



Grievance Policy and Procedure

Introduction

This procedure has been adopted by the Governing body of Lowbrook Academy and is designed to enable individual staff to raise grievances with management about their employment either by themselves or with a representative. The legislation referred to is general employment law and references the School Staffing (England) Regulations 2009 and the Academy's Funding Agreement 2011.

The procedure provides an open and fair way for employees to make known their problems and enables grievances to be resolved quickly, and as near as possible to their point of origin, before they fester and become major problems.

It recognises that most routine complaints and grievances are resolved informally in discussions with the employee's immediate manager. Where the informal process fails, or it is inappropriate, the formal procedure will be invoked.

The procedure can be used for any matter directly arising out of an employee's employment, except where another more specific process exists for that purpose. These other processes cover:

- Redundancy/redeployment;
- Standards of performance, including appraisal, capability etc.;
- Discipline and disciplinary appeals;
- Harassment;
- Whistle-blowing.

Please note grievances will not be registered if they are in these areas.

An employee has the right to be accompanied by a colleague or representative of a trade union at any meetings undertaken within the formal stages of these procedures. An employee will be informed, in writing, of this right.

A record of the outcome of any meeting involving the formal stages of these procedures will be placed on the employees' file, together with copies of the written evidence considered and correspondence involved.

The membership of any sub-committee of the Governing Body should be a matter for determination by the Governing Body.

Scope

This policy and procedure applies to all members of staff within this school. As Lowbrook Academy is a small organisation, with limited resources, the Governing Body reserves the right to reduce the number of stages within the procedure, but the principle of first seeking early informal resolution remains.

Employees who abuse the Grievance Resolution Procedure by making unfounded complaints or operating the procedure in a vexatious manner will be liable to disciplinary action.



What is a Grievance?

A grievance is defined as 'a complaint by an employee about action which his/her employer has taken or is contemplating taking in relation to him/her' and could be regarding one of the following points:-

- Terms and conditions of employment;
- Working conditions;
- Working hours;
- Unfair treatment;
- Health and safety;
- Relationships at work;
- Equal opportunities;
- A breach of statutory employment rights;
- Where an employee feels that a conditions of employment has been incorrectly used against them;
- New working practices.

This list is provided to give examples and is not meant to be exhaustive.

Informal Discussions

The school aims to ensure that the majority of concerns can be resolved at this stage. The procedure is intended to provide a structured approach that, taking into account the particular circumstances of each case, will ensure consistent and fair treatment. It is expected that an informal grievance will be raised as soon as possible after the act or decision complained of or the last act or decision if the grievance refers to a series of linked events.

Where an employee has a grievance with a member of staff at the school (the colleague) other than the Principal, the employee should attempt to resolve the matter by a direct approach to the colleague:-

- If a direct approach is not practicable or if a direct approach does not resolve the problem, then the employee should discuss the matter with a senior member of staff or Assistant Head who should endeavour to resolve the problem personally;
- Wherever the employee seeks a discussion with a senior member of staff or Assistant Head, the request should be met within 5 working days if possible.

Where an employee has a grievance with the Principal or Governors, then the employee should seek a meeting with the Principal:-

- This request should be granted, wherever possible within 5 working days;
- At any meeting, the employee has the right to be accompanied by a colleague or representative of a trade union, and the Principal may ask the School's HR service provider, Strictly Education, to facilitate this meeting.



Where the Principal has a grievance with a colleague or the Governors, then the Principal should attempt to resolve the matter by a direct approach to the colleague or the Chair of Governors:-

- If the grievance is not resolved by a direct approach, or if a direct approach is not practicable, then the Principal should seek further independent advice from their trade union or other professional body.

If the matter cannot be resolved informally, it should be dealt with in accordance with the formal grievance procedure as detailed below.

Formal Procedure

Investigation

Depending on the complexity and nature of the grievance it may be appropriate to appoint an investigating officer. This may be a member of Senior Leadership Team in the school or in some cases it may be more appropriate to appoint someone external to the school. An investigation may happen at any stage of the process. It will be the investigating officer's responsibility to investigate the complaints made fully including all events leading up to the grievance. The investigator will interview all parties and witnesses ensuring that they understand the purpose of their investigation and the sensitivity and confidentiality of the matter. Once they have completed their investigations they will compile a report containing a summary of their findings and details with regard to witnesses interviews and where appropriate copies of the interview notes. Where carrying out an investigation may delay the process all parties involved will be advised accordingly.

Formal Stage 1

If the grievance is not resolved by informal discussion the employee should put their grievance in writing to their direct line manager. The manager should then endeavour to resolve the matter where possible giving a response to the grievance within 5 working days.

Formal Stage 2

For Staff Other than the Principal

If the employee feels that the matter has still not been resolved, they should put their grievance in writing to the Principal and the colleague (if the colleague is not the Principal). The written notice should set out the details of the grievance; the redress sought and should be accompanied by any supporting documents.

The Principal will arrange for a member of the Senior Leadership Team or an investigator to prepare a written report for consideration at a hearing by the Principal or Chair of Governors (whoever is most appropriate) which should be made available to all parties at the same time.

If the colleague is not the Principal, the report should briefly outline any steps taken under the informal stage of the grievance procedure, and indicate that the colleague has been asked to make available to the employee and investigator, a written response to the notice of grievance, accompanied by any supporting documents.



If the colleague is the Principal, the report should comprise of a response to the grievance and be accompanied by any supporting documents. If the grievance is with the Governing Body, the report should include details on the actions of the Governors.

A meeting will then be arranged for the Principal/Chair of Governors to consider the grievance within 4 weeks of receipt of the notice of grievance (unless the circumstances make this impractical).

The employee and colleague have the right to be accompanied by a colleague or representative of a trade union.

The following documentation should be made available to the Principal/Chair of Governors and all parties who are attending no less than 7 working days before the meeting:

- Notice of grievance;
- The written report;
- The written response (if appropriate);
- Any supporting documents.

The meeting will be carried out in accordance with the guidance outlined in Appendix A, of this procedure.

For Principals

If the Principal feels that the matter has not been resolved through informal discussion, they should submit a written notice of grievance to the Chair of Governing Body and the colleague (if the grievance is with a colleague rather than the Governing body). The written notice should set out the details of the grievance; the redress sought and be accompanied by any supporting documents.

The Chair of Governing Body should prepare a written report for the consideration of a sub-committee of the Governing Body.

The report should briefly outline any steps taken under the informal stage of the grievance procedure, and where the grievance is with a colleague, that colleague needs to make available to the Chair of the Governing Body and Principal, a written response to the notice of grievance, accompanied by any supporting documents.

If the grievance is with the Governing Body, the report should include details on the actions of the Governors.

The Chair of Governing Body should ask the Clerk to the Governing Body to arrange a meeting of a sub-committee of the Governing Body to consider the grievance within 4 weeks of receipt of the notice of grievance (unless the circumstances make this impractical).

The Principal and colleague have the right to be accompanied by a colleague or representative of a trade union.



The following documentation should be made available to the sub-committee of Governors and parties no less than 7 working days before the meeting:

- Notice of grievance;
- The written report;
- The written response (if appropriate);
- Any supporting documents.

The meeting will be carried out in accordance with the guidance outlined in Appendix A, of this procedure.

Appeals

There is a right to appeal against the decision made under Formal Stage 2, which should be heard by a sub committee of the Governing Body (which will exclude any Governors previously involved in the case).

The notification of intention to appeal, setting out the grounds for appeal, should be sent to the Clerk to the Governing Body within 14 days of the receipt of the decision. The Clerk to Governors will arrange for the appeal to be heard as soon as possible.

The Clerk to Governors should send a copy of the notification to appeal to the parties in the original hearing inviting them to make a written response to the grounds of appeal,

A copy of the notification should also be sent to the Principal (if not previously involved in the process)

All parties have the right to be accompanied by a colleague or trade union representative.

The following documentation should be made available to the Governors and all parties no less than 7 working days before the meeting:

- Notification of appeal setting out the grounds;
- The original documentation in the case;
- Any further supporting documents submitted by the parties.

The meeting will be carried out in accordance with the guidance outlined in Appendix A, of this procedure.

The decision of the Governing Body is final.

Attendance of the School's HR Service Provider

The school's HR service provider, Strictly Education, may be invited to attend for support and advice at any stage.



Grievances Raised After an Individual Has Left the School

If an employee raises a grievance after they have left the employment of the school consideration will be given as to the appropriateness of investigating the grievance further. Where it is felt appropriate the following process will be adopted:-

Step 1

The employee sets out in writing their grievance and the basis for it and sends the statement or a copy of it to the employer

Step 2

The employer sets out their response in writing and sends their statement or a copy of it to the employee.

Grievances Raised During a Disciplinary or Capability Process.

If an employee raises a grievance during a disciplinary or capability process a decision will be taken as to whether it is appropriate to run both processes concurrently particularly where the cases are related.

The Governing Body approved this procedure on date: **24th November 2017**

Signed:

Chair of Governors

Signed:

Principal



APPENDIX A

Procedure to be followed at hearings under the Formal Grievance Resolution Procedure

All parties should be sent a letter (with a duplicate copy for any representatives) notifying them of the hearing to be received not less than seven working or ten consecutive days before the hearing itself.

In this procedure reference to the "employee" means the person who has initiated proceedings under the formal grievance procedure, reference to the "colleague" means the other party to the grievance; both shall include their personal representatives. At appeal stage the "appellant" will take the place of the "employee" as designated under the procedure:

- The written reports of all parties shall be submitted to the panel hearing the grievance setting out details of the grievance and any steps already taken to resolve the matter. Copies of all documentation shall be sent to all parties at the same time as the notice of the date and time of the meeting;
- Both the employee and colleague shall be entitled to attend the hearing and to be accompanied by a work colleague or Trade Union representative and to call witnesses and produce relevant documents;
- The Chair of the hearing will introduce those present, explain the purpose of the hearing and the procedure to be followed, and will establish whether witnesses are to be called by either side;
- The employee shall state the case in the presence of the colleague and may call such witnesses as they consider appropriate;
- The colleague shall have the opportunity to ask questions of the employee and of the witnesses on the evidence given by them;
- The Panel will have opportunity to ask questions of the employee and witnesses as appropriate;
- Where appropriate the Investigation officer will have the opportunity to ask questions of the employee and witnesses as appropriate;
- The colleague will be asked to respond to the grievance that has been raised;
- Where appropriate the Investigation Officer will present the findings of the investigation;
- The colleague will call any witnesses;
- The employee shall have the opportunity to ask questions of the colleague and his/her witnesses (if any);
- The panel will be able to ask questions of the colleague and witnesses;



- Where appropriate the Investigation Officer will be able to ask questions of the colleague and witnesses;
- Both parties shall have the opportunity to sum up their cases if they so wish, the colleague's side have the right to do so last;
- The employee, colleague, investigation officer and any witnesses shall withdraw;
- The Panel, and any advisory officer present, shall deliberate in private, only recalling all parties together to clear points of uncertainty on the evidence already given. The Clerk to Governors shall also remain. If recall is necessary, all parties are to return even if only one is concerned with the points giving rise to doubt;
- Having heard both parties to the grievance the Principal/Chair of Governors/sub-committee will make a decision having regard to the substantial merits of both sides. In this respect they may wish to give a determination on a particular matter having regard to the possible recurrence in the future of similar circumstances;
- The Chair of the hearing shall announce the decision and/or recommendation(s) to both sides, personally or in writing as it may determine, and the findings shall in any event be confirmed in writing within **five working or seven consecutive days** of the decision being taken, together with reasons for any action taken, and any right of appeal.

Please note: Panel may refer to Principal, Chair of Governors or sub committee of Governors.

It is important that individuals who have previously been concerned in a grievance should not be involved in the deliberations of the Governing Body Grievance sub-committee, although they may appear before the Governors either as witnesses or to present the case. Anyone asked to attend in an advisory capacity will not previously have been involved in the matter in question.