



SOUTH DARLEY C of E PRIMARY SCHOOL

GRIEVANCE POLICY

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Grievance Procedure

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Grievance Procedure

1. Purpose

This document provides guidance and sets out a model Grievance Procedure for teachers and support staff in schools which will be used by the LEA. 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 results from an employee feeling he/she has been treated unfairly during the course of their employment and wishing to seek resolution. This procedure is not appropriate for salary or grading appeals for which separate procedures are specified elsewhere.

2. Introduction

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.

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.

Grievances raised by employees can be the source of potential industrial relations difficulties and need handling with sensitivity. The Authority has set out in **Appendix 1** to this document, 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.

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.

3. **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. The procedure should ensure that all grievances are treated seriously and are given proper consideration.

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 (normally through successively higher levels of management) 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, a colleague or a friend 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.

Employment Act 2002 - (Dispute Resolution) Regulations 2004

The Governing Body and Headteacher should be aware that these regulations have been introduced to encourage more disputes to be resolved without recourse to Employment Tribunals.

If an employee has a complaint which could ultimately result in a Tribunal application, the grievance procedure must be initiated before tribunal proceedings can be brought. This does not affect an employee's right to take out a grievance for other matters.

Failure to do so could result in employment tribunal procedures being negated. The Governing Body and Headteacher should also be aware that these regulations allow former employees to raise a grievance against their employer, in certain circumstances.

In such cases a modified 2-step procedure can be followed. The modified procedure is as follows:

1. The former employee must set down in writing the nature of the alleged grievance and send the written complaint to the Headteacher.
2. The Headteacher must set out their response in writing and send it to the former employee.

This modified procedure will only apply where the employment has ended and, at the time of termination, the employer was not aware of the grievance, or the standard procedure had not commenced or been completed, and both parties agree in writing that the modified procedure should apply.

4. **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.

5. **Grading Claims**

Grading of posts in schools with delegated budgets is a matter for the Governing Body of the school to determine. 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 their Personnel Officer who will be willing to offer assistance.

Model Grievance Procedure School Issues

1. Introduction

- 1.1 The purpose of the grievance procedure is to allow an employee to raise formally a grievance and to seek a satisfactory resolution through agreed and recognised channels.
- 1.2 This grievance procedure has been determined by the Governing Body of South Darley CE Primary School in accordance with the advice of Derbyshire County Council 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 step 2.5 below. Should the case not be resolved before it reaches the formal stages, the Governors Grievance and Appeals Sub-Committees will not include any Governor previously involved in the case.
- 1.4 At any stage throughout the grievance procedure any employee is entitled to consult and be represented by his/her professional association or Trade Union, colleague or friend.
- 1.5 The Governing Body of the school however may wish to be advised by the Chief Education Officer 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.
- 1.6 The following steps should be followed in sequence to seek to resolve the grievance.

2. Informal Stage for School Based Staff

- 2.1 Where an employee has a grievance involving another employee, an attempt should first of all be made with those involved to resolve the matter as soon as possible.
- 2.2 Where a direct approach has proved unsuccessful the employee with a grievance should raise the matter with the Line Manager or, if the grievance is with the Line Manager, with the next appropriate senior employee.
- 2.3 Where the aggrieved employee requests a personal interview it should be granted within five working days. In turn the Line Manager or appropriate senior employee should respond to the grievance orally as soon as possible and in any case within five working days.
- 2.4 The line Manager should seek to resolve the problem.
- 2.5 Should the matter not be resolved to the satisfaction of the complainant at this level, the complaint should be referred to the Headteacher in writing specifying the nature of the complaint. The matter may appropriately be referred also to the complainant's recognised professional association or Trade Union to allow representations to be made on behalf of the complainant. In the event that the complaint is against the Headteacher, the complaint should be sent in writing to the Nominated Governor.
- 2.6 The Headteacher or Nominated Governor may seek consultation with the Chief Education Officer or his/her representative or with representatives of Trade Union(s)/ professional association(s) concerned, as may be thought appropriate.
- 2.7 The Headteacher or Nominated Governor should seek to resolve the problem and reply in writing to the complainant within five working days.
- 2.8 The Nominated Governor must be excluded from being a member of any subsequent appeal procedure related to the complaint.

3. Formal Stage for School Based Staff

- 3.1 Where it has not been possible to resolve the grievance through the above procedure, the complainant should submit formal written notice of the grievance to the Head and to the person concerned, if other than the Head. The Headteacher will prepare a formal written report as soon as possible for the Grievance Sub-Committee of the Governing Body which shall comprise three members. Where a grievance is against the Head, the formal written report will be prepared by a nominated member of the Governing Body.

- 3.2 The Grievance Sub-Committee of the Governing Body will consider the grievance. The meeting for this purpose shall be held within fifteen working days (or by mutual agreement as soon as practicable thereafter) of receipt by the Head of the formal written notice of the Grievance. All relevant documents will be submitted by both parties to the Sub-Committee and the parties concerned at least five working days prior to the meeting. The employee will be informed in writing of the place, date; time and purpose of the meeting and of the right to be accompanied by a Trade Union/Professional Association representative or friend.
- 3.3 In the event of an appeal against the decision of the Grievance Sub-Committee the complainant may require the matter to be referred to the full Governing Body (excluding all members of the Grievance Sub-Committee and all other Governors involved in the decision which, having been to the Grievance Sub-Committee, is now the subject of the appeal). The meeting will be held within fifteen working days (or by mutual agreement as soon as practicable thereafter). The employee will be informed in writing of the place, date, time and purpose of the meeting and of the right to be accompanied by a Trade Union, professional association or other representative/friend.
- 3.4 The matter will end following consideration of the appeal by the Governing Body, 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 or subsequently through conciliation machinery. The outcome of the appeal will be reported to the next meeting of the Governing Body.

4. The Headteacher

- 4.1 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 Chief Education Officer or his/her representative, or with representatives of the professional association(s) concerned, as may be thought appropriate.
- 4.2 Oral submissions may be received from representatives of recognised Trade Unions or associations on behalf of the parties involved. The matter will be dealt with within five working days.
- 4.3 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 and to the person concerned. The nominated Governor will make a formal written report to the Sub-Committee.
- 4.4 The Grievance Sub-Committee will determine the grievance in accordance with steps outlined in paragraph 3 above.

Procedure of Grievance Sub-Committee and Appeals Body

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 defence.
2. Copies of all documents to be relied upon at the hearing shall be submitted by both parties to the Sub-Committee/Body and the parties concerned at least five working days prior to the date of the hearing.
3. The aggrieved employee to put his/her case in the presence of the Head, nominated Governor or representative and to call such witnesses as he/she wishes.
4. The Head, nominated Governor or representative to have the opportunity to ask questions of the aggrieved employee and his/her witnesses.
5. The Sub-Committee/Body to have the opportunity to ask questions of the aggrieved employee and his/her witnesses.
6. The Head, nominated Governor or representative to put the outcome of the investigation in the presence of the aggrieved employee and to call witnesses.
7. The aggrieved employee to have the opportunity to ask questions of the Head, nominated Governor or representative on the evidence given by him/her and any witnesses whom he/she may call.
8. The Sub-Committee/Body to have the opportunity to ask questions of Head, nominated Governor or representative and witnesses.
9. All witnesses will withdraw at this point.
10. The aggrieved employee, Head, nominated Governor or representative to have the opportunity to sum up their case if they so wish.
11. The aggrieved employee, Head, nominated Governor or representative to withdraw.
12. The Sub-Committee/Body to deliberate only recalling the aggrieved employee, Head, nominated Governor or representative to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding that only one may be concerned with the point requiring clarification.

13. The Sub-Committee/Body will announce its decision to the employee personally and to his/her representative, Headteacher and/or Governors or the nominated representatives. This will be confirmed in writing. within five 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.*

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 Personnel Manager 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 Chief Education Officer.
4. The Chief Education Officer or his/her representative should call a meeting of the parties concerned with five working days. If the employee so wishes he/she may bring a professional association Trade Union representative, colleague or friend to the meeting.
5. The Chief Education Officer or his/her representative should confirm his/her decision in writing as soon as possible 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 his/her professional association or Trade Union representative may then raise the matter with the Appeals Panel of the Education Committee or Personnel & Establishment Sub-Committee as appropriate. Where an employee is not in membership of a Trade Union or professional association he/she should be allowed personally to make representations, accompanied by a friend or colleague, if he/she so wishes to the Appeals Panel.
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.