

Grievance Policy and Procedure



Approved by: Governing Body

Last reviewed on: September 2023

Next review due by: September 2024

CONTENT

PAGE NO.

| | |
|---|-----------|
| 1. Aims | 3 |
| 2. Legislation and guidance | 3 |
| 3. Definitions | 4 |
| 4. Grievance procedures | 4 |
| 5. Record keeping | 11 |
| 6. Monitoring arrangements | 11 |
| 7. Links with other policies | 12 |

1. Aims

The school undertakes to promote positive working relationships and is committed to providing a working environment where employees are treated with dignity, fairness, and respect. The school recognises that occasionally an individual may have a problem, concern or complaint regarding their working environment or working relationships. It is expected that the majority of day-to-day concerns can be resolved through regular communication between managers and employees. However, on occasions this may not be possible, and a more structured approach may be necessary using this procedure.

Where an Employee raises a grievance, it is preferable for this to be resolved informally between the individual and the Headteacher/Line Manager, or the person against whom the complaint is made. Where a grievance cannot be resolved informally, it may be appropriate for the issue to be addressed formally.

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

This procedure is not intended to be used in instances where other procedures apply, including:

- Dismissal or disciplinary matters
- Performance or capability matters
- Redundancy or restructure issues
- Pay decisions
- Complaints about harassment, bullying or whistleblowing

2. Legislation and guidance

These grievance procedures are based on the [disciplinary and grievance code of practice from Acas](#).

3. Definitions

- A **grievance** is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health, and safety concerns, discrimination or work relations. This policy does not cover issues raised by people who are not employed by the school.

4. Grievance procedures

Responsibilities of the school:

- To ensure Employees are given the opportunity to explain their concern and the outcome sought.
- To seek a means of resolving the grievance wherever possible whilst considering School policies, procedures, and rules.
- Achieve the early resolution of grievances where possible.
- To ensure consistency and fairness of treatment.

Responsibilities of the Employee

- To raise concerns at the earliest opportunity, to make every effort to raise/resolve matters informally at an early stage and to consider mediation as a means of resolving concerns.
- To engage with Managers in seeking to resolve any grievance that has been raised – by attending meetings and/or participating in any investigation and providing evidence to support the complaint.
 - To act in a respectful and professional manner towards all parties.
 - To maintain confidentiality.
- To raise grievances only in relation to legitimate concerns and not of a malicious/vexatious nature.

A grievance should not be raised if the event, act, or issue (or last of a series of acts, events, or issues) complained of occurred more than 3 calendar months prior to an employee raising a complaint. Should an employee wish to raise a complaint outside of this period they will need to demonstrate that:

- They have made reasonable attempts to resolve the matter informally outside of the grievance process
- They could not reasonably be expected to have known about the issue and have raised the complaint within 3 months of first becoming aware of it.

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

4.1 Informal stage

In the first instance, we will aim to resolve an employee's grievance informally with their line manager. If the member of staff's concerns relates to their line manager, they should discuss the issue with the line manager's manager.

It may be necessary for the member of staff who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by case basis.

The normal expectation is that the employee and person who the complaint is against and/or the appointed Grievance Officer would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues and the outcome sought by the employee with the aim of achieving a resolution or way forward informally that is mutually acceptable. Where the complaint is against an individual, it would be the normal expectation that all parties, employee and person/persons who the complaint is raised against should agree to a joint meeting as a means to seek a resolution to the complaint at this early stage.

Resolutions at an informal stage may include:

- Providing an apology where appropriate
- Agreeing how future communication will take place
- Agreeing future conduct which is acceptable to all parties
- Exploring workplace mediation
- Agreeing further training, coaching, or mentoring

It should be noted that any resolution should consider School policies, procedures, and rules. Depending on the circumstances more than one discussion may be required to achieve a resolution. At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these. At the conclusion of the informal process a written record may be made detailing the date of the meeting(s), concerns discussed, and actions/outcomes agreed. A copy should be shared with all parties if this occurs.

There is no statutory right to representation during the informal stage.

4.2 Formal stage

If it is not possible to resolve a grievance informally, an employee may raise the matter formally in writing on form attached at appendix A (within 5 working days of the conclusion of the informal process) stating the basis for the grievance and the resolution sought.

The grievance should be raised with the employee's Line Manager (or with the next level of management if the grievance issues involve the Line Manager). In instances where the grievance is against the Headteacher – any formal grievance should be raised with the Deputy Chair of Governors.

It should be noted that at the formal stage a Grievance Officer will be appointed, and this may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

The written notification at appendix A should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the employee(s) who they are raising a grievance against, if appropriate
- the action or proposed action which has given rise to the grievance, together with specific examples if possible.
- dates and times when incidents occurred, and where they occurred.
- the names of any employees/other persons who are witnesses to the grievance
- any informal action that the employee has already taken to try to deal with the grievance

In all cases the employee should also clearly state what outcome/proposed action they are seeking by raising the grievance. The employee should also submit any supporting documentation that is relevant to their complaint as soon as is practical. It should be noted that without the grievance being received in writing the Grievance Officer will be unable to progress the complaint. Where it is unclear whether the employee wishes a written complaint to be addressed under the formal grievance procedure the Grievance Officer will seek to clarify this.

A meeting with the employee will be arranged within 10 working days after the grievance has been raised and the form at appendix A submitted. This meeting maybe in person or online. Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

The purpose of this meeting is to:

- Provide an employee with the opportunity to explain their grievance and consider/clarify the details of the complaint

- Gather any evidence that the employee wishes to submit in support of their complaint
- Identify any witnesses to the grievance
- Explore and consider the outcome that the employee is seeking
- Determine the outcome of the complaint/reach a resolution at the initial meeting if appropriate
 - Determine what further action might be necessary before an outcome can be determined
 - Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation
 - Consider whether any other further action might be appropriate

It may be that a combination of these actions are appropriate in certain circumstances. Where it is not possible to provide an outcome to the grievance during an initial meeting, the Grievance Officer will confirm in writing the action that is proposed to progress the complaint and the anticipated timescale for completion.

The Grievance Officer will undertake as much investigation as is reasonable and appropriate in order to gain an understanding of the circumstances surrounding the grievance. Having considered the matters raised, the Grievance Officer may be able to determine the outcome of the grievance or agree actions to address the complaint raised and resolve the grievance during or following the course of the meeting.

In some instances, it may be necessary for the Grievance Officer to commission a formal investigation - however it should be noted that a formal investigation will not take place as a matter of course and without careful consideration of other means to resolve the complaint.

In many instances an informal fact-finding exercise will be sufficient. Should a formal investigation be undertaken an interview will take place with the employee who has raised the grievance to explore the details of their concerns. Should the complaint relate to an employee - the employee against whom the complaint has been made will be notified in writing of the nature of the concerns. The employee will be invited to attend an interview and given full and fair opportunity to respond to the concerns, explain his/her conduct and any mitigating circumstances. The employee should be advised that should the complaint be upheld; formal disciplinary action may be taken against them.

In certain instances, it may be appropriate to allow other parties/witnesses to be spoken with if their contribution may assist in understanding the issues being raised. Should an employee wish to request that another party be spoken with they should advise the Grievance Officer who will consider each request on case-by-case basis.

The Grievance Officer may also conduct an interview with other employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that information provided may be used as evidence and/or they may be called to present this at a subsequent hearing.

A written report will be produced of the investigation findings. Should an investigation identify issues of employee misconduct this will be addressed under the school's disciplinary procedure. The investigation findings will inform the Grievance Officer's response to the grievance. It may not be appropriate or useful in resolving the grievance to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the Grievance Officer considering the complaint deems appropriate. Should the matter subsequently be considered under the school's formal disciplinary procedure the investigation report may be shared as evidence for this process.

Within 10 working days of the conclusion of any investigation the Grievance Officer will provide a written communication to the employee outlining:

- the outcome of the grievance and the reasons for this decision, with reference to the findings of any investigation.
- Communicate any recommendations or actions to the employee
- Advise the employee that they may appeal against this decision

It should be noted that where a complaint was against another employee and the grievance is upheld the employee who raised the grievance does not have the right to know what future formal/informal disciplinary or management actions may be taken against the individual.

The Grievance Officer may determine the following outcomes:

- The grievance is upheld in full, or
- The grievance is upheld in part, or
- The grievance is rejected

In addition to the above, the Grievance Officer may recommend that further action such as mediation or training be considered to resolve the situation. It should be noted that any resolution should consider school policies, procedures, and rules.

Appropriate information will be made available about the investigation and grievance outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

4.3 Grievance Appeals

Where an employee feels that their grievance has not been satisfactorily resolved by the Grievance Officer they may appeal against the outcome.

The appeal meeting will be heard by an Appeal Officer, who will be a different manager or governor to the one who initially determined the outcome. Those considering the appeal will not have been involved in the grievance at the earlier stages. Appeals should be made in writing to the Grievance Officer, within 5 working days of receipt of the written outcome of formal grievance. The letter of

appeal should clearly state the specific grounds on which the employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written grievance form/letter and any supporting documentation should also be submitted.

Any information which the employee wishes to submit as part of their appeal should be received no later than 3 working days prior to the hearing.

At an appeal meeting the appeal officer will review:

- The original grievance outcome decision
- The employee's reasons for raising an appeal
- Any further representations made or information presented by the employee

Based on the information presented, the appeal officer or panel may determine the following outcomes:

- The original grievance decision is upheld in full, or
- The original grievance decision is upheld in part, or
- The original grievance decision is overturned

In addition to the above, the appeal officer may recommend that further action such as mediation or training be considered to resolve the situation.

The employee will be notified of the outcome in writing, usually within 10 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where the grievance complaint is against another employee they will be notified of the appeal outcome. This may be in writing or at a meeting. Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

The outcome of the appeal is final and there is no further right of appeal.

4.4 Non-Attendance at Formal Grievance and Appeal Meetings

Employees are expected to attend and participate in all meetings. Where an employee or their representative is unavailable to attend, they should inform the Grievance Officer/Appeal Officer at the earliest opportunity. If an employee's representative is unavailable the formal grievance meeting/appeal may be deferred by up to 5 working days from the date of the original meeting. The Grievance

Officer/Appeal Officer will give due consideration to requests for postponement, considering the individual circumstances and the reason for non-attendance. Should an employee or representative fail to attend a rescheduled meeting the Grievance/Appeal Office may decide that the meeting may proceed in their absence and a decision made based on the available information. Other than in exceptional circumstances only one postponement will be granted. Thereafter the meeting will proceed whether or not all parties attend.

4.5 Anonymous Allegations

Employees are encouraged to put their name to any grievance complaint. Where an employee is concerned about being identified the school may explore appropriate measures to reassure and safeguard the employee during the process. The school cannot guarantee that anonymous allegations will be considered or formally investigated. This is in accordance with the principles of natural justice where an individual has a right to know who has made a complaint in order to be able to respond fully.

4.6 Malicious / Vexatious Allegations

Where a complaint is unsubstantiated and found to be of a vexatious or malicious intent, this may be examined in accordance with the school's disciplinary procedures.

4.7 Concurrent Management Action

Employees should be advised that reasonable management action to address concerns relating to employment matters should not automatically be perceived in itself as a reason to raise a grievance. In the event that an employee raises a grievance in the course of a disciplinary or capability process, or in response to management feedback processes they may continue concurrently.

4.8 Support and Conduct during the Process

The school acknowledges that they have a duty of care towards all employees and consideration will be given to any support or reasonable adjustments required by either party during the process. Due respect will be given to the rights of both parties during the process and the school will adopt an objective and balanced approach when addressing complaints.

Both parties are entitled to a full and fair opportunity to submit their accounts with a view to reaching a resolution. Where both parties to the grievance are present at any meeting - the Grievance Officer should endeavour to facilitate respectful dialogue between the parties to assist in identifying a mutually agreeable outcome.

Staff will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against a member of staff may be addressed as a misconduct issue.

Following the conclusion of the process the school expects all parties to work together in a professional and constructive manner. However, it is recognised that ongoing support may be required to re-build damaged working relationships. Consideration should be given to any measures that may assist with rebuilding working relationships and prevent a recurrence of the situation that gave rise to the original complaint. This may include mediation. It is expected that all parties should reasonably agree to a joint informal meeting to discuss future ways of working.

4.9 Confidentiality

A grievance must be treated by all parties involved in the process as a confidential matter. Discussion with other parties is not acceptable. Confidentiality will ensure that the matter can be dealt with as close to the source as possible and will assist in ensuring that if any action is taken or recommendations made there is a stronger likelihood of a successful outcome. Failure to respect the confidentiality of the process may be regarded as a disciplinary matter. The school will respect the confidentiality of all information relating to an employee's grievance.

5. Record keeping

Notes will be kept of all meetings. Records of all materials relating to the grievance process will be kept securely for as long as necessary in line with the Data Protection Act 1998.

6. Monitoring arrangements

This policy will usually be reviewed annually but can be revised as needed. It will be reviewed by the local governing body.

This policy will be approved by the local governing body.

7. Links with other policies

This policy links with our policies on:

- Staff disciplinary procedures
- Complaints procedure, which sets out how grievances will be raised by those not employed by the school

Appendix A

Grievance Notification Form

Your name:

Your Job title:

Date Grievance Raised:

Your contact email:

Your contact Telephone No:

If your complaint is against an individual - please provide their name and job title

Name :

Job Title:

Summary of complaint: Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.

Individuals involved in the alleged incident/complaint: Provide here the names and contact details of any people involved in your complaint, including witnesses.

Informal action to resolve the issue: Please provide details of any action that you have already taken to resolve your grievance/complaint and why this did not work.

Outcome requested: Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

Declaration: I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the school (In the most serious cases, making false, malicious, or untrue allegations can be treated as gross misconduct).

Signature