



## **Grievance Policy**

This policy was adopted by Governors at the meeting held on :	24 <sup>th</sup> October 2019
Signed (Chair of Governors):	Eileen Duncan
Governing Body minute ref:	12
Date of Review:	October 2020

### **Scope**

This procedure applies to all employees at the school who are directly managed by the governing body. This includes situations where the grievance concerns a third party, such as a contractor or service user. Any staff not managed directly by the governing body, such as contractors, should raise their grievance under their own employer's grievance procedure.

Separate policies and procedures are available to deal with specific complaints of harassment and bullying (known as 'Dignity at Work') and protected disclosures in the public interest (known as 'Whistleblowing').

### **Purpose**

The purpose of this procedure is to provide a framework for employees to raise concerns, problems or complaints regarding their employment (work, working conditions or relationships with colleagues) and to enable these to be dealt with fairly and transparently.

This procedure cannot be used where separate procedures exist for "grievances" to be dealt with: for example, appeals against the issue of disciplinary warnings or dismissal, redundancy, pay or flexible working.

### **Legal considerations**

A worker has a statutory right to be accompanied by a trade union representative or work colleague at a formal grievance meeting if the grievance is specifically about the employer's duty to the worker, however, under this procedure the right to be accompanied is extended to all grievances.

## **Roles and responsibilities**

**Governing body:** The governing body must by law have procedures for dealing with grievances from employees about their employment.

Under the School Staffing (England) Regulations 2009 (Amended 2012) the governing body of a school may delegate responsibilities for hearing formal grievances to one or more governors, to the headteacher or to one or more governors and the headteacher together. If the headteacher is not a member of the hearing body they may attend the formal grievance meeting and advise the governors, unless they are the subject of the grievance or there is some other conflict of interest. An appeals body drawn from the governing body will be responsible for hearing appeals under the separate Procedures for Hearings and Appeals.

**Managers:** All managers are responsible for dealing with concerns and complaints raised by employees in a fair and consistent manner and attempting to resolve these without the employee needing to use the formal stage wherever possible.

## **Principles**

- Employees and employers should always seek to resolve grievance issues within the workplace.
- Employees should raise issues promptly and managers/governors should deal with these promptly.
- All parties should not unreasonably delay meetings, decisions and confirmation of those decisions.
- Employees, managers and governors should act consistently.
- Grievances should be resolved as closely as possible to where they arise.

## **Informal stage**

- Employees should aim to resolve most grievances informally with their immediate manager. This allows problems to be raised and settled during the course of day-to-day working relationships and for matters to be settled quickly.
- The majority of grievances should be resolved through informal discussion and usual management channels without the need to use the formal stage of the procedure.
- Both the manager and the employee should keep a record of any informal meetings that take place.

## **Formal stage**

- If it is not possible to resolve a grievance informally the employee should raise the matter formally and without unreasonable delay with the headteacher. If

the headteacher is the subject of the grievance, the employee should raise the matter formally with the chair of governors. If the headteacher is the employee raising the grievance, they should raise the matter formally with the chair of governors, unless the chair of governors is the subject of the grievance in which case the matter should be raised with another governor.

- In all cases the grievance should be raised in writing and should set out the nature of the grievance.
- The person(s) with delegated responsibility to hear the grievance should arrange for a formal meeting to be held with the employee without unreasonable delay after a grievance is received, ideally within five working days of receiving the letter.
- The person(s) with delegated responsibility may decide that there will be a group meeting if grievances on the same or similar grounds are submitted by two or more employees. In these circumstances the employees may select a representative employee or employees to attend the meeting, in which case there will be no additional right to an individual meeting.
- The employee has the right to be accompanied by a trade union representative or work colleague at the meeting. All parties should make every effort to attend the meeting. If the employee's chosen representative is unavailable, the employee may propose a reasonable alternative within five working days.
- At the meeting the employee should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary, for example if new facts arise.
- Following the meeting the person(s) with delegated responsibility should decide what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and ideally within 10 working days of the meeting. This should set out what action, if any, it is intended to take to resolve the grievance and include the employee's right to appeal. Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example, to protect a witness) some information may be withheld.
- It may be appropriate for the delegated person(s) to monitor and review any actions identified for an appropriate period.

## **Appeal**

- If the grievance is not resolved to the employee's satisfaction, they should write to the Clerk to the Governing Body within 10 working days of receiving written confirmation of the decision and set out their grounds for appeal.
- A meeting of the appeals body without unreasonable delay under the arrangements set out in the appeals stage of the Procedures for Conducting Hearings and Appeals.

- The decision of the appeals body will be final. However, where either the employee or the appeal body consider that an important point of principle has arisen which lies outside the jurisdiction of the governing body then either party may attempt to have the matter resolved through any appropriate machinery that is available.

### **Particular cases**

#### **Grievances about fellow employees**

If the grievance is with another employee, the manager should generally start by talking privately and informally to the individual about the concerns of their fellow employees.

Although such situations need careful handling, the manager could act as a "broker" for a meeting between the employees, allowing all parties the opportunity to state their case with a view to resolving the matter.

In certain circumstances, for example when relationships have broken down, it may be helpful to seek advice and assistance from an independent mediator if those involved are willing. This may be at any stage of the procedure, in which case the grievance procedure will be suspended during the mediation. Any costs of mediation will be met by the school.

#### **Grievances raised during other ongoing procedures**

Where an employee raises a grievance during an ongoing procedure, such as disciplinary, capability or sickness absence management, the procedure may be temporarily suspended in order to deal with the grievance. Such a delay will generally only be considered where there is evidence that the employee has been unfairly treated in which case another manager should be brought in to deal with the case. Where the grievance and the other procedure are related it may be appropriate to deal with both issues concurrently.