



## Staff Grievance Policy and Procedures

### 1. Policy Statement

- 1.1 The Governing Body places responsibility upon all employees and line managers to develop a normal working relationship where:
  - employees are treated first and foremost as people with individual needs and expectations; and
  - any individual's problems are dealt with openly, promptly, fairly, frankly and as near to the source as possible.
- 1.2 To this end a Grievance Procedure has been formulated to aid the process and forms part of the overall Grievance Policy.
- 1.3 Where a problem is considered to be of a sufficiently serious nature to be termed as a grievance, the formal Grievance Procedure provides a framework for dealing quickly and fairly with the matter.
- 1.4 The policy and procedure have been reviewed and updated in line with the Employment Act 2008 and the ACAS Code of Practice on Grievance Procedures.

### 2. Purpose

- 2.1 A grievance is defined as "a complaint by an employee about action which his employer has taken or is contemplating taking in relation to him" (Employment Act 2002 (Disputes Resolution) Regulations 2004)
- 2.2 This policy and the accompanying procedure aims to ensure that all staff have access to a fair mechanism of raising and resolving any concern, grievance or certain other issues relating to their employment within the above definition.
- 2.3 However, the overriding principle is that matters considered within the formal Grievance Procedure are capable of being resolved. It follows that matters deemed irresolvable in the circumstances will need to be identified at an early stage to avoid any inappropriate use of resources.
- 2.4 The procedure does not apply to the following situations:
  - where the school has no control over the matter, although the school give information and advice where possible to help the employee resolve the matter. See also 6.5
  - the procedure has been invoked within 6 months of the completion of any action under the grievance procedure of the same or similar issue, unless the original action agreed to redress the grievance has not been implemented



- 2.5 This policy does **not** cover issues relating to the following matters for which separate policies/procedures exist to accommodate these specific circumstances:
- capability
  - discipline
  - raising concerns at work (whistleblowing)
  - absence, including sickness and ill health
  - matters which are the subject of national determination
- 2.6 Issues uncovered during the grievance process of a disciplinary nature will need to be followed up using the disciplinary procedure.
- 2.7 Grievances raised whilst an employee is subject to the disciplinary process may result in a temporary cessation of the disciplinary process to resolve the grievance. Where the issues are linked, the processes will be dealt with concurrently.
- 2.8 Wherever possible grievances should be completed whilst an employee is still in employment with the school. However, in the event that the process is not complete and the employment has ended, the council may continue the process and ex-employees are encouraged to participate in the process. In their absence a decision will be made based on all available information.

### 3. Principles

- 3.1 A grievance may be raised by an employee personally, or on behalf of the employee by a trade union representative or work colleague, by whom the employee may be accompanied at all stages of the procedure.
- 3.2 A grievance may not be progressed beyond Stage 1 without the exact nature of that grievance having been made clear to the Line Manager or Headteacher referred to in Stages 1 and 2 by the aggrieved party or the representative.
- 3.3 If new grievance complaints are registered at a later stage of the Procedure, these will be dealt with by referring those matters back to Stage 1.
- 3.4 Grievances can be best resolved by raising the issue informally and directly with the member of staff concerned. The use of the formal procedures should be used only where the informal approach is inappropriate or has been unsuccessful.
- 3.5 It is in the interests of all parties to resolve any grievance as speedily as possible. The time periods referred to in the procedure are maxima and every effort should be made to complete the processes as quickly as is practicable in the circumstances of the individual case.

### 4. Collective Grievances

- 4.1 Trade Union representatives or other workplace representatives may raise a collective grievance on behalf of their members or groups of two or more staff.



- 4.2 If, following informal discussions, the matter is unresolved, a formal collective grievance can be lodged with and heard by the Head Teacher of the school or the Governing Body depending upon the nature and scope of the issue
- 4.3 If this process fails to resolve matters then the collective grievance would be referred to the by way of an appeal.
- 4.4 The conduct of the process would be in accordance with the Grievance Procedure for individual grievances. However the timescale to hear the case would be within 20 working days of receipt of the request (or sooner where practicable)
- 4.5 In the event that the matter remains unresolved following consideration by the Chair of Governors, either side may refer the matter to ACAS for conciliation and/or mediation and/or arbitration.

## **5. Objectives**

- To address and resolve grievances as early and as quickly as possible.
- To prevent minor disagreements becoming major disputes unnecessarily.
- To find the most satisfactory resolution for all parties.
- To ensure that decisions are made objectively and are non-discriminatory.
- To maintain the relationship between RBWM, the School and its employees through support and involvement.
- To settle all grievances fairly, consistently and within reasonable time-scales.
- By encouraging better communications the likelihood of litigation can be reduced.

## **6. Advice and Confidentiality**

- 6.1 At any stage of the Grievance Procedure an employee may seek procedural advice from the HR Business Partner, Strictly Education.
- 6.2 At any stage of the Grievance Procedure line managers/Head Teachers must seek advice from the HR Business Partner team on all aspects of the procedure. In exceptional circumstances it may be appropriate to consider external mediation as part of the process. The HR Business Partner team can offer a view on this. During mediation the grievance procedure would be suspended pending the outcome.
- 6.3 In order to facilitate the proper consideration of and decision on a grievance, the employee will be required to authorise the disclosure of any appropriate information to relevant parties necessarily involved in the grievance process.
- 6.4 Those attending any meeting will keep all matters addressed through the Grievance Procedure, including the recording of grievance proceedings and records, entirely confidential and secure. All records will be kept in line with council policy and the Data Protection Act.
- 6.5 The council's Employee Assistance Programme provides employees with free confidential access to a telephone counselling and advice line. The contact number is 0800 116 4368, further details are available from the HR Business Partner Team.



## 7. Timescales

- 7.1 The timescales are set out in the procedure and wherever possible the procedure will be operated within those, although there may be occasions when this is not possible. Every effort will be made to progress matters without undue delay. Where it is not possible to respond within the specified time period then the employee will be provided with an explanation for any delay and an indication of when a response can be expected.
- 7.2 If the employee or their representative cannot attend on the notified date, another meeting will be arranged, so far as is reasonably practicable within 5 working days of the original date.
- 7.3 At any time a mutual agreement can be reached to set aside the time constraints detailed in the procedure in order to ensure the best opportunity of resolving the issues at the earliest possible stage.

## 8. Employee Representation

- 8.1 Employees have the right to be accompanied by a companion at formal grievance meeting which deals with a complaint about a duty owed by the employer to the worker, including issues arising from statute and common law. The chosen companion may be a work colleague, an accredited trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.
- 8.2 Employees are entitled to make a reasonable request to be accompanied and must supply the name of their chosen companion to the line manager considering their grievance. It is the employee's responsibility to make arrangements to be accompanied and to arrange for their companion to receive copies of any documents relevant to the case.
- 8.3 Under the ACAS Code the right to representation relates only to hearings for qualifying issues set out in 8.1.
- 8.4 In the case of a meeting, the companion has the right to address the meeting to put the employee's case, sum up the case and respond on behalf of the employee to any view expressed at the meeting. They can confer with the employee during the meeting. However, they may not answer questions on behalf of the employee or address the meeting if the employee does not wish them to.
- 8.5 A representative from the HR Business Partner team may be involved at all stages of the procedure and may attend all formal meetings in order to facilitate the process and actively seek a resolution.

## 9. Grievance Stages

- 9.1 Should an employee remain dissatisfied with the outcome of the initial grievance meeting they may progress to the next stage i.e. Stage 2. The meeting will not rehear the original case, but will focus on the management action taken to date and the reasons for the continued dissatisfaction of the employee with the outcome of the previous meeting. In progressing a



grievance, the employee must detail how, in their view, their grievance can reasonably be resolved to their satisfaction.

## 10. Responsibility

- 10.1 All those persons referred to within the scope of this policy and procedure is required to comply as far as possible with the provisions of the policy and procedure. These provisions may be varied from time to time at the trust's discretion, after consultation with staff representatives.
- 10.2 Any manager involved is required to keep within the spirit and intent of the policy as far as possible and in their own area. Any queries on the application or interpretation of this policy and procedure must be discussed with the HR Business Partner team prior to any action being taken.

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The Governing Body approved this policy on date: **29<sup>th</sup> November 2019**

Signed: \_\_\_\_\_ Chair of Governors

Signed: \_\_\_\_\_ Executive Principal



## Appendix 1

### Grievance Procedure for Schools

#### **11. Procedure**

##### **11.1 Informal Action**

11.1.1 Most routine complaints and grievances are best resolved informally in discussion with the employee's immediate manager or supervisor. Addressing grievances in this way can often lead to speedy resolution of problems and can help maintain the integrity of the immediate line manager who may well be able to resolve the matter directly.

11.1.2 Where this route is followed, a written note of the meeting and the outcome(s) should be kept.

11.1.3 Where informal action either fails to resolve the matter, or produces an outcome, which does not satisfy the employee, then the grievance may be pursued under the following formal Grievance Procedure.

##### **11.2 Stage One - Referral to Line Manager/Headteacher**

11.2.1 The employee should complete the Grievance Procedure Pro-forma and submit it to their line manager as that is the person who, in most cases, can best respond to the grievance.

11.2.2 If the grievance is directly related to the employee's Line Manager and it is not possible to resolve the grievance by discussion with them it will be appropriate to register the grievance with the Executive Principal.

11.2.3 If the grievance is directly related to the Executive Principal and it is not possible to resolve the grievance by discussion with them it will be appropriate to register the grievance with the Clerk to Governors for it to be considered by a member of the governing body.

11.2.4 Where the matter relates to a problem outside the immediate control of the Line Manager (for example, a pay issue or a problem in relation to the working environment), the Line Manager will raise the problem with an appropriate manager within the Department concerned through the Headteacher of the school.

11.2.5 A reply will be given as soon as possible and in any case within ten working days. Depending on the nature and circumstances of the grievance the employee may be required to attend a meeting to discuss their grievance before a response can be provided.

##### **11.3 Stage Two - Referral to Headteacher/Governing Body**

11.3.1 If an individual is dissatisfied with the outcome of Stage 1 and it appears that further discussions with the Line Manager/Headteacher would not be likely to resolve the matter, the employee may invoke Stage 2.



- 11.3.2 The employee should write to the Executive Principal/Clerk to Governors within 10 working days of receiving the outcome at Stage 1, confirming that the grievance remains unresolved either in full or in part, and setting out the way in which, in the employee's view, the grievance could be resolved in a reasonable manner.
  
- 11.3.3 A meeting chaired by the Executive Principal or the Governing Body grievance panel will be arranged within 10 working days to discuss the grievance with the relevant parties. No new material may be introduced by either side at this stage. However, the Headteacher or grievance panel may suggest a different approach or have regard to other material facts not raised by the parties in an effort to resolve the problem. The decision of the Headteacher or grievance panel will be notified to the employee within 10 working days of the meeting.
  
- 11.3.4 The decision of the Headteacher or the grievance panel will be final on all matters including questions of grading.



## Appendix 2

### Grievance Procedure Proforma

This pro-forma must be used to progress all individual grievances where the formal procedure is to be invoked.

**Name:** .....

**School:** .....

**Name of Representative, if any:** .....

**Have the concerns been raised informally? YES/NO**

**If so,                      When?  
                                    With whom?  
                                    What was the outcome?**

.....

Please give full details of your concerns including dates and, where appropriate, persons involved together with how you would wish the grievance to be resolved.

**Detail of Grievance**

**Desired Outcome**

**Declaration**

I wish to invoke the formal grievance procedure and in doing so give permission for all relevant information contained within the above statement and any additional or associated information I or my manager may provide or deem to be relevant, to be released to other parties necessarily involved in the grievance consideration process.

**Signed:** .....

**Date:** .....





**Appendix 3**

**Grievance Procedure Response Proforma**

N.B. A copy of this form must be forwarded to the HR Business Partner, Strictly Education, immediately following satisfactory resolution of the grievance at any stage of the Procedure.

**Stage One Formal Consideration**

Number of meetings held:.....

Date(s) of meetings held: .....

Manager involved:.....

Employee accompanied/represented? YES/NO

**Details of Management response/action**

**Outcome**

**Date Outcome communicated to employee: .....**

**Grievance resolved satisfactorily? YES/NO**

**If NO, is grievance being progressed to Stage Two? YES/NO**

**If YES, employee to sign and date here**

**Signature:..... Date: .....**



**Stage Two Consideration**

Number of meetings held:.....

Date(s) of meetings held: .....

Manager involved:.....

Employee accompanied/represented? YES/NO

**Details of Management response/action**

**Outcome**

**Date Outcome communicated to employee: .....**

**Grievance resolved satisfactorily? YES/NO**

**Headteacher/Governor Signature:.....Date: .....**

**Employee Signature:.....Date.....**