

Date: October 2022
Review date: October 2023
Responsibility: MW

Bishop Challoner School



Grievance Policy



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Introduction

This procedure is intended to deal with and resolve grievances relating to an employee's dissatisfaction with some aspects of their working life including conditions of service, working arrangements and interpersonal conflicts.

The procedure meets the requirements of relevant legislation and the ACAS Code of Practice regarding grievance procedures.

The procedure does not form part of an employee's contract of employment and the school may amend it at any time.

Application of the Procedure

The grievance procedure is available to all employees of the school insofar as any grievance relates to the employee's work within the school. The grievance procedure cannot be used to:

- Review or appeal against a pay decision: the school's Pay Policy sets out the process for dealing with employees' requests to have pay decisions reviewed or appealed;
- Appeal against a decision relating to a request for flexible working;
- Appeal against any formal or informal disciplinary sanction;
- Appeal against any decision to terminate an employee's employment;
- Complain about sickness/ill health or capability action (other than the informal stage);
- Appeal against an employee's selection for redundancy; or
- Complain about matters which have been, or should have been, brought under a separate policy or procedure operated by the school.

Where an employee has ceased to be an employee, the school shall only consider post-termination grievances where it was not reasonably practicable for the employee to have raised such a grievance during the course of their employment.

Roles and Responsibilities

The Headteacher shall have a responsibility to ensure that the grievance procedure is applied and operated fairly and consistently across the school.

All grievances raised by employees under the formal grievance procedure should be raised with the Headteacher. The Headteacher may, at their discretion, delegate responsibility under the grievance procedure to the employee's line manager or a member of the Senior Leadership Team (hereinafter referred to as 'the Leadership Group').

Any complaints or grievances made by employee found to be false or malicious and made in bad faith may result in disciplinary action being taken against the employee.

Written grievances will be placed on the personnel file of the employee who submitted the grievance, along with a record of any decisions taken (irrespective of the outcome) and notes or documents gathered during the process.

Where the Headteacher is the subject of the grievance raised by an employee, one Trustee from the Personnel Committee of the Board of Trustees shall be nominated and shall assume responsibility for arranging the grievance to be considered.

Any appeal against a grievance decision will be heard by an Appeal Panel of three members of the Board of Trustees that had no involvement or input into the original decision.

At every stage of the formal grievance procedure, the employee is entitled to be accompanied by and represented by a work colleague or his/her qualified Trade Union representative.

At any grievance meeting, the Headteacher (or a delegated member of the Leadership Group) or Appeal Panel may be advised throughout the meeting or hearing, including the subsequent deliberations leading to a judgement, by a person with suitable qualifications or experience in employment law.

At any formal grievance meeting and appeal meeting under this procedure a note taker from the school will be present. Employees will be provided with copies of the minutes of any meeting or hearing for their approval within 5 school days of the meeting or hearing taking place. Employees are not permitted to record grievance meetings or appeal hearings and will be asked to demonstrate to whomever is conducting the meeting or hearing that their mobile telephone is turned off prior to the meeting or hearing commencing.

The school will endeavour to deal with all grievance matters confidentially and with due respect for the privacy of any individuals involved. Information made available to employees in the course of any formal grievance procedure should not be shared with anyone except those directly involved. This does not preclude a confidential consultation with a friend, colleague or Trade Union representative for support or professional advice.

Informal Stage

If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter amicably with the person and, where necessary, in discussion with their line manager.

Line managers should encourage effective communication and open discussion with employees to enable employees to feel able to voice any concerns they may have and to ensure that grievance matters are resolved quickly and effectively at the informal stage.

If an informal grievance matter is resolved through discussions with an employee's line manager, the line manager should keep a brief written record of the informal grievance, the outcomes and agreed actions.

If the matter remains unresolved or the employee feels unable to raise the informal grievance with their line manager for any reason, the employee should discuss the grievance with the Headteacher. If the employee is then not satisfied with the informal response from the Headteacher, they should follow the formal grievance procedure set out below.

Formal Procedure

This procedure only applies whilst employees are employed by the school. If an employee leaves the school and then raises a grievance, the school will consider the grievance but it would not normally follow the full procedure.

The school will keep records of any action taken under this grievance procedure. Wherever possible these will be treated as confidential.

When it is not possible or appropriate to resolve a grievance informally, employees should raise the matter formally and the formal Grievance Procedure detailed below should be followed.

Stage 1 - Grievance Hearing

To raise a formal grievance an employee must submit a written statement to the Headteacher without unreasonable delay (as long as the Headteacher is not the subject of the grievance). Wherever possible the grievance letter should detail the nature of the employee's grievance, outline the steps that have been taken so far in an attempt to resolve the matter and how they would like the grievance to be resolved.

Meeting

The Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) should arrange for a formal grievance meeting to be held without unreasonable delay. This will normally be within 5 working days of the grievance being received. Employees will be notified of their right to be accompanied to the meeting by a colleague or a qualified Trade Union representative.

To exercise the right to be accompanied the employee should write, detailing the name of any proposed companion, to the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) at least 48 hours in advance of the meeting. Employees may, at the Headteacher's (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) discretion, be allowed to bring a companion who is not a colleague or trade union representative (for example a family member) where this will help to overcome a particular difficulty caused by a disability or where the employee has difficulty understanding English.

To assist with the grievance investigation, if the employee wishes to rely upon or make reference to any information or evidence that the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) does not have access to, copies of such information and evidence should be sent to the Headteacher no less than 72 hours before the meeting.

Employees and their companions should make every effort to attend the meeting. If the employee is unable to attend the meeting through circumstances outside her/his control, the person conducting the grievance meeting should arrange another date. Normally only one postponement will be permitted. If the employee's companion cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable, and is not more than five working days after the date originally proposed. This time limit may be waived by mutual agreement.

During a formal grievance meeting or appeal hearing, the employee's companion will be allowed to:

- Put the employee's case and make representations on behalf of the employee;
- Submit papers;
- Ask questions; and
- Confer with the employee during the meeting.

The employee's companion will not 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.

During the grievance meeting the employee will have the opportunity to explain their grievance and how they think it should be resolved.

Following the grievance meeting the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) should decide on what investigation is required, if any.

Investigation

In some cases, it may be necessary to carry out an investigation once the initial grievance meeting has taken place.

The amount of investigation required will depend on the nature of the allegations made and will vary from case to case. It may involve further meetings with, and taking statements from, the employee and any witnesses and/or reviewing relevant documents. Where interviews are not held, written signed statements will be obtained as far as reasonably practicable. The employee must cooperate fully and promptly with any investigation.

A written record of any investigatory meeting will be kept.

Where a grievance has been raised against another individual, the details of the grievance will normally be disclosed to that individual so that they may respond to it as part of the investigation.

At investigatory meetings, the right to be accompanied does not apply.

The investigation may be conducted by someone other than the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) who will decide on the final outcome of the employee's grievance.

Once the investigation is concluded, the person investigating will provide their findings to the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher).

Outcome

Once the investigation has concluded, or following the grievance meeting if no investigation is required, the Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) will make a decision on the employee's grievance and will write to the employee to confirm the outcome. Ideally this will be within 28 school days of the employee's grievance being received although that may vary depending upon the extent of the investigation that is required.

The Headteacher (or delegated member of the Leadership Group or nominated Trustee in cases where the grievance involves the Headteacher) may decide upon one or more of the following outcomes:

- To uphold the grievance
- To partially uphold the grievance
- Not to uphold the grievance

The letter, where appropriate, should set out what action is proposed to resolve the grievance. Where an employee's grievance is not upheld, the reasons for not upholding the grievance should be carefully explained in the letter. Where appropriate, the person who held the grievance meeting may also meet with the employee to convey this information in person. A copy of the notes of the meeting will be provided to the employee. The employee will also be informed of their right to appeal.

Stage 2 – Appeal

If the employee is dissatisfied with the outcome or the process used in investigating the grievance or where the matter remains unresolved, they can have the grievance heard by an Appeals Panel of three Trustees. The appeal should be submitted in writing to the Board of Trustees within 5 working days of receiving the original decision, giving the grounds for appeal and how they think the grievance should be settled.

Following any further necessary investigations, a grievance appeal hearing will be held without unreasonable delay and the employee will be advised of their right to be accompanied by a qualified Trade Union representative or colleague.

Copies of all the relevant documentation should be circulated to all parties at least 3 days before the hearing.

During the course of the appeal hearing, all parties will have the opportunity to put forward their case.

The decision of the Appeal Panel will be confirmed in writing to the employee without unreasonable delay, normally within 5 working days of the appeal hearing.

The decision of the Appeal Panel will be final.

Reviewed by: Mark Wallace

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Next Review: October 2023