



Children and Young People's Services

GRIEVANCE PROCEDURES FOR SCHOOLS

This procedure has been agreed by the following professional associations/ trade unions representing Teachers, Headteachers and Support Staff:

- National Union of Teachers
- National Association of Schoolmasters Union of Women Teachers
- Association of Teachers and Lecturers
- National Association of Headteachers
- Association of School and College Leaders
- UNISON
- GMB

Revised May 2009

GRIEVANCE PROCEDURES FOR SCHOOLS WITH DELEGATED MANAGEMENT

Preamble

New grievance standards came into force from April 2009 under the ACAS Code of Practice on Disciplinary and Grievance Procedures which has repealed the Employment Act 2002 (Dispute Resolution Regulations). This procedure has been amended to reflect the change in legislation and to allow employers to deal with grievances fairly, consistently and speedily.

All grievances should be resolved as quickly as possible; employees are encouraged, where possible, to resolve grievances informally with their line manager.

Where a grievance cannot be settled informally, the employee should raise it formally through the operation of this procedure. Employees may wish to seek advice from their trade union or professional association before considering raising a complaint under this procedure.

This procedure is based on the ACAS Code of Practice on Disciplinary and Grievance Procedures which includes the following requirements:

Step one- Statement of Grievance

- If it is not possible to resolve the grievance informally, an employee should set out the grievance in writing and send a statement or a copy to the employer. *(This continues to be a requirement of this policy as covered by paragraphs 2.4)*

Step two - Meeting

- The employer must invite the employee to attend a meeting to discuss the grievance

Step three - Appeal

The employee must be given the opportunity to appeal against the decision reached at the meeting.

The repeal of the Dispute Resolution Regulations from April 2009 removes the need for a modified statutory procedure for ex employees who having left the organisation wish to raise a grievance. It is no longer necessary to have attempted to resolve the ex-employee's issue through the modified grievance procedure before an employment tribunal will consider the case.

1. Introduction

- 1.1 The procedure is drawn up to ensure compliance with the relevant employment legislation (in particular the ACAS Code of Practice on Disciplinary and Grievance Procedures (2009) and School Staffing (England) Regulations 2002), the relevant regulations relating to school governance and the relevant terms and conditions of service for staff employed within the school. A Local Authority (LA) representative will be available to provide advice to Headteachers and Governors on the operation of the procedure

- 1.2 This procedure should be used for grievances about the rights of employees under their conditions of service and any other matters relating to their employment

The procedure does not apply in the case of:

- (i) Disciplinary and dismissal matters
 - (ii). Questions relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, occupational pension scheme and statutory sick pay).
 - (iii) National agreements (other than local interpretation)
 - (iv) Grading issues (these should be raised with through the appeals procedure of the schools pay policy)
 - (iv). Personal matters not directly related to employment or conditions of service.
 - (v) Bullying and harassment cases these are covered by the Bullying and Harassment Policy.
- 1.3 Arrangements for grievances between staff are at Section 2. Grievances, against the Head are at Section 3; those against the governing body at Section 4; those against the Authority or Corporate Director, Children and Young People's Services at Section 5.0.
- 1.4 Employees' grievances can arise from a variety of sources. They can be of a relatively simple nature or of fundamental importance. These procedures are designed to enable a grievance to be resolved informally wherever possible. Where informal procedures are inappropriate or have failed, provision is made for formal procedures. All parties should aim to settle the grievance fairly, simply, quickly and as near as possible to the point of origin.

2. GRIEVANCE AGAINST STAFF including grievances regarding or raised by the HEAD

Informal Procedures

- 2.1 Where a person employed to work at the school has a grievance which is against another employee or employees at the school and wishes to pursue that grievance, he/she will first endeavour to resolve the matter by a direct approach to the employee(s) involved. This may involve at his or her request discussions with appropriate senior members of staff, including the Head.
- 2.2 Where a member of staff requests a personal interview with an appropriate senior member of staff or the Head, it should be granted within five working days of the request being made unless this is impossible due to sickness or other unavoidable absence. This timescale can be varied by agreement between the parties.
- 2.3 Once such an approach has been made, the appropriate senior member of staff or the Head should seek to resolve the problem personally. With the consent of both parties involved in the grievance there may be subsequent consultation with other persons employed to work at the school, or, through the Head, with the chair of the governing body, officers of the local authority, representatives of recognised trade unions and professional associations.

Formal Procedures

Step One– Statement of Grievance

- 2.4 Where the matter has not been resolved under any of the procedures in 2.1 to 2.3 above, the employee concerned should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1, to the Head. A copy should be provided to the person against whom the grievance lies, this may be sent directly by the person raising the grievance by his representative or by the person in receipt of the grievance. The person in receipt of the grievance should ensure that this requirement is carried out.
- 2.5 An employee in this position is advised to seek the advice of her/his professional association prior to such a submission.
- 2.6 Where a grievance has been submitted concerning an employee's working or proposed working arrangements, there should be no specific change in those working arrangements which relate to the subject of that grievance until the grievance has been resolved or the procedure exhausted. Where difficulties may arise as a result, the matter should be dealt with under the grievance procedure as a matter of urgency.

Step Two – Meeting

- 2.7 On receipt of such a notice the Headteacher will invite the employee(s) to a meeting as soon as possible. The employee will have the right to be accompanied by a Trade Union representative or colleague. If the employee's representative cannot attend on the proposed date, the employee can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date.

As soon as possible and, in any event, within ten working days of the meeting, the headteacher will give the employee(s) a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected.

- 2.8 Where a more detailed response is necessary or further investigation required the headteacher may appoint an investigation officer to look in the grievance. At the conclusion of the investigation a formal written report may be produced. An investigation officer would normally be a member of the schools senior management team. In small schools with limited management structure if appropriate, an LA Officer could be nominated to carry out the investigation, this would normally be a HR Officer.
- 2.9 On receipt of the report the Head will discuss the findings with the two parties concerned and their representatives with a view to resolving the matter. In this the Head may call on advice from an appropriate LA Officer, normally a HR Officer who may be present at any meetings so arranged.
- 2.10 The final written response at this first stage should include:-

- a summary of the grievance;

- appropriate details of the investigation;
- the decision on the matters raised;
- the reasons for the decision;
- if the grievance has been upheld, wholly or in part, what necessary steps will be taken;
- what further steps are available to the employee, within this procedure, if they remain aggrieved.

2.11 If the employee(s) is dissatisfied with the Head teachers response or does not receive a response within the appropriate timescales they can move to the appeal stage.

Step Three - Appeal

2.12 There will be right of appeal on the part of any employee who raises a grievance formally, which must be made within ten working days of receipt of the Head teacher's decision. If the employee wishes to appeal they should notify the clerk of the governing body of the intention to appeal. Although not part of the statutory procedure it is helpful to the process if a written statement of the grievance outlining the reasons why they are dissatisfied with the Head teacher's response has provided.

2.13 The clerk to the governing body will advise the employee of the procedure for the appeal hearing, reminding the employee of the employee's rights at the hearing, including the right to be accompanied by a representative or a friend, and the action which the governing body may take which could be one or more of the actions in 2.14 of this procedure.

The clerk to the governing body will send a copy of the letter of appeal to the headteacher asking him or her to submit any observations they wish to make. They may also ask any other relevant parties to the grievance for their observations if appropriate.

2.14 The clerk to the governing body will arrange a meeting of an appropriate committee of the governing body as quickly as possible, and within ten working days of the receipt of the appeal. The employee should be given reasonable notice of the date, time and venue of the meeting. Refusal of any party to attend will not invalidate the proceedings.

2.15 All relevant documents shall be submitted to the parties concerned and members of the appropriate committee for the purpose of hearing the appeal. Documents should be submitted within five working days of the receipt of the notification of appeal and should include as a minimum a clear statement of the grounds for appeal. The parties concerned, if they so wish, may make additional submissions, and should be present at the hearing, or may be required to attend and may be accompanied by a representative or a friend. There will be an opportunity for the employee, or the employee's representative, to comment on any new evidence arising during the appeal before any decision is taken.

2.16 The following procedure will apply at the hearing:

- establish the facts
- provide the appellant with the opportunity to make representations regarding the reasons for their appeal

- enable the respondent to the case to provide a response either in person or from any written statements submitted
 - Before the committee consider their decision both parties should withdraw.
 - make a final decision on the case after considering the evidence given
 - decide whether any further action is necessary as a result
- 2.17 The appropriate committee may uphold the head teacher's decision or modify the action the head teacher proposed to take to resolve the grievance. Modifying the action may include overturning the head teacher decision, where this occurs an alternative resolution must be suggested.
- 2.18 The employee will be notified of the decision by the chair of the committee within 2 working days of the meeting. The clerk of the governing body will confirm the decision in writing within 10 working days of the meeting. The decision of the committee of the governing body is final. The chair of the committee will notify the head teacher of the committee's decision.
- 2.19 Any variations to the timescales in this procedure must be mutually agreed by all parties.

3. GRIEVANCE AGAINST THE HEAD

Informal Procedures

- 3.1 Where the employee's grievance is with the headteacher and he/she wishes to pursue that grievance, he/she will first endeavour to resolve the matter by a direct approach to the Head. If the employee is unable to approach the Headteacher directly a representative may make the approach on behalf of the employee, after which the employee should endeavour to resolve the matter.
- 3.2 Where an employee requests a personal interview with the Head, it will be granted within five working days of the request being made unless this is impossible due to sickness or other unavoidable reason. This timescale can be varied by agreement between the parties.

Formal Procedures

Step One– Statement of Grievance

- 3.3 Where the employee's grievance is with the headteacher and has not been resolved by informal action, the employee concerned or a representative of that employee should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1, to the Chair of Governors. The employee concerned should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1. A copy should be provided to the headteacher, this may be sent directly by the person raising the grievance by his/her representative or by the person in receipt of the grievance. The person in receipt of the grievance should ensure that this requirement is carried out.
- 3.4 The Chair of Governors must notify the Corporate Director, Children and Young People's Services.
- 3.5 An employee in this position is advised to seek the advice of her/his professional association prior to such a request.

Step Two– Meeting

- 3.6 On receipt of a written notice the chair of governors will invite the employee(s) to a meeting as soon as possible and normally within 10 working days. The employee will have the right to be accompanied by a Trade Union representative or colleague. If the employee's representative cannot attend on the proposed date, the employee can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date. The Corporate Director or her representative should also be invited to the meeting.
- 3.7 As soon as possible and, in any event, within ten working days of the meeting, the Chair of Governors will give the employee(s) a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected.

- 3.8 Where a more detailed response is necessary or further investigation required the Chair of Governors may appoint an investigation officer to look in the grievance. At the conclusion of the investigation a formal written report may be produced. An investigation officer would normally be an LA Officer. At the conclusion of the investigation the Investigating Officer will produce a report as quickly as possible and submit it to the Chair of Governors.
- 3.9 A copy must be supplied to the employee, the head teacher against whom the employee has made the complaint, and to the Corporate Director, Children and Young People's Services. The Chair of Governors will discuss the findings of the investigation with the two parties and their representatives, with a view to resolving the matter. The Investigating Officer can be present to support the Chair of Governors.
- 3.10 If the employee(s) is dissatisfied following this meeting or does not receive a response within the appropriate timescales they can move to the appeal stage.

Step Three– Appeal

- 3.11 There will be right of appeal on the part of any employee who raises a grievance formally, which must be made within ten working days of written notification the Chair of Governor's decision. If the employee wishes to appeal they should notify the clerk of the governing body of the intention to appeal. Although not part of the statutory procedure it is helpful to the process if a written statement of the grievance outlining the reasons why they are dissatisfied with the Chair of Governors response. When necessary the Clerk should seek advice from an LA Officer regarding the appropriate committee.
- 3.12 The clerk to the governing body will advise the employee of the procedure for the appeal hearing, reminding the employee of the employee's rights at the hearing, including the right to be accompanied by a representative or a friend, and the action which the governing body may take.
- The clerk to the governing body will send a copy of the letter of appeal to the Chair of Governors asking him or her to submit any observations they wish to make. They may also ask any other relevant parties to the grievance for their observations if appropriate.
- 3.13 The clerk to the governing body will arrange a meeting of an appropriate committee of the governing body as quickly as possible, and within ten working days of the receipt of the appeal. The employee should be given reasonable notice of the date, time and venue of the meeting. Refusal of any party to attend will not invalidate the proceedings.
- 3.14 All relevant documents shall be submitted to the parties concerned and members of the appropriate committee for the purpose of hearing the appeal. Documents should be submitted within five working days of the receipt of the notice of appeal and should include as a minimum a clear statement of the grounds for appeal. The parties concerned, if they so wish, may make additional submissions, and should be present at the hearing, or may be required to attend. The Head teacher and aggrieved employee may be accompanied by a representative or a friend. There will be an opportunity for the employee, or the employee's representative, to comment on any new evidence arising during the appeal before any decision is taken.

- 3.15 The procedure to be applied at the hearing will be as set out at paragraph 2.16.
- 3.13 The appropriate committee may uphold the Chair of Governors decision or modify the action the Chair of Governors proposed to take to resolve the grievance. Modifying the action may include overturning the Chair of Governors decision, where this occurs an alternative resolution must be suggested.
- 3.14 The employee will be notified of the decision by the chair of the committee within 2 working days of the meeting. The clerk of the governing body will confirm the decision in writing within 10 working days. The decision of the committee of the governing body is final. The chair of the committee will notify the chair of governors and the head teacher of the committee's decision.

4. STAFF INCLUDING THE HEAD: GRIEVANCE AGAINST THE GOVERNING BODY

Informal Procedures

- 4.1 Where an employee or the Head has a grievance with the Chair of Governors a governor or whole governing body which does not involve any other employee at the school and wishes to pursue that grievance, he/she will first endeavour to resolve the matter by a direct approach to the governor(s). Such an approach should be made via the Clerk to the Governing Body.
- 4.2 Where the employee requests a personal interview with the Governor(s), it will be granted as soon as possible following the request and, wherever possible, within 20 working days of receiving the request.
- 4.3 An employee or Head in this position is advised to seek the advice of their professional association prior to such an approach.

Formal Procedures

Step One– Statement of Grievance

- 4.4 Where the matter remains unresolved, the employee/headteacher concerned or representative of that employee/headteacher should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1 to the Corporate Director Children and Young People's Services . A copy should be provided to the Governor(S) against whom the grievance lies, this may be sent directly by the person raising the grievance by his/her representative or on receipt of the grievance by the Corporate Director Children and Young People's Services. The Corporate Director Children and Young People's Services should ensure that this requirement is carried out.
- 4.5 An employee in this position is advised to seek the advice of her/his professional association prior to such a submission.

Step Two– Meeting

- 4.6 On receipt of a written grievance the Corporate Director will appoint a Senior member of her staff to deal with the grievance, that officer will invite the employee to a meeting as soon as possible. The employee will have the right to be accompanied by a trade unions representative or colleague. If the employee's representative cannot attend on the proposed date, the employee can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date.
- 4.7 As soon as possible and, in any event, within ten working days of the meeting, the LA Officer will give the employee(s), head teacher, chair of governors/governing body a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected.
- 4.8 The final written response at this first stage should include:-
- a summary of the grievance;
 - appropriate details of the investigation;
 - the decision on the matters raised;
 - the reasons for the decision;
 - if the grievance has been upheld, wholly or in part, what necessary steps will be taken;
 - what further steps are available to the employee, within this procedure, if they remain aggrieved.
- 4.9 If the employee is dissatisfied with the outcome of the Corporate Director, Children and Young People's Services' investigation of the grievance she/he may request a hearing before a committee of three elected Council members constituted for the purpose.

Step Three– Appeal

- 4.10 The Committee shall comprise three members, one of whom one shall chair the panel. The procedure shall be as set out at paragraph 2.16 except that any note of the hearing will be made under arrangements agreed by the panel. The member of the Corporate Director of Children and Young People's Services' staff who conducted the investigation will prepare a written report for the consideration of the panel and the employee and the governing body should prepare written statements of their views incorporating a clear statement of the nature of the grievance and the reasons for being dissatisfied with the results of the investigation by the Corporate Director, Children and Young People's Services.

5. STAFF INCLUDING THE HEAD: GRIEVANCE AGAINST THE LA

Informal Procedures

- 5.1 Where an employee or the Head has a grievance with the local authority which does not involve any other employee at the school and wishes to pursue that grievance, he/she will first endeavour to resolve the matter by a direct approach to the appropriate officer of the authority.
- 5.2 Where an employee requests a personal interview with any such officer, it will be granted within five working days of the request being made unless this is impossible due to sickness or other unavoidable absence. This timescale can be varied by agreement between the parties.
- 5.3 An employee or Head in this position is advised to seek the advice of their professional association prior to such an approach.

Formal Procedures

Step One of– Statement of Grievance

- 5.4 Where the matter remains unresolved, the employee/headteacher concerned or representative of that employee headteacher should submit a formal, written notice of the grievance and the solution being sought using the form supplied at Appendix 1 to the Corporate Director Children and Young People's Services . A copy should be provided to the Governor(S) against whom the grievance lies, this may be sent directly by the person raising the grievance by his/her representative or on receipt of the grievance by the Corporate Director Children and Young People's Services. The Corporate Director Children and Young People's Services should ensure that this requirement is carried out.
- 5.5 An employee in this position is advised to seek the advice of her/his professional association prior to such a submission.

Step Two– Meeting

- 5.6 On receipt of a written grievance the Corporate Director will appoint an Assistant Director to deal with the grievance, that Assistant Director will invite the employee to a meeting as soon as possible. The employee will have the right to be accompanied by a trade unions representative or colleague. If the employee's representative cannot attend on the proposed date, the employee can suggest another date, as long as it is reasonable and not more than 5 working days after the original proposed date.
- 5.7 As soon as possible and, in any event, within ten working days of the meeting, the Assistant Director will give the employee(s), head teacher, chair of governors/governing body a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected.
- 5.8 The final written response at this first stage should include:-

- a summary of the grievance;
- appropriate details of the investigation;
- the decision on the matters raised;
- the reasons for the decision;
- if the grievance has been upheld, wholly or in part, what necessary steps will be taken;
- what further steps are available to the employee, within this procedure, if they remain aggrieved.

If the employee is dissatisfied with the resolution proposed by the appointed Assistant Director's investigation, or does not receive a response within the appropriate timescales they can move to the appeal stage. The appeal will be heard by the Corporate Director, Children and Young People's Services. The procedure shall be as set out at paragraph 2.13. If such a request is made the employee shall prepare a written statements of his/her views incorporating a clear statement of the nature of the grievance and the reasons for being dissatisfied with the results of the Assistant Director's investigation. Such a meeting shall normally be convened within 20 working days.

Grievance Register Form

Name: **JobTitle:**

School: **Date:**

Having discussed my grievance with the appropriate persons, I remain aggrieved and now wish to register a formal grievance - the details of which are outlined below (*please include as much information as possible and include extra sheets if necessary*)

Details of grievance:

My preferred outcome for resolving this grievance would be:

Signed:(Employee) Date:
.....