

St Lawrence CE Primary School



Grievance Policy

Ref : STLAW.059
Version 1.0

This document has been reformatted to a new St Lawrence CE Primary School standard template and all version numbers have been reset, as part of the review of all policies in November 2011.

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Version History

Version Number	Date created	Status
0.1	17 th October 2017	Draft
1.0	30 th November 2017	Approved
1.1		Draft
2.0		Approved
2.1		Draft
3.0		Approved

Change History

Page Number	Change

Document Information

Policy name :	Grievance Policy
Policy reference:	STLAW.059
Version:	1.0
Date created :	18 th October 2017
Review period :	Every 3 years or earlier if update from Telford & Wrekin
Date of approval :	30 th November 2017
Date of next review :	October 2020

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Telford & Wrekin Council

Employee Grievance Scheme

Developed by: Human Resources

Reviewed Date:

Updated:

Introduction

'Governors' or the 'relevant body' recognise that from time to time individual employees may have a grievance against the employer. Usually concerns can be dealt with as part of their day to day management arrangements however there may be occasions when this is not possible or does not happen.

This scheme is only intended for use where informal discussion, at which individuals are entitled to have representation or trade union presence, have not achieved resolution of a situation. It is not a substitute for discussion between individuals and their manager.

It is expected that most problems an employee may have with their employment at the School will be dealt with satisfactorily and informally in the course of the normal working relationship between the employee concerned and their immediate supervisor/manager/Headteacher.

To encourage informal resolution, an employee will be asked during the process of raising a formal grievance what they have done to resolve the issue informally. If informal resolution is not possible, employees should raise the matter formally with a manager who is not subject of the grievance.

This policy should be formally adopted by the relevant body. The 'relevant body' within the policy is referred to as 'Governors/Governing Body', however each School should amend this term to ensure it's a true reflection of 'it's' relevant body, e.g. an Academy may have a 'management committee'.

In adopting this policy, there is a commitment from all parties using this policy i.e. the employee, managers/Headteacher and Governors, that seeking resolution should be without unreasonable delay.

A flow chart of the process can be found at the end of the policy.

Purpose

The purpose of this scheme is to provide a mechanism within which grievances can be resolved swiftly and at the lowest level possible. The scheme is designed around the principles of natural justice and ACAS Code of practice and has to be operated in a flexible manner to achieve this aim.

This policy is not intended to be used for grievances relating to a disciplinary decision - where the appeals procedure contained within the Disciplinary Policy must be utilised. However individuals are entitled to commence grievance procedures whilst under disciplinary investigation. Issues concerning relationships with colleagues are best dealt with under the appropriate policy. Where specific appeals procedures are in place, these should be used.

Therefore -

- ❖ The scheme applies to all employees of the School (except casuals)
- ❖ The scheme is designed to resolve individual issues but may be applied in appropriate circumstances where a group grievance exists
- ❖ Every effort must be made by the employee to resolve the matter informally prior to taking the matter to 'Formal Stage One'
- ❖ Where grievances are raised against another employee, that employee will be informed and given details of the grievance. They will also receive information concerning the outcome.
- ❖ Every opportunity should be given to try and resolve the matter without unreasonable delay. However, given the nature of the setting, grievances raised close to School holidays may encounter a delay
- ❖ The scheme relates to incidents which occurred no more than 3 months ago
- ❖ School holidays should not be a reason for declining resolution to a grievance if this makes the incident occur more than 3 months ago
- ❖ In the spirit of resolution and to avoid unreasonable delay, timeframes are quoted as 'days' rather than working days.
- ❖ The scheme should not be restarted within 12 months of the completion of action in respect of the same or similar grievance, unless agreed recommendations have been broken or ignored
- ❖ It is important, and in the interests of both employer and employee, to keep written records where necessary during the grievance process. Employees who are invited to a minuted meeting will be given a copy of those minutes. It is desirable that the employee or their representative will agree the formal notes and minutes of the meetings held, but in certain circumstances this may not be possible. In these cases the notes and minutes must be recorded as 'not agreed,' with the employee and or trade union permitted to attach a note to the minutes in these circumstances.
- ❖ In certain circumstances the employer may withhold some information e.g. if the employer believed there to be a risk of intimidation or harassment.
- ❖ Before setting dates to discuss any grievance, reasonable efforts should be made to arrange with both the employee and the employee's representative that they are able to attend. If the meeting falls through on two occasions due to the employee and/or representative and/or trade union, the employer will be under no obligation under the statutory procedures to rearrange it again. If this is the case the Headteacher/Governor may decide to make a decision based on the information available.

- ❖ The grievance policy is applicable whilst the employee is employed. If an employee ends their employment whilst the grievance procedure has not been completed, then it should be continued until the grievance procedure has been exhausted.
- ❖ Advice for the manager/Headteacher/Governor can be sought from the Schools HR Advisor

Special Circumstances

Grievance against the Local Authority

For Community and Voluntary Controlled Schools, where a grievance is against a Local Authority Officer, informal resolution should be sought in the first instance by the Headteacher/chair of Governors contacting the relevant manager or the Assistant Director Education & Corporate Parenting to discuss the matter. If the issue relates to either party, the next line of management should be contacted.

For Voluntary Aided, Trust, Foundation Schools or Academies informal resolution should be sought in the first instance by the Headteacher/Chair of Governors contacting the relevant manager or the Assistant Director Education & Corporate Parenting to discuss the matter. If the matter is not resolved, the Local Authority complaints procedure should be followed.

Grievance and Absence

There may be occasions where employees who have either raised or are subject to a grievance have a period of absence. This may be as a direct result of the grievance process or not. Being part of a grievance procedure can be difficult which is why the emphasis is on informal / without unreasonable delay resolution.

Employees should be aware that a period of absence will only delay resolution and should be encouraged to maintain contact in order to seek resolution.

If this is not possible, the manager/Headteacher/Governor should refer the employee to Occupational Health.

In attempting resolution, if a requested meeting or contact falls through on two occasions, the employer will be under no obligation under the statutory procedures to rearrange it again. If this is the case the manager/Headteacher/Governor may decide to make a decision based on the information available.

Grievance and Disciplinary or Capability

Where an employee raises a grievance during a disciplinary or capability process, the disciplinary or capability process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary or capability cases are related, it may be appropriate to deal with both issues concurrently.

Vexatious Complaints

Where there are outcomes and recommendations as a result of a grievance process whether informal or formal, the School undertakes to ensure these are implemented. If the School does not implement the outcomes, then the employee may wish to draw this to the Schools attention.

However, the School will not accept unreasonably persistent complaints or those who make complaints in order to be difficult and not work to resolve the situation in line with the spirit of the procedure.

Grievance Procedure

Stage One

Where informal discussion has not resolved an issue and an individual remains dissatisfied about any matter affecting their employment the matter should be formally registered as a grievance via completion of the **Stage One form** to the Headteacher or relevant manager.

The submission must include a sufficient explanation of the basis for the grievance. Where a matter affects a group of employees, it may be suggested that a spokesperson is used who may be a trade union representative. Any individual may request representation from his or her trade union at this stage or any other stage of this policy.

If it is inappropriate for the immediate line manager or Headteacher to consider a grievance e.g. because s/he is the subject of it, the next most senior manager (i.e. the manager's manager) or a Governor will be asked to respond.

In order to respond to the grievance, the appropriate manager should review the information and invite the employee to a formal stage one meeting as soon as reasonably possible. The meeting should be held with resolution in mind and questions asked in order to seek resolution.

Advice for the manager/Headteacher can be sought from HR.

The purpose of the formal stage one meeting is to:

- ✓ Understand the grievance raised by the employee
- ✓ Understand the required outcome by the employee
- ✓ Understand what the employee has undertaken to resolve the matter informally
- ✓ Understand the events/course of action that have occurred within the School
- ✓ Decide on an appropriate course of action

The appropriate course of action may include being in a position to make a formal response containing any recommendations as they have already undertaken relevant investigations as well as speaking to the employee in order to make a decision.

Where this is the case, resolution should be communicated as part of the formal stage one meeting. If this is not possible as further consideration is required, outcomes and recommendations should be communicated within **7 days** of the meeting or as soon as reasonably practicable.

Alternatively it may be necessary to adjourn the meeting to investigate the matter further. If this occurs, the manager/Headteacher should keep the employee up to date with timeframes and may reconvene the formal stage one meeting in order to deliver the findings and recommendations. Where the meeting is reconvened the outcome will be communicated in writing within 7 days, otherwise as soon as investigations have been completed and without unreasonable delay.

Stage Two Appeal

If the employee is dissatisfied with the outcome of the Stage One meeting, then the employee or the trade union representative must submit a completed **Grievance Stage Two Appeal** form to the Chair of Governors within **7 days** of receipt of the stage one decision letter.

Depending on who responded to Formal Stage one, the Headteacher or Governors Appeal Committee should be convened at the earliest opportunity to hear the appeal without unreasonable delay and can be advised by a member of the HR team. The Headteacher or Chair of the Appeals Committee has the right to convene a prior meeting with trade union representatives and management with the aim of settling the issue before the hearing is convened.

The procedure for the hearing will ensure all parties have the opportunity to have their say and at all times comply with the principles of natural justice (**see Process at Grievance Appeals below**). It is not expected that witnesses will attend, however this will depend on the nature of the grievance.

The decision of the Headteacher or Appeals Committee will be communicated in writing within **7 days** and **the decision is final**. Should there be a delay in the decision, this will be communicated at the earliest opportunity.

Grievance Stage One

Please detail the basis of your grievance / complaint:

What action have you taken to date to resolve the situation?

What outcome do you hope to achieve as a result of this grievance?

Name:	Signature:
-------	------------

Date:	Name of TU Rep:
Name of Line Manager:	

Grievance Stage Two Appeal

Where you are appealing against the outcome of Grievance Stage One, ensure that you detail the specific reason (s) why you are dissatisfied with the decision by completing all sections below.

Please state the reasons for appealing against the outcome of Grievance Stage One.

Please state what you are seeking as a satisfactory outcome to your grievance.

How the reasons for rejecting the alternative solution might be addressed (if applicable).

Name:	Signature:
Date:	Name of TU Rep:
Name of Line Manager:	

Process at Grievance Appeals

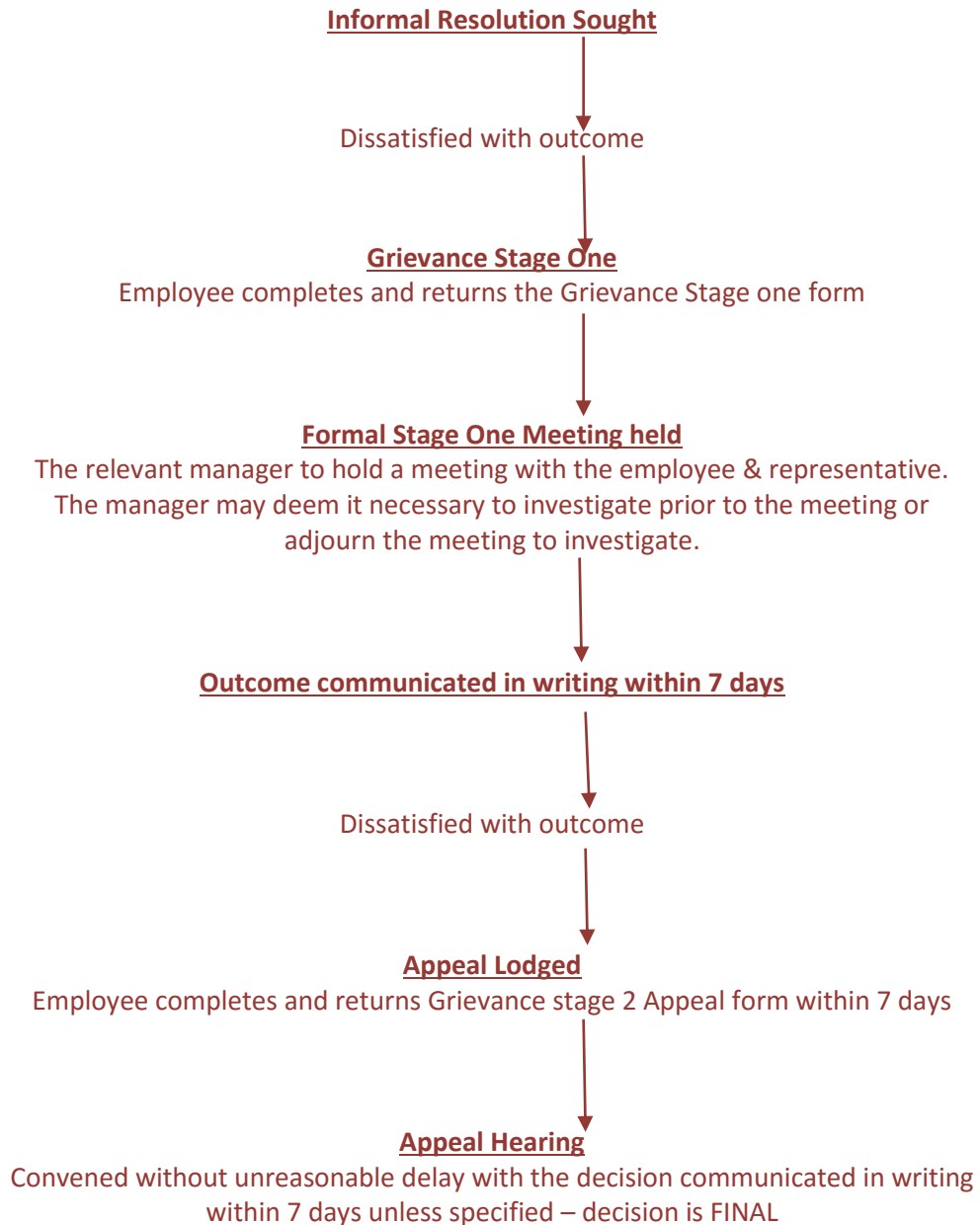
The employee and TU representative along with the Headteacher/Manager dealing with Formal Stage one will be in attendance. HR Advice can be available for the Headteacher/Governors Appeal Committee hearing the appeal.

Witnesses will not usually attend appeal hearings but this is dependent on the case and with the agreement of the Headteacher/Chair of the Appeals Committee, whoever is hearing the appeal. The party requiring witnesses will be responsible for organising their attendance.

Whilst there is a formal structure to the appeal, the aim is resolution and it may be at times that the hearing takes on more of a discussion. This should not detract from all parties ensuring they have their opportunity to have their say.

- ❖ Headteacher/Chair – make introductions, state the reason for the meeting and go through relevant housekeeping.
- ❖ The employee and/or TU representative to present their case, based on the information provided on the stage 2 form.
 - Should the employee require witnesses, they should be called and questioned by the employee, followed by the Headteacher/relevant Manager and the Appeals Committee/HR Advisor
- ❖ The Headteacher/Manager may ask the employee/TU representative questions followed by the Appeals Committee/HR Advisor
- ❖ The Headteacher/Manager to present their case
 - Should witnesses be required, they should be called and questioned by the Headteacher/Manager, followed by the employee/TU representative and the Appeals Committee/HR Advisor
- ❖ Where a discussion is had, the Headteacher/Chair to ask each party if they have had the opportunity to have their say. If not, the relevant party should make their points known.
- ❖ The employee and Headteacher/Manager to sum up without introducing new evidence
- ❖ All parties adjourn to enable consideration of the information.
- ❖ The decision if made, may be communicated to the employee on the day. If this is not possible, the employee will be informed and in either case, the decision will be communicated in writing within 7 days.
- ❖ Should there be a delay in making the decision, this will be communicated to all parties.
- ❖ **The decision of the appeal is final.**

Grievance Process Flowchart



Human Resources Employee Grievance Scheme

Schools Guidance Note 1

'Grievances are concerns, problems or complaints that employees raise with their employers' – ACAS Code of Practice. Concerns, problems or complaints raised by other parties e.g. parents, should be dealt with through the Schools Complaints procedure.

Issues can be raised by any employee including managers and issues giving rise to a grievance can include:

- Terms and conditions of employment
- Health and safety
- Work relations/relationships
- Bullying and harassment
- New working practices
- The working environment
- Organisational change
- Discrimination

It's important to remember that employees who raise a grievance will generally remain in employment once the grievance process has been completed. Therefore it's useful to remember to:

- ✓ Encourage resolution at the lowest possible level i.e. through normal management discussions within School
- ✓ Seek a swift resolution to ensure that employees can concentrate on the job that they are paid to do
- ✓ Consider different solutions in order to achieve resolution e.g. third party involvement/mediation
- ✓ Ensure fairness of procedure
- ✓ Not be afraid of trade union involvement, this can often assist in resolving the matter
- ✓ Encourage discussion and dialogue to enable the employee to have their say and feel that you have listened
- ✓ Be realistic with timeframes if you are unable to achieve those stated in the policy and communicate these to the concerned parties
- ✓ Be objective and investigate appropriately but you may find that the claims made by the employee are unsubstantiated
- ✓ Sickness absence should not delay the process and you can refer to occupational health if needed
- ✓ Seek advice from your HR Advisor

Resignation letters

Consider what's been written in a resignation letter. Comments about perceived poor treatment need to be addressed prior to the employee leaving or answered in a resignation acceptance letter. Often, such comments and feelings can be unknown to the School. Speak to your HR Advisor.

Remember – this policy only applies to employees. If an employee submits a grievance prior to resigning or as part of the resignation letter, they are entitled to see the process through to appeal. Once an employee has left, their concerns should be dealt with through the Schools Complaints procedure.

Grievance stage one – template decision letter

Private and Confidential
[insert name and address]

Insert date

Dear XXX

RE: GRIEVANCE STAGE 1 RESPONSE

I am writing in response to the stage one grievance that you submitted on **xxdatexx**.

In line with the process, the formal stage one meeting took place on **xxdatexx**. You attended and *were represented by **xxinsert TU rep name & unionxx**. /but were not represented, however you were happy to proceed.

We discussed the contents of the grievance stage one form and you explained the actions you had taken to resolve the matter informally. This included **xxinsert what they did to resolve the matter informallyxx**.

Unfortunately, you do not feel your actions have resolved the matter which is why you completed the stage one form.

xxDelete as appropriatexxI had taken the opportunity to investigate your concerns prior to our meeting and taking our discussion and points you raised into account, I can now formally respond to your concerns..... **or**It became apparent during our meeting that I needed to undertake further investigation. I therefore adjourned the meeting to undertake these investigations. Given my findings and taking the points you raised into account, I can now formally respond to your concerns.

Point 1

xxInsert concern raised and your findingsxx

Therefore I have/have not found evidence to substantiate this claim and I am therefore unable to uphold this element of your Grievance.

Point 2

xxInsert concern raised and your findingsxx

Therefore I have/have not found evidence to substantiate this claim and I am therefore unable to uphold this element of your Grievance.

Point 3

xxInsert concern raised and your findingsxx

Therefore I have/have not found evidence to substantiate this claim and I am therefore unable to uphold this element of your Grievance.

Conclusion and recommendations

xxInsert overall conclusions along with any recommendations/change of practice/instructions to prevent this from happening againxx

However, if you remain dissatisfied with this response at Stage One you may lodge an appeal using the Grievance Stage Two Appeal form. This should be submitted to the Headteacher/Chair of Governors within seven days of receiving this response.

Yours sincerely,

XXXXXX

Cc: TU Rep
Human Resources

Grievance stage two appeal – invite letter

Private and Confidential
[insert name and address]

Insert date

Dear XXX

RE: GRIEVANCE STAGE 2 APPEAL HEARING

I am writing in response to the stage two grievance form dated **xxdatexx** and would like to invite you to a stage two Appeal hearing on **xxdatexx at xxtimexx**. This will be held at **xxinsert locationxx**.

*As Stage One of the grievance was undertaken by the Headteacher, the Appeals Committee of the Governing Body will hear the stage two appeal. I will Chair that hearing and be accompanied by **xx insert 2 Governor namesxx**. We will be advised by **xxinsert HR namexx**.

* As Stage One of the grievance was undertaken by **xxinsert name of managerxx**, I as Headteacher will hear the stage 2 appeal. I will be advised by **xxinsert HR namexx**.
*(*delete as appropriate)*

You are entitled to Trade Union representation at the hearing.

The matters to be addressed at this hearing are:

Point 1

xxInsert the ongoing concernxx

Point 2

xxInsert the ongoing concernxx

xxninsert name and title e.g. Headteacherxx who responded to you at stage one of the process will also be in attendance (*where other employees are concerned insert so will xx namexx who you have grieved against*).

The aim of this hearing is to enable all parties to have their say and to seek resolution. Therefore the process for appeal hearings detailed in the policy will be followed. As you may be aware from the policy, the decision from the hearing will be final.

All documentary evidence should be submitted to me by **xxdatexx** to enable this to be distributed to all parties and allow appropriate time for this to be read.

Please can you also confirm your attendance and details of your trade union representation by the same date, **xxinsert datexx**.

Yours sincerely,

XXXXXX

Cc: TU Rep
Human Resources

