

St Anne (Stanley) C of E Primary School

# Grievance Policy and Procedure



Approved by: The Governing Board

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## **St Anne Stanley C of E Primary School**

### **GRIEVANCE POLICY AND PROCEDURE**

#### **INTRODUCTION**

On occasion employees may have problems or concerns relating to their employment which they wish to be addressed. These could be related to employment terms and conditions, health and safety, working practices and organisational change. This procedure sets out the school procedures for dealing with employee grievances.

Staff are encouraged to attempt to resolve grievances at the informal stage.

#### **SCOPE**

This procedure applies to all employees who are employed by or under a school Governing Body who has formally adopted this procedure.

Individual records must be treated as confidential by all parties concerned.

#### **PRINCIPLES**

In the first instance all grievances will be dealt with under the informal stage. Only in exceptional circumstances will grievances be allowed to enter the procedure at the formal stage.

Management will attempt to resolve all grievances in a fair, consistent and timely manner.

Any complaint must be registered with the line manager within 3 months of the date on which it first arose, or where a series of associated incidents have occurred, within 3 months of the last of these incidents. Only where there are clear extenuating circumstances, such as where further evidence emerges, will these time limits be extended.

A complainant has the right to be accompanied at each stage of the formal procedure by a trade union representative or work colleague.

Any other party or parties who may be identified as the focus of the complaint also has the right to be accompanied by a trade union representative or work colleague at investigation meetings and grievance hearings, if appropriate.

The trade union representative or work colleague accompanying the employees as described above must not be involved/potentially involved in the complaint.

No Governor with prior involvement at an earlier stage may hear any subsequent appeal.

The manager or Governors dealing with the complaint or appeal may where appropriate be supported by the school's HR provider.

Timescales may be extended by agreement with both the employee and management.

Where the complaint is against the head teacher, the Chair of Governors, or their nominee, will act as the stage 2 manager.

Where the head teacher wishes to raise a complaint, they should first discuss the matter informally with the Chair of Governors. The Vice Chair of Governors, or their nominee, will act as the stage 2 manager.

Grievance appeal committees will have the power to allow or disallow the appeal or vary the decision appealed against. Their decision is final and there is no further internal process to follow.

The Grievance appeals committee should normally consist of three governors. However, where this is not possible the committee may comprise two governors if agreed by both parties.

Where an employee pursues a grievance in good faith, which is not upheld after investigation, no action will be taken. If however an employee pursues a grievance that is shown to be malicious or vexatious, disciplinary action may be taken.

Where the complaint relates to perceived harassment and / or bullying from another employee the Dignity at Work policy should be followed in place of the Grievance policy.

## **COLLECTIVE GRIEVANCES**

In the case of collective grievances this procedure shall apply and usually one person shall be nominated from the group to represent the complaints at all stages. For complex matters it may be appropriate to allow up to 3 people to represent the group.

## **STAGES OF THE PROCEDURE**

### ***Stage 1 - Informal Stage – Discussion***

If an employee has a grievance they should make every effort to resolve the matter through communication with the relevant person.

Where the approach under the above point has not been productive, the employee should discuss their complaint with their manager. At the end of the meeting the manager will consider all the information and arrive at a decision to resolve the issue. This will be conveyed to the complainant within five working days.

Where appropriate the line manager may gather information from other parties to gain a full picture of the situation. In this situation confirmation of the outcome may be delayed, in which case this will be discussed with the complainant.

At this stage brief notes should be taken by the manager for reference.

If the employee remains dissatisfied with the response they should consider moving to stage 2 – formal stage.

### ***Stage 2 - Formal Stage - Grievance Meeting***

Employees should put their complaint in writing.

A pro-forma is included at Appendix 1. Employees are not required to complete Appendix 1, however this may assist them in detailing their complaint.

The written complaint should detail the following;

- The nature of the complaint
- Details of any informal action to resolve this. If no informal action has been taken the reasons why.
- Why they are still dissatisfied.
- The outcome they are seeking and how this might be achieved.

The written submission should be given to the manager who dealt with the complaint at the informal stage.

It is expected that formal complaints are raised within five working days of the outcome of the stage 1 - informal stage discussion.

Where a formal written grievance has been received the manager will write back to the employee to confirm receipt. The manager will pass the grievance to a more senior manager or governor who will arrange a formal grievance meeting to consider and respond to the complaint. The employee will receive five working days notice of the meeting.

At the meeting the employee will have the opportunity to state their complaint to the stage 2 manager and the reasons why they remain dissatisfied with the outcome of the informal stage. The stage 2 manager will consider all relevant information, this can include but is not limited to;

- Any written information relating to the informal stage
- Any documentary evidence presented by the employee and the manager who dealt with the complaint at the informal stage.

Any party wishing to submit written information to be considered by the manager at the meeting must do so within three working days of the meeting.

The stage 2 manager may adjourn the meeting for the purposes of gathering any further relevant information which can include the interviewing of witnesses. A timescale should be agreed with the employee along with how the outcome will be communicated. The stage 2 manager should keep the employee informed of any issues or delays which may affect the agreed timescale.

Notes should be taken of any meeting and interviews of witnesses. Witnesses will be asked to sign the notes as an accurate record.

Once the stage 2 manager has considered all the relevant information relating to the complaint the outcome will be confirmed in writing to the employee without unreasonable delay. The employee will be informed of their right of appeal.

If the employee remains dissatisfied with the response they should consider moving to stage 3 – appeal hearing. This involves putting their case before a committee of Governors.

### ***Stage 3 – Grievance Appeal Hearing***

Employees should put their appeal in writing to the stage 2 manager within five working days of receipt of the letter confirming the outcome from the grievance meeting.

A pro-forma is enclosed at Appendix 2. Employees are not required to complete Appendix 2, however this may assist them in detailing their grounds for appeal.

The written appeal should detail the following;

- The nature of the complaint
- Details of any previous action to resolve this.
- Why they are still dissatisfied.
- The outcome they are seeking and how this might be achieved.
- Grounds of appeal

The stage 2 manager or governor will pass the appeal to an appropriate person (e.g. Clerk to Governors) to arrange a grievance appeal hearing. A Governors committee comprising of three governors will consider the appeal. The members of the committee must not have been previously involved in the case.

The purpose of the appeal hearing is to determine whether the process of the grievance meeting was fair and/or whether the outcomes are reasonable in all the circumstances. The committee is under no obligation to consider new information, which has not been considered previously, at this stage. However, if relevant new information has come to light the committee may allow it. In addition, the hearing committee may adjourn the hearing for the purposes of gathering any further relevant information it requires, which can include seeking clarification from witnesses interviewed at stage 2.

The appeal hearing should be arranged without unreasonable delay. The employee will receive five working days notice of the hearing.

At the hearing the employee will have the opportunity to state their complaint and the reasons why they remain dissatisfied with the outcome at stage 2. The hearing committee will consider all relevant information, this can include but is not limited to;

- Any written information relating to the informal and formal stage
- Any witness statements/interview notes
- Any documentary evidence presented by the employee and the manager who dealt with the complaint at stage 2.

All written information from the employee and the manager who dealt with the grievance at stage 2, will be given to the hearing panel three working days before the hearing.

Notes should be taken of any meeting and interviews of witnesses. Witnesses will be asked to sign the notes as an accurate record.

Once the hearing committee has considered all the relevant information relating to the complaint the outcome will be confirmed within 5 working days.

Outcomes of the hearing can include but will not be limited to: -

- No action to be taken
- Grievance upheld / partially upheld
- Some other action e.g. retraining, counselling
- Where another party is the focus of the grievance:
  - A recommendation to attempt to resolve the issue between the parties through discussion and/or mediation.
  - A recommendation to invoke the disciplinary procedure against the person(s) being complained about.
  - A recommendation to invoke the disciplinary procedure against the complainant, should the Investigating Officer believe that the complaint was malicious or vexatious.
  - The findings will be confirmed in writing to both parties. Where the investigating Officer recommends invoking an investigation under the disciplinary procedure against the person being complained about or the complainant, as the Investigating Officer believes that the complaint was malicious or vexatious, this decision will **not** be relayed to the other parties involved. The investigation from this procedure will be used to

inform the disciplinary procedure and all witnesses should be asked for consent for their information to be shared.

The decision of the committee is final and there will be no further internal right of appeal.

### **WITHDRAWING A GRIEVANCE**

If an employee decides to withdraw a grievance at any stage during the procedure, they should advise the manager in writing of the reason for the decision.

Whilst in the majority of cases the school will respect the rights of the employee to withdraw the grievance, there may be instances where the concern impacts on the duty of care towards others and school may take the decision to investigate independently of the grievance.

**Grievance Form - Stage 2 - Formal Hearing**

**Name**.....

**School**.....

**Role**.....

**Line Manager**.....

Please outline the nature of your complaint

What informal action have you taken to resolve this? If no informal action has been taken please explain the reasons why.

Please outline why you are still dissatisfied.

Please explain what outcome you are seeking and how this might be achieved.

Who considered your complaint informally?

On what date?

Signed .....

Date .....

**Grievance Form - Stage 3 - Appeal Hearing**

**Name**.....

**School**.....

**Role**.....

**Line Manager**.....

Please outline the nature of your complaint

What formal action have you taken to resolve this?

Please outline why you are still dissatisfied.

Please explain what outcome you are seeking and how this might be achieved.

Who considered your complaint formally?

On what date?

Please state your grounds for appeal

Signed .....

Date .....