
SCHOOLS GRIEVANCE POLICY AND PROCEDURE

Table of contents

1. POLICY	2
2. SCOPE.....	2
3. PROCEDURE.....	3
3.1. INFORMAL GRIEVANCE PROCEDURE	3
3.2. FORMAL GIREVANCE PROCEDURE.....	3
3.2.1. Right to be accompanied	3
3.2.2. FORMAL PROCESS	3
3.2.3. APPEAL	4
3.3. GRIEVANCE AGAINST A HEADTEACHER	5
3.3.1. Informal grievance procedure	5
3.3.2. Formal grievance procedure	5
3.3.3. Appeal	5
3.4. GRIEVANCE AGAINST THE GOVERNING BODY	5
3.4.1. Informal grievance procedure	5
3.4.2. Formal grievance procedure	5
3.4.3. Appeal	5
3.5. REFERRAL.....	6
4. NOTES.....	6
5. COMPLIANCE.....	6
6. IMPACT ON THE SCHOOL'S KEY PRIORITIES	7
7. TRAINING AND AWARENESS REQUIREMENTS	7
8. MONITORING	7
9. REVIEW	7

1. POLICY

The purpose of this policy is to provide clear, consistent and fair grievance procedures that enable the governing body to comply with its responsibilities under employment legislation and best practice, including ACAS guidelines, and regulation 7 (1) of the School Staffing (England) Regulations 2016

The aim of this policy is to resolve grievances promptly, through effective communication and discussion. Informal discussions between employees and their headteacher/line manager are key to this and the vast majority of employee grievances can and should be resolved in this way. This approach prevents undue delay, lessens distress to the parties involved and it encourages good working relationships.

It provides informal and formal routes for resolving employee grievances quickly, fairly, efficiently and as close to the source of the issue as possible. Its specific aims are to:

- set out how an employee should raise a grievance
- ensure that the nature of the grievance is made clear
- ensure that the grievance is properly investigated
- obtain, where possible, a speedy resolution to the problem
- take appropriate actions
- inform the employee of his or her right, in the event of an unsuccessful resolution, to take the grievance to the next stage of the procedure

An employee may not normally alter his or her usual working arrangements pending a grievance being addressed. The governing body's rules and standards apply to all employees and are summarised in the employee's statement of terms and conditions, policies and associated documents, and the relevant Code of Conduct.

Schools must formally adopt a procedure and ensure that this is formally recorded in the governing body minutes.

2. SCOPE

This policy and procedure applies to schools where Herefordshire is the legal employer i.e. maintained and voluntary controlled schools.

Voluntary Aided Church Schools, where Herefordshire Council is not the legal employer, may choose to adopt a different grievance procedure as determined by the relevant diocesan authority

The procedures will be adapted where it is impractical to follow them in full, for example for short-term temporary workers and employees who have not yet successfully passed their probationary period. Probationary/short term contract employees will not have their contracts extended solely for the purpose of completing this procedure.

This policy can be used to deal with any issue related to an employee's employment except where another more relevant policy or procedure exists that includes a right of appeal, for example HR027 (SCH) Job Evaluation Policy and Procedure, HR006 (SCH) Managing Attendance Policy and Procedure, HR002 (SCH) Managing Performance Policy and Procedure, HR001 (SCH) Teacher Capability Policy and Procedure or HR012 (SCH) Dignity at Work Policy and Procedure.

The grievance procedure may not be used as an additional means of appeal against a decision or sanction under another policy.

Nor can this policy be used to address issues that are related to an employee's personal circumstances such as those related to council or income tax, social security or pension regulations, or terms and conditions of employment which managers have no discretion to change.

3. PROCEDURE

3.1. INFORMAL GRIEVANCE PROCEDURE

In the first instance an employee should discuss their concerns with their headteacher or nominated representative in the first instance with a view to resolving them as part of normal day to day working life. The employee should explain what redress they are seeking for their grievance.

It is hoped that in many cases an informal meeting will lead to a speedy resolution of the problem. A note of the meeting should be kept, and the headteacher (and/or) should confirm the outcome, in writing, (TEMPLATE 1 – INFORM OUT) to the employee within 14 calendar days of the grievance being raised.

If this informal approach fails to resolve the problem or if the complaint is about the headteacher/line manager then the formal grievance procedure should be used.

3.2. FORMAL GRIEVANCE PROCEDURE

3.2.1. Right to be accompanied

The employee has the right to be accompanied at all formal stages of the grievance, including appeals, by a trade union representative or work colleague. No companion from an external source, other than a trade union official, may accompany the employee.

This right does not apply to informal stages.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

3.2.2. FORMAL PROCESS

If an informal approach fails to resolve the problem the employee should send a completed TEMPLATE 2 – NOTIFY FORMAL to the headteacher or nominated representative within ten working days of the cause of the grievance (unless extended by mutual written agreement).

Where the subject of the grievance relates to another staff member the headteacher/chair of governors should inform the individual that the grievance has been raised as soon as is reasonably practicable to ensure that they have adequate opportunity to present their side. The headteacher/chair of governors will also feedback to the individual following the conclusion of the process to ensure that they are fully informed of the outcome.

The headteacher or nominated representative will have responsibility for investigating, hearing and deciding upon the grievance.

The headteacher or nominated representative may delegate the role of investigator to an independent person. This may include nominating an external investigator provided by HR services.

The headteacher or nominated representative will write to the employee acknowledging receipt of the form and inviting them to attend a grievance meeting ideally within 10 working days to address the issue. This may be extended to allow for a full investigation to be undertaken. TEMPLATE 7 – FORMAL INVITE

If the employee and/or their trade union representative or work colleague cannot attend the date proposed, they can suggest one other date within five working days of the original. The five day limit may be extended by mutual agreement.

At the meeting the Headteacher or nominated representative may be accompanied by a representative from HR services to provide appropriate advice and guidance and to ask any additional questions to ensure the headteacher or nominated representative has the full information.

The employee will be given the opportunity to present their case at the meeting.

The Headteacher or nominated representative will carefully consider the written record of the first informal stage as well as any relevant evidence from the investigation into the matters pertaining to the case.

If appropriate, witnesses may be called or asked to submit a statement.

The headteacher or nominated representative may wish to continue their investigation after the meeting is closed, following up leads and issues raised at the meeting.

The headteacher or nominated representative will consider all the circumstances of the grievance before deciding what action, if any, to take.

The headteacher or nominated representative will then advise the employee whether the grievance is upheld and any action they propose to take, with timescales, and the reasons for their decision.

The headteacher or nominated representative will confirm this in writing within five working days of the grievance meeting. The completed letter will be recorded on file.

3.2.3. APPEAL

If the employee is dissatisfied with the outcome of the formal stage, they may send a completed TEMPLATE 3 – NOTIFY APPEAL to the clerk to governors within five working days of receipt of the outcome letter from the formal grievance meeting. The form should give full details of the grievance, including why the employee is dissatisfied with the formal grievance outcome and should specify what outcome(s) the employee is seeking. A copy of the formal grievance outcome letter must be attached.

The clerk to governors will arrange a governing body appeal panel within 15 working days of receipt of TEMPLATE 3 – NOTIFY APPEAL in order to hear the appeal. The appeal panel will then follow the process in as given in 3.2.2.

The governing body appeal panel will consist of three members of the governing body.

The employee must provide copies of any documentation they wish to refer to, to the clerk to governors for the appeal panel, at least two working days prior to the meeting.

If new evidence is presented at the appeal meeting, which the appeal panel decides needs further investigation outside the meeting, the appeal meeting may be adjourned pending investigation, before the new evidence is brought back to the reconvened meeting. Such an investigation will be undertaken as quickly as possible, and the employee will be kept informed regarding timescales.

The governing body appeal panel will consider all circumstances of the grievance before deciding what action, if any, to take.

There is no further right of appeal.

3.3. GRIEVANCE AGAINST A HEADTEACHER

3.3.1. Informal grievance procedure

Where the headteacher is the subject of the grievance the individual should attempt, where possible, to resolve the matter informally through a discussion with the headteacher.

3.3.2. Formal grievance procedure

The right to be accompanied remains as stated at 3.2.1

If the informal process fails to resolve the matter, the employee should send a completed form G1 (SCH) Notification of Grievance to the chair of governors within fifteen working days of the cause of the grievance (unless extended by mutual agreement).

The chair of governors will have responsibility for investigating, hearing and deciding upon the grievance and will follow the process described at 3.2.2.

3.3.3. Appeal

If the employee is dissatisfied with the outcome of the formal stage, they may follow the appeal process as described at 3.2.4. with the following additions:

The clerk to governors will arrange a governing body appeal panel within 15 working days of receipt of TEMPLATE 3 – FORMAL APPEAL in order to hear the appeal. The appeal panel will then follow the process given in 3.4.2.

The governing body appeal panel will consist of three members of the governing body.

There is no further appeal.

3.4. GRIEVANCE AGAINST THE GOVERNING BODY

3.4.1. Informal grievance procedure

Where an employee has a grievance against the governing body they should discuss the matter with the chair of governors informally in the first instance.

3.4.2. Formal grievance procedure

The right to be accompanied remains as stated at 3.2.1

If the informal process fails to resolve the matter, the employee should send a completed form G1 (SCH) Notification of Grievance to the clerk to the governors within fifteen working days of the cause of the grievance (unless extended by mutual agreement). A copy of this form should be sent to the headteacher.

The chair of governors will have responsibility for investigating, hearing and deciding upon the grievance and will follow the process described at 3.2.2

3.4.3. Appeal

Where the local authority is the employer any appeal would be heard by the Director of Children's Wellbeing or a nominated representative and the same process followed as in 3.4.2 above.

Where the local authority is not the employer advice should be sought from HR Services who will advise on alternative options.

There is no further right of appeal.

3.5. REFERRAL

In exceptional circumstances, where the grievance matter has not been resolved at school level (Community and Voluntary Controlled) and where all stages of the procedure have been exhausted, the matter may be referred to the Director of Children's Wellbeing.

The Director of Children's Wellbeing or a nominated representative will investigate the issue and arrange a meeting of the relevant parties, normally in accordance with the procedure as outlined in 3.3.2.

The decision determined by the Director of Children's Wellbeing (or nominated representative) will be final.

4. NOTES

In the interests of seeking a satisfactory outcome for all, the school may seek assistance from appropriately qualified/experienced external conciliators, mediators or arbitrators at any stage of the grievance procedure. Such services will only be used where all parties involved in the grievance agree.

Action initiated under one procedure may be changed to an alternative procedure if investigation of the circumstances indicates this would be more appropriate.

Although every effort will be made to keep within the timescales referred to, these may be extended at any stage to deal with exceptional circumstances, and to ensure the person hearing the grievance has sufficient time available to fully investigate the grievance. Any change to timescales will be discussed with the employee raising the grievance.

Where the subject of the grievance relates to another staff member the headteacher/chair of governors should inform the individual that the grievance has been raised as soon as is reasonably practicable to ensure that they have adequate opportunity to present their side. The headteacher/chair of governors will also feedback to the individual following the conclusion of the process to ensure that they are fully informed of the outcome.

In applying this procedure the school will pay due regard to providing reasonable adjustments under employment legislation to an employee who has a disability.

Specialist advice may be given to the headteacher or nominated representative or governing body hearing the grievance by HR Services.

Record Keeping. The records of any meetings concerned with grievance are likely to be classified as sensitive data. The records must be relevant, accurate, confidential and secure.

If you need further assistance with this document please refer to your headteacher or HR Services.

5. COMPLIANCE

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

Headteachers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the school's managing performance or disciplinary policies and procedures.

6. IMPACT ON THE SCHOOL'S KEY PRIORITIES

The policy provides clear statements about governor, headteacher and employee responsibilities to ensure that grievances are raised and dealt with in a timely manner. This procedure supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

7. TRAINING AND AWARENESS REQUIREMENTS

Headteachers and employees will be informed about this policy and procedure via appropriate communication channels.

8. MONITORING

The Director of Children's Wellbeing is responsible for ensuring implementation and review of this policy and procedure for local authority schools.

The governing body is responsible for adopting and implementing this policy and procedure.

HR Services and the Learning and Achievement Team will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies, procedure, training, support or any other aspect of the school's approach to grievance matters.

9. REVIEW

This document will be reviewed after three years unless circumstances demand a review before then.

APPENDIX 1 DEFINITIONS AND RESPONSIBILITIES

DEFINITIONS

The meaning of some key words and phrases, for the purposes of this policy, are explained below:

Work Colleague. A current employee of Herefordshire Council based in a Herefordshire maintained school OR a current employee of the academy school.

Headteacher. The person responsible for leading and managing the school, and has delegated powers to ensure all grievances are appropriately managed. References to the headteacher shall include any nominated deputy headteacher/line manager acting on his/her behalf. In the case of teachers, the headteacher or in his/her absence, the deputy headteacher may act on his/her behalf.

Panel of governors. This is a panel of three governors who are used for grievance appeal hearings or where the grievance is against the headteacher. Where governors have been involved in previous grievance discussions they are then precluded from being on the appeal panel.

Trade Union representative. Lay or permanent official of the Trade Union to which the employee belongs, who has been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

Grievance: actual or supposed circumstance regarded as just cause for complaint.

Working days. Any designated term-time or Teacher Education Training Day or any other contractual working day, but excluding the day of any grievance meeting and the day on which the notification of meeting is sent to the employee.

Collective grievance: when an individual grievance has a collective implication, or when a group of workers has a dispute relating to their employment.

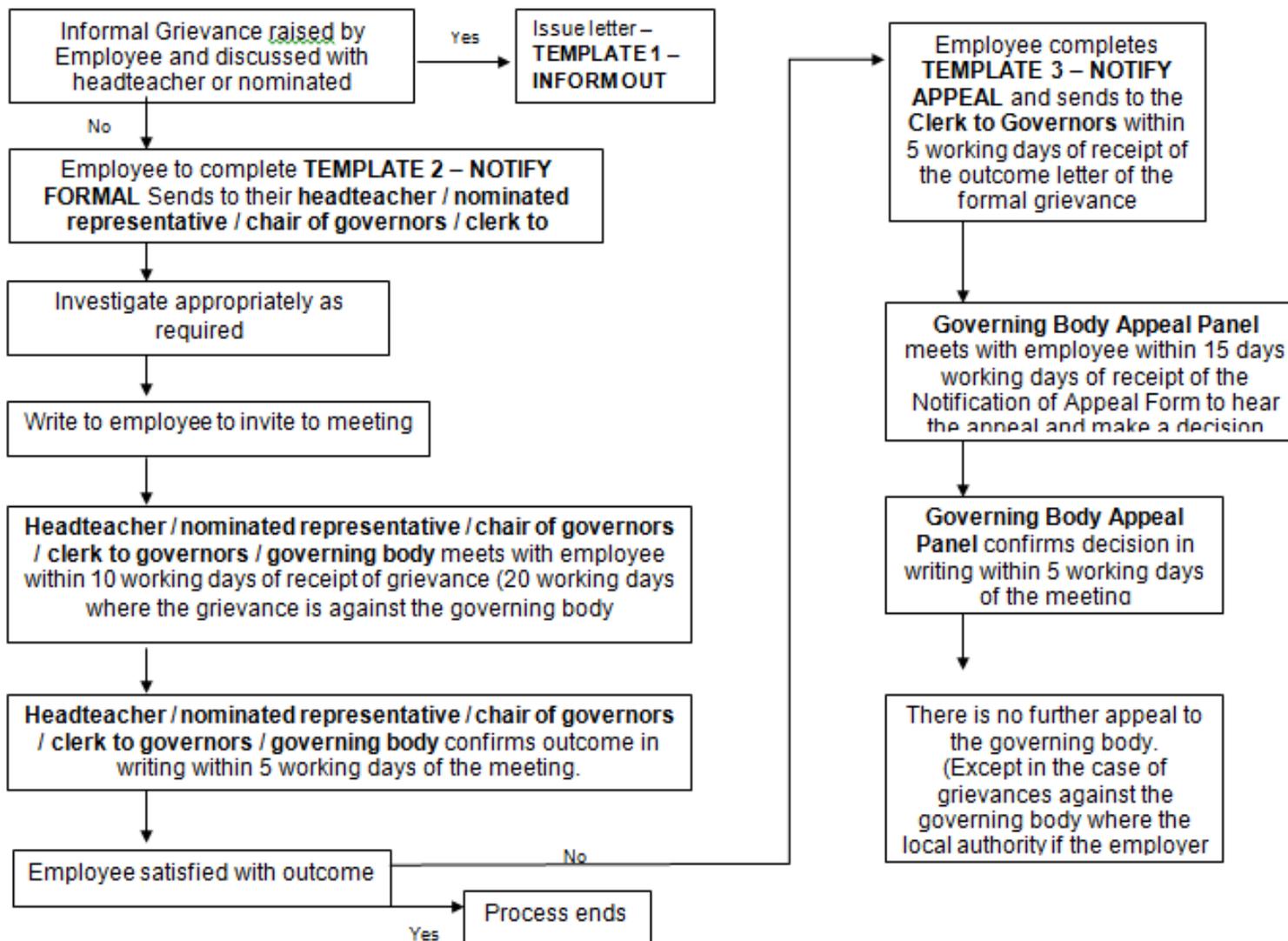
RESPONSIBILITY

Headteachers are responsible for making employees aware of this policy.

Headteachers and employees are both responsible for acting respectfully toward others in relation to the implementation of these procedures. All parties should have due regard for maintaining confidentiality and, if in doubt, should seek advice on this from HR Services.

HR Services is responsible for providing timely and appropriate advice and support to the headteacher as required. They are not responsible for making decisions in relation to this procedure; these remain the responsibility of the headteacher and governing body panel. HR are accountable for the advice they give.

APPENDIX 2 - STAGES OF THE GRIEVANCE PROCEDURE



Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01					