Grandpont
Nursery School & Childcare

Resolving Grievances Policy

(from OCC model policy)

Date agreed and ratified by Governing Body: 8th Oct 2021

Model policy for schools – Resolving Grievances

Introduction

1. This Oxfordshire model policy has been drawn up following consultation with head teacher groups and all the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

2. Advice and support on the application of the policy is available from the Schools HR Adviser.

3. This policy applies to all employees working in schools. It should be read in conjunction with other relevant documents, e.g. School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book), the National Agreement on Pay and Conditions of Service for support staff (Green Book) and the school's procedure for requesting emergency and special leave.

4. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book and Green Book also adopt this model policy. Where an academy adopts this policy the word 'school' should be taken to refer to the academy.

5. The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this policy.

Policy

6. The school is committed to promoting a positive work environment where employees feel able to talk to their manager about work-related problems.

7. Employees should aim to resolve most grievances informally by speaking to the person concerned or their manager, explaining clearly what the concern or problem is.

8. If employees don't feel able to approach the person concerned or their manager, they should talk the matter through with:

    - another manager in the school
    - a trade union representative

    If an employee is not sure who to talk to, they can contact HR for advice.

9. Managers and employees have a responsibility to try and resolve workplace disputes and problems promptly, aiming to avoid disruption, through discussion and by seeking to understand the views and perspective of others.

10. Where the grievance is about bullying or harassment, employees and school managers or governors should also refer to the school's **Dignity at Work policy.**

11. Managers will take concerns raised by employees seriously, act promptly and seek to resolve the matter informally, where this is possible.

12. This procedure is primarily for grievances raised by individual employees, although it is possible for a group of employees to take out a collective grievance. Collective disputes will normally be dealt with through formal local mechanisms involving the trade unions.

13. Raising a complaint or being subject to a complaint can be an upsetting experience. Everyone involved can expect to be treated calmly and with respect.

14. No employee will suffer detriment for raising a formal grievance in good faith, or for assisting a colleague to do so. However, if an employee is found to have used this procedure frivolously, maliciously or excessively without legitimate grounds, disciplinary action may be considered.

15. Where attempts to resolve matters informally have been exhausted by the employee, or circumstances make this route inappropriate, this formal procedure can be followed.

16. This procedure follows the steps recommended by the ACAS Statutory Code of Practice on Discipline & Grievance. It has been designed to ensure complaints from employees are dealt with promptly and in a fair and consistent manner.

Definition of grievance

17. Grievances are "concerns, problems or complaints that employees raise with their employers" (ACAS). Grievances can be about terms and conditions of employment;

working conditions; working relations; discrimination; statutory employment rights and working practices (this list is not exhaustive).

What is not covered by this procedure?

18. Employees who wish to raise concerns about suspected malpractice, fraud or wrongdoing in relation to the school's operations should follow the school's **Whistleblowing Procedure.**

19. An employee who is subject to formal disciplinary or capability proceedings will have the opportunity to raise any grievance about that through the disciplinary/capability process. If an employee wishes to raise a grievance or whistleblowing matter that is unrelated to the disciplinary/capability proceedings, it will be dealt with separately and concurrently. In some cases one proceeding may be temporarily suspended while the other is dealt with.

20. This policy does not cover areas of employment where specific procedures for raising concerns or appeals are in place. For example:

    - redundancy
    - concerns about pay or appraisal
    - pension matters
    - matters relating to tax and national insurance

21. A grievance that has not been raised within three months of the events which gave rise to it will normally be disregarded unless it is agreed that there are exceptional circumstances.

Mediation

22. Mediation is an effective way of resolving disputes and helps avoid matters escalating and the need for formal procedures. Mediation can be used at any stage and can address a range of issues including relationship and communication breakdown.

23. Mediators do not make judgments or determine outcomes - they ask questions that help uncover underlying problems, assist the parties to understand each other's point of view and help them look at options for resolving their dispute.

24. Contact a Schools HR Adviser to find out more about mediation.

Raising a Formal Grievance

25. You must set out the facts of your complaint in writing in a letter or by completing the **Grievance Form**. This written statement will form the basis of the grievance meeting and any investigations, so it is important that you:

- set out the nature of your complaint clearly
- provide details such as dates and times of events
- give the names of any witnesses
- include supporting evidence
- explain how you believe the matter could be resolved

26. The letter or completed grievance form must be sent to your line manager or head teacher. Where the grievance is about the head teacher, the grievance must be sent to the Chair of the relevant body. Formal grievances from head teachers should be raised with the Chair of the relevant body.

27. You will receive confirmation that your grievance has been received and you will be given the name of the person who will be responsible for dealing with it (referred to as the nominated manager)

Formal Grievance Meeting

28. A meeting will be arranged for you to attend, without unreasonable delay and usually within 10 working days[1] of receiving the grievance. You can make a request to be accompanied to this meeting by a trade union representative or work colleague (see paragraph 48-50).

29. The meeting will be run by the nominated manager responsible for dealing with your grievance. The aim of this meeting is for the nominated manager to establish a detailed understanding of the issues and if possible, decide how to resolve the problem.

30. You will be asked to explain the grievance and how you think it could be resolved. It is important that you use this opportunity to make sure all the issues are raised and any supporting evidence is provided, along with the names of any witnesses. No new complaints can be added after this meeting unless agreement is given by the nominated manager.

[1] Working days means Monday to Friday during school term time.

31. Notes of the meeting will be taken and circulated to attendees. The nominated manager may arrange for a separate note-taker to attend.

32. The nominated manager may decide that s/he needs to gather more information before reaching a decision and will adjourn the meeting to allow an investigation to take place. This is particularly likely if the complaint is against another person, who will need to be given the opportunity to provide a response. The nominated manager will write to you within three working days, following this meeting, confirming the actions agreed.

33. Where it is possible for the nominated manager to come to a decision about the grievance at this first meeting, s/he will do so and decide what actions to take and where possible give that decision as part of the meeting. The nominated manager will then confirm the outcome in writing to you within three working days of the meeting. You will have the right of appeal should you believe the outcome is unacceptable (See paragraphs 43-47 **Appeals**).

Investigation

34. Where more information is needed and an investigation is necessary, this will be carried out either by the nominated manager themselves or s/he may appoint an investigating officer. You will be told who this will be.

35. Investigations will be conducted fairly and without delay. In normal circumstances the investigation will be completed within a period of four working weeks, depending on the scale and complexity of the issues. If there are unavoidable delays you will be kept informed.

36. You are required to attend investigation meetings when requested to do so.

Reconvened Formal Grievance Meeting

37. When the investigation is complete and the nominated manager is satisfied s/he has all the information, another meeting will be arranged for you to attend, normally within 10 working days. Again, you can be accompanied by a trade union representative or work colleague (see paragraphs 48-50).

38. The nominated manager will feed back the findings from the investigation and provide his/her conclusion and decision. The nominated manager will confirm the outcome in writing to you within three working days of the meeting. You will have the right of appeal should you believe the outcome is unacceptable (See paragraphs 43-47)

39. Where the issues are complex and there are opposing accounts of events a grievance hearing may be arranged, for all parties and witnesses to attend, if the nominated manager believes this will help him/her reach a conclusion.

40. In circumstances where the nominated manager has conducted an extensive investigation, they may decide to refer the case to the head teacher, another senior leader or a governor to ask them to chair a hearing, examine all the evidence and make a decision. The nominated manager will normally provide a written report for this hearing and will attend to provide information about the investigation.

41. If a hearing is arranged, you will have the opportunity to invite any witness/es to support your case and you will need to let the nominated manager have the names of any witnesses you intend to call. The person who your complaint is about may also invite witnesses to attend.

42. Having considered all the evidence and heard from all parties, the Chair of the hearing, will make a decision about your grievance and write to you, normally within three working days, confirming their decision and any actions they intend to take. You will have the right of appeal should you believe the outcome is unacceptable (See paragraphs 43-47 Appeals).

Regardless of the outcome, all parties are expected to work together in a positive and professional manner.

Appeal

43. If you believe that your grievance has not been satisfactorily resolved, based on the evidence and the fair application of this procedure, you have the right to appeal within five working days of receiving the written outcome.

44. In accordance with the ACAS statutory Code of Practice your appeal must be made in writing and you must make clear the grounds for your appeal, for example, faults in the procedure followed, new evidence not originally available, a perverse decision . No new complaints can be raised at the appeal.

45. The appeal will be heard by a panel made up of three members of the relevant body. The appeal hearing will be arranged without unreasonable delay and usually within 10 working days of receiving the appeal.

46. This will normally take the form of a hearing where you will have the opportunity to explain the grounds of your appeal and the nominated manager or, where a grievance hearing has been held, the Chair of the hearing will respond to it. In some circumstances the panel may instead choose to deal with the matter by written submissions after consultation and agreement with both parties.

47. The outcome of the appeal will be communicated to you in writing within three working days of the decision.

This is the final stage of the formal grievance procedure.

The right to be accompanied

48. You have the right to be represented by a trade union representative or accompanied by a work colleague at formal grievance meetings.

49. Normal management meetings, informal discussions and investigatory meetings do not attract the right to be accompanied, but requests to be accompanied will be considered where this support may be helpful.

50. Where you wish to be accompanied, you must contact the nominated manager responsible for dealing with your grievance and give them the name of the trade union representative or work colleague in good time before the meeting (or give this information on the grievance form).

Keeping and disclosing records

51. Whether dealing with grievances formally or informally, it is advisable for all parties to keep a brief record of discussions and agreed actions.

52. In certain circumstances the nominated manager may decide to protect the identity of an individual or to withhold some information, for example where information is of a sensitive personal nature or considered to be irrelevant.

Confidentiality

53. Confidentiality must be maintained by all parties. Only those who need to know about the grievance will be informed.

Avoiding delays

54. Prolonged, unresolved grievances can be distressing for all parties and the school recognises that it is in everyone's interests for matters to be resolved as quickly as possible.

55. Managers will make every effort to deal with grievances promptly and without unreasonable delay.

56. Employees will be consulted on the scheduling of dates/times for meetings. If the employee's representative cannot attend on a proposed date, the employee must

provide alternative times and dates of their availability, so long as these are reasonable and not more than five working days after the original date. Alternatively employees can nominate another representative.

57. Employees and their representatives must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested by the nominated manager or investigating officer promptly and in advance of any meetings.

58. If an employee is unable to attend a meeting because of circumstances beyond their control, they should inform the nominated manager dealing with their grievance as soon as possible.

59. Employees will be expected to participate and attend all meetings, unless a GP or Occupational Health advises that that they are not fit to do so. In these circumstances other arrangements may be agreed with the employee to ensure matters can still proceed e.g. for a representative to act on their behalf. The employee's absence will be managed in accordance with the schools Managing Sickness Absence Procedure.

60. The nominated manager can make the decision to proceed in the employee's absence if:

- the meeting has already been rearranged once and the employee fails to attend for a second time
- the employee fails to attend without explanation, or there is evidence that the employee has not made sufficient attempts to attend
- the employee is on long-term sick leave and medical opinion is that s/he will be unable to attend meetings in the near future. In these circumstances alternative arrangements will be discussed with the employee e.g. the employee can supply written information instead or ask a representative to attend on their behalf

Accessibility

61. If any aspect of this procedure causes difficulty on account of a disability or if English is not your first language, or if you need particular assistance or adjustments to attend meetings, contact the nominated manager at the earliest opportunity.

Support

62. Grievances can be upsetting and stressful for all parties and managers have a responsibility for making sure all individuals involved in a dispute or grievance are offered appropriate support. This can be provided by offering additional one to one meetings or by assigning a key contact for the employee. The Employee Assistance

Programme (formerly Staff Care Service) is also available for all employees in subscribing schools.

Responsibilities

63. The relevant body has overall responsibility for this policy.

Concerns from ex-employees or during notice period

64. Wherever possible, a concern should be dealt with before an employee leaves employment. However, in cases where an employee has left employment before a concern has been raised the former employee should write to their former manager setting out the grievance as soon as possible, and not later than one month after leaving employment and a response will be given in writing.

65. If an employee raises a grievance during his/her notice period and there is insufficient time for the school to investigate and/or resolve the issue before the employee's employment ends a written response will be given.

Other relevant policies

- Dignity at Work policy
- Whistleblowing procedure
- Disciplinary policy

Further advice and support

Further advice and support is available from a Schools HR Adviser.

Employee Assistance Programme - Vita Wellbeing - 0800 111 6387

March 2014 (amended September 2015)

Guidance Notes when the Grievance is against the Headteacher.

In the event that a grievance is made against the Headteacher this should be sent to the Chair of Governors. The Governing Body will be expected to take on the role of Management both in carrying out an investigation and in conducting the grievance hearing.

Appointment of an Investigation Officer.

It is strongly recommended that the Governing Body appoint an investigating officer to conduct an investigation into the points raised against the Headteacher. If there is someone on the Governing Body who has experience in the management of schools then they could carry out this role; otherwise the Governing Body should contact the Education Department in the CEF Directorate and ask them to nominate an experienced manager to do the investigation.

Where the school is an Academy in a Multi Academy Trust then an experienced manager from within the Trust should be asked to conduct the investigation.

It is not recommended that the Governing Body appoint anyone who does not have the appropriate experience as this is could have a significant impact on the outcome of the grievance.

Appointment of Nominated Manager.

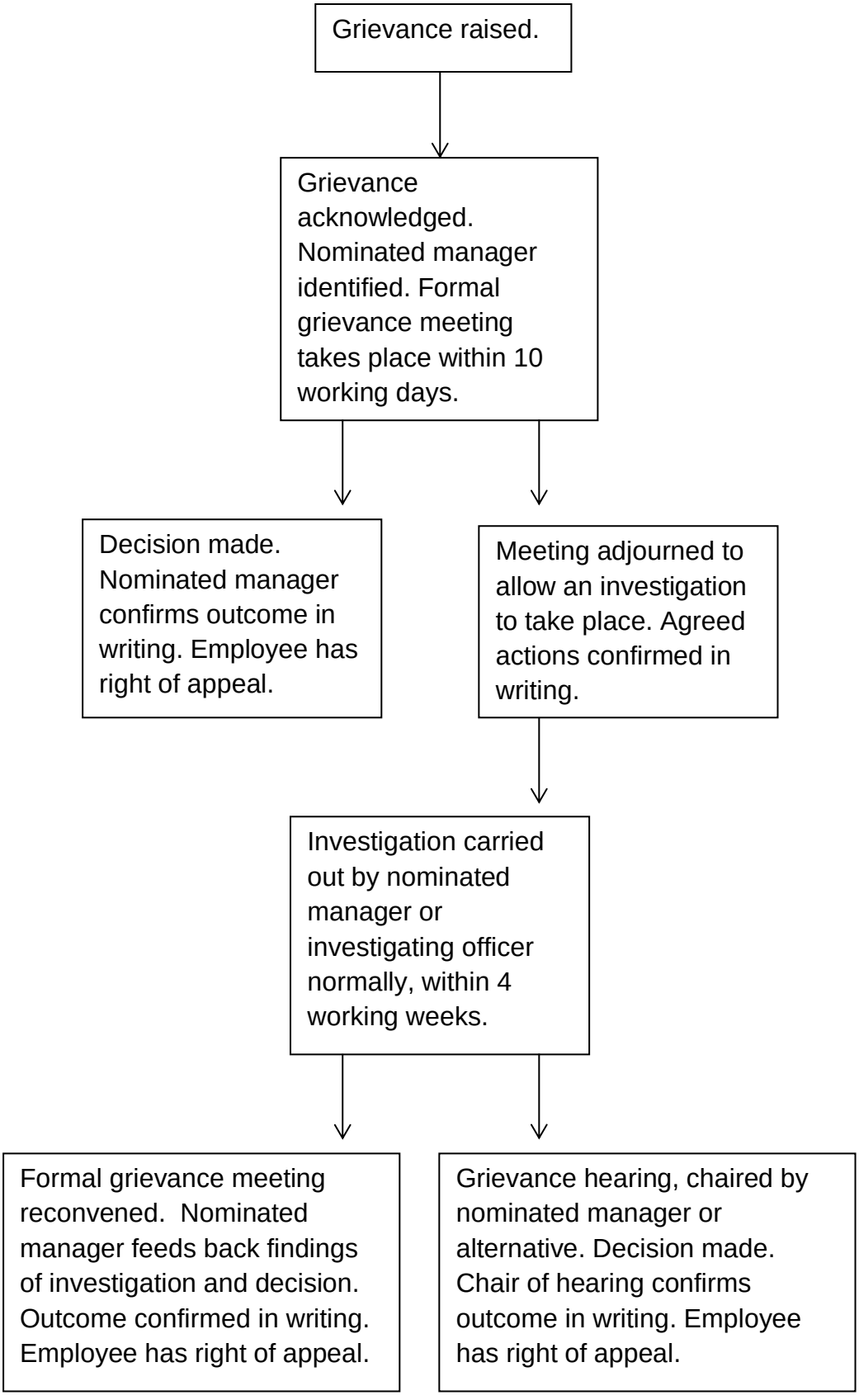
Where a grievance is taken out against a Headteacher then a Panel of three Governors will be convened and for the purposes of the Grievance Procedure the Chair of this Panel will assume the role of Nominated Manager as described in the Model Policy for Resolving Grievances.

The Panel of three members of the Governing Body should not have had any involvement with the issues that are being investigated and cannot be a staff governor.

Issues that are raised against a Headteacher can have serious implications throughout the school and it is strongly advised that an HR Adviser from the organisation that provides the School's HR Advice be asked to advise and support the governors through the grievance.

(Guidance added March 2016).

Formal Grievance Procedure



Procedure for an Appeal Hearing

1. The Chair invites the employee to explain the grounds of the appeal.

2. The Chair invites the employer to ask questions.

3. The Chair invites members of the Appeal Panel to ask questions of the employee.

4. The Chair invites the employer to respond to the case presented.

5. The Chair invites the employee to ask questions.

6. The Chair invites members of the appeal panel to ask questions of the employer.

7. The Chair invites the employee to summarise the case.

8. The Chair invites the employer to summarise the case.

9. Both parties withdraw while the panel consider the case and reach a decision.

10. The outcome of the appeal will be communicated in writing within three working days.

Schools Formal Grievance

Please complete this form if you wish to raise a grievance formally (see Resolving Grievances Policy).

Name:

Job Title:

Name of Line Manager:

School:

Mobile No.:

Work No.:

Home No.:

Work e-mail address:

Home e-mail address:

Preferred method of contact:

Working days:

Set out the facts of your complaint (include specifics, e.g. date & time of any relevant incident/names of any witnesses):

What steps have you taken to resolve the matter informally?

Name of Union Representative or colleague you would like to accompany you to formal meetings:

Have you spoken to your representative about this? Yes ☐ No ☐

Do you give permission for contact to be made with your representative to arrange a convenient meeting date? Yes ☐ No ☐

What resolution are you seeking? (e.g. apology, explanation?)

Signed: **Date:**

Email or post this with any supporting information to your line manager or Headteacher.

Where your grievance is about your Headteacher, please send this to the Chair of the Relevant Body.