

# Ysgol Maesydderwen



## Grievance Policy

### *Polisi Cwyno*

Type: Statutory Policy

Reviewed / Adopted On	Signed	Next Review
13/7/2020	 Two handwritten signatures in blue ink. The first appears to be "J. P. Williams" and the second is "P. D. L. Jones".	Summer Term 2022

## CYNGOR SIR POWYS COUNTY COUNCIL

### Grievance Procedure for Schools

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

Status	Version 1
Policy Author	S Christoforou
Date of Issue	February 2017
Date of Previous Issue	2009
Agreed by	School's Employment Policy Forum
Mid-term Review	December 2017
Formal Review Date	December 2018
Authorisation	Julie Rowles Joint Director of Workforce and OD  Date:  Signature:

# **Cyngor Sir Powys County Council Grievance Procedure for Schools**

## **Contents Page**

1. Policy Statement
2. What is a Grievance
3. Purpose of Policy
4. Policy and Procedure Scope
5. Roles and Responsibilities
6. General Principles
7. Using Mediation
8. Grievance Procedure
  - 8.1 Informal Stage
  - 8.2 Formal Procedure
  - 8.3 Appeal
  - 8.4 Raising a grievance against a Headteacher and appeal
  - 8.5 Raising a grievance against a committee of the Governing Body and appeal
  - 8.6 Raising a grievance against the Full Governing Body/ Chair of the Governing Body and appeal
  - 8.7 Grievance raised by a Headteacher and appeal
9. Overlapping of Grievance and Disciplinary Cases
10. 'Grievances' raised by ex-employees
11. Collective Grievances
12. Review of the Policy and Procedure

## Appendices

Appendix 1: Guidance notes for Headteachers / Line managers

Appendix 2: Guidance notes for staff

## **1. Policy Statement**

This policy and the procedures contained within apply to all employees employed at Ysgol Maesydderwen. Employees employed by Powys County Council directly, such as Catering and Cleaning employees, will be covered by Powys County Council's Grievance policy and procedures.

The Governing Body have adopted the procedure set out in this document and have recorded the adoption in the minutes. The Governing Body will ensure the Policy is readily available to management and staff at the school.

The school promotes a positive working environment and has developed policies and procedures to support this. However, it is recognised that from time to time, employees will have concerns, problems or complaints about an aspect of their employment. A grievance could, for example, include concerns about the work the employee is doing or a problem in their working environment. This policy and procedure has been developed to support employees who feel that they have a grievance.

Grievance procedures are necessary for promoting fairness and order in staff relations. Every employee has the right to raise a grievance over an issue related to their employment. Most routine complaints and grievances are, however, best resolved informally wherever possible.

The procedure provides employees with a clear and specific mechanism for resolving their grievances quickly, fairly and consistently, to help to maintain effective working relationships. Employees will not be treated any less favourably or suffer any detriment in their employment, as a result of raising a grievance under this procedure.

In developing this policy and procedure consideration has been given to the ACAS Statutory Code of Practice on grievance, which is designed to help employers, employees and their representative's deal with grievance situations in the workplace.

## **2 What is a grievance?**

Definition: A grievance is a concern, problem or complaint that an employee raises with their employer. Grievances, for example, may be about an employee's work, terms and conditions of employment, work relationships, working environment, etc.

## **3. Purpose of Policy**

The purpose of this Policy is to:

- Support Governors/Headteachers, managers and employees to resolve grievance matters promptly and effectively.
- Encourage open communication between Headteachers/ managers and employees to aid the early and where possible, informal resolution of grievance matters.
- To ensure a fair, reasonable, and consistent procedure is adopted for all grievances.

#### **4. Policy and Procedure Scope**

- 4.1 The Grievance Policy and Procedure applies to all employees of the school.
- 4.2 If an employee wishes to raise a grievance it may be more appropriate to raise it under the Fairness and Dignity at Work Policy. Where an employee does not have a grievance but wishes to raise a concern, it may be more appropriate to raise it under the Whistleblowing Policy and Anti Fraud and Corruption Policy.
- 4.3 The Grievance Policy and Procedure for Schools is not intended to be used to raise issues in respect of pay and grading. Employees should utilise the personal application for regrading process. If an issue has been raised and exhausted under another policy such including disciplinary matters, whistleblowing matters and redundancy matters it is not permissible to utilise the grievance procedure to raise the same issues.

#### **5. Roles and Responsibilities**

##### **5.1 The Governing Body:**

- 5.1.1 The Governing Body is responsible for approving this employment policy for the school.
- 5.1.2 The Governing Body will establish a Grievance Committee to deal with Headteacher grievances and a Grievance Appeals Committee to deal with appeals which have already been heard by the Headteacher. No committee member may sit on a committee where they have had previous involvement in the matter. There must be a minimum of three Governors on a committee, who should not include staff representatives wherever possible.

5.1.3 The Governing Body is responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.

## **5.2 Headteachers/Managers:**

5.2.1 Headteachers/Managers are responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.

5.2.2 Encourage open and effective communication with employees, thereby enabling employees to voice any concerns or problems which may impact on work.

5.2.3 Ensure all employees are aware of and understand the Grievance Policy and Procedure and the Grievance Policy and Procedure.

5.2.4 Address issues informally, in the first instance, wherever possible.

5.2.5 Adopt a fair and consistent approach when dealing with grievance matters.

5.2.6 Maintain accurate written records of any grievances matters/cases and ensure confidentiality is maintained.

## **5.3 Employees:**

5.3.1 Communicate any concerns or problems which may impact on work to their line manager/Headteacher without delay.

5.3.2 Ensure that they are aware of and understand the Grievance Policy and Procedure and Grievance Policy and Procedure.

5.3.3 Actively participate in the grievance process.

## 6. General Principles

The following principles should be maintained throughout the grievance process:

- 6.1 Governors, Headteachers/ managers and employees should always seek to resolve grievance issues in the workplace, and all attempts should be made to resolve a grievance informally prior to invoking the formal Grievance Procedure for Schools.
- 6.2 It is imperative that basic principles of fairness are followed when dealing with grievance cases and that they are dealt with in a reasonable manner.
- 6.3 Headteachers/managers, Governors and employees should act consistently throughout the grievance process.
- 6.4 Headteachers/managers, Governors and employees should raise and deal with grievance issues promptly and should not unreasonably delay meetings, decisions or confirmation of decisions.
- 6.5 Employees should be allowed to be accompanied by a 'companion' at any formal grievance meeting. The chosen companion may be a trade union representative, an official employed by a trade union or a work colleague, subject to that colleague not having any involvement in the grievance.
- 6.6 All meetings should be held in private and at a time and place that is reasonable for the employee and any person accompanying them. If either the employee or their 'companion' has any special requirements, they should inform the manager prior to the meeting and, where appropriate, reasonable adjustments will be made.
- 6.7 The purpose of each meeting throughout the grievance process is to try to resolve the grievance satisfactorily. Everyone involved in dealing with the grievance should ensure that discussions are open and constructive.
- 6.8 Any necessary investigations should be carried out to establish the facts of the case.
- 6.9 An employee should be allowed to appeal against any formal decision made.
- 6.10 Headteachers/managers and Governors should keep a written record of any grievance cases they deal with. Such records should be treated as confidential and retained in accordance with the Data Protection Act 1998.
- 6.11 Where a specific grievance has been dealt with under the formal Grievance

Procedure, the same grievance cannot be raised again at a later date. This provision stands even where an employee feels the grievance has not been resolved to their satisfaction.

## **7. Mediation**

- 7.1 Headteachers/managers, Governors and employees should always seek to resolve grievance issues in the workplace. Where this is not possible they should consider using an independent third party to help resolve the problem, and it may be helpful to consider mediation at any stage during the grievance process.
- 7.2 Mediation by an independent third party is voluntary, and aims to provide support where two people have reached an impasse or cannot appreciate one another's point of view to arrive at a solution. Mediation may be appropriate at any point in the informal or formal grievance process.
- 7.3 It may be appropriate that informal mediation is used at an early stage and may be carried out by a neutral colleague at the direction of the Head.
- 7.4 If the issue is one of disagreement or conflict with colleagues/line managers, normally, the individuals concerned would be expected to have attempted to resolve the issue between themselves, or with the help of their manager/neutral colleague. Where this has not happened or been successful, they may be encouraged to involve an independent mediator.
- 7.5 The role of mediation is to help people in dispute to find a mutually acceptable solution to the problem. The mediator will help the two parties to come up with their own solutions to move forward by facilitating a discussion between them. The mediator will manage this process but it is down to the individuals involved to work together and take the responsibility of seeking a resolution to the situation.
- 7.6 The principles of mediation are:
  - The parties must be in agreement to use this method to resolve the situation;
  - Collaborative problem solving to reach a workable solution acceptable to both parties;
  - Focus on the future, emphasising a positive working relationship in the future, rather than apportioning blame for the past;
  - A belief that communication is often the key to resolving workplace disputes.

Mediation is confidential, which means that anything said during mediation cannot be relied upon if the matter is progressed to formal proceedings in the future.

Representation is not appropriate during mediation, as it is up to the parties concerned to have an open and honest discussion without the distraction of other parties being present.

- 7.7 There will be no written record of the discussions which take place during mediation, other than notes taken by mediators for their own use during mediation.

The mediator will however:

- Write to the parties concerned, setting out the main areas of concern and what they have agreed to, and will require them to sign this and return it to the mediator;
  - Inform the referring manager once the mediation has been concluded;
  - Where one of the parties refuses to continue to participate in mediation or the mediation is not concluded for any reason, the mediator will inform the referring manager, who will then put forward their final decisions and actions for resolution.
- 7.8 Further more detailed advice and guidance regarding mediation can be obtained from Human Resources.

## **8. Grievance Procedure**

When raising a grievance, employees should follow the procedure detailed below.

### **8.1 Informal Stage**

- 8.1.1 If an employee wishes to raise a matter of contention connected with a colleague, they should in the first instance seek an early, informal discussion directly with that colleague. If the employee does not feel comfortable discussing matters directly with the colleague it may be appropriate to request their Line manager /Headteacher, or a member of the school's Management Team assist them in facilitating the discussion.
- 8.1.2 Notes of informal discussions will be kept following any informal meeting.
- 8.1.3 Even informal grievances must be made in writing, outlining the grievance the employee has and the outcome they desire.
- 8.1.4 Once a matter has been brought to the attention of the Line Manager/Headteacher they will arrange to meet with the employee who has raised the grievance as soon as possible in order to:
- establish what the problem is;
  - establish what steps, if any, have already been taken to resolve matters;
  - establish what the employee's suggested solution to the problem is;

- consider appropriate actions to resolve the matter;
- agree timescales and review;
- discuss and agree timescales in which to carry out any background investigation and/or feedback to the individual about decisions or outcomes reached;
- consider if mediation would be appropriate to resolve the grievance;
- where the grievance involves allegations against a colleague a meeting must take place with the colleague to inform them of the allegations and document their point of view;
- where the grievance involves allegations against a colleague any counter-allegations should also be fully investigated and responded to as part of the grievance response.

8.1.5 When the above steps have been completed (which may include further investigative meetings) the Line Manager/Headteacher will then discuss their findings and deliver the outcome to the employee who raised the grievance.

8.1.6 The Line Manager/Headteacher should ensure that any agreed solutions are documented, implemented and monitored, and that regular reviews are conducted where appropriate.

8.1.7 Outcomes from meetings should be confirmed in writing to the parties concerned within 14 days, copies of which should be kept on the individual's personal file for the period of employment.

8.1.8 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality.

## **8.2 Formal Stage**

8.2.1 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:

8.2.2 To raise a formal grievance an employee must submit a written statement to their line manager/ Headteacher without unreasonable delay, (as long as their Headteacher/ manager is not the subject of the grievance). Wherever possible the grievance should be made using the form attached at Appendix 1 within the Grievance Policy and Procedure. The written statement must set out the nature of the grievance and detail how the employee would like the grievance to be resolved.

8.2.3 Where it is unclear if the written statement received is intended to be treated as a grievance, the recipient of the written statement shall seek to clarify this without unreasonable delay.

- 8.2.4 The line manager/Headteacher should arrange for a formal grievance meeting to be held without unreasonable delay, after a grievance has been received.
- 8.2.5 Employees should be notified of their right to be accompanied by a 'companion' at the formal grievance meeting. The chosen companion may be a work colleague, a trade union representative or an official employed by a trade union. To exercise the right to be accompanied a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case.
- 8.2.6 Headteachers/managers, employees and their companions should make every effort to attend the grievance meeting.
- 8.2.7 At the meeting the line manager/Headteacher will seek to:
- o establish what the problem is;
  - o establish what steps, if any, have already been taken to resolve matters;
  - o establish what the employee's suggested solution to the problem is;
  - o consider appropriate actions to resolve the matter;
  - o agree timescales and review;
  - o discuss and agree timescales in which to carry out any background investigation and/or feedback to the individual about decisions or outcomes reached;
  - o consider if mediation would be appropriate to resolve the grievance;
  - o where the grievance involves allegations against a colleague a meeting must take place with the colleague to inform them of the allegations and document their point of view;
  - o where the grievance involves allegations against a colleague any counter-allegations should also be fully investigated and responded to as part of the grievance response.
- 8.2.8 Consideration should be given to adjourning the grievance meeting for any investigation that may be necessary, and the investigation should be carried out without unreasonable delay. The meeting should then be rearranged without unreasonable delay and within a timescale agreed with the employee.
- 8.2.9 Once the investigation is completed, the Headteacher/ manager will meet with the employee to confirm the findings and outcome. This will be followed up in writing and include the right of appeal. The letter will be sent within 7 days of the outcome meeting.
- 8.2.10 Where the issue is one of conflict with colleagues/line managers, it may be a recommendation of the formal process that the parties should be requested to attend, or may benefit from mediation.

8.2.11 All parties, including the complainant, will be reminded that the grievance must be dealt with in confidence. Failure to comply with this may result in disciplinary action being taken against any employee who breaches confidentiality.

### **8.3 Appeal Stage**

8.3.1 If the employee who raised the grievance can demonstrate the outcome was not reasonable in their opinion, they have the right to appeal. The appeal should be lodged in writing with the Clerk of Governors within 14 days of receipt of the outcome letter.

The letter should contain the following:

- summary of what has happened;
- statement why they are not able to accept the outcome of the formal stage;
- statement what they feel the solution should be and why.

8.3.2 The Clerk of Governors will make arrangements for the appeal hearing. Every attempt will be made to hear the appeal as quickly as possible and wherever possible, within 28 days of the Clerk receiving the employee's letter. Where appropriate HR will assist the Clerk with co-ordinating the collation of the documentation required for the Appeal. This will include:

- a copied set of all the previous letters and notes of meetings;
- the employee's letter of appeal.

8.3.3 Employees should be notified of their right to be accompanied by a 'companion' at the formal grievance appeal meeting. The chosen companion may be a work colleague, a trade union representative or an official employed by a trade union. To exercise the right to be accompanied a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case.

8.3.4 All documentation should be provided to the Grievance Appeals Committee at least five working days before the appeal hearing takes place. Failure to comply with this may result in the Committee not taking the information into account in their deliberations.

8.3.5 The Grievance Appeals Committee will consist of at least three governors, up to a maximum of five. The Committee will take into account the circumstances, validity and practicality of any proposed resolution, and decide whether or not the appeal should be upheld. It is recommended that the Committee seek HR advice prior to arriving at a decision.

- 8.3.6 The Grievance Appeals Committee may wish to call parties interviewed as part of any formal grievance investigations.
- 8.3.7 The employee will be notified in writing of the decision by the Chair of the Grievance Appeals Committee within 7 days of the appeal meeting.
- 8.3.7 The appeal hearing is the final stage in the grievance procedure and the Grievance Appeals Committee's decision is final.

#### **8.4 Raising a Grievance against a Headteacher**

- 8.4.1 In the event that the Headteacher/line manager is the subject of the grievance, the written statement should be submitted to the Chair of the Governing Body of the school. The Chair of the Governing Body will investigate the grievance and present a report to the Grievance Committee of the Governing Body who will consider the grievance.
- 8.4.2 The hearing should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.
- 8.4.3 Workers have the right to be accompanied at any grievance hearing.
- 8.4.4 The outcome of the hearing should be communicated to the employee, in writing within 7 days of the of the Grievance hearing. This letter should also inform the employee of their right of appeal.
- 8.4.5 If the employee wishes to appeal the decision he/she must submit a written statement within 14 working days of receiving the notification of the decision
- 8.4.6 In the event that the Headteacher/line manager is the subject of the grievance, the written statement should also be submitted to the Grievance Appeals Committee of the Governing Body via the Clerk of Governors and the decision of the Grievance Appeal Committee of the Governing Body will be final.

#### **8.5 Raising a Grievance against a Committee of the Governing Body**

- 8.5.1 If the grievance is against a committee of the Governing Body, the employee should submit his/her grievance in writing to the Chair of the Governing Body via the Clerk to the Governing Body (or their nominated independent representative) who will arrange for the matter to be investigated without unreasonable delay. Should the Chair of the Governing Body be a member of the committee which is the subject of the grievance they should nominate an alternative Governing Body representative to handle the grievance.

- 8.5.2 The hearing should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.
- 8.5.3 Workers have the right to be accompanied at any grievance hearing.
- 8.5.4 The outcome of the hearing should be communicated to the employee, in writing within 7 days of the of the Grievance hearing. This letter should also inform the employee of their right of appeal.
- 8.5.5 If the employee wishes to appeal the decision he/she must submit a written statement within 14 working days of receiving the notification of the decision.
- 8.5.6 Appealing the decision of the Chair of the Governing Body (where the grievance was submitted against a committee of the Governing Body)
- 8.5.7 To appeal the decision of the Chair of the Governing Body (in cases where the grievance was submitted against a committee of the Governing Body) the employee should submit the appeal to the Appeals Committee of the Governing Body via the Clerk to the Governing Body within 10 working days of receiving the written outcome of the grievance hearing.
- 8.5.8 A meeting with the Appeals Committee will take place without unreasonable delay.
- 8.5.9 Workers have the right to be accompanied at any appeal hearing.
- 8.5.10 The outcome of the hearing should be communicated to the employee, in writing, without unreasonable delay. The decision of the Appeals Committee is final.
- 8.6 Raising a grievance against the full Governing Body/ Chair of the Governing Body**
- 8.6.1 Should a grievance be received against the Full Governing Body of a school or a Chair of a Governing Body the school in conjunction with HR advice will look at the appropriate method of hearing the grievance according to the individual circumstances of the case.
- 8.6.2 Appeal Process  
The appeal mechanism will also be considered according to the circumstances of each grievance at the time of submission.
- 8.7 Grievance raised by a Headteacher**
- 8.7.1 To raise a formal grievance a Headteacher must submit a written statement

to the Chair of the Governing Body without unreasonable delay, (as long as the Chair of the Governing Body is not the subject of the grievance). The written statement must set out the nature of the grievance and detail how the grievance can be resolved.

- 8.7.2 In the event that the Chair of the Governing Body is the subject of the grievance, the written statement should be submitted to the Vice Chair of the Governing Body or an alternative independent Governor.
- 8.7.3 The Chair of the Governing Body should arrange for the grievance to be investigated without unreasonable delay, after a grievance has been received. A meeting of the Personnel Committee will be convened to consider the grievance. At this meeting the Chair of the Governing Body will present the report of the investigation.
- 8.7.4 The Headteacher should be notified of their right to be accompanied by a 'companion' at the formal grievance meeting. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union.
- 8.7.5 All parties should make every effort to attend the grievance meeting.
- 8.7.6 Consideration should be given to adjourning the grievance meeting for any investigation that may be necessary, and the investigation should be carried out without unreasonable delay. The meeting should then be re-arranged without unreasonable delay and with the agreement of the employee.
- 8.7.7 Following the grievance meeting the Personnel Committee should decide on what action to take, if any.
- 8.7.8 The Personnel Committee via the Clerk to the Governing Body should notify the Headteacher of the decision, in writing, without unreasonable delay. The letter, where appropriate, should set out what action the Personnel Committee intends to take to resolve the grievance. The Headteacher should also be informed that they can appeal if they are not content with the decision and any action taken.
- 8.7.9 If the Headteacher wishes to appeal the decision he/she must submit a written statement within 10 working days of receiving the notification of the decision.

#### 8.7.10 Appeal by a Headteacher

To appeal the decision of the Personnel Committee the Headteacher should submit the appeal to the Appeals Committee of the Governing Body via the Clerk to the Governing Body within 10 working days of receiving the written outcome of the grievance hearing.

- 8.7.11 A meeting with the Appeals Committee will take place without unreasonable delay.
- 8.7.12 Workers have the right to be accompanied at any appeal hearing.
- 8.7.13 The outcome of the hearing should be communicated to the employee, in writing, without unreasonable delay. The decision of the Appeals Committee is final.
- 8.7.14 In exceptional cases, where no Governor is able to give an objective view the policy allows for a formal collaboration to be made with another Governing Body to hear the grievance.

## **9. Overlapping of Grievance and Disciplinary Cases**

- 9.1 Where an employee raises a grievance during a disciplinary process the Disciplinary Procedure may be temporarily suspended in order to deal with the grievance.
- 9.2 If a grievance is raised before the disciplinary procedure has commenced then the grievance should be dealt with first, however the disciplinary investigation need not be stopped, only the disciplinary hearing.
- 9.3 If a grievance is raised after the disciplinary procedure has commenced or at any time before a disciplinary appeal hearing, then consider the nature of the grievance. If it is related to the issues of the disciplinary case (for example alleged bias or discrimination or that the procedure is unfair) then the grievance can be dealt with within the disciplinary process provided that this is made clear to the employee.
- 9.4 If the grievance has no direct bearing on the disciplinary case then consider proceeding with a separate grievance running parallel to the disciplinary in order to not unduly delay the disciplinary procedure. Where possible, consideration should be given to hearing the grievance before the disciplinary hearing or appeal unless this would result in an unnecessary delay to the discipline case. A different investigative officer should be used for each.
- 9.5 If the grievance and the disciplinary are around the same issues it may be appropriate to deal with them both together.
- 9.6 If a grievance is raised during or after a disciplinary appeal hearing, as it has not been investigated it should be dealt with as a separate grievance. Consideration should be given as to whether the appeal should be adjourned or if it is still safe to proceed with a decision whilst the grievance is being investigated.

9.7 The manager should, however, consult with Human Resources in considering grievances raised during a disciplinary matter.

#### **10. 'Grievances' raised by ex-employees**

An employer is not required to deal with a 'grievance' raised by an ex-employee, as the Grievance Procedure focuses on resolving disputes with employees. However, issues raised by ex-employees should be considered under the School's Complaints Policy.

#### **11. Collective Grievances**

The provisions of this Policy and Procedure do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the Council's collective grievance process/Council's Collective Disputes Procedure.

#### **12. Review of the Policy and Procedure**

The Grievance Policy and Procedure for Schools will be reviewed on a periodic basis.

### **APPENDIX 1 - GUIDANCE NOTES FOR HEADTEACHERS / LINE MANAGERS**

**This guidance should be read in conjunction with the School's Grievance Policy**

## **Why have a grievance procedure?**

In any organisation, employees may have problems or concerns about their work, working environment, or working relationships, that they wish to raise and have addressed. A grievance procedure provides a mechanism for these to be dealt with fairly and speedily before they develop into major problems and potentially collective disputes. It is good employment relations practice to provide employees with a reasonable and prompt opportunity to redress any grievance.

It is in everyone's best interest to ensure that employees' grievances are dealt with quickly and fairly and at the lowest possible level at which the matter can be resolved. Grievance proceedings and records must be kept confidential.

In certain circumstances it may, with mutual agreement, be helpful to seek external advice and assistance during the grievance procedure. For instance where relationships have broken down and an external facilitator might be able to help resolve the problem, e.g. HR, or a Headteacher from another school, or where the Headteacher dealing with the grievance is new and may need mentoring by a more experienced Headteacher. It is the Headteacher's responsibility to inform the employee about the support that is available to them such as counselling, mediation or occupational health.

## **Preparation and Research**

### ***Checklist for Investigation:***

- Focus on gathering objective information in a thorough and organised manner;
- Inform an employee who has had allegations made against them at an early stage;
- Have meetings with all relevant people;
- Obtain written statements which are signed and dated;
- Remain impartial and avoid reaching a decision until all information has been collated and the meeting has taken place;
- Do not express any views or opinions prior to reaching a decision;
- Ensure all matters raised by all parties are considered and responded to, particularly counter-allegations made;
- Ensure that comprehensive records are maintained of all relevant action taken;

## **Role of the Representative / Supporter**

Throughout the grievance procedure all parties has the right to be accompanied by a work colleague or a union representative at all meetings/hearings. The representative may speak on behalf of the employee and ask questions on their behalf. The representative should not answer questions asked of the employee. The representative may request adjournments to discuss

issues separately with the employee. If the employee or the representative cannot attend a meeting, the employee can request an alternative time and date. All reasonable steps should be taken to accommodate requests within 7 days of the original meeting date.

### **Conducting a Grievance Interview**

The nature and process of the grievance procedure should be restated. It should be made clear that the employee can stop the process at any time if they feel that just talking about their problem is sufficient. They should also be assured that invoking the grievance procedure will not be held against them, it is, after all, an employment right. They need to be reassured that every attempt will be made to resolve their grievance, but should also be made aware that things may remain as they are if that is considered to be the most appropriate action.

#### ***Checklist for the initial interview:***

- The employee should state their case. The interviewer's role at this point is to listen and say nothing.
- The interviewer must not interrupt, justify or sympathise.
- The employee should be encouraged to say as much as they wish of their own accord before being asked to clarify or give examples. If they can cite only feelings and perceptions, they should be asked to try to be as factual as they can so that their claims can be substantiated properly and assessed objectively.
- The interviewer should summarise and clarify their understanding of the issues. They should not suggest solutions or reject the problem.
- The interviewer should carefully question and probe to ensure that the problem really is the one being expressed.
- Ask the employee specific questions to elicit relevant facts and feelings. It may be helpful to prepare a framework of the questions you intend to ask.
- Ask the employee what outcome they desire.
- The interviewer should summarise the problem back to the employee from time to time to ensure that understanding is quite clear.
- The interviewer must ensure that proceedings remain calm at all times. If there are any emotional outbursts it is better to suggest that the meeting be postponed to another time.
- If there are any misunderstandings which have initiated the grievance, then these should be cleared up immediately.
- A second member person may need to take notes. The notes should be signed by both parties.

If it transpires that the grievance is completely without foundation this must be discussed fully and factually with the employee and agreement to end the matter must be sought. If the employee does not agree that the complaint was unjustified then he/she has the right to progress to the next stage of the grievance procedure.

If the grievance is justified, careful consideration must be given to the possible solutions. Wherever practicable, the employee should be involved as much as possible and given the opportunity to express their requirements. But they should be made aware of any constraints. The only promise that can be made is that the matter will receive the fullest consideration.

Reiterate at this point that any employees interviewed should be treated equally and fairly and that any counter-allegations should also be fully investigated.

The meeting should be adjourned before any final decision is made. Once the decision is made, the solution should be communicated back to the employee. Some background as to how the decision was reached should also be given. If the outcome is not what they had hoped for, they should be reminded of their right to take the grievance to the next stage. They should not be discouraged from doing so and should be told that they will not be thought any less of if they decide to appeal.

### **Appeal**

If the employee is unhappy with the outcome at any stage, he/she has the right to appeal against that decision until the stages of the grievance procedure are exhausted.

### **Follow Up**

If the grievance is resolved quickly and easily it is still important to see the employee at some point to ensure that the solution is still working out as planned. If the outcome has disappointed the employee they should be seen again quite quickly to ensure they are not harbouring ill-feeling.

It is important to provide an open and fair way for employees to make their problems known and give them an opportunity to resolve them before they become major issues.

#### **Checklist for Grievance Procedure:**

- Read through the procedure and guidance notes thoroughly.
- Check that all activity to try and resolve the grievance informally has been taken.
- Identify the problem and try to define the exact nature of the complaint.
- Identify the key issues and those involved.
- Where appropriate inform any employee of allegations made against them at an early stage.
- Listen carefully to what all parties have to say – investigate all allegations raised by any parties.
- Interview any witnesses to alleged incidents.
- Decide whether any disciplinary action may be necessary.
- Examine employee work records – if appropriate.
- Collect information and analyse data gathered.
- Where there is conflicting evidence demonstrate a balance of probability as to whether you believe the concerns are justified.
- Carefully consider evidence that there is no case to answer?
- Consider if there are any mitigating circumstances to take into account?
- Consider if there are any organisational precedents that have taken place in similar situations/cases?

- Summarise findings.
- Decide if allegation/grievance is substantiated.
- Make a decision on the action to be taken.
- Where relevant, notify both sides of the outcome.
- Ensure copies of all notes are placed on employee files.

## **APPENDIX 2 - GUIDANCE NOTES FOR STAFF**

**This guidance should be read in conjunction with the School's Grievance Policy**

---

### **Introduction**

Grievances are concerns, problems or complaints that you wish to raise with your employer. Wherever possible, you should aim to settle your grievances informally with your headteacher or other senior manager. But where this is not possible, formal grievance procedures allow for issues to be resolved fairly, consistently and speedily.

### **What is a grievance?**

From time to time, you may have problems or concerns about your work, working conditions or relationships with colleagues that you wish to talk about. You will want the grievance to be addressed and, if possible, resolved. You should aim to settle most grievances informally. This is helpful as it encourages problems to be settled quickly. It is in everyone's interest to resolve problems before they develop into major issues for all concerned, so the emphasis should be on encouraging open communication.

In some cases, it may be decided to use a neutral mediator to help resolve grievances. This can be very helpful in maintaining working relationships.

### **Why have a procedure?**

If a grievance cannot be settled informally you should raise a grievance formally with your Headteacher or line manager. This should be done in writing. A meeting will be arranged to discuss the grievance. You have the right to be accompanied by a work colleague or union representative. You should take all reasonable steps to attend meetings. Any decision will be confirmed in writing and you will have a right of appeal.

If you think you have reasonable grounds for appeal, you should put this in writing to the Clerk of Governors, your appeal will then be heard by a Grievance Appeals Committee. This Committee will consist of Governors at the School.

### **How will the grievance meeting/hearing be conducted?**

You will have provided an outline of your grievance in writing. The Headteacher / line manager dealing with your grievance may seek advice and/ or support from HR.

The meeting/hearing will be held in private and without interruption from outside. The Headteacher / line manager will normally arrange for someone to be present to take notes of the meeting. The person(s) conducting the grievance will explore the details of your grievance with open discussion of the issues you have raised. The meeting may need to be adjourned if further information or advice needs to be sought. Possible solutions will be discussed at the meeting where appropriate. You will need to be clear about the outcome you are seeking to your grievance.

It may be necessary for the Headteacher / Line Manager to interview other parties before you can receive an outcome to your grievance. If this is the case you will be given the option to meet the Headteacher / Line Manager again to hear the outcome before it is confirmed in writing.

The Headteacher / Line Manager will advise you when you might reasonably expect to receive a response and update you if these timescales cannot be met for any reasons.

**Role of the Representative / Supporter**

Throughout the grievance procedure you will have the right to be accompanied by a work colleague or a union representative at all meetings. Your representative may speak on your behalf and ask questions on your behalf. The representative must not answer questions asked of you. The representative may request adjournments to discuss issues separately with you, where appropriate. If your representative cannot attend the meeting, you can request an alternative time and date not more than 7 days after the suggested meeting date.