The Schools HR Co-operative Limited
*Every School Matters*

# Grievance Policy & Procedure

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## Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

## 1. Scope

The Grievance Policy & Procedure ("the Policy") applies to all employees in schools and academies. This Policy is aimed to deal with grievances raised by individual employees.

In this procedure where the Headteacher is raising the grievance, or the grievance is against the Headteacher, all reference to Headteacher in this policy should be replaced with Chair of Governors.

For academies, all reference to Headteacher should, where appropriate, be replaced with Principal/Head of School, all reference to the Governing Body should, where appropriate, be replaced with the Academy Trust, and all reference to school should, where appropriate, be replaced with Academy.

Where a grievance applies to several persons who are members of a recognised trade union, it may be more appropriate to consider that grievance under a different process (dependent upon the subject matter of the complaint). Such consideration should be given to invoke the appropriate collective bargaining machinery.

Where teaching staff are concerned, it may be more relevant to consider the conciliation procedure as detailed in the Teachers' Conditions of Service, The Burgundy Book.

Where the grievance is about bullying or harassment or whistleblowing, the employee should consider invoking the school's Bullying and Harassment Policy or the Whistleblowing Policy.

The recognised trade unions have been consulted.



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## 2. Policy Statement

Employees may occasionally have concerns relating to their employment or professional working relationship. If not addressed, those concerns can disrupt working relationships and escalate unnecessarily. It is important therefore to have mechanisms in place, which facilitate early resolution and a return to effective working relationships. The following process has been put in place to achieve this objective.

This procedure has been drawn up in accordance with the principles of the Acas Code of Practice for dealing with grievances in the workplace. The purpose is to foster effective working relationships and workplace practices conducive to the provision of a professional education service.

## 3. Principles

Both the 'Informal' and 'Formal' stages of this procedure have been established against the following Principles:

- Grievances should be dealt with as soon as possible and as near to the point of origin as possible. Complaints relating to issues occurring three months or more prior to a grievance being raised will not normally be considered unless they are ongoing.
- When stating their grievance, the employee should keep to the facts and avoid language which may be considered insulting or abusive unless asked to give verbatim quotes of what was said.
- The circumstances surrounding a grievance must be thoroughly investigated to establish the facts of the case.
- Grievances must be dealt with fairly, transparently and consistently and kept confidential.
- Mediation is a possible means of resolving grievances throughout the procedure i.e. intervention by a third party to facilitate discussion and then reconciliation of the grievance.
- A formal grievance meeting will only be arranged in response to the submission of a formal grievance in writing.
- Grievance meetings should be held during the employee's working time. Where the meeting needs to be held outside of the employee's working time, this should be by mutual agreement.
- Employees (and their companions if applicable) should make every effort to attend the grievance meeting. If an employee is unable to attend the meeting, they should notify the school and give their reasons for non-attendance. The meeting can be re-arranged. Where there is no valid reason for non-attendance at the meeting the employee will be informed that the grievance findings and outcome will be arrived at on the information already submitted and available to the person investigating the grievance.
- Witnesses to an incident may be interviewed during any investigation into a grievance and may be required to attend any subsequent formal grievance hearing.
- Where it is intended to interview pupils as part an investigation and potentially use statements from them, that shall only be done with the prior approval of the pupil's parent or nominated carer and with advice from the appropriate children's social services professional.
- If an employee is dissatisfied with the outcome of a formal grievance, they will be able to appeal the decision which must be done in writing.
- On occasions either party may request an extension to the time limits referred to within this policy, to investigate or to consider options that may resolve the matter. Such extensions should be mutually agreed where possible and not unreasonably refused by either party.
- Where the grievance is against another member of staff at the school, that member of staff is entitled to know the nature of any allegations made against them and be allowed the opportunity to respond to the allegations.
- Grievances that are found to be false or malicious or with little or no substance may, if considered appropriate, result in disciplinary action being taken against the employee raising the grievance.
- The grievance procedure should not be used by employees to deal with concerns they may have in relation to issues outside of their employment relationship with the school.
- Where the school appoints an external independent person to investigate a grievance, the Supplementary Guidance



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at Appendix 2 should be followed.

## 4. Definition of Grievance

According to Acas "Grievances are concerns, problems or complaints that employees raise with their employers" about their work, working conditions, or relationships with work colleagues and may cover the following, although this list is not exhaustive:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination.

## 5. Procedure

In order to effectively deal with a grievance, it is important that the basis of the grievance is clearly understood, and the desired outcome is stated by the employee at the start of the procedure so that it can be considered during the process.

### 5.1 Stage 1 - Informal Grievance

Employees should, in the first instance, raise the grievance with their line manager through discussion to attempt to resolve the concern. If the grievance is against the line manager, the employee should approach the next level of management.

The manager should seek to resolve the problem and if necessary, provide an explanation of any proposed resolution seeking advice or information from other sources, including Schools HR.

The outcome decision should be given to the employee in writing within 5 working days of the date that the informal grievance was raised unless otherwise agreed between the parties or where this is not possible for the employee to be advised accordingly.

### 5.2 Stage 2 - Formal Grievance

Where informal discussions fail to resolve the grievance, or for more serious matters, the employee should submit a formal grievance in writing, requesting for the grievance to be considered under the formal procedure. This can be in the form of a letter or using the Formal Grievance Form (at Appendix 4).

Where an attempt has been made to resolve the grievance informally, a request to consider it under the formal procedure must be made within 10 working days of notification of the outcome of the informal stage.

Where an employee raises concerns but does not put them in writing, the school may, if considered reasonable and appropriate, choose to take matters forward through the formal procedure in an effort to resolve the matter and bring it to a conclusion.

The grievance at this stage should be heard by a senior manager who has not previously been involved with the matter in any way i.e. it should not be the same person who dealt with the grievance at the Informal Stage.

Following the receipt of a formal grievance from an employee, the manager should arrange to meet with the employee within 3 working weeks of receiving the grievance. The employee will be given 10 working days' notice of the meeting and they will have the right to be accompanied by a trade union representative or a work colleague.



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### Preparing for the Formal Grievance meeting

Prior to the meeting the manager should consider:

- arranging for someone who is not involved in the case to take notes of the meeting.
- finding out whether similar grievances have been raised before and how they have been resolved, and any follow-up action that may have been necessary. This allows for consistency.
- whether to offer independent mediation dependant on the nature of the grievance.

### During the Formal Grievance meeting

During the meeting the manager should:

- remember that a grievance meeting is not the same as a disciplinary hearing and is where discussion and dialogue may lead to an amicable solution.
- invite the employee to re-state their grievance and how they would like to see it resolved.
- sum up the main points of the grievance.
- consider adjourning the meeting if necessary to (i) investigate any new facts which may arise or (ii) interview additional witnesses.
- inform the employee when they might reasonably expect a response if one cannot be made at the time of the meeting.

The manager will inform the employee in writing of their decision and the reasons on which it is based and any action that is to be taken, and the employee's right of appeal within 5 working days of the meeting unless otherwise agreed between the parties or, where this is not possible, for the employee to be advised accordingly.

A copy of the decision must be placed on the employee's personal file.

The manager should ensure that any action taken as a measure to resolve the grievance is monitored and reviewed, as appropriate, to ensure that it deals effectively with the issues.

### 5.3 Stage 3 - Grievance Appeal Meeting

If the employee is not satisfied with the outcome of the formal grievance, they will be entitled to appeal against the decision. The appeal must be in writing and sent to the school within 10 working days from the date of notification of the decision from the Stage 2 meeting.

In submitting their appeal, the employee should provide a written statement detailing the reasons for the appeal i.e. the reasons why they consider the decision at Stage 2 was wrong, together with any supporting information and a copy of the original grievance.

The Headteacher/designated manager should arrange a meeting of the Governing Body Appeal Committee within 6 working weeks of receipt of the written appeal. The Governing Body Appeal Committee will consist of three Governors who have not previously been involved in the case, and who are not Staff Governors and, ideally, not Parent Governors.

The manager who conducted the Stage 2 Formal Grievance Meeting will be required to prepare a management statement of the case and present the management case at the Grievance Appeal Meeting.

### Preparing for the Grievance Appeal meeting

Prior to the meeting the Headteacher/designated manager should:

- arrange for a copy of the management statement, other supporting evidence and a copy of the letter to the employee to be sent to all members of the Governing Body Appeal Committee.
- inform the employee of the Appeal meeting in writing attaching the management statement of the case and any other supporting evidence to be considered. The employee should be given 10 working days' notice of the meeting.



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- The employee will have the right to be accompanied at the meeting by a trade union representative or a work colleague.

### During the Grievance Appeal Meeting

During the meeting:

- the employee or their representative will present the case.
- the Panel and the designated manager may ask questions of the employee relating to their statement.
- the designated manager will present the case.
- the Panel, the employee and their representative may ask questions of the designated manager relating to the designated manager's statement.
- following the respective parties presenting their case, the Panel will make a decision which can be to:

a. Uphold the appeal
b. Partially uphold the appeal
c. Not uphold the appeal.

In arriving at any of the above outcomes, the Panel may set out how the matter is to be resolved or suggest ways of seeking/facilitating joint resolution.

The employee and the designated manager will be informed of the decision and the reasons for it in writing within 5 working days of the Grievance Appeal Meeting. The employee should also be informed whether any other party is to be advised of the outcome.

Where the grievance is about another member of staff, that member of staff should be informed that the initial decision has been appealed. Once a decision on the appeal has been made, that member of staff should then be informed of any aspect of the decision that affects them and the reasons for it.

There is no further right of appeal under the procedure.

## 6. Overlapping Grievance and Disciplinary Cases

Where an employee raises a grievance during a disciplinary process, the disciplinary process may, if considered reasonable and appropriate, be suspended temporarily in order to deal with the grievance.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both matters concurrently.

## 7. Role of the Companion

Employees have a statutory right to be accompanied by a trade union representative or a work colleague at a formal grievance meeting and any subsequent appeal meeting. If the companion is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the formal meetings and also time to familiarise themselves with the case and confer with the employee before and after the hearing.

The employee is responsible for arranging their own representative to accompany them to the meetings.

A companion has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case and address the hearing
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting.

A companion does not have the right to:



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- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish him/her to do so
- Prevent the Investigating Officer from explaining his/her case

Given the importance of the companion's role, it is good practice to allow them to ask questions and participate as fully as possible.

If a companion is not available at the time/date proposed for the meeting, and a reasonable alternative is proposed which falls within 5 working days of the original date, the meeting should be re-arranged for the date proposed.

## 8. Keeping Written Records

It is important, and in the interests of both the school and the employee, to keep written records during the grievance process. Records should include:

- the nature of the grievance
- what was decided and actions taken
- the reasons for the decision and actions taken
- whether an appeal was lodged
- the outcome of the appeal
- any subsequent developments

Records should be treated as confidential and be kept for no longer than necessary in accordance with the General Data Protection Regulation 2018 and the Data Protection Act 2018. The notes should be kept for no less than six months and no more than twelve months from the end of the process and archived accordingly thereafter.

Copies of the meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the school may wish to withhold some information or anonymise data.

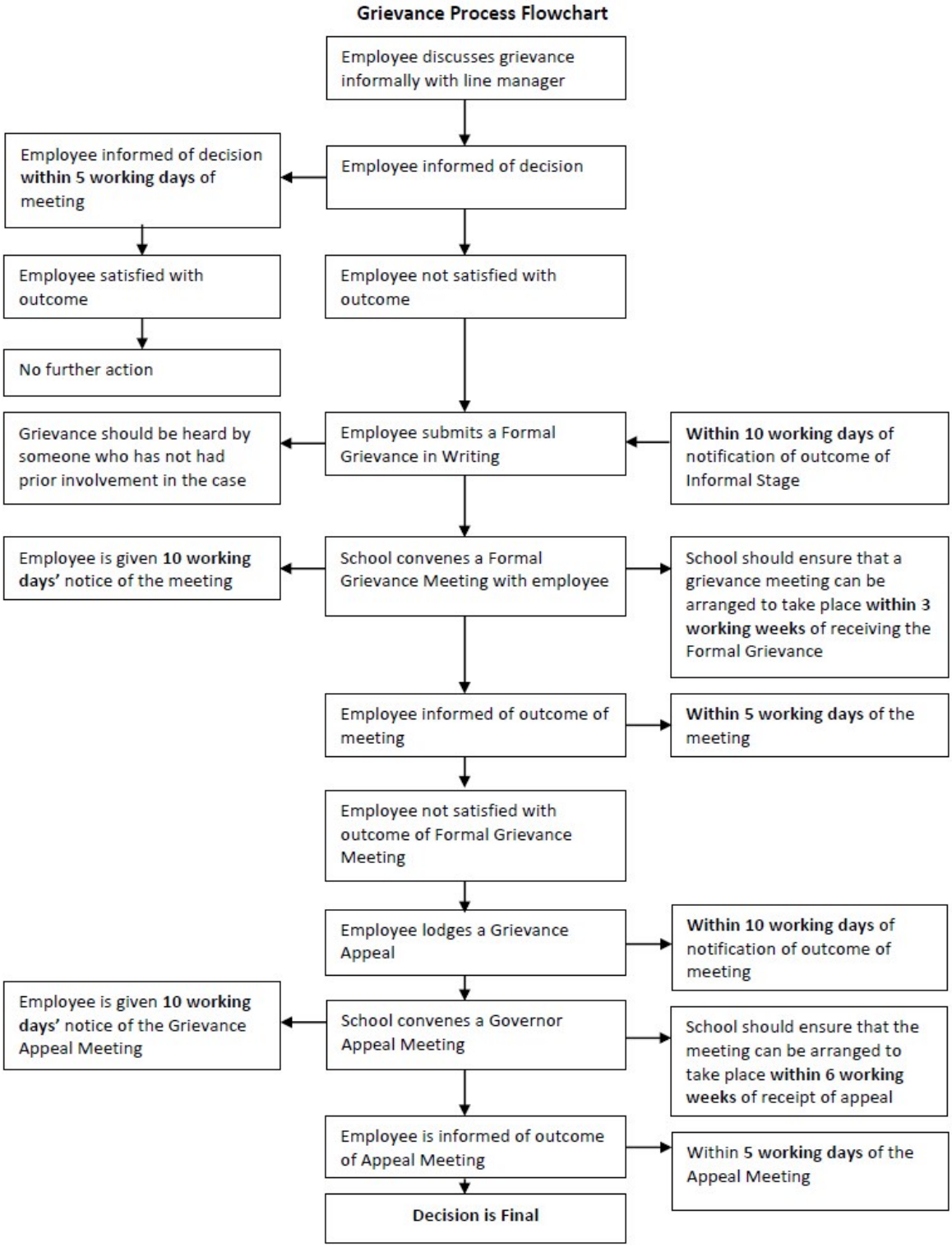
## 9. Appointing an External Investigator

See Guidance at Appendix 2 and Flowchart at Appendix 3.



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## 10. Appendix 1 – Grievance Process Flowchart (Internal)






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## 11. Appendix 2 – Guidance on Appointing an External Investigator

Where a grievance is being dealt with under the formal procedures, the school may wish to appoint an external investigator to investigate the grievance. The role of the external investigator would be to meet with the employee and witnesses and provide the grievance findings, conclusions and recommendations in a report to the Commissioning Officer.

The appointment of an external investigator may be made for a number of reasons including:

- to avoid a conflict of interest
- to ensure impartiality
- the grievance is significantly serious or complex that it requires specific expertise
- the grievance cites multiple members of staff within the school as witnesses
- potential investigators within the school may be called upon as a witness to the grievance issue(s).

Where this is the case, the school will aim to source an external, independent, suitably qualified and experienced person to carry out the grievance investigation. The following options are open to the school with respect to this external appointment:

- if the nature of the grievance relates to leadership or senior management within the school, an option would be for a school Governor (excluding Staff or Parent Governors) to carry out the investigation; if an appropriate school Governor is not identified, then the school can contact Governor Support to find an appropriate Governor from a different school
- the school can contact its HR provider, the Schools HR Cooperative Ltd (SHRCO), to carry out the investigation
- the school can contact a suitably experienced investigator known to them to carry out the investigation.

Where an external investigator is identified:

- the school must advise the employee that their formal grievance complaint will be investigated by the external investigator
- the employee must be reminded that the normal grievance policy and procedure will continue to apply and that they should cooperate with the external investigator as they would with an internal investigator from the school
- the external investigator will follow the school's Grievance Policy in investigating the grievance complaint
- the school must ensure that the external investigator is able to comply with the investigation timeframe
- the school must provide the investigator with a point of contact to co-ordinate any meetings or interviews that need to take place to support the investigation
- the school must make arrangements for the investigation to be overseen by a representative of management (the Commissioning Officer).

### Commissioning Officer (CO)

The school decides who is responsible for commissioning the investigation (the Commissioning Officer ("CO")). This will usually be the Headteacher or Chair of Governors.

- the CO should not be the subject of the grievance complaint or have been involved in the handling of the complaint in any way in order to maintain impartiality
- the CO and the external investigator will agree the terms of reference for the investigation
- the CO will oversee the investigation and provide information as requested by the external investigator in a timely manner
- the CO will update the employee if there is undue delay or unforeseen developments which may impact upon the progress of the investigation
- the CO will be responsible for receiving the findings of the investigation (Report) and meeting with the external investigator to discuss if necessary



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- the CO will be responsible for making a decision on whether or not the grievance is upheld (based on the findings of the investigation) and to advise the employee of this decision accordingly
- the CO will be responsible for advising any witnesses (who were the subject of the complaint) of the outcome insofar as it concerns them; limited information and detail to be disclosed
- if applicable, the CO will be responsible for presenting the management case (with assistance from the external investigator if necessary) at any subsequent grievance appeal meeting.

### Inviting the employee to a grievance meeting:

The external investigator shall write to the employee in the following terms:

- advise the employee that they have been appointed by the school (details of the CO) to undertake the grievance investigation in accordance with the school's Grievance Policy
- invite the employee to a grievance meeting giving the requisite period of notice and advising of the right to be accompanied
- provide contact details on which the investigator can be contacted
- at the meeting with the employee, the external investigator must make clear their role and the role of the CO in terms of who has responsibility for making a decision on whether or not the grievance complaint will be upheld/not upheld.

### Reporting findings and outcome:

The external investigator, having conducted interviews with the employee and any witnesses, prepares a report and confirms findings in writing to the CO (Investigation Report with Appendices). The external investigator may need to meet with the CO to discuss their report and its findings if necessary. NB: The external investigator does not make a decision on whether or not the grievance is upheld, that decision rests solely with the CO and will be based on the investigation findings, conclusions and recommendations.

The CO writes to the employee to confirm their decision (i.e. whether or not the grievance is upheld).

Additionally, the CO will write to the member of staff against whom the complaint was made to specifically advise them of the outcome of the grievance complaint against them.

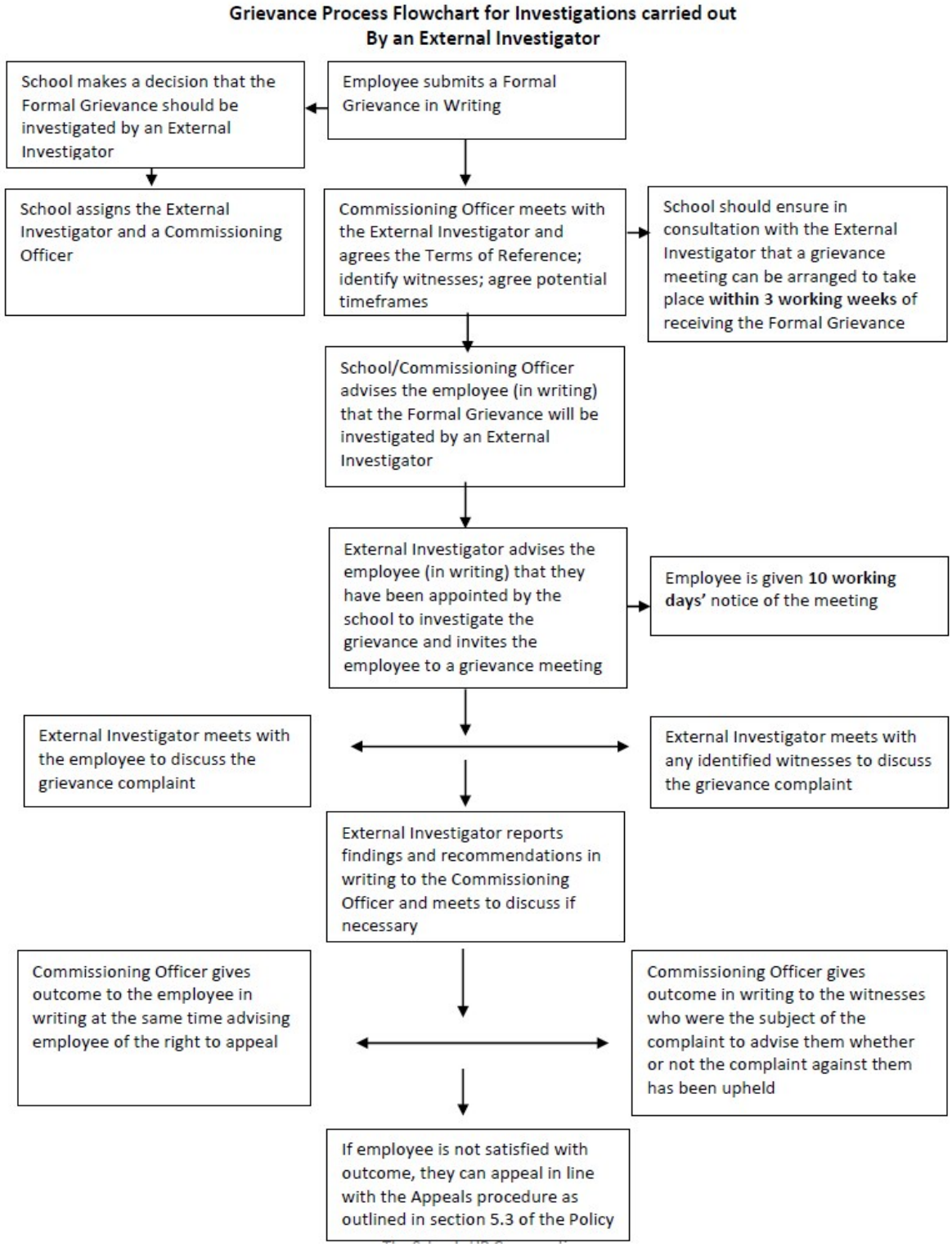
### Appeal:

The Appeals process as outlined in section 5.3 of the policy applies where the CO will be responsible for presenting the Management Case with assistance from the external investigator if necessary.



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## 12. Appendix 3 - Grievance Process Flowchart (External)






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## 13. Appendix 4 - Formal Grievance Form

| Employee's details | |
|---|---|
| Name: | Contact Number: |
| Job Title: | |
| School: | |
| **Representative's details** | |
| Name: | Contact Number: |
| Union / organisation (if applicable): | |

**Grievance**

Please describe your grievance. This will be the basis of your grievance throughout the procedure. It may be added to if agreed with the manager hearing the grievance at Stage 2. Any changes must be documented.

(extend as necessary)

**Informal Grievance**

Please state here, the attempts you have made to resolve the grievance informally and if no such attempt has been made, the reasons for this.

(extend as necessary)

**Outcome**

Please indicate the outcome that you are seeking to redress your grievance. [This should be specific and can include a range of options].

(extend as necessary)

| ..... | ..... |
|---|---|
| **Employee's signature** | **Date** |

This form must be sent to your Line Manager/Headteacher. If the grievance is against the Line Manager/Headteacher, it should be sent to the next level of authority e.g. Chair of Governors.



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Policy created: 05/2011

**30 Oct 2019**

The Grievance Policy & Procedure ("the Policy") applies to all employees in schools and academies. This Policy is aimed to deal with grievances raised by individual employees. Schedule of amendments



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