…….SCHOOL

GRIEVANCE PROCEDURE FOR ALL STAFF

Autumn Term 2010

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1. Introduction

1.1. The governing body values its employees and recognises the contribution they make to the school's vision and aims. We are committed to treating our employees in a fair and respectful manner and endorse their right to expect the same of all managers and colleagues.

1.2 Headteachers and staff should actively work together to resolve any people management or day-to-day work related issues promptly and sensibly. Depending on the nature of the issue this can sometimes be challenging and occasionally make people both anxious and frustrated. It is important however, that the grievance procedure is only followed when all other internal processes have been exhausted.

1.3 All employees have the right to raise a grievance relating to work place issues and expect that it will be dealt with seriously, swiftly and fairly. It is our aim to resolve the grievance between the parties by action as close as possible to the point of origin and to prevent escalation into a more serious dispute. A successful outcome is less about apportioning blame and more about achieving a way forward that is acceptable to all parties.

1.4 Any formal grievance, and relevant notes, raised under these procedures will be recorded and placed on the employees' personal file. Individuals considering putting forward a complaint under this procedure must consider whether the School's Grievance or Dignity at Work Procedure is the most appropriate to use. It would not be possible to switch from one procedure to another once a formal complaint has been raised.

1.5 The governing body expects that in raising concerns under this Procedure, staff will be acting in good faith. Accordingly, if on enquiry there has been a misunderstanding/ misinterpretation and concerns are not confirmed, no action will be taken. However, should it be established in any case that concerns have been raised or allegations made maliciously, frivolously, or for personal gain, disciplinary action could be taken in line with the School's Disciplinary Procedure.

2. Link with other Procedures

2.1 Grievance cases will follow the general employee relation's principle, that a case being formally considered under one procedure cannot be switched to another procedure. However, if an employee raises a matter informally under the grievance process which would be more effectively dealt with under an alternative procedure then the employee may be advised to use that route.

2.2. Generally, a grievance that is related to an ongoing disciplinary will be lodged

but not investigated until the disciplinary case is completed. In very exceptional circumstances the disciplinary process may be suspended for a short time following a serious complaint about the behaviour of the headteacher involved in the disciplinary process. This will only occur where there is evidence of serious concerns about the headteacher's behaviour, which relates to the disciplinary matter being considered and the complaint is raised formally under the appropriate school procedure. Such a suspension of the process is to allow a preliminary consideration of the complaint by the Chair of Governors who should not be involved in either the complaint or the disciplinary case. The Chair of Governors (or other governor if the Chair is involved) giving this consideration should consider all inter-related issues before deciding whether the disciplinary process or a full investigation of the complaint should take precedence.

3 Who does the Grievance Procedure apply to?

3.1 The following procedure applies to all School employees, full or part time, temporary or casual but excluding contractors staff or volunteers working in school.

3.2 External agency staff are not employees of the School and should raise any grievance with their Agency who may pursue the issue with the School.

4. Definition of a Grievance

4.1 A grievance can cover any concern, problem or complaint that an employee raises with their line manager except for the matters listed below. As per section managers, headteachers and staff should actively work together to resolve any people management or day-to-day work related issues promptly and sensibly. The grievance procedure should only be followed when the informal resolution process (section 9.4) has been exhausted.

This procedure excludes:

- Any matter that is being processed under the Disciplinary Procedure.
- Grading appeals under the Job Evaluation Process or any form of disputes relating to pay
- Assessments under any Performance Management Procedure
- Any form of Trade Union dispute
- Matters outside the control of the School e.g. national conditions of service, pension regulations, income tax
- Any matter that can be dealt with under an appeals processes of any other school policy or procedure including Disciplinary, Performance Management, Redundancy, Capability, Whistle-blowing, Managing Absence or Job Evaluation procedures. (As an example the School's Dignity

at Work Procedure outlines the procedure for dealing with cases of bullying or harassment). This is an illustrative list only.

5. Responsibilities of the employee and headteacher

5.1 It is the responsibility of an employee to raise a grievance about any action by their manager (this could also be the headteacher) or work colleague that could form the basis of a complaint by the employee.

5.2 The headteacher is responsible for responding to the grievance and taking action under this procedure.

5.3 The headteacher is advised to notify the appropriate HR advisor as soon as the employee requests formal action.

5.4 Employees must ensure that any grievance raised under the formal grievance procedure is recorded in writing using 'the grievance report form' which is attached to this procedure.

5.5 Headteachers, Chairs of Governors and Governors are advised to have an HR advisor present or involved at Stages 1, 2 and 3 of the Formal Stage.

5.6 The appropriate HR Advisor can provide headteachers and governors with advice and guidance throughout the formal stages of the grievance procedure.

6. Principles to Consider When Raising a Grievance

6.1 Advice or counseling by a colleague is often the first and most satisfactory way in which to resolve an issue. However where this has not worked, or is not appropriate, the following outlines the procedure to follow for raising a Grievance.

6.2 If an employee has a grievance they should raise it with their headteacher to seek redress and to be treated in a fair and effective way.

6.3 Headteachers should address all grievances raised, whether or not the grievance is presented in writing. In some instances details of the procedure may need to be explained verbally or provided in Braille.

6.4 Where appropriate, headteachers may need to encourage employees to seek help to express their grievance in writing. In these circumstances the employee should be encouraged to seek help from a work colleague, trade union or other employee representative.

6.5 Where the grievance is against the headteacher, the Chair of Governors (or other previously nominated Governor) will assume the role assigned to the

headteacher (the receiving officer) in this Procedure.

6.6 If at any stage a grievance is raised against another employee then a mediator may be requested to mediate in the case. Should this situation arise then contact can be made with the appropriate HR Advisor or any other HR advising service to discuss alternatives.

6.7 If a group needs to raise an issue that affects them all, the group need to choose two people to represent the group and submit a letter signed by all, which makes arranging meetings and presenting information more effective. The outcomes of the grievance will however apply to the whole group, including any financial implications. Where appropriate Trade Unions should be involved.

7. Timeframe for Raising a Grievance informally

7.1 Grievances can only be raised under this procedure by employees whilst they are still in employment with the School. Employees should raise a grievance as soon as possible after the occurrence to which the grievance relates, when issues are fresh in people's minds and in any event within 10 school days of knowledge of or the event (in this procedure school days is taken to mean the 195 day school calendar that all maintained schools are required to have each year). No grievances should be more than three months from the date of occurrence. Previous incidents can be referred to where they are relevant to the current grievance being raised.

7.2 Where an employee who has raised a grievance is requested to provide further relevant information to facilitate the investigation but fails to co-operate or provide this within 20 school days management can agree that the grievance has lapsed and will not be pursued.

7.3 If an employee has raised a grievance and then leaves the school's employment before that grievance is resolved and the employee wishes to pursue the grievance, they must do so in writing within 20 school days of their formal leaving date. On receipt of their written grievance, this will be investigated and responded to.

8. Mediation and Conciliation

8.1 Mediation

8.1.1 Mediation is the unbiased and objective intervention by an independent third party to help in the full discussion of a problem and the agreement on an outcome. Mediators do not take sides or lead the parties into any particular course of action; they will ensure that all the issues have been raised and that

there is no misunderstanding between the parties. It is the School's policy to resolve grievances as far as possible through the informal stage and expects both the employee and the headteacher manager to exhaust the early stages of the procedure.

8.1.2 Mediation is carried out by an independent person, who talks to all parties concerned with the objective to seek satisfactory resolution. The cost of any mediation will be met from the school's budget.

8.1.3 Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying or harassment.

8.1.4 Both parties must agree to mediation. If any of the parties does not agree to mediation, mediation cannot be used to resolve the issues.

8.1.5 Mediators used should be trained or experienced to deal with the issues between the parties.

8.1.6 If the parties are able to resolve the matter through mediation, no further action will be taken.

8.1.7 If any of the parties do not agree to mediation they should state their reasons, in writing, to the other party within 5 school days of their refusal to participate in mediation.

8.18 Mediation should ideally be arranged within 20 school days of the informal grievance being raised.

8.2 Conciliation

8.2.1 Conciliation takes place where an agreement has been reached and a conciliator will monitor the resolution and help restore a positive working relationship. The conciliator outlining the details will provide a written statement.

8.2.2 Conciliation is the process of assisting all parties to return to an effective working relationship once a decision has been made.

8.2.3 Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.

8.2.4 The person providing mediation or conciliation will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

9. Raising a Grievance

9.1 Employees will normally be expected to go through the informal grievance procedure unless they have reasonable grounds to believe that by doing so they might be exposed to a significant threat, such as violent, abusive or intimidating behaviour, or are likely to be harassed. In cases such as this the procedure may need to be modified and the Dignity at Work Procedure considered as an alternative.

9.2 At all stages of the formal procedure the employee is entitled to be accompanied by a workplace colleague from the School or a trade union representative, but this choice must not be the cause of a delay to the meeting being held. If the employee or representative is unable to make the proposed date an alternative date will be suggested so long as it is reasonable and not more than 5 school days after the original date. A decision may be taken in the employee's absence, based on evidence to hand, if they fail to attend the re-arranged meeting without a substantial reason.

9.3 If an individual wishes to raise a grievance they should follow the procedure set out below:

9.4 Informal Resolution

9.4.1 To deal effectively with a grievance it is important that the basis of the grievance is clearly understood and the desired outcome stated at the start. This will ensure that the whole process is correctly focused on an acceptable and reasonable resolution. If the manager reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary the meeting should be adjourned to get advice or make further investigation.

9.4.2 If the employee has a grievance about a workplace issue they should discuss it informally with their headteacher.

9.4.3 Both the headteacher and the employee have the right to request the assistance of a mediator in the resolution of issues.

9.4.4 The headteacher will appoint someone to take notes and keep a brief record of the discussion. This will not be placed on the employee's personal file.

9.4.5 Where the problem relates to a colleague(s) the employee may wish to discuss the issue directly with the relevant member of staff.

9.4.6 The aim should be to resolve the matter within 20 school days (40 if mediation is sought – although this may be extended by agreement of both parties where the mediation is taking place over a longer period of time). If the matter is

complex and involves a series of decisions and/or actions by other parties the resolution may take longer. It is important that steady progress is being made towards a resolution. However, if agreement has not been achieved within eight school weeks, or if either party feels that the other is being deliberately obstructive or unhelpful, the matter should normally be referred to the formal stage of the procedure.

10. Formal Stages

10.1 Employees can only move to Stage 1 of the Formal process when they have exhausted the Informal Stage of the process. In very exceptional circumstances the employee may raise a grievance formally to their headteacher without having exhausted the informal stage.

10.2 If the employee is not satisfied with the outcome of the informal stage and decides to move to the formal stage then they must submit their formal grievance to the headteacher within 10 school days of the failure to reach a resolution informally by discussion or mediation.

The Formal Stage has 2 steps:

- Stage 1:- Formalising the issue in writing & meeting to discuss the issue
- Stage 2:- The right to appeal to Chair of Governors against the stage 1 decision

A) Stage 1

Formalising in Writing

- If the employee feels that the matter has not been resolved through informal discussions they should put the grievance in writing to their headteacher,

or

- If in very exceptional circumstances, the employee believes a more formal approach is necessary from the outset they should initiate the grievance procedure at this point by putting the grievance in writing to their headteacher.

  NB: Where the grievance is against the headteacher, the Chair of Governors (or other previously nominated Governor) will assume the role assigned to the headteacher, at this stage of the Procedure.

- The employee must set down in writing the nature and the basis of the grievance. This should be done using 'the grievance report form', which can be obtained from the school office. (See Appendix 1 for Grievance form).

- The headteacher/governor having received the grievance (i.e. the receiving officer) should respond within ten school days from receipt of the employee's written grievance, and will arrange a meeting with the employee to discuss the matter. This should take place within 15 school days of the formal grievance being received. (It should be recognised that this meeting may have to be in an evening or outside of the employee's normal working day).• The employee should take all reasonable steps to attend the meeting otherwise the receiving officer based on evidence presented will take a decision.
- The employee is entitled to present documents and witnesses at the meeting. If the employee wishes to exercise this right they must give their manager a minimum of three school days' notice of what is to be produced.

The Meeting

- At the meeting the receiving officer can be accompanied by an advisor from Human Resources Service or other appropriate HR advisor used by the school.
- The employee will have the right to be accompanied by a trade union representative or a workplace colleague of their choosing.
- The employee will have the opportunity to present witness statements either in writing or by personal attendance. The employee should notify the receiving officer if they wish to exercise this right, supplying details, and giving a minimum of three school days' notice.
- Within 10 school days after the meeting, the employee will be informed by the receiving officer about any decision and offered the right of appeal.
- A written record of the meeting will be given to the employee and others present at the meeting within 10 school days from the meeting.

B) Stage 2 –appeal to Chair of Governors against the stage 1 decision

- If the employee is not satisfied with the decision at Stage 1 they can raise an appeal by writing to the Chair of Governors (c/o the school) stating clearly the details of the original grievance, the specific grounds for appeal and expected outcome. The appeal hearing will be a review of the Stage 1 decision on the basis of one or more specific grounds. It will not be an opportunity for the employee to re-run the original complaint. (see Appendix 2 for Grievance Appeal Form).
- The Chair of Governors must receive the grievance form within 10 school days of the individual receiving the stage 1 decision letter. An extension of time should only be granted in extenuating circumstances.
- The Chair of Governors is advised to seek advice from a Human Resources advisor and will either investigate the appeal themselves or delegate the role of investigating the appeal to another governor (referred to as the investigating governors). If the investigation is delegated the governor will then report back their findings to the Chair who will then reach a decision and inform all parties of the outcome of their appeal.
- The Chair of Governors will examine all the evidence submitted by the employee and the investigating officers at previous stage (and that of the investigating

governor if appointed); consider the employee's case and the grounds for the decision of the stage 1. This should be completed within 20 school days of the stage 2 grievance being received by the Chair of Governors.

- Normally both parties will be seen separately as part of the investigation. Only in very exceptional circumstances, where it is deemed advantageous based on the sensitivity of the grievance, would both parties be seen together. This decision will be made at the discretion of the person hearing the appeal after seeking advice from the Human Resources Advisor.
- The outcome of the appeal will be notified to the individual, as soon as is reasonably practicable, though this should be within 30 school days of the Chair of governors receiving the stage 2 grievance.

Where the grievance is against the headteacher and has been heard by the Chair of Governors (or other previously nominated Governor) at Stage 1 of this Procedure and the employee is not satisfied with the decision at Stage 1, they can progress to Stage 3 to appeal to the Governor's Committee

C) Stage 3 – Appeal to Governors Committee

This procedure is in respect of appeals related to a grievance. If the employee remains aggrieved he/she may appeal to the Appeal Committee which will consist of at least three governors who have not been involved in the issue (the Governors Appeals Committee).

- The Chair of Governors must receive the grievance appeal form (appendix 3) within 10 school days of the individual receiving the stage 2 decision letter. An extension of time should only be granted in extenuating circumstances.
- The appeal will be forwarded to a committee of three governors for consideration. The committee is strongly advised to seek advice from a Human Resources advisor.
- The Committee will examine all the evidence submitted by the employee and the investigating officers at previous stage meetings; hear the employee's case and the grounds for the decision of the stage 1 & 2 decision makers.
- Normally both parties will be seen separately. Only in very exceptional circumstances, where it is deemed advantageous based on the sensitivity of the grievance, would both parties be seen together. This decision will be made at the discretion of the committee considering the appeal after seeking advice from a Human Resources Advisor.
- The outcome of the appeal will be notified to all parties, as soon as is reasonably practicable, though this should be within 25 school days of the stage 3 grievance being received by the Chair of Governors.
- The Panel's decision will be final.

10. Monitoring

10.1 Monitoring of all grievance cases by age, disability, ethnicity and gender will be carried out on a periodic basis by the school to ensure that any disproportionate impact on a particular group is highlighted and addressed appropriately. Schools are responsible for recording and monitoring their own cases and informing Human Resources Service who will monitor the Council-wide impact.

Adopted by the governing body on……

Signed……Chair of Governors

Appendix 1

GRIEVANCE FORM – STAGE 1 OF THE FORMAL PROCEDURE
To be completed by an employee who has a grievance with the School that
a) remains unresolved after exhausting the informal stage of the Grievance Procedure
or
b) believes it to be necessary to elevate to the formal stage in the first instance

To: Headteacher (or chair of governors if headteacher involved)

FROM: JOB TITLE:

On …….I raised a grievance, which has been investigated under the informal stage of the grievance procedure.

The investigation at the informal resolution stage was concluded on: ……

- but I am not satisfied with the outcome because:-

I wish to raise this grievance formally and take it to Stage 1 of the grievance procedure

NB-Where raised informally, no new issues can be raised at this stage
Give below details of the grievance/s that:
still remain unresolved after the Informal stage of the procedure
or
are being raised for the first time at the formal stage of the procedure :

The expected outcome:

Signed: Date:

Appendix 2

GRIEVANCE FORM – STAGE 2 - APPEAL AGAINST STAGE ONE DECISION

To be completed by an employee who has a grievance with the School that remains unresolved after exhausting informal stage and stage 1of the Grievance Procedure

To: Chair of Governors:

FROM: JOB TITLE:

On I raised a grievance, which has been investigated under formal stage 1 of the grievance procedure.

The investigating officer was

The investigation has been completed but I am not fully satisfied with the decision.

I wish to appeal the decision under Stage 2 of the Grievance Procedure

NB-No new issues can be raised at this stage.

Details of the original grievance that still remain unresolved after Stage 1 and reasons why the decision should be re-heard:

The expected outcome:

Signed: _____ Date _____

APPENDIX 3

GRIEVANCE FORM – STAGE 3 - APPEAL AGAINST STAGE TWO DECISION
To be completed by an employee who has a grievance with the School that remains unresolved after exhausting stages 2of the Grievance Procedure

To: Chair of Governors:

FROM: JOB TITLE:

On I raised a grievance, which has

been investigated under formal stage 2 of the grievance procedure.

The investigating officer was

The investigation has been completed but I am not fully satisfied with the decision.

I wish to appeal the decision under Stage 3 of the Grievance Procedure

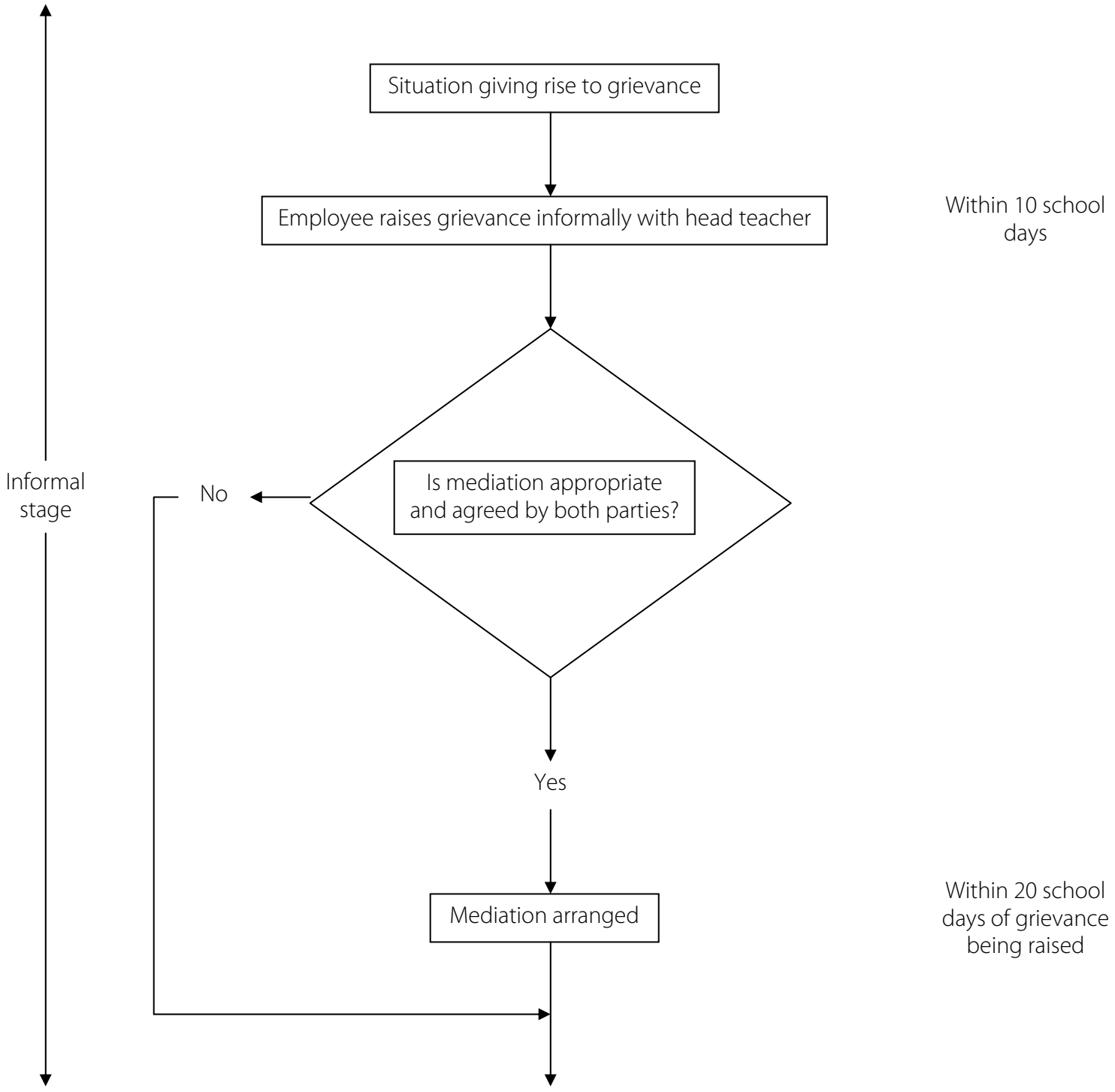
NB-No new issues can be raised at this stage.
Details of the original grievance that still remain unresolved after Stage 2 and reasons why the decision should be re-heard:

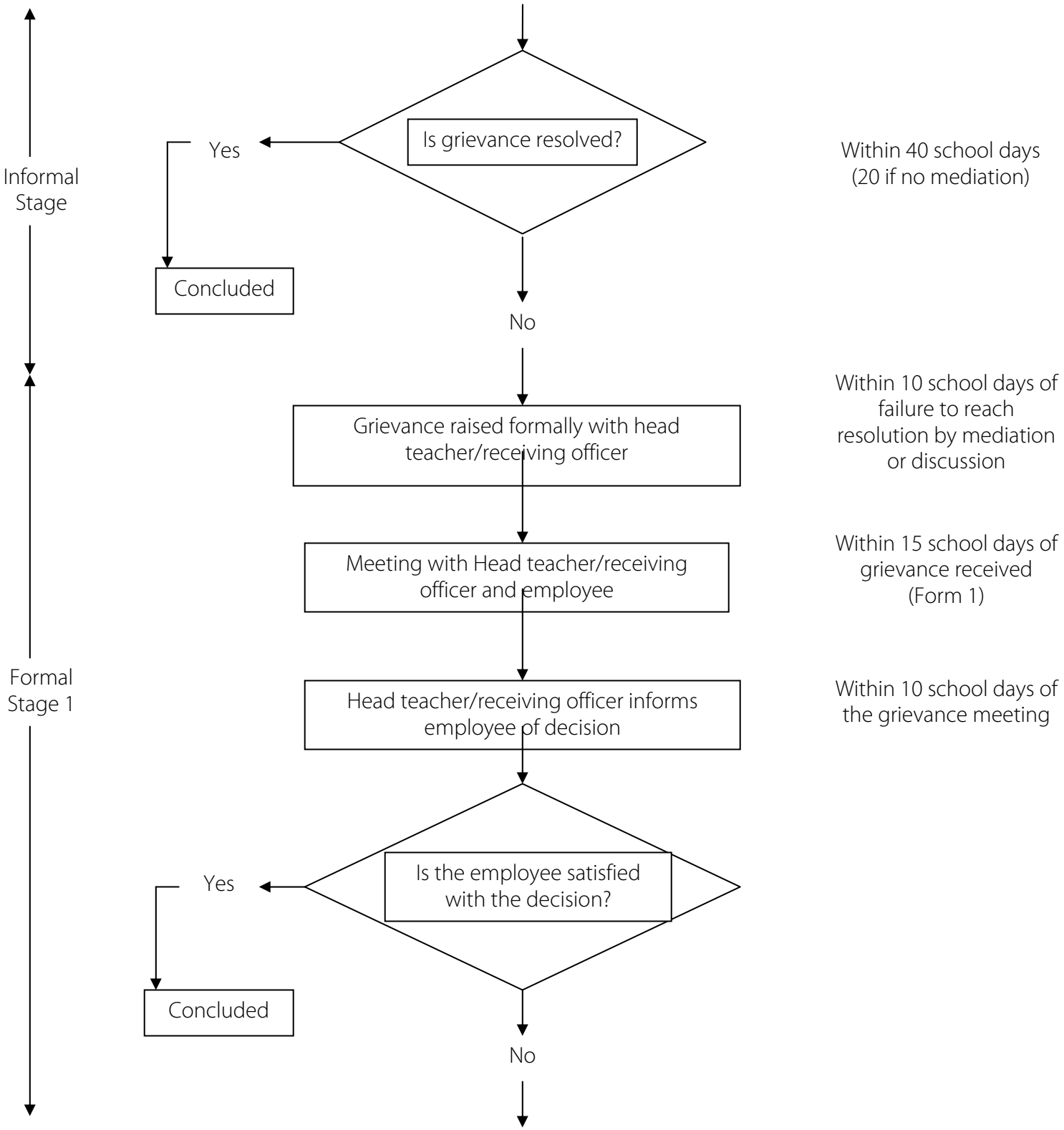
The expected outcome:

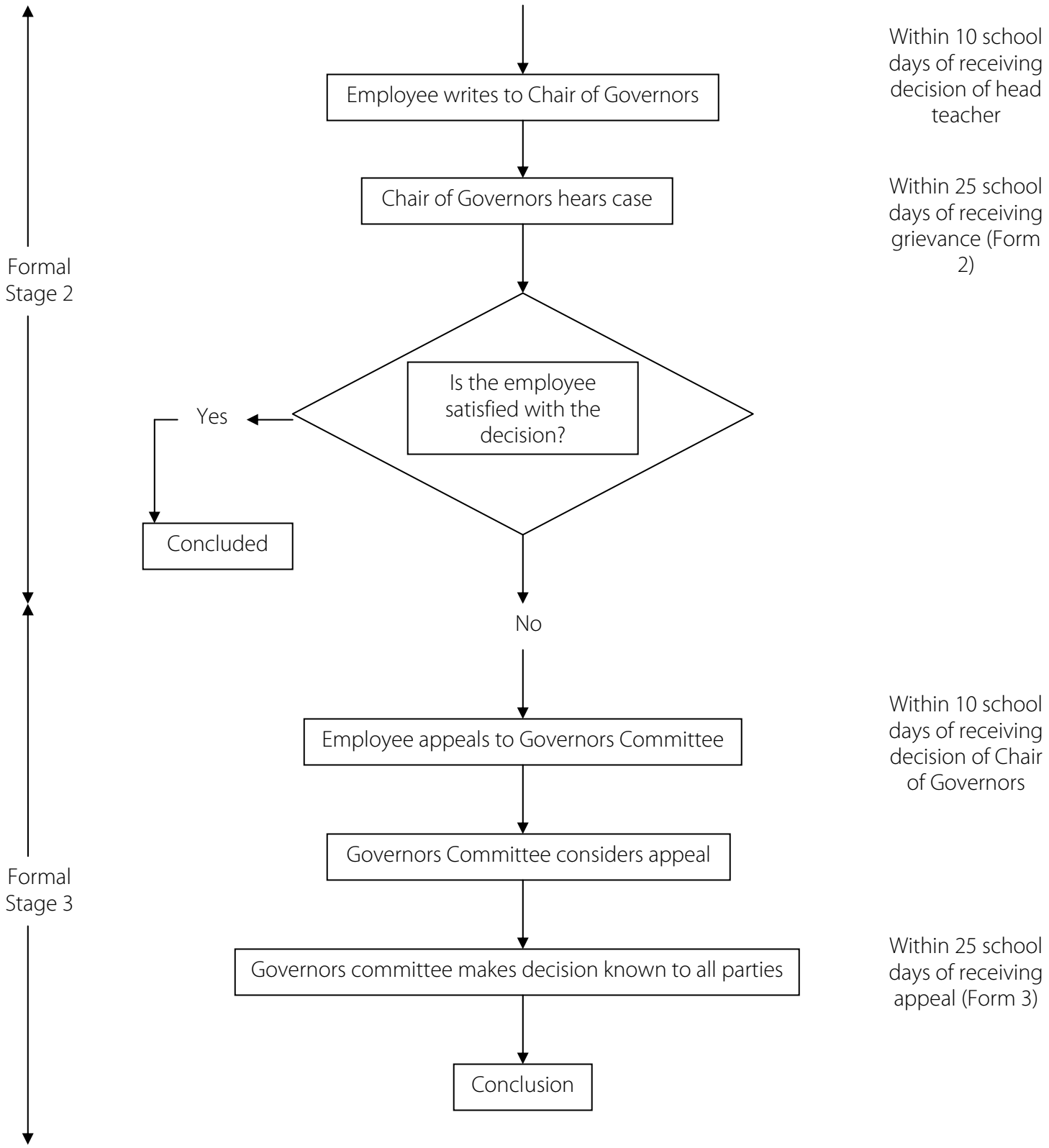
Signed: _____ Date _____

Grievance Procedure

Timeline for formal and informal action




Informal Stage
Is grievance resolved?
Yes
Concluded
No
Within 40 school days (20 if no mediation)
Formal Stage 1
Grievance raised formally with head teacher/receiving officer
Within 10 school days of failure to reach resolution by mediation or discussion
Meeting with Head teacher/receiving officer and employee
Within 15 school days of grievance received (Form 1)
Head teacher/receiving officer informs employee of decision
Within 10 school days of the grievance meeting
Is the employee satisfied with the decision?
Yes
Concluded
No


Formal Stage 2
Employee writes to Chair of Governors
Within 10 school days of receiving decision of head teacher
Chair of Governors hears case
Within 25 school days of receiving grievance (Form 2)
Is the employee satisfied with the decision?
Yes
Concluded
No
Formal Stage 3
Employee appeals to Governors Committee
Within 10 school days of receiving decision of Chair of Governors
Governors Committee considers appeal
Governors committee makes decision known to all parties
Within 25 school days of receiving appeal (Form 3)
Conclusion