

Lawnswood Campus



Grievance Policy

Review Date: Local Agreement guidance followed for updates

Please read

Governors as Management Board

Schools as PRUs

Signed by the Chair of the Management Board: Date:



Grievance Procedure

Local Conditions of Service for School Based Employees

ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice, it has been developed in accordance with current employment law and has been negotiated with all recognized professional associations and HR providers across the City of Wolverhampton.

Updated January 2018

Review January 2019

Schools Grievance Procedure

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1. Policy Statement

- 1.1 The Governing/Trust Board and the employer are committed to adopting policies and procedures to encourage a positive working environment, and recognise that there may be occasions when employees have concerns, problems or complaints in connection with their employment that they wish to resolve.
- 1.2 This procedure provides a framework to be used by employees to raise concerns, and to be used by managers when seeking to work with employees to address and resolve them. It aims to ensure that any grievance raised is dealt with in a consistent, prompt and supportive manner; it has been developed with due regard to the Equality Act 2010 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

2. Scope

- 2.1 This Procedure applies to all teaching and non-teaching staff employed to work in the Lawnswood Campus by Management Board and to all teaching staff employed centrally. It is to be used to manage individual grievances or disputes and is not to be applied in relation to collective disputes, which are grievances raised on behalf of two or more employees by a representative of a recognised trade union.
- 2.2 Examples of concerns that an employee may have and which this Procedure can be used to address are the application of terms and conditions of employment, health and safety, relationships at work, new working practices, their working environment, organisational change, bullying, harassment or discrimination or any other item noted in the Dignity at Work Policy.
- 2.3 Concerns do not need to be referred to or be labelled by an employee as being a grievance, in order for it to be recognised by the employer that the concerns may amount to a grievance to be managed in accordance with this Procedure. The line manager should explore, with the employee, whether the issue raised should be considered as a grievance.
- 2.4 Matters which are **excluded** from being dealt with under this Procedure are:
 - a) Matters already dealt with under this Procedure where the Procedure has been

exhausted and there has been no material change to the grievance.

- b) Matters relating to pay which are to be managed in accordance with the employer's Pay Policy.
- c) Matters connected with the management of employee attendance, ill health capability, performance or conduct, which are to be managed in accordance with the applicable procedures.
- d) Matters over which the employer has no control.
- e) Collective disputes
- f) Grievances raised by former employees; professional HR advice should be sought in the event that an employee under a period of notice or former employee raises a grievance.

2.5 This Procedure underpins the Dignity at Work Policy for teaching and non-teaching staff and teaching staff employed centrally, and is to be used to manage allegations in connection with that Policy on a formal basis, unless the circumstances are such that allegations have been referred under the employer's Disciplinary Procedures.

2.6 Where an employee has concerns in respect of something that they may have witnessed at work, which does not amount to individual grievance that is within the scope of this Procedure to address, it may be appropriate for them to consider raising their concerns under the employer's Whistleblowing Policy and Procedure.

All staff have a duty to immediately report any concerns that they may have in relation to the safeguarding of children and young people, and must follow the employer's Child Protection Policy and Statement in respect of Managing Allegations against Staff and Volunteers who work with Children and Young People

2.7 Copies of all policies and procedures referenced above can be accessed from the employer's Office.

3. Principles

3.1 In the first instance employees should seek to resolve any concerns informally, as near as possible to their point of origin and without delay, within three months and where there is a catalogue of events, within three months of the most recent incident.

3.2 Where there has been a delay between the matters giving rise to the grievance taking place

and the grievance being raised, this may limit the scope of the action that can be taken to seek to investigate and resolve the grievance, and could prevent a grievance from being able to proceed i.e. where it is in excess of a three month period.

- 3.3 Where informal attempts to resolve matters have not been successful or where the concerns are such that attempts at informal resolution may not be appropriate, an employee may raise a grievance under this Procedure.
- 3.4 Manager's should work with employees who wish to raise an informal or formal grievance to **set out clearly in writing, using the discussion sheet (Appendix B) and with supporting evidence**, the reasons for their grievance and the resolution they are seeking. Any grievance cannot proceed to be considered under this Procedure unless the grounds for the grievance and the resolution being sought are clear.
- 3.5 Aggrieved employees and those responsible for managing the process set out in this Procedure must ensure that there are no unreasonable delays in the process. All parties must co-operate in a timely fashion otherwise the process may come to an end. The timescales in the Procedure will be adhered to and only extended in exceptional circumstances, or in line with the requirements of any investigation taking place. In this event all parties will be notified in writing of any unavoidable delays and the revised timescales that will apply.
- 3.6 Any person in respect of whom a grievance is raised is entitled to be made aware of the existence of and content of the grievance, and the name of the person who has raised the concern/s. The timing of the subject being notified will normally be discussed with the aggrieved employee at a Formal meeting and may be determined by a need to gather information before they are notified.
- 3.7 Employees and the employer must observe their duties and responsibilities in respect of confidentiality at each stage of this Procedure.
- 3.8 It is recognised that the management of matters under this Procedure can be a stressful and upsetting experience for the parties concerned. Throughout the process the employer will be able to offer appropriate support to all parties, which may include access to mediation, counselling or Occupational Health, and making reasonable adjustments for employees, and any person supporting them who have a disability.
- 3.9 Employees have the right to be accompanied by a trade union representative or work based colleague at any stage of the Procedure, and are encouraged to seek advice and support from their trade union at all stages.
- 3.10 Where the employee's trade union representative or work based colleague is unavailable on the day scheduled for a meeting, the meeting will be rescheduled, provided that an alternative date and time is within 5 working days of the scheduled date. It will be permissible to request only one change of date.

3.11 If parties fail to attend a meeting, the meeting will be re-scheduled only once. The party will be required to provide valid reasons for non-attendance. If the party is still unable to attend a rescheduled meeting, the meeting will go ahead in their absence and decisions will be made on the basis of the information available at the time.

Employees, who in good faith, raise a grievance will be protected from victimisation.

3.12 If an employee's evidence, having been investigated, is considered to be unsound and the grievance is found to be a malicious or vexatious grievance, this will be considered a matter of conduct which will be managed in accordance with the employer's Disciplinary Procedure.

3.13 Where an employee who is subject to other proceedings such as; management of attendance, disciplinary, capability etc., raises a grievance the grievance procedure will run concurrently. It will only be in exceptional circumstances that the procedure will be suspended in favour of the grievance procedure.

3.14 Throughout the process professional HR advice will be sought by the managers, Executive Headteacher and members of the Governing Board responsible for managing each aspect of the grievance process.

3.15 Throughout the process all colleagues will treat each other with dignity and respect and will act in accordance with the employer's Dignity at Work Policy.

3.16 An outline process chart for this procedure is set out in Appendix A, which should be read in conjunction with the full procedure.

3.18 Any employee considering raising a grievance is advised to contact their Trade Union for guidance.

Procedure

4 Informal Stage

4.1 In the first instance employees should seek to resolve any concerns as near as possible to their point of origin, and without delay.

This means that if an employee is unhappy about treatment they have received or about an aspect of their work, they should initially discuss this with the individual(s) concerned. If this is not possible due to the nature of the grievance or fails to resolve the situation, the employee should discuss matters with their immediate line manager on an informal basis who will seek to address and resolve any concerns; completing a discussion sheet which should be signed by both parties.

If the concerns relate to the line manager, the employee should approach the next appropriate level of management. Where the concerns relate to the Executive Headteacher, the employee should approach the Chair of the Governing Board/Trust Board. Should there be a grievance regarding a Governor, the employee should write to the clerk to the Governing Board/Trust Board outlining their grievance. The clerk to the Governing Board/Trust Board should forward the grievance to an appropriate member of the Governing Board/Trust Board.

4.2 The manager with whom any concerns have been raised should seek to work with the employee to resolve them on an informal basis. In circumstances where the concerns raised are so serious that they do not appear to lend themselves to informal resolution, the manager must discuss the appropriate course of action to be taken with a HR professional or appropriate senior manager.

4.3 **Where an employee requires any support or reasonable adjustments to enable them to submit their grievance in writing, their trade union or a work based colleague will be able to provide assistance, but in doing so must not substitute their views for that of the employee.**

5. Formal Meeting

5.1 Where it has not been possible to resolve matters under the informal procedure, the aggrieved employee should submit a formal written notice of the grievance to their immediate line manager. This formal written notice of the grievance should be based on the discussion sheet previously agreed with the manager.

5.2 On receipt of a formal grievance the appropriate manager will write to the employee to acknowledge receipt of the grievance within five working days. The appropriate manager will then invite the employee raising the grievance to a formal meeting as soon as reasonably practicable to explain their grievance further and discuss how it could be resolved. It may be necessary during or following the meeting to adjourn for further investigation to take place.

5.3 Where an investigation is required an impartial Investigating Officer may be appointed to carry out the investigation. This can occur at any stage of the formal process where it is considered necessary. The Investigating Officer will compile a report containing a summary of their findings, and on the basis of the report the next steps to be taken will be discussed with the employee. Investigations will normally be completed within 20 working days, but where this will not be possible due to the nature of the case or delays beyond the School's control, the employee will be notified in writing of the reasons for the delay and the revised anticipated timescale.

- 5.4 The employee will receive the invitation to the formal meeting no less than five working days before the scheduled meeting and will be advised of their statutory right to be accompanied at the meeting by a trade union representative or a work based colleague. To exercise this right the employee must make the manager conducting the meeting aware of their intention to be accompanied and who the representative is.
- 5.5 If the employee's chosen representative is likely to have information that would be useful to the grievance and is potentially a witness, the employee may be requested to find alternative representation.
- 5.6 Where a grievance names another employee as the cause of the grievance "the respondent"; the manager hearing the grievance should also meet with them to advise them of the grievance and to allow them the opportunity to respond prior to making a decision. The respondent should also be made aware, in writing, of the outcome of the grievance.
- 5.7 Possible outcomes following a formal grievance meeting could be:
- The grievance being upheld, rejected or a compromise agreed
 - A decision that the matter should be referred to be managed in accordance with the School's Disciplinary Procedure (including malicious and vexatious complaints)
 - A decision that mediation will be explored as a way forward
- 5.8 Following the formal meeting and any necessary investigation the employer should meet with the employee to notify them of the outcome, which will thereafter be received in writing, including any action in which the manager intends to take regarding the grievance. The employee should receive a brief summary of outcomes in writing. The employee must also be made aware of their right to appeal should they not be happy with the outcome of the grievance.

6 Appeal

- 6.1 . Where an employee feels that their grievance has not been satisfactorily resolved they should appeal to the appropriate manager who will be identified in their outcome letter within five working days of receiving the letter in writing, clearly stating their grounds for appeal.
- 6.2 If the nature of the appeal is unclear or insufficient information is provided, clarification will be sought before any Appeal Hearing takes place.

- 6.3 On receipt of the appeal letter the responsible manager will arrange for the employee's appeal to be heard by the Executive Headteacher; where the Executive Headteacher managed the formal meeting or where the concerns related to them, the responsible manager will arrange for the appeal to be heard by a Panel consisting of three members of the Governing Board/Trust Board.
- 6.4 The employee will receive an invitation to attend the Appeal Hearing within ten working days of the submission of their appeal; they have the right to be accompanied at the Hearing by a work based colleague or trade union representative, and should be given at least five working days' notice of the Hearing. If however arrangements can be mutually agreed for the Hearing to take place within a shorter timescale the Hearing should proceed without delay.
- 6.5 The subject/s of the grievance will be notified that the aggrieved employee has exercised their right to appeal against the outcome of formal grievance.
- 6.6 The remit of the Appeal Hearing will be to consider the grounds for appeal of the formal grievance. **As such it will not be a re-hearing**, but in the event that relevant new evidence comes to light which, with good reason, was not available at the time at which the outcomes of the formal process were determined, the Panel may decide to consider the new evidence.
- 6.7 In this event it may be necessary to allow the employee and the manager responsible for the formal stage of the process to call witnesses or to provide documentation. The names and positions of witnesses, the reasons for calling them and any documentation to be considered, must be provided to the Panel at least three working days prior to the Appeal Hearing, or as soon as possible where shorter timescales have been agreed.
- 6.8 The procedure to be followed at the Appeal Hearing is set out in Appendix C. In response to the employee's appeal the Panel may uphold the appeal and determine that alternative action is to be taken, may uphold the decision/s made at the formal stage and reject the appeal, or may determine that an alternative outcome is appropriate.
- 6.9 Both the aggrieved employee and the subject/s of the grievance will receive written confirmation of the outcome of the appeal within five working days of the outcome of the Hearing being determined. The decision of the Appeal Committee will be final.

Informal Stage

Employee to seek to resolve concerns informally, near as possible to point of origin and without delay- With the individual(s) concerned, or where not possible or fails to resolve, discuss with immediate line manager (or next appropriate level of management where concerns relate to line manager). The employee should complete the discussion sheet Appendix B. **Manager to work with employee to resolve the matter.**

In circumstances where the concerns raised are so serious that they do not appear to lend themselves to informal resolution, the manager must discuss the appropriate course of action to be taken with a HR professional or appropriate senior manager.

Formal Meeting

Employee submits formal written notice of grievance **to immediate line manager** (or next appropriate level of management where concerns relate to line manager). Clearly state grounds for grievance and resolution sought, include details e.g dates, times, names of witnesses, copies of documents. **Within 5 working days employee receives invitation to meet to discuss way forwards.** Employees can be accompanied by a work based colleague or trade union representative.

Investigation

An Investigating Officer may be appointed to conduct the investigation and investigations are normally completed with 20 working days. All employees involved in the investigation should be mindful of their duty of care to the employer and participate fully and in a timely manner

Possible outcomes (not exhaustive)

- The grievance being upheld, rejected or a compromise agreed
- A decision that the matter should be referred to be managed in accordance with the [School's/Academy's] Disciplinary Procedure (including malicious and vexatious complaints)
- A decision that mediation will be explored as a way forward

The employee should be informed of the outcome in writing along with any action the manager intends to take within 5 working days of the decision being made.

The subject(s) of the grievance should also be made aware of the outcome of the investigation.

Employees should be advised of their right to appeal.

Appeal

It is noted that Appeals should not be a re-hearing of the investigation, but should consider additional information that has become available following the investigation. Employees should submit a notice of their appeal, including supporting evidence.

The employee should receive an invitation to an appeal hearing within 10 working days of their appeal submission.

Appeal Outcome

Both the aggrieved employee and the subject/s of the grievance to receive **written confirmation of outcome of the appeal within 5 working days of outcome of Hearing being determined.**

The decision of the Appeal Committee will be final.

TEMPLATE DISCUSSION SHEET

1. PERSONAL DETAILS					
Your details:					
Name:					
Address:					
Email:	Phone:				
School/Academy:					
Post Title:					
Line Manager:					
Trade Union Representative's Name (if applicable):					
Trade Union Contact Details (if applicable):					
Details of the person against whom the grievance is raised (if applicable):					
Name:					
Post Title:					
Working Relationship: (i.e. colleague, line manager etc.)					
2. DETAILS OF GRIEVANCE					
Please indicate which stage of the Grievance Procedure you are invoking by ticking the appropriate box:					
Informal	<input type="checkbox"/>	Formal	<input type="checkbox"/>	Appeal	<input type="checkbox"/>
Please state the grounds of your grievance, giving sufficient information on any circumstances or events that have given rise to your grievance, including dates and times where appropriate. Incidents that happened more than three months ago cannot be submitted under this policy. You should also state the names of anyone that you have raised your concerns with.					
If this is an appeal, then you must also attach a copy of the outcome you received at the formal stage, clearly stating your grounds for appeal. NB an appeal is not a re-hearing of the initial investigation					
What action have you taken so far to resolve this matter? Include dates of meetings attended under the earlier stages of the procedure.					

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Resolution: Please indicate how this matter could be resolved successfully and what you are hoping for by raising this concern/grievance?

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3. OUTCOMES
Please provide information on the outcome of the investigation

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EMPLOYEE STATEMENT:

I have read the School's Grievance Procedure and submit this grievance in accordance with its provisions.

Signature:	Date:
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(To be signed at the formal stage of the procedure)

Print Name:

Signature:

Date:

4. EXPECTED TIMESCALES:

Principal/Nominated person or Governors/Trustees to consider and respond within 20 WORKING DAYS of receipt of initial notification by the employee.

An employee should request an appeal within 5 WORKING DAYS of receiving the initial response.

The appeal hearing is to be held within 20 WORKING DAYS of receipt of the appeal notification by the employee.

An employee should receive a written response to be given within a further 5 WORKING DAYS of an appeal

committee hearing.

APPENDIX C

Procedure to be followed at Appeal Hearing

- 1.** Introductions and housekeeping
- 2.** Chair to explain the purpose of the Hearing, the format for the Hearing and the potential outcomes.
- 3.** Any person present may request an adjournment.
- 4.** The aggrieved employee will be invited to present the grounds for their appeal, and may be accompanied by a work based colleague or trade union representative. Witnesses may be called where new evidence has become available if agreed in accordance with the Grievance Procedure.
- 5.** The manager (or Chair of the formal meeting) who determined the outcome of the formal hearing may ask questions of the employee and any witnesses they may call.
- 6.** The Executive Headteacher, or where applicable the Panel, and their Adviser may ask questions of the employee and any witnesses they may call.
- 7.** The manager (or Chair of the formal meeting) who determined the outcome of the formal meeting will be invited to present their decision/s and the reason/s for them.
- 8.** The employee and their representative may ask questions of the manager (or Chair of the formal meeting).
- 9.** The Executive Headteacher, or where applicable the Panel, and their Adviser may ask questions of the manager (or Chair of the formal meeting).
- 10.** The manager (or Chair of the formal meeting) will be invited to make a concluding statement.
- 11.** The employee and their representative will be invited to make a concluding statement.
- 12.** The Hearing will adjourn and all parties will withdraw with the exception of the Executive Headteacher, or where applicable the Panel, and their Adviser.
- 13.** Where it is possible for a decision to be made within a reasonable timescale, the Hearing will be reconvened and the decision communicated to the employee.

The decision will be confirmed in writing within five working days of the Hearing taking place, or where a longer period of time is required to make a decision, the Hearing will close and the

outcome will be communicated to the employee within five working days of the decision being made. The decision of the Appeal Committee will be final.