

## **GRIEVANCE POLICY**

This procedure complies with the Acas code of practice on disciplinary and grievance procedures (the Acas code), updated by Acas on 11 March 2015. The code of practice can be found at [www.acas.org.uk/index.aspx?articleid=2174](http://www.acas.org.uk/index.aspx?articleid=2174).

### **Introduction**

It is our policy to ensure that employees have access to a procedure to help deal with any grievances relating to their employment fairly. Grievances are concerns, problems or complaints.

Any employee having a grievance complaint relating to their employment should follow this procedure. No consideration to an employee's complaint/issue will be given by the school unless a grievance is raised through this procedure.

Every effort will be made to deal with the grievance without unreasonable delay. However, some cases may take considerable time to investigate given their complexity. Where this is required, the time limits given below may be extended by mutual agreement.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it from time-to-time.

### **Using this procedure**

This grievance procedure should not be used to complain about dismissal or disciplinary action. Employees should refer to the school's disciplinary policy for further information if they are dissatisfied with the outcome of any disciplinary action.

The school has separate policies in relation to anti-harassment and bullying which should be referred to in cases of bullying or harassment.

The school also operates a separate whistleblowing policy to enable employees to report illegal activities, wrongdoing or malpractice. However, any employee who feels they have been victimised for an act of whistleblowing should raise the matter under this grievance procedure.

If any employee has any difficulties because of a disability or because English is not their first language, this should be discussed with the person dealing with the grievance. This is to enable any reasonable adjustments necessary to be considered.

Employees should always first of all endeavour to resolve the grievance informally, by direct approach to the person concerned/subject of the complaint. If this does not resolve matters, the procedure below should be followed.

Grievances should be raised promptly and without unreasonable delay. If an employee has a grievance, it should be raised within three months of the date of the incident or complaint, unless there is good reason not to do so. Failure to do so will result in the grievance being refused, unless there are exceptional circumstances to allow the grievance to proceed.

Where applicable, the subject of a grievance should also be informed of any aspect of the decision outcome that affects them and the reason for it. They should also be kept up-to-date throughout the

procedure. The employee who raised the grievance should be notified of this at the start of the procedure and of the type of information the subject of the grievance will be provided with.

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our employee privacy notice.

Any grievance found to be vexatious and/or malicious may be dealt with under the disciplinary procedure.

### **Stage 1 – informal**

The employee should in the first instance discuss it with their head of department, member of the school leadership team or the headteacher as is deemed the most appropriate. If their grievance is against the headteacher, the employee should discuss the matter with the chair of governors or their nominee. While the chair of governors or other nominated governor cannot serve on any appeal panel later in this procedure if they are involved at this stage, they can take part as detailed in stage 2.

The headteacher, head of department, the senior member of staff or chair of governors, as appropriate, should seek to resolve the problem in consultation with other members of staff and/or trade union representatives and, if considered appropriate, offer to involve an independent mediator agreed by both the aggrieved and the school.

The employee should indicate again their preferred resolution of the grievance.

If the employee is dissatisfied with the response, the outcome of any independent mediation, or if no response has been received within 15 working days, they are entitled to move on to stage 2, being the first formal stage of the procedure. The independent mediator's report and recommendations may be made available in the later stages of this procedure.

### **Stage 2 – formal**

If it is not possible to resolve a grievance informally, the employee should raise the matter formally and without unreasonable delay with their head of department, member of the school leadership team or the headteacher, as long as the individual receiving/dealing with the grievance is not the actual subject of the grievance.

This should be done in writing and should set out the nature of the grievance. The employee should submit a formal written notice of the grievance (see attached pro-forma at appendix 1) to their head of department, member of the school leadership team or the headteacher including, formally, an indication of the resolution to the grievance they are seeking.

The individual dealing with the grievance should then respond in writing to the notice of grievance without unreasonable delay and, where appropriate, should set out what action the employer intends to take to resolve the grievance.

A formal grievance meeting with the employee should be held without unreasonable delay, where the employee should be allowed to explain their grievance and how they think it is best resolved. Consideration should be given to adjourning the meeting in order to carry out any investigations which may be necessary in dealing with the grievance – please see further information on investigations below.

The individual dealing with the grievance at stage 2 may invite a professional adviser to attend the grievance meeting to provide professional and legal advice as required and, in any case, before reaching a decision.

An employee has a statutory right to be accompanied by a trade union representative or colleague at a grievance meeting. If an employee's chosen companion will not be available at the time proposed for the meeting by the school, the employer must postpone the meeting to a time proposed by the employee provided that the alternative time is both reasonable and not more than five working days after the date originally proposed. Where there is a request to postpone a hearing for more than five days because a trade union representative or colleague is not available, consideration should be given to allow the postponement if it does not cause unreasonable delay. The facts should be considered to decide what is fair and reasonable in the circumstances.

The individual dealing with the grievance can seek to resolve the grievance/problem in consultation with other members of staff, including the subject of the complaint and trade union representatives, as appropriate. If the employee is dissatisfied with the response to their grievance, or if no response has been received within ten working days of any final grievance meeting, he or she is entitled to move on to stage 3 of the procedure.

If the grievance is brought against the headteacher, then the chair of governors or a designated governor takes the place of the headteacher at this stage. Such a governor cannot then serve on any appeal committee should the matter go to appeal. The chair of governors or other designated governor can fulfil this role in addition to any involvement at stage 1.

### **Investigations**

It may be necessary for the individual dealing with the grievance to carry out an investigation into the grievance. The amount of investigation required will depend on the nature of the grievance. The investigation may include a review of any relevant documents and interviewing and taking statements from the employee and any other witnesses involved.

The employee must fully co-operate in any investigation. The employee will be allowed to be accompanied by a trade union representative or colleague at any investigation meeting.

An investigation may take place before a formal grievance meeting where appropriate. In other cases, a formal grievance meeting may be held before deciding what investigation, if any, to carry out. In those cases, a further grievance meeting may be necessary with the employee after the investigation and before a conclusion is reached.

### **Stage 3 – appeal (formal)**

If the employee remains unsatisfied, the employee may appeal to a panel of three governors appointed by the governing board. Such an appeal must be lodged with the clerk to governors who shall arrange the necessary meeting, normally within 15 working days of receipt of the employee's written notice of intention to appeal.

The Acas code states that appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.

The appeal committee will consider all relevant documents and will give all parties concerned the opportunity to make written and/or verbal submissions in person, accompanied, if they wish, by a trade union representative or a work colleague.

The appeal committee may invite a professional adviser to attend the hearing to provide professional and legal advice as required and, in any case, before reaching a decision the appeal committee may need to obtain legal or other professional advice. The appeal committee will normally communicate their decision to both parties in writing within ten working days or, if they are unable to do so, give reasons why not, and the date by which a decision is expected.

The decision of the appeal committee is final and is binding on the governing board and all parties.

The procedure to be followed at the appeal meeting can be found at appendix 2

### **Note**

- This procedure is not intended to be used for collective disputes or salary appeals.
- 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.
- Staff raising grievances in any other way must be referred back to this procedure.

## APPENDIX 1

### Grievance notification form

Employees are encouraged to seek a remedy through informal discussion. Where this does not result in a resolution of the grievance, this form is for use by employees to record their grievance in order to avoid any misunderstanding. It also provides a written response at the formal stage of the procedure and forms part of the documentation should it be necessary to move to stage 3 of the procedure.

Please submit in duplicate – one copy will be returned to you with the response duly completed. Use a continuation sheet if necessary.

To be completed by the employee.

Statement of grievance:

Name:

Signature:

Designation:

Date:

To be completed by headteacher/member of school leadership team/chair of governors or nominated deputy as appropriate:

Actions taken on the complaint:

Name:

Signature:

Designation:

Date:

## **APPENDIX 2**

### **Conduct of hearings before the appeal panel of governors**

After the chair of the panel of governors (which must normally number three) has introduced those present, the case shall be conducted as follows.

- The employee (or his/her representative) puts his/her case in the presence of the individual who dealt with the grievance at stage 2, including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The individual who dealt with the grievance at stage 2 has the opportunity to ask questions on the evidence given by the employee and witnesses, as they are called.
- Members of the panel hearing the case have the opportunity to ask questions on the evidence given by or on behalf of the employee and witnesses, as they are called.
- The individual who dealt with the response at stage 2 answers the case in the presence of the employee and his/her representative, including any reference to written statements or other written evidence and, if previously notified, the calling of witnesses.
- The employee (or his/her representative) has the opportunity to ask questions on the evidence given by the individual who dealt with the grievance at stage 2 and witnesses, as they are called.
- Members of the panel hearing the case have the opportunity to ask questions on the evidence given by or on behalf of the individual who dealt with the grievance at stage 2 and witnesses, as they are called.
- The individual who dealt with the grievance at stage 2 and then the employee (or their representatives) have the opportunity to sum up their cases, if they so wish, without the introduction of new material.
- The individual who dealt with the grievance at stage 2 and the employee together with any representatives withdraw.
- The panel (with any adviser(s)) deliberate in private, only recalling the individual who dealt with the grievance at stage 2 and the employee and any representatives to clarify any points of uncertainty on any evidence already given.
- The decision of the panel will be notified to both parties in writing as soon as possible in accordance with the procedure.