of staff or relate to terms of employment for which the governing body is responsible and will therefore be capable of resolution at school level using these procedures. Examples of grievance issues which are within the remit of the delegated powers of managers and governors include failure to be appointed/promoted, allocation of work, pay policy matters, job descriptions or duties.

3.4 If an employee is uncertain about the nature of their grievance or to whom it should be addressed, advice should be sought from their trade union or line manager. Governors or Headteachers should also seek advice from the school HR Manager on procedural issues relating to grievances, or whether the grievance is within the powers of Governors or the Trust to resolve.

4. The use of the grievance procedure – general principles

4.1 If a grievance contains allegations which may amount to misconduct against a named employee, it should be referred for investigation under the Disciplinary Procedure before further consideration is given to the grievance.

4.2 An individual grievance should not be used to challenge a general policy of the school/ authority. However a grievance may relate to the application of the policy to an individual, or a small group of individuals.

4.3 It is fundamental to any grievance procedure agreement that normal working should be maintained until all stages of the procedure have been exhausted. Where the grievance under discussion is concerned with proposed changes in working hours or other customary arrangements, the status quo should not normally be disturbed whilst the matter is under consideration. Status quo is a discretionary element, and is not something which must be followed in all circumstances.

For the purposes of this procedure, it is suggested that a working day shall be a day that the school is open to students. However, there may arise on either side substantial reasons (e.g. a school vacation, sickness), why exceptionally it would be desirable to extend time limits. Any such extension should be agreed as reasonable by all parties.

4.4 Formal grievances involving complaints of discriminatory acts on grounds of protected characteristics, if when investigated are found to be true, will form the basis of disciplinary proceedings. Such acts, if upheld are contrary to disciplinary rules and could be construed to be unlawful. The advice of the school HR Manager should always be sought in such cases.

4.5 The aggrieved employee can only be accompanied or represented either by a workplace colleague or trade union official at any meeting relating to her/his grievance. The employee who the grievance is against can be accompanied or represented by a workplace colleague or trade union official in the same way. Any other employee attending such meetings may be accompanied, but not represented, by a colleague or trade union official.

4.6 Nothing in the procedure should preclude the right of an official of a recognised trade union to raise independently with the Head teacher or governing body any employee relations matter affecting the school. Where an official of a trade union attends a meeting with the Head teacher or the governing body, the Trust's HR Manager may be invited by the Head teacher or governing body to be present.

4.7 In all cases, it is recommended that the person or panel of the governing body hearing a grievance consult informally with the chair of governor, the school HR Manager, or staff representatives, as appropriate, to assist in resolving the grievance. **(Governors involved at the informal stage are prevented from taking part in any of the subsequent formal procedures).**

4.8 In cases where the person or panel hearing the grievance needs to obtain further information, or to enquire about policy or other issues, it is open to them to defer the matter for a period of time agreed with the member of staff and her/his representative to enable such enquiries to be made. The advice of Governors may be requested to assist in the resolution of all grievances. It is recommended that all cases are notified to the South Lakes Federation HR Manager, so that their advice can be forthcoming.

4.9 The time limits specified in the procedure may be modified by mutual agreement and every effort should be made to deal with grievances as speedily as possible. If the time limits at Stage 1 or 2 are unreasonably exceeded, the employee will be entitled to request that it proceeds to the next stage of the grievance procedure.

4.10 Hearings should take place during an employee's normal working hours wherever possible, although it is appreciated that this may cause some difficulties for governing bodies.

5. Complaints and Grievances

5.1 These are often confused, but in general, there should be two distinct procedures for investigating

complaints and grievances. Complaints should be raised via the Complaints Policy. A grievance should be investigated using the document 'Guidance on conducting investigations for school based staff'. The essential difference is that:

- A complaint is an allegation made by any individual not employed by the school that a named employee has behaved in an unacceptable way, connected with their employment, which might justify disciplinary action being taken against her/him. If the complaint is upheld, it could result in that employee being disciplined, but it would not necessarily provide the complainant with any redress.
- A grievance is a concern, problem or complaint raised by an employee with their employer. A grievance enables individuals to raise issues about problems they have at work or with their employer.

5.2 It is impossible to provide an exhaustive list of all the issues that might give rise to a grievance but some of the more common include:

- terms and conditions of employment;
- health and safety; equal opportunities
- relationships at work;
- new working practices/organisational change

PROCEDURE:**INFORMAL STAGE****6. Informal stage (for employees other than headteachers)**

6.1 (i) Where a member of staff has a grievance which involves other members of staff, he or she shall first of all endeavour to resolve the matter by direct approach to the member of staff involved or in discussion with an appropriate senior person, or, if necessary, in discussion with the headteacher.

6.2 (ii) Where a member of staff requests a personal interview with the appropriate senior member of staff or headteacher, it should be granted within five working days of the request being made.

6.3 (iii) The appropriate senior member of staff or the headteacher (as in (ii) above) shall seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of the staff. The headteacher may also, by mutual agreement, seek consultation with a Director of the Trust, the Trust HR Manager or with representatives of the recognised trade unions as may be considered appropriate.

6.4 Where a member of staff has a grievance with the management, operation or actions of the Governing Body of the school which does not involve any other member of the staff, a direct approach shall be made to the Chair of Governors who will arrange for the matter to be considered under the appropriate procedure

6.5 Many minor grievances are best resolved informally. If, however, the matter is not resolved as a result of the informal approach, the formal grievance procedure should be invoked.

6.6 Additional support should be sought from the Trust HR Manager if you require assistance in dealing with the informal stage. It is important to note that confidentiality should be maintained throughout the process unless required or permitted to be disclosed by law or any Court or Tribunal or with the consent of the employee concerned.

FORMAL STAGE**7. Formal stage**

7.1 Where the grievance has not been resolved under the informal procedures described above, the member of staff concerned should, without unreasonable delay, submit a formal written notice of their concerns to the Headteacher, together with any relevant documents. The employee should clearly state both why s/he is raising a formal grievance and the nature of the grievance, and the outcome/resolution s/he is seeking.

7.2 If the grievance is against the Headteacher, the grievance should be submitted to the chair of the Governing Body.

(i) The Headteacher (or Chair) shall within five working days write to acknowledge receipt.

(ii) The Headteacher may arrange for an investigation into the issues raised. The investigation should be completed as soon as possible taking into account the circumstances of the case. In some cases it may be possible to go straight to a grievance meeting without the need for an investigation. If in doubt, advice should be sought from the school's HR Manager.

Upon completion of the investigation the Headteacher will receive the investigation report and will arrange for the matter to progress as soon as possible to a grievance meeting of the Pay & Personnel Committee.

All relevant documents will be submitted to the Committee and the complainant at least five working days in advance of the meeting. The purpose of this meeting will be to consider the grievance with a view to resolving the matter.

The complainant may be accompanied to the meeting by a Trade Union Representative or work colleague. After the meeting the Chair of the Pay & Personnel Committee must inform the employee, usually within five working days, in writing, of their decision in response to the grievance and notify the employee of their right to appeal against the decision, to an Appeals Committee of the Local Governing Body, if they are not satisfied with it.

Appeal – Stage two

If the employee is not satisfied with the response they have received at the formal stage one, they may appeal to an Appeals Committee of the Local Governing Body within 10 working days of receipt of the outcome letter, clearly stating why they do not accept the original decision and what outcome or resolution they are looking for. The Appeals Committee shall exclude from membership any governor who has been involved in the case either as a member of the Committee of the governors which first heard the grievance, or as a witness, or in any other material sense

Again, receipt of the letter of appeal should be acknowledged within 5 working days and a meeting arranged between the Appeals Committee of the Governing Body and the aggrieved employee, as soon as possible thereafter.

If an investigation has previously been carried out, the Appeals Committee will need to consider the findings of the investigation and should also refer to the notes of the previous meeting and the original outcome letter, which will give details of the reasons behind the initial decision. All relevant documents relating to the informal stage and formal stage of the grievance procedure, along with the appeal itself which was made to the Clerk to the Governors shall be submitted at least five working days in advance of the hearing (to allow time for receipt) to the Appeals Committee of the governors and the complainant. The complainant shall have the right to be accompanied by a trade union representative or a colleague employed at the school.

The Appeals Committee has the discretion to request the attendance of the Headteacher/nominee who originally dealt with the grievance at the appeal meeting. Examples of where this may be appropriate include the requirement for the original Headteacher or their nominee to put the grievance into context e.g. with regards to operational issues etc.

If an investigation has not already been carried out, the Appeals Committee may decide whether one is necessary.

After the appeal meeting the Appeals Committee must inform the employee of their final decision, within five working days and confirm this in writing, no further right of appeal shall exist.

GRIEVANCE PROCEDURE GUIDELINES

Additional Information

8. The Disciplinary Procedure and Grievances

8.1 A grievance raised during the course of the disciplinary procedure (including a claim of harassment) will be referred to a senior manager who will decide whether the grievance should be considered separately, or as part of the disciplinary process. Where the employee's grievance relates to the disciplinary case it will be investigated as part of the disciplinary process and will not suspend the disciplinary procedure. Advice should be sought from the school's HR Manager.

8.2 If an employee raises a complaint that the disciplinary action taken (or contemplated) amounts to unlawful discrimination, or the disciplinary action taken (or contemplated) is not the ground on which the employer asserted it would be taken, a senior manager will decide whether the grievance should be considered separately, or as part of the disciplinary process. It may be considered necessary to bring in another manager to deal with the disciplinary case in certain circumstances.

If an employee raises a grievance, in writing, about the way in which a manager handled a disciplinary case or conducted the investigation before the Appeal stage of the Disciplinary Procedure it may be discussed at the appeal hearing.

8.3 Accusations involving Misappropriation of Funds: Financial Irregularities, Allegations of Sexual Misconduct, and Child Protection should be dealt with by way of a Disciplinary Investigation.

9. Investigations

9.1 The school is committed to ensuring that, where necessary, grievances are fully investigated. This entails carrying out interviews with the employee concerned and any third parties such as witnesses, colleagues and managers, as well as analysing written records and information.

10. Witnesses

10.1 It is not normally expected that witnesses will be called to grievance meetings. The grievance meeting provides a vehicle for an employee and their manager to resolve issues of concern to the employee where informal means have not been sufficient to do so. It is a meeting not a "Hearing" and should be kept as simple as possible whilst ensuring that all relevant issues are fully explored. Statements can have been obtained beforehand if this is relevant. In exceptional cases if there is a need to involve any other employee, then both the employee and the manager will have the opportunity to ask questions. In some cases witnesses may wish to remain anonymous. Advice should be sought from the school's HR Manager in such cases.

11. Former Employees

11.1 The ACAS Disciplinary and Grievance Code of Practice states that if it is not possible to resolve a grievance informally, employees should raise the matter formally and without unreasonable delay. Where an employee has left the school's employment, the grievance procedure will not apply automatically. If a manager receives a grievance from a former employee s/he should pass the letter to the headteacher without delay. The headteacher should contact the school's HR provider /Legal Services Provider before deciding whether to allow the grievance to be heard.

11.2 A letter of resignation or exit interview may constitute a grievance if it contains details of the reasons for the resignation. Headteachers should seek advice immediately from the school's HR provider/ Legal Services Provider before any action is taken.

12. Equalities Issues

12.1 Under the Equality Act 2010 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability. This could include ensuring an accessible location for the grievance to be heard or providing an interpreter or other adjustment. If an employee has difficulty setting out their grievance in writing (e.g. because of a disability or because English is not their first language or they have difficulty expressing themselves on paper), they should seek help from their manager, trade union or a colleague. Managers should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a grievance.

13 Records

13.1 Detailed notes should be taken of all issues raised at the grievance meetings and appeals. This information may be required at an Employment Tribunal. Records must be kept on the individual's personal file of the nature of any grievance raised, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are to be kept confidential and retained in accordance with this procedure and the Data Protection Act 1998. Records should be for 6 years after the termination of the employee's employment.

Grievance Procedure – Flow Chart

