

## **GRIEVANCE POLICY**

The Governing Body believes:

Grievances raised may be relatively simple in nature or of fundamental importance significantly impinging upon the employee's ability to work effectively.

Unresolved grievances are likely to detract from the achievement and maintenance of satisfactory work standards.

Grievances will be examined carefully and as quickly as possible in accordance with Portsmouth City Council's Grievance Policy for all staff in Schools.

### **1. INDIVIDUAL**

Grievances are concerns, problems or complaints that an employee may raise with the school. The grievance procedure provides a mechanism for those issues to be dealt with fairly, efficiently and consistently, whilst maintaining confidence and trust between the individual and the manager(s).

The majority of grievances should be resolved through informal discussion and mediation without the need to invoke the formal stages of the procedure. The procedure for raising a grievance informally is shown in paragraph 7 and its use is encouraged if appropriate to the issue being raised.

Grievances should be examined carefully and be dealt with as quickly as possible. Long delays can make the situation worse and may give employees the impression that managers in schools are reluctant to deal with their complaints.

### **2. GRIEVANCE TYPES**

This procedure is designed to enable an individual employee to raise issues with management about such subjects as:

- Terms and conditions of employment.
- Health and Safety.
- New working practices.
- The working environment.
- An appeal against how the Dignity at Work procedure has been followed or the outcome of the procedure.
- A concern regarding how a complaint against a third party (for example, a parent or an outside agency) has been dealt with.

If any issues are raised regarding discrimination, bullying or harassment or of prejudice in employment decisions, an employee should follow the Dignity at Work Policy.

There are separate procedures for Group Grievances and Collective Grievances.

The procedure should not be used for raising issues which are outside the responsibility or control of the Governing Body. It should not be used where separate mechanisms exist.

### **3. GENERAL PRINCIPLES**

All employees will be treated with respect and dignity throughout the grievance procedure, in accordance with the Equal Opportunities Policy.

At any stage of the procedure the employee may be accompanied by a representative from their trade union or a work colleague. This will be recommended to the individual at the formal stages.

When anyone with a disability covered by the DDA becomes involved in the grievance procedure, reasonable adjustments should be made.

Where an employee has difficulty expressing themselves because of language or other difficulties they may like to seek help from a trade union representative or a work colleague. The employee should inform the Manager/Headteacher where appropriate and arrangements will then be made if necessary.

If an employee raises a grievance formally, this should be done in writing and the letter should set out the nature of the grievance. In the case of an appeal, the letter should set out the grounds for the appeal.

Both the employee and the school should seek to raise and resolve grievance issues without unreasonable delay.

Managers should inform the Headteacher of any grievances that they receive and should find out from the Headteacher whether similar grievances have been raised before by other members of staff, how they have been resolved and any follow up action taken. This should aid consistency of treatment. However, confidentiality must be maintained.

The Headteacher should seek advice from the Schools Human Resources Team when a formal grievance is raised.

When a grievance is received, care should be taken to ensure that although the Headteacher must be informed, the case should not be considered by the Headteacher if they have responsibility for being a decision-maker during a disciplinary procedure. This is in case the grievance becomes subject to the disciplinary procedure.

Where applicable, an Investigating Officer will carry out any necessary investigations to establish the facts of the case.

It is important to ensure that all parties (including witnesses) understand the need for confidentiality.

If a formal grievance hearing is arranged, all parties should take all reasonable steps to attend the hearing.

Time limits for a management response are included within the formal stages of the procedure. This is to reinforce the need to deal with a grievance as quickly as possible, so that the employee is able to return to full concentration on work duties. The process should be conducted without unreasonable delay but should also try to take into account the working patterns of all those involved in the case. Timescales may be varied by mutual agreement in exceptional circumstances.

Records must be kept of all informal and formal grievances raised. The records should be stored by the school securely and be kept separate from personal files. A copy of the final outcome letter of a formal grievance should be kept on the individual employee's file.

Any action taken due to the outcome of the grievance hearing should be monitored and reviewed by the Line Manager/Headteacher/Representative of the Leadership Team/Chair of Governors as appropriate to ensure that it effectively deals with the issues raised.

#### **4. SUPPORT**

Employees may wish to contact a representative from their Trade Union.

All employees have access to trained counsellors at no charge to themselves. The services are independent and completely confidential.

The Oakdale number is 0800 027 7844.

Teachers also have access to Teacher Support Line on 08000 562 561 or [ww.teachersupport.info](http://ww.teachersupport.info).

These are 24 hour, 7 days a week, confidential telephone helplines. Face to face counselling can also be arranged.

#### **5. HEADTEACHERS**

If a formal grievance is against the Headteacher or is raised by the Headteacher, the grievance letter should be sent to the Chair of Governors.

If a formal grievance is against the Headteacher or a formal grievance is raised by the Headteacher, the process should go straight to Stage 2 but be heard by the Chair of Governors instead of the Headteacher.

If a grievance raised by a Headteacher lies with a member or members of the Governing Body or the Governing Body collectively, the Strategic Director (or representative) will endeavour to find a solution to the grievance within the mediation process.

#### **6. THE PROCEDURE**

The grievance procedure consists of the following stages.

- Raising a grievance informally
- Mediation
- Formal Stage 1
- Formal Stage 2
- Appeal

#### **7. RAISING A GRIEVANCE INFORMALLY**

The majority of grievances can be resolved through informal discussion with the line manager without the need to invoke the formal stages of the procedure.

Informal discussion helps concerns to be heard and responded to as soon as possible. Where this has been unsuccessful, or circumstances make this route inappropriate for the individual, then matters should be raised formally through the grievance procedure.

Although any discussion is informal, the line manager should still keep a record, showing the date and time of the meeting and briefly stating what was discussed and the outcome. The record should be stored securely and be kept separate from personal files.

#### **8. MEDIATION**

If the grievance is not resolved to the satisfaction of the employee in an informal way, or, at any other stage in the process, it is open to the parties involved to request mediation.

Formal stages must be suspended if mediation takes place.

If mediation is requested, the Headteacher will contact the Schools Human Resources Team for advice about mediation and how it can be arranged, if appropriate.

Mediation is a voluntary process where the trained mediator helps two or more people in dispute to attempt to reach an agreement. In order for mediation to be used, the process must be agreed upon by all parties involved, before it begins.

All parties involved will be informed by the Schools Human Resources Team within 10 working days of requesting mediation, as to the way in which the mediator intends to proceed.

If, at any point, any party becomes dissatisfied with the approach the "mediator" is taking, the formal procedure may be resumed. The mediation stage should not extend over more than 1 calendar month unless all parties agree that a longer time span can apply.

If the grievance rests against either a senior member of staff or the Headteacher it would be sensible for the parties to consider a request for mediation at an early stage.

## **9. FORMAL PROCEDURE - STAGE 1**

If raising the grievance informally or mediation does not resolve the issue, or the grievance is significantly serious, the employee should raise the matter formally with the Line Manager. This should be done in writing and should set out the nature of the grievance. If the grievance lies with the Line Manager, the employee may raise the grievance with the next most senior manager who is not the subject of the grievance.

Preferably, the letter should also include a general statement of each grievance point and include specific examples of each point.

The manager will inform the Headteacher that they have received a formal grievance and should find out from the Headteacher whether similar grievances have been raised before by other members of staff, how they have been resolved and any follow up action taken. This should aid consistency of treatment. However, confidentiality must be maintained.

An Investigating Officer should carry out any necessary investigations to establish the facts of the case.

The manager should meet with the employee to hear the grievance within 10 working days of receiving the grievance depending on the availability of those involved. The employee will be notified in writing of the date, time and venue for this hearing. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their trade union or a work colleague. The letter will inform them of who will attend the hearing and ask them to submit any relevant documents or witness information before the day of the hearing.

If sufficient information regarding the grievance has not been provided already, the letter should request that the nature of the grievance should be stated in writing and if possible, a general statement of each grievance point and examples of each point should be provided.

If appropriate, the Headteacher will invite a representative from the Schools Human Resources Team to attend. A note taker for the manager may also attend and act as a witness of events.

The manager may invite other parties involved in the grievance to the hearing depending on the circumstances of the case and provide a letter in accordance with Appendix 3, paragraph 4 if appropriate.

Within two working days of the hearing (or as soon as practicable thereafter) the manager will inform all parties involved in writing of their decision and the reasons for the decision. Where

appropriate, the letter will set out what action will be taken to resolve the grievance. The letter will also inform the employee of their right to move to Stage 2 of the formal procedure if they are not happy with the outcome of the hearing.

## **10. FORMAL PROCEDURE - STAGE 2**

If the grievance is not satisfactorily resolved at Stage 1, the employee should raise the matter formally with the Headteacher within 10 working days of receiving the Stage 1 decision. This should be done in writing setting out the nature of the grievance.

Preferably, the letter should also include a general statement of each grievance point and include specific examples of each point.

The Headteacher (or representative from the Leadership team) should meet with the employee to hear the grievance within 15 working days of receiving the letter depending on the availability of those involved.

The employee will be notified in writing of the date, time and venue for the hearing. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their trade union or a work colleague. The letter will inform them of who will attend the hearing and request that the employee submits to the Headteacher (or representative from the Leadership team) any relevant written documents for consideration by the Headteacher (or representative from the Leadership team) no later than 5 working days before the grievance hearing. The letter will state that the employee may invite witnesses to attend and that they must submit names and information regarding the witnesses no later than 5 working days before the grievance hearing.

If sufficient information regarding the grievance has not been provided already, the letter should request that the nature of the grievance should be stated in writing and if possible, a general statement of each grievance point and examples of each point should be provided.

The Headteacher (or representative from the Leadership team) will invite a member of the Human Resources Team.

The Headteacher (or representative from the Leadership team) will invite other parties involved in the grievance depending on the circumstances of the case and provide a letter if appropriate.

Within two working days (or as soon as practicable thereafter) the Headteacher (or representative from the Leadership team) will inform all parties involved in writing of their position on the grievance, reasons for the decision and details of appeal arrangements. Where appropriate, the letter will set out what action will be taken to resolve the grievance.

## **11. APPEAL**

The final stage grievance appeal may be instigated if the aggrieved employee feels that their grievance has not been satisfactorily resolved or that the grievance procedure was incorrectly operated.

The appeal must be made in writing to the Clerk to the Governing Body within 10 working days of the employee being informed of the original outcome. The letter must state the grounds for the appeal, preferably giving full details of how the decision to appeal was made.

If the aggrieved employee decides to appeal against the decision made, the Appeals Committee of the Governing Body will meet with the employee to hear the appeal.

The hearing will normally be held within 20 working days of receiving the appeal letter, depending on the availability of those involved.

The employee will be notified in writing of the date, time and venue for the appeal hearing. The letter will inform the aggrieved employee that they can attend accompanied, if they wish, by a representative from their trade union or a work colleague. The letter will inform the employee of who will attend the hearing and request that they submit to the Clerk to the Governing Body any relevant written documents for consideration by the Governing Body no later than 5 working days before the appeal hearing is due. The letter will state that the employee may invite witnesses to attend and that they must submit names and information regarding the witnesses no later than 5 working days before the appeal hearing is due. If sufficient information regarding the appeal has not been provided in writing, the letter should ask for the grounds for the appeal.

The Clerk to the Governing Body will invite other parties involved in the grievance depending on the circumstances of the case and provide a letter if appropriate.

The composition of the Appeals Committee of the Governing Body will be made up of a minimum of three members of the Governing Body, one of whom shall be the Chair or Vice-Chair. In no case will the persons considering the appeal have had any involvement in decisions taken under previous stages.

The decision of the Appeals Committee of the Governing Body and reasons for the decision will be communicated in writing to all parties involved within two working days of the hearing.

Where appropriate, the letter will set out what action will be taken to resolve the grievance.

The letter should confirm to the employee that once the grievance procedure, including the appeals stage has been exhausted, the grievance procedure is at an end and that there is no further right of appeal. The grievance procedure would be closed irrespective of whether the employee accepts the outcome.

## **12. RECEIVING A GRIEVANCE FROM A FORMER EMPLOYEE**

Wherever possible, a grievance should be dealt with before an employee leaves employment.

Guidance should be sought from the Human Resources.

## **13. GROUP GRIEVANCES**

A Group Grievance may be raised by small groups of employees who have concerns over the same issue. A Group Grievance is not the same as a Collective Grievance. There are separate procedures for Individual Grievances and Collective Grievances.

The procedure should not be used for raising issues which are outside the responsibility or control of the Governing Body. It should not be used where separate mechanisms exist.

If a group of employees raises a grievance formally, this should be done in writing and the letter should set out the nature of the grievance. In the case of an appeal, the letter should set out the grounds for the appeal.

Both the group of employees and the school should seek to raise and resolve grievance issues without unreasonable delay.

Managers should inform the Headteacher of any grievances that they receive and should find out from the Headteacher whether similar grievances have been raised before by other members of staff, how they have been resolved and any follow up action taken. This should aid consistency of treatment. However, confidentiality must be maintained.

The Headteacher should seek advice from the Human Resources Team when a formal grievance is raised.

When a grievance is received, care should be taken to ensure that although the Headteacher must be informed, the case should not be considered by the Headteacher if they have responsibility for being a decision-maker during a disciplinary procedure. This is in case the grievance becomes subject to the disciplinary procedure.

Where applicable, an Investigating Officer will carry out any necessary investigations to establish the facts of the case.

It is important to ensure that all parties (including witnesses) understand the need for confidentiality.

If a formal grievance hearing is arranged, all parties should take all reasonable steps to attend the hearing.

Time limits for a management response are included within the formal stages of the procedure. This is to reinforce the need to deal with a grievance as quickly as possible, so that the group of employees is able to return to full concentration on work duties. The process should be conducted without unreasonable delay but should also try to take into account the working patterns of all those involved in the case. Timescales may be varied by mutual agreement in exceptional circumstances.

Records must be kept of all informal and formal grievances raised. The records should be stored by the school securely and be kept separate from personal files. A copy of the final outcome letter of a formal grievance should be kept on each individual employee's file.

Any action taken due to the outcome of the grievance hearing should be monitored and reviewed by the Line Manager/Headteacher/Representative of the Leadership Team/Chair of Governors as appropriate to ensure that it effectively deals with the issues raised.

#### **14. SUPPORT**

See paragraph 4.

#### **15. HEADTEACHERS**

See paragraph 5.

#### **16. THE PROCEDURE**

See paragraph 6.

#### **17. RAISING A GRIEVANCE INFORMALLY**

The majority of grievances can be resolved through informal discussion with the line manager without the need to invoke the formal stages of the procedure.

Informal discussion helps concerns to be heard and responded to as soon as possible. Where this has been unsuccessful, or circumstances make this route inappropriate for the group of employees, then matters should be raised formally through the grievance procedure.

Although any discussion is informal, the line manager should still keep a record, showing the date and time of the meeting and briefly stating what was discussed and the outcome. The record should be stored securely and be kept separate from personal files.

## **18. MEDIATION**

If the grievance is not resolved to the satisfaction of the group of employees in an informal way, or, at any other stage in the process, it is open to the parties involved to request mediation.

See paragraph 8.

## **19. FORMAL PROCEDURE – STAGE 1**

See paragraph 9.

## **20. FORMAL PROCEDURE – STAGE 2**

If the grievance is not satisfactorily resolved at Stage 1, the group of employees should raise the matter formally with the Headteacher within 10 working days of receiving the Stage 1 decision. This should be done in writing setting out the nature of the grievance.

See paragraph 10.

## **21. APPEAL**

The final stage grievance appeal may be instigated if the aggrieved employees feel that their grievance has not been satisfactorily resolved or that the grievance procedure was incorrectly operated.

See paragraph 11.

The decision of the Appeals Committee of the Governing Body and reasons for the decision will be communicated in writing to all parties involved within two working days of the hearing.

Where appropriate, the letter will set out what action will be taken to resolve the grievance.

The letter should confirm to the employee that once the grievance procedure, including the appeals stage has been exhausted, the grievance procedure is at an end and that there is no further right of appeal. The grievance procedure would be closed irrespective of whether the group of employees accept the outcome.

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