

# Grievance

## Summary

The school recognises the importance of good working relationships with its employees and seeks to ensure that grievances are resolved as quickly as possible.

A grievance is a concern, problem or a complaint that an employee can raise with the school. This procedure is to ensure that employees are treated fairly when raising a grievance.

This model policy applies the principles of the ACAS Code of Practice (No.1) on 'Disciplinary and grievance procedures' and is recommended by Gloucestershire County Council for adoption by Governing Bodies.

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**Schools Human Resources Team**

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**Gloucestershire**  
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## Quick Glance

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Who does this policy apply to?	<p>It applies to the following employees:</p> <ul style="list-style-type: none"><li>• support staff (Green Book)</li><li>• teachers (Burgundy Book)</li><li>• teachers in residential schools/establishments (Orange Book)</li></ul>
What is a grievance?	<p>A grievance is a concern, a problem or a complaint you raise with the school. Issues not covered under the grievance policy are set out in the <a href="#">exclusion list</a>.</p>
Is this the right procedure for me to use?	<p>The school has a number of procedures for dealing with various issues that might be raised as a complaint, concern or problem. These procedures include: whistle-blowing, complaints, conduct and capability and various appeals processes.</p> <p>The head teacher (or if not appropriate, the Chair of Governors) will advise you which procedure is the most</p>

<p>What should I do first?</p>	<p>appropriate, depending on the particular circumstances. If this is the case your head teacher/Chair of Governors will explain the procedure that will be used, what that process entails and the timescales.</p> <p>Unless the head teacher/Chair of Governors informs you there is a more appropriate procedure to use then this procedure will apply.</p> <p>Before the formal process starts, it is important that you try to resolve the grievance informally. You should raise the issue with your manager, next level of management, or through your trade union representative.</p> <p>It is in your interest to raise the issue as soon as possible. You should also have in mind what action would satisfy your grievance.</p> <p>You should approach a grievance with a view to problem-solving, rather than negatively or defensively which sometimes can be a natural first reaction. Demonstrating an open and positive approach provides the best chance of resolving a grievance informally and at an early stage.</p> <p>You should explore all options to resolve the issue at the informal stage before considering a formal approach.</p>
<p>What is mediation?</p>	<p>Mediation helps people who are having relationship difficulties at work to sort out their differences as soon as possible. It is possible for the school to buy in ACAS*-trained mediators to manage the mediation process and act as impartial facilitators. Mediation is a voluntary process and enables parties who are not seeing eye to eye to work through their issues and find solutions.</p> <p style="text-align: center;">*ACAS-trained mediators based within GCC human resources team are available to the school at an additional cost. Please contact the schools human resources team for further information.</p>
<p>If informal action does not resolve the issue, what happens next?</p>	<p>If the issue cannot be resolved informally, there are two formal stages, a grievance resolution meeting and an appeal.</p> <p>You must put your grievance in writing to your manager with a copy to the head teacher (when the head teacher is not your line manager) and Chair of Governors. Your letter should:</p> <ul style="list-style-type: none"> <li>• Explain the problem.</li> <li>• State the actions you have taken to try to resolve the</li> </ul>

- matter informally.
- Set out any further actions that you believe will help to resolve the issue.

Where the grievance is against your manager, you should submit the grievance in writing to your manager's manager.

Your manager (or his / her manager) will then write to you within five working days detailing the arrangements made for the grievance resolution meeting.

Who will hear my grievance and any appeal?

A panel of three governors not previously involved in the grievance will hear it.

Can I be represented?

You are entitled to be represented by a trade union representative or a workplace colleague throughout the procedure.

Will I be given notice of the grievance resolution meeting?

Yes. You will receive notification at least 10 working days before the meeting is to take place and you must make every effort to attend. If in exceptional circumstances you are unavailable, an alternative date will be set which is normally a minimum of five working days from the original date.

Will there be a record of the meeting?

Yes. A letter confirming the outcome will be sent to you within three working days summarising the key points of the meeting. Notes from the meeting will be sent out as soon as possible. If you are not satisfied with the outcome of the grievance resolution meeting, you have the right of appeal.

What if the matter is not resolved?

Your appeal must be in writing to your Chair of Governors within 10 working days of the date you receive the letter confirming the grievance resolution meeting decision. Your letter should set out the reason for the appeal and why you feel the outcome of the grievance resolution meeting was unreasonable. You should also state the actions you are seeking for the matter to be resolved.

Can the decision be changed on appeal?

The decision made at the grievance resolution meeting can be changed if the panel considers it was unreasonable in the circumstances. However, the appeal is conducted as a review of the reasonableness of the decision made following the grievance resolution meeting. It is not a rehearing of the case.

The panel's decision at appeal will be final and you have no

<p>What happens if several of us have the same grievance (a 'collective grievance')?</p>	<p>further right of appeal.</p> <p>If you and one or more of your colleagues share the same grievance this can be dealt with together rather than separately if you wish. This is called a 'collective grievance'.</p> <p>As with individual grievances you and your colleagues should firstly try to resolve the matter informally. This will usually involve discussing it with your manager and possibly an ACAS-trained mediator. Please see 'What is mediation?' above for more information on mediation.</p> <p>If it is not possible to resolve the matter informally the same process applies as for an individual grievance. This means there will be a grievance resolution meeting and (if necessary) an appeal.</p> <p>You and your colleagues should nominate one of you to act on behalf of you all. The same right to representation applies as would be the case if it was an individual grievance.</p>
<p>Is there any different way to deal with a 'collective grievance'?</p>	<p>Yes. If you and your colleagues prefer, you may request your trade union representative to take up the matter with the school on your behalf, rather than using the grievance procedure.</p> <p>This would require the agreement of your trade union, who will discuss the matter with the head teacher and/or Chair of Governors in the first instance.</p> <p>The grievance procedure would cease to apply if the school agrees to deal with the matter directly with the trade union.</p>
<p>Will my grievance still be heard if I resign or leave the school after the procedure has started?</p>	<p>Yes, where possible the procedure should continue.</p>
<p>Can I raise a grievance after leaving the school?</p>	<p>There is no right to raise a grievance under this policy after you have left the school's employment.</p> <p>However, if you have a concern you wish to bring to the school's attention, you should put this in writing to the head teacher/Chair of Governors within one month of your leaving date. The school may consider the matter further at its discretion.</p>

## **Exclusions**

Your grievance will be excluded from this policy if the school considers the matter can be dealt with more appropriately through other procedures and also in the following specific circumstances:

1. Your grievance concerns your grade, pay, tax, National Insurance or pension.
2. It concerns the substance of national or local conditions of service or an express term of the contract of employment.
3. It is the same, or broadly similar, grievance that has already been heard under this procedure.
4. You do not comply with time limits specified in the policy, unless the manager has agreed to this.
5. It concerns a matter that is subject to action or investigation under the school's conduct, capability, induction or probationary procedures.
6. It is already the subject of a dispute between the school and the trade union(s).
7. The subject of the grievance or the action you are seeking is outside the control of the school.
8. The grievance is considered to be vexatious or malicious. The Chair of Governors may exclude your grievance from this policy if it is considered not to have been raised in good faith.

## **Grievance resolution meeting**

1. The chair of the panel introduces those present and explains the format and purpose of the meeting.
2. You or your representative give the detail of your grievance and can present documentary evidence if appropriate (see note 'c' below) and may call witnesses (see note 'd' below).
3. The manager may ask you or your representative questions relating to the presentation of your grievance and may ask questions of any witnesses.
4. The manager responds to your grievance and may present documentary evidence if appropriate (see note 'c' below) and may call witnesses (see note 'd' below).
5. You or your representative may ask questions of the manager relating to their response to your grievance and may also ask questions of any witnesses.
6. The panel may ask questions of the manager or you or your representative.

7. The manager summarises the key points of their response to your grievance. No new information should be introduced at this stage.
8. You or your representative summarise the key points of your case. No new information should be introduced at this stage.
9. The panel adjourns to consider their decision and you/your representative and the manager leave the room.
10. The panel reconvenes to confirm their decision and explain reasons.
11. The panel explains what action you need to take if you remain dissatisfied and wish to appeal against the decision.
12. The panel confirms the decision in writing to all parties within three working days of the date of the meeting.
13. If you decide to appeal your letter should set out why and in what respects you consider the decision of the grievance resolution meeting to be unreasonable.

#### **Notes for guidance on resolution meeting**

- a) This procedure may be varied by agreement.
- b) In the event of any dispute about the process to be followed at the meeting, the chair of the panel's decision will be final.
- c) If you intend to present any documents at the hearing you must provide copies to all those who will be in attendance at least five working days in advance.
- d) If you intend to call witnesses at the meeting (and they have agreed to attend) you should inform all those who will be in attendance at least five working days in advance.
- e) If necessary, the chair of the panel may adjourn the meeting to enable further information to be obtained.

#### **Appeal procedure**

This procedure is to ensure there is a fair and impartial process for a panel to review the reasonableness of the decision made at the grievance resolution meeting.

The panel comprises of three members of the governing body not previously involved in the case.

It is important to note the appeal is not a full rehearing of the evidence. It is an independent review of the reasonableness of the previous decision, based on the information that was presented at the grievance resolution meeting.

The panel's decision is final and there is no further right of appeal.

1. The chair of the panel introduces those present and explains the purpose of the appeal and the procedure to be followed.
2. You or your representative explain the reasons for your appeal; including why and in what respects you consider the decision of the grievance resolution meeting is unreasonable.
3. A member of the panel who heard the grievance (governor) may ask you any questions regarding your appeal.
4. The governor presents their response to your appeal.
5. You or your representative may ask any questions of the governor.
6. The panel may ask questions of both you and the governor.
7. The governor summarises their response to your appeal. New details should not be introduced at this stage.
8. You or your representative summarise the grounds of your appeal. New details should not be introduced at this stage.
9. The panel adjourns to consider their decision and you/your representative and the governor leave the room.
10. The panel reconvenes to confirm their decision and explain reasons.
11. The panel confirms the decision in writing to all parties within three working days of the date of the appeal.
12. This decision is final. There is no further right of appeal.

#### **Notes for guidance on appeal procedure**

- a) The above procedure may be varied by agreement.
- b) In the event of any dispute about the process to be followed, the chair of the panel's decision will be final.
- c) If you intend to present any documents (other than those that formed part of the grievance resolution meeting and decision) you should provide copies to all those who will be in attendance at least five working days before the appeal hearing.
- d) If necessary the chair of the panel may adjourn the appeal hearing to enable further information to be obtained.