



# **Model Grievance Policy & Procedure for Teachers and Support Staff in Schools**

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## **1. INTRODUCTION**

- 1.1 The School Staffing (England) Regulations 2003 (issued under the Education Act 2002) obliges all schools to have in place a staff grievance procedure. The creation and operation of a staff grievance procedure is the responsibility of the governing body regardless of school category.
- 1.2 This policy/procedure does not form part of any employee's contract of employment and it may be amended by the Governing Body at any time following consultation with recognised trade unions.
- 1.3 This model policy has been designed for use with all employees of the school including the headteacher, teachers, non-teaching and support staff, including those employed temporarily.
- 1.4 The generic terms 'school' and 'headteacher' are used throughout for ease, but equally signify school/trust/academy and headteacher/principal respectively.

## **2. MODEL GRIEVANCE POLICY & PROCEDURE**

- 2.1 The Governing Body of Central Street I & N School adopted this policy in October 2016.

It has been the subject of consultation with recognised Trade Unions.

The policy will be reviewed in October 2019.

## **3. SCOPE**

- 3.1 This policy covers all employees of the school and seeks to fulfil two key purposes:
  - i. To enable a grievance to be resolved informally and as near to the point of origin as possible;
  - ii. To set out a formal procedure that can be followed where the informal approach is either inappropriate or has been tried and not been successful.
- 3.2 Employees with a dispute are advised to raise any grievances that they may have at an early stage and in accordance with the School's Grievance Procedure.
- 3.3 Where the school has adopted a separate 'Whistleblowing' procedure, it gives members of staff guidance on the correct way to make a disclosure of malpractice or abuse, it may be more appropriate to invoke the Whistleblowing procedure in some circumstances where there may be serious allegations of for example;

- Breach of legal obligation
- any criminal activity, including incitement to commit a criminal act;
- corruption or fraud;
- a miscarriage of justice;
- a danger to the health or safety of any individual or damage to the environment;
- abuse of power or authority;
- failure to comply with professional standards, Council policies or codes of practice/ conduct

This list is not exhaustive

#### **4. GENERAL PRINCIPLES**

- 4.1 Wherever possible grievances should be resolved informally without recourse to formal procedures. It is expected that employees and managers will enter into the procedure in good faith, with the aim of resolving a particular issue. The grievance procedure should not be used as a substitute for normal day to day discussions.
- 4.2 It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. In such cases the procedure at Stage 2 should be followed. All parties should be absolutely clear whether any meeting is being held under the informal or formal stage of the procedure.
- 4.3 All parties involved in grievance procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the school.
- 4.4 Any steps taken under this procedure should be taken promptly, unless there is a good reason for delay.
- 4.5 At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation (See section 14), fact-finding or other non-adversarial discussions with the aim of promoting resolution of the grievance.
- 4.6 Should the headteacher (or delegated manager) at stage 2 formal hearing or the Appeal Committee at stage 3 deem that the grievance is frivolous or vexatious and made out of spite, then a disciplinary investigation may take place which may result in disciplinary action being considered against the employee(s) who raised the grievance.
- 4.7 Grievances submitted more than three months following an event will not be considered by the School under the grievance procedure.
- 4.8 When carrying out an investigation, the managing investigation guidance for schools and academies document may be referred to.

#### **5. RIGHT TO BE ACCOMPANIED**

- 5.1 At any stage of the procedure the employee (whether complainant, respondent or witness) shall have the right to be accompanied at a meeting by either a trade Union Representative/Official or workplace colleague. It is the individual's responsibility to organise their own representation.
- 5.2 The trade union representative or work place colleague's role is to act as the employee's support person. They will be permitted to address the meeting and confer with the employee, but will not be permitted to answer questions on behalf of the person they are supporting.
- 5.3 Employees may not be represented by a person who may have a conflict of interest.

## **6. WHAT CONSTITUTES A GRIEVANCE**

- 6.1 A grievance is a concern, problem or complaint that an employee raises with their employer, with regards to:
- Terms and conditions of employment
  - Health and Safety
  - Relationships at work
  - Bullying and harassment
  - New working practices
  - Working environment
  - Organisational change
  - Discrimination

## **7. PROCEDURE**

### **7.1 STAGE 1 – INFORMAL**

- 7.1.1 Grievances can often be resolved quickly and informally through discussion with the employee's manager and there is an expectation that every effort will be made to resolve matters informally. Employees are therefore expected to raise any concerns or issues informally with their immediate line manager in the first instance.
- 7.1.2 It is expected where possible employees will have attempted to address their grievance informally before pursuing the formal procedure.
- 7.1.3 If the grievance relates to issues concerning their line manager, they should where possible discuss this with their line manager in the first instance. Where this is not possible, then they may discuss their concerns with a more senior manager.
- 7.1.4 If the grievance relates to issues concerning the headteacher, the employee should discuss this first with the headteacher; if this is not possible then they should forward their grievance to the Chair of Governors.

- 7.1.5 The employee must have a clear idea of what a satisfactory resolution to their grievance might be and be prepared to discuss this with their manager. The manager and the employee must seek to agree a resolution at this stage wherever possible. Possible solutions may include:

#### **Informal Method 1 – Raising the matter directly**

If it is agreed that the appropriate resolution is for the employee to raise the matter directly with the person against whom they have raised the grievance, they must choose an appropriate time and use a non-confrontational manner. It may be helpful to outline the particular action which is causing concern and try to make clear exactly what it is they find unacceptable.

It is important to allow the other party to have the opportunity to respond from their point of view. The employee may find that shared information with the other person will throw new light onto the situation and allow both parties to reflect on things differently. It is expected that there will be an agreed method of moving forward at the end of this process.

#### **Informal Method 2 – Involve a colleague**

As an alternative to Method 1 the employee may request a colleague, manager or school representative to outline the matter on their behalf by speaking direct to the person involved.

After the initial meeting the employee may choose to become more involved at that stage. It is expected that there will be an agreed method of moving forward at the end of this process.

#### **Informal Method 3 – Restorative meeting**

It may be appropriate to ask the headteacher or other suitable individual to arrange for a meeting between the employee and the individual against whom the complaint is raised. This should take place in a location suitable to both parties. It is expected that there will be an agreed method of moving forward at the end of this process.

#### **Informal Method 4 – Mediation meeting**

It may be appropriate to arrange mediation to take place between all parties with the use of an outside agency. Mediation is voluntary and will only take place if all parties agree. It is expected that the employees involved will recognise the benefits of seeking to resolve issues, be amenable to and co-operate with this approach. It is expected that there will be an agreed method of moving forward at the end of this process.

- 7.1.6 It is the line manager's responsibility to deal with a grievance when it is raised and to ensure that any resolution is documented in writing to the employee concerned.

## **7.2 STAGE 2 – FORMAL STAGE**

- 7.2.1 If after seeking resolution from the line manager under Stage 1 of the Grievance Procedure, the employee remains dissatisfied with the reply, the employee can submit their grievance to the headteacher, using Appendix 3. If the grievance is about the headteacher, then they should forward their grievance (Appendix 3) to the Chair of Governors, who may delegate to an appropriate investigating manager accordingly.
- 7.2.3 The headteacher, governor or delegated manager will arrange a grievance hearing as soon as practically possible with the interested parties.
- 7.2.4 The headteacher, governor or delegated manager chairing the hearing, will confirm the decision of the grievance within 10 working days of the date of the hearing.

### **7.3 STAGE 3 – APPEAL**

- 7.3.1 If the employee continues to be aggrieved in respect of their original complaint they can appeal to the Appeals Committee of the Governing Body, (Within 5 working days of receiving the written outcome of the Stage 2 Formal Hearing)
- 7.3.2 The employee will need to submit their appeal stating precisely:
- What parts of the decision they dispute
  - The grounds for disputing the decision/outcome
  - How they want the grievance to be resolved
- 7.3.3 The Grievance Appeal Panel will consist of up to three governors who have not been involved with the grievance previously.
- 7.3.4 Appeals are a re-hearing and re-examination of the case heard at stage 2 of the procedure. See Appendix 4 for the process.
- 7.3.5 Documents other than those previously circulated should not be tabled on the day of the hearing, unless new information has come to light since the hearing at stage 2, in which case the Chair of the Panel will exercise their discretion in deciding whether to accept them for consideration.
- 7.3.6 The Appeal Hearing shall take place in a reasonable timeframe.
- 7.3.7 The employee will be advised of the decision of the appeal hearing in writing within 10 working days of the hearing.
- 7.3.8 The decision of the Appeal Hearing is final.

## **8. MULTIPLE GRIEVANCES**

- 8.1 Managers / governors reserve the right to refuse to hear a grievance if it clearly relates to one dealt with in the previous 6 months, where the grievance was dealt with in a proper manner and in accordance with procedure.

## **9. COLLECTIVE GRIEVANCES**

- 9.1 This grievance procedure applies where grievances are 'collective', raised by a recognised trade union or work place representative on behalf of two or more employees, or when two or more employees raise the same grievance.
- 9.2 In such circumstances, it is reasonable to request that one or two representatives on behalf of the collective group, attend meetings and that they act on behalf of all parties connected with the collective grievance.

## **10. NON ATTENDANCE AT MEETINGS**

- 10.1 If an employee is unable or unwilling without good reason to attend meetings concerning the resolution of a grievance, the headteacher / delegated manager or governor has the authority to proceed with the hearing and make a decision based on the available evidence. This also applies to the grievance and appeal hearings.

## **11. GRIEVANCE RAISED BY EMPLOYEE AFTER DISCIPLINARY PROCEEDINGS HAVE COMMENCED**

- 11.1 If a grievance is raised by an employee after disciplinary proceedings have commenced against them, a decision will be taken to either suspend the grievance until after the disciplinary issues has been dealt with or (if the issues are felt to be related) to hear the grievance at the disciplinary hearing.
- 11.2 Only in exceptional circumstances will disciplinary proceedings be suspended to deal with a grievance that has been raised after disciplinary proceedings have commenced. Advice should be sought from the School's HR Provider in these circumstances.
- 11.3 Depending upon the nature of the grievance, the headteacher may need to consider bringing in another manager to continue to hear the disciplinary case on their behalf.

## **12 GRIEVANCES RAISED IN A RESIGNATION LETTER**

- 12.1 If an employee raises a grievance / complaint within their resignation letter, then every effort should be made to invite the employee to a meeting during their notice period to discuss the issues they have raised. The school will provide a written response to the employee within 10 working days of the meeting.
- 12.2 If the employee does not attend a meeting, the school should respond to the employee in writing based on the information /evidence available within 10 working days.



### **13 GRIEVANCES SUBMITTED BY EMPLOYEES FOLLOWING TERMINATION OF EMPLOYMENT**

- 13.1 If a grievance is raised by an employee following termination of employment then every effort should be made to invite the employee to a meeting to discuss the issues they have raised. The school will provide a written response based on the submission and management responses to the submission within 10 working days of the meeting
- 13.2 If the employee does not attend a meeting, the school should respond to the employee in writing based on the information / evidence available within 10 working days.
- 13.3 If an employee raises a grievance and subsequently gives notice that they are leaving the School or that their employment is being terminated, then every effort should be made to invite the employee to a meeting to discuss the issues they have raised and deal with the grievance before they leave. If this is not possible, a written response should be provided within 10 days.
- 13.4 There is no right of appeal in these circumstances.
- 13.5 Grievances submitted more than three months after termination of employment (six months for equal pay Issues) will not be considered by the School.

### **14 MEDIATION**

- 14.1 At any stage in this procedure, the parties to the grievance may request that the matter be resolved by mediation. Mediation is likely to be most appropriate in cases involving interpersonal relationships.
- 14.2 Mediation is voluntary and will only take place if all parties agree. It is hoped that all employees involved will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and co-operate with this approach.
- 14.3 Advice should be sought from the School's HR Provider in these circumstances.