



## Grievance Procedure School Based Staff

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## **Content**

1. Introduction
2. Stage 1 – Informal Procedure
3. Mediation
4. Stage 2 – Formal Procedure
5. Stage 3 – Appeals Committee

## **Appendix A**

Grievance Committee/Appeals Committee Hearing Procedure

## **1. INTRODUCTION**

- 1.1 The grievance procedure applies to all employees directly employed by a governing body.
- 1.2 This procedure has been drafted to conform with the ACAS Code of Practice “Disciplinary and Grievance Procedures”. The aim of this grievance procedure is to encourage consistency, transparency and fairness in the handling of workplace problems or complaints. It should allow the employee to seek an informal resolution where appropriate but allow for more formal proceedings should the circumstances demand.
- 1.3 In the event that a group of employees submit a grievance the group will be represented by no more than 2 employees.
- 1.4 Employees are encouraged to resolve problems associated with their employment as close to the point of origin as is possible. ACAS define a grievance as a complaint about a duty owed by the employer to a worker. A grievance could be raised on any of the following issues: -
  - terms of employment;
  - working conditions;
  - organisational change;
  - discrimination;
- 1.5 The grievance procedure would not apply to complaints of harassment or bullying as any such claims would be dealt with in accordance with the School’s Dignity at Work Policy.
- 1.6 An aggrieved employee has the right to be accompanied by a companion at all stages of the grievance procedure. The chosen companion may be a fellow worker, a lay trade union official, or an official employed by a trade union. A trade union official must comply with the following (as laid down in the Employment Relations Act 1999):-
  - 1.6.1 Be employed by a trade union of which he/she is an official within the meaning of section 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - 1.6.2 An official of a trade union (within the meaning) whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings.
  - 1.6.3 The Trade Union and Labour Relations (Consolidation) Act 1992 specifies that the Certification Officer shall keep a list of trade unions.

The fact that the name of an organisation is included in the list of trade unions is evidence that the organisation is a trade union.

- 1.7 An employee may ask an official from any trade union to accompany them regardless of whether or not they are a member.

## **2. STAGE 1 – INFORMAL PROCEDURE**

2.1 Where an employee is aggrieved on a matter arising out of his/her employment they should discuss this in the first instance with their Headteacher. In the case of the Headteacher, the Chair of Governors will deal with the issue. Where an employee prefers to have their grievance handled for them by their trade union then the grievance should be reported to their trade union representative who will raise the matter with the Headteacher/Chair of Governors.

2.1.1 The Headteacher/Chair of Governors (or other nominated officer) will consider the grievance and normally provide a verbal response within 5 working days of the matter being raised.

## **3. MEDIATION**

3.1 In instances where a grievance involves a dispute between two or more persons consideration may be given at any stage of the informal or formal procedure to introducing an independent third party or mediator. ACAS states that '*The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.*

3.1.1 The commencement of mediation will be subject to:-

- The agreement of both parties;
- The aggrieved member of staff agreeing that the grievance procedure will be suspended.

## **4. STAGE 2 – FORMAL PROCEDURE**

4.1 If the employee continues to feel aggrieved they may invoke the formal grievance procedure. The employee is required to submit their grievance in writing to the Headteacher or in the case of the Headteacher, the Chair of Governors. The employee should provide as much detail as possible with regards to the nature of the grievance and outline their desired outcome. The grievance should normally be lodged within 3 calendar months of the date of the act complained of.

4.2 On receipt of the grievance the Headteacher (or Chair of Governors) should: -

4.2.1 contact their respective HR Adviser to notify them of the grievance;

- 4.2.2 Write a report detailing the informal action taken to resolve the matters, including a copy of the formal grievance letter.
- 4.2.3 The report is submitted to the chair of Governors who will request a formal investigation into the matters.
- 4.2.4 The Chair of Governors will appoint an appropriate investigating officer. The investigation may involve the taking of statements from all relevant parties which should be signed and dated. The parties interviewed should also be advised that they may be required to attend a grievance hearing if necessary.
- 4.2.5 Following the investigation a hearing will be convened with the Grievance Committee. The Committee should be no less than three but no more than half of the Governing body. If the grievance is against a 3<sup>rd</sup> party, the Head will also be in attendance and will receive the same access to documentation as the Committee members.
- 4.2.6 The aggrieved employee and all parties subject to the grievance will be written to, to arrange a mutually convenient time to meet and discuss the grievance with the Grievance Committee. Whenever possible this should be done within 10 working days of receipt of the formal investigation report;
- 4.2.7 The aggrieved employee and any parties subject to the grievance will be advised that he/she has the right to be accompanied to the meeting (see 1.6 above). The employee should be informed of all those present at the meeting which will include the Committee members, Human Resources representative and the Head teacher where applicable.
- 4.2.8 Copies of all correspondence will be forwarded to all parties concerned within 5 days prior to the date of the hearing.
- 4.2.9 During the hearing the aggrieved employee will be requested to state his/her case, commenting on all the evidence, calling any witnesses and challenging any evidence provided by management or submitted as part of an investigation.
- 4.2.10 The investigating officer will present evidence based on the report and will call witnesses as appropriate.
- 4.2.11 Having heard the submissions in full the Committee should consider whether further investigation is required. Should this be the case all parties will be notified and arrangements will be made for the Committee to re-convene to consider the additional information.
- 4.2.12 If the Committee are satisfied that the grievance has been investigated fully then they will adjourn to make a decision.
- 4.2.13 The Grievance Committee will communicate the decision to the employee in writing within 10 working days along with their right to appeal.

## **5. STAGE 3 – APPEALS COMMITTEE**

- 5.1 If the employee is dissatisfied with the decision of the Grievance Committee then he/she may request that his/her grievance be heard by the Appeals Committee.
- 5.2 An employee may exercise their right of appeal by writing to the Chair of the Grievance Committee within 5 working days of receiving the decision of the Grievance Committee. The request must state the grounds for the appeal in full.
- 5.3 The Chair of the Appeal Committee will arrange a meeting of the Appeals Committee Panel within 10 days or as soon as practical.
- 5.4 The procedure to be followed for the appeal will be the same as detailed in 4.2 above.
- 5.5 The procedure for the hearing is outlined in Appendix A

**GRIEVANCE COMMITTEE/APPEALS COMMITTEE  
HEARING PROCEDURE**

1. The Committee will need to nominate and agree a Chairperson for the hearing.
2. The Chairperson of the Grievance/ Appeals Committee will introduce the panel members. The Chairperson will also introduce the adviser to the Committee and confirm that they will be present during the appeal hearing to provide procedural advice.
3. Chairperson will request each party to introduce themselves and any representatives, which are attending the hearing. Representatives will be requested to confirm the capacity in which they are attending the hearing i.e. trade union official or work colleague.
4. The Chairperson will request that the aggrieved employee/representative state his/her case and call any witnesses.
5. All parties present will be given the opportunity to ask questions of the employee, his/her representative or any witnesses as they appear.
6. The investigating officer will be requested to state its case and call any witnesses.
7. All parties present will be given the opportunity to ask questions of the investigating officer or any witnesses as they appear.
8. If, as a result of questioning, new evidence is brought forward, both parties will be given an opportunity to comment. Should it be necessary to adjourn for further investigation, then both sides will be asked to withdraw which may include an adjournment until a later date.
9. Members of the Grievance/ Appeals Committee will consider the new evidence and make a decision on the way forward. The Adviser(s) to the committee will remain in the room to advise panel members on procedural issues.
10. Should it be necessary to clarify any points, all parties should be asked to re-convene for clarification.
11. Should the Committee be satisfied that the grievance has been fully heard both the aggrieved employee and management may be given an opportunity to sum up their cases. No new evidence should be submitted at this time.
12. The Committee will deliver the decision of the panel at the conclusion of the hearing. If no decision is reached on the date of the appeal hearing the employee will be advised in writing normally within 10 working days.
13. The decision of the appeals committee is final.

