



St. Patrick's R.C. Primary School



Grievance Procedure		
Date	Review Date	Coordinator
September 2017	September	M Ryan

POLICY FOR GRIEVANCE PROCEDURES FOR TEACHING STAFF

This document is a statement of the aims, principles and strategies for *Grievance Procedures* at St. Patrick's Primary School.

It was developed through a process of consultation with the L.A, teaching staff and governors.

It was approved by the Governing Body in the spring term of 2014.

It will be reviewed in the autumn of 2016. A schedule for the review of this policy is set out in the school's policy review plan.

DATE	ROLE	SIGNATURE

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Grievance Procedure

1. Introduction

1.1 This procedure allows for individual employees to raise concerns related to their employment including matters relating to the Governing Body and its members. The aim of the procedure is to resolve individual grievances as quickly as possible in an equitable way. A flow chart is provided at Appendix 2 at the end of this document for easy reference to the process and time scales.

1.2 Grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative should be handled in accordance with the collective grievance procedure.

1.3 The procedure is written in line with the ACAS Code of Practice as amended April 2009.

2. Scope

2.1 This Grievance procedure applies to all staff who are permanent employees or directly employed fixed term staff within the establishment of a school, regardless of length of service, whether full-time, part-time, in all teaching and support posts, including Head Teachers and Deputies. Agency supply staff are not covered by this procedure.

2.2 The grievance procedure deals with staff concerns, problems or complaints. If the complaint is related to alleged bullying, harassment or matters of alleged discrimination, investigations should be carried out through the Dignity at Work procedure.

2.3 The grievance procedure is **not** to be used for the following matters:-

- Matters covered by collective bargaining arrangements between the LA/School and Trade Unions;

- Redundancy. Appeals on redundancy will be dealt with under the provisions of the Staffing Level Management Procedure;
- Disciplinary and Capability issues, including appeals;
- Income Tax or National Insurance matters;
- The rules of the pension schemes;
- Any other matters outside the control of the school or the employing authority.

2.4 In addition, employees may not simply complain about the school's established procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.

2.5 Appeals against staff grading or pay awards are better dealt with by the school's pay policy appeal system.

2.6 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3. Representation

3.1 Throughout the process both parties to a grievance have a statutory right to be accompanied by a recognised trade union representative or by a work colleague. A Trade Union representative who is not an employed official must have been certified by their union as being competent to accompany the employee. To exercise the statutory right to be accompanied employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for employees to insist on being accompanied by someone whose presence would prejudice the hearing nor would it be reasonable for an employee to ask to be accompanied by someone from a remote geographical location if there is someone suitable and willing available on site. (No other categories of representative will be allowed to attend). For avoidance of doubt an Investigating Officer will not be entitled to representation when acting in the role of investigating officer.

3.2 It is the responsibility of the employee to arrange for his/her representation including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's chosen Trade Union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative time. If the alternative time is reasonable and falls within 5 working days after the original date proposed, the meeting/hearing must be postponed to that time.

3.3 The Trade Union representative or work colleague may also address a hearing/ meeting to put and sum up the employees case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee, but may not answer questions on their behalf.

3.4 It is good practice for management to try and agree a mutually convenient date for the meeting/hearing with the employee and their representative or work colleague to ensure that meetings do not have to be delayed or postponed.

3.5 Schools will also need to consider whether any additional support for the employee is required, for example when a physical disability or other special need is identified.

4. Duties of Head Teachers/Line Managers and Employees

4.1 Responsibility of Head Teachers/Line Managers

- To take action where it is recognised at an early stage that could prevent or minimise the likelihood of complaints being made;
- To ensure that all employees are advised of how to raise concerns and of the availability of the grievance procedure;
- Where concerns and problems are raised, to deal with matters promptly, sympathetically, fairly and impartially;
- To attempt to resolve the problem and deal with the concerns at local level and informally where possible;
- To advise employees of the right to be accompanied by a Trade Union official or work colleague;
- Meet the timescales for contacting employees and to progress matters, without unreasonable delay, when the formal procedure is commenced;
- In considering solutions, Head Teachers/Line Managers need to have regard to the impact of their decisions on for example other employees, matters of employment law or other policies and procedures adopted by the school;
- To document and record each step in the procedure.

4.2 Responsibility of all Employees

- Bring concerns to the Head Teacher/Line Manager as soon as it is recognised that there is a problem that they can not resolve themselves.
- All employees need to recognise that the purpose of this policy is to ensure a working environment where it is possible to bring concerns to the attention of management and have them dealt with promptly, sympathetically, fairly and impartially.
- The aim is to deal with genuine grievances, where possible, in an informal manner to the satisfaction of all parties. It is therefore particularly important not to be tempted to proceed with unfounded or malicious complaints. It is important to remember that where a formal grievance is considered the behaviour and responsibility of all parties involved (including the complainant) will be examined.

5. Informal Procedure

5.1 There will be times when an employee is dissatisfied with a particular incident or treatment. It is expected that these concerns should be raised at the time and a joint resolution found between the employee and the Head Teacher/Line Manager rather than resorting immediately to the formal grievance procedure.

5.2 Head Teacher/Line Manager should deal with all grievances raised, whether or not the grievance is presented in writing at this stage. Wherever possible the Head Teacher/Line Manager should, with the employees consent, attempt to address the concerns on an informal basis and ensure the employee is satisfied with the outcome.

5.3 In many cases considering and responding to the issues raised at a local level may be all that is needed, and will often be a more satisfactory way of dealing with a grievance than a formal meeting. Depending on the nature of the grievance it may be that the Head Teacher/Line Manager was unaware of the problem until raised by the employee.

5.4 Talk to the employee in private, listen to whatever they have to say about the issue. This should be a two way discussion, aimed at identifying the cause of the employee's grievance and finding a way to resolve it that is mutually acceptable.

5.5 It may be necessary to seek clarification about the issues raised from other parties at this stage. This would be particularly relevant if the grievance was against a colleague or co-worker or any witnesses to the allegation that has resulted in the complaint.

5.6 If the grievance is against a colleague or co-worker, careful consideration must be made before bringing the two parties together. If it is felt appropriate at the informal stage to do this, both parties must be in agreement to discussing the issues with the other present and with the intention of resolving the issue(s).

5.6 An especially effective tool in settling a dispute at an initial phase is Mediation. In each case consideration will have to be given as to whether mediation will be appropriate. Subject to the agreement of both parties, mediation can be arranged to try to settle the grievance. Although a cost will be incurred for this service it is a cheaper alternative to employment tribunal claims. If mediation is felt to be appropriate you should contact your HR Business Partner for further information.

5.7 A note of any informal resolution of the grievance should be kept for reference purposes. It may be necessary to confirm in writing any agreed resolutions.

5.8 If the complaint involves the person with whom the grievance would normally be raised the employee should approach the next available senior member of staff. In the case of a complaint against a Head Teacher the employee should contact the Chair of the Governing Body in the first instance.

5.9 If the complaint is related to alleged bullying or harassment, investigations should be carried out through the Dignity at Work procedure. This follows the same approach to handling grievances but provides specific advice and support.

6. Formal Procedure

6.1 Although the emphasis is on dealing with matters informally, in the event that informal discussion fails to bring an acceptable resolution within 10 working days, or such other timescales as agreed by both parties, the following formal procedure should be used.

6.2 Where a grievance is received and it is not possible to resolve it informally the Head Teacher/Line Manager should confirm with the employee if they wish to lodge a formal grievance.

6.3 If the employee wishes to proceed under the formal process they must confirm this in writing to their Head Teacher by completing the pro-forma attached to this document at **Appendix 1**. The Head Teacher, nominated person or Chair of Governors should consider and respond to the employee within 20 working days of receipt of the initial notification by the employee.

6.4 Setting out a grievance in writing is not easy, especially for those employees who have difficulty expressing themselves on paper. In these circumstances the employee should be encouraged to seek help, for example from a work colleague or a trade union representative.

6.5 A formal grievance must set out the following:

- The name and job title of the employee
- The reason the employee is aggrieved
- The action they have taken so far to try to resolve the problem
- Where no previous action has been taken the reason why it is not possible/appropriate to deal with it informally
- The expected outcome or an indication of what would be required to resolve the grievance

An Employment Tribunal will normally allow 28 days for the employer to resolve the grievance before dealing with any complaint lodged with the Tribunal. After 28 days an Employment Tribunal will action any claim that has been made.

6.6 On receiving a formal grievance the Head Teacher will respond to the grievance or can appoint a nominated person to do so. The Head Teacher or nominated person will have full authority to resolve the grievance and determine what action, if any, is appropriate subject to the right to appeal.

6.7 The Head Teacher or nominated person, to invite the employee without unreasonable delay after the grievance is received, to a meeting to discuss the grievance confirming the right to be accompanied and be notified in writing of the decision.

6.8 Employees 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.

6.9 It may be necessary to interview other employees at this stage before being able to resolve the issue; an agreed record of those discussions must be made.

6.10 All parties interviewed will be reminded at the outset that although any information given will be treated confidentially it may be necessary to discuss the issues raised with other persons or bodies if they can assist with the resolution of the grievance.

6.11 In some circumstances it may also be necessary to disclose information gathered as required for audit, disciplinary, employment tribunal or other legitimate purposes.

6.12 The Head Teacher or nominated person will give the grievance careful consideration before responding. The nominated person will respond in writing following the meeting and will inform the employee that they can appeal against the decision if they are not satisfied with it.

6.13 A grievance lodged against a Head Teacher or Governor of a Governing Body will be considered by a hearing committee of the Governing Body following investigation by a nominated person who is normally from within the LA.

7. Grievance after Termination of Employment

7.1 A grievance that is received by a former employee should receive a written response with the right of appeal.

8. Timing

8.1 Grievances should normally be conducted within the timescales laid down in the procedure. However, where there is a valid reason to do so, timescales can be varied by the Head Teacher/nominated person or the Governing Body. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 20 working days.

8.2 Employers, employees and their representatives should make every effort to attend meetings.

9. Formal Grievance Procedure – Appeal

9.1 If the employee is dissatisfied with the response at the formal stage he/she should notify the person who heard the grievance within 5 working days from receipt of the response to the grievance. The notification must be confirmed in writing, using the pro forma shown in **Appendix 1**, giving detailed

reasons for wishing to progress to appeal. This must give specific grounds such as why the employee is not satisfied with the initial outcome and what outcomes they are seeking at appeal.

9.2 The written notification of the employee's intention to appeal should then be given to the Head Teacher/nominated person and forwarded to a representative of the School and Governor Support Service to convene the appeal hearing.

9.3 The appeal will be heard by at least three members of the Governing Body with advice from Human Resources if required. The Committee will hear the appeal within 20 working days of receipt of the notification of appeal from the employee and the employee should have at least 5 working days notice of the Appeal Hearing.

9.4 If the grievance is against a colleague or co-worker (the respondent,) that person will be invited to attend the appeal hearing to answer any questions of the committee

9.5 *If the respondent does not wish to attend the appeal hearing the opportunity will be given for that person to provide a written statement for the appeal panel to consider.*

The Committee's decision will be final.

10. Conducting Grievance Appeal Hearings

10.1 Grievance appeal hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

The Chair of the Appeal Committee will open the proceedings by:

- stating the purpose of the appeal
- introducing all present
- confirming that all have the same documentation
- explain the way the meeting will be structured
- asking for any points of clarification to be stated
- reading the grievance allegation
- advise that should it become necessary to adjourn the meeting a target timescale for this will be agreed at the meeting

10.2 The procedure should be as follows:

1. the employee/representative will introduce their submission and why they are dissatisfied with the outcome
2. the Committee may ask questions during or after the employee's presentation
3. the employee/representative will have the opportunity to sum up their submission
4. the Committee will have a final opportunity to clarify any points and if necessary the Committee at this stage may wish to call the respondent to answer questions
5. If the respondent is not in attendance the Committee will consider any written submissions
6. the Committee will then adjourn the hearing to consider the complaint
7. all parties except the Committee and anyone advising will then withdraw

11. Committee Deliberations

11.1 The Committee will consider what was said together with any written submissions.

11.2 If the Committee are confident that they have sufficient information to reach a decision then the decision should normally be given verbally and in any event confirmed in writing within 5 working days.

The Committee's decision will be final.

12. Record Keeping

12.1 The maintenance of accurate and contemporaneous records is essential, particularly in the event of referral to an Employment Tribunal. Notes are not necessarily verbatim, and there is no requirement for agreed minutes, it should be noted that consideration by an employment tribunal might be an extended time after the matter was considered internally.

12.2 Records should be held in a secure and confidential manner, often the issues raised by an employee are particularly sensitive and it is essential that information is kept in accordance with the Data Protection Act 1998.

12.3 Documentation that should normally be retained includes:

- all papers presented at the Hearing and Appeal meetings;
- notes of meetings (contemporaneous or otherwise);
- information collated by the Committee or used to assist in making a decision;
- confirmation of the decision, or other supplementary correspondence;
- clarity on how decisions were reached

Headteacher:	M. Ryan	Date:	September 2017
Chair of Governing Body:	G. Wilson	Date:	September 2017