



**GRIEVANCE POLICY & PROCEDURAL
FRAMEWORK FOR SCHOOLS**

2019

GRIEVANCE POLICY & PROCEDURAL FRAMEWORK FOR SCHOOLS

(Subject to local adaptation for Voluntary Schools)

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Grievance Policy & Procedural Framework for Schools

1.0 INTRODUCTION

Schedule 16 of the School Standards and Framework Act 1998 provides that, for Community Schools, the regulation of conduct at the school and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment shall be under the control of the Governing Body. Schedule 17 contains a similar provision for Voluntary Schools.

Employees should always be encouraged to bring concerns in relation to their employment to the attention of relevant individuals. They are otherwise less likely to be productive and motivated in their roles which can adversely affect the overall aim of delivering high educational standards to children in our schools.

This procedure recognises the educational and legislative context and is designed to allow individual employees to raise concerns related to their employment and ensure that all such matters are dealt with in a fair and consistent manner.

2.0 SCOPE

This grievance procedure applies to all directly employed staff in the school whether they are full-time or part-time, in teaching or support posts, including Headteachers and Deputies.

The staff grievance procedure deals with staff complaints in relation to alleged discrimination, harassment or victimisation of employees and matters involving working arrangements and conditions of service. Issues relating to teachers salaries should be considered under the statutory procedures set out within the Teachers Pay and Conditions document.

The grievance procedure does **not** cover the following matters:-

- Redundancy
- Sickness Absence
- Disciplinary and Capability issues
- External complaints in relation to a school employee

In addition, employees may not complain about the school's established policies and procedures if those procedures have been established via collective bargaining arrangements between the LEA/School and Trade Unions. However, a complaint about the way those policies and procedures have been applied should proceed.

3.0 PARTICIPANTS & RESPONSIBILITIES

3.1 Complainant

The employee should discuss their concerns with the relevant person(s) informally in the first instance. If their concerns continue the formal procedure should be initiated by putting the complaint in writing to the Headteacher (or Chair of Governors where the complaint is against the Headteacher).

3.2 Headteacher

The Headteacher should attempt to resolve staff grievances informally without the need to instigate formal procedures wherever possible. If the situation cannot be resolved informally the Headteacher will need to assess the nature of the grievance and decide whether the matter is related to issues around conduct which would be more appropriately considered under the School Disciplinary Policy and Procedure. If continuation under the grievance process is deemed appropriate, the Headteacher should nominate a member of the senior management team to investigate the matter. Upon the conclusion of the investigation, the Headteacher should convene a Grievance Hearing.

3.3 Chair of Governors

The Chair of Governors receives grievances from the Headteacher or members of staff wishing to complain about the Headteacher. If the situation cannot be resolved informally, they will need to assess the nature of the grievance and decide whether the matter is related to issues around conduct which would be more appropriately considered under the School Disciplinary Policy and Procedure. If continuation under the grievance process is deemed appropriate, the Chair Of Governors is then responsible for nominating an investigator (normally a representative from Council's Human Resources section where the appropriate Service Level Agreement is in place) and convening a hearing with the relevant Staffing Committee [normally the Staff Disciplinary and Dismissals Committee] upon the conclusion of the investigation.

3.4 Staffing Committee of the Governing Body

The Staffing Committee would hear Appeals following the Headteacher convening the initial hearing. The Staffing Committee would also hear a Headteacher's grievance or one lodged against the Headteacher. The Staffing Appeals Committee would need to hear an appeal in these circumstances.

3.5 Professional Human Resources (HR) Adviser

It is highly recommended that HR advice is sought at the earliest possible opportunity, preferably even before a grievance is lodged if the school has sufficient knowledge of a situation to make a reasonable assumption that it may lead to dispute. A proactive approach from the school with HR assistance can often lead to the avoidance of formal procedures and the sometimes significant disruption to school life. The HR Adviser will fully support and advise throughout grievance procedures and beyond where the procedures may not result in full resolution.

4.0 REPRESENTATION

Throughout the formal process both parties to a grievance may be represented by a recognised trade union representative or by a work colleague.

The trade union representative or work colleague may also address the meeting and confer with the employee, but may not answer questions on their behalf unless permitted by the Headteacher / Staffing Committee.

5.0 TIMING

The school should endeavour to expedite all matters relating to grievances and it is recommended that the investigation be completed within 20 days. However, it is recognised that on occasions grievances can be particularly complex in their nature and this may subsequently lead to extended timescales. On these occasions, participants in the process should be informed of the reasons for any delays.

6.0 PRELIMINARY INFORMAL PROCESS

Most routine grievances are best resolved informally in discussion with the employee's manager. This can often lead to a speedy resolution of the problem.

The Council's HR service can often act as an external facilitator and may be able to resolve the problem by working with the parties to seek mutual agreement through an independent approach.

Where the grievance cannot be resolved informally then it should be referred to the formal procedure.

7.0 FORMAL GRIEVANCE PROCEDURE

7.1 Stage 1 - Hearing

The employee should put the grievance in writing to the Headteacher (or Chair of Governors if the grievance is against the Headteacher).

A formal grievance should normally be submitted no later than 1 calendar month after the act or omission complained of, or no later than 1 month after the last act or omission in a series of linked events, unless there is a just and equitable reason for the delay.

A reasonable amount of detail should be provided, i.e. what is alleged to have occurred by whom and when. The employee should state what outcome he/she seeks by raising a formal grievance.

The Headteacher or Chair of Governors (with advice from HR) should attempt to make a determination at this stage as to whether the grievance, if upheld, would result in a requirement to initiate disciplinary proceedings. If this is the case then the matter should be referred under the School Disciplinary Policy and Procedural Framework and the relevant parties notified in writing. The grievance process would terminate at this point and be superseded by a disciplinary process.

Where the grievance process continues, an investigation may then be required prior to the hearing, which will be undertaken by a relevant individual as nominated by the Headteacher or Chair of Governors, i.e. HR Officer, member of school SMT or a Governor that does not sit on the Staffing or Appeals Committee.

The Headteacher (or Staffing Committee in grievances involving Headteachers) should hear the case within 10 working days of the completion of the investigation. Both parties will be entitled to attend with representation. There may be exceptional circumstances when this is not possible and an explanation will need to be provided by the party who is unable to commit to this deadline

The purpose of the hearing is to discuss the grievance with a view to resolving it or finding a way forward. No paperwork is required to be submitted at this stage.

The employee should be informed of the outcome, in writing, normally within 5 working days. If the grievance is not upheld, the employee must be informed of the right to take the grievance to a stage 2 hearing.

7.2 Stage 2 - Appeal

If the employee is dissatisfied with the outcome at stage 1, they should notify the Clerk of the Governing Body in writing within 5 working days from receipt of the response. The

notification must provide specific grounds such as why the employee is not satisfied with the outcome at stage 1 and what outcomes they are seeking at stage 2.

The grievance will be heard by at least three members of the Governing Body, normally from the Staffing Committee (or Staffing Appeals Committee for cases involving Headteachers).

The panel will conduct the hearing within 15 working days of receiving notification from the Clerk.

All written documentation appertaining to the grievance should be sent to each side at least 2 working days before the date of the appeal hearing. If the aggrieved employee also wishes to submit documentation, they should also submit it 2 days prior to the appeal hearing.

The appeal hearing decision will be final.

8.0 HEARING DELIBERATIONS

The Chair will consider what was said by all parties together with any written submissions. If the Chair is confident that there is sufficient information to reach a decision then the decision should normally be given verbally to all parties and in any event confirmed in writing within 5 working days. It is possible in some circumstances that a decision to uphold a staff grievance could still lead to further consideration under the Schools Disciplinary Policy and Procedure if additional information came to light during the grievance process which was not initially available for consideration by the Headteacher or the Chair of Governors upon receipt of the grievance.

9.0 RECORD KEEPING

It is important that accurate records are kept throughout the process, including any initial informal process.

Records should be held in a secure and confidential manner. Often the issues raised by an employee are particularly sensitive and it is essential that information is shared on a need to know basis only.

ANNEX 1

CONDUCTING STAFF GRIEVANCE HEARINGS

Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

The Headteacher / Chair of the Staffing Committee should:

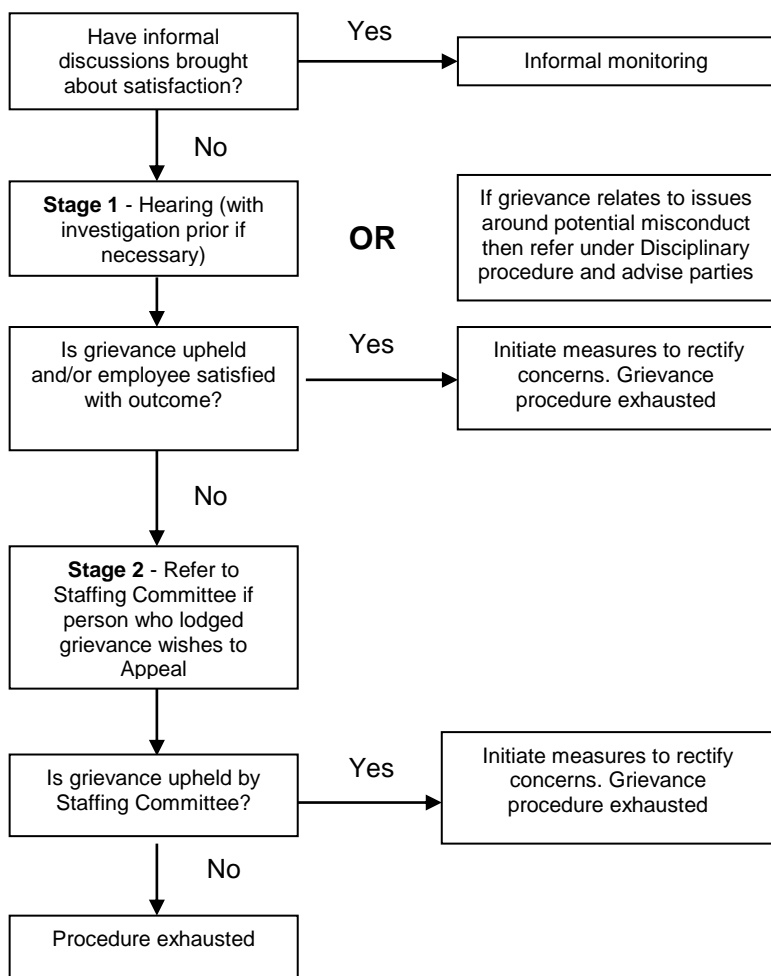
- introduce members of the hearing and ask others present to do the same
- explain how the meeting will be structured, including any time constraints
- provide opportunity for comments and clarification before commencement of the meeting
- advise that should it become necessary to adjourn the meeting a target timescale for this will be agreed at the meeting
- ask the Clerk to the Governors to minute the meeting.
- if it is deemed necessary, a HR Advisor will also be in attendance

The procedure should be as follows:

- the employee will introduce their submission and explain the general relevance of the complaint
- the Head/Chair may ask questions during or after the employee's presentation
- the respondent and / or representative to the grievance may ask questions at the end of the presentation
- the respondent and / or representative will respond and the panel may ask questions during or after the presentation
- the employee (or representative) may ask questions at the end of the presentation
- both parties will have the opportunity to sum up beginning with the employee bringing the grievance
- the Head/Chair will have a final opportunity to clarify any points.
- the Head/Chair will then adjourn the hearing to consider the complaint.
- All parties except the Head/Chair and the HR advisor will then withdraw. The HR Adviser has no vote in decision making.

ANNEX 2

EMPLOYEE GRIEVANCE PROCESS – DIAGRAMMATIC VIEW



HEADTEACHER GRIEVANCE PROCESS – DIAGRAMMATIC VIEW

(For grievances lodged by or against the Headteacher)

