



Employee Grievance Policy ~ 2022-2023

Version 4



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Employee Grievance Policy

Summer 2023

Version 5

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| Written on: | 6 th April 2018 |
| Reviewed on: | 6 th June 2023 |
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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



