



Deyes
High School

GRIEVANCE

Policy and Procedure

Adopted by the Governing Body on 24th March 2011
Reviewed by the Governing Body on 1st May 2012

NAME OF SCHOOL: DEYES HIGH SCHOOL

Purpose and Aims

Grievances are concerns, problems or complaints that employees raise with their employers. [para 1 2009 ACAS Code of Practice] All employees have a right to know how their grievances will be resolved. The governing body requires the school grievance procedures to promote fairness and consistency in the treatment of individual employees, and reflect the relevant policy on equal opportunities and avoidance of discrimination.

The procedures will be followed when dealing with a grievance or dispute in relation to an individual's employment. It will not generally be applied to collective disputes which are dealt with under a separate procedure. Allegations of harassment will also be dealt with under a separate procedure.

The policy and procedures aim to ensure that:

- the procedures are known by all employees;
- any employee can raise grievances and issues in respect of their employment within the school;
- grievances are dealt with promptly and in a fair and supportive manner; and as near as possible to the point of origin; and
- a fair appeal procedure is available.

Scope

The procedure applies to all employees of Deyes High School.

The procedure excludes matters relating to:

- Appeals against grading (as there is a separate procedure)
- Discipline and Dismissal
- Harassment
- Matters over which the school has no control

The grievance procedure will not be available to employees who:

- have been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter;
- have been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns, or is connected with, that matter or the arrangements for that interview or hearing;

See management guide

have grievances which are:-

- matters of principle; or (See management guide)
- the subject of, or appropriate to, the collective differences/disputes procedure agreed between the Council and the recognised trade union and given in the constitution of the Local Joint Consultative Committee. References beyond local level will be in accordance with the prevailing regional and/or national agreements;

- fail to comply with the relevant time limits in the procedure, unless management and the employee (or their representative) concur in advance to a particular time limit being waived;
- attempt to restart the grievance procedure in respect of a grievance which has been heard and resolved under the procedure within six months of that hearing, unless the grievance is about actions which have taken place after the earlier grievance was decided upon.

The Nature of Grievance

Grievances can arise from a variety of sources and it is important for members of the School/College to recognise that many potential problems and difficulties can and are better resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.

Responsibilities

The Governing Body

The governing body will make and maintain a Grievance Policy and Procedures.

The governing body has delegated to the Head the responsibility for dealing with staff grievances. (When the Head has a grievance or the grievance is against the Head, the matter will be dealt with by the Chair, or if appropriate by another nominated governor.)

The Head also has the power to delegate responsibility for dealing with grievances to appropriate line managers at the informal stage. Should the grievance become formal the Head may appoint an Investigating Officer to act on his/her behalf, however, the decision to uphold/not uphold the grievance will lie with the Headteacher.

The governing body will appoint an Appeal Panel to hear any appeals arising from the decision.

Otherwise governors will play no part in the grievance procedures.

The Head

The Head has the responsibility for managing the procedures and for resolving grievances as far as is reasonably practicable. The Head must ensure that the procedures are known to all staff.

The Head has the delegated power to require appropriate line managers to resolve grievances and disputes in the first instance, and to pass the matter to the Head if it has proved impossible to resolve satisfactorily.

When the grievance has been formally raised with the Head he/she may appoint an Investigating Officer to act on his/her behalf. It will be made clear to the employee that the responsibility for the decision lies with the Headteacher.

The Head/Investigating Officer must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. The Head/Investigating Officer must advise the employee, in writing, that he/she may be accompanied by a trade union representative or school colleague at the grievance meeting.

The Head must ensure that any decision regarding the grievance is communicated to the employee, wherever possible, at the end of the meeting, and confirmed in writing within 5 working days. The letter must also confirm to the employee their right to appeal to the governing body and to be accompanied by a trade union representative or school colleague at the appeal meeting.

Investigating Officer

The Investigating Officer will investigate the grievance at the request of the Headteacher. He/she will carry out a thorough investigation, after which he/she will make findings and recommendations. The Investigating Officer does not have the authority to make decisions unless he/she is investigating a grievance against the Headteacher or raised by the Headteacher and that authority has been delegated by the Governing Body.

During the course of the investigation, the Investigating Officer may be supported by an officer of the Local Authority

Line Managers

The appropriate line managers have the responsibility for ensuring that any informal grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the procedures and conduct any investigation in a sensitive and considerate manner.

The line manager is expected to inform the Headteacher that a grievance has been raised and is being dealt with informally.

The line manager must reply orally to the employee as soon as possible and no later than 2 working days after the informal grievance is raised.

If it proves impossible to resolve a grievance satisfactorily the line manager can refer the matter to the Head with the consent of the complainant.

Confidentiality

In order to preserve the rules of the natural justice for all parties, the Head/Investigating Officer and governors must ensure that matters relating to any disputes are not discussed outside the meetings called expressly to consider the matters.

Rights of the Employee's Companion:

The employee's Trade Union representative/School colleague has the right to:

- address the hearing, putting the employee's case;
- sum up the case;
- respond on the employee's behalf to any views expressed at the hearing;
and
- confer with employee during the hearing.

The Trade Union representative/School colleague may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The Trade Union representative/School colleague may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.

Appeal Panel

The governing body will appoint an Appeal Panel of three members at its inaugural meeting each year. The governing body's Appeal Panel must hear any appeal within 10 working days of the appeal being received. The Panel must consider evidence from all relevant parties, and must allow all parties to be heard at the meeting.

The members of the Panel should ensure that they have not been involved in any prior stages of the grievance procedure. They must declare any prior involvement and play no further role.

The Panel may call for expert advice wherever appropriate.

The Panel must retire to make its decision, which may be in the form of a recommendation if appropriate. The Panel can announce its decision at the end of the meeting, or later, but written confirmation of the decision must be sent to all parties within 5 working days.

The Employee

Employees must first discuss a grievance on the relevant subject with their line manager, as soon as possible and no later than 2 months of the event giving rise to the grievance unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager.

The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring Trade Union representative or a school colleague to any meeting.

The governing body expects that employees will also set out with the intention of settling the dispute as speedily as possible.

Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager.

If the dispute cannot be resolved informally the employee must follow the formal procedures. See management guide for step-by-step process.

If the employee is not satisfied with the final decision he/she has a right of appeal to the Governing Body's Appeal Panel.

Right of Appeal

The aggrieved employee has the right to an Appeal Panel of the Governing Body, in writing, within 10 working days of receiving written notification of the decision

The appeal should take place within 10 working days of the receipt of the written notification of an appeal.

Copies of all relevant documents will be provided 5 working days in advance of the meeting to all parties involved.

The aggrieved party is entitled to be accompanied by a Trade Union representative/School colleague and will be given an opportunity to present their case to the Panel.

The Head/Investigating Officer may be accompanied by a Human Resources Officer of the Local Authority for the purposes of advice.

The decision, or recommendations, of the Panel will be given to all parties at the end of the meeting, or as soon as possible thereafter, and confirmed in writing within 5 working days.

There is no further right of appeal and the findings of the Appeal Panel will be binding on all parties.

Equal Opportunities:

In all the procedures all parties must take into account the school's/college's equal opportunities policy and to ensure that there is no discrimination on the grounds of sex, race, disability, sexual orientation, religion and belief, nor age.

Monitoring and Review:

The Governing Body will review the policy every two years and after any formal disciplinary action has been taken.



GRIEVANCE PROCEDURE REPORT

To Headteacher _____

Name(s) of aggrieved employee(s): _____

Post title(s): _____

Telephone No:

Work: _____ Home: _____

Trade Union: _____

Name of representative: _____

Name of Line Manager: _____

Post Title: _____

Date Grievance first reported to Line Manager: _____

Date of Line Managers oral reply: _____

DETAILS OF GRIEVANCE:

[Please be as explicit as possible, include all relevant details, locations, dates, times, witnesses (if appropriate) etc.]

(Continue on a separate sheet if required)

To the best of my knowledge, the foregoing statement is an accurate account of my grievance.

Signatures: _____

Employee(s) _____ Date: _____

Representative: _____ Date: _____

LINE MANAGER'S RESPONSE:

Line Manager: _____

Date: _____

*Please submit this form as directed in the School's/College's Grievance Procedure.

*Do not submit this form to the Headteacher until all sections are complete and statements signed.

*One copy to be retained by the employee / his/her representative.

*One copy to be retained by the Line Manager.

MANAGEMENT GUIDE

The Formal Procedures

Step 1

Statement of Grievance

Where the informal procedure has failed to resolve the matter, the employee must submit details of the grievance in writing to the Head by completing the Grievance Procedure Report form, including details of any attempt to resolve the matter informally, within 5 working days. The Head may appoint an Investigating Officer to act on his/her behalf.

(If the grievance is against the Head, or the Head is the aggrieved party, the written grievance will be forwarded without delay to the Chair of Governors, or other nominated Governor.)

If the grievance raised is in relation to an interview or disciplinary hearing or an interview or hearing concerning unsatisfactory performance, the grievance should be dealt with after the formal hearing and prior to appeal.

Similarly if the grievance involves a matter of principle, the aggrieved party should contact their Trade Union representative for advice.

Step 2

The Meeting

The Head/Investigating Officer will inform the employee within 5 working days of the date of the meeting to be held to resolve the matter. This meeting should take place no later than 10 working days of receipt of the formal written grievance. The Head/Investigating Officer may seek advice from any appropriate source, and may take evidence from the original line manager and/or all the parties to the dispute

It may be necessary to convene a series of investigatory meetings, with those involved in the grievance for this purpose.

Copies of all relevant documents should be provided to all parties involved at least 5 working days before the meeting.

The aggrieved party may be accompanied by a Trade Union representative/School colleague and will be given an opportunity to present his/her case.

The Head/Investigating Officer may be accompanied by a Human Resources Officer of the Local Authority for the purposes of advice.

The matters discussed at the meeting will remain confidential.

Step 3

The decision of the Head/Investigating Officer will normally be advised at the end of the meeting, or as soon as reasonably practicable thereafter, and confirmed in writing within 5 working days.

The aggrieved party will be advised of the right of appeal and of the right to be accompanied by a trade union representative or school colleague at the appeal hearing.

The employee must inform the employer, in writing, of their intention to appeal within 10 working days of receipt of the written notification of the decision. The grounds of appeal must be clearly stated.

Conduct of the Appeal Hearing:

The Appeal committee will be advised by as appropriate by a Human Resources Officer of the Local Authority.

All parties will be reminded that the proceedings must remain confidential.

The grievance will be set out by the employee or representative. Any relevant witnesses or witness statements may be considered, and expert advice can be sought if appropriate.

The Head/Investigating Officer may ask questions of the aggrieved party or any witnesses.

The Panel will then ask the Head/Investigating Officer to explain his/her decision and to offer any evidence including any relevant witnesses or witness statements.

The employee or Trade Union representative/School colleague the may ask questions of the Head/Investigating Officer and any witnesses.

At any point the Appeal Committee members can ask questions of all parties.

The Appeal Committee will ask the Head/Investigating Officer to sum up his/her decision.

The Appeal Committee will finally ask the employee or the Trade Union representative/School colleague to sum up on behalf of the employee.

At the end of the meeting the Appeal Committee will consider its decision without any other party being present (except where a clerk may be present for the purpose of taking minutes or a Human Resources Officer of the Local Authority for the purpose of advising the Committee).

Adjournment:

The Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained the Panel will specify the nature of that information.

All parties may ask for an adjournment for the purpose of consultation.

Any adjournment will normally be for a specified time.

Witness Statements:

If witness statements have been obtained during the course of any investigation all parties must be given copies of them at least 5 working days before the meeting. A shorter period may be agreed by the parties. Where there is a request to preserve the anonymity of a witness the Local Authority should be consulted before any decision is made.

Witnesses:

Either side may introduce witnesses to the meeting with the Head or Appeal Panel hearing, but must notify all relevant parties at least 5 working days that they intend to do so. It should be noted that new evidence cannot be introduced at the Appeal stage.

GRIEVANCE PROCEDURE FLOWCHART

		<u>Action/Timescale</u>
Employee	→ Line Manager	Discuss grievance within <u>2 months</u> of event.
Employee	← Line Manager	Oral response within <u>2 working days</u>
<i>(If still aggrieved)</i>		
Employee	→ Line Manager	Take up within <u>5 working days</u> May involve trade union
<i>(If still aggrieved)</i>		
Employee	→ Line Manager	In writing on "Grievance Procedure Report" form within <u>5 working days</u>
	↓	
Employee	← Headteacher	Consult HR and inform employee within 5 working days of arrangements for a meeting to take place within 10 working days
Employee	← Headteacher	Write and confirm decision within 5 working days
<i>(If still aggrieved)</i>		
Employee	→ Headteacher	In writing (quoting reasons) within 10 working days
	↓	
Employee	← Governors Appeals Committee	Appeal to be heard within 10 working days. Write and confirm decision within 5 working days