

Ian Thomas
Strategic Director for
Children and Younger Adults

Beverley Smith
HR Service Partner (CAYA)

Children & Younger Adults Dept
County Hall
Matlock
Derbyshire DE4 3AG

Headteachers & Chairs of Governors

Minicom: (01629) 533240
Fax: (01629) 538992

Telephone 01629 580000
Ext

Ask For: Teresa Potter

E-mail teresa.potter@derbyshire.gov.uk

Our ref TPh/ht/

Your ref

Date September 2012

Dear Colleague

Grievance Procedure

I am pleased to provide the newly revised model Grievance Procedure, which is recommended for adoption by the Governing Bodies of Derbyshire Local Authority (LA) Schools.

The Procedure has been formulated in consultation with the recognised professional associations and unions representing employees working in LA schools. The new Grievance Procedure was agreed through the formal consultation mechanism and now replaces the previous procedure dated 2005. If a school wishes to make amendments to the policy, the Governing Body would need to undertake consultation with the recognised trade unions on their proposals.

In addition to the contribution of the recognised unions, the revision of the procedure has been informed by feedback from governors and headteachers who have utilised the previous procedure.

In line with other policies which have been reviewed in recent years, the model procedure is presented first and is followed by a section of supporting information, advice and guidance. Appendix three is a flow chart which it is hoped will provide a useful overview, to summarise the process.

School leaders' attention is drawn to the integration of the provisions for delegation to headteachers, drawn from the School Staffing Regulations. Governing Bodies should determine the level of delegation to headteachers, for determining cases involving staff

management, at the outset of a headteacher's appointment and review this annually. The DfE recommended default position, that the headteacher should hear such cases at the first formal stage of relevant procedures, is reflected in paragraph 5.5 of the Grievance Procedure. The paragraph goes on to recognise that, in relevant circumstances, the headteacher may be joined by additional governors in hearing a case. This is recommended, particularly where the case is complex. Further, the paragraph also provides for the context, which will occur in many schools, where the headteacher will already have been involved in dealing with a grievance, prior to implementation of the first formal stage, and that governors should hear the case in such circumstances.

In recognition that the overall size of some Governing Bodies has reduced, a hearing at the first formal stage can be conducted by the head and/or two governors (rather than a minimum of 3). It is still necessary for three governors to form any appeal panel.

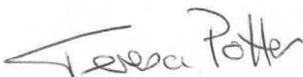
School leaders' attention is also drawn to the inclusion of more clarity throughout the process, than was provided in the previous procedure, of the rights of any employee who is the subject of a grievance.

In larger schools it is important that all managers are aware of their responsibilities in relation to, potentially, receiving and managing the schools' response to a grievance at the informal stage. It was agreed by all representatives at Schools' Joint Consultative Committee that seeking resolution to concerns and grievances at the earliest, least formal stage, was in the interests of all parties. Therefore, middle managers and leaders may have a crucial role to play.

Once the new Grievance Procedure has been adopted by the governing body it is necessary for schools to inform all staff and to make the document easily and freely available. Schools are advised that team meetings are used to remind staff of the key expectations and provisions of the new procedure and relevant guidance.

For any queries about the procedure, please contact Teresa Potter or Less Biggs on 01629 535751. All consultants and senior consultants in the schools' team can be contacted for support in the application of the procedure.

Yours faithfully



Teresa Potter
Senior HR Consultant

DERBYSHIRE LA

GRIEVANCE PROCEDURE

**A procedure recommended by Derbyshire
LA and the recognised Teacher and
Support Staff Unions/Associations for
adoption by Governing Bodies of
Derbyshire LA Schools**

PILSLEY CE PRIMARY SCHOOL

Grievance Procedure

Contents list

PART 1

Page

- | | | |
|----|--------------------------------------|----|
| 1. | Model Grievance Procedure | 3 |
| 2. | Procedure of Grievance sub-committee | 10 |

PART 2

Information, Advice and Guidance	13
----------------------------------	----

APPENDICES

- | | |
|---|----|
| Appendix 1 - Principles of a Grievance Procedure | 22 |
| Appendix 2 - Grievance Procedure - Authority Issues | 23 |
| Appendix 3 – Flow Chart | 24 |

Pilsley CE Primary School

Model Grievance Procedure

1. Purpose and Introduction

- 1.1 The purpose of the grievance procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible. A grievance is a concern, problem or complaint which is raised by an employee about an alleged deficiency in the school's treatment of them.
- 1.2 This grievance procedure has been determined by the Governing Body of XXXXXXXX School in and consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government. It applies to all staff employed within the staffing complement of the school.
- 1.3 In the event of the grievance being against the Governing Body or Sub-Group of the Governing Body, for instance subsequent to an appointment, the matter should be raised in the first instance with the Headteacher, in accordance with the process below. Should the case not be resolved before it reaches the formal stages, the Governors' Grievance Sub-Committee will not include any Governor previously involved in the case. (see note* on p21, G.12, c)
- 1.4 The Governing Body of the school may wish to be advised by the Strategic Director (CAYA), or representative, at its formal meetings to consider the grievance, and will seek advice as necessary at the informal stages of the procedure. The Authority's Officers and Advisers have no direct role in resolving a grievance which is the responsibility of the Governing Body.

2. Key Principles

This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

- 2.1 The School believes that all employees should be treated fairly and with respect.
- 2.2 High performance and productivity are dependent on effective working relationships and the fair and reasonable handling of grievances is an important element in creating and maintaining those relationships.
- 2.3 Managers and employees should approach grievances constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions.

- 2.4 The prime focus of managers and employees raising a grievance should be on resolving the issue informally, without the need for reference to the formal procedure.
- 2.5 Employees should be allowed full opportunity to explain their grievance and be provided with feedback at all stages.
- 2.6 Any employee against whom a grievance is lodged should be allowed full opportunity to respond.
- 2.7 The employee has a right to be accompanied at formal meetings, normally by a colleague or trade union representative
- 2.8 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 2.9 Mediation should be considered where accessible and appropriate.

This procedure will apply to all employees of the school.

3. Exclusions

The Grievance procedure will not apply:-

- 3.1 Where there are specific, School/LA procedures to address the issues, e.g. Harassment Procedure, Confidential Reporting Code etc.
- 3.2 To collective disputes.
- 3.3 To issues, which are the subject of collective negotiation or consultation with the Trade Unions.
- 3.4 If the complaint is repetitive of a previous grievance, the substance has been dealt with through another procedure or the matter is considered to be more appropriately dealt with through another process. (see part 2 para G.10.1, before a decision is made).
- 3.5 Where there is an attempt to use the grievance procedure for potentially false or malicious accusations. This may be treated as misconduct and may lead to disciplinary action.
- 3.6 In relation to an incident which happened more than 3 months previously. Where a grievance includes a series of incidents or a continuing act, earlier evidence may be considered on the basis of reasonableness. (see part 2 para G.10.3, before a decision is made)
- 3.7 In relation to the grading of a post.

4. Addressing a Grievance- Informal Stage

4.1 Employee Action – Raising a Concern

Employees and managers must aim to settle a grievance by discussing it informally before proceeding to formal written grievance statement. Where a grievance involves another employee an attempt should first be made by those involved to resolve the matter as soon as possible, bearing in mind employees' overall responsibility to work co-operatively with colleagues in a climate of mutual respect. The majority of concerns, problems and complaints should be settled in this way.

4.2 The employee should raise the grievance with their line manager

If the grievance is about the Line Manager the employee should raise the matter with the next appropriate senior manager. The employee may request that they be supported by their union representative or other representative at this stage.

4.3 Manager Action

The line manager will meet with the employee, listen and clarify the issues. S/he will raise the complaint with any employee who is the subject of the grievance and secure their response. S/he will check the situation with other witnesses, where relevant. The manager will seek a resolution and provide feedback to the employee about what can, or cannot, be done to address the grievance. The manager may consult with CAYA HR.

5. Stage One (Formal)

5.1 Employee Action

Should the matter not be resolved to the satisfaction of the complainant by informal discussion, the complaint should be referred to the Headteacher in writing specifying the nature of the complaint within. The matter may also be referred to the complainant's recognised professional association or Trade Union, to allow representations to be made on behalf of the complainant.

5.2 In the event that the complaint is against the Headteacher, (or the Headteacher has dealt with the grievance at the informal stage), the complaint should be sent in writing to a Nominated Governor, via the Chair of Governors.

Any employee who is named as the subject of the grievance will be notified that the complainant has progressed the procedure to the next stage.

Where there is another senior leader available who has had no involvement in the grievance, the Headteacher will ask them to meet the employee as soon as possible to listen to their complaint and assess whether there is still scope for reaching a resolution without recourse to the full formal procedure. Alternatively, the Headteacher will undertake this process. Contact with the employee to arrange the meeting should be made within 5 working days. Mediation may be considered. (see G5) **Likewise, the nominated governor will assess whether there is any scope for an informal resolution.**

5.3 Where it is concluded that there is no potential for an informal resolution, the employee will be requested to submit:

- Full name and post title
- A summary of the facts of the grievance
- Dates and times of any incidents, in order
- Details of any witnesses or supporting evidence
- Details of what efforts the employee and others have made to resolve the complaint
- Details of who will accompany the employee to the grievance meeting
- Details of what resolution/outcome the employee would like.

5.4 Manager Action

The working arrangements in place immediately prior to the grievance being lodged will remain in place until the procedure has concluded – except where the Headteacher considers that one or more of the following override that principle:

- Relevant legislation, e.g. Health and Safety
- Safeguarding requirements
- Professional accountability
- The safety of service users and staff or the efficiency of the service
- The efficiency of the service

5.5 The Headteacher or Nominated Governor may seek consultation with the Strategic Director or his/her representative or with representatives of Trade Union(s)/ professional association(s) concerned, as may be thought appropriate.

The Headteacher/Governor will reply to the grievance letter within 5 working days of receiving the supporting documents and invite the employee to a formal meeting to consider the grievance. Where the Headteacher/Governor has played an active part in trying to facilitate a resolution, before the implementation of the formal stage, then they will arrange for a further 2 governors to hear the case and the Headteacher/Governor will present the case. (see note*on p21, G.12). Where the Headteacher/Governor has not been involved in any prior consideration of the grievance then the Headteacher/Governor will hear the case, reflecting the guidance in the School Staffing Regulations. They are advised to consider involving one or two further governors to join them in hearing the case, particularly where the matter is complex or has wider

implications. HR advice and guidance will be available to the person(s) hearing the case.

The manager who dealt with the grievance at the informal stage will be asked to provide any relevant written information and/or attend the hearing.

Any employee who is the subject of the grievance will have the opportunity to attend. Where only part of the substance of the grievance relates to this employee, s/he will attend as a witness during the part of the hearing dealing with their involvement. If the substance of the grievance relates entirely to the employee, s/he will be invited to attend throughout the presentation of the case. They will be provided with 15 days' notice of the hearing and with the right of representation. They will receive all documentation relevant to their involvement.

Meeting:

- The meeting will take place as soon as possible and at the latest within 15 working days.
- The purpose is to give the employee opportunity to explain their grievance and to seek a resolution, to the employee's satisfaction, taking into account the school's procedures, policies and the need for consistency and fairness.
- The employee should go to the meeting prepared to explain their case and to make clear the action they seek to resolve the grievance.
- Witnesses may be called.
- There is a right to be accompanied to the meeting – usually by a colleague or Trade Union representative. Efforts should be made to accommodate all parties.

5.6 Outcome

- The Headteacher will normally inform the employee of the decision made on the Grievance at the end of the meeting. In some cases, an adjournment may be necessary to investigate further.
- The employee will be informed in writing within 5 working days of the Headteacher's (Governors') decision on the grievance, unless further investigation is needed. In this case contact will be made to determine a timescale within which the response can be produced.
- The letter will inform the employee of the action the Headteacher intends to take in response to the grievance or that no action can be taken. Any employee who is the subject of a grievance will also be informed in writing of the decision.
- The employee will be informed of the right of appeal.
- If a Nominated Governor has considered the grievance she/he must be excluded from being a member of any subsequent appeal procedure related to the complaint.

6. Stage 2 (Appeal)

6.1 Employee Action - Complainant Remains Aggrieved

Where it has not been possible to resolve the grievance through the above procedure, the complainant should submit formal written notice of appeal to the Head, within 10 working days of receipt of the written notification of meeting outcome.

6.2 The grounds of the appeal should be set out in the appeal letter and the employee or representative will use these grounds to establish their case at the beginning of the appeal. The appeal will focus on the parts of the decision with which the employee is not satisfied.

6.3 The Headteacher/Nominated Governor will respond to the letter of appeal within 10 working days of receipt, inviting the employee to attend an appeal. She/he will be given 10 working days' notice of the date of appeal. Any employee who is the subject of the grievance will also be informed of the Appeal hearing. If the appeal relates to the substance of the case then the subject of a grievance will have the right to attend whole, or part, of the hearing, depending on whether there are other aspects to the grievance. If the appeal focuses on how the investigation was carried out or the actions proposed as a result of the findings at a previous stage, then any employee who is named in the case will only attend as a witness, as relevant. They will have right of representation

6.4 The Headteacher will prepare a written statement as soon as possible for the Grievance Sub-Committee of the Governing Body, which shall comprise three Members. (see note* on p21, G.12). Where a grievance is against the Head, the statement should be prepared by a nominated member of the Governing Body.

The period for the preparation of the statement will depend on the complexity of the grievance, the number of people and documents involved. Also, where governors are involved, the extent of their other commitments will also affect the timescale. The statement will summarise the findings of the Headteacher/Nominated Governor in investigating the grievance and make reference to outcome/actions determined in the response.

6.5 Any statements of case or evidence on which management or employee seek to rely, will be provided to all relevant parties at least 5 working days prior to that hearing.

The aggrieved has a right to be accompanied at the appeal.

6.6 The matter will end following consideration of the appeal by the Grievance Sub-Committee, except if it is agreed by the parties, or determined by the Governing Body, that there is an important principle arising which should be considered by the Authority. The outcome of the appeal will be reported to the next meeting of the Governing Body.

The outcome of the appeal will be provided in writing to the employee within 5 working days. Any employee who is a subject of the grievance will also be informed of the outcome.

7. The Headteacher

- 7.1 In the event of the aggrieved person being the Headteacher, if it is not possible to resolve the matter at the informal first stage, it will be referred to a nominated member of the Governing Body who will seek to resolve the grievance personally and who may also seek consultation with the Strategic Director or his/her representative, and/or with representatives of the professional association(s) concerned, as may be thought appropriate.
- 7.2 Oral submissions may be received from representatives or recognised Trade Unions or associations on behalf of the parties involved. The meeting will be held within 5 working days (or later by agreement) and the outcome confirmed in writing within a further 5 working days, unless further investigation is necessary.
- 7.3 Where it has not been possible to resolve the Grievance through the above procedure, the Headteacher should submit a formal written notice of the grievance to the Grievance Sub-Committee (via the Chair of Governors) within 10 working days of notification of the meeting outcome. The nominated Governor will make a written statement to the Sub-Committee.
- 7.4 The Grievance Sub-Committee will determine the grievance in accordance with steps outlined in stage 2 above. (see note* on p21, G.12, c)

Procedure of Grievance Sub-Committee- Appeal Stage

1. The aggrieved employee shall be given at least ten working days* notice in writing of the date, time and place of the hearing and shall be informed of the right to be represented by his/her Trade Union or professional association representative or friend and shall be able to call witnesses and to present the documents relevant to his/her case. (i)

If another employee is a subject of the grievance they will also receive at least 10 working days' notice in writing of the arrangements. They will be provided with a copy of all documentation relevant to their involvement.

2. Copies of all documents to be relied upon at the hearing shall be submitted by the aggrieved, the Head (or nominated Governor), to the Sub Committee/Body at least five working days prior to the date of the hearing. The investigating officer should have provided to those hearing the case, and other relevant parties, all documentation to be relied upon, so there should be no need for any subject of the grievance to submit any material.

The subject of the appeal will attend throughout the presentation of the case, where the entirety of the grievance pertains to them. Otherwise they will attend only as a witness for the relevant section. (ii)

3. The Head/nominated governor will present their report of the investigation and outcome of the case at the previous stage. They may call witnesses.
4. The aggrieved will have the opportunity to ask questions of the head/nominated governor and any witnesses.
5. Any employee who is the subject of the grievance will have the opportunity to ask questions of the head/governor and any witnesses.
6. The sub-committee will have the opportunity to ask questions of the Headteacher/nominated governor and any witnesses.
7. The aggrieved will put their case, which will focus on those areas of the Headteacher's/governor's findings that they do not accept. They may call witnesses.
8. The Headteacher/governor will have the opportunity to ask questions of the aggrieved and his/her witnesses.
9. Any employee who is the subject of the grievance will have the opportunity to ask questions of the aggrieved and their witnesses.

10. The sub-committee will have the opportunity to ask questions of the aggrieved and any witnesses.
11. The subject of the grievance will put their response to the grievance, which will focus on any areas where they do not accept the head/governor's findings. They may call witnesses.
12. The head/governor will have the opportunity to ask questions of the respondent and any witnesses.
13. The aggrieved will have the opportunity to ask questions of the respondent and any witnesses.
14. The Sub-Committee to have the opportunity to ask questions of the respondent and his/her witnesses.
15. All witnesses will withdraw at this point.
16. The aggrieved employee, head, nominated governor and the subject of the grievance to have the opportunity to sum up their case if they so wish.
17. The aggrieved employee, Head/nominated Governor and the subject of the grievance to withdraw.
18. The Sub-Committee/Body to deliberate only recalling the aggrieved employee, Head/nominated Governor and respondent to clarify points of uncertainty on evidence already given. If recall is necessary, all 3 parties are to return, notwithstanding that only one may be concerned with the point requiring clarification.
19. The Sub-Committee/Body will announce its decision to the employee personally and to his/her representative, Headteacher and/or Governor and respondent. This will be confirmed in writing within 5 working days.

** For the purpose of this procedure "working days" shall mean Monday to Friday normally during term-time, excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing.*

(i) The aggrieved may be represented by an accredited trade union representative or by a friend/colleague. The representative may present the case on their behalf, question witnesses and sum up but the aggrieved will provide any responses to questions.

The Headteacher or governor may be accompanied by a representative who may present the case on their behalf, ask questions of witnesses and sum up but the head/governor will respond to any questions.

The subject of the grievance may be represented by an accredited trade union representative or a friend/colleague. The representative may present their response to the grievance, ask questions of witnesses and sum up but the subject of the grievance will respond to any questions.

(ii) Where a respondent is attending the hearing only as a witness, all references to the subject of the grievance presenting a case, asking questions of the aggrieved and the head/governor, calling witnesses or summing up should be omitted. Therefore points 11 to 14 will not be included in the procedure.

Part 2 Information, Advice and Guidance (G)

G.1 Purpose of Grievance Procedure

- 1.1 This document provides guidance and sets out a model Grievance Procedure for teachers and support staff in schools. It is recommended for adoption by Governing Bodies in exercising their powers of Local Management. It forms the basis upon which the Authority could best offer support, and has been the subject of consultation and agreement with the recognised Teacher and Staff Unions/Associations.

A grievance is a concern, problem or complaint which is raised by an employee about an alleged deficiency in the school's treatment of them. This procedure is not appropriate for salary or grading appeals for which separate procedures are specified elsewhere.

- 1.2 Governing Bodies of schools with delegated powers are responsible for determining arrangements for dealing with grievance matters. Governing Bodies are required to establish procedures to give employees opportunities for seeking resolution of grievances relating to their employment and to make these procedures known to employees at the school.

The prime objective should be to resolve the grievance informally without recourse to the formal machinery. However, consideration of the difficulties may result in the instigation of formal disciplinary procedures if one, or both, of the individuals' actions/behavior constitutes a disciplinary offence. It is important to stress that the grievance and disciplinary procedures serve fundamentally different objectives and should be operated as separate and distinct procedures. Advice on disciplinary procedures is detailed in a separate document.

- 1.3 Grievances raised by employees can be the source of potential industrial relations difficulties and need handling with sensitivity. The Authority has set out a model procedure which is based on existing good practice and contains the main principles embodied currently in the various national and local conditions of service.
- 1.4 In the event of the Governing Body wishing to introduce a modified or different procedure the Governing Body would need to negotiate locally with the relevant Trade Unions and Teacher Associations any variation from the model proposed. Advice will be offered to the Governing Body in respect of such changes and the Authority's position in the event of difficulties which may arise.

G.2 Authority Issues

Where the grievance is with an issue determined by the Local Authority or involving an employee not part of the school's complement, then the complainant will have access to the Authority's separate Grievance Procedure.

Appendix 2 shows the Grievance Procedure for dealing with Authority issues.

G.3 Grading Claims

Grading of posts in schools with delegated budgets is a matter for the Governing Body of the school to determine. They are outside the scope of this procedure. If a member of staff in a delegated school requests that the grading of his/her post is examined, then the Governing Body is strongly advised to contact CAYA HR Advice and Guidance Team who will be willing to offer assistance.

G.4 Exclusions

Listed in the Grievance Procedure..

G.5 Mediation

Mediation is a voluntary process where the mediator helps the two parties in dispute to attempt to reach an agreement.

Consider whether mediation is appropriate where, after every effort to resolve the grievance informally, it might possibly produce an acceptable outcome without the need for the formal stages of the Procedure.

Consult CAYA HR Advice and Guidance team on whether mediation is appropriate and available.

G.6 Handling a Grievance

It is suggested that a systemic approach, similar to that detailed below is adopted when handling a grievance:-

- G.6.1 It is helpful if you try to view an employee raising a grievance constructively. If a grievance is raised, this provides an opportunity for you to resolve a workplace problem. Knowing about a problem is much better than remaining ignorant of the fact that an employee is unhappy or disgruntled about some aspect of their employment.

- G.6.2 If one of your employees raises a grievance you should discuss it with them informally before it is taken further. If the complaint is against you, another senior leader should be involved. It is clearly in your interests to resolve problems before they can develop into major difficulties for all concerned.
- G.6.3 Where the employee has made a complaint verbally, this can normally be classed as informal. You should be willing to deal with an employee's grievance irrespective of whether it is raised verbally or in writing.
- G.6.4 It is not helpful to insist that an employee who has raised a complaint verbally should also put it in writing, as some employees may not wish to do so.
- G.6.5 Identify and clarify the issues, establishing the essence of the problem. You should listen sympathetically, but be firm when trying to distinguish the facts which have a direct bearing on the case. Ensure that the perspective of any other employee named in the grievance is taken into account. Consider employees' points of view and, if possible, provide a solution or part solution.
- G.6.6 If the grievance is relatively minor, the chances are that you will be able to resolve it quickly and easily. This will help to build trust and respect and enhance management/staff relationships.
- G.6.7 To handle grievances effectively at the informal stage you should:
- a) Deal with the matter promptly. This does not mean that the grievance should be dealt with in haste, but that you should arrange to meet with the employee to discuss the matter and start any necessary information gathering without undue delay.
 - b) Take the grievance seriously, considering why the employee feels aggrieved.
 - c) Identify and clarify the issues, establishing the essence of the problem. Listen sympathetically but be firm when trying to establish the facts which have a direct bearing on the case. Make notes to build up a short written statement of the problem.
 - d) Ascertain what resolution/outcome the employee is seeking to redress their grievance
 - e) Gather information on the facts and surrounding circumstances.
 - f) Check the evidence by questioning and talking to any subject of the grievance and witnesses and obtain written statements where relevant.
 - g) Actively look for a solution that will satisfy the employee without causing disproportionate difficulty for the School or the employee's colleagues and taking into account the School's policies and procedures, the resources available and the need for consistency and fairness.
 - h) Evaluate and make a decision when all the facts have been gathered. If the grievance is against a fellow employee, no conclusion should be reached or views expressed until the matter has been discussed with the individual concerned.

- i) Provide feedback to the employee about what can, and/or cannot, be done to resolve the grievance
- j) Ensure that all parties involved understand precisely what has been decided and take action as necessary.
- k) Follow through and ensure the agreement is carried out
- l) Review, checking that the grievance has been resolved.

G.7 Formal Stage

Conducting a Grievance Meeting

G.7.1 The main tasks in conducting a grievance meeting are to:

- A) remember that a grievance meeting is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution;
- B) allow the employee to be accompanied at the meeting by a TU representative or colleague, also allow any employee who is the subject of the grievance to have representation;
- C) invite the employee to re-state their grievance and how they would like to see it resolved, also allow any employee who is a subject of the grievance to present their response;
- D) ask questions to clarify the facts and explore the matter fully;
- E) achieve a clear understanding of the grievance and why it has arisen;
- F) distinguish between matters of fact and matters that represent the employee's opinion about the issue;
- G) discuss any alternative solutions, and if there might be room for compromise;
- H) provide the employee with any relevant information about School policies and rules, or availability of resources;
- I) don't be afraid to point out and question any discrepancies, or to challenge what the employee is saying;
- J) focus on what can be done to resolve the problem; and
- K) at the end of the meeting, confirm what has been discussed, check understanding and agree what will happen next.

G.7.2 You should normally inform the employee of the decision made on the grievance at the end of the meeting, including an explanation of what action has been taken, or will be taken, or an explanation that no action can be taken, along with the reasons for this.

If however you do require time for reflection and further consideration or checking of matters raised, then you can adjourn the meeting before you take a decision. You should keep the employee informed of this and the reasons for it.

Decisions should be communicated to the employee in writing within 5 working days and, where appropriate, should set out what action you intend to take to resolve the grievance. Where an employee's grievance is not upheld, you should make sure the reasons are carefully explained. Any other employee who is the subject of the grievance should also receive written notification of the outcome.

G.7.3 Allow the employee to take the grievance further to Stage 2, appeal.

If an employee informs you that they are not satisfied with the decision after a grievance meeting, they have a right of appeal.

G.8 Gathering Information

A grievance may raise matters about which you are uncertain or don't have all the background facts. Information on such matters will need to be gathered promptly, impartially and thoroughly.

The information gathering may be before a grievance meeting or where one has been adjourned and may involve:

- Checking the wording of policies or procedures.
- Discussing with HR.
- Accessing the employee's file to check the history of his or her employment terms or general background.
- Reviewing any other relevant documentation and
- Discussing the matters the employee has raised with other employees to establish their version of events.

G.9 Interviewing Witnesses

As part of the process of information gathering into a grievance, it may be necessary for other employees, managers and possibly people outside the organisation to be interviewed. To ensure that this is done effectively and fairly, you should:

- prepare a list of questions in advance of each interview;
- present the facts of the employee's complaint objectively and without embellishment, and ask for comment;
- avoid making assumptions;
- point out, and question, any discrepancies in the evidence;

- make sure that the whole story is uncovered; and
- take notes.

Witness statements are factual statements obtained from people who have relevant knowledge of an alleged incident or event. They are usually developed from notes taken at a meeting with the witness, and all statements should be dated and signed at the bottom of each page by the witness. A copy of any such statements should be given to the employee.

G.10. Other Considerations

G.10.1 Repetitive or Potentially Inappropriate Grievances

If, for any reason, it is considered that the complaint may be inappropriate for consideration under the Grievance Procedure, you are advised to contact CAYA HR in the first instance to assess the situation. As the policy seeks to provide all employees with the opportunity to explain their grievance and receive feedback, it is important that consultation and full consideration is given to such cases. If, having considered and consulted on the matter fully, it is decided that the concern, problem or complaint expressed by the employee should not be progressed under the Grievance Procedure the employee should be advised, verbally and in writing, explaining why no further steps will be taken. The employee will be entitled to re-submit the complaint with further evidence or explanation which demonstrates that it is a substantive grievance.

G.10.2 False/Malicious Accusations

Where there is an attempt to use the grievance procedure for potentially false or malicious accusations, this may be treated as misconduct and may lead to disciplinary action.

G.10.3 Time Limit

Employees are expected to raise concerns in a timely way, to ensure colleagues/managers are aware of the issues and early consideration can be given. Where circumstances (eg absence or accumulation of concerns, if the relevant parties could reasonably be expected to have anticipated the concerns) mean that relevant evidence refers to incidents which occurred prior to 3 months before the submission of the grievance, flexibility may be exercised.

G.10.4 Working Arrangements Relating to the Grievance

The working arrangements in place immediately prior to the grievance being lodged will

remain for the duration of the grievance, unless the manager considers that one or more of the following override that principle:

- relevant legislation e.g. health and safety.
- safeguarding requirements.
- professional accountability.
- the safety of service users and staff or
- the efficiency of the service.

G.10.5 Relationship to Disciplinary

Should a grievance be raised by the employee during the course of a disciplinary process, the following action should be considered:

- Normally, where a grievance is raised and the issues relate to the disciplinary matter, these will be considered as part of the disciplinary process. There are certain exceptions to this and advice should always be sought from CAYA HR.
- Where a grievance is raised which is separate and unrelated to the matter in hand, this will be considered separately at the conclusion of the disciplinary process.

G.11 Grievance Records

It is important, and in both the employer and employee's interest to keep written records during the grievance process. Grievance records should be maintained in the strictest confidence and kept no longer than necessary. See Appendix 1 extracted from the Human Resources Records Retention Schedule, for guidance on how long documents associated with the grievance process should be kept for.

The School should maintain a register of all grievance outcomes detailing:

- The nature of the grievance.
- The steps taken to resolve the grievance.
- Meetings held to discuss the grievance.
- Findings made, actions taken and reasons for it.
- The date action was taken.
- Whether an appeal was lodged.
- The outcome of the appeal.
- Any subsequent developments.

Analysis of grievance actions by grade, gender and ethnicity, should be submitted to the Governing Body for monitoring purposes.

G.12. Roles

G.12.1 Key Roles within the grievance process are:

- a) **Line Manager** – responsible for the informal stage of Grievance Procedure.
- b) **Headteacher** – responsibility for stage 1 of the Grievance Procedure – the formal meeting (**Nominated Governor to conduct where Headteacher is subject of grievance or has dealt with the grievance informally**)
- c) **Governing Body Grievance Sub-Committee** hears the appeal brought by the employee against the decision of the Headteacher at stage 2 and determines

whether to confirm, amend or reject the original decision. The Grievance Sub Committee will not include any governor who has had previous involvement in the case. (* When determining the membership of any 'panel' of governors, the school will endeavour to provide a balance of membership, based on equality and diversity considerations, where possible.) A CAYA HR adviser may attend the appeal hearing and provide support to a Headteacher/nominated Governor/ and the Grievance Sub-Committee

- d) **Trade Union representative or workplace companion** – may attend and address formal meetings, make submissions, and respond on the employee's behalf to any view expressed at the hearing, but has no right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

G.12.2 The Right to be Accompanied

All employees are entitled in law to be accompanied, if they wish, at any formal grievance meeting, normally by a colleague or a trade union representative. If the employee's chosen companion is not available at the proposed time of the grievance meeting, he or she may request a reasonable alternative time for the meeting that falls within five working days of the time originally proposed. In this case, you must postpone the meeting as requested.

In some cases, the employee may wish to bring the companion along simply for moral support rather than for representation.

Principles of Grievance Procedure

A grievance procedure should be designed so as to enable an individual employee to express and seek resolution for a grievance relating to his/her employment from his/her immediate, or, if need be, more senior management. This procedure has been developed in line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures.

The following principles should be contained within grievance procedures and constitute good practice in this area:

- The procedures must be clear, straightforward, unambiguous, have been widely and clearly communicated to all employees, and are understood by employees.
- The procedures must specify how and to whom an employee may raise a grievance.
- The procedures must spell out the stages through which a grievance may go and the timescales for the different stages.
- The procedures must clearly define any rights for the aggrieved person to be accompanied by a Trade Union representative or a colleague at the different stages.
- While the employee is pursuing his/her grievance, the status quo shall prevail. There may, however, be certain circumstances where this would be inappropriate and where the removal of detrimental conditions shall apply.

The Governing Body and Headteacher will wish to ensure that any employee who is likely to be approached as a manager by another employee with a grievance fully understands the procedure and the part that the manager has to play.

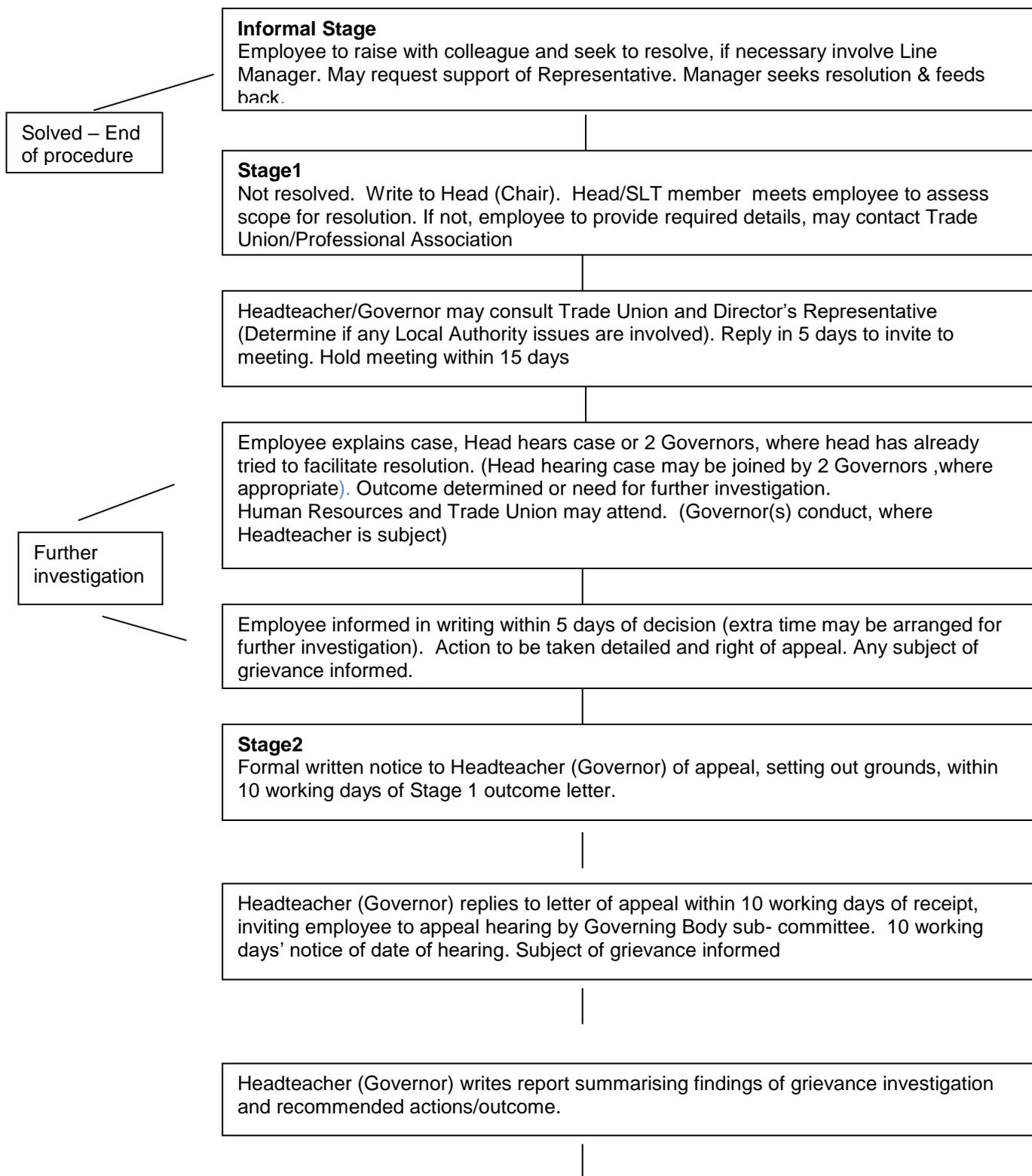
APPENDIX 2

Grievance Procedure

Authority Issues

1. When an employee is aggrieved on any matters determined by the Authority or involving an employee who is not part of a school's complement, coming under the direct control of the Governing Body, he/she should raise the matter initially with Head of his/her school.
2. The Head should discuss the issue with a Consultant from CAYA HR Advice and Guidance, who may involve other relevant LA Officer(s), and should reply orally to the grievance as soon as possible and in any case within five working days or longer by mutual agreement.
3. If the complainant is dissatisfied with the reply he/she should report his/her grievance to his/her professional association Trade Union representative and submit the grievance in writing to the relevant Head of Service at the local authority.
4. The Head of Service will delegate the matter to an appropriate manager who should call a meeting of the parties concerned within five working days (or later by agreement). If the employee so wishes he/she may bring a professional association Trade Union representative or colleague to the meeting.
5. The manager should confirm his/her decision in writing as soon as possible, within 5 working days unless further investigation is required, and a copy of the letter should be sent to the professional association or Trade Union involved.
6. If the complainant is still not satisfied then they may refer the matter to the Head of Service, within 5 working days of receipt of the letter detailing the outcome of the meeting. The employee should receive a response detailing arrangements for the appeal within 10 working days. If an employee is not in membership of a Trade Union or professional association he/she should be allowed to personally make representations, accompanied by a colleague, to the Head of Service.
7. The Appeals Panel should reply to the complainant as soon as possible and in any case within ten working days or longer by mutual agreement.
8. The matter will end at employing Authority level except where it is agreed between the parties that an important issue of principle arises which could be considered through the conciliation machinery, established by the County Council, National Joint Council and The Arbitration and Conciliation Advisory Service.

GRIEVANCE PROCEDURE FLOW CHART



All relevant documents submitted by aggrieved and Headteacher (Governor) to Sub-Committee and other party at least 5 working days before hearing.

Grievance Sub-Committee hears appeal. Decision given in person to all parties.

Confirm outcome in writing with 5 working days. Outcome reported to next Governing Body Meeting.

Conclusion of Grievance –unless Committee identify important principle for consideration by Local Authority, refer to Strategic Director (Children and Younger Adults).