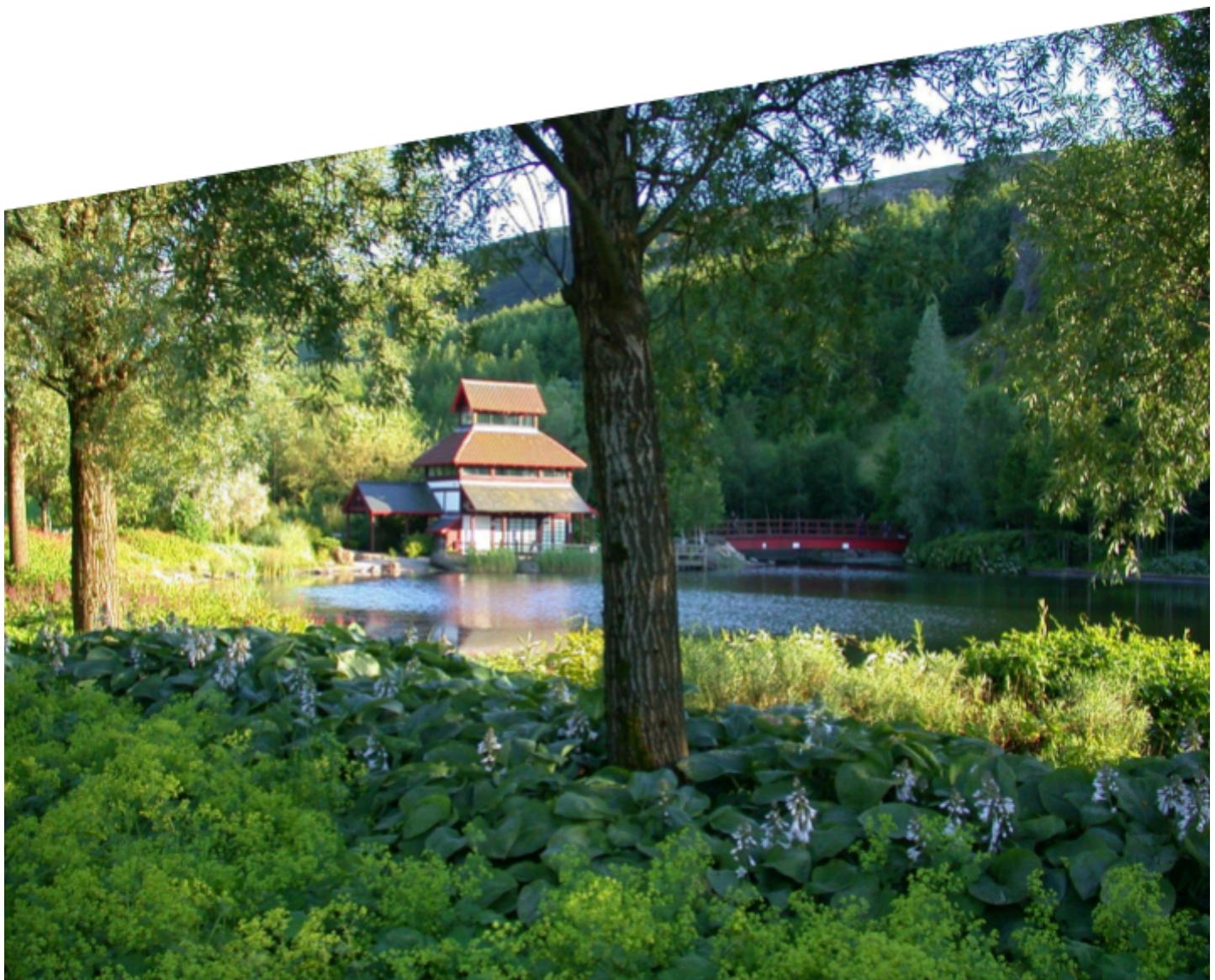




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Grievance Policy

for school based staff



ORGANISATIONAL DEVELOPMENT DIVISION

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Version Control

This document is intended for:

Council staff only School-based staff only Council & School-based staff

Version	Key Changes	Approved By
Mar 2020	Reformatted only	

This document may be reviewed and amended at any time and without consultation in response to legal requirements, in line with best practice or in response to an organisational requirement and where the changes do not affect the spirit or intent of the document.

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1. Policy Statement

This procedure aims to promote a working environment where employees feel able to raise concerns, issues or problems about their work, working environment or working relationships, and to provide assurance that any issues raised will be addressed in a prompt manner. This policy has been developed to comply with the ACAS Code of Practice and has been the subject of consultation and agreement with trade unions and teacher associations.

Employees are encouraged to discuss any work-related concerns, issues or problems informally in the first instance. However it is recognised that at times it is necessary to address such concerns through a formal procedure.

Issues that may cause concern include:

- Terms and Conditions of Service
- Health and safety
- Work environment
- Discrimination
- New Working practices
- Work relations

Where the grievance relates to a proposed change by the Headteacher or Governing Body to terms and conditions, working process, or other changes, then the status quo should prevail pending the outcome of the grievance.

Where an employee has concerns about the behaviour of another employee, the school's Dignity at Work Policy explains the behaviours expected of employees and identifies sources of support. A separate complaints procedure supports the Dignity at Work Policy and as such complaints of this nature will not be dealt with under this procedure.

This procedure refers to the employee's right to be accompanied by a recognised trade union representative or a work colleague throughout the formal proceedings.

2. Scope

This procedure covers all School Based employees of the County Borough Council, regardless of status or length of service.

This procedure will be applied consistently to all employees who are seeking to resolve a grievance, irrespective of sex, race, ethnic origin, disability, religion, age, gender reassignment, marriage and civil partnership, sexual orientation and pregnancy and maternity.

Where reference is made to line managers, this relates to the person to whom the employee reports. It should be noted that this could be the Business Manager, Head of Department, Deputy Headteacher, Headteacher or the Chair of Governors (in the case of the Headteacher).

Collective Grievances

This procedure will also apply to a collective grievance, whereby a number of employees have the same grievance at the same time. A collective grievance is a grievance brought by a group of employees (i.e. 2 or more who have an identical grievance) and it should be lodged on behalf of the group of employees by "an appropriate representative" for example a recognised trade union official or nominated staff member. **Within this procedure any reference made to "employee" would be the "appropriate representative" for the purpose of collective grievances.**

The process for handling a collective grievance will mirror the process of an individual grievance as outlined within this procedure.

3. General Principles

The following principles will apply:

- All grievances will be dealt with fairly and consistently.
- All grievances will be dealt with promptly and within reasonable timescales.
- Employees have a right to be accompanied at meetings related to a grievance made either about them or by them.
- Employees are encouraged to discuss any work-related concerns, issues or problems informally in the first instance. However it is recognised that at times it is necessary to address such concerns through a formal procedure.
- Employees have a joint responsibility with management for seeking to resolve any issue. All parties will be expected to show what steps they have taken to achieve a reasonable solution prior to progression to the formal stage.
- Whatever practice or agreement prevailed prior to the initiation of this procedure will continue to operate pending settlement, or until the agreed procedure has been exhausted. Except in exceptional circumstances, following discussion between senior management and the appropriate representative, management may take immediate action for legal, health and safety or urgent operational reasons. This will not apply in situations where changes are made to working arrangements and the change is in line with contracts of employment such as a change of base for example.
- Once the grievance has been dealt with, no further reference will be made to it, nor will the employee be discriminated against or victimised for raising the grievance.
- Raising a grievance that is known to be without foundation, or is otherwise in bad faith, may result in disciplinary action.
- All employees who pursue grievances under this procedure must agree that no action will be taken until all steps of the procedure have been completed.
- If the grievance concerns the line manager, then the employee shall discuss the matter with that person's line manager. For example, if the grievance is being raised against a head of department, then the matter may be raised with an appropriate senior manager or Headteacher.

- If the Headteacher is the person against whom the grievance is raised, the issue should be referred to the Chair of Governors, who will then contact the Organisational Development Division for advice.
- The specified time limits detailed in this procedure may be modified by mutual agreement as some issues may require immediate action and others may need more time to investigate more fully.
- If any of the School's practices or local policies or procedures are to be amended as a result of the resolution of a grievance, the appropriate Stakeholders/Trade Unions should be informed.

Additional principles for collective grievance

- A collective grievance must be raised by a group of staff (i.e. 2 or more members of staff who have an identical grievance).
- A collective grievance will be considered at one collective grievance meeting, there will be one identical outcome and (if applicable) one appeal meeting and one identical appeal outcome.
- Where a collective grievance is raised the employees can either be represented by their trade union representative or nominate one person to raise the collective grievance to act on their behalf throughout the proceedings, 'an appropriate representative'. Copies of all correspondence including meeting notices, findings and the response letter will only be sent to the 'appropriate representative' unless the representative advises otherwise, in writing.
- Employees will not use the collective grievance procedure to challenge reasonable management actions or requests.
- If employees raise a collective grievance in good faith but it is not subsequently upheld no action will be taken against the members of staff and, if upheld, appropriate action will be taken to resolve the issues raised.
- No employee will be discriminated against or victimised for raising a collective grievance.
- Raising a collective grievance that is known to be without foundation, or is otherwise in bad faith, may result in disciplinary action.
- All employees who pursue collective grievances under this procedure must agree that no action or any form of industrial action will be taken until all steps of the procedure have been completed. Where there is an outstanding disciplinary issue concerning one or more of the group raising the collective grievance, advice will be sought from OD Division whether to suspend the disciplinary proceedings pending the outcome of the collective grievance.
- Staff submitting a collective grievance must be aware that they cannot then use the Individual Grievance Procedure for raising the same issue.
- The principles of this procedure will also apply to collective grievances, although where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The School in consultation with the Trades Union representatives, will determine the appropriate mechanism to be followed in each case

This policy does not apply to grievances against individual members of School Governing Bodies. If a Council/School employee feels they have a grievance against a member or members of a School Governing Body, they should contact the Clerk to the Governing Body via the Education Achievement Service Governor Support Team who will be able to provide the employee with details of the School's Complaints Policy, which is the appropriate route for dealing with grievances against Governors. You may also obtain the name and contact details of the school clerk from the headteacher with whom you may wish to share your concerns with prior to raising a complaint.

4. Roles and Responsibilities

All Employees are responsible for:

- Ensuring they are aware of the Grievance Procedure.
- Seeking to resolve grievances informally with their manager (where appropriate) in the first instance.
- Raising a grievance in writing under the formal procedure, if a grievance cannot be resolved informally.

All line managers/Headteachers are responsible for:

- Ensuring they are aware of the Grievance Procedure.
- Ensuring their employees are aware of the Policy.
- Taking prompt action and a considered approach to employees' concerns, and aiming to deal with matters informally where possible.
- Handling all grievances sensitively and confidentially, and ensuring standards of fairness, objectivity and consistency in treatment are upheld in all cases.
- Taking advice from the OD Division at each stage of the formal grievance.
- Ensuring that consideration is given to whether any reasonable adjustments are necessary for employees attending meetings who may have a disability, or require an advocate or interpreter.

The OD Division is responsible for:

- Supporting and advising line managers/Headteachers when dealing with matters under the Grievance Procedure and attendance at relevant meetings as appropriate.
- Ensuring all line managers/Headteachers and panel members are unbiased and independent to the case they are investigating/considering; and
- Ensuring the Grievance Procedure is regularly reviewed, in line with best practice, and compliant with employment legislation.

5. Grievance Procedure

This procedure can be used to raise a grievance relating to any employment matter, **with the following exceptions:**

- Matters subject to collective bargaining machinery.
- Results of Job Evaluation/Grading appeals.
- Matters covered by the Disciplinary Code or Dignity at Work Policy.
- Termination of employment for employees on probation.
- Issues of malpractice/misconduct amounting to whistle-blowing dealt with under the Whistle-Blowing Policy.

6. Mediation

Mediation – this is a voluntary approach to conflict resolution and an opportunity to discuss issues with an ‘impartial third party’. This is a confidential and independent process which can be used at any stage of the Grievance process and can be facilitated (see **Appendix 6**). The aim of the process is to enable two or more people to reach a mutually acceptable agreement. Mediation will be used only where parties involved in the grievance agree.

If and when mediation is attempted, the person in receipt of the written grievance will suspend the formal grievance process pending the outcome of the mediation process. If the mediation is unsuccessful, the grievance procedure will resume at the appropriate point.

7. Informal Action

It is in everyone’s interest to resolve grievances quickly and therefore the School encourages all employees to seek to resolve issues promptly and informally with their line manager/Headteacher wherever possible.

If the grievance concerns the line manager, then the employee shall discuss the matter with that person’s line manager. For example, if the grievance is being raised against a head of department, then the matter may be raised with an appropriate senior manager or Headteacher. The initial grievance, whilst in the informal stages, may be raised verbally or in writing to the relevant person. In the case of a collective grievance where the staff concerned report to more than one line manager the OD Division can liaise with the Headteacher/Chair of Governors to identify an appropriate manager to deal with the collective grievance.

Throughout this policy reference is made to the Headteacher managing this process, following a grievance raised by a school employee. In case of a grievance being raised by an employee against a headteacher, please note that the grievance should be directed to the Chair of the Governing Body. The Chair of Governors can seek advice from the OD Service and EAS governor services and can consider appointing an Investigating Officer. However, the Chair of Governors remains the

decision maker. The employee will then have a right of appeal to the Appeals Committee of the Governing Body.

The employee would not normally be accompanied by a trade union representative or a colleague at informal discussions. However, with the agreement from both parties they may be asked to attend.

8. Formal Procedures

The procedure consists of three stages:

- Written Notification
- The Grievance Hearing and Investigation
- The Appeal

Stage 1 - Putting the Grievance in Writing

It is in the employee's interest to put the grievance forward as soon as possible after the event (or last of a series of events) that led to the grievance. To submit a grievance an employee should complete the Grievance Report Form attached at [appendix 1](#) or the Collective Grievances Report Form attached at appendix 2, outlining their grievance and also detailing how they consider the grievance(s) may be resolved. In cases where an employee submits a letter of grievance, the relevant grievance report form will be sent to the employee for completion. The Grievance Report Form should be directed to the Headteacher

If the Headteacher has been significantly involved in resolving the grievance informally but the employee has then invoked the formal procedure, the Grievance Report Form should be submitted to the Chair of Governors who will undertake the Grievance Meeting. This may require an independent investigation being completed.

In the case of a grievance against a Headteacher, if the Chair of Governors has had significant involvement at the informal stage the matter will need to be referred to the School's Grievance Committee.

Before the investigation, the Headteacher/Chair of Governors will write to the aggrieved employee, acknowledging receipt of the Grievance / Collective Grievance Report Form and advising on the handling of the grievance, within a reasonable timeframe and normally within 20 working days of the grievance being received. The manager will consult the OD Division to initiate the necessary investigation before responding to the grievance.

A meeting will not take place unless the relevant Grievance Report Form has been completed including fully, details for the basis of the grievance.

Stage 2 - Grievance Meeting and Investigation

The employee will be invited to a meeting with the Headteacher/Chair of Governors/GB Committee, in order to explain the grievance and to discuss how they believe the matter may be resolved. The employee will be informed in writing of the date, time and location of the meeting, together with confirmation that they have the right to be accompanied. If accompanied, the employee's representative will have the right to present the employee's case, sum it up and respond to any view expressed in the meeting, although the employee will be expected to answer questions directly.

A representative from the OD Division will be available for advice throughout the formal stages and will be in attendance at all relevant meetings.

The grievance meeting will normally take place within a reasonable timeframe in line with the timescales outlined above. If the employee has a valid reason for being unable to attend the meeting, an alternative date will be arranged within 5 working days of the original date. The employee must accept that non-attendance may delay the resolution of the grievance. Should the employee fail to attend the second meeting without a valid reason, consideration will be given to making a decision in the employee's absence, following consultation with the OD Division.

If necessary, the Headteacher/Chair of Governors / GB Committee may adjourn the meeting and investigate further, interview witnesses if appropriate and examine relevant documentation. In particular, any allegations against a line manager or another employee should be dealt with through the appropriate policies, such as the Disciplinary Code or the Dignity at Work Policy. The employee named within the grievance will be informed in writing of the procedure that will apply and requested to attend an investigatory meeting in line with the relevant procedure. This meeting will give the employee the opportunity to respond to the grievance(s) raised.

Once the Headteacher /Chair of Governors / GB Committee has completed their investigation, they will prepare a report containing their findings as soon as possible (template report attached at appendix 3).

If the outcome of the investigation highlights any recommendations concerning the conduct of another officer, or in respect of policies or procedures, these should be addressed as soon as possible in line with the appropriate protocols.

Following the conclusion of the investigation a follow up meeting will usually be arranged with the aggrieved employee to outline the findings. A copy of the report will be sent to the employee with the invite for the meeting.

At the meeting, the Headteacher /Chair of Governors / GB Committee will outline the investigation and their conclusions and what action can be taken to resolve the grievance, considering any comments from the employee.

The aggrieved employee will be informed in writing of the outcome of the grievance, as determined by the manager, within 5 working days if possible. If it is not possible to respond within 5 working days, the employee will be told the reason

why and when a response can be expected. The employee will be notified of the right of appeal if they are dissatisfied with the decision.

Stage 3 - Appeal

If an employee does not agree that the grievance has been satisfactorily resolved, they may appeal against the decision.

The employee must appeal to the Headteacher/Governing Body Appeals Committee (via the Clerk) within 5 working days of receiving the written decision from the line manager/Headteacher, although an extension may be agreed in certain circumstances e.g. if the employee is on leave or ill.

The appeal should be submitted in writing, using the relevant Appeal Forms attached at [appendix 4](#) and 5, detailing the grounds, as follows:

- Providing new information or evidence which could not previously be presented.
- Identifying procedural irregularities.
- Challenging the findings.

Following receipt of the Appeal Form, the employee will be invited in writing to attend an Appeal Hearing. The Appeal Hearing will follow the same format as an appeal hearing against disciplinary action, as outlined in the Schools Disciplinary and Dismissal Procedure. The employee will have the right to be accompanied at the hearing by a trade union representative. The employee will receive notice of the meeting in line with the Appeals Procedure.

Whether the grievance meeting was conducted by the Headteacher, the Chair of Governors or the Grievance Committee the Governing Body Appeals Committee will meet to hear the appeal. It will only be able to consider the original grievance and will not be able to consider any new or unrelated complaints.

If the employee is unable to attend the appeal meeting because of circumstances beyond their control, they should inform the Headteacher/ Governing Body Appeals Committee of this as soon as possible. If they fail to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the meeting may take place in their absence.

The employee will be notified of the outcome of the appeal in writing as soon as possible after the appeal and normally within 3 working days. This period may be extended if there are extenuating circumstances.

The decision of the Headteacher/Governing Body Appeals Committee is final.

9. Collective Disputes

The Burgundy Book provides a “model procedure to facilitate the resolution of collective disputes between teachers and a school governing body”. That procedure “is complementary to the school’s grievance procedure; it is not an alternative.” It defines a collective dispute as arising “from a difference between the governing body and all, or at least a substantial number of, teachers at the school. The school’s own collective disputes procedure applies only to those matters which fall within the purview of the governing body.” The governing body accepts that this

procedure for teachers should apply equally to support staff. The governing body notes that unions representing teachers and support staff may advise their members on a collective dispute, even when their members do not form a substantial proportion of the total number of employees at the school.

Trade Union representatives are advised to inform their National Executive Members/Regional Officers that it is their intention to lodge a collective dispute.

The Burgundy Book states that the “prime objective is to reduce the possibility of disputes arising between teaching staff and the governing body. That is best achieved by the establishment of agreed, standing arrangements at the school for regular consultation between staff and the governing body”.

When a dispute cannot be resolved within the context of the recommended consultative arrangements, the Burgundy Book provides that “the assistance of a third party conciliator can be sought”, but “the conciliator can be invited to make a determination only if the two sides to the dispute agree to such a course of action.” The Burgundy Book states that “There is no recourse to another stage in the process”.

Governing bodies are advised to make similar arrangements for consultation with support staff.

10. Former Employees

For grievances received prior to an employee leaving their employment the process will be the same as for current employees, although it should be recognised that the timescales may have to be longer if the former employee has found subsequent employment.

11. Keeping Records

Confidential records will be kept by the line manager/Headteacher during the formal process. Records will include notes of any formal actions, including support made available to the employee or other affected parties. These records will be kept in accordance with the Data Protection Act.

The OD Division/Clerk to Governing Body will keep records of:

- The nature of the grievance.
- The line manager/Headteacher’s report and working papers.
- Investigatory interviews and signed witness statements.
- Details of any action taken and the reasons why.
- If there was an appeal, details of it and the outcome.

Employees will have access to their personal records in accordance with the Data Protection Act.

12. Withdrawing a Grievance

If an employee decides to withdraw a grievance at any stage during the procedure, the person raising the grievance should advise the manager 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 our duty of care towards others and in certain circumstances, the school may, independently of the person raising the grievance, decide to investigate and take action.

13. General Information

This policy will be made available to all employees through both electronic and hard copy versions and it is an amendment to the employee's terms and conditions of employment.

This policy will be subject to regular review, in line with both local and legislative changes and requirements.

Appendix 1: Stage 1 – Written Notification – Grievance Report Form

To be completed by employee

To:

From (name of employee):

Designation
:

School
:

Have you raised this grievance informally? Yes No

If 'Yes', please state with whom and when:

Name: Date:

Have you raised this with your representative? Yes No

If 'Yes', please state with whom:

I wish to make a formal Grievance in line with the School's Grievance Procedure.
Provided below are the details of my grievance, together with how I feel that the matter(s)
could be resolved:

(Please continue on a separate sheet if necessary)

Signature: Date:

Please forward the completed form to the Headteacher/CoG.

Date received by
Headteacher/CoG:

Date copy sent to OD:

Appendix 2

Stage 1: Written Notification Collective Grievance Report Form



Cyngor Bwrdeistref Sirol

Blaenau Gwent

County Borough Council

To be completed by staff group/trade union representative/nominated staff group representative.

To:

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

From:

Has this collective grievance been raised informally?

Yes No

If 'Yes', please state with whom and when:

Name: _____

1. **What is the primary purpose of the study?**

Date
.

Have you raised this with your Trade Union representative?

Yes No

If 'Yes', please indicate the representative that will act on behalf of the group:

If 'Yes', please indicate the representative that will act on behalf of the group.

Or alternatively please nominate one member of the staff group detailed above as your nominated representative to act on behalf of the group, please state name and contact number below:

We wish to register a formal Collective Grievance in line with the Schools' Collective Grievance Procedure. Provided below are the details of our collective grievance, together with how we feel that the matter(s) could be resolved (copies of any relevant documents that relate to the collective grievance should also be attached):

(If required please use a continuation sheet)

Signatures of all staff:

Date

:

Please forward the completed form to the appropriate line manager/Headteacher.

Date received by Headteacher/COG:

Date sent to OD:

Appendix 3: Grievance Investigation Report

Grievance received from:

Investigating Officer:

HR Advisor:

Date grievance registered:

1. DETAILS OF THE GRIEVANCE

Summary of main points:

2. ABBREVIATIONS OR TERMS USED WITHIN THIS REPORT

3. BACKGROUND TO GRIEVANCE AND CHRONOLOGY OF MAIN EVENTS

4. OUTLINE OF THE INVESTIGATION

The following investigatory interviews took place:

Other written material inspected:

Interim action taken (If applicable):

5. INVESTIGATION FINDINGS AND CONCLUSIONS

Grievance

Findings

Conclusion

6. OVERALL SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Appendix 4: Stage 3 – Appeal – Grievance Appeal Form

To be completed by employee

To:

From (name of employee):

Designation

:

School

:

I am not satisfied with the decision reached at Stage 2 of the Formal Grievance Procedure and wish to appeal against the decision. I am appealing on the following grounds:

(Please continue on a separate sheet if necessary)

Signature: Date:

Please enclose a copy of the original Stage 2 – Grievance Report Form.

Please forward the completed form to the appropriate Headteacher/CoG.

Date received by
Headteacher/CoG:

Date copy sent to OD:

Appendix 5

Stage 3: Appeal Collective Grievance Appeal Form



Cyngor Bwrdeistref Sirol

Blaenau Gwent

County Borough Council

To be completed by staff group/trade union representative/nominated staff group representative.

To: Governing Body Appeals Committee (via the Clerk)

From:

Name

Designation

School

We are not satisfied with the decision reached at Stage 2 of the Formal Collective Grievance Procedure and wish to appeal against the decision on the following grounds:

(If required please use a continuation sheet)

Signatures of all staff:

Date

■

Please enclose a copy of the original Stage 2 – Collective Grievance Report Form and forward the completed form to the Governing Body Appeals Committee (via the Clerk).

Date received by Clerk to Governing Body Appeals Committee:

Appendix 6 : Mediation

What is mediation?

Mediation is a process of conflict resolution between two individual employees, facilitated by a trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. There needs to be willingness on the part of the employees concerned to enter into mediation on a voluntary basis, no-one can be forced into this process, and the outcome will be non-binding.

Mediation is appropriate when:

- An ongoing working relationship is required;
- To rebuild relationships after a formal dispute has been resolved;
- There is a need to act co-operatively;
- Conflict/differences are affecting work;
- It is in both parties interests to resolve;
- There is a willingness by both parties to resolve the situation.

Role of Mediator

To act as an independent third party to, facilitate communication between the two employees and to promote a settlement.

How to access mediation

Organisational Development will be responsible for appointing an independent mediator, so firstly discuss this with your OD representative.