

The Grange School

Grievance Policy

January 2018
To review January 2021

Grievance Procedure

Date	Review Date	Coordinator	Nominated Governor
Jan 2018	Jan 2021	Vicki Masters	

We believe this policy relates to the following legislation:

- Safety Representatives and Safety Committees Regulations 1977
- Health and Safety at Work Act 1974
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- Health and Safety (Consultation with Employees) Regulations 1996
- Data Protection Act 1998
- Public Interest Disclosure Act 1998
- Working Time Regulations 1998
- Employment Relations Act 1999
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Sex Discrimination) Regulations 2005
- Employment Equality (Age) Regulations 2006
- Employment Act 2008
- School Staffing (England) Regulations 2009
- Equality Act 2010

The following documentation is also related to this policy:

- Acas/AL04 Advice Leaflet: Bullying and Harassment at Work: A Guide for Managers and Employers (2009-5)
- Acas/CP01 Code of Practice on Disciplinary and Grievance Procedures (2209)
- Discipline and Grievances at Work - The Acas Guide (Acas)

We believe that a grievance is a concern, problem or complaint that an employee brings to the attention of his/her employers. The grievance may be regarding bullying and harassment, discrimination, health and safety, new working practices, terms and conditions of employment, the workplace environment, and working relationships with colleagues.

The purpose of this policy is to enable all grievances to be settled fairly and consistently and quickly as possible.

The procedure complies with legislation and affords the opportunity to resolve the issues informally, through discussion with the employee's manager, or formally through the appropriate panel of the Governing Body.

The procedure is designed to reflect the following principles:

- Employees with a grievance about their employment have a right to raise the grievance. All proceedings that follow will remain confidential within the parties concerned.
- Whenever possible, grievances should be dealt with at the informal stages of the procedure.

We understand that raising a grievance can be stressful to all parties involved. Therefore, we aim to deal with the grievance as quickly as possible.

We recognize that at all stages of the procedure employees are entitled to representation from either a work colleague or trade union representative.

We as a school community have a commitment to promote equality. We believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To enable all grievances to be settled fairly and consistently and quickly as possible.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has delegated powers and responsibilities to the Headteacher to ensure

- all school personnel and stakeholders are aware of and comply with this policy;
- the school complies with all equalities legislation;
- funding is in place to support this policy;
- this policy is maintained and updated regularly;
- is available to parents;
- effective use of relevant research and information to improve this policy;
- effective implementation, monitoring and evaluation of this policy.

The Governing Body is to ensure compliance with this policy. This will be carried out by an annual monitoring visit by the appointed governor, where records pertaining to the entirety of this policy are inspected and an annual report provided to the Full Governing Body.

Informal Stage

At this stage:

- informal discussions will be held with all parties concerned;
- the employee can be accompanied by a colleague, the staff representative or their trade union official;
- every effort will be made by all parties to resolve the grievance

Presenting the Grievance

If the grievance is not resolved at the informal stage, then the employee must:

- write to the Head outlining full details of the grievance;
- give a copy of the letter to the person that the grievance is against;
- give a copy of the letter to the Chair of the Governing Body if the grievance is against the Head with a copy to the Head

An investigation into the circumstances of the grievance will begin led by either the Head or the Chair of the Governing Body. Once this has been completed then a meeting will be arranged with the employee.

Invitation to the Meeting

The employee will receive a written invitation from the Headteacher or Chair to the meeting within five working days of them receiving the employee's letter of grievance.

However, pending the outcome of the investigation a two week deferment may be sort by the Headteacher or Chair.

The invitation will outline that:

- the employee may be accompanied by a person of their choice;
- the Headteacher or Chair may also be accompanied;
- a deferment of the meeting may be requested if either companion is unable to attend on the date or time specified;
- all relevant papers will be circulated in advance of the meeting

The Meeting

The meeting will be:

- clerked;
- chaired by the Chair of Governors or another person nominated by the Chair if the grievance is against the Headteacher

- The employee will:

- ☐ present his or her case;
- ☐ call any witnesses if necessary;
- ☐ answer any questions

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- If the grievance is against the Headteacher or a colleague they will:

- respond;
- call any witnesses;
- answer any questions
- If the grievance is against the Governors the Chair will:
 - respond;
 - answer any questions
- Once this has been done then each party will sum up.
- Both parties then withdraw and a decision should be announced before the end of the meeting.
- Within seven days both parties will receive the decision in writing.
- The employee has a right of appeal if he or she is unhappy with the decision. The letter will outline the appeals process.

The Appeal Process

- If the employee wishes to appeal then they must write to the clerk of the governing body within ten days requesting an appeal hearing.
- The decision of the Appeals Panel is final.
- Within three weeks of receiving the letter a meeting of the Appeals Panel will be convened.
- The meeting will take place at a time convenient for all parties.
- Both parties have the right to be accompanied.
- The meeting will be clerked and the Panel may decide to have professional advice at hand.
- The employee will be heard first followed by the other party.
- Questions will be asked by either party and by the Panel of each party.
- Each side will sum up.
- Both parties then withdraw and a decision should be announced before the end of the meeting.
- Within seven days both parties will receive the final binding decision of the Appeals Panel in writing.

Records

All records of grievances will:

- be kept secure
- not be disclosed or accessed by any unauthorised person or persons without the permission of the employee

Role of the Headteacher

The Headteacher will:

- ensure all school personnel are aware of and comply with this policy;
- in the first instance meet with the employee informally to listen to the grievance
- investigate the issue in question impartially

- listen to all concerned
- ask open questions
- seek advice if need be
- try to resolve the grievance informally by coming to a fair decision
 - give a clear decision of the outcome of the investigation that hopefully will resolve the grievance
 - work closely with the nominated governor;
 - make effective use of relevant research and information to improve this policy;
- monitor the effectiveness of this policy;
- regularly report to the Governing Body on the success and development of this policy.

Role of School Personnel

School personnel will:

- comply with all aspects of this policy in the event of a workplace grievance;
- be aware of all other linked policies;
- try to resolve all grievances informally;
- be aware that they have the right to be accompanied by a companion (a work colleague or an accredited trade union representative) at a formal grievance hearing;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Role of the Companion

The companion:

- may assist in preparing and presenting the case
- may accompany the employee to the hearing
- may speak on behalf of the employee at the beginning and end of the hearing
- may provide support for the employee during the hearing
- may not answer questions on behalf of the employee
- may consult with the employee during the hearing
- will ensure the correct procedures are followed during the hearing
- offer advice based on past experiences

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed every three years or when the need arises by the coordinator, the Headteacher and the governing body.