


# Grievance Procedure

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# Grievance Procedure

## Purpose

The purpose of the Grievance Procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible. A grievance is a concern, problem or complaint which is raised by an employee relating to their employment.

Issues that may cause grievances and are covered under this policy including:

- the school's application of terms and conditions of employment e.g., temporary contract, part-time working, etc
- health and safety
- work relations
- working practices, including new working practices
- working environment
- organisational change not covered by restructure/redundancy procedure
- discrimination
- the expectations of the allocated job role in school
- workload/wellbeing concerns
- bullying and harassment only where addressing the issue under an alternative specific bullying and harassment procedure would not be appropriate.

This also covers grievances by more than one person on the same issue.

The list of examples of possible grievances are not comprehensive or exhaustive.

The Grievance Procedure should be adopted in its entirety and schools should follow the requirements set out in the advice and guidance, which provides more detail of the process as well as guidance in respect of Grievance matters.

## Scope

This grievance procedure has been determined by the ACE Derbyshire Trust Board and is consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government. It applies to all staff employed within the staffing complement of the school. Employees and managers should aim to settle most grievances informally. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly. In cases where the line manager is the subject of the grievance, individuals should be able to discuss their concerns with another manager or another appropriate person.

A Grievance Guidance bulletin agreed by and produced on behalf of all of the trade unions and professional associations is attached as Appendix 1. It is a useful reference document for

use by schools.

In the event of the grievance being against the local governing committee, for instance subsequent to an appointment, the matter should be raised in the first instance with the Headteacher, in accordance with the process below.

**Key Principles**

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures and is based on the following principles:

- The school believes that all employees should be treated fairly and with respect.

- High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.

- School Leaders and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.

- The prime focus of Managers/School Leaders and employees raising a grievance should be on resolving the issue.

- Employees should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly. In cases where the line manager is the subject of the grievance, individuals should be able to discuss their concerns with another manager or another appropriate person.

- Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.

- Any employee against whom a grievance is lodged should be allowed full opportunity to respond.

- An employee raising a grievance has a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

- If an employee raises a grievance during the disciplinary process the school can pause the disciplinary procedure and deal with the grievance first. If the disciplinary and grievance cases are related, the school can deal with both at the same time. Please refer to the advice and guidance for information.

- Mediation should be considered where appropriate at every stage of the procedure including after an appeal has been lodged. Mediation can only take place if all parties agree to participate. Electronic recording of meetings held as part of this procedure is

strictly prohibited unless expressly agreed by all parties. The use of recording equipment by any party without consent may constitute a disciplinary matter.

- Any individual, including any nominated Governor or Grievance Sub-Committee will not include any Governor previously involved in the case.

- Any reference to “days” or “working days” shall mean Monday to Friday normally during term-time, excluding bank holidays. With the agreement of all parties, it may be possible to expedite the process.

**Exclusions**

The Grievance procedure will not apply:

- Where there are separate, specific School procedures to address an issue e.g., normally, Confidential Reporting Code, Pay Policy.

- To issues, where the Bullying & Harassment procedure would normally apply. Careful consideration should be given to which is this the most appropriate procedure to follow.

- To issues, which are the subject of collective negotiation or consultation with the Trade Unions. This does not preclude a group of employees raising a collective grievance in relation to any of the issues described above.

- If the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process.

- Where there is an attempt to use the grievance procedure for frivolous, malicious or vexatious accusations. This may be treated as misconduct and may lead to disciplinary action.

- In relation to the outcome of the Job Evaluation grading of a support staff post.

- Where it is determined that the nature of the allegation constitutes potential serious misconduct, according to the School’s disciplinary procedure. If so, the School’s disciplinary procedure should be followed and the complainant should be advised of this decision.

**Timescales**

Employees are strongly encouraged to raise concerns in a timely way preferably within 3 months of the incident occurring, to ensure colleagues/managers are aware of the issues and early consideration can be given. However, flexibility should be exercised when circumstances (e.g., absence or accumulation of concerns, or if the employee has needed time to build up the confidence to disclose their concerns) mean that relevant evidence refers to incidents which occurred prior to 3 months before the submission of the grievance*.*

**Roles and Responsibilities**

Key Roles within the grievance process are:

a) **Line Manager / Appropriate person** – Responsible for the informal stage of Grievance Procedure.

b) **Investigating Officer** - An appropriate person will be assigned to the role of Investigating Officer. They will take responsibility for formal stage 1 of this procedure and the investigation of the facts and feedback.

They will be:

- The Headteacher

  or

- Another member of the Senior Leadership Team, who may undertake this role where this is delegated to them or where the Headteacher has been involved in informal attempts to resolve the grievance.

  or

- A nominated Governor/Trust Representative, who may undertake this role where the grievance is brought by an employee against the Headteacher or the Headteacher has been involved in informal attempts to resolve the grievance.

Where the aggrieved has a concern about the assigned Investigating Officer, they may write to the Headteacher / Chair of Local Governing Committee, giving reasons. Where legitimate concerns are raised these will be carefully considered and an alternative Investigating Officer may be offered, if possible.

c) **The Grievance Appeals Sub-Committee*** - No Governor/Trust Representative who has been party to the details of the grievance may be included in the Committee. A HR adviser may attend the appeal hearing and provide support to the Investigating Officer and the Grievance Sub-Committee. ***(* When determining the membership of any 'panel' of Governors/representatives, the school will endeavour to provide a balance of membership, including equality and diversity considerations, where possible.***

d) **Trade Union representative or workplace companion** – A worker who raises a formal grievance about a duty owed to them by their employer has a right to be accompanied at a grievance hearing*. This includes any meeting held with them to hear about, gather facts about, discuss, consider or resolve their grievance.

(****At a grievance hearing the companion must be allowed to attend and address the meeting in order to: • put the employee's case • sum up the employee's case • respond on the employee's behalf to any view expressed at the hearing • confer with the employee during the meeting but has no right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer***

***from explaining their case***.) ***It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions***.

**The right to be accompanied -** All employees are entitled in law to be accompanied, if they wish, at any formal grievance meeting, normally by a colleague or a Trade Union representative. If the employee's chosen companion is not available at the proposed time of the grievance meeting, they may request a reasonable alternative time for the meeting that falls within 5 working days of the time originally proposed. In this case, the meeting must be postponed as requested.

In some cases, the employee may wish to bring the companion along simply for moral support rather than for representation.

**Addressing a Grievance - Informal Stage**

It is recommended that wherever possible grievances are dealt with at an informal stage. However, it might be appropriate for an employee to raise the grievance formally, for instance but not exclusively, if:

- they feel raising it informally has not worked
- it's a serious issue
- they do not want to resolve it informally

- **Employee Action** – Raising a Concern

Where a grievance involves another employee, an attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind that all employees have an overall responsibility to work co-operatively with colleagues in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way.

If discussions between the parties is insufficient, more formal mediation should be considered at this stage. There is a mediation service available via Derbyshire County Council's HR Advisory Service.

- The employee should raise the grievance with their line manager if an approach to the individual is unsuccessful

If the grievance is about the Line Manager, the employee should raise the matter with the next appropriate senior manager. The employee may request that they be supported by their union representative or other representative at this stage.

- **Line Manager Action**

The line manager will meet with the employee, listen and clarify the issues.

They will make initial informal enquiries, which may include raising the complaint with the individual who is subject to the grievance, to try to seek a resolution or establish whether a

more detailed investigation under the formal Stage 1 procedures is required and will provide feedback to the employee about. whether a resolution can be found. The manager may consult with their HR Provider.

**Stage One (Formal)**

**Employee action**

If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion or the informal stage of the procedure is not deemed to be appropriate by any party the grievance should be considered under formal Stage 1. The complainant may refer the matter to their recognised professional association or Trade Union, to allow representations to be made on their behalf.

If the Headteacher has not been involved previously in dealing with the complaint the grievance should be submitted in writing to the Headteacher.

In the event that the complaint is against the Headteacher, (or the Headteacher has dealt with the grievance at the informal stage), the complaint should be sent in writing to a Nominated Governor or Trust Representative, via the Chair of the local governing committee.

The employee will be requested to provide:

- Full name and post title
- A summary of the facts of the grievance
- Dates and times of any incidents, in order
- Details of any witnesses or supporting evidence
- Details of what efforts the employee and others have made to resolve the complaint
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure if applicable
- Details of who will accompany the employee to the grievance meeting
- Details of what resolution/outcome the employee would like

Where an employee has met the line manager to try and resolve the grievance informally this information can be obtained as part of the informal meeting and a written record of this can be used as the basis of the formal grievance.

**Management Action** – Including an investigating of the facts.

An appropriate person will be assigned to the role of Investigating Officer.

This will be:

- The Headteacher
- Another member of the Senior Leadership team or
- Nominated Governor/Trust Representative

Any employee who is named as the subject of the grievance will be notified that the complainant has raised a grievance which is being dealt with under the formal procedures.

Mediation may be considered**. The Investigating Officer will assess whether there is any scope for an informal resolution with the agreements of both parties.**

The working arrangements in place immediately prior to the grievance or if the subject of the grievance is that the working arrangements are being changed then the working arrangements in place prior to the grievance being lodged should remain in place until the procedure has concluded – except where the Headteacher considers that one or more of the following overrides that principle:

- Relevant legislation, e.g., Health and Safety
- Safeguarding requirements
- The safety of students and staff

An HR adviser may provide support to the Investigating Officer.

The Investigating Officer will reply to the grievance letter within 5 working days and arrange a formal grievance meeting under Stage 1 of the grievance procedures to listen and clarify the issues.

- The meeting will take place as soon as possible and at the latest within 15 working days.

- The purpose is to give the employee opportunity to explain their grievance and to seek a resolution, to the employee's satisfaction, taking into account the school's procedures, policies and the need for consistency and fairness. It should be noted that this is intended to be a meeting focused on resolutions rather than a formal meeting.

- The employee should go to the meeting prepared to explain their case and to make clear the outcome they are seeking

- There is a right to be accompanied to the meeting – usually by a colleague or Trade Union representative. Efforts should be made to accommodate all parties.

- The employee should be given the option of accessing mediation. Mediation will only take place if all parties agree. This would entail pausing the grievance process whilst mediation is explored.

After the meeting, the Investigating Officer will investigate the facts, including where appropriate raise the complaint with any employee who is the subject of the grievance and secure a written record of their response. They will check the situation with other witnesses and obtain written statements, where relevant. If the grievance is upheld the Investigating Officer will determine an appropriate resolution.

Wherever possible the investigation should take no longer than 15 working days to complete however, the period for the investigation will depend on the complexity of the grievance, the number of people and documents involved. Also, the availability of Governors/Trust Representatives, taking into consideration the voluntary nature of the role.

When the investigation is complete the Investigating Officer will feed back the findings from the investigation and provide their conclusion and decision. This may be in writing or at a reconvened grievance meeting.

Where a reconvened grievance meeting takes place, the employee will be given 5 working days' notice of the meeting and has the right of representation. The Investigating Officer will confirm the outcome (findings, conclusion and decision) in writing within 5 working days of any reconvened meeting.

The employee will have the right of appeal should they be dissatisfied with the outcome.

**Stage 2 (Appeal)**

**Employee Action - Complainant dissatisfied with outcome of formal Stage 1**

- Where it has not been possible to resolve the grievance at formal Stage 1, the complainant should submit formal written notice of appeal to the Investigating Officer within 10 working days of receipt of the written notification of the outcome of Stage 1 of these procedures.

- The specific grounds of the appeal should be set out in the appeal letter e.g., evidence does not support the conclusion, or issues in relation to the application of the procedures. and the employee or representative will use these grounds to establish their case at the beginning of the appeal. The appeal will focus on the parts of the decision with which the employee is not satisfied.

- The Investigating Officer will respond to the letter of appeal within 10 working days of receipt, inviting the employee to attend an appeal hearing. They will be given 10 working days' notice of the date of the hearing. Any employee who is the subject of the grievance will also be informed of the Appeal Hearing. If the appeal relates to the substance of the case then the subject of a grievance will have the right to attend whole, or part, of the hearing, depending on whether there are other aspects to the grievance. If the appeal focuses on how the investigation was carried out or the actions proposed as a result of the findings at a previous stage, then any employee who is named in the case will only attend as a witness, as relevant.

- The Investigating Officer will prepare a written statement of case as soon as possible for the Grievance Appeal Sub-Committee ~~of the Governing Board~~, which shall comprise three Members.

- The statement will summarise the findings of the Investigating Officer in investigating the grievance and make reference to outcome/actions determined in the response.

- Any statements of case or evidence on which management or employee seek to rely, will be provided to all relevant parties at least 5 working days prior to that hearing.

- The aggrieved has a right to be accompanied at the appeal.

The matter will end following consideration of the appeal by the Grievance Appeal Sub-Committee. The outcome of the appeal will be reported to the next meeting of the local governing committee.

Following the appeal hearing if it is determined by the Grievance Appeal Sub-Committee that there is an important principle arising which should be considered by the Trust the grievance will be upheld/not upheld with recommendations on how this will be taken up with the Trust.

The outcome of the appeal will be provided in writing to the employee within 5 working days. Any employee who is a subject of the grievance will also be informed of the outcome.

**The Headteacher**

- In the event the aggrieved person is the Headteacher and it is not possible to address or resolve the matter at an informal stage, it will be referred to a nominated member of the local governing committee or Trust who will seek to resolve the grievance personally.

- Where, despite the attempts made in the above point it has not been possible to resolve the grievance, the Headteacher should submit a formal written notice of the grievance to the Chair of the local governing committee.

- Upon receipt of the formal written notice, the Chair of the local governing committee will arrange for the procedures outlined in Stage 1 and Stage 2 above to be followed. In consultation with members of the local governing committee/Trust it will be determined how members of the local governing committee/Trust will be allocated to appropriate roles within the process to ensure that fairness and confidentiality are maintained. The Chair of the local governing committee may wish to consult their HR provider for further support.

**GRIEVANCE PROCEDURE FLOW CHART**

## Informal Stage

Employee raises with colleague / their manager or Headteacher depending on the circumstances and seeks to resolve*

*In some circumstances it might be appropriate for an employee to raise the grievance formally.

If matter is not resolved go to Stage 1

## Formal Stage 1

- Employee puts grievance in writing to:
  - Headteacher if the grievance is about the actions of another employee.
  - Chair of local governing committee if the grievance is about the actions or decisions of the Headteacher.
- An Investigating Officer is appointed.
- The Investigating Officer arranges a grievance meeting where the employee will be asked to explain their concerns and desired outcome.
- The Investigating Officer undertakes an investigation of the facts.
- The Investigating Officer will feedback and provide their conclusion and decision either in writing or at a further meeting.
- Written confirmation of the outcome will be provided by the Investigating Officer and will include right to appeal.

If matter is not resolved go to Stage 2

## Formal Stage 2 (Appeal)

- Employee submits formal written notice to the Investigating Officer of appeal, setting out grounds, (within 10 working days of outcome letter).
- Investigating Officer arranges a grievance appeal hearing with a Grievance Sub-Committee of Governors/Trust Representatives
- Governors' Grievance Sub-Committee hears appeal and feeds back decision to all parties.
- Chair of Grievance Sub-Committee confirms outcome in writing and outcome is reported to next full Governors Meeting.

**End of Procedure**

***NOTE:*** *Mediation can be helpful in providing a solution and can be explored at any stage of the grievance process.*

**Appendix 1**

**Grievance Guidance -**
This brief guidance is intended for colleagues who are school leaders, line managers and any employees who believe they have a problem or issue which needs dealing with. It does not replace the Grievance Policy. It simply aims to guide everyone involved in the right direction, which might mean the concern is resolved or needs to be taken further.

It is important to note that school leaders and line managers have an entitlement to take out a grievance in the same way as any employee.

Schools are fast paced, ever changing places and emotionally charged because they are dealing with children. There are high expectations and demands which make them both challenging as well as significantly rewarding places to work. However, the dynamic nature of schools, the wide variety of activities and complex organisational demands can cause problems. All staff, including school leaders, whatever their role can make mistakes, say or do the wrong thing. It is how we deal with those situations which lead to them being easily resolved or requiring further attention and potentially becoming a grievance.

**Grievances are less likely to occur where school leaders/ line managers……..**
Listen as well as lead
Model positive relationships
Always treat staff with respect
Have reasonable expectations
Challenge staff in an appropriate way – high expectations are fine so long as they are accompanied by the right level of support and training
Choose the right staff for particular roles
Explain decisions and introduce change in the right way
Change direction where necessary and acknowledge misjudgements
Don't pass stress down to staff
Are appropriately supportive and compassionate

**Employees have responsibilities as well**
If there are problems or concerns let your line manager know - don't suffer in silence. They can't help if they don't know there is an issue. Relatively small concerns can potentially develop into significant problems over time if not tackled early.

Be professional, respectful and considered in any discussion with your line manager. By being reasonable it helps the conversation to focus on solutions rather than the problem. There is a recognition, of course, that frustration, anger and upset can be difficult to manage but successful outcomes are more easily achieved when they are. Emotive language from anyone involved tends to hinder progress. Having suggestions to potentially help resolve the problem can be welcomed, management don't always have the answers and may welcome your input.

**Grounds for grievances**
If you feel that you have been treated unfairly, unreasonably or inappropriately you may well have the basis for a grievance. There are never circumstances when you should be treated without respect. If you are asked to do something which you are contractually obliged to do

there may still be a potential grievance if you are expected to do it more often than other staff, or if the circumstances are in any other way unreasonable. However, if it is simply some particular aspect of the job you don't enjoy, which is probably true for all staff, including school leaders at times, it is perhaps unlikely that this in itself would be strong grounds for a grievance. However, it is important to recognise that any employee has the legal right to raise a grievance over any aspect of their working life if they wish.

**Discuss with an appropriate colleague**

If you have a problem it may well be upsetting, resulting in stress and anxiety. It is advisable to consult with someone who you trust and has some understanding of the circumstances of your concern from another viewpoint. It needs to be someone you know will tell you what they think rather than what they believe you want to hear. It also needs to be someone who understands confidentiality.

**Next Steps**

Not every workplace or line manager follows the guidance for good practice listed above. Even the best line managers don't necessarily manage to follow best practice consistently. As referred to above, things can go wrong, mistakes are made, people are human. We are far more likely to forgive someone an error of judgment if generally that person is reasonable and approachable. It is sometimes possible to upset someone without there being any intent or malice. Misunderstandings and miscommunication are sometimes inevitable in a busy school. Often, potential grievances can be discussed and where necessary apologies are made and the matter resolved.

**However, if your grievance is not dealt with informally to your satisfaction and you are unhappy with the outcome then that is the point at which you would consult the more formal sections of the Grievance Policy.**

If the person responsible for the problem is dismissive of the issue and/or unrepentant, the formal route detailed in the Grievance Policy would almost certainly be your next move.

Some grievances at the more serious end of the scale are highly unlikely to be resolved by a quick, friendly discussion followed by an apology. It is important to recognise that any employee has the right to go straight to a formal grievance if they consider it is justified to do so.

**Appendix 2**

**Procedure of Grievance Sub-Committee - Appeal Stage**

1. The aggrieved employee shall be given at least 10 working days* notice in writing of the date, time and place of the hearing and shall be informed of the right to be represented by their Trade Union or professional association representative or friend and shall be able to call witnesses and to present the documents relevant to their case.

   If another employee is a subject of the grievance, they will also receive at least 10 working days' notice in writing of the arrangements. They will be provided with a copy of all documentation relevant to their involvement.

2. Copies of all documents to be relied upon at the hearing shall be submitted by the aggrieved, the Investigating Officer, to the Sub Committee~~/Board~~ at last 5 working days prior to the date of the hearing. The Investigating Officer should have provided to those hearing the case, and other relevant parties, all documentation to be relied upon, so there should be no need for any subject of the grievance to submit any material.

   The subject of the appeal will* attend throughout the presentation of the case, where the entirety of the grievance pertains to them. Otherwise, they will attend only as a witness for the relevant section, (ii).

3. The Investigating Officer will present their report of the investigation and outcome of the case at the previous stage. They may call witnesses.

4. The aggrieved will have the opportunity to ask questions of the Investigating Officer and any witnesses.

5. Any employee who is the subject of the grievance will, have the opportunity to ask questions of the Investigating Officer and any witnesses.

6. The Sub-Committee will have the opportunity to ask questions of the Investigating Officer and any witnesses.

7. The aggrieved will put their case, which will focus on those areas of the Investigating Officer's findings that they do not accept. They may call witnesses.

8. The Investigating Officer will have the opportunity to ask questions of the aggrieved and their witnesses.

9. Any employee who is the subject of the grievance will have the opportunity to ask questions of the aggrieved and their witnesses.

10. The Sub-Committee will have the opportunity to ask questions of the aggrieved and any witnesses.

11. The subject of the grievance will put their response to the grievance, which will focus on any areas where they do not accept the Investigating Officer's findings. They may call witnesses.

12. The Investigating Officer will have the opportunity to ask questions of the respondent and any witnesses.

13. The aggrieved will have the opportunity to ask questions of the respondent and any witnesses.

14. The Sub-Committee to have the opportunity to ask questions of the respondent and their witnesses.

15. All witnesses will withdraw at this point.

16. The aggrieved employee, Investigating Officer and the subject of the grievance to have the opportunity to sum up their case if they so wish.

17. The aggrieved employee, Investigating Officer and the subject of the grievance to withdraw.

18. The Sub-Committee/Board to deliberate only recalling the aggrieved employee, Investigating Officer and subject of the grievance to clarify points of uncertainty on evidence already given. If recall is necessary, all three parties are to return, notwithstanding that only one may be concerned with the point requiring clarification.

19. The Sub-Committee/Board will announce its decision to the employee personally and to their representative, Investigating Officer and subject of the grievance. This will be confirmed in writing within 5 working days.

** For the purpose of this procedure "working days" shall mean Monday to Friday normally during term-time, excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. With the agreement of all parties, it may be possible to expedite the process.*

*(i)The aggrieved may be represented by an accredited Trade Union representative or by a friend/colleague. The representative may present the case on their behalf, question witnesses and sum up but the aggrieved will provide any responses to questions.*

*The subject of the grievance may be represented by an accredited Trade Union representative or a friend/colleague. The representative may present their response to the grievance, ask questions of witnesses and sum up but the subject of the grievance will respond to any questions.*

*(ii) Where a subject of the grievance is attending the hearing only as a witness, all references to the subject of the grievance presenting a case, asking questions of the*

*aggrieved and the Investigating Officer calling witnesses or summing up should be omitted. Therefore, points 11 to 14 will not be included in the procedure.*

*(iii) In some circumstances it may be reasonable to agree that the subject of the grievance is not required to attend. Where this is the case mitigations should be put in place to ensure that a fair process is followed.*



CONTROLLED

# GRIEVANCE PROCEDURE

# INFORMATION, ADVICE & GUIDANCE

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**Appendix 1 The Grievance Procedure for dealing with Trust issues**

## Introduction

This guidance provides further information and advice in relation to the LA's model Grievance Procedure for teachers and support staff in schools. It forms the basis upon which the Trust could best offer support and has been the subject of consultation and agreement with the recognised Teacher and Staff Unions/Associations. It is essential to adopt the procedure in its entirety and follow the requirements set out in this advice and guidance, which provides more detail of the process as well as guidance to local governing committees in respect of grievance matters.

This procedure is not appropriate for salary or grading appeals for which separate procedures are specified elsewhere.
procedures are specified elsewhere.

## Trust Issues

Where the grievance is with an issue determined by the Trust or involving an employee not part of the school's complement, then the complainant will have access to the Trust's separate Grievance Procedure.

**Appendix 1** shows the Grievance Procedure for dealing with Trust issues.

## Grading Claims

Grading of posts in schools with delegated budgets is a matter for the local governing committee of the school to determine. They are outside the scope of this procedure. If a member of support staff in a delegated school requests that the grading of their post is examined, then the local governing committee is strongly advised to contact the HR Advisory Team who will be willing to offer advice/guidance and arrange for a pay and grading evaluation of the role to be undertaken in accordance with the agreed Korn Ferry Hay Job Evaluation Scheme.

## Mediation

If it is not possible to resolve the grievance informally, mediation may be an option without having to revert to formal procedures.

Consider whether mediation is appropriate where, after every effort to resolve the grievance informally, it might possibly produce an acceptable outcome without the need for the formal stages of the procedure.

Mediation is a voluntary process where the mediator helps the parties in dispute to attempt to reach an agreement. Mediation can only be used where all parties involved in the grievance agree to it, but its use is strongly encouraged as it can provide effective solutions to workplace conflict.

Mediation is more effective if used at an early stage in the process but can be used at any stage as a complement to formal procedures if parties agree to pause procedures.

Consult your HR Provider on whether mediation is appropriate and available. There may be an additional charge to access formal independent mediation.

**Handling a Grievance**

It is suggested that a systemic approach, similar to that detailed below is adopted when handling a grievance:

It is helpful to try to view an employee raising a grievance constructively. If a grievance is raised, this provides an opportunity to resolve a workplace problem. Knowing about a problem is much better than remaining ignorant of the fact that an employee is unhappy or disgruntled about some aspect of their employment.

If an employee raises a grievance, it should be discussed with them informally before it is taken further, unless the complainant wishes to move directly to a formal grievance. If the complaint is against the Headteacher, another senior leader should be involved. It is clearly in everyone's interests to resolve problems before they can develop into major difficulties for all concerned.

Where the employee has made a complaint verbally, this can normally be classed as informal grievance. Headteachers/SLT members/Designated Governors should be willing to deal with an employee's grievance irrespective of whether it is raised verbally or in writing.

It is not helpful to insist that an employee who has raised a complaint verbally should also put it in writing, as some employees may not wish to do so.

Informal enquiries should be undertaken to identify and clarify the issues, establishing the essence of the problem. The manager should listen sympathetically but be clear when trying to distinguish the facts, ensuring that the perspective of any other employee named in the grievance is taken into account. They will need to consider the employee's points of view and, if possible, provide a solution or part solution. The manager will provide feedback to the employee about what can, and/or cannot, be done to resolve the grievance informally or notify the employee that an investigation needs to be undertaken and that the matter will be referred to the formal Stage 1 of the procedures. This may be in writing where necessary.

If the grievance is relatively minor, the chances are that it can be resolved quickly and easily. This will help to build trust and respect and enhance management/staff relationships.

- To effectively handle a grievance the manager dealing with the grievance should:
- Deal with the matter promptly. This does not mean that the grievance should be dealt with in haste, but that a meeting should be arranged with the employee to discuss the matter and start any necessary information gathering without undue delay.
- Take the grievance seriously, considering why the employee feels aggrieved.

- Identify and clarify the issues, establishing the essence of the problem.
- Listen sympathetically but be clear when trying to establish the facts.
- Ascertain what resolution/outcome the employee is seeking to redress their grievance.
- Actively look for a solution that will satisfy the employee without causing disproportionate difficulty for the School or the employee's colleagues and taking into account the School's policies and procedures, the resources available and the need for consistency and fairness.
- Ensure that all parties involved understand precisely what has been decided and take action as necessary.
- Follow through and ensure the agreement is carried out.
- Review, checking that the grievance has been resolved.

In addition, during any formal investigation:

- Notes should be taken to build up a short-written statement of the problem.
- Information should be gathered on the facts and surrounding circumstances.
- The evidence should be checked by questioning and talking to any subject of the grievance and witnesses and obtain written statements where relevant.
- An evaluation should take place and a decision made when all the facts have been gathered. If the grievance is against another employee, no conclusion should be reached, or views expressed until the matter has been discussed with the individual concerned.

**Gathering Information**

A grievance may raise matters about which the Investigating Officer is uncertain or does not have all the background facts. Information on such matters will need to be gathered promptly, impartially and thoroughly.

The information gathering may be before a grievance meeting:

- Checking the wording of policies or procedures.
- Discussing with HR.
- Accessing the employee's file to check the history of their employment terms or general background. (Only when appropriate).
- Reviewing any other relevant documentation and
- Discussing the matters, the employee has raised with other employees to establish their version of events.

**Interviewing Witnesses**

As part of the process of a formal investigation into a grievance, it may be necessary for other employees, managers and possibly people outside the organisation to be interviewed. To ensure that this is done effectively and fairly, the Investigating Officer should:

- prepare a list of questions in advance of each interview.
- present the facts of the employee's complaint objectively and without embellishment and ask for comment.
- avoid making assumptions.
- point out, and question, any discrepancies in the evidence.
- make sure that the whole story is uncovered; and
- take notes.

Witness statements are factual statements obtained from people who have relevant knowledge of an alleged incident or event. They are usually developed from notes taken at a meeting with the witness. These notes are not intended to be a verbatim record, but a representation of the conversation that took place. The purpose of these notes is to aid the Investigating Officer in making an informed decision in respect of the grievance. Neither party is allowed to make a covert audio or video recording of meetings held as part of this procedure. Recording equipment should only be used with prior mutual agreement. The use of recordings may be considered as part of making reasonable adjustments for relevant parties involved. *(For further advice see ACAS article on covert recording in Tools, Templates & Resources, Workplace Snippets, acas.org.uk)*

*At the start of the interview the employee should be informed that:*

- *They will receive a copy of the notes to confirm they are accurate or to make comment on.*
- *If they agree the notes are accurate, 2 copies should be provided and they should date and sign each page of one copy and return this signed copy to the Investigating Officer.*
- *The investigating Officer will accept any minor amendments provided they do not change the substance of the employee's answers.*
- *If they have any comments or reasons why they believe the notes are not accurate they should confirm them in writing to the Investigating Officer and they will be included with the Investigating Officer's notes in the record of the investigation.*

*They will have five working days to sign and or comment on and return the notes of the meeting.*

In order to ensure that these statements are as accurate as possible, it is important that they are procured as soon as is practicably possible following the event. The Investigating Officer might wish to confirm and seek further information from those individuals' providing statements, as part of the investigation process, and in order to seek a balanced overview of

events. This might result in a need for supplementary statements from the individuals concerned. These statements would then form the basis for the Investigation.

**Conducting a Grievance Meeting**

A grievance meeting is not the same as a disciplinary hearing, it is a formal meeting when discussion and dialogue may lead to an amicable solution.

The Investigating Officer should:

- allow the employee to be accompanied at the meeting by a TU representative or colleague.
- invite the employee to re-state their grievance and how they would like to see it resolved.
- ask questions to clarify the facts and explore the matter fully.
- achieve a clear understanding of the grievance and why it has arisen.
- distinguish between matters of fact and matters that represent the employee's opinion about the issue.
- discuss any alternative solutions, and if there might be room for compromise.
- provide the employee with any relevant information about School policies and rules, or availability of resources.
- not be afraid to point out and question any discrepancies or challenge what the employee is saying.
- focus on what can be done to resolve the problem.

At the end of the meeting, the Investigating Officer should confirm what has been discussed, check understanding and agree what will happen next.

**Discussing the Grievance with any subject of the Grievance**

In a meeting with any subject of the grievance the Investigating Officer will:

- allow any employee who is the subject of the grievance to have representation.
- allow any employee who is a subject of the grievance to present their response.
- ask questions to clarify the facts and explore the matter fully.
- distinguish between matters of fact and matters that represent the employee's opinion about the issue.
- not be afraid to point out and question any discrepancies or challenge what the employee is saying.
- focus on what can be done to resolve the problem.

At the end of the meeting, the Investigating Officer should confirm what has been discussed, check understanding and agree what will happen next.

Upon completion of the investigation the aggrieved will be informed of the decision made on the grievance and provided with an explanation of what action has been taken, or will be taken, to resolve the grievance or an explanation that no action will be taken, along with the reasons for this. Decisions should be communicated to the employee within 5 working days. This may be in writing or at a reconvened grievance meeting and confirmed in writing. Where the grievance meeting is re-convened 5 working days' notice of the re-convened meeting should be given. The employee can be accompanied by a Trade Union professional association representative at any reconvened grievance meeting.

Where an employee's grievance is not upheld, the Investigating Officer should make sure the reasons are carefully explained. Any other employee who is the subject of the grievance should also receive written notification of the outcome.

If an employee is not satisfied with the decision after a grievance meeting, they should be informed that they have a right of appeal.

**Repetitive or Potentially Inappropriate Grievances**

If, for any reason, it is considered that the complaint may be inappropriate for consideration under the Grievance Procedure~~,~~ your HR Provider should be contacted in the first instance to assess the situation. As the policy seeks to provide all employees with the opportunity to explain their grievance and receive feedback, it is important that consultation and full consideration is given to such cases. If, having considered and consulted on the matter fully, it is decided that the concern, problem or complaint expressed by the employee should not be progressed under the Grievance Procedure the employee should be advised, verbally and in writing, explaining why no further steps will be taken. The employee will be entitled to re-submit the complaint with further evidence or explanation which demonstrates that it is a substantive grievance.

**False/Malicious Accusations**

Where there is an attempt to use the grievance procedure for potentially false or malicious accusations, this may be treated as misconduct and may lead to disciplinary action.

**Time Limit**

Preferably grievances will be raised within 3 months of the incident occurring. Concerns should be raised as soon as possible. The longer the matter if left unaddressed, the less likely it is that a positive resolution can be achieved.

While recognising that grievances should preferably be raised as quickly as possible, there are exceptions to this. For example, where it is alleged that there has been a long-term pattern and the event that triggers the complaint is the latest incident, or, where the incident complained of is of such a serious nature that it would be in the interest of the school to continue with the complaint. There are also circumstances where the employee has been absent from work, either because of the alleged harmful behaviour or for other reasons and been unable to raise their concerns within 3 months. It may also be the case that an employee has needed time to build up the confidence to raise their complaint**.**

**Collective Grievance**

Occasionally a collective grievance may arise where two or more of people have the same grievance at the same time.

A collective grievance can be raised by a workplace representative - either a Trade Union representative or a person acting on behalf of a number of colleagues.

It is recommended that wherever possible grievances are dealt with informally. An attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind that all employees have an overall responsibility to work co-operatively with in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way.

If an informal approach is unsuccessful or if the complainants wish to go directly to the formal stage a Collective Grievance should be submitted in writing to the *Headteacher/Principal and must be signed by all employees who are party to the grievance.

*Where the grievance is brought against the Headteacher, or the Headteacher has been involved in informal attempts to resolve the grievance, the formal collective grievance should be submitted to the Chair of the local governing committee.

The arrangements for considering a collective grievance are in accordance with this policy.

Regular school consultation mechanisms are also a useful way for a number of staff to raise their concerns.
.
The school will not consider separate individual grievances on the same issue that are raised simultaneously or issues that are being considered through formal collective negotiation mechanisms.

## Relationship to Disciplinary

Should a grievance be raised by the employee during the course of the disciplinary process, normally, where the issues relate to the substance/context of the disciplinary matter, these may be appropriately dealt with as part of the disciplinary process.

Where an employee raises a grievance relating to the procedure during or before a meeting it may be appropriate to consider stopping the hearing and suspending the disciplinary procedure in order to deal with the grievance.

Examples of when the procedure is likely to be suspended include:

- An alleged conflict of interest that the person(s) hearing the case or otherwise involved in the case may have,
- Alleged bias in the conduct of the disciplinary hearing,
- There is possible discrimination,
- It is alleged that information has been withheld in the material presented to support the case, or that wholly irrelevant material has been included,

- Other challenge to the way the procedure has been conducted.

Advice should always be sought from the School/Academy's HR provider. Where a grievance is raised during the disciplinary meeting, which is separate and unrelated to the matter in hand, this will be considered separately at the conclusion of the disciplinary process.

If the grievance is raised before the disciplinary hearing takes place, a separate investigation of the issues can be instigated, without waiting for the disciplinary case to be completed.

*In certain circumstances, a grievance may be considered after an employee has left their employment. For these purposes, grievance will be taken to include any employee led complaint including complaints of harassment and bullying where the procedures outlined in the harassment and bullying procedure may have been applied.*

**Grievance Records**

It is important, and in both the employer and employee's interest to keep written records during the grievance process. Grievance records should be maintained in accordance with the requirements for processing personal sensitive data as outlined in Data Protection Act 2018. They should be kept in the strictest confidence and kept no longer than necessary.

The School should maintain a register of all grievance outcomes detailing:

- The nature of the grievance.
- The steps taken to resolve the grievance.
- Meetings held to discuss the grievance.
- Findings made, actions taken and reasons for it.
- The date action was taken.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.

Analysis of grievance actions by grade, gender and ethnicity, should be submitted to the Trust for monitoring purposes, with a copy to Trade Unions at the same time.

**APPENDIX 1**

## Grievance Procedure

Trust Issues

1. When an employee is aggrieved on any matters determined by the Trust or involving an employee who is not part of a school's complement, coming under the direct control of the local governing committee, they should raise the matter initially with Head of their school.

2. The Head should discuss the issue with the Trust and should reply orally to the grievance as soon as possible and in any case within 5 working days or longer by mutual agreement.

3. If the complainant is dissatisfied with the reply, they should submit the grievance in writing to the Trust They may report their grievance to their professional association Trade Union representative.

4. The Trust Leader will delegate the matter to an appropriate manager who should call a meeting of the parties concerned within 5 working days (or later by agreement). If the employee so wishes they may bring a professional association Trade Union representative or colleague to the meeting.

5. The manager should confirm their decision in writing as soon as possible, within 5 working days unless further investigation is required, and a copy of the letter should be sent to any professional association or Trade Union involved.

6. If the complainant is still not satisfied then they may refer the matter to the Trust Leader, within 5 working days of receipt of the letter detailing the outcome of the meeting. The employee should receive a response detailing arrangements for the appeal within 10 working days. If an employee is not a member of a Trade Union or professional association or wishes to deal with the matter without the involvement of their union, they should be allowed to personally make representations, accompanied by a colleague, to the Trust Leader.

7. The Appeals Panel should reply to the complainant as soon as possible and in any case within 10 working days or longer by mutual agreement.

8. The matter will end at employing Trust level except where it is agreed between the parties that an important issue of principle arises which could be considered through the conciliation machinery, established by the County Council, National Joint Council and The Arbitration and Conciliation Advisory Service.