

Model Grievance Policy

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1. Introduction

Grievances are concerns, problems or complaints that employees raise with their employers. These may be about any aspect of their work, treatment that they have received, or relationships with colleagues. This policy is also used when dealing with complaints of bullying and/or harassment. The purpose of this policy is to ensure that complaints are dealt with swiftly, fairly and consistently.

2. Scope

This policy applies to all teaching and support staff in maintained schools (including those seconded to other schools or organisations) in which the governing body has adopted them for use. It applies to staff in Pupil Referral Units in the same way.

It also applies to local authority-employed 'unattached teachers' / FE staff. This policy specifies where there are differences from schools-based staff, for example, in relation to the decisions and the route for any subsequent appeal against the decision.

The schools concerned are those Community and Controlled schools which have delegated budgets under S.45 of the School Standards and Framework Act 1998, or successor legislation. The Education (Modification of Enactments relating to Employment) Order 1999 provides for the governing bodies of schools concerned to be deemed the employer for the purpose of this policy.

The governing bodies of Voluntary Aided or Foundation Schools maintained by Suffolk County Council may also adopt this policy, with appropriate modification to reflect that in each case the governing body is the employer.

Academies and Free Schools, which are not maintained by the local authority, may choose to adopt this policy, with appropriate modification to reflect their employment status.

An employee working within a school but employed on another organisation's terms and conditions of employment should have any grievance managed under their own organisation's appropriate policy/procedure.

This policy contains both informal and formal stages. Employees, their representatives and managers are urged to make every reasonable attempt to resolve a grievance informally before using the formal parts of this policy

3. Confidentiality

All grievance proceedings, including details of any investigation and statements relating to it, are confidential to the parties concerned, with the exception of official bodies which have a right to require disclosure of information. The delegated committee of the Governing Body will be notified of the outcome of any formal process, once it has concluded. Any breach of confidentiality may also be considered under the disciplinary policy.

4. Exclusions

This policy does not apply to complaints of professional malpractice, wrongdoing or criminal activity: such complaints should be raised immediately via the Whistleblowing Policy.

If an employee's grievance relates to alleged bullying or harassment by a colleague, the matter should be dealt with under the Harassment and Bullying Procedure.

Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and should be reported to the line manager for appropriate action.

Grievances may be concerned with a wide range of issues, including the allocation of work, the working environment or conditions, the opportunities that an employee has been given for career development or the way in which the employee has been managed. However, issues that are the subject of collective negotiation or consultation with recognised trades unions will not be considered under the Grievance Procedure.

Complaints that an employee may have about any disciplinary action taken against him/her should be dealt with as an appeal under the Disciplinary Procedure.

Where an employee raises a grievance during a disciplinary process relating to his/her own conduct, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary are related, it may be appropriate to deal with them concurrently.

Pay and Grading Appeals will be considered under the specific arrangements in place for that purpose.

The grievance policy will not be used to deal with complaints made after employment has ended, for any reason. However, if a grievance has been raised and not concluded before an employee leaves, he or she will be invited to continue with the grievance process.

5. Roles and Responsibilities

Any complaint raised under this policy should be made in good faith. Any complaint found to have been made for malicious, false or similar reasons may give cause for disciplinary action. All employees are expected to co-operate in the implementation of this policy and the accompanying Harassment and Bullying Policy (where applicable) both of which are intended to secure fair and reasonable treatment consistent with the principles of equality of opportunity for all employees.

Whether raised at the informal or formal stages of this process (see below) it is important that the employee approaches the right person with his/her grievance.

Within a school or Pupil Referral Unit, the following applies: If the grievance is an informal one and involves other employee(s) the employee may make a direct approach to the individual(s) concerned. Otherwise, he/she should directly approach his/her line manager, or the Head Teacher (who may wish subsequently to delegate this matter to a senior member of staff, as appropriate) in order to explore resolution of the matter. Where the grievance is about the Head Teacher, or the Governing Body, it should be referred to the Chair of Governors. Where the Head Teacher has an informal grievance of his/her own, this should be referred to the Chair of Governors in the same way.

The same principles apply within the formal stages (see below) of this procedure, with the grievance being submitted to the Head Teacher or Chair of Governors as appropriate. The grievance would then be heard by the Head Teacher, or by the Hearings Committee of the Governing Body, accordingly. Where an employee reaches the appeal stage, he/she would lodge the appeal with the person, or the Chair of the Committee, who heard the first formal stage. The Governors' Appeal Committee will then be convened to hear the appeal. For Head Teachers' grievances, the formal grievance hearing will be carried out by the Governors' Hearings Committee and any subsequent appeal by the Governors' Appeal Committee.

In exceptional circumstances, e.g. where the grievance is against the Governing Body and it is not possible for the Head Teacher or the governors to address the grievance, with the agreement of all the parties the grievance may be referred to the Director for Children and Young People (or his/her

nominated representative). A meeting of the respective parties will be called, usually in accordance with the timescales set out in this policy.

In Voluntary Aided Schools an appropriate officer of the Diocesan Authority may be able to assist particularly if a complaint is against the Chair of Governors. However, the grievance must ultimately be dealt with by the Governing Body, using the principles in this policy.

For “unattached” teachers employed directly by the Local Authority, a grievance would be raised with the immediate manager. In the case of the grievance being about this person it would be raised with the manager’s manager. Hearings will be conducted by officers of the Local Authority, with any appeal being heard by a different (usually more senior) officer.

6. Informal stage

Many grievances can be resolved informally and quickly, and there is an expectation that all parties will seek to do this, without unreasonable delay, before formal steps are considered. The relevant person (see paragraph 5 above) receiving the grievance will try to resolve it informally with the party or parties concerned wherever possible. Where there is a dispute between employees, it may be appropriate to involve a trained mediator in these circumstances, with the various parties’ agreement.

7. Formal grievance process

If a grievance has not been satisfactorily resolved via informal measures then the employee raising it should set the grievance down in writing, without unreasonable delay, and state what steps have already been taken to resolve the grievance, and what he/she believes to be the solution to it. This grievance should be given, together with any supporting documentation, to relevant person as set out in section 5 above.

7.1 Investigation

In some cases it may be necessary to carry out an investigation into the grievance. The extent of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee who has lodged the grievance, the employee who is the subject of the grievance (if appropriate) and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by the relevant person or someone else appointed by the relevant person.

All parties must co-operate fully and promptly in any investigation. This may include disclosing the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

The investigation may be instigated before holding a grievance meeting where this is considered appropriate. In other cases the grievance meeting may be held before deciding what investigation (if any) to carry out. In such cases a further grievance meeting will be held with the employee after the investigation and before any decision is reached.

7.2 Meeting

The relevant person will arrange a meeting, usually within ten working days of the employee’s written grievance being received although this may depend on what, if any, investigations are being carried out.

The meeting will be conducted in a manner which allows the employee to explain the grievance and how it might be resolved.

At the formal meeting the employee is entitled to be accompanied by a trade union representative or a workplace colleague. As a matter of good practice, in making their choice, employees should bear in mind the practicalities of the arrangements. For example, an employee may choose to be accompanied by a companion who is suitable, willing and available on site, rather than someone from a geographically remote location.

The person accompanying will be allowed to address the hearing, to help state the employee's case. This person does not have the right to answer questions on the employee's behalf.

If the employee's chosen companion is not available at the time set for the meeting, the meeting will be postponed to a time proposed by the employee, provided that the alternative time is both reasonable and no more than five working days later than the original time.

A decision may be given at the end of the meeting, but in any case will be set out in a written response to the employee within ten working days. This response may also contain what action is intended to resolve the grievance, if any part of it is upheld.

In some cases it may be necessary to adjourn the process to allow for further investigation to take place in order to allow a thorough consideration of the grievance, and to make recommendations for action. If so, the employee will be kept informed regarding the process and a further grievance meeting will be held following the further investigations. Any such further investigation shall be carried out in the same way as stipulated in 7.1,

7.3 Appeal

If the employee feels that his/her grievance has not been satisfactorily resolved, then he/she may appeal against the findings. A written notice of appeal should be submitted, stating the grounds for the appeal, i.e. the basis on which the employees says that the outcome of the grievance was unacceptable or that the action taken as a result was inappropriate. An appeal meeting will be arranged, usually to take place within ten working days of receipt of the appeal notification.

New evidence is admissible for an appeal, providing that it is submitted at least a week before the appeal meeting. The meeting will usually take the same format as the formal grievance meeting at 7.2 above. The employee has the same right to be accompanied.

A written response will be issued to the employee normally within ten working days of the date of the grievance meeting, unless further investigation or similar is required. The decision made at the appeal is final. The employee will not be able to raise another grievance about the same matter.

8. Collective grievances

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so, whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way it cannot then be raised by the same employees individually. The collective grievance procedure will follow the same timescales and process as that for individual grievances.