

## Oakmeadow CE Primary and Nursery Grievance Procedure



Reviewed and adopted: Sept 2015

Next Review – Sept 2018

This procedure has been agreed by the following professional associations/trade unions representing Teachers, Headteachers and Support Staff:

- National Union of Teachers
- National Association of Schoolmasters Union of Women Teachers
- Association of Teachers and Lecturers
- National Association of Headteachers
- Association of School and College Leaders
- UNISON
- GMB

This policy has been adopted by the governing body of Oakmeadow CE Primary School  
September 2015

## GRIEVANCE PROCEDURE

### INTRODUCTION

#### Scope

This policy applies to all full- and part-time staff of the governing body, including those with fixed-term contracts.

#### Purpose

The purpose of this policy is to give all members of staff working in this education establishment a means to resolve concerns, problems or complaints relating to their employment.

The governing body is committed to ensuring that staff are treated fairly and with respect in all aspects of employment, as well as in accordance with all relevant legislation. The associated procedures are designed to resolve any concerns/disputes that do arise in a timely fashion and in a manner which avoids adversarial exchanges. The focus is intended to be on resolution rather than on dispute.

All grievances should be resolved as quickly as possible; members of staff are encouraged, where possible, to resolve grievances informally with their Headteacher or line manager.

Where a grievance cannot be settled informally, the employee should raise it formally through the operation of this procedure. Employees may wish to seek advice from their trade union or professional association before considering raising a complaint under this procedure.

This procedure is drawn up to ensure compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

This procedure should be used for grievances about the rights of employees under their conditions of service and any other matters relating to their employment.

Such rights or matters may relate to:

- The procedure, the content, or interpretation of a revised or existing job description;
- working environment;
- excessive or inequitable workload;
- failure to manage the conduct of others, to the detriment of the **Grievant**;
- inequitable treatment.

The above list contains exemplars and is not intended to be exhaustive.

The procedure does not apply in the case of:

- (i) Disciplinary and dismissal matters (appeal process exists within disciplinary procedure)
- (ii) Following an unsuccessful appeal under another procedure
- (iii) Questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay).
- (iv) National agreements (other than local interpretation)
- (v) Grading issues (these should be raised with through the appeals procedure of the schools pay policy)
- (vi) Personal matters not directly related to employment or conditions of service.

Staff grievances can arise from a variety of sources. They can be of a relatively simple nature or of fundamental importance. These procedures are designed to enable a grievance to be resolved informally wherever possible. Where informal procedures are inappropriate or have failed, provision is made for formal procedures. All parties should aim to settle the grievance fairly, simply, quickly (a

reasonable timescale could be agreed by all parties at the start of the procedure, however this may be subject to review depending of the circumstances of the grievance) and finally, as near as possible to the point of origin.

For the purpose of the formal procedure, the term grievance means a complaint meeting the following requirements:

- The grievance must be specific to the individual member of staff; grievance procedures cannot be used to complain about collective matters e.g. pay, conditions of service issues, general policies/procedures where there is another recognised route available. Where there are several individual grievances about the same issue then this policy may be used to as a means to resolution.
- The grievance must relate to the individual member of staff's employment.
- The grievance must be substantial in the sense that, if the facts were as stated by the member of staff, it would be reasonable to conclude that significant evidence for complaint existed.

The HR team will be available to provide advice to Headteachers and Governors on the operation of the procedure.

The definitions below should assist with understanding the roles in the remainder of these procedures:

- **The Grievant(s)** - The person(s) who has raised the grievance.
- **The Subject(s)** - The person(s)/issue(s) who the grievance is about.
- **The Receiver** - The person to whom the grievance is reported to; to whom a formal grievance form is submitted to; whom will make a decision about the grievance.
- **The Investigating Officer** - the person appointed by the **Receiver** to investigate. This can be a member of the Senior Management Team or HR for example.
- **The Mediator** – An independent individual who may be involved at any point during a grievance to try and resolve.

The **Grievant** is advised to seek the advice of their Trade Union or Professional Association prior to such a submission and will be entitled to be accompanied at the formal stage of the procedure.

The **Grievant** should be encouraged to consider a manageable resolution

## GRIEVANCE AGAINST EITHER: STAFF, HEADTEACHER, GOVERNING BODY OR LOCAL AUTHORITY EMPLOYEE

### Informal Procedures

Where an employee(s) of a school has a grievance which is against a member of staff, the Headteacher, the Governing Body or a specific Local Authority employee and wishes to pursue that grievance, they must first endeavour to resolve the matter by a direct approach to the persons involved or via the Headteacher.

If the grievance is against the Headteacher and the **Grievant** is unable to approach the Headteacher directly, a representative may make the approach on behalf of the **Grievant**, after which the **Grievant** should endeavour to resolve the matter.

When a grievance is against the Governing Body, the request should be made via the Clerk to the Governing Body.

Where the **Grievant** requests a meeting, via the **Receiver**, to discuss their grievance, it should be granted within five working days of the request being made unless this is impossible due to sickness or other unavoidable absence. This timescale can be varied by agreement. If the grievance is against the Governing Body, once the request for a meeting with Governors has been made, it will be granted as soon as possible following the request and, wherever possible, within 20 working days.

Once such an approach has been made, the **Receiver** should seek to resolve the problem personally. Where appropriate the **Receiver** will make discreet investigations, to be completed within a calendar month of being notified of the concern(s), and will attempt to resolve the matter speedily and fairly. With the consent of all parties involved in the grievance there may be subsequent consultation with other employees at the school, or, through the Headteacher, with the Chair of the Governing Body, Officers of the Local Authority, representatives of recognised Trade Unions and Professional Associations.

Most issues are best resolved informally. However, if this is not possible, a more formal approach will be necessary by proceeding to the First Stage of the Formal Procedure.

### Formal Procedure

#### Stage One – Statement of Grievance

Where the matter has not been resolved under the informal procedure, the **Grievant** should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1.

The form should be submitted to:

- Headteacher – where the grievance relates to a member of staff
- Chair of Governors (also HR for information) – where the grievance relates to the Headteacher  
For Maintained and Aided Schools only:
- Director of Children's Services (who can delegate the responsibility) – where the grievance relates to either the Governing Body or a LA Officer

A copy of the form and this procedure should be provided to the **Subject**, this may be sent directly by the **Grievant**, by their representative, or by the **Receiver**. The **Receiver** should ensure that this requirement is carried out.

The **Grievant** is advised to seek the advice of their trade union or professional association prior to such a submission.

If the grievance relates to working or proposed working arrangements, changes should not be made until the grievance has been resolved or the procedure exhausted. Where difficulties may arise as a result, the matter should be dealt with as a matter of urgency.

## Stage Two – Meeting between **Grievant** and **Receiver**

On receipt of the written notice the **Receiver** will invite the **Grievant(s)** to a meeting as soon as possible. The **Grievant** will have the right to be accompanied by a Trade Union or professional association representative or work colleague. If the **Grievant(s)** representative cannot attend on the proposed date, the **Grievant** can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date.

As soon as possible and, in any event, within ten working days of the meeting, the **Receiver** will give the **Grievant(s)** a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the **Grievant** will be told what is happening and how long it may be before a final response can be expected.

Where a more detailed response is necessary or further investigation required the **Receiver** may appoint an investigating officer to look into the grievance. At the conclusion of the investigation a formal written report may be produced. An investigating officer would normally be a member of the school's senior management team. If appropriate, a member of HR for example can be nominated to carry out the investigation.

The Investigating Officer must ensure they keep the **Grievant** updated with the progress and next steps of the investigation on a regular basis, ideally at intervals agreed with the complainant.

If the **Grievant** is interviewed as part of the investigation, the record of the interview must be agreed prior to any further interviews with witnesses etc.

It is important that confidentiality is maintained as far as reasonably possible in any investigation. Those interviewed as part of the investigation, including witnesses, should ensure they maintain any information or documentation they receive as part of the investigation confidential. If they wish to disclose information to a third party (other than their trade union representative, HR or Occupational Health) they should confirm this with the investigating officer prior to any disclosure. They should not discuss the nature of the complaint or share investigation information with any other members of school staff. (guidance for conducting an investigation is available from HR)

On receipt of the investigation report the **Receiver** will meet with both the **Grievant** and the **Subject** (either separately or together) and their representatives and discuss the findings with a view to resolving the matter. In this the **Receiver** may call on advice from HR who may be present at any meetings so arranged.

A mediator may be needed as an agreed outcome of the above resolution meeting. If mediation is required the mediator will be appropriately trained and had no prior involvement in the grievance.

A summary of the investigation report will be copied to both the **Grievant(s)** and the **Subject(s)**. Should the matter lead to action under the disciplinary procedure the full investigation report would be disclosed as part of disciplinary papers. The full investigation report may also form part of any appeal process.

The final written response from the **Receiver** at this stage of the formal procedure should include:-

- a summary of the grievance;
- appropriate details of the investigation;
- the decision on the matters raised;
- the reasons for the decision;
- if the grievance has been upheld, wholly or in part, what necessary steps will be taken;
- what further steps are available to the employee(s), within this procedure, if they remain aggrieved.

If the **Grievant(s)** are dissatisfied with the **Receivers** response or do not receive a response within the appropriate timescales they can move to the appeal stage.

## Stage Three - Appeal

There will be a right of appeal on the part of the **Grievant**, which must be made within ten working days of receipt of the **Receivers** decision. If the **Grievant(s)** wishes to appeal they should notify the clerk of the governing body of their intention to appeal. A written statement of the grievance outlining the reasons why they are dissatisfied with the **Receivers** response must be provided.

The clerk to the governing body will advise the **Grievant** of the procedure for the appeal hearing, reminding the rasier of their rights at the hearing, including the right to be accompanied by a Trade Union or professional association representative or a work colleague, and the action which the governing body may take.

The clerk to the governing body will send a copy of the letter of appeal to the **Receiver** asking him or her to submit a formal report. They may also ask any other relevant parties to the grievance for their observations if appropriate.

The clerk to the governing body will arrange a meeting of an appropriate committee of the governing body as quickly as possible, and normally within twenty working days of the receipt of the appeal. The rasier should be given reasonable notice of the date, time and venue of the meeting. Refusal of any party to attend will not invalidate the proceedings. The **Subject** of the grievance need not attend.

All relevant documents shall be submitted to members of the Committee, the **Grievant** and **Receiver** for the purpose of hearing the appeal. All documents should be submitted at least seven working days prior to the date of the appeal hearing and should include as a minimum a clear statement of the grounds for appeal. The **Grievant**, if they so wish, may make a written submission instead of being present at the hearing. There will be an opportunity for all those involved in the hearing to comment on any new evidence arising during the appeal before any decision is taken.

The procedure which applies at the hearing is detailed at Appendix 2.

The appropriate committee may uphold the **Receivers** decision or modify the action the **Receiver** proposed to take to resolve the grievance. Modifying the action may include overturning the **Receivers** decision, where this occurs an alternative resolution must be suggested.

If possible, the **Grievant** will be notified of the decision by the Chair of the Committee at the end of the meeting. If a decision cannot immediately be made the decision will be confirmed in writing within 10 working days of the meeting. The decision of the committee of the governing body is final. The chair of the committee will notify the **Receiver** of the committee's decision.

Any variations to the timescales in this procedure must be mutually agreed by all those involved in the hearing.

## Written Records and Notes

Written records of any grievance that is dealt with should be kept. Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act. Records should include:

- The nature of the grievance.
- What was decided and actions taken.
- The reason for the actions.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.

Notes should be taken and agreed at all grievance meetings. The employee raising the grievance and the employee who has had the grievance raised against them, should be asked to sign the notes from their own meetings. Witnesses should be informed that their statements/meeting notes may be disclosed to all parties concerned. However, in certain special circumstances (for example to protect a witness) the employer might withhold some information or anonymize.

## Appendix 1

### Grievance Register Form

Name: ..... JobTitle: .....

School: ..... Date: .....

Having discussed my grievance with the appropriate persons, I remain aggrieved and now wish to register a formal grievance - the details of which are outlined below *(please include as much information as possible and include extra sheets if necessary)*

Details of grievance:

My preferred outcome for resolving this grievance would be:

Signed: .....(Employee) Date: .....

## Appendix 2

### Governors Appeal Committee

#### Procedure for Hearing

Under this procedure the Committee has the power to confirm or vary any decision of the **Receiver**, taking into account any advice from HR at the hearing. Their decision is final.

1. The Chair will introduce those present, confirm the purpose of the hearing and process to be followed and confirm that either side may request an adjournment at any stage of the proceedings.
2. The rasier and/or their representative will be asked to present the grounds for the appeal.
3. The **Receiver** will be asked to outline their response to the grounds of appeal.
4. Members of the Committee will then ask questions of the rasier and/or their representative and the **Receiver** (Members can also ask questions at any stage of the Hearing).
5. The **Grievant** and/or their representative may ask questions of the **Receiver** (and Investigating Officer if present) which may be directed via the Chair of the Committee and which have not already been asked or clarified by members of the committee.
6. The **Receiver** may ask questions of the **Grievant** and/or their representative which may be directed via the Chair of the Committee and which have not already been asked or clarified by members of the committee.
7. The **Grievant** and/or their representative will be will be invited to sum up their case.
8. The **Receiver** will be invited to sum up the case.
9. At the conclusion of the hearing all parties, with the exception of HR representative providing advice, shall withdraw whilst the Committee deliberates.

#### Notes:

- A note of the meeting will be taken. This record will not normally be a verbatim report but should aim to accurately reflect the content of the meeting and will be provided for both parties' information.
- The Chair of the Committee may call for further evidence on specific points but if it becomes necessary to act in this way following conclusion of the hearing (i.e. at 9 above) then both parties must be recalled.