

# Grievance Procedure

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## Document information

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Purpose	This procedure applies to all school based staff. The procedure aims to ensure that grievances are dealt with promptly, in a fair and supportive manner, and as near as possible to the point of origin. Governors should be aware that their involvement in the early stages of this procedure is likely to prejudice their involvement at a later stage.		

## Document accessibility

If you would like this information in another language or format please speak to your Head Teacher.

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## 1. Introduction

- 1.1 This procedure applies to all school based staff. It is important that suitable rules and procedures are in place within schools which will promote fairness and consistency in the treatment of individual employees and which reflect the relevant policy on equal opportunities and appropriate legislation regarding individual employment rights.
- 1.2 This procedure should be followed when dealing with a grievance or dispute in relation to an individual's employment including bullying and harassment. The procedure does not apply to matters relating to:
- Dismissal, disciplinary or capability matters
  - Allegations of health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption or financial malpractice (Confidential Reporting (Whistleblowing) Procedure).
  - Applications for grading, re-grading and appeals (Job Evaluation and Grading Procedure)
  - Any situation where alternative appeal procedures exist
  - Complaints from parents or students
- 1.3 The procedure aims to ensure that grievances are dealt with promptly, in a fair and supportive manner, and as near as possible to the point of origin. The grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time limit will not be considered unless there are exceptional circumstances. Governors should be aware that their involvement in the early stages of this procedure is likely to prejudice their involvement at a later stage.
- 1.4 Grievances can arise from a variety of sources and it is important to recognise that many potential problems and difficulties can and should be 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.
- 1.5 The procedure should be made known to all staff within the school and all employees have the statutory right to representation.
- 1.6 This policy and procedure document may be applied to employees working in Academies in the following circumstances:
- Where a school has become an Academy having previously adopted this policy and procedure.
- 1.7 Where an Academy has decided to adopt this policy and procedure following appropriate consultation. (For those Academies that pay in to the Walsall Council facilities agreement, consultation with unions will have already been undertaken. For all other Academies, local consultation with employees and their representatives will need to take place).
- All references to "the school" should therefore be taken to refer to the Academy and references to "the Headteacher" should be taken to refer to the Principal of the Academy or other designated Head of the Academy.

## **2. Equalities**

- 2.1 If any employee has difficulty at any stage of the procedure because of a disability, they should discuss the situation with their line manager.
- 2.2 In addition to their work colleague or a representative of a trade union/professional association, employees who need a carer (for reasons of their disability), or an interpreter/translator to attend a meeting with them, arrangements should be made with the person hearing the case.
- 2.3 An employee who requires assistance accessing a meeting should inform the person requesting their attendance and appropriate venues allowing access will be made available.
- 2.4 The School is committed to fairness and equality of treatment for all employees and will comply with the requirements of the Equality Act 2010 in the implementation of these procedures.

## **3. Informal Procedure**

- 3.1 Every effort should be made to resolve grievances through an informal process.
- 3.2 Where an employee is aggrieved on any matters involving other staff, they should discuss the matter initially with the individual concerned, if appropriate. If they feel unable to do this or this fails to resolve the matter, it should be raised with their line manager.
- 3.3 If necessary, an approach may be made to another senior member of staff and/or to a representative of a professional association/trade union in order to assist in trying to resolve the situation informally. As the matter is in the informal stage any meetings will normally involve the employee and line manager only. The employee will need to confirm what outcome they require to resolve their grievance.
- 3.4 Where the Headteacher has a grievance, a similar procedure should be followed. To resolve the matter informally, a direct approach should first be made to the person concerned. Additional support in seeking to resolve the matter may be sought from a Headteacher or other senior colleague.
- 3.5 If the matter remains unresolved, the Headteacher should discuss it with a nominated representative of the Director of Children's Services who may seek consultation with the Chair of Governors/professional association representative as appropriate.
- 3.6 Some grievances may not involve other members of staff but may lie with the School Governors. In this case, the individual may make a direct approach to the Headteacher in accordance with the formal procedure. A written record should be made of each meeting.
- 3.7 If the matter remains unsolved the employee may then move to the formal stage. If the matter is sufficiently serious enough following the informal stage, a referral to the disciplinary policy can be made.

## **4. Formal Procedure**

- 4.1 Where the informal procedure has failed to resolve the matter or the matter is sufficiently serious, the employee should submit details of the grievance in writing to the Headteacher, including details of any attempt to resolve the matter informally within three months of the incident occurring.

- 4.2 The Headteacher, Governor or an appointed senior member of staff will investigate the grievance. This should not be the manager who met with the employee at the informal stage. If the grievance is against the Headteacher, or the Headteacher is the aggrieved party, the written grievance should be submitted to the Chair of Governors, or other nominated Governor.
- 4.3 The Headteacher/Governor (or a manager nominated by the Headteacher) will arrange to meet with the employee in order to try and resolve the matter, with advice from a human resources advisor and/or other representative of the Director of Children's Services. It may be necessary to convene a meeting, or series of meetings, with those involved in the grievance
- 4.4 The Headteacher/Governor (or a manager nominated by the Headteacher) should invite the individual to attend a formal meeting in order to discuss the grievance. The individual should be informed in writing of the date, time and place of the meeting and confirmation of the right to be accompanied by a work colleague or representative of their professional association/trade union.
- 4.5 During the meeting the individual should explain their grievance and say how they think it should be resolved. The Headteacher/Governor (or a manager nominated by the Headteacher) considering the matter and the employee will seek to resolve the grievance at this meeting. Possible outcomes may be to move the matter back to the informal stage if this option has not been exhausted, to uphold or reject the grievance, to recommend more investigation or to recommend mediation.
- 4.6 If the full nature of the grievance has been established and further investigation is required the meeting should be adjourned to allow the investigation to continue. . Where further investigation is necessary then any meetings arranged with the subject of the grievance or witnesses should be carried out as soon as possible and the individual should be informed in writing of the reason for the meeting and given the date, time and place of the meeting and the right to be accompanied by a work colleague not already involved in the grievance or representative of their professional association/trade union.
- 4.7 Employees should be reminded that the procedure and issues discussed are confidential and that their statement may be used in the report and at any future disciplinary hearing that might arise out of the grievance. Witnesses may be required to attend any hearing as a witness, if appropriate.
- 4.8 On completion of the investigation, the Headteacher/Governor (or a manager nominated by the Headteacher) will produce a report and make a decision based upon its contents. The decision should be provided in writing to the employee, where appropriate setting out what action they intend to take to resolve the grievance. The employee should also be informed in writing that they can appeal if they are not satisfied with the process followed for providing a decision on the grievance or for the action taken. The employee who is the subject of the grievance should also be informed in writing of the outcome.
- 4.9 The Headteacher/Governor (or manager nominated by the Headteacher) may decide to recommend mediation, if appropriate, and not previously attempted at the informal stage. Mediation can only take place if all parties are in agreement. Mediation seeks agreement from both parties to act in a manner that is acceptable to each other so there is no appeal against this outcome so long as the mediator confirms that agreement has been reached. An HR Advisor will make arrangements for the mediation to take place. There may be an additional cost for this service.

- 4.10 Employees who abuse the grievance policy and process by making vexatious complaints will be liable to disciplinary action.
- 4.11 If an employee has a grievance against the Governing Body of a maintained school, the grievance should be directed to the Director of Children’s Services, otherwise to the appropriate body.

## **5. Rights of Appeal**

- 5.1 The aggrieved employee has the right to appeal to an Appeal Committee of the Governing Body whose members should not have been involved in any prior stages of the grievance procedure. An aggrieved employee should give notice in writing within five working days of receiving written notification of the outcome of the grievance.. The grounds of appeal should be clearly stated.
- 5.2 The appeal should take place where reasonably practicable within three weeks of written notification of an appeal being received. Copies of all relevant documents should be provided in advance of the meeting to all parties involved. The aggrieved employee may be accompanied by a work colleague or representative of their professional association/trade union and will be given an opportunity to present their case to the Committee. The decision of the Committee will ordinarily be advised at the end of the meeting and confirmed in writing at the earliest opportunity.

There is no further right of appeal and the findings of the Appeal Committee will be final.

## **6. Grievances against the Local Authority**

- 6.1 If a grievance falls outside the remit of the School Governing Body and relates specifically to the Local Education Authority or to Children’s Services, the employee should write to the Director of Children’s Services, outlining the nature of the grievance. The employee will receive a written response to their grievance which will include details of any further course of action available to them. This may include referral to a separate grievance or other procedure within the relevant organisation, depending on the nature and circumstances of the complaint.

## **7. Collective Grievances**

A collective grievance is a grievance which is common to more than one employee. Collective grievances will be dealt with in line with the grievance procedure.

Where there are more than two employees with a collective grievance the employees should nominate representatives to represent their interests at meetings throughout the process. The maximum number of nominated representatives shall be:

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Number of employees with the collective grievance	Maximum number of nominated representatives
2 to 5	1
6 to 15	2
16 and above	3

## Annex 1

### Anti-harassment and bullying statement

We are committed to ensuring that staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying.

All staff are required to read this statement in conjunction with the grievance policy and to ensure that they understand what types of behaviours are unacceptable.

#### Harassment

The harassment of any employee is unacceptable behaviour. Anyone found to have engaged in such conduct will be liable to disciplinary action.

Harassment can take a number of forms (including bullying) it can occur on a variety of different grounds and be directed at one person or a number of people. Harassment does not have to be directed at the complainant and can occur if the complainant witnesses another person being harassed.

Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of:

- Violating the victims dignity: or
- Creating an environment that is intimidating, hostile, degrading, humiliating

Harassment can occur when the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.

Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However a single incident may amount to harassment if it is sufficiently serious.

Harassment may relate to matters such as:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sexual orientation
- Trade Union membership (or non membership)
- Part time or fixed term status
- Power or hierarchy
- Willingness to challenge harassment (leading to victimisation)

## **Bullying**

Bullying may be behaviour that is offensive, intimidating, malicious or insulting,, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our school, unacceptable behaviour includes (this is not an exhaustive list):

- Spreading malicious rumours or insulting someone (particularly because of age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation)
- Ridiculing or demeaning someone, picking on them or setting them up to fail
- Deliberately excluding a person from communications or meeting without good reason
- Unfair treatment
- Overbearing or intimidating supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Legitimate, reasonable and constructive criticism of performance or behaviour , or reasonable instructions given in the course of employment will not, on their own, amount to bullying.

Informal and formal procedures for dealing with complaints of harassment or bullying should be made via the Grievance Policy. All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment and/or bullying must not hesitate in using the grievance procedure nor fear victimisation. Retaliation against an employee who brings a complaint of harassment and/or bullying could be a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

Malicious complaints of harassment and/or bullying can have serious and detrimental effect, any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via the disciplinary policy.