



# Staff Grievance Procedure

Written: December 2023 / Review: September 2024

## 1. Introduction

The School's policy is to achieve fair and equitable treatment of all staff and to support the resolution of grievances in the workplace. It is the School's belief that most grievances can be resolved informally, and the School advocates the use of informal dispute resolution. It is however recognised, that where informal resolution is not possible the formal procedure set out in this policy may need to be adopted.

This policy and procedure apply to all employees of the School, it does not form part of any staff member's contract of employment, and it may be amended at any time.

## 2. Scope

This policy is applicable to concerns relating to employment, such as the contract of employment, a working relationship, a staff member's own work, health and safety in the workplace and the application of policies (please note this list is not exhaustive).

A member of staff will be unable to raise a grievance concerning issues that are more than three months old, unless there are exceptional circumstances and, in the eventuality that there are claimed extenuating circumstances, the School will exercise its discretion as to whether a grievance is or is not heard.

**The policy may not be used for concerns relating to the below, as these matters are covered in other School policies:**

- disciplinary action
- termination of employment
- pay, including NI, tax and pension
- performance capability and appraisals
- harassment and/or bullying
- whistleblowing (unless the staff member is directly affected by the matter in question or where the member of staff feels they may have been victimised for an act of whistleblowing).

In addition, a member of staff will be unable to raise a grievance:

- on grounds that have been cited or heard in an earlier grievance, under any other School policy
- to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

This policy does not apply to complaints submitted by former members of staff. The School reserves the right to deal with such complaints as it deems appropriate.

### **3. What a grievance is and is not**

A grievance is a legitimately held concern, problem or complaint that an employee raises with their employer with a view to resolving the issue.

A grievance should be raised with the aim of achieving an appropriate outcome and resolution to the concern, such as the restoration of a working relationship or the understanding of differences of opinion and agreement to work amicably, for example. A grievance should not be used as a punitive measure by either the member of staff raising it or the employer.

The outcome of a grievance and what resolution looks like will depend on the specifics of the case, and in some circumstances may result in other formal procedures being enacted, such as the disciplinary procedure.

A grievance being raised does not mean that the employer or named subjects of the grievance will automatically be held accountable for any allegations made. An investigation may or may not need to take place, depending on the nature of the grievance raised, to determine where there may be substance to any claims made. Where an investigation is required this will be completed by an appropriate member of the school's staff or an appropriate external third party and will be undertaken without unreasonable delay.

### **4. Overlapping disciplinary and grievance issues**

If a staff member raises a grievance whilst they are subject to disciplinary and/or capability proceedings, it will not prevent the School from continuing with or concluding these processes, other than in exceptional circumstances, and this will be at the School's discretion.

### **5. Collective grievances**

Where a group of members of staff raise a grievance regarding the same subject matter, this may be regarded and heard as a collective grievance at the School's discretion.

### **6. Vexatious, malicious and frivolous grievances**

A frivolous grievance will be regarded as such if the school has reasonable grounds to believe it is unfounded, whether this is intentional or unintentional.

The school will not consider any malicious or vexatious grievances, or any repeat complaints, including frivolous complaints which have already been responded to, and any evidence of malicious or vexatious grievances, or repeat frivolous grievances, may result in formal disciplinary proceedings.

## **7. Raising a grievance**

Staff members are encouraged to first raise concerns informally and without unreasonable delay, to an appropriate person who is not the subject of their grievance. An appropriate person in this instance would be a line manager or a member of SLT.

The School will accept verbal and/or written grievances, however if the grievance proceeds to the formal stage, this must be provided by the employee in writing and the School will request this if it was first raised verbally (see form - notification of grievance form).

It is a requirement of the School that all formal grievances are in writing and in the circumstances where an employee refuses to comply, the grievance procedure may not proceed.

When submitting a grievance, the staff member should give as much detail as possible, including the outcome they are seeking.

If the member of staff is asking for the grievance to be heard formally, they should evidence that the informal stage has not led to a satisfactory resolution of the concern. The staff member should endeavour to submit evidence that the informal stage has been undertaken and where this has not happened the aggrieved party should explain clearly why they do not feel able to go through the informal stage.

### **7.1. Raising a grievance against a line manager/another member of staff**

If a member of staff needs to raise a concern about their line manager, they should speak to another appropriate senior person.

If a staff member has a grievance that involves another member(s) of staff, they should be encouraged to speak with the individuals informally to attempt to first resolve the matter without management intervention.

### **7.2. Dispute resolution at the informal stage**

Upon receipt of a grievance, the School's preference is that it is resolved through informal dispute resolution.

Dispute resolution is not a defined process and how it is approached will depend on the nature of the grievance raised. The School will therefore adopt local and sensible practices at this stage to determine what actions are taken, with a view to achieving an appropriate outcome for all parties involved.

The benefit of informal dispute resolution is that it provides the School and involved parties with the opportunity to resolve matters as early and constructively as possible.

The School will convey the outcome of the grievance to the employee who raised it. There is no right to appeal at the informal stage, however if the employee feels that the concern has not been satisfactorily resolved through informal interventions, they can request it is

heard formally. Employees are encouraged to seek to understand the outcome of informal conclusions before requesting the matter is heard formally.

### **7.3. Formal grievance procedure**

The formal procedure will be followed upon receipt of a formal grievance request where a concern is of a more serious nature to warrant immediate formal action or where attempts at informal resolution have been unsuccessful.

In the case where a request is made for the grievance to be heard formally straight away, the School may consult with the employee to understand whether following the formal procedure is required immediately or whether informal dispute resolution could be adopted first.

### **7.4. Roles and responsibilities**

There is no requirement for the School to prescribe specific roles in a grievance procedure, the School will therefore appoint appropriate persons to address the grievance. Broad guidelines are below:

### **7.5. The grievance manager**

An appropriate manager, provided they are not the subject of the grievance, will oversee the procedure and decide the outcome.

### **7.6. Chair of Governing Board**

Where the Headteacher is the subject of the grievance, the Chair of the Governing Board will assign an appropriate manager to oversee the grievance process.

### **7.7. Right to be accompanied**

A member of staff has the right to be accompanied at a formal grievance meeting by a trade union representative or appropriate work colleague.

A member of staff should provide the name of the representative within three working days of a meeting. Where the chosen companion is unavailable on the day scheduled for the meeting, the member of staff may request the meeting is rescheduled for an alternate date within 5 school days of the original date. If the member of staff is unable to attend a meeting in this timeframe, the meeting may take place in a timeframe at the discretion of the School. If the representative remains unavailable, the member of staff may be asked to choose another representative.

There is no right to be accompanied at informal meetings or during the informal dispute resolution. This will only be permitted where it is deemed to be in the interests of an early

resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present. In an informal meeting, a delay to allow the attendance of a companion is discretionary.

## **7.8. Formal grievance meeting**

The grievance manager will arrange a meeting, without unreasonable delay, to discuss the grievance with the staff member.

The purpose of the grievance meeting is for the member of staff to explain their grievance and how they feel it may be resolved and to give the employee the opportunity to state their case before any decisions are made.

Should facts need to be gathered into the concern raised, the meeting will be adjourned to enable an investigation to take place.

## **7.9. Investigation**

The person managing the grievance will take all necessary steps to investigate appropriately, if required.

The timing and nature of any investigation will differ depending on the content of the grievance. It is at the discretion of the grievance manager to decide what is appropriate in each case.

It is possible that the grievance manager investigating the concern will need to give the aggrieved employee, or other employees, the opportunity to respond to any information or facts ascertained from the investigation. This will be judged on a case-by-case basis by the grievance manager.

## **7.10. Outcome**

A decision will be reached as soon as reasonably practicable, and the member of staff will be informed of the outcome in writing within seven school days or as soon as reasonably practicable.

## **7.11. Appeal**

A member of staff has the right to appeal against the outcome of the formal grievance. To exercise this right, they must write to the person specified clearly stating the grounds for appeal, within 7 calendar days from receipt of the letter.

Where possible, the appeal will be heard by an appropriate person or panel of individuals, with no prior involvement in the case.

At the discretion of the School, the appeal will be a rehearing or a review of the original decision. The decision of the appeal hearing will be final. It will be confirmed to the staff member in writing with seven school days or as soon as reasonably practicable.

New evidence will only be considered if relevant and there is sufficient reason why it was not presented earlier.

## **8. Mediation**

The School recognises that, in certain circumstances, it may be appropriate to explore the use of mediation. This can be as an outcome of both informal and formal procedures. Mediation is a tool used by an independent third-party to aid two or more parties in the resolution of a dispute and is voluntary.



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## APPENDIX 1: Notification of Grievance Form

Employee Name	
Job Title	
Work Location	
Outline of issues including what is alleged to have occurred, where and when. <i>(Please continue on a separate sheet if necessary)</i>	
Name(s) of any witness(es) (if any)	
Supporting documents attached (if any)	
Outcome sought:-	

This form should be submitted to the headteacher no later than **three months** of the issue/decision concerned for investigation and action. If the complaint concerns the executive headteacher, this form should be submitted to the chair of governors. You will be contacted within **five school working days** to arrange an initial investigation meeting to discuss your complaint.

Signature ..... Date .....





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## APPENDIX 2: Appeal Form

Please complete this form in full if you are dissatisfied with the outcome of your grievance. You may complete it personally or with your permission, your representative may complete it on your behalf.

Please return this form, together with any supporting documents to the Appeal Manager/ Appeal Committee **within 7 calendar days** of the date of the letter advising you of the outcome of your grievance.

You must clearly state why you wish to appeal and specify why you disagree with the outcome of your grievance. Please indicate below the grounds for your appeal:

- a) procedural irregularities prejudiced the outcome
- b) there was bias amongst the original decision makers
- c) new information/evidence has come to light that should be investigated
- d) the proposed action (e.g. mediation) is inappropriate in the circumstances

In all cases, you must give full details for your reasons. If you are appealing on the grounds that new information/evidence is available you should also explain why this information/evidence has only just become available.

**Please note that appeal process will focus on the specified grounds of appeal and will not be a reconsideration of the original grievance.**

I wish to appeal against the outcome of my grievance because .....
<i>Please continue on a separate sheet if more space is needed.</i>

Signature ..... Date.....