

**HUMAN RESOURCES  
SCHOOL MODEL POLICY & PROCEDURE**

**GRIEVANCE PROCEDURE**

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## **1. POLICY STATEMENT:**

This school recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the school's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

The following procedure is established to allow grievances to be settled fairly, promptly and effectively, and as close as possible to where they arise.

### **1.1 Eligibility:**

All employees directly employed by the school.

### **1.2 Exceptions:**

This procedure should be followed in respects of all grievances of individual employees, with the exception of:-

- Disciplinary matters – these are the subject of separate procedures.
- Income Tax, National Insurance and Pension matters about which the school has no discretion – these should be raised directly with Schools Payroll.
- Matters raised under the Job Evaluation Scheme.
- Grievances against school policies which have been ratified by the governing body.

### **1.3 Responsibility:**

The governing body must agree with the recognised trade unions/professional associations in the school a procedure for raising grievances and settling them promptly and effectively.

As far as possible, the emphasis should always be to resolve individual grievances informally.

This policy was formally adopted by the Governing Body of Fairisle Junior School on 20<sup>th</sup> September 2016.

## **2. PROCEDURE:**

### **2.1 Stage One - Informal**

An employee with a grievance should raise the matter with their line-manager in the first instance. The line-manager should deal with the issue raised as quickly as practicable and reply orally. This must not exceed 10 working days.

If the employee is dissatisfied with the reply, he/she should submit the grievance in writing stating the remedy requested and why the line-manager's response is not accepted to the headteacher within five working days of receiving the oral reply.

## **2.2 Stage Two – Formal**

On receipt of the grievance letter, the headteacher will arrange to hear the grievance within 20 working days and notify the employee in writing of the arrangements.

Following the hearing, the headteacher will confirm the outcome in writing within 10 working days.

An employee who is dissatisfied with the reply shall notify, in writing, the clerk to the governing body within five working days of being informed of outcome of stage two stating their reasons. The clerk to the governing body will then arrange an appeal hearing with a panel of governors.

## **2.3 Stage Three – Appeal**

The appeal will be heard by a panel of three governors.

The Clerk to the Governing Body will notify the employee, in writing, of the arrangements. A written decision shall be given within 10 working days of the hearing.

There is no further right of appeal.

## **2.4 Use of the procedure for grievances against headteacher**

In the case of a grievance against the headteacher, the employee will need to raise the grievance with the Chair of Governors at stage one. At this point the chair of governors may decide to nominate a governor/s to investigate the grievance further. If the matter is not resolved informally a panel of three governors will be convened for stage two.

If the employee appeals against the decision made in stage two a different panel of three governors will be convened to hear the appeal.

## **2.5 If the headteacher has a grievance**

If the grievance lies with a member or members of the governing body or governing body collectively, it will be the responsibility of the Chair of Governors to endeavour to find a solution to the grievance. It may be that HR and a representative from the Local Authority can assist in these particular circumstances.

## **2.6 Time Limits**

The parties involved in a particular grievance may, on occasion, and by mutual agreement, modify the time limits referred to in this procedure.

## **2.7 Representation**

The employee may be accompanied by a trade union/professional association representative or some other person of their choice.

### 3. **GUIDANCE FOR MANAGERS:**

Grievances raised by individual employees may be of a relatively simple nature or of fundamental importance significantly impinging upon the employee's ability to work effectively. Unresolved grievances are likely to detract from the achievement and maintenance of satisfactory work standards.

Grievances should be examined carefully and dealt with as quickly as possible. Long delays often make the situation worse and may give employees the impression that the schools is reluctant to deal with their complaints.

Issues that might cause grievances include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment (see below)
- new working practices
- working environment
- organisational change
- equal opportunities

What could happen if you get it wrong?

- low morale and resistance to change.
- low efficiency.
- successful Employment Tribunal claims for constructive dismissal.
- claims under anti-discrimination legislation.

#### **Discrimination Complaints**

Complaints involving allegations of bullying and harassment should be dealt with in accordance with the Dignity at Work Procedure. Allegations of discrimination require sensitivity and particular consideration. If a complaint of this nature is received the school should inform an HR Adviser and consider the complaint as part of an initial investigation into the alleged perpetrator. On investigation it may be appropriate to deal with it under the Disciplinary Procedure.

#### **Resignation letters**

A resignation letter can constitute a grievance if the employee raises any issues about their employment that they have been unhappy with. In these circumstances you will need to write to the employee asking them to confirm, in writing, whether or not they wish the school to deal with the issues raised as a grievance. If they do you must hold a grievance hearing and ensure that they have a right of appeal.

#### **Employees who have left**

Employees, who have left employment in the previous three months, still have the right to raise a formal grievance against their employer. Where an employee has already left employment and the standard procedure contained here has not been commenced or completed before the employee left, a modified procedure can be used as long as both parties agree this in writing.

The modified procedure requires the former employee to write to the employer setting out their grievance and the employer to write back setting out the response. There is no right of appeal when the modified procedure is used and this fact must be made clear to the ex-employee before he or she agrees to its use.

The headteacher should appoint a resolver to consider the matter and provide a formal written response to the ex employee within 15 working days.

## **THE GRIEVANCE HEARING**

### **What is a grievance hearing?**

A grievance hearing is a formal meeting which deals with any grievance raised by an employee.

### **Preparing for the hearing**

- Any hearing should be held in private and without any interruptions from outside.
- Someone will need to be available to take the notes.
- Have you had any similar cases before? If you have how have they been resolved, and any follow up action that has been necessary. This allows for consistency of treatment.

### **Conducting a Grievance Hearing**

#### **1. Before a hearing**

All parties involved in the grievance will be notified of the time and venue of the meeting and will be invited to attend. The aggrieved employee(s) will be able to:

- a. attend (accompanied, if he/she/they so wish, by a friend) or be represented at the meeting.
- b. submit any relevant written documents for consideration by the decision maker/s.
- c. invite witnesses to attend.

#### **2. During a hearing**

- a. The employee with the grievance and the manager, the decision maker/s, and any officers advising the decision maker/s will all assemble together.
- b. The employee (or his/her representative) will explain the grievance and, where appropriate, may call witnesses.
- c. The manager may question the employee (or his/her representative) and any witnesses about the grievance.
- d. The panel may question the employee (or his/her representative) and any witnesses about the grievance.

- e. The manager will explain their views on the grievance and, where appropriate, may call witnesses.
- f. The employee (and his/her representative) may question the manager and any witnesses about the grievance.
- g. The panel may question the manager involved and any witnesses about the grievance.
- h. The employee (or his/her representative) may summarise his/her views on the grievance together with the way he/she wishes to see the matter resolved.
- i. The manager may summarise his or her views on the grievance.
- j. The decision maker/s will adjourn and the employee and manager will withdraw to another room.
- k. The decision maker/s may then decide to see separately the aggrieved employee (together with his/her representative) and/or the manager to explore the extent to which common ground on the way of resolving the grievance can be found.
- l. The panel may recall all the parties involved and
  - i. discuss with them ways in which the grievance may be resolved  
and/or
  - ii. recommend ways in which the grievance should be resolved  
and/or
  - iii. adjourn to allow time for reconciliation between the parties or for more information to be obtained.

### 3. **After a hearing**

Within ten working days the decision maker/s will inform all parties involved of the outcome of the grievance.

### **Appeal hearings**

If the employee decides to appeal against the decision made at stage 2 the above process can be used again.

This policy was reviewed and re-adopted by the Governing Body of Fairisle Junior School on 25<sup>th</sup> September 2018