

Oakfield Lodge School



Grievance Policy and Procedure

Written by: Adopted from the LA
Reviewed by: SN
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1.0 Scope

- 1.1 This Policy is recommended to all Community and Voluntary Controlled, Voluntary Aided, Foundation schools and Academies who buy back the Education HR Consultancy Package through [ChESS](#).

2.0 Legal Position

- 2.1 New grievance standards came into force from April 2009 under the ACAS Code of Practice on Disciplinary and Grievance Procedures (2009) which has repealed the Employment Act 2002 (Dispute Resolution Regulations). This procedure has been amended to reflect the change in legislation and to allow employers and managers to deal with grievances fairly, consistently and promptly.

3.0 Aims

- 3.1 It is accepted that from time to time employees may have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with their headteacher in an attempt to resolve such concerns quickly. It is also in the headteacher's interests to resolve problems before they can develop into major difficulties for all concerned. This policy sets out the principles for employees to raise concerns related to their employment, and aims to:

- Deal with grievances in a fair and consistent manner
- Ensure there are clear timescales and a process by which grievances can be raised and dealt with
- Be clear in which circumstances a grievance may be raised
- Ensure that management respond promptly and appropriately to grievances raised by employees, with a view to a satisfactory outcome.

Issues that may cause grievance issues include:

- Terms and conditions of employment
- Health and safety
- Work relations
- New working practices
- Working environment
- Organisational change

There are separate reporting procedures in place for matters relating to:

- Job evaluation, pay, tax, NI and salary gradings for support staff;
- Issues relating to teachers' pay decisions and/or performance appraisal planning and review statements;
- Disciplinary, capability, redundancy, retirement matters and/or dismissals;

- Collective disputes, which are more appropriately dealt with by liaison between the Local Authority and the Professional Associations/Trade Unions;
- Matters relating to the statutory sick pay (or other statutory pay, e.g. maternity pay) or pension/superannuation arrangements which are governed by Regulations and are outside the control of the employer;
- Claims of bullying and/or harassment under Dignity at Work;
- Concerns of malpractice as a 'protected disclosure' under Whistleblowing.

This procedure also does not apply where an employee has a grievance with customers, suppliers or other visitors unless the grievance falls within Dignity at Work in relation to third party bullying and/or harassment. For such grievances, please refer to the school/academy's procedures.

4.0 Principles

- 4.1 Any reported grievance will be taken seriously and employees who have genuine grievances are encouraged to raise them without fear of retribution
- 4.2 Employees raising grievances will be treated with dignity and respect throughout the grievance procedure.
- 4.3 Employees will be at liberty to withdraw their grievance at any stage of the procedure by written confirmation. However if the headteacher feels the grievance warrants further investigation he/she is under obligation to investigate the complaint regardless of its withdrawal.
- 4.4 It is an expectation of this policy that attempts are made to resolve grievances informally in the first instance. Only when the informal process has been utilised and no successful outcome has been achieved, will the grievance move to formal stage.
- 4.5 It is only in very exceptional circumstances, where the grievance is so serious that it warrants an investigation, that grievances will be heard formally without initial actions being taken to resolve the matter informally.
- 4.6 All parties must commit to engaging in constructive discussion and adopt a positive approach in order to resolve the grievance.

5.0 Exclusions from Access to the Grievance Procedure

- 5.1 Employees are excluded from using the grievance procedure in the following circumstances:
 - Where an employee fails to comply with the relevant time limits within this procedure, unless management agree in advance to a particular time limit being extended;

- Where an employee attempts to restart the procedure in respect of a grievance that has been heard under this procedure within the last six months from the date of the last written outcome

Where an employee raises a grievance related to a disciplinary or capability case. In these circumstances consideration should be given as to whether the complaint can be dealt with as part of those procedures. However, if the complaint is that the action taken or contemplated is or would be unlawfully discriminatory, or that it is being taken for other reasons that that which has been alleged, the Grievance Procedure should apply.

Where the grievance is unrelated to the disciplinary or capability issue, the two procedures should be run in parallel.

6.0 Records

6.1 Records should be kept detailing the:

- Nature of the grievance raised,
- Employer's response
- Actions taken (if any) and the reasons for these

Records should be confidential and retained on the employee's personal file in accordance with the Data Protection Act 1998. Copies of records should be given to the individual concerned, although certain information may be withheld e.g. to protect witnesses.

7.0 Equality

7.1 The governing body should ensure that when implementing the grievance policy, no employee will be disadvantaged on the basis of their gender, transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

8.0 Monitoring

8.1 Data relating to grievance cases will be collated and monitored regularly to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

8.2 In formulating this policy account has been taken of other relevant legislation and policies including the Human Rights Act, the Equality Act 2010 and the Education HR Consultancy model whistleblowing procedure.

Grievance Procedure For All School/Academy Staff

1.0 Scope

- 1.1 This Procedure is recommended to all Community and Voluntary Controlled, Voluntary Aided, Foundation schools and Academies who buy back the Education HR Consultancy Package through ChESS.

2.0 Responsibilities

2.1 Head Teacher

- Treat all grievances seriously and deal with them fairly, consistently and sensitively
- Attempt to resolve issues informally before they become formal grievances
- Ensure the grievance procedure is followed correctly and to the prescribed timescales unless different timescales are agreed

2.2 Employee

- Co-operate and engage with the process to seek a resolution to the grievance

2.3 Manager and Employee

- Ensure outcomes and resolutions are sought informally in the first instance
- Maintain confidentiality

3.0 Timescales

- 3.1 Timescales are intended to ensure the grievance is heard and a resolution is sought as quickly and effectively as possible in order to maintain good working relationships. There may be circumstances where both manager and employee (and their representatives) mutually agree that timescales can be extended, e.g. where further investigation is required.

- 3.2 An employee must raise their grievance within 3 months of the event occurring, or final event to a sequence of events. Any grievance not raised within this period will be considered out of time, unless there are exceptional circumstances, e.g. sickness absence.

- 3.3 Where a grievance is not dealt with by an appropriate manager within the specified time limit, the employee has the right to proceed to the next stage of the procedure unless an extension has been agreed.

- 3.4 Where an employee or their trade union representative/work colleague fail to comply with the specified or mutually agreed time limits, the application of the procedure will cease and the grievance will be considered settled, unless it is

agreed that the failure was not the fault of either the employee or their representative/work colleague.

- 3.5 The time and location for meetings must be fair and reasonable, and the employee must take all reasonable steps to attend.
- 3.6 If the employee's trade union representative/work colleague cannot attend on the proposed date, a suitable alternative date/location must be agreed. This must be no more than 5 working days of the original date. Where the representative does not work full time hours this should be taken into account in considering a time limit extension.

4.0 Collective/Group Grievance

- 4.1 Where two or more employees have identical grievances, with agreement of all parties, these can be raised as a collective grievance. Individual and group grievances will be dealt with using the same procedure and include the same stages. Employees will be notified individually of the outcome at each stage.
- 4.2 If all members of the group are members of the same trade union, the trade union representative can raise the grievance on behalf of the group, with agreement of all members. Alternatively the group can nominate one person to act on behalf of the group. If there is no single nominated representative, each group member will be entitled to address their concerns individually at the hearing.
- 4.3 A collective grievance should be made in writing and should identify each employee and any nominated trade union representative or nominated colleague however as with individual grievances it will be subject to informal resolution in the first instance.

5.0 Informal Stage

- 5.1 It is expected that managers (including when the head teacher is the manager) will seek to resolve all grievances informally in the first instance.

The grievance should be raised with the manager and responded to within 5 working days, either verbally or in writing. Where a response is not available within 5 working days, the manager must give a reason why and provide a date of when a response can be expected.

- 5.2 If the grievance involves another member of staff a meeting may be agreed with both parties concerned, where all parties are in agreement to the meeting, and it is deemed a suitable method of informal resolution.

6.0 Mediation

- 6.1 In some circumstances where a resolution cannot be reached informally it may be appropriate for the matter to be referred to mediation, in order to seek

a resolution, before moving to the formal procedure. Mediation will only be used where appropriate, and where all parties involved in the grievance agree to take part. Mediation should be completed within 20 working days of the grievance being raised. Further advice on mediation can be obtained from Education HR Consultancy.

7.0 FORMAL STAGE

7.1 Where the aggrieved employee(s) is/are not satisfied with the outcome they have the option to move to the formal stages of the procedure.

7.2 Stage 1 Hearing

7.2.1 A formal grievance should be raised using the Formal Grievance Notification Form [Appendix 1](#)

The form should be addressed to the head teacher or Chair of Governors (where the Head teacher is the subject of the grievance or is the person raising the concern) and should include:-

- the nature of the alleged grievance
- actions taken to resolve the matter informally and the reason for the dissatisfaction with the informal solution
- any evidence to support it, and
- the outcome the employee is seeking

7.2.2 Where appropriate the Chair of Governors may choose to nominate another member of the Management Committee to hear the grievance.

7.2.3 If the grievance has been raised against another employee, the Head teacher should meet with them, as soon as possible, to inform them that a grievance has been raised against them.

7.2.4 A formal grievance hearing should normally be arranged within 10 working days of receipt of the grievance notification [Appendix 2 -Invite to Grievance Meeting](#) . The employee should be given 5 working days notice of the meeting and advised of their right to be represented. If the grievance is against another employee he/she will also be given 5 working days notice of the time and place of the hearing and may be accompanied by their trade union representative or work colleague. In exceptional circumstances, where it is not possible to arrange the meeting within 10 working days the grievance should be acknowledged, within 5 working days of receipt, and the meeting arranged as soon as possible – [Appendix 3 -Acknowledgement No Meeting Date](#)

7.2.5 If the employee or their representative cannot attend at the time and date given, an alternative time can be proposed which must be within five days of the original date or otherwise by mutual agreement. If the second meeting is

cancelled for no valid reason then the meeting will not be re-arranged and it will be taken that the grievance has been withdrawn.

7.2.6 The person hearing the grievance should complete **Section 2** of the Formal Grievance Notification Form.

7.2.7 The person hearing the grievance may request a HR Officer to support at the meeting.

7.2.8 At the hearing the employee will be given the opportunity to explain their grievance and outline how they think it should be settled.

7.2.9 The employee against whom the grievance has been raised will have an opportunity to respond.

7.2.10 As a result of the meeting the outcomes could be:-

- the grievance is not upheld
- the grievance is upheld or partially upheld and in these instances advice from a HR Officer should be sought on the necessary steps to be taken
- further investigation is needed and the person hearing the grievance should identify a suitable person to conduct the investigation

7.2.11 The outcome can be given at the meeting but should be confirmed in writing within 5 working days of the meeting.

7.2.12 If further investigation is required this should normally be completed within 14 working days of the grievance meeting. On receipt of the investigation the hearing manager should provide a written response to the grievance, normally within 5 days, outlining the decision made and the reasons for it.

7.2.13 The employee will be advised of their right of appeal.

7.2.14 Where these timescales are not realistic the employee should be advised when they will get a response.

7.2.15 Where the employee who raised the grievance remains dissatisfied, he/she may move the grievance to Stage 2 Appeal.

7.2.16 If the grievance is against another employee the Head teacher will meet with him/her to inform them of the decision.

7.3 Stage 2 - Appeal

7.3.1 If the employee is dissatisfied with the outcome of the grievance they should write to the Chair (or Vice Chair if the grievance was heard formally by the Chair) of governors within 10 working days of receipt of the written outcome of Stage 1 expressing their intention to appeal and their reasons why. On

receipt, the Chair (or Vice Chair) of Governors should seek advice from Education HR Consultancy before proceeding.

7.3.2 The Chair (or Vice Chair) of Governors will arrange a hearing with the Management Committee's Grievance Appeals Panel within 10 working days of receipt of the appeal. It is recommended that a Grievance Appeals Panel consists of 3 members of the Governing Body (although this is not a statutory requirement) who have had no previous involvement with the process

7.3.3 If the employee or their representative cannot attend at the agreed time and date, an alternative time can be proposed which must be within five working days of the original date or otherwise by mutual agreement. If the second appeal meeting is cancelled for no valid reason then the meeting will not be re-arranged and it will be taken that the grievance has been withdrawn.

7.3.4 The Chair (or Vice Chair) of Governors may request an Education HR Representative to support at the meeting.

7.3.5 The Chair (or Vice Chair) of Governors will send a copy of the appeal to the head teacher, and ask him/her to submit any observations they wish to make. They may also ask other relevant parties to the grievance for their observations as appropriate.

7.3.6 All relevant documents shall be submitted to the parties concerned and members of the Appeals Panel for the purpose of hearing the appeal.

7.3.7 The employee raising the grievance will be given 5 working days notice of the appeal hearing and have the right to be accompanied by their trade union representative or work colleague. [Appendix 4 - Invite to Appeal Meeting](#).

7.3.8 If the grievance is against another employer they will also be given 5 working days notice of the time and place of the hearing and be advised of their right to representation.

7.3.9 The parties concerned, if they wish, may make additional submissions in writing if they are not required to attend the hearing and any new evidence arising during the appeal will be considered before any decision is taken.

The Appeals Panel will:

- Consider the evidence from the original hearing together with any new evidence that has been submitted
- Provide the employee raising the grievance with the opportunity to make representations regarding the reasons for their appeal and if the grievance is against another employee he/she will be given the opportunity to respond
- Consider whether further investigations are needed

7.3.10 The Appeals Panel will make a final decision after considering the evidence given in the appeal and decide on whether any further action is necessary.

The decision of the Appeals Panel decision will be confirmed in writing within 10 working days of the Panel Hearing.

The decision of the Appeals Panel is final.

8.0 Grievance Against a Member of the Management Committee

8.1 The procedure for Informal, Formal Stage 1 Hearing and Formal Stage 2 Appeal will apply.

The process for hearing this grievance is as follows:

- the employee raises the grievance with the Vice Chair (or Chair if the grievance is against the Vice Chair) of Governors who may nominate another member of the Management Committee to seek to resolve the grievance at informal stage.
- where the employee is dissatisfied with the outcome and/or wishes to raise a formal grievance, he/she must do this on the Formal Grievance Notification Form and address it to the Clerk to the Governors or a nominated member of the Management Committee.
- the grievance will be heard formally by the Chair or other nominated member of the Management Committee who is impartial to the grievance.
- where the employee is dissatisfied with the outcome of the formal hearing, he/she may lodge an appeal within 10 working days of receipt of the written outcome of Stage 1 on the Formal Grievance Notification Form and address it to the appeals panel to the Clerk to the Governors, or other nominated member of the Management Committee expressing their intention to appeal and their reasons why.
- the Appeals Panel will follow the process for [Stage 2- Appeal](#).

9.0 Grievance Against the Management Committee

9.1 Only the Management Committee can hear a grievance against itself unless the Management Committee has entered in to a formal collaboration arrangement with another Management Committee, as detailed in the School Governance Collaboration Regulations, and have agreed terms of reference to include handling grievances.

9.2 Both Management Committees must formally agree both the setting up of the Committee and the Terms of Reference.

Appendix 1

FORMAL GRIEVANCE NOTIFICATION FORM

Section 1: This section is to be completed by the employee(s)

FORMAL GRIEVANCE NOTIFICATION FORM	
Employee's Name:	
Department and Section:	
Name of Line Manager:	
Trade Union Representative:	
Name of person who will accompany you:	
Name and job title of the employee(s) against whom the grievance is raised (if appropriate)	
Please provide details of your grievance providing as much detail as possible particularly dates, times , locations as appropriate (Continue on a separate sheet if necessary)	
Witnesses to the above (name and job title):	
Please provide details of any attempts to resolve the matter informally and the reason for dissatisfaction with the informal process (if appropriate):	

Please state the outcome you are seeking, if known:	
Signed (employee):	
Date:	

N.B. The information shared on this form may be shared with anyone named on it.

Section 2: Manager's/Governor's Checklist (for the manager only)

Name(s) and job title(s) of complainant(s):	
Name of Line Manager(s):	
Name of Person who heard the Informal Grievance:	
Name and Position of Person Hearing the Formal Stage:	
Date Formal Grievance Notification Form is Received:	
Date of Hearing (within 10 and giving 5 working days notice):	
Date of Written Response (within 5 working days of the hearing if no further investigation required)	(send recorded delivery)
If further investigation required date it should be completed (within 14 days of the hearing)	
Date of written response following further investigation (within 5 days of receipt of investigation report)	

Outcome:		
Date Appeal is Lodged (must be within 10 working days of receipt of the written hearing outcome):		Last date for appeal to be lodged:
Date of Appeal(within 10 working and giving 5 days notice):		
Final Outcome:		
Date of Written Response (within 5 working days of the appeal):	(send recorded delivery)	

Section 1 and 2 should be retained by the head teacher or nominated governor with a copy sent to Education HR Consultancy, 1st Floor, Westfield's, Middlewich Road, Sandbach CW11 1HZ.

Appendix 2

Invite to Grievance Meeting

Private and Confidential

Employee name

Address

Date

Dear *Name*

Formal Grievance Acknowledgement and Meeting Date

I am writing to acknowledge receipt of your formal grievance letter sent to *NAME, JOB TITLE* dated *DATE*.

As such you are invited to attend a formal meeting at *TIME* on *DATE* at *VENUE*, where your grievance will be discussed.

You have the right to be accompanied at the hearing by a fellow employee or an accredited trade union representative, should you wish.

I will be conducting the meeting (together with *NAME, ROLE* who will also attend the meeting.) I will be accompanied by *NAME* who will act as note-taker.

If you have any questions about the hearing, please do contact me on *TELEPHONE NUMBER*.

I enclose for your information a copy of the school/academy's Grievance Procedure.

Yours sincerely

Name
Job Title

Appendix 3

Acknowledgement – No Meeting Date

Private and Confidential

Employee name

Address

Date

Dear *Name*

Formal Grievance Acknowledgement

I am writing to acknowledge receipt of your formal grievance letter sent to *NAME, JOB TITLE* dated *DATE*.

I will write to you shortly requesting you to attend a meeting, in accordance with the Grievance Procedure, at which you will have the full opportunity to state your case detailing your issues.

I would advise you that you have the right, if you wish, to be accompanied at the meeting by a work colleague or trade union representative.

Please do not hesitate to contact me if you have any questions about this.

Yours sincerely

Name

Job Title

Appendix 4

Invite to Appeal Meeting

Private and Confidential

Employee name

Address

Date

Dear *Name*

Formal Appeal Acknowledgement and Appeal Meeting Date

I am writing to acknowledge receipt of your formal appeal letter sent to *NAME, JOB TITLE* dated *DATE*.

As such you are invited to attend a formal meeting at *TIME* on *DATE* at *VENUE*, where the reasons for your appeal will be discussed.

You have the right to be accompanied at the meeting by a fellow employee or an accredited trade union representative, should you wish.

The appeals panel will include:

NAMES AND POSITIONS OF ALL PANEL MEMBERS

(I have also asked the following to attend to give evidence at the meeting:

DETAILS OF ANY WITNESSES)

If you have any additional evidence that you wish to be considered as part of the appeal should be submitted to me as soon as possible and at least three days before the meeting date.

I will be chair and *NAME* will also be in attendance as note-taker.

If you have any questions about the hearing, please do contact me on *TELEPHONE NUMBER*.

Yours sincerely

Name
Position

