



## **Grievance Policy**

Prepared By	Shane Rowe Head Teacher
Approved by the Proprietor	Keith Boulter
Date Approved	September 2020
To Be Reviewed	September 2021

## **Grievance Policy**

### **1. Objective and Scope**

The aim of this procedure is to achieve fair and equitable treatment for all employees of the school in relation to the management of grievances in the workplace.

The procedure applies to all employees of the school. This procedure does not form part of any employees' contract of employment.

Whilst this procedure recommends that employees submit a written notice of grievance in order to have the matter dealt with formally, (see appendix 1), a grievance can be expressed in other ways, such as face to face discussion or complaint, resignation letter or exit interview.

All parties need to understand that the outcomes of a grievance procedure may need to be justified before an employment tribunal or court. Decisions in the public courts have determined that a written complaint that falls within the scope of a grievance procedure should be dealt with using the grievance procedure, even where the complaint is not presented on any recommended Notice of Grievance.

#### **The procedure may be used for grievances:**

- between colleagues where there is no line management relationship;
- between an employee and management including the Headteacher or the Proprietor;

The procedure may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

#### **The procedure may not be used for grievances regarding:**

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- pay
- performance capability/performance appraisal or

All of which are covered by separate procedures.

An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal heard under any other policy. The Grievance Policy cannot be used to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

## **2. Principles**

The grievance procedure is designed to help the Proprietor, Head Teacher and staff resolve individual or collective grievances by:

- affording the employee the opportunity of putting his/her case should they have a complaint which they are unable to resolve through regular communication with their line manager
- fostering good relationships between school management and staff by encouraging the speedy and effective resolution of grievances
- resolving grievances as near as possible to their point of origin in an atmosphere of trust and confidentiality

This procedure should be freely accessible to all staff, and a copy should be given to the parties at the outset of the formal stages.

The time limits in the procedure should be adhered to whenever possible, though they may be altered to meet particular circumstances by agreement between the parties.

Reasonable consideration will be given to facilitating adjustments required in accordance with the Equality Act 2010, for example allowing an interpreter at a formal meeting.

## **3. Roles and Responsibilities**

By their nature, grievances are internal matters and may involve a number of people. It is not possible, nor desirable, given the emphasis upon dealing informally with grievances, to prescribe specific roles. However, the following broad guidelines may be helpful.

### **3.1 The Head Teacher**

The Headteacher, who may or may not be the subject of the grievance, will have a crucial role, together with the line-manager where appropriate, in achieving a resolution of the grievance at the Informal Stage.

### **3.2 The Proprietor**

If the Proprietor is approached about a grievance, they will arrange a meeting under the formal stage, if it appears that all opportunities to resolve the matter informally have been exhausted.

### **3.3**

Where the Head Teacher is the subject of the grievance, they will assume the responsibility of the Head Teacher in arranging for the grievance to be considered.

### **3.4 Expert Advice**

The Head Teacher or the Proprietor may need to seek expert advice, either at the informal stage or at formal hearings. An HR Adviser may attend meetings or hearings is requested to do so.

### **3.5 Representative of a Professional Association or Trade Union**

Similarly, in the interests of good employer/employee relationships, representatives may be asked to offer offering early support to their member at all stages with a view to seeking an agreed resolution as early as possible.

### **3.6 Guidance for Participants**

Appendix 2 sets out guidance for line managers (who may be the Head Teacher) and Proprietor about conducting grievance meetings.

Appendix 3 sets out guidance for employees about how to raise a grievance.

#### **4. Right to be accompanied**

An employee has the right to be accompanied and supported, at any formal stage of the procedure, by a work colleague and no-one else.

The work colleague may:

- assist the employee in preparing their case
- confer with the employee before and after the hearing
- present and sum up the employee's case, as agreed with the employee
- address the hearing and ask appropriate questions, as agreed with the employee
- respond on the employee's behalf to any view expressed at the hearing and
- ask for adjournment if necessary

The work colleague is not permitted to:

- (i) answer questions on behalf of the employee
- (ii) prevent the school from explaining the case
- (iii) prevent any other person at the hearing from making his/her contribution

The employee should give advance notice if he/she is to be accompanied, and by whom. If the work colleague is unavailable at the time of the hearing, the employee should try to rearrange (once) to a time that is mutually convenient. Any postponement should not normally extend beyond 5 working days.

An employee will not be subjected to a detriment by the school by reason of having acted as a companion in grievance proceedings.

#### **5. Stages in the Grievance Procedure**

##### **5.1 Informal Stage**

If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of the appropriate manager, who may be the Headteacher. This allows for problems to be resolved quickly and normal working relationships to resume.

Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced. It is acknowledged however that there may be occasions where employees may not feel able to follow this route, in such circumstances dialogue with the Head Teacher or the Proprietor where appropriate is recommended in order to discuss the concern(s).

Grievances concerning issues that are more than 3 months old will not be investigated unless there are exceptional circumstances.

##### **6.1 Formal Stages**

Any reference to the Hearing Manager relates to the Head t Appendix 2 – Guidance for Head Teacher and the Proprietor

## **Conducting a Grievance Meeting**

- Hold the session in private, away from interruption
- Listen carefully to what the employee has to say
- Stay calm, especially during any more emotional moments
- Find out precisely what the grievance is about, i.e. don't concentrate solely on the facts trying to understand the feelings behind them
- Ask open questions (i.e. questions that can't be answered with a simple 'yes' or 'no')
- Carefully summarise what the employee has said
- Look for solutions
- Once feelings have cooled down – and it is possible that all the person wanted to do was to let off steam – begin to look for constructive solutions to the problem by:

Encouraging the person to suggest constructive solutions

- Making your own suggestions to solve the problem
- Seeking an adjournment if necessary
- Thinking carefully before taking a decision
- Considering whether the issue should go to the Head Teacher (if the meeting is being conducted by a line manager)
- Accepting that it may not be possible to satisfy everything the employee wants.

## **Formal meeting attendees:**

- Proprietor hearing the grievance (with HR Adviser if appropriate.)
- The employee and their work colleague and no-one else.
- Any witnesses (part hearing only)
- Note taker
- In cases where the grievance is against a fellow employee the employee and their representative will also be present.

## **Hearing a Grievance Appeal**

The following is deemed to be a fair way to proceed.

- Let the individual or representative explain their reasons for appeal, introducing witnesses, where necessary.
- If there is an individual who is the target of the grievance, allow this individual or representative to ask any relevant and pertinent questions of the aggrieved party and witnesses
- Where there is an individual who is the target of the grievance, allow him/her to make a statement in response to the appeal issues introducing witnesses where necessary.
- Let the aggrieved party ask any relevant and pertinent questions arising from the response.
- The Proprietor's decision is conveyed orally to both parties and confirmed in writing within 3 working days. The Proprietor may adjourn and reconvene at another time to consider its decision, but written confirmation within 3 working days of reaching a decision applies.

## **What the law says**

On 6th April 2009 the statutory dispute resolution procedures were repealed in their entirety and there is no legal requirement now to follow a set statutory procedure when dealing with grievances. However, it is recommended to follow the basic practical guidance which is provided by the Acas Code of Practice on Discipline and Grievance. This sets out principles for handling grievance situations in the workplace, and has been adopted in these procedures. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure by either party to comply with any provision of the Code.

## **Support for employees**

When an employee is setting out their grievance in writing, help should be given to those whose first language is not English, or those who have difficulty expressing themselves on paper. In these circumstances, the employee should be encouraged to seek help from a work colleague.

Managers requesting or arranging a meeting of any nature relating to a grievance must ensure that they give consideration to any special arrangements that the employee might require in order to ensure their full involvement in the meeting. For example, special allowance may need to be made for employees whose first language is not English, employees who have any disabilities or employees with little experience of working life.

## **Record keeping**

At any interview at the informal stage or any hearing at the formal stage, a written record of the main points and of any actions that are agreed or determined is kept.

A note-taker should ideally attend the hearing in order to record the main points and actions.

All written records are confidential to the parties involved and will be held securely in confidential files.

Teacher or Proprietor i.e. the person conducting the meeting/hearing.

## **6.2. Formal Grievance meeting**

Where an employee's grievance remains unresolved, he/she should submit a written notice of grievance form (see appendix 1) to the Headteacher or, if the Headteacher is the subject of the grievance, the Proprietor. A formal grievance meeting should not take place unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.

When submitting a grievance the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened the aggrieved party should explain clearly why they did not feel able to go through the informal stage.

Any formal meeting should be arranged without unreasonable delay. If there is a substantial delay, the reason for this should be communicated to the employee. The employee has the right to be accompanied (see section 4); the person hearing the grievance may wish to be accompanied by the organisations HR Advisor.

It is important that all grievances are considered fairly. It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting. This should be in

sufficient time (5 working days) to enable full consideration of the material. Both parties have the right to be accompanied (see section 5).

Separate meetings with each of the parties involved may be held if this is deemed more appropriate. The manager considering the grievance will decide (in conjunction with the employee) who should be present at any meeting.

### **6.2.1 Witnesses**

A 'witness' is someone who is neither the subject of the grievance nor raising their own grievance, but can provide an account of the matters directly relating to the grievance.

There may be a need to investigate one or more elements of a grievance, which could necessitate the appointment of an investigator by the person hearing the grievance. If either party chooses to present evidence from a witness the principles of this section should also be followed.

During an investigation factual witness statements will be taken from relevant witnesses. These must be signed and dated by the witness. If on the rare occasion no signature can be obtained the statement may still be presented, in such circumstances deliberation by those responsible for considering the grievance should be given to the reliability, credibility and weight to be given to the statement. The investigator will ensure that the statements are relevant, fair and objective. Only information that is directly relevant to the grievance(s) will be considered and documented. When statements are taken, dates and any names quoted should be written out in full and the date the interview took place should be included. Testimonials regarding an employee's personality and character will not be accepted as witness statements, nor may witnesses be called to attend a hearing for this purpose.

A witness should be aware that:

- Any information provided will be included in their statement; information not relevant should not, therefore, be disclosed
- He/she will be given one opportunity to review and amend the statement, without changing or removing the general content of the information provided
- His/her statement is likely to be referred to during a grievance hearing if one is required and
- A copy of his/her factual statement will be shared with each party

A witness who is not a school employee may provide a witness statement (not a testimonial) but would not usually attend a grievance hearing.

Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case in advance of the hearing which has been exchanged with all parties in accordance with the normal rules for exchanging paperwork.

If any witnesses are called, they should be given appropriate notice and authorisation may need to be given by their manager in order to ensure their release from work. The person hearing the case must be informed not later than 4 working days before a formal grievance hearing of the names of any witnesses who will be attending.

If the Hearing Manager reaches a point in the meeting where he/she needs further information, the meeting should be adjourned to allow for any relevant investigation to take place. This information should be sought before the Hearing Manager reaches a final decision.

The outcome will be confirmed to both parties in writing within 3 working days of the decision by the Hearing Manager. It is not necessary for the Hearing Manager to reconvene the meeting to communicate the decision.

### **6.2.3 Appeal**

Either party may appeal in writing to the Proprietor within 7 calendar days of receiving the written decision. The appeal notice should make clear the reasons for the appeal. New evidence will only be considered if relevant to the grievance outcome decision and there was a good reason why this had not been included as part of the original grievance.

Following the appeal hearing, the Proprietor will send written confirmation of the outcome to both parties within 3 working days of the decision, and their decision is final. There is no further right of appeal.

See Appendix 2 for guidance on grievance meetings and appeals.

## **7. Overlapping Disciplinary and Grievance Issues**

An employee may raise a grievance after disciplinary proceedings have started against him/her. If the grievance has been raised before the appeal stage of the disciplinary procedure and the matters of grievance are linked to those of the disciplinary, then the grievance should be considered within the disciplinary procedure. If the grievance concerns matters that are unrelated to the disciplinary, then a separate process under the grievance procedure will need to start. In almost all cases, the grievance should be considered after the completion of the disciplinary.

## **8. Collective Grievances**

Where a group of employees take out a grievance, this will be heard using the process above in section 4 i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance.

## **9. Vexatious, malicious and frivolous grievances**

All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Head Teacher or Proprietor as appropriate will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.

## **10. Exit Interviews and Resignation letters**

If a Head Teacher/Proprietor receives a letter of resignation from an employee that raises what appears to be a grievance, they may write to the employee and ask them whether they would like a response to their grievance. An issue raised in an exit interview or leavers' questionnaire might constitute a grievance.

## **11. Grievances brought by Ex-employees**

A 2 step grievance procedure is available for all ex-employees.

### **11.1 The sequence of events is:**

**STEP 1** Statement of Grievance

The ex-employee sets out the grievance in writing to the Head Teacher or Proprietor within 30 calendar days of their final contractual working day.

**STEP 2** Response

The Head Teacher or the Proprietor responds in writing within 30 calendar days of the receipt of the grievance notification.

**11.2 If an employee leaves employment whilst his/her grievance is in progress, the Head Teacher or the Proprietor the options for the employee are:**

**(a) Continue with current procedure**

If the existing grievance is at the formal stage of the grievance procedure, then the formal meeting should proceed, and the individual will be given the opportunity to appeal. If the existing grievance is at Appeal stage then it should be allowed to continue; the decision at this Appeal stage will be final and there will be no further right to appeal.

**(b) Proceed with ex-employee procedure as set out in 11.1**

## Appendix 1

### EMPLOYEE'S NOTIFICATION OF GRIEVANCE

This form should be used to submit a grievance in accordance with the school's formal Grievance Procedure.

You should complete the form and hand it to your Headteacher, the person against whom the grievance is being brought and the Proprietor. You are advised to keep a copy.

1.  
Name: .....

Post held: .....

2. Describe briefly:

a) The nature of your grievance.

b) When did you first raise your grievance, and with whom?

c) What action has been taken on your grievance at the informal stage?

3. Has your Professional Association/Trade Union representative been informed? YES/NO

If YES: (a) do you wish the representative to receive correspondence? YES/NO

(b) please identify the representative and where he/she may be contacted

Signed: ..... Date: .....

## Appendix 2 – Guidance for Head Teacher and the Proprietor

### Conducting a Grievance Meeting

- Hold the session in private, away from interruption
- Listen carefully to what the employee has to say
- Stay calm, especially during any more emotional moments
- Find out precisely what the grievance is about, i.e. don't concentrate solely on the facts; try to understand the feelings behind them
- Ask open questions (i.e. questions that can't be answered with a simple 'yes' or 'no')
- Carefully summarise what the employee has said
- Look for solutions
- Once feelings have cooled down – and it is possible that all the person wanted to do was to let off steam – begin to look for constructive solutions to the problem by:
  - encouraging the person to suggest constructive solutions;
  - making your own suggestions to solve the problem;
  - seeking an adjournment if necessary;
  - thinking carefully before taking a decision;
  - considering whether or not the issue should go to the Head Teacher (if the meeting is being conducted by a line manager);
  - accepting that it may not be possible to satisfy everything the employee wants.

### **Formal meeting attendees:**

- Proprietor hearing the grievance (with HR Adviser if appropriate.)
- The employee and their work colleague and no-one else.
- Any witnesses (part hearing only)
- Note taker
- In cases where the grievance is against a fellow employee the employee and their representative will also be present.

## Hearing a Grievance Appeal

The following is deemed to be a fair way to proceed.

- Let the individual or representative explain their reasons for appeal, introducing witnesses, where necessary.
- If there is an individual who is the target of the grievance, allow this individual or representative to ask any relevant and pertinent questions of the aggrieved party and witnesses
- Where there is an individual who is the target of the grievance, allow him/her to make a statement in response to the appeal issues introducing witnesses where necessary.
- Let the aggrieved party ask any relevant and pertinent questions arising from the response.
- The Proprietor's decision is conveyed orally to both parties and confirmed in writing within 3 working days. The Proprietor may adjourn and reconvene at another time to consider its decision, but written confirmation within 3 working days of reaching a decision applies.

## What the law says

**On 6<sup>th</sup> April 2009 the statutory dispute resolution procedures were repealed in their entirety and there is no legal requirement now to follow a set statutory procedure when dealing with grievances. However, it is recommended to follow the basic practical guidance which is provided by the Acas Code of Practice on Discipline and Grievance. This sets out principles for handling grievance situations in the workplace, and has been adopted in these procedures. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure by either party to comply with any provision of the Code.**

## Support for employees

When an employee is setting out their grievance in writing, help should be given to those whose first language is not English, or those who have difficulty expressing themselves on paper. In these circumstances, the employee should be encouraged to seek help from a work colleague.

Managers requesting or arranging a meeting of any nature relating to a grievance must ensure that they give consideration to any special arrangements that the employee might require in order to ensure their full involvement in the meeting. For example, special allowance may need to be made for employees whose first language is not English, employees who have any disabilities or employees with little experience of working life.

## Record keeping

At any interview at the informal stage or any hearing at the formal stage, a written record of the main points and of any actions that are agreed or determined is kept.

A note-taker should ideally attend the hearing in order to record the main points and actions.

All written records are confidential to the parties involved and will be held securely in confidential files.

## **APPENDIX 3 – Guidance for Employees on How to Raise a Grievance**

### **What is a grievance?**

Anyone working in a school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. Examples of a grievance include (but are not limited to): conditions of employment, health or safety, relationships at work and new working practices.

### **What should I do if I have a grievance?**

Always try to resolve the grievance at source, if necessary by talking it through with your line manager. This allows for problems to be resolved quickly and normal working relationships to resume.

### **What is the informal process for handling a grievance?**

Talk to your line manager at one of your regular one-to-one meetings or, if such a meeting is a long way off, by requesting a special meeting for this purpose.

### **What do I do if the grievance cannot be resolved informally?**

Provide a written submission (see section 4.2)

### **What information should I include in the Notice of Grievance?**

- What the grievance is about. (Be clear and specific)
- Who is involved and when
- Why the grievance has not been resolved at an earlier stage
- How you think the grievance can be resolved

### **What happens once I have submitted notice of a formal grievance?**

A meeting will be arranged at which you have the opportunity to set out your grievance. This is the formal stage of the procedure. All parties may be accompanied by a work colleague. You will be told what the outcome of the meeting is.

### **What happens if I don't like the outcome of this meeting?**

The job of the formal meeting is to reach a conclusion that is fair and equitable to all sides. If either party feels that the outcome is not fair, then an appeal meeting can be requested. The decision of the Proprietor at this stage is final: there are no further hearings.

## Grievance Flow Chart

