

GRIEVANCE & RESOLUTION PROCEDURE

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

1. PURPOSE

- 1.1 To establish a procedure to assist in the resolution of individual grievance from employees in a fair, consistent and effective manner.

2. SCOPE

- 2.1 The procedure applies to all school based employees directly employed by the governing body including the headteacher. Grievances made about the headteacher will be dealt with by the chair of governors who may nominate another governor to manage the formal stages of the procedure – any reference to grievances against the headteacher in this procedure would therefore be undertaken by chair/governor.

- 2.2 The procedure may be used by employees in the school to raise grievances about:

Terms and conditions of employment

Health and safety

Work relationships

New working practices

Working environment

Organisation change

Discrimination against any protected characteristic. (The Dignity at Work Procedure may also be applicable)

- Age;
- Gender re-assignment;
- Being married or in civil partnership;
- Pregnancy or on maternity leave;
- Disability;
- Race;
- Religion;
- Sex ;
- Sexual orientation;
- Gender identity;
- Gender expression

This procedure does not apply to grievances connected with pay matters, or redundancy where separate policies/procedures apply. If a grievance under

this procedure is raised about any of the above issues by more than one person as a collective grievance, it is possible to elect a spokesperson to represent the group (See Appendix 6).

- 2.3 This procedure is to facilitate the resolution of an employee's grievance and to have it considered fairly and without delay as far as reasonably possible. This applies to all parties involved in a grievance matter.
- 2.4 Employees are encouraged to secure resolution to concerns informally at the earliest opportunity without having to invoke the formal stage of the procedures. In the event that the matter cannot be resolved informally, formal procedures should be lodged within 3 months of the alleged incident/concern.
- 2.5 This procedure is not for use by headteachers/line managers who have concerns about employees they manage. These concerns should be dealt with through the appropriate school policy, e.g. disciplinary, capability

3. PROCEDURE STATEMENT

- 3.1 The governing body and headteacher encourages open communication between all employees with the purpose of ensuring a harmonious workplace, maintaining constructive working relationships and finding mutually acceptable solutions to workplace problems and issues at the earliest opportunity.

4. PRINCIPLES

- 4.1 Employees should at all times try to resolve issues in the workplace informally by discussing concerns with the individual in the first instance. The emphasis must be on resolution.
- 4.2 If this approach does not work, employees may raise their grievance informally with their immediate line manager.
- 4.3 Employees are encouraged to resolve concerns at the earliest stage without recourse to the formal procedures.
- 4.4 If an employee is dissatisfied with a matter involving a work colleague, mediation can be considered as a resolution at any stage of the grievance procedure.
- 4.5 The employee raising the grievance must clearly outline what their desired resolution is which must be realistic, reasonable and have regard to the other parties employment rights.
- 4.6 If it is not possible to resolve at the informal stage, the formal procedure will start with the employee completing the grievance form (Appendix 1) which will be shared with the employee against whom it has been raised.

- 4.7 All grievances will be dealt with in a fair and equitable manner.
- 4.8 At the formal stages of procedure, notes will be made and a copy provided to the employee who has raised the grievance.
- 4.9 The right to be accompanied only applies to the formal stages of this procedure (investigation, Stage 1 and 2) but employees are encouraged to seek the advice of their Trade Union representative at the earliest opportunity.
- 4.10 All matters will be treated in confidence by all parties involved.
- 4.11 Where the matter is connected to harassment or bullying the Dignity at Work procedure will be followed. The Dignity at Work procedure does utilize the formal procedure contained in this document.
- 4.12 Timescales referred to in the policy relate to term time only and working days are Monday - Friday.
- 4.13 Whenever possible meetings will take place during normal school hours. However, any meeting involving governors may need to take place after normal school working hours.

PROCEDURE

(Please also refer to the additional information included from section 9 onwards for further details)

5. Informal - Grievance Resolution

- 5.1 The best approach for an employee with a concern or disagreement in work is to face it in a calm and rational way, using a planned approach.
- 5.2 Incidents of alleged unacceptable behaviour can usually be resolved informally and this will be encouraged wherever possible. If the concern is in relation to another employee's behaviour, employees are encouraged to approach the individual causing them concern themselves and make it clear, in a respectful manner, that they find their behaviour is having a negative impact on their personal wellbeing. The employee should state what their desired outcome is which must be realistic, reasonable and have regard to the other parties employment rights.
- 5.3 If the above does not resolve the issue, or if the employee is not comfortable with this course of action, or for matters that are not related to working relationships the employee should initially raise the matter with their line manager clearly outlining their desired resolution.
- 5.4 The line manager should meet with the employee to discuss the issue and desired resolution. As this is at an informal stage, there is no need to provide written notice of the meeting and there is no right to be accompanied by a work colleague or Trade Union representative. Employees may wish to seek

advice from their Trade Union prior to the meeting and the timing of the meeting should take this into account.

- 5.5 If the grievance is about another employee, the line manager should talk to them privately to help clarify the situation and seek to agree a resolution.
- 5.6 If appropriate, the line manager may wish to convene a meeting with both parties present to reach an agreed way forward or to ask them to consider mediation (Appendix 2).
- 5.7 There is no need to keep full formal written records but a brief note of concerns and resolution should be kept and a copy provided to the person raising the grievance. If the grievance is about another employee, they should be provided with written confirmation of the agreed resolution.
- 5.8 If the grievance is about the immediate line manager (including headteacher) and this cannot be resolved informally by discussing it with the employee/manager concerned, the matter should be progressed to the formal stage 1 of the procedure. Grievances about the headteacher in this event should be referred to the chair of governors, who may then nominate another governor to deal with the matter.

6 Formal (Stage 1)

- 6.1 If it has not been possible to resolve the grievance at the informal stage the matter should be referred to the headteacher using the form shown in Appendix 1. If the grievance is about the headteacher, the form should be sent to the chair of governors. It is important that the nature of the grievance and desired resolution is clearly specified.
- 6.2 If the grievance is about another employee, they will be given a copy of the form (Appendix 1).
- 6.3 The headteacher will hold a meeting with the employee raising the grievance within 20 days of receipt of the written grievance.
- 6.4 The invitation to the meeting must be in writing, giving minimum of 10 days' notice and advice of the right to be accompanied by a work colleague or Trade Union representative.
- 6.5 It is for the headteacher to decide if they want HR support at the meeting but it is recommended they are asked to support any complex grievances or if the employee is being accompanied by a Trade Union representative.
- 6.6 At the meeting, the employee will provide an outline of their grievance and desired resolution based on the contents of their original form.
- 6.7 The headteacher needs to ensure they have sufficient information on which to determine the outcome of the meeting. This may include interviewing the person against whom a grievance has been raised. In this case, they will

need to be given a minimum of 10 days' notice and be advised of their right to be accompanied by a Trade Union representative or work colleague.

- 6.8 A format for the meeting is shown at Appendix 4.
- 6.9 If it appears the grievance is more complicated and requires further investigation, the headteacher will arrange for an investigation to be conducted by a member of the senior management team or alternative person (e.g. governor) who has no previous involvement in the matter. The employee raising the grievance must be informed of this and given an indication of the time needed for the investigation to take place. Refer to Section 16 and Appendix 3 for information about the investigation process and taking witness statements.
- 6.10 Following receipt of the investigation report, the headteacher will re-convene the meeting to consider outcome.

7. Outcome

- 7.1 Possible outcomes from the meeting could be:
- Grievance upheld
 - Grievance is partially upheld
 - Grievance is not upheld
- 7.2 In event of the grievance being partially or fully upheld, the resolution of the matter will take into account the desired outcome of the person who raised the grievance providing this is realistic, reasonable and has regards to the other parties employment rights.
- 7.3 If possible, the outcome of the grievance will be advised verbally following the meeting and confirmed in writing within 15 days.
- 7.4 If it is not possible to confirm the outcome verbally immediately following the meeting, the headteacher will either re-convene the meeting to confirm the outcome or confirm it in writing within 15 days, in line with the employee's preference.
- 7.5 The employee must be informed of their right to appeal the outcome if they are not satisfied with decision.
- 7.6 If the grievance is about another employee, they must be notified of outcome as soon as possible after the decision has been advised to the employee raising the grievance (see section 15).

8. Stage 2 - Appeal

- 8.1 If the matter is not resolved at stage 1 the employee may refer the matter to the chair of the Appeals Committee (this will normally be the Staff

Disciplinary/Dismissal Appeal Committee) within 10 working days of receipt of written outcome of Stage 1.

- 8.2 The employee should complete the form shown in Appendix 1 outlining the reasons for lodging the appeal and confirming desired resolution.
- 8.3 The Appeals Committee must hold a meeting within 20 days of receipt of the appeal notification.
- 8.4 The invitation to the meeting should be in writing giving 10 days' notice. The employee must be advised of their right to be accompanied. The Appeals Committee will also deal with any grievances against the headteacher.
- 8.5 The Appeals Committee will have copies of all documents connected with the grievance previously used at stage 1. In exceptional circumstances, the Appeals Committee may extend the time to deal with the grievance if it is necessary for further investigation to take place. The time line for the extension must be confirmed in writing.
- 8.6 The Appeal meeting will be conducted along the lines outlined in Appendix 5. It is recommended that the Committee request the attendance of an HR Business Partner to support them at the meeting.
- 8.7 The Committee may decide to:
 - Uphold the appeal
 - Partially uphold the appeal
 - Turn down the appeal
- 8.8 In event of appeal being turned down, the original decision will stand.
- 8.9 If the appeal is upheld, the Committee will confirm the resolution to be implemented based on the original request by the employee as far as reasonably and practicably possible.
- 8.10 The outcome of the meeting will be confirmed in writing within 15 days of the meeting.
- 8.11 The decision is final and there is no further stage of appeal.
- 8.12 If the grievance is about another employee, they must be notified of outcome as soon as possible after the decision has been advised to the employee raising the grievance (see section 15).

ADDITIONAL INFORMATION

9. Right to be accompanied

- 9.1 At formal stages (investigation, stages 1 and 2) of this procedure, employees are entitled to be accompanied by either a work colleague or Trade Union

representative. However, employees should seek the advice of their representative at the earliest opportunity if they have any concerns.

9.2 This right applies to employees about whom a grievance has been raised if they are required to attend any meetings connected with the formal procedure, as above.

9.3 Witnesses do not have the right to be accompanied.

10. Notification of meetings

10.1 Notification of meetings must be in writing, giving a minimum of 10 days' notice. Employees must be advised of their right to be accompanied by either a Trade Union representative or work colleague.

11. Notes of meetings

11.1 At the formal stages of the procedures notes will be taken and copies given to the employee who raised the grievance in addition to written confirmation of the outcome of the meetings. Whenever possible, an independent note taker should attend meetings – for governing body meetings this should be the clerk to the governing body.

12. Support

12.1 All schools who have a Service Level Agreement with HR should offer employees access to free, confidential counselling services via Care First provided on behalf of the Vale of Glamorgan. They can be contacted on 0800174319. Any appointments should be made outside of school hours whenever possible.

13. Grievances raised during a disciplinary

13.1 Where an employee formally raises a concern or complaint under this procedure during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the concern. However, where the concern and the disciplinary matters are related it may be appropriate to deal with both concurrently if directly relevant to the outcome of the disciplinary hearing. Where this situation arises, a decision taken by the headteacher/chair of governors will be communicated to the relevant parties, following advice from HR Business partner.

13.2 Someone other than the person dealing with the disciplinary matter should deal with grievances raised in this event.

14. False Complaints

14.1 An employee raising a reasonable and genuine grievance shall suffer no detriment as a result of raising the complaint. However, if it is established

that the complaint is false and/or malicious in order to discredit an employee or governor this may be considered under the Schools Disciplinary Policy.

15. Employees who have had a grievance raised against them

15.1 If an employee is subject to a grievance, they have the right to be accompanied by a work colleague or union representative at formal stages of the procedure including investigation meetings. They should be provided with the original grievance form and sufficient relevant information connected with the grievance in order to respond to the concerns raised.

15.2 Following conclusion of the grievance procedure (Stage 1 and 2), the employee will be advised of the outcome which could be:

- Grievance not upheld – no further action. This will be confirmed in writing.
- Grievance partially/upheld – appropriate action will be implemented based on the resolution sought by the person raising the grievance provided it is reasonable and practicable.

15.3 If the conduct warrants disciplinary action, the employee will be provided with all relevant information and the matter will be conducted in accordance with the Schools Disciplinary policy.

15.4 Employees who are subject to a grievance must not take any retaliatory action against anyone involved in the process. Failure to comply with this could result in disciplinary action. Support may be sought via their headteacher, trade union representative and/or Vale confidential counselling service.

16. Witnesses/statements

16.1 The following provisions apply to anyone asked to provide witness evidence in relation to grievance procedures:

- They must give their agreement to be involved in the procedure.
- They may be requested to submit written witness evidence.
- They may be interviewed as part of investigation process. There is no right to be accompanied although they may seek advice from a Trade Union representative.
- They will be asked to sign (as accurate record) any statements provided.
- Whilst efforts will be made to keep witness evidence anonymous, this cannot be guaranteed. This must be clearly explained by the investigator.
- In exceptional circumstances, they may be required to attend grievance meetings.
- Witnesses must not subsequently be subject to any adverse treatment by anyone involved in the process. If this is the case, they must immediately report this to their headteacher who may take action in line with the Schools Disciplinary policy.

17. Confidentiality

17.1 Anyone involved in the grievance procedure must maintain complete confidentiality about the process. This includes the employee raising the grievance, employee who has had a grievance raised against them, witnesses, investigators and determining officer/s including governors.

19. Monitoring and Review

19.1 This procedure will be monitored by Human Resources to ensure consistency of application. Basic statistics will be retained (in accordance with the Data Protection Act) for monitoring purposes.

19.2 The procedure will be reviewed on the basis of every two years or in light of any developments in employment legislation or good employment practice.

This document is also available in large print and other formats upon request.

Consultation with GMB/Unison/NASUWT/NAHT/NEU/ASCL /UCAC/Unite	July 2019
Accepted/adopted by Governing Body of School (name) _____	

Formal Grievance Form

If your grievance is about another employee, please note that this form will be shared with them

To be completed by the employee raising the Grievance

Name:

Job Title

School

Headteacher

DETAILS OF GRIEVANCE

Outline the nature and reason for your grievance. Please give specific details such as dates, times and witnesses where necessary. Attach any supporting evidence if available.

(Continue on separate sheet if necessary)

PREVIOUS ACTION

What steps have you taken to resolve this grievance informally? Why do you remain dissatisfied?

Alternatively, if this is a Stage 2 Grievance, why was the matter not concluded to your satisfaction at Stage 1?

RESOLUTION YOU ARE SEEKING

Please state what resolution you are seeking and specifically what action or actions, in your view, are needed to resolve your grievance satisfactorily. Please ensure the resolution requested is realistic, reasonable and has regards to the other parties employment rights.

Mediation

Mediation is a voluntary process whereby an independent and impartial third party works with both parties with the aim of reaching a mutually acceptable agreement.

Mediation may be utilized at any stage of the grievance procedure subject to agreement between both parties.

Mediation may be appropriate in the following circumstances:

- For conflict involving colleagues of a similar job or grade or between a line manager and their staff
- To rebuild relationships after a formal dispute has been resolved
- To address a range of issues including relationship breakdown, personality clashes, communication problems, bullying and harassment

Mediation may not be suitable if:

- Used as a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation
- It is used by a manager to avoid their managerial responsibilities
- A decision about right or wrong is needed
- The individual has a discrimination or harassment case that they want investigated
- One side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome

Mediation services can be provided by ACAS and other external organisations. Any costs will be paid out of the school budget.

Investigation

The investigator will be required to produce a report for the headteacher which will include investigation into the facts of the grievance.

If the grievance is about another employee, in addition to interviewing the employee who has raised the grievance, it will be necessary to interview the employee who has had a grievance raised against them. Both parties will be entitled to be accompanied by either a work colleague or Trade Union representative.

If the grievance is about a work colleague, they should be given sufficiently clear relevant information about the concerns in order to respond - this will include the Grievance Form (Appendix 1).

If it is necessary to interview witnesses they should be advised that whilst their statements will, if possible, be kept anonymous this cannot be guaranteed. The investigator must get written agreement to use any statements given as part of the investigation. As a witness the right to be accompanied does not apply but they may seek advice from their Trade Union representative (see section 16).

On conclusion of the investigation, the report will be given to the headteacher who will arrange the grievance meeting.

Format for Stage 1 Grievance meetings

THIS IS A TEMPLATE FOR MEETING AND MAY BE ADAPTED AS APPLICABLE TO THE CIRCUMSTANCES

1. The employee or his/her representative will be invited to outline their grievance to the headteacher and outline their preferred resolution.
2. The headteacher may ask questions about the matters raised.
3. If no further information is required, the headteacher will adjourn to consider the matters raised and whether to uphold the grievance.
 - 3.1 If the grievance is about a work colleague (and the matter does not require more detailed investigation), the headteacher will adjourn the meeting and arrange to meet them separately in order to seek resolution of the issues.
 - 3.2 Following an adjournment, the headteacher will reconvene the meeting with the employee raising the grievance to determine whether to uphold (fully or partially) or turn down the grievance. If upheld, the headteacher should decide appropriate resolution taking into account the employee's original request.
4. If the matter is more complicated and further information is required, the headteacher will adjourn the meeting to allow further investigations to take place. Once the investigation has been concluded and report produced, the meeting will be reconvened to allow the headteacher to make a determination as outlined above in point 3.2.
5. Following determination, the employee will, if possible, be advised verbally and a letter confirming decision will be sent within 15 days.
6. If the grievance is about a work colleague, they will be advised of the outcome as soon as possible after the outcome has been confirmed to the employee raising the grievance.

STAGE 2 – APPEAL (Heard by Staff Disciplinary and Dismissals Appeal Committee)

THIS IS A TEMPLATE FOR MEETING AND MAY BE ADAPTED AS APPLICABLE TO THE CIRCUMSTANCES

1. The employee will be asked to outline reasons for appealing the outcome of the stage 1 grievance and what their desired resolution is.
2. The headteacher/determining officer will explain reasons for decision at Stage 1.
3. In order to ensure a fair and transparent process, any of the parties involved will be allowed to cross question each other, but the meeting must not be allowed to become hostile or threatening to anyone.
4. All parties will be invited to sum up briefly.
5. All parties will withdraw whilst the Appeals Committee consider the grievance and desired resolution. If further information is required, all parties will be invited back into the meeting.
6. If a decision can be made within a reasonable time limit, this will be communicated verbally to the employee raising the grievance. If further time is needed, the employee will be advised and asked whether they wish to have the meeting reconvened to hear the decision or if they will accept outcome in writing.
7. The decision will be confirmed in writing within 15 days.
8. If the grievance is about a work colleague, they should be advised of the outcome as soon as possible after the outcome has been confirmed to the person raising the grievance.

COLLECTIVE GRIEVANCES

- a. Where a grievance is raised by more than one employee, the nature of the grievance and the desired resolution are the same, the grievance may be treated as a collective grievance.
- b. A Trade Union representative can raise a collective grievance on behalf of employees.
- c. The employees with the same grievance may elect, from within their number, a spokesperson to speak collectively on their behalf.
- d. The principles of this procedure will also apply to collective grievances, although where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The School, in consultation with the Trades Union representatives, will determine the appropriate mechanism to be followed in each case.
- e. In all instances, the group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form (attached at Appendix A). One form should be submitted but must be signed by all employees who share the grievance.
- f. The procedure will be a stage 2 process and the decision of the Governor's Appeals Panel will be the final employer response to the grievance.
- g. In instances where the exhaustion of this framework results in a failure to agree, the matter may be declared as being in dispute, and the procedures under section 2 followed. This extension does not apply to individual grievances.
- h. Every effort should be made to resolve collective grievances through the use of this procedure, or alternatively through the agreed, standing arrangements at the school for regular consultation between staff and the governing body. However, there may be circumstances where this is not possible or appropriate and a dispute may be lodged from the outset.

2. Failure to Agree following Negotiation

- a. In exceptional circumstances, failure to resolve a collective grievance may be referred to ACAS for conciliation and possible arbitration. Involvement of ACAS is optional and must be subject to agreement from both the School and the Trade Unions. Trade Union representatives are advised to inform their National Executive

Members/Regional Officers that it is their intention to seek either conciliation or arbitration.