



## **STAFF GRIEVANCE PROCEDURE November 2017**

### **1. PURPOSE**

- 1.1 All employees have the right to present grievances about any matter relating to their employment (excluding job gradings, disciplinary issues, sickness absence monitoring code, performance matters and collective disputes which are covered by separate procedures). This procedure is applicable to all employees responsible to the governing body in this school.
- 1.2 The settlement of grievances is fundamental to good employee relations. Every effort should be made to reach informal agreement or understanding between the parties before resorting to the formal stages of the procedure. This should be carried out by the immediate line manager or Headteacher as appropriate. If the grievance is in relation to the Headteacher this should be carried about by the Chair of Governors with support from the LA as required.
- 1.3 The aim of this procedure is to settle grievances fairly, rapidly and at the earliest possible stage. The timescales set out should be followed unless there is an exceptional reason which should be explained to the employee and another meeting arranged as soon as possible.
- 1.4 If an employee leaves the school with a grievance unresolved, it will only continue to be considered if it materially relates to entitlement to pay, allowances, pensions or gratuity.

### **2. DEFINITION**

- 2.1 A grievance is a situation where an employee considers that the effect of action taken or proposed by management, or of management failure to take action, is detrimental to her/him.
- 2.2 Matters where there is no identifiable outcome within the remit of management to grant will be precluded from the grievance process, and should be dealt with informally.

### **3. GENERAL POINTS**

- 3.1 The trade union or employee representative has an important role to play in supporting, advising and representing an employee with a grievance. The aim should be to resolve the grievance through co-operation rather than confrontation.
- 3.2 Each grievance is important to the individual concerned and every stage should, therefore, be dealt with promptly. Unnecessary delay may cause complaints to become magnified and distorted, harm relationships and could ultimately lead to industrial disputes.

Effective communication and maintaining good working relations between Headteachers, line managers and employees is the best way of ensuring that grievances never arise. Fairness towards employees is an important factor in management's efforts to avoid disputes. Resentment because of the lack of this consideration can be the underlying cause of many grievances.

- 3.3 Where grievances arise, the procedure must be followed strictly, and neither the employee nor the trade union representative should be allowed to bypass the Headteacher. It is recommended that Headteachers, governors and other staff, where appropriate, are trained in the use of this procedure.
- 3.4 If in any doubt on how to proceed please seek advice from the local authority's Human Resources department.
- 3.5 If an alleged breach of any agreement or contract of employment is involved, first check the facts. Copies of documents should be obtained and checked before an answer is given. Changes to individual contracts of employment must be by agreement.
- 3.6 Regular work routines are an important part of an employee's job, and prior consultation on any changes in custom and practice can ease through many difficult decisions without a grievance being raised. In particular, careful consideration should be given before making any changes to patterns of directed time. Employees are entitled to rely on a degree of certainty in the timing of meetings and additional duties. Where there is a need to change work routines the reasons need to be explained and sufficient notice given to individuals so that they have time to make any necessary alternative arrangements.
- 3.7 Normal working will continue while a grievance is going through this procedure. Where a grievance concerns a change to conditions of service or practices and cannot be resolved immediately it is raised, it is recommended that the change concerned is not implemented until either agreement is reached or the grievance procedure is exhausted, unless this means that the normal operation of the service or work activity cannot continue.

#### **4. HEALTH & SAFETY**

- 4.1 Under the Health & Safety at Work Act 1974 all employers are required to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. Grievances concerning health, safety or welfare should, therefore, have a high priority. The employer could be legally liable in the event of warnings of hazard of this nature being ignored.

## THE PROCEDURE

Any employee has the right to raise a grievance about matters relating to their employment.

A grievance must be raised within 4 weeks of the event occurring or where there are a sequence of events, the last in that sequence.

### 1. Stage 1 – Informal

- 1.1 In the event that an employee has a grievance, he/she should, in the first instance, discuss the matter in private with his/her immediate line manager or Headteacher, or Chair of governors if the matter is in relation to the Headteacher as appropriate, who should then answer the grievance within three working days. The employee may be accompanied by a trade union or employee representative.
- 1.2 Where the aggrieved employee is a Headteacher the matter should be raised informally with a governor mutually agreed with the governing body. It may be helpful to involve a representative from the local authority.

### 2. Stage 2 – Formal

- 2.1 If the grievance is not resolved satisfactorily within 3 working days, the employee should put the grievance, in writing, to the Headteacher (Chair of governors if matter is about Headteacher) and ask for a formal meeting. The Headteacher should hold the meeting within 5 working days and allow a trade union or employee representative to attend with the employee. The decision should be given in writing to the employee and his/her representative within 5 working days from the conclusion of the hearing. (The pro-forma – Appendix 1 is recommended as a model to use at the end of this stage).

### 3. Stage 3 – Formal

- 3.1 If the grievance remains unresolved at Stage 2, the employee should forward the Case and response to the Chair of Governors, with a copy to the Headteacher, within 10 working days of receiving the response.
- 3.2 A panel of three governors will be established by the full governing body, to conduct Stage 3 hearings. The Panel should then hold a formal meeting with the employee and his/her representative within 10 working days. Where the employee is a Headteacher, the Director of Children's Services or nominated representative should be present as an adviser to the Panel.
- 3.3 The Panel's decision should be given in writing to the employee and his/her representative within 5 working days of the hearing.

#### **4. Conducting the Governor-Level Hearing**

- 4.1 The fundamental purpose of the hearing is to give the employee the opportunity to fully present her/his case. The Chair of the Panel shall be responsible for the proper conduct of the hearing which shall be conducted on a formal basis and shall adjudicate on procedural issues relating to the conduct of the hearing. The Chair, however, may not vary the order of the proceedings set out herein without the agreement of all the parties concerned at the hearing. The Chair should take any necessary action to ensure a fair and orderly hearing.
- 4.2 The Chair shall commence the proceedings by stating the reasons for the hearing being held, and the resolution sought.
- 4.3 The Chair shall then confirm the presence or absence of the parties to the case and any representative thereof. At the discretion of the Chair, the hearing may be postponed by reason of the absence of any of these persons.
- 4.4 The Chair shall order the proceedings as follows:
  - 4.4.1 Ask the employee and/or representative to present the employee's case, allowing the management side (Headteacher) an opportunity for questions after the employee's case has been completed. The employee may be accompanied by relevant witnesses/representatives able to amplify and further explain when questions are asked by the other side and Chair, or refer to documents previously circulated.
  - 4.4.2 Ask the management representative (Headteacher) to reply to the employee's case allowing the employee and/or representative to ask questions after the management presentation has been completed. The management side may be accompanied by relevant witnesses able to amplify and further explain when questions are asked by the other side and Chair or refer documents previously circulated.
  - 4.4.3 Material not previously circulated will only be admitted with the agreement of both parties.
  - 4.4.4 Allow both parties the opportunity to sum up their cases. The employee or his/her representative shall have the right to speak last. Neither party may introduce new matters in their summing up.
  - 4.4.5 The Chair shall confine the business to the grounds of the hearing.
  - 4.4.6 The Panel may ask questions on points of clarification at any time. Otherwise questions by the Panel shall be put to each party, after it has presented its case.
- 4.5 Decision

The Panel's decision shall be given either immediately at the end of the hearing, or within 5 working days in writing.

## GRIEVANCE PROCEDURE

### Case and Response Report of Stage 2 Proceedings

School Name and Address:

Name of Employee:

Occupation:

Name of Responsible Line Manager/Headteacher:

Title of Line Manager:

Name of Representative(if any):

Details of Grievance:  
(and redress sought)

Management's Answer:

Employee(s) Response:

\*Agreed Action/No Further Action:

Signed: On behalf of School

Signed: by or on behalf of Employee

Date:

Notes

1. \*Delete as appropriate
2. If an employee does not accept management's response as resolving the grievance, an appeal may be made at Stage 3 of the procedure. In this event, please state this intention as Employee(s) response, with reasons.