



# Grievance Policy for All School Staff

Effective from: *September 2019*

Signed by: *Helen Glynne*

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## 1. Aim of the Policy

The aims of this policy are to provide a clear and accessible process for employees to:

- raise concerns about workplace issues,
- raise concerns about working relationships with colleagues and Headteacher/Line Manager, and
- have a clear framework to resolve those concerns promptly.

## 2. Scope of the Policy

### General

This procedure, where adopted, applies to all employees in schools.

This policy applies to all employees regardless of how long they have been employed, their contractual hours and contract type.

The Grievance Policy should be used for work related issues, such as concerns relating to an employee's own employment, working environment or the application of terms and conditions (excluding pay). It should also be used to address complaints about another employee's behaviour.

This policy provides a mechanism whereby individual employees can raise complaints about behaviour they experience, observe or perceive to be inappropriate, such as discrimination, bullying or harassment. Further information is given in the "Model Policy Statement on Behaviour in the Workplace for Schools" and guidance which can be found on [westsussexeducation.uk](http://westsussexeducation.uk).

### Application of the policy for Headteachers.

The term employee includes Headteacher, to whom this policy applies in full.

If a Headteacher wishes to raise a Grievance, they are encouraged to attempt to resolve concerns informally through discussion with their Chair of Governors. If they are unable to resolve the Grievance in this way, the Headteacher should write to the Chair of Governors, who will, in discussion with a Senior Adviser from the Learning Service, agree a format for a formal procedure.

If a Headteacher wishes to raise a behaviour related grievance in relation to their Chair of Governors, they should contact the Senior Adviser, Learning Services for advice and/or support to resolve the issue.

### **Application of the policy in Academies and free schools**

Academies and Free schools who have an agreement with WSCC for HR policies and support should adopt this model grievance policy. Where phrases such as "Governing Body " are used, these should be replaced with the equivalent body in the school – for example, the Board of Trustees.

## **3. Links with other policies**

- Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct (as set out by the School) – including making false or vexatious complaints about another employee's behaviour – these will be managed in accordance with the Disciplinary Policy.
- The Schools Capability Policy will be used where there is evidence that an employee is not meeting the required standards of behaviour.
- Serious breaches of the standards of behaviour, for example bullying and/or harassment, will be managed in accordance with the Disciplinary and/or Capability Policies (as appropriate) and may lead to dismissal.
- Where a Headteacher/Line Manager is aware that a parent or pupil is harassing an employee (third party harassment), he/she is obliged to take reasonable steps to prevent this from happening again.
- If an employee has concerns relating to Health and safety, possible fraud and corruption, unethical conduct or miscarriages of justice, please see the Confidential Reporting Policy, sometimes known as the "Whistle Blowing" policy.
- If an employee has concerns about their Grade, they should speak to their Line Manager, or refer to the Job Evaluation procedures on [westsussexeducation.uk](http://westsussexeducation.uk)

## **4. Guiding Principles**

- The role of the Grievance Officer. An employee's Grievance Officer is the person who tries to resolve the employee's formal grievance. In most circumstances, this will be the Headteacher. However, if the Grievance

concerns the Headteacher, then another Grievance Officer will be appointed by the Chair of Governors (usually another Governor of the school).

- Grievances are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages employees to raise issues and try to resolve them with their Line Manager (informally) and/or their Grievance Officer (formally) in the belief that the sooner these workplace concerns can be resolved, the quicker all parties will be able to resume normal working.
- Employees will be given the opportunity to explain their concern, and be listened to, by a Line Manager with sufficient authority to resolve the issue.
- Headteachers and Governing Bodies are responsible for applying this procedure in a fair and equitable way. In addition, they are responsible for working with all parties to find a resolution that enables everyone to return to normal working as soon as possible.
- Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.
- Grievances will be handled promptly, and everyone should balance the need to resolve the issue in a timely fashion, with the need to take sufficient time to investigate and consider issues thoroughly.
- All parties involved in a Grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect and maintain confidentiality.

## **5. The Informal Stage of the procedure**

Many workplace problems are easily resolved at a local level and in an informal manner. Employees should feel encouraged to bring their concerns to their Line Manager or the Headteacher without fear of reprisal or censure.

In all but the most serious of Grievances, it is strongly encouraged that employees raise a Grievance informally first. Raising an informal Grievance does not mean that it is not important, rather that an open, honest dialogue may be an easy and appropriate route to solve a concern before it escalates further.

Informal Grievances are conducted as discussions between the employee and their Line Manager. The employee may choose, and is encouraged, to invite a Companion to this meeting to help them (*see Guidance notes for role of Companion at informal meetings*).

If the Grievance involves the Line Manager, the employee should still attempt to resolve the Grievance informally initially, and should do so by speaking to their Grievance Officer on an informal basis.

### **The meeting**

- The Line Manager should seek to understand what the employee is concerned about, what outcome the employee is seeking and whether any further meetings are needed.
- More than one discussion may be required to achieve a resolution. At the end of the meeting (s), the employee and the Line Manager should agree what actions will be taken to achieve an acceptable outcome, and by when.
- If the Grievance is related to the behaviour of another employee, the person raising the grievance will be informed if action will be taken but not the nature of the action.
- It is good practice for the line Manager to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. This note must be shared with the employee.
- If the employee and the line Manager have been unable to resolve the grievance, the employee may like to consider raising a formal grievance.

*For further information about the Informal Stage, please see the Grievance Policy Guidance.*

## **6. The Formal Procedure – roles and responsibilities**

<b>Stage</b>	<b>Meeting between employee and:</b>	<b>If the Grievance involves this person, meeting will be with:</b>
Informal Stage	Line Manager	Headteacher
Formal grievance meeting	Headteacher (acting as The Grievance Officer)	Chair of Governors will nominate a single Governor to act as the Grievance Officer
Investigation carried out (if necessary) by	Investigation Officer (appointed by the Grievance Officer)	Not applicable
Appeal meeting	Panel of three Governors	Not applicable

## **7. The formal Grievance Meeting**

If an employee feels that their line Manager has not been able to resolve their concerns adequately through an informal route, then the employee should raise the grievance formally.

### **The grievance should be put in writing**

- The employee must put down the nature of their concern in writing. To aid this process, there is a Grievance Form, which employees are encouraged to use (although there is no requirement to do so).
- If an employee does not want to use the form, the Guidance notes have some further information about what needs to be included.
- The employee should keep a copy of their Grievance, and they may choose to share it with their Companion.

### **The grievance must be given to the Grievance Officer:**

This is usually the Headteacher (but in bigger schools, it may be another member of the Leadership Team).

However, if the employee's Grievance concerns their Grievance Officer, they should raise the Grievance with one of the Governors, who will either hear the Grievance, or appoint a suitable representative to act as the grievance officer on this occasion.

If the Grievance relates to a matter that is outside the scope of the Headteacher (for example, a matter relating to County Council policy), then the Grievance should be referred to a senior Adviser within the Learning Service. This should be done with confidentiality, and in consultation with the employee and their companion.

The Grievance Officer will acknowledge the Grievance in writing within 5 working days, and will arrange for a meeting to take place within 10 working days of the Grievance being raised.

### **A grievance meeting must be arranged to discuss the grievance**

The employee should be invited to attend a Grievance meeting at a suitable time and place.

The employee may bring a Companion to the meeting. If the employee or their Companion is unable to attend on this date, a suitable alternative should be agreed upon, preferably within 5 days of the original date.

The Grievance Officer leads the meeting; they will give the employee the opportunity to explain their concerns and say how they think the matter can be resolved.

At this meeting, the Grievance Officer may be able to resolve the Grievance. More usually, they will need to investigate the grievance, and then meet up again with the employee to discuss the outcomes. An Investigation must be initiated if the grievance relates to claims of bullying and/or harassment.

This meeting, and subsequent ones, should be conducted with calmness, openness and resolution.

The Grievance Officer will need to keep notes of the meeting, or arrange for a note taker to be present, and share the notes with the employee after the meeting.

## **The grievance will be investigated**

There are two types of investigation:

### **i. Simple, fact-finding investigation.**

Following the Grievance Meeting, the Grievance Officer may need to verify certain facts, get copies of documents etc. This can all be carried out by the Grievance Officer to enable a quick resolution of the grievance.

However, if the grievance is of a more complex nature, and if witnesses need to be interviewed, then it may be necessary to appoint an Investigation Officer, to investigate the issues raised by the employee. The HR Professional Support Team (contacted via the HR Customer Service Team) can advise on when a full investigation is appropriate.

### **ii. Full Investigation**

The Grievance Officer will appoint a suitably independent and senior Investigation Officer to carry out a full investigation. The Investigation Officer must be appointed within 5 days of the Grievance being referred for an Investigation, and ideally concluded within 3 weeks.

During the Investigation, the Investigating Officer will need to interview the employee concerned, plus other employees whose information will have a bearing on the matter. The employee may be accompanied to this meeting by a Colleague.

The aim will be for this process to be carried out confidentially and as swiftly as is practicable.

It is not the duty of the Investigation Officer to make a decision about the employee's Grievance. Their role is to ascertain the facts, and then present the facts to the Grievance Officer.

The facts will be presented in writing, and the employee will be sent a copy of the investigation report.

## **The investigation report will be sent to the Grievance Officer**

Once the Investigation Report has been received, the Grievance Officer will need to reconvene the Grievance Meeting. At this meeting, they may ask further questions which have arisen, before moving on to discuss the outcomes.

At the meeting, the employee may be accompanied by their Companion.

- The Grievance Officer may choose to invite witnesses, including the Investigation Officer, to the meeting to answer any questions. Both the Grievance Officer and the employee (and their Companion) may ask questions of witnesses.
- The employee will be asked if they want to call witnesses to the Grievance meeting (including the Investigating Officer if not called by the Grievance Officer) to provide information to supplement their witness statement.

Having heard all the information, the Grievance Officer will adjourn the meeting to consider their response.

The possible outcomes following a Grievance meeting are as follows:

- The Grievance is upheld in full, or
- The Grievance is rejected, or
- The Grievance is partially upheld – i.e. the Grievance Officer agrees with some of the employee's concerns, but not others. Please see the guidance for further information on the outcome "Partial Uphold".
- In addition to the above, the parties can be referred to Mediation, either through an external provider or through an internal Resolution Meeting (See the Guidance Notes).

### **The outcome will be put in writing**

The Grievance Officer will confirm the outcome in writing, within 5 working days of the final meeting. In the letter, the Grievance Officer should set out:

- The outcome – i.e. if the grievance has been upheld, rejected or partially upheld.
- The reasons for the decision.
- Any facts which the Grievance Officer has ascertained in coming to their decision.
- Any recommendations or agreed actions for the parties to take (although the employee does not have the right to know what action will be taken in relation to another employee).
- The employee's right to appeal the decision, and the timescales involved in so doing.

## **8. The Appeal Meeting**

If an employee wishes to appeal the outcome of a Grievance meeting they are entitled to do so within 5 working days of receiving, in writing, the letter following the grievance meeting.

To raise an appeal, the employee must write to the Grievance Officer, explaining why they are dissatisfied with the decision. The Appeal letter will be passed to the Clerk to the Governors.

The Clerk to the governors will acknowledge the Appeal request in writing within 5 working days, and will arrange for a meeting to take place within a further 10 working days.

The Appeal meeting will be heard by three members of the Governing Body. One of the Governors will act as Chair of the Meeting. The Clerk to the Governors will also be present to take notes during the meeting, and an Adviser from HR Professional Support may also be present to advise the Panel.

The format of this meeting will be similar to the Stage One meeting, and further information about the format can be found in the Guidance notes.

At the Appeal meeting the Chairperson will seek to understand:

- The employee's reasons for raising an appeal, and
- Their original concerns (the subject of the Grievance)

The Panel will review the paperwork and will invite the Grievance Officer to the meeting, as a witness, to provide information.

Following an adjournment to consider the information that they have heard, the Appeal Panel will make a decision. The rationale for their decision-making will be recorded in the notes. The possible outcomes are:

- Decision of grievance meeting fully upheld
- Decision from grievance meeting overturned, or
- Decision from grievance meeting partially upheld.

The Appeal chairperson will let the employee know the outcome of the Appeal in person at the end of the meeting, and this decision will be confirmed in writing. If the Panel are not able to reach a decision on that day, they will explain to the employee when they can expect a decision, and notify the employee of the outcome in writing.

The Appeal Chairperson will provide written reasons for their decisions.

This is the end of the Grievance procedure.

## **9. General Points about the Grievance Procedure**

### **Timescales**

It is in all parties best interests to resolve grievances as quickly as possible. Where specific timescales are given in the policy, they can be altered by mutual agreement.

### **A Staged Approach**

The Grievance procedure will normally be followed in sequence. There is an expectation that attempts will have been made to resolve a grievance informally, before starting the formal procedure.



However, in the case of more serious grievances, the employee can go straight to the formal stage of the procedure (stage 1).

### **Right to be accompanied**

Employees have the right to be accompanied at all stages of the formal procedure and may choose to bring a Companion for support to the informal meeting. The employee's companion can be a work colleague, a full time Trade Union Official or an accredited Trade Union Representative.

Employees will be asked to put the name of their companion in writing, and send it to the Grievance Officer (or Appeal Chairperson).

For further information on the role of the companion, please see the Guidance notes.

### **Witnesses**

If witnesses are called to attend a Grievance Meeting, including an Investigation Officer, they will be present for the duration of their evidence, and then they will leave the meeting.

### **Record Keeping**

Notes will be made of all formal Grievance meetings, and copies given to the employee for information. The responsibility for ensuring that notes are made at grievance meetings lies with the Grievance Officer. The Clerk to the Governors will be responsible for taking notes at appeal meetings, which will be agreed by the Appeal Chairperson before being sent to the employee.

The note taker should take no part in the discussions about the outcome of the grievance or appeal, other than to record the key points of the discussion.

Records of Grievance matters should be treated as confidential and kept securely, and kept in accordance with the Data Protection Act. If any Safeguarding issues have arisen during the Grievance, the documentation may need to be passed to the Safeguarding Unit.

### **Overlapping Procedures**

Where an employee raises a Grievance during the disciplinary process, the disciplinary process can be temporarily put on hold, until the outcome of the grievance is known.

However, where the two procedures are about related issues, it may be possible to deal with the two concurrently. Similarly, where another procedural policy applies, such as the Sickness or Capability procedure, it may be possible to cover the essential elements of both procedures at a combined meeting.

### **Employees with Disabilities**

If an employee requires any reasonable adjustments to be made to enable them to fully participate in the process, they should notify their Grievance Officer, or the Clerk to the Governors, as soon as possible. See the Guidance for further information.

#### **10. Grievances raised by more than one employee**

From time to time, a number of employees may raise the same issue as a grievance. When this happens, the intention is to deal with the matter as a Collective Grievance by joining together the individual submissions. Please see the Guidance document for further information.

#### **11. Grievance procedure for employees who have left employment**

Occasionally, an individual may feel the need to raise a grievance once their employment has come to an end.

The details of the Grievance must be put in writing, and should be sent to the employee's former Line Manager or Grievance Officer, or, failing that, to the Human Resources Management Advice Team (HRMA).

In most circumstances, the grievance will only be heard if the grievance is submitted within 3 months of the employee leaving the organisation. The procedure for post-employment Grievances is in the Guidance document.

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