



Weobley Schools' Federation

Schools Grievance Policy and Procedure

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1. POLICY

A grievance is a concern problem or complaint raised with the school by an employee.

The aim of this policy is to resolve grievances promptly, through effective communication and discussion. Informal discussions between employees and their line manager are key to this and the vast majority of employee grievances can and should be resolved in this way. This approach prevents undue delay, lessens distress to the parties involved and it encourages good working relationships.

Schools must formally adopt a procedure and ensure that this is formally recorded in the governing body minutes.

2. SCOPE

This policy and procedure applies to schools where Herefordshire is the legal employer i.e. maintained and voluntary controlled schools.

Voluntary Aided Church Schools, where Herefordshire Council is not the legal employer, may choose to adopt a different grievance procedure as determined by the relevant diocesan authority and are responsible for consulting with the relevant trade unions.

This policy does not apply to agency workers or self-employed contractors. The grievance procedure may not be used as an additional means of appeal against a decision or sanction under another policy.

3. INFORMAL PROCEDURE

In the first instance an employee should discuss their concerns with their line manager with a view to resolving them as part of normal day to day working life. The employee should explain what redress they are seeking for their grievance. It may be necessary for the member of staff who raised the grievance to attend a meeting to discuss the concerns in more detail, however, this will be determined on a case by case basis. The employee can request to be accompanied at any informal meeting by a colleague or their Trade Union representative.

It is best practise to confirm the outcome of the informal grievance in an email where possible to ensure a record of the complaint and outcome has been retained.

Where the issue has not been resolved to the employee's satisfaction the matter the employee should raise it in writing via letter or using the APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE to instigate the formal procedure.

Where it is not appropriate to try and resolve a grievance informally due to the severity of the complaint, the grievance will automatically be heard under the Formal Procedure.

4. FORMAL PROCEDURE

If it is not possible, or where it is not deemed appropriate, to resolve the matter informally, the employee should set out their grievance in writing using APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE, to their line manager, head teacher or chair of governors within ten working days of the cause of the grievance (unless extended by mutual written agreement). Where the grievance isn't clear, the employee may be asked to clarify their concerns in writing, or in an investigation meeting at which they may be accompanied by a colleague or trade union official.

The investigation should be undertaken in a timely fashion, and without delay by the investigating officer. Where a formal grievance is raised preceding a school holiday, and it is unviable for the matter to be investigated and heard as a consequence, it will be dealt with without delay as soon as next school term resumes.

The grievance will always be investigated by an independent Investigating Officer. This could be a member of the Senior Leadership Team, the Headteacher or any other officer as deemed suitable depending on the nature of the allegations, including a member of HR Services.

The Investigating Officer will have responsibility for investigating the grievance, compiling a report with their findings and presenting this at the Formal Grievance Hearing.

Where a complaint is made about a Headteacher or Governor, the Investigating Officer will always be a member of the governing body not previously involved in the case, HR Services or another appropriate external party.

4.1. Formal Grievance Hearing

Where possible, a Formal Grievance Hearing will be scheduled within 15 working days of the receipt of the formal grievance. Where the investigation is likely to take time, the timescales will be discussed and agreed with the employee.

Where the Investigating Officer requires further clarity on any grievance points in order to undertake their investigation, the employee may be asked to provide further information prior to the arrangement of the formal grievance hearing.

The employee will always be given at least 5 working days' notice of a hearing, and notified of who will be hearing their case. The employee has the right to be accompanied by a colleague or trade union official. The employee will be given a copy of the investigation report and any supporting documentation to review before the hearing. Any additional documentation to be considered should be submitted by the employee to the Hearing Chair or panel within 3 working days of the hearing, where possible.

The Formal Grievance Hearing will be chaired by either the Headteacher, a Governor, or if deemed appropriate, a panel of three governors. The chair or panel may be supported by HR Services.

Where a complaint is made about a Headteacher or a Governor, the case will always be heard by a panel of up to three members, which can include governors or other appropriate external parties not previously involved in the case.

The purpose of this hearing is for the employee to be able to air their concerns freely and for there to be open dialogue with a view to exploring how the grievance could be resolved. The investigation findings will be presented by the Investigating Officer and the employee will have opportunity ask questions and raise any further points they would like considered.

Where grievances require further investigation due to new evidence the hearing will be adjourned. The investigation will be concluded and documented in an updated investigation report, if appropriate, the hearing will be reconvened before giving the outcome in writing. This should be concluded in a timely manner, with the employee kept informed regarding timescales.

The Hearing Chair or panel will then advise the employee whether their grievance is upheld and any action they propose to take, with timescales, and the reasons for their decision in writing, normally within 5 working days of the conclusion of the investigation. The grievance hearing does not need to be reconvened to deliver the outcome. The employee has the right of appeal.

4.2. Formal Appeal Hearing

If the employee wishes to appeal the outcome they must submit their points for appeal and desired outcome to the Clerk to Governors within 5 working days of receiving the written outcome using APPENDIX II: G2 – NOTIFICATION OF APPEAL.

Where possible, an appeal panel will convene within 15 working days from receipt of the appeal. The appeal panel will normally consist of up to three members of the governing body or other appropriate external parties not previously involved in the case.

The employee must provide copies of any documentation they wish to refer to, to the clerk to governors for the appeal panel, at least three working days prior to the meeting.

Where the appeal requires further investigation the hearing will be adjourned. The investigation will be concluded. This should be concluded in a timely manner, with the employee kept informed regarding timescales.

The panel will then advise the employee whether their grievance is upheld and any action they propose to take, with timescales, and the reasons for their decision in writing, normally within 5 working days of the conclusion of the investigation. The appeal hearing does not need to be reconvened to deliver the outcome.

There is no further internal right of appeal.

5. COLLECTIVE GRIEVANCES

Collective grievances follow the same principles and procedure as an individual grievance. The group should agree their collective points of grievance and their shared desired outcome.

They have the right to be represented by one person (one of the group submitting the grievance or the trade union representative) or for up to three individuals to express their concerns themselves.

The outcome will apply to each employee involved in the grievance.

6. ARRANGING FORMAL HEARINGS

The employee will be given a written invitation to attend a formal hearing and provided with the following information:

- the details of who will be attending the hearing
- at least 5 working days' notice of the hearing
- confirmation of whether there will be a note taker or seek consent to record the hearing
- a copy of the grievance procedure
- the option to bring a trade union representative or colleague as a representative

The employee may be accompanied at all stages of the grievance procedure, including appeals, by a trade union representative or work colleague. No companion from an external source, other than a trade union

official, may accompany the employee, unless in exceptional circumstances as a reasonable adjustment related to a disability.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case

The employee should take all reasonable steps to attend the meeting. However, if the companion is unable to attend the meeting at the proposed time, then the meeting will be re-arranged for a time when the companion is able to attend. The re-arranged time must be reasonable and within 5 working days of the original proposed meeting date (or a later date if mutually agreed).

7. GRIEVANCES AGAINST ANOTHER EMPLOYEE

Where an employee raises a grievance against another employee, the accused employee will be notified of the allegations against them as soon as possible. Once the grievance investigation, hearing and any appeal has been concluded; the accused employee will be formally notified whether any allegations relating to them have been upheld, and of any follow up action required.

Making intentional false allegations against another employee will be investigated, and may be dealt with under the Disciplinary Policy.

8. MONITORING

The Director of Children & Families is responsible for ensuring implementation and review of this policy and procedure for local authority schools. The governing body is responsible for adopting and implementing this policy and procedure.

9. REVIEW

This document will be reviewed after three years unless circumstances demand a review before then.

10. CONSULTATION & VERSION CONTROL LOG

Version	Status	Date Issued	Description of change	Unions Consulted With	Date Agreed
1.0	Archived				
2.0	Draft		Removed duplication and confirmed procedural responsibilities where HR Services are used to investigate.	Unison ASCL NEU NAUWST Voice GMB NAHT	02.10.2020

11. APPENDIX I: G1 - NOTIFICATION OF FORMAL GRIEVANCE

This form is intended for use by any employee who wants to make a formal complaint about a workplace issue. Employees should seek informal resolution to their concerns, by raising their complaint to their Headteacher / nominated representative. If the grievance is such that it is not appropriate to be heard informally or where the employee is not satisfied with the outcome from the informal procedures, this form should be completed and sent to the headteacher or nominated representative in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

Formal grievance

Employee's name:

Employee's job title:

Employee's department (if applicable):

Date:

Does your grievance relate to your line manager?

Yes/No

Summary of complaint:

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 if required.

Individuals involved in the alleged incident/complaint:

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

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that intentionally making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:

Signature:

For completion by the school:

Date form received by the school:

Name of recipient and job role:

Signature:

12. APPENDIX II: G2 – NOTIFICATION OF APPEAL

This form is intended for use by an employee who wants to appeal a decision made by the school regarding a formal grievance raised by him/her.

This form should be completed and delivered to the Clerk to the Governors in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. This should be done within 5 working days of receipt of the outcome letter from your formal grievance. A copy of the grievance outcome letter must be attached.

In accordance with the grievance policy, the Clerk to the Governors will aim to arrange a formal grievance appeal meeting with you within 15 working days of receipt of this form. If there are likely to be any delays in meeting your appeal, the organisation will inform you in writing of the reasons for the delay and give an indication of when you can expect your appeal to be heard.

Formal grievance appeal

Employee's name:

Employee's job title:

Employee's department (if applicable):

Date of your original grievance:

Date you were given decision that you are appealing against:

Does your grievance relate to your line manager?

Yes/No

Summary of appeal:

Please set out the grounds of your appeal (providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpreted or lack of evidence and why

you consider the outcome to have been incorrect in those circumstances). You may attach additional sheets if required.

Individuals involved in the appeal:

Please provide the names and contact details of any people involved in your appeal, including witnesses you wish to call during the appeal.

Outcome requested from the appeal:

Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above is true to the best of my knowledge, information and belief. I understand that intentionally making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct.)

Form completed by:	
Signature:	
Date:	

13. APPENDIX III: FORMAL PROCESS FLOW CHART

