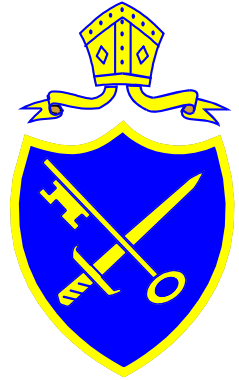


**BISHOP WOOD C OF E JUNIOR SCHOOL**  
**GRIEVANCE PROCEDURE**



## **1 INTRODUCTION**

The governing body is required to set out a grievance procedure. This procedure has been negotiated with trade unions and is recommended for adoption.

The aim of this procedure is to achieve fair and equitable treatment for all employees of a school.

## **2 PURPOSE, SCOPE AND PRINCIPLES**

2.1 The grievance procedure is designed to help school governing bodies, Headteachers and staff resolve individual grievances by:

- affording the employee the opportunity of putting his/her case;
- fostering good relationships between school management and staff by encouraging the speedy and effective resolution of grievances;
- settling grievances as near as possible to their point of origin in an atmosphere of trust and confidentiality.

This procedure should be freely accessible to all staff, and a copy should be given to the parties at the outset of the formal stages.

2.2 The procedure applies to:

- all employees of the school, including the Headteacher;
- staff employed in units or bases that are attached to a school

The procedure does not apply to:

- peripatetic staff who are centrally employed by the LA;
- school meals staff employed by Hertfordshire Catering or by an external contractor
- employees of external contractors and providers of services.

(Such staff are covered by the relevant procedures of their employing body)

2.3 The procedure may be used for grievances:

- between colleagues where there is no line management relationship;
- between an employee and his/her manager(s) -
  - this includes not just the immediate line manager but may include the manager's manager and so on;
- an employee, including the Headteacher, and a governor;
- an employee and the local authority.

The procedure may not be used for grievances about:

- disciplinary action;
- termination of employment;
- National Insurance, Income Tax or pensions;
- pay or performance management;
- harassment and bullying

all of which are covered by separate procedures.

- 2.4 At all stages, either party has the right to be accompanied and/or represented by his/her trade union or professional association representative or by a work colleague and by no one else.

Where a grievance is against an accredited trade union or professional association representative, no action shall be taken unless and until the matter has been discussed by the Headteacher (or a person acting on his/her behalf) with the county secretary or a full-time officer of that trade union or professional association.

The time limits in the procedure should be adhered to whenever possible, though they may be altered to meet particular circumstances by agreement between the parties.

- 2.5 **All parties need to understand that the outcomes of a grievance procedure may need to be justified before an employment tribunal or court.**

- 2.6 **Governing bodies, Headteachers and school managers also need to understand that access to the grievance procedure does not require the completion and submission of a formal notice of grievance. Decisions in the public courts have determined that a written complaint that falls within the scope of a grievance procedure should be dealt with using the grievance procedure, even where the complaint is not presented on the recommended Notice of Grievance.**

### **3 ROLES AND RESPONSIBILITIES**

By their nature, grievances are internal matters and may involve a number of people. It is not really possible – nor desirable, given the emphasis upon dealing informally with grievances – to prescribe specific roles. However, the following broad guidelines may be helpful.

#### **3.1 The Headteacher**

The Headteacher, who may or may not be the subject of the grievance, will have a crucial role to play, together with the line-manager where appropriate, in achieving a resolution of the grievance at the informal stage.

#### **3.2 Chair of Governors**

If a Governor or Governors are approached about a grievance, they should refer it without detailed discussion to the Chair of Governors, who will either arrange a Stage 1 interview through the Headteacher, or a hearing under Stage 2, if it appears that all opportunities have been exhausted under Stage 1.

Where the Headteacher is the subject of the grievance, the Chair of Governors assumes the responsibilities of the Headteacher in arranging for the grievance to be considered

#### **3.3 Other Governors**

For reasons stated above, it is not appropriate for other Governors to be involved in detailed discussion of the substance of a grievance (unless, of course, they are themselves a party to the grievance), because they may be needed for a hearing at a Stage 2 or Stage 3.

#### **3.4 Expert Advice**

The Headteacher or Chair of Governors may need to seek expert advice, either at the initial stage or at formal hearings. For schools that subscribe to CSF's Personnel Advice Service, advice from your HR Officer is always available.

#### **3.5 Representative of a Professional Association or Trade Union**

Similarly, in the interests of good employer/employee relationships, representatives are anxious to advise and offer early support to their member at all stages with a view to seeking an agreed resolution as early as possible.

### **4 STAGES IN THE GRIEVANCE PROCEDURE**

#### **4.1 Informal Stage**

If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter amicably by

direct approach to the person(s) involved and, where helpful, in discussion with the appropriate manager, who may be the Headteacher.

## 4.2 Formal Stages

### Pre-hearing Review Meeting

In some cases, particularly where the hearing is likely to be complex, it may be useful to hold a pre-hearing review meeting. The purpose of the meeting is to clear up any procedural matters before a formal hearing at Stage 2 or 3. The Headteacher will decide whether such a meeting is appropriate and will, if agreed by all parties, meet with his/her expert adviser and the representatives of the parties. A pre-hearing review meeting cannot take place unless both sides are present or represented.

#### **STAGE 1**

- (i) Where an employee has a grievance, he/she should request a personal interview with the line-manager or the Headteacher or, if the Head is the subject of the grievance, the Chair of Governors. It should take place **within five working days**. The manager should seek to resolve the problem personally or by mutual agreement, in consultation with other members of staff including, if necessary, the Headteacher. The Headteacher may, as appropriate, seek advice and/or consult with representatives of trade unions and/or professional associations.
- (ii) Where an employee has a grievance with the governing body that does not involve any other member of staff within the school, he/she should advise or consult with the Headteacher before making an approach to the Chair of Governors.

#### **STAGE 2**

- (i) If any grievance involving a member of staff or the governing body is not resolved, the employee will submit a Notice of Grievance (Appendix 1) in writing to the Headteacher and the Chair of Governors. The Chair of Governors will arrange for the grievance to be considered at a panel meeting of at least three Governors, not previously involved in the case, selected in advance by the governing body. The Chair of Governors should not normally be part of this panel. (See Appendix 3 for guidance on selecting a panel)
- (ii) The meeting of the panel of Governors should take place **within fifteen working days** of the Chair's receipt of the written Notice of Grievance (Appendix 1). All relevant documents, including the identity of any witnesses, must be exchanged and submitted to the panel **at least three working days** in advance of the meeting. All parties involved will be allowed to attend and make representations at the meeting. By agreement of all parties, there may be a change in the time limits.
- (iii) The members of the panel, in seeking to resolve the grievance, may adjourn the meeting or defer their decision until they are satisfied they have had the opportunity to take account of all relevant factors. The decision of the panel and the reasons for that decision will be

communicated to all parties and confirmed in writing **within three working days**.

### **STAGE 3**

Where the grievance does not involve the LA, either party may appeal in writing to the Chair of Governors **within fifteen working days** of receiving the panel's written decision. The minimum arrangements are that the Chair will arrange for the members of the governing body (at least the same number of Governors as at the previous hearing) not previously involved, to hear the appeal. Such an appeal is a re-hearing of the grievance. Whilst new evidence on the same grievance may be permitted any new grievance(s) cannot be added to the proceedings .

A suggested model which promotes fairness and is supported by the professional associations and trade unions, and which has been used by the County Council is: a panel consisting of three Governors and two professional association or trade union nominees from a panel (please see Appendix 2). The hearing will take place **within fifteen working days** of the Chair receiving the written notice of appeal and follow the arrangements set out in Stage 2 above. The decision reached at this hearing is final.

#### **4.3 Guidance for Participants**

Appendix 3 sets out guidance for line managers (who may be the Headteacher) about conducting an informal grievance meeting.

Appendix 4 sets out guidance for employees about how to raise a grievance.

## **5 HEARING A GRIEVANCE AT STAGE 2 OR 3**

### **5.1 The Panel's Proceedings**

At stages 2 and 3, the Panel will need to elect a Chair. The following is the usual and fair way to proceed.

**Step 1** Let the individual or representative explain the grievance, introducing witnesses, where necessary.

**Step 2** If there is an individual who is the target of the grievance, allow this individual or representative to ask any relevant and pertinent questions of the aggrieved party and witnesses. Governors may also ask questions at this point.

**Step 3** Where there is an individual who is the target of the grievance, allow him/her to make a statement in response, introducing witnesses where necessary.

**Step 4** Let the aggrieved party ask any relevant and pertinent questions arising from Step 3. Governors may also ask questions at this point.

- Step 5** The Chair and members of the panel ask any remaining questions of clarification.
- Step 6** The parties may make closing statements, the aggrieved person or representative speaking second.
- Step 7** The Chair summarises the major points raised and confirms them with the parties.
- Step 8** The parties withdraw but can be recalled if the panel requires clarification.
- Step 9** The panel's decision is conveyed orally to both parties and confirmed in writing within three working days. The panel may, particularly after a lengthy hearing, adjourn and reconvene at another time to consider and present its decision, but written confirmation within three working days of reaching a decision applies.

## **6 OVERLAPPING DISCIPLINARY AND GRIEVANCE ISSUES**

An employee may raise a grievance after disciplinary proceedings have started against him/her. The Commissioning Manager of the Disciplinary Procedure should consider suspending the disciplinary case for a short period – no more than one week – to consider the implications of the grievance on the disciplinary. If the grievance has been raised before the appeal stage of the disciplinary procedure and the matters of grievance are linked to those of the disciplinary, then the grievance should be considered within the disciplinary procedure. If the grievance concerns matters that are unrelated to the disciplinary, then a separate process under the grievance procedure will need to start. In almost all cases, the grievance should be considered after the completion of the disciplinary. The exception here would be where there is a long delay in the progress of the disciplinary- perhaps because police proceedings are awaited.

## **7 GRIEVANCES AGAINST THE LOCAL AUTHORITY (LA)**

- 7.1 These will be very rare simply because the LA has few decision-making powers that affect an individual employee of a school. Where the LA has made recommendations to a governing body or Headteacher and those recommendations have been implemented, then the grievance will follow the school's grievance procedure.
- 7.2 Where a grievance is legitimately made against the LA, the employee should send the Notice of Grievance to the Director of CSF.
- 7.3 The Director will arrange for a hearing by a panel of CSF managers not previously involved in the case, and the hearing will be conducted in accordance with Stage 2 of this procedure.
- 7.4 If the grievance remains unresolved, then a further hearing will be arranged in accordance with Stage 3 of this procedure. The panel will comprise the

Director (or his/her representative), two CSF service managers and two trade unions or professional association representatives.

7.5 The decision taken at that stage will be final.

## **8 GRIEVANCES BROUGHT BY EX-EMPLOYEES**

8.1 A grievance may be identified in a resignation letter or in an exit interview or questionnaire or in a separate written submission after the employment has ended. Employees must raise their grievance within 30 calendar days of their final contractual working day.

8.2 In each case, the employee or ex-employee must be asked, by letter, whether he or she wishes to pursue the grievance and must be given the choice of following the standard 3-step procedure or the modified 2-step procedure as set out below.

8.3 It is for the ex-employee to decide whether to follow the 3-step procedure or to accept the modified 2-step procedure.

8.4 The 3-step procedure is:

**STEP 1** The ex-employee sets out the grievance in writing to the Headteacher or Chair of Governors within 30 calendar days of their final contractual working day.

**STEP 2** A meeting is arranged with the ex-employee, who may be accompanied by his/her trade union or professional association representative or former work colleague and no one else to consider the grievance. The decision of this meeting and the right of appeal is notified in writing to the ex-employee.

**STEP 3** If required, an appeal to a panel of governors is arranged, the decision of which is communicated in writing to the ex-employee. There is no further right of appeal.

8.5 If the ex-employee accepts the modified 2-step procedure, the sequence is:

**STEP 1** The ex-employee sets out the grievance in writing to the Headteacher or Chair of Governors within 30 calendar days of their final contractual working day.

**STEP 2** The Headteacher or Chair of Governors responds in writing within 28 calendar days of the receipt of the grievance notification.



8.6 **If an employee leaves employment whilst his/her grievance is in progress, the Headteacher must** write to the employee (or, by now, ex-employee) to ask whether he/she wishes to continue with consideration of the grievance. The options to be presented to the employee are:

- a) to complete the procedure that has already started, provided that the procedure has passed Stage 2, or
- b) to follow the 3-step procedure, if the grievance has not yet reached the formal Stage 1, or
- c) to follow the modified 2-step procedure if the grievance has not yet reached the formal Stage 1.

**APPENDIX 1 – NOTICE OF GRIEVANCE**

**HERTFORDSHIRE COUNTY COUNCIL  
NOTICE OF GRIEVANCE**

**EMPLOYEE’S NOTIFICATION OF GRIEVANCE**

This form should be used to submit a grievance in accordance with Stage 2 of the formal Grievance Procedure, adopted by the Governing Body of your school.

You and your trade union representative should complete the form and hand it to your Headteacher, the person against whom the grievance is being brought and the Chair of Governors. You are advised to keep a copy.

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1.

Name: ..... School: .....

Post held: ..... Section/Department: .....

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2. Describe briefly (continue overleaf if necessary)

2.1 The nature of your grievance.

2.2 When did you first raise your grievance, and with whom?

2.3 What action has been taken on your grievance at the informal stage?

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3. Has your trade union or professional association representative been informed? YES/NO

If YES: (a) do you wish the representative to receive correspondence? YES/NO

(b) please identify the representative and where he/she may be contacted

Signed: ..... Date: .....

**APPENDIX 2 – PANEL OF TRADE UNIONS’ AND PROFESSIONAL ASSOCIATION’ REPRESENTATIVES FOR ATTENDANCE AT GRIEVANCE HEARINGS:**

<b>UNISON</b>	Mr Keith Price Room 6 Leahoe House County Hall Hertford SG12 8DF (Tel: 01992 556 260)	Mrs Gill Thwaites Room 6 Leahoe House County Hall Hertford SG12 8DF (Tel: 01992 556 260)
<b>NASUWT</b>	Mr C Surrey 22a Grove Road New Barnet EN4 9DE (Tel: 07725 704 487)	
<b>ATL</b>	Mr D Clout 9 Watling Knoll Radlett WD7 7HW (Tel: 01923 854 403)	Mr A Hathway Heathcote School Shephall Green Stevenage SG2 9XT (Tel: 01438 222 100)
<b>NAHT</b>	Mr Rod Woodhouse Essendon CE Primary School School Lane Essendon AL9 6HD	
<b>VOICE (formerly PAT)</b>	Mr D Colligan 2 St James Court Friar Gate Derby DE1 1BT (Tel: 01384 349 211)	
<b>ASCL</b>	Mrs T Nickson Bishop’s Hatfield Girls’ School Woods Avenue Hatfield Herts AL10 8NL (Tel: 01707 275 331)	Ms A Saunders Simon Balle School Mangrove Road Hertford Herts SG13 8AY (Tel: 01992 410 400)
<b>NUT</b>	Ms Christine Hood 16 Dickens Close St Albans AL3 5PP (Tel: 01727 832 221)	Mr F Breheny 131 Ashcroft Road Stopsley Luton LU2 9AY (Tel: 01582 410 621)

## **APPENDIX 3 – GUIDANCE FOR HEADTEACHERS , LINE MANAGERS AND GOVERNOR PANELS**

### **Conducting a Grievance Meeting**

- Hold the session in private, away from interruption
- Listen carefully to what the employee has to say
- Stay calm, especially during any more emotional moments
- Find out precisely what the grievance is about, i.e. don't concentrate solely on the facts; try to understand the feelings behind them
- Ask open questions (i.e. questions that can't be answered with a simple 'yes' or 'no')
- Carefully summarise what the employee has said
- Look for solutions
- Once feelings have cooled down – and it is possible that all the person wanted to do was to let off steam – begin to look for constructive solutions to the problem by:
  - encouraging the person to suggest constructive solutions
  - making your own suggestions to solve the problem
  - seeking an adjournment if necessary
  - thinking carefully before taking a decision
  - considering whether or not the issue should go to the Headteacher (if the meeting is being conducted by a line manager)
  - accepting that it may not be possible to satisfy everything the employee wants
- Follow up the session by writing a summary of the key points and the agreed actions to the employee and, subsequently, by checking that actions promised (if any) actually took place

### **What the law says**

On 6<sup>th</sup> April 2009 the statutory dispute resolution procedures were repealed in their entirety and there is no legal requirement now to follow a set statutory procedure when dealing with grievances. However, it is recommended to follow the basic practical guidance which is provided by the Acas Code of Practice on Discipline and Grievance. This sets out principles for handling grievance situations in the workplace, and has been adopted in these procedures. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure by either party to comply with any provision of the Code.

Headteachers should ensure that all grievances are dealt with whether or not the grievance is presented in writing. Headteachers should also be aware that almost any document is capable of amounting to a grievance, e.g. a flexible working request, resignation letter, a letter of complaint or a letter from the employee's solicitor. It doesn't have to be on a form to count as a grievance.

If a Headteacher receives a letter of resignation from an employee which states what he/she considers to be a grievance, the Headteacher should write to the employee and ask him/her whether they would like a response to their grievance.

### **Support for employees**

When an employee is setting out their grievance in writing, help should be given to those whose first language is not English, or those who have difficulty expressing themselves on paper. In these circumstances, the employee should be encouraged to seek help from a work colleague or trade union representative.

Managers requesting or arranging a meeting of any nature relating to a grievance must ensure that they give consideration to any special arrangements that the employee might require in order to ensure their full involvement in the meeting. For example, special allowance may need to be made for employees whose first language is not English, employees who have any disabilities or employees with little experience of working life.

### **Selecting a Governor Panel**

A useful model for the selection of a panel is as follows:

The Governing Body formally resolves that a first panel will be chosen on each occasion from the membership of the Personnel (or equivalent) Committee by the Chair of that Committee who may also be a member of the panel.

The Governing Body also resolves that any subsequent (including appeal) panel will be chosen on each occasion from the membership of the Governing Body, excluding members of the Personnel (or equivalent) Committee, by the Chair of Governors.

In all cases, governors selected for a panel must have had no previous involvement in the case.

### **Record keeping**

At any interview at the informal stage or any hearing at the formal stage, the Headteacher, manager or the chair of the panel (as appropriate) will be responsible for ensuring that, as a minimum, a written record of the main points and of any actions that are agreed or determined is kept. The written record will be copied to the aggrieved party and to the person who is the subject of the grievance within 3 working days of the hearing. Either party may, if there is disagreement with the record, suggest amendments in writing. Such suggestions will be considered by the Headteacher, manager or chair of the panel (as appropriate); if agreed, an amended record will be sent to all parties. If there is no agreement on the suggested amendments, then the suggestions will be attached to each copy of the authorised record.

The Headteacher, manager or chair of the panel (as appropriate) may choose that a note-taker attend the hearing in order to record the main points and actions.

All written records are confidential to the parties involved and will be held securely in confidential files

## **APPENDIX 4 – GUIDANCE FOR EMPLOYEES ON HOW TO RAISE A GRIEVANCE**

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

Anyone working in a school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. Examples of a grievance include (but are not limited to): conditions of employment, health or safety, relationships at work and new working practices. If you are a member of a trade union or professional association, you should seek advice from your representative at the earliest stage some concerns are dealt with through different procedures, and you need to check section 2.3 of this procedure before setting out on a formal procedure.

### **What should I do if I have a grievance?**

Always try to resolve the grievance at source, if necessary by talking it through with your line manager. This allows for problems to be resolved quickly and normal working relationships to resume.

### **What is the informal process for handling a grievance?**

Talk to your line manager at one of your regular one-to-one meetings or, if such a meeting is a long way off, by requesting a special meeting for this purpose.

### **What do I do if the grievance cannot be resolved informally?**

Complete the Notice of Grievance (Appendix 1) and follow the instructions.

### **What information should I include in the Notice of Grievance?**

- What the grievance is about. (Be clear and specific)
- Who is involved and when
- Why the grievance has not been resolved at an earlier stage
- How you think the grievance can be resolved

### **What happens once I have submitted the Notice of Grievance?**

A meeting will be arranged at which you have the opportunity to set out your grievance and the other party will do the same. This is Stage 2 of the procedure. Both parties may be accompanied or represented by their trade union or professional association representative or by a work colleague and no one else. The chair of the meeting will tell you what the outcome is.

### **What happens if I don't like the outcome of this meeting?**

The job of the panel at a formal meeting is to reach a conclusion that is fair and equitable to all sides. If either party feels that the outcome is not fair, then a further meeting (with a different panel) can be requested. This is Stage 3 of the procedure. The decision of the panel at this stage is final: there are no further hearings.