

ACTION>HR

HR EXPERTISE & SERVICES

Delivered by Kingston and Sutton Shared Services

Services for Schools

**MANAGING GRIEVANCE
PROCEDURE FOR
SCHOOLS**

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1.0 INTRODUCTION

1.1 Aims of Policy

This school is committed to treating all staff fairly with dignity and respect. We endeavour to ensure that any concerns raised by an employee are managed promptly and fairly.

This policy sets out the procedures to be used if an employee is unhappy about treatment they have received at work and aims to:

- support staff who feel they have been unfairly treated
- provide a procedure to enable head teachers and line managers to resolve concerns,
- provide governing bodies with procedural steps to take if the headteacher raises a grievance.

1.2 Responsibilities

The Governing Body is responsible for setting the overall standards of conduct expected by all employees within the school. The Headteacher and line managers have a responsibility to ensure that the standards are clearly defined, that employees are aware of the standards required, and that standards are met.

Employees have a responsibility to adhere to these standards and to follow the steps laid out in this procedure.

1.3 Overview of Procedure

This procedure consists of three main stages:

- Informal
- Formal
- Appeal

It is important to ensure that the procedure is followed as quickly as is reasonable. To achieve this, it is recommended that the school designate a **grievance coordinator**. This would normally be an existing member of the school staff. Their responsibility is to ensure the procedure is followed correctly and to coordinate the steps of the procedure, in conjunction with the Head Teacher or Chair of Governors (CoG).

If a grievance is raised against the coordinator an alternative member of staff should be designated for that specific instance.

1.4 What is a Grievance

A grievance is a concern raised by an employee regarding their employment. A grievance must be something that can be resolved by the employer and therefore cannot include matters of law or matters which are subject to collective agreements. Any matters which are the subject of another policy cannot be raised under the grievance procedure. For example, a concern raised as part of a disciplinary process should be considered under the appeals stage of the disciplinary procedure.

1.5 Group Grievance

A group of employees who share the same concern can raise a group grievance under this procedure.

1.6 GDPR Statement

The organisation processes personal data collected during informal complaints and the formal grievance procedure in accordance with its Data Protection Policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

1.7 Delegation of Authority

Delegation of Authority for action under the school's Grievance Procedure.

Action	Authority
<p>Informal Stage: Initial informal attempt to resolve an employee's grievance. Including an initial gathering of relevant information</p>	<p>Line Manager (or, where appropriate, another line manager as designated by the coordinator, termed 'the appropriate line manager')</p> <p>If the grievance is against the Headteacher, the CoG to appoint a governor to this role, termed the 'appropriate governor'.</p>
<p>Formal Stage: Formal grievance meeting, may include a more detailed investigation</p>	<p>Line manager/appropriate line manager presents to Headteacher</p> <p>If the grievance is against the Headteacher the appropriate governor presents to another governor</p>
<p>Appeal Stage: Formal appeal meeting</p>	<p>Headteacher or governor (who heard the formal stage) present to a panel of 2 Governors</p>

2.0 CONFIDENTIALITY

Employees have the right to confidentiality regarding their concerns. The utmost care must be taken to maintain confidentiality and the security of information whether written or verbal. All information collected must be held in accordance with the GDPR.

Conversations regarding an employee's concerns should be held in an appropriate place, where the conversation cannot be overheard.

3.0 MANAGING THE GRIEVANCE PROCEDURE

3.1 Informal Stage

Where an employee feels that they have a legitimate concern about how they have been treated in the workplace, this must be raised informally with their line manager, or another manager (appropriate line manager) if the grievance is against the line manager.

The manager will:

1. Ensure that the employee has a copy of the grievance procedure,
2. Arrange a meeting with the employee who has the concern, to gain a full understanding and to establish what resolution is sought.
3. Carry out an initial process of fact finding to confirm the situation behind the concern, this may include meetings with other employees.
4. Ensure appropriate records of the fact finding are kept, noting confidentiality and security.
5. Hold a further meeting with the employee to provide an outcome.

If the employee is not satisfied with the informal outcome they can follow the formal stage of the procedure. To register a formal grievance they should complete form A (see Appendix 1). This should be sent to the grievance coordinator.

Timing

The employee should expect an initial informal resolution within two weeks of raising the concern; unless there is a reasonable reason for this time to be extended, which is agreed between the line manager/appropriate line manager and the employee.

Possible outcomes of the informal process

The following is a list of some possible outcomes of the informal part of the procedure, however this list is not exhaustive and there may be a range of other outcomes which are acceptable.

- An apology is offered to the aggrieved employee
- Agreement is reached on future communication, or other appropriate arrangements
- Agreement is reached on future acceptable conduct
- Counselling or mediation is agreed
- Training, coaching or mentoring are agreed

3.2 Formal Grievance Procedure

Stages of the formal Process:

Stage/Action	Who is responsible	Timescale
Acknowledge receipt of formal grievance (Form A)	Coordinator	Within 2 working days of receipt (see definition of working days below)
Designate who will hear the formal stage	Coordinator in conjunction with Headteacher or CoG	As soon as possible following receipt of the formal grievance
Make arrangements for the formal meeting (see particulars below)	Coordinator	Within 15 working days of receipt of the grievance form
Send out letter confirming details of the formal meeting	Coordinator	At least 5 working days prior to the meeting
Send out the details of the informal process	Line manager/appropriate line manager	At least 5 working days prior to the meeting

NB See template letter in Appendix 2

For a complaint to be considered under the formal stage of this procedure the event/act/issue causing the concern must have occurred no more than 3 months prior to the date of the submission of Form A unless:

- They have made reasonable attempts to resolve the issue informally in the last 3 months
- They could not reasonably be expected to know about the issue prior to this date

Arrangements of the formal meeting

- A note taker must be appointed for the formal meeting, this may be the Clerk to the Governors
- The employee has the right of representation, the representative may be a work colleague, or union official only.
- A representative of HR can be present to support the Headteacher/Governor meeting the grievance.
- If the employee is disabled consider reasonable adjustments for them to attend the meeting, this could include a companion to provide specific support.

- The meeting should be held in a location with appropriate privacy.
- It is helpful to have space available for parties to go to if there is a meeting adjournment.
- Allow sufficient time for the meeting to be concluded without adjournment to another day, if possible.
- Confidentiality must be maintained.
- The procedure to be followed at the formal meeting is detailed at Appendix 3.

Definition of ‘working days’:

For the purpose of this procedure working days will normally refer to the 195 days of the school year for teachers employed under the terms of the School Teachers’ Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the school term will mean all days excluding weekends and bank holidays.

With agreement, meetings may take place at other times outside an employee’s normal working days.

Further Investigation

During the formal meeting it may become apparent that further investigation is needed in order for a conclusion to be reached. If this stage is reached the meeting should be adjourned to allow for more detailed investigation into the matters surrounding the concern. Such a further investigation should take no longer than 15 school days.

At this point agreement should be reached on the level of complexity of the investigation required and the time allowed for this to take place. This further level of investigation should be carried out by the line manager/appropriate line manager/appropriate governor, who undertook the informal stages of the grievance.

Following this further investigation a report of the findings will be circulated to all participants of the meeting.

If employees have been interviewed as witnesses during the further investigation, only the information gathered should be included as part of the investigation summary. It would not normally be appropriate to include the actual witness statements. Following this investigation the meeting will be reconvened, the details of this reconvened meeting should be confirmed, in writing, to all parties, by the coordinator.

Meeting Outcomes

Following the completion of the meeting the Manager hearing the grievance will reach a decision on the outcome of the grievance. The possible outcomes are:

- The grievance is upheld according to the below detail:-

- The employee's line manager is instructed to take steps to resolve the issue for the employee, ensuring that fairness and equity are maintained.
- The grievance is partially upheld
 - The employee's line manager should take steps to resolve the element(s) of the grievance which can be resolved whilst maintaining the status quo on other aspects
- The grievance is not upheld
 - Status quo is maintained,
 - it is crucial that the employee understands the reasons for this outcome. The line manager may need to arrange a follow up meeting to provide support to the aggrieved employee.

The outcome of the formal meeting will, wherever possible, be confirmed verbally on the day of the meeting and followed up in writing within five working days of the meeting (see template letter at Appendix 4).

The aggrieved employee will be given the right to appeal against the outcome of the meeting.

4.0 GRIEVANCE APPEAL PROCEDURE

If the employee chooses to appeal against the outcome of the formal meeting, they will need to confirm this, including the grounds for appeal, in writing, to the coordinator within 5 working days of the date of the outcome letter.

Timescales for the Appeal stage of the Process:

Stage/Action	Who is responsible	Timescale
Acknowledge receipt of appeal request, including the grounds of appeal	Coordinator	Within 2 working days of receipt
Convene a panel of 2 Governors	Coordinator to contact Clerk to the Governors, who convenes panel	To be available for the appeal to be held within 15 days of receipt of the appeal request
Make arrangements for the formal appeal meeting (see particulars below)	Coordinator	Within 15 working days of receipt of the appeal request
Send out letter confirming details of the formal meeting	Coordinator ensures that the Clerk to the Governors send the letter	At least 5 working days prior to the meeting

Send out details of the formal grievance meeting and outcome letter	coordinator	At least 5 working days prior to the meeting
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NB: See template letter at Appendix 5

Particulars of the formal appeal meeting

- A note taker must be appointed for the formal meeting, this may be the Clerk to the Governors
- The employee has the right of representation, the representative may be a work colleague, or union official only.
- A representative of HR may be present to support the panel of governors hearing the grievance.
- If the employee is disabled consider reasonable adjustments for them to attend the meeting, this could include a companion to provide specific support.
- The meeting should be held in a location with appropriate privacy.
- It is helpful to have space available for parties to go to if there is a meeting adjournment.
- Allow sufficient time for the meeting to be concluded without adjournment to another day, if possible.
- Confidentiality must be maintained.
- The procedure to be followed at the formal meeting is detailed at Appendix 6
- There is no further right of appeal.

If the employee does not wish to attend a formal appeal meeting the appeal can be carried out by a detailed consideration of the written information. An outcome letter must be sent to the employee within 5 working days with the finding.

5.0 GRIEVANCE RAISED BY A HEADTEACHER

If a headteacher has a concern regarding their employment they must raise this with the Chair of Governors. The Chair of Governors will appoint a governor to carry out the informal stage of this procedure, as above in the role of the line manager/appropriate line manager.

Formal Stage

The governor who conducted the informal stage will carry out all stages of the formal process, detailed above in section 3.2, taking the role of the coordinator and line manager, working only in conjunction with the Chair of Governors.

All particulars of stage 3.2 apply; where the term ‘employee’ is used the term ‘Headteacher’ should be substituted.

Appeal Stage

All particulars of stage 4 above apply, with the term 'employee' substituted with 'Headteacher'.

The governor who conducted the informal stage acts as the coordinator, in conjunction with the Clerk to the Governors and the Chair of Governors.

Grievance Form A: Notification of formal Stage of Grievance

Formal Grievance	
Employee's name:	
Employee's job title:	
Employee's department:	
Date:	
Does your grievance relate to your line manager?	Yes/No
Summary of complaint:	
<p>Please 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 and other information, if required.</p>	

Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses (if appropriate).

Outcome requested:

Please set out what resolution you are seeking and how you believe that this will resolve the issue.

Details of attempt to resolve informally

Please detail the steps taken to resolve this at an informal level. Include the reasons why you believe this needs be considered formally.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief.

Form completed by:

Signature:

For completion by the grievance coordinator:	
Date form received:	
Name of recipient and job role:	
Signature:	

Template Letter of Invite to Formal Grievance Meeting

Dear *insert employee name*

Grievance Procedure

Thank you for your completed Grievance Form A (*and supporting documentation*) providing details of the Grievance you wish to raise.

I would like to invite you to a formal meeting to discuss your grievance on xx/xx/xxxx (*insert date*) at xxx (*insert location and time*).

Headteacher/Governor (*names of person hearing the grievance*) will consider your grievance advised by (*HR representative, if appropriate*). A. Manager (*the appropriate line manager*) will attend to summarise the steps taken to resolve this grievance at the informal stage. Xxxxx(*name*) will attend as note taker.

A copy of the agenda for this meeting is attached.

You have a right to be accompanied to the meeting by a work colleague within the school or a trade union official, which you should arrange. Should you wish to do so, please can you ensure that they are available on (*date*).

Should you or your representative have a disability and require any reasonable adjustment for the meeting, please advise me as soon as possible, so that I can make arrangements accordingly.

Should you be unable to attend the meeting you can ask your representative to attend and act on your behalf or provide a written response. If you fail to attend the meeting without any prior contact then I will assume that you no longer wish to pursue your grievance and the matter will be closed.

I look forward to seeing you on xx/xx/xxxx (*insert date*) at xxx (*insert date*). In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely

(Grievance Coordinator)

Cc:
HR Consultant
Appropriate line manager
meeting manager

The Agenda for the Formal Meeting

- A Chair for the panel will be elected
- All parties to be invited into the meeting
- Introductions of those present
- Chair to explain the process for the meeting
- Formal notes of the meeting will be taken.
- The employee and/or representative will present his/her details of grievance.
- There will be an opportunity for questions to be asked of the employee by management and the meeting manager.
- The Appropriate Manager will present the reasons why the grievance was not/not fully upheld at the informal stage
- There will be an opportunity for questions to be asked of the Appropriate Manager by the employee and the meeting manager.
- All present, other than the meeting panel shall withdraw. The meeting manager shall then reach his/her decision
- Where possible the meeting manager shall then invite the parties to return to advise the employee of the decision reached.
- The letter of outcome will be sent to the employee within 5 working days.

Template Letter of Outcome of Formal Grievance Meeting

STRICTLY CONFIDENTIAL

Dear x

OUTCOME OF FORMAL GRIEVANCE meeting

Thank you for attending the above meeting held on (date) to discuss your formal grievance.

I am writing to confirm the outcome of the meeting. At the meeting we discussed (*include summary of discussion*).

As I explained to you, I concluded that (*choose appropriate response below*)

- A. I was upholding your grievance and the following steps were suggested by way of resolution of your concern:
 - i. X
- B. I was able to partially uphold your grievance and the following steps were suggested to resolve these elements of your concern:
 - i. X

The remaining elements of your concern were not upheld for the following reasons
xxxxxxxxxxxxxxxxxxxxxxxx

- C. Your grievance was not upheld for the following reasons.
xx

You have the right of appeal against this decision. If you wish to appeal please contact *name (the grievance coordinator)*, in writing, stating the grounds of your appeal within 5 working days of the date of this letter.

Should you feel the need for additional support, may I remind you that the school has an employee support service xxxxxxxxx who can be contacted by xxxxxxxxxxxx

Please contact me directly should you have any queries in relation to the above.

Yours sincerely

meeting Manager
Copy to: HR Consultant

Template Letter of Invite to Appeal Meeting

Dear *insert employee name*

Grievance Procedure

I have received your notice of appeal against the outcome of the grievance meeting held on *(date)*

I would like to invite you to a formal meeting to hear your appeal on *xx/xx/xxxx (insert date)* at *xxx (insert location and time)*.

A panel of 2 Governors (*names of manager hearing the grievance*) will consider your appeal advised by (*HR representative*). *A. Manager (the meeting manager)* will attend to explain the outcome reached at the grievance meeting. *Xxxxx(name)* will attend as note taker.

A copy of the agenda for this meeting is attached.

You have a right to be accompanied to the meeting by a work colleague within the school or a trade union official, which you should arrange. Should you wish to do so, please can you ensure that they are available on *(date)*.

Should you or your representative have a disability and require any reasonable adjustment for the meeting, please advise me as soon as possible, so that I can make arrangements accordingly.

Should you be unable to attend and do not contact me/ask you representative to act on your behalf/request that only written information is considered, I will assume that you no longer wish to pursue your appeal and the matter will be closed.

I look forward to seeing you on *xx/xx/xxxx (insert date)* at *xxx (insert date)*. In the meantime, should you have any queries please do not hesitate to contact me.

Yours sincerely

Clerk to the Governors

Cc:
HR Consultant; Appropriate line manager

The Agenda for the Appeal Meeting

- The employee and/or representative will present his/her details of grievance.
- There will be an opportunity for questions to be asked of the employee by management and the appeal panel.
- The meeting manager will present the reasons why the grievance was not/not fully upheld after the meeting
- There will be an opportunity for questions to be asked of the meeting manager by the employee and the appeal panel.
- All present, other than the appeal panel and their adviser shall withdraw. The appeal panel shall then reach its decision
- The appeal panel shall then advise the employee of the decision reached.
- Formal notes of the meeting will be taken.

Template Letter of Outcome of Appeal Meeting

STRICTLY CONFIDENTIAL

Dear x

OUTCOME OF GRIEVANCE APPEAL MEETING

Thank you for attending the above meeting held on (date) to consider your appeal against the outcome of the formal grievance meeting.

I am writing to confirm the outcome of the meeting. At the meeting we discussed *(include summary of discussion)*.

As was explained to you, the panel concluded that *(choose appropriate response below)*

- Your appeal was upheld and the following steps were suggested by way of resolution of your concern:

X

- Your appeal was not upheld for the following reasons.

xx

Should you feel the need for additional support, may I remind you that the school has an employee support service xxxxx who can be contacted by xxxxxxxxxxxxxx

Yours sincerely

Clerk to the Governors

Copy to: HR Consultant, GB panel, appropriate manager