

SCHOOLS GRIEVANCE POLICY AND PROCEDURE

Lead Directorate and Service:	Corporate Resources/Human Resources
Effective Date:	January 2013
Contact Officer/Number	HR Advice Centre/391221
Approved By:	The Cabinet 7.9.10 Full Council 13.10.10

1. Scope

- 1.1 This policy applies to all current employees of the Council including school-based employees where the respective school governing body has adopted the policy. The policy includes Foundation and Voluntary Aided Schools where the Governing Body is the legal employer and has resolved to adopt the policy.

2. Background

- 2.1 The Grievance Policy and Procedure has been developed to meet the requirements under employment legislation and the ACAS Code of Practice on Grievance Procedures.

3. Responsibility

- 3.1 The Director of Corporate Resources and Governing Bodies will be responsible for ensuring that managers deal with grievances in accordance with this policy and procedure.

4. Trade Unions

- 4.1 This document has been collectively agreed with the Councils recognised trade unions.

5. Definition of Grievance

- 5.1 Grievances are concerns, problems or complaints that employees raise with their employer.
- 5.2 Some concerns, problems or complaints may be dealt with more appropriately under other Policies of the Council for example the Personal Harassment Policy or Whistleblowing Policy.
- 5.3 The Grievance Procedure can be used for individual and collective grievances however it should not be used for matters which should more appropriately be raised via the Councils joint consultative committees and arrangements.

6. Policy Statement

- 6.1 Employees have the right to raise a grievance relating to their employment and the East Riding of Yorkshire Council intends to, where possible, deal with grievances informally, but in any event, ensure that grievances are dealt with fairly, consistently, confidentially and without undue delay.
- 6.2 ACAS state that to achieve fairness issues should be raised and dealt with promptly; parties should act consistently; investigations should be carried out to establish the facts; employees should be given an opportunity to put their case and given the right to be accompanied at any formal meetings; employees should be allowed to appeal against any formal decision made.
- 6.3 Failure to deal with a grievance in accordance with this policy and procedure may result in Employment Tribunal proceedings.
- 6.4 This Policy can be used for any matter arising directly out of an employees employment, except where another process exists for that purpose such as:
- issues relating to formal hearing outcomes ie; discipline, capability, attendance/sickness, redundancy, or where the procedure has its own appeal process
 - harassment and discrimination
 - whistle blowing
 - grading appeals
 - performance management
 - issues raised by ex-employees. The Councils' complaints process is available in such circumstances.
 - decisions relating to pensions benefits. The Internal Dispute Resolution Procedure (IRDP) is available for such decisions.

The above list is not exhaustive.

7. Policy Aim

- 7.1 The aim of this policy is to have a clear and transparent Grievance Policy and Procedure which complies with the law and is aimed at reinforcing the Councils open policy for communication and consultation to avoid formal grievances. Where grievances are unavoidable, decisions made within the procedure are fair, consistent and made without undue delay.

8. Strategy

- 8.1 Where grievances can not be resolved informally, the formal resolution of a grievance will be achieved by:
- Ensuring that this policy is widely circulated and publicised;
 - Provision for individuals to assert their statutory right to be accompanied at grievance meetings;
 - Provision of a formal procedure with specified time constraints;
 - Ensuring that at each stage of the procedure, the grievance is considered by the same level or a higher manager not involved in the decision at a previous stage;
 - Provision of an appeals mechanism within the procedure;

- Ensuring that management decisions are made without undue delay and in a non-discriminatory manner;
- Ensuring no employee is placed at a disadvantage for raising a grievance or seeking to act as an accompanying person at a grievance meeting;
- Ensuring the availability of appropriate training and advice for Managers.

9. Monitoring

9.1 The Director of Corporate Resources and the Governing Body in schools will ensure that adherence to the Grievance Procedure is monitored.

10. Review of Policy

10.1 The Council will review this policy in line with its programme of policy reviews.

11. Reference Policies, Guidance and Advice

11.1 Personal Harassment in Employment Policy
Whistle Blowing Policy

SCHOOLS GRIEVANCE PROCEDURE

1. Informal Stage

- 1.1 Wherever possible employees should raise any concerns, problems or complaints with their manager or Headteacher with a view to agreeing a solution informally.
- 1.2 Where an informal resolution can not be achieved or the matter is too serious to raise informally the employee should proceed to the formal stage.

2. Formal Stage

- 2.1 The employee should set out the facts of the grievance in writing (on the form provided at Appendix A) to their manager or Headteacher detailing:

- the basis of the concern, problem or complaint
- any informal attempt(s) at resolution
- what, in the employees opinion, would be a satisfactory remedy.

- 2.2 If the grievance is about the manager or Headteacher it should be raised in writing with the line manager's immediate manager or Chair of Governors (where the grievance involves the Headteacher).

- 2.3 The manager will:

- acknowledge in writing receipt of the facts of the grievance, as outlined in 2.1 above (see Appendix B);
- investigate the issue as appropriate;
- arrange a meeting with the employee to explore the problem and any possible resolutions, notifying the employee of the date and the right to be accompanied by either a work colleague or trade union representative. This will normally be done within 10 school working days of the date of acknowledgement of the grievance;
- normally respond to the employee within 10 school working days of the meeting describing the action which they propose to take and the timescale.

- 2.4 The timing and location of meetings must be reasonable and in general a minimum of 48 hours notice of a meeting will be given. Meetings must allow the employee to explain their case and for further investigation where necessary. Every effort should be made to investigate the grievance in an unbiased, objective way giving due consideration to any underlying factors which may have contributed to the grievance. The employee's representative can address the meeting to put and sum up the employee's case, however does not have the right to answer questions on the employees behalf. The employee must make every effort to attend the meeting. If the work colleague or trade union representative can not attend on the proposed date, the employee can suggest an alternative date and time so long as it is usually reasonable and it is not more than five working days after the original date. Human Resources may be in attendance at formal and appeal meetings.

- 2.5 If no response is received at the formal stage the employee can raise the matter by writing to the line managers' immediate manager, or Headteacher/Chair of Governors, as appropriate, enclosing a copy of the original form.

3. Appeal Stage

- 3.1 If action taken at the formal stage does not resolve the problem the employee can submit an appeal, in writing, within 10 school working days of receipt of a written reply from the person who dealt with the formal stage detailing:
- the basis of the concern, problem or complaint
 - why the employee is dissatisfied with the response provided during the formal stage
 - what in the employees opinion would be a satisfactory remedy.
- 3.2 The person or Governing Body dealing with the appeal will convene a meeting and reply to the employee as set out in the formal stage at paragraph 2.3 and 2.4 above. Prior to the meeting the person dealing with the appeal must ensure that they understand the grievance, including the basis of the appeal, and have copies of any documentation relating to the grievance and the response given to the employee at the formal stage. At the appeal meeting the person or Governing Body dealing with the appeal will explore with the employee why s/he is still dissatisfied and what remedy is being sought. A decision will then be made to either uphold or not uphold (in full or part) the decision at the formal stage. The decision will be communicated in writing within the timescales set out in paragraph 2.3 above.
- 3.3 The reply as a result of the conclusion of the appeal stage of the procedure will be the final response by the School/Council.

4. Other Considerations

- 4.1 Grievances will be treated confidentially and records will be kept no longer than necessary in accordance with the Data Protection Act 1998.
- 4.2 A grievance raised by an employee subject to the disciplinary, capability, attendance at work or redundancy policies must be raised with the line manager in the normal way (see paragraph 2.1). This procedure can not be used for issues relating to formal hearing outcomes ie; discipline, capability, attendance/sickness, redundancy, or where the procedure has its own appeal process. A grievance unrelated to another process being followed will normally be dealt with in parallel to the other process.
- 4.3 Employees who abuse the grievance policy and procedure by making numerous claims or claims deemed to be vexatious and or in bad faith may be dealt with under the Schools Disciplinary Policy and Procedure.
- 4.4 Formal grievances submitted not using this procedure and the Grievance Form will not be dealt with under this procedure. It is vital that as much information as possible is included to enable the grievance to be dealt with.
- 4.5 Collective grievances most appropriately dealt with under this procedure will be raised in writing and signed by all parties, with a maximum of three representatives of the group (ideally one of whom will be the spokesperson) elected to attend the formal meeting. The right to be accompanied will apply. The procedure outlined above will be followed.
- 4.6 A persistent refusal to deal with a grievance without good cause or where a grievance is not dealt with in accordance with this procedure the Governing Body may be the respondent in unfair dismissal proceedings at an Employment Tribunal.

**EAST RIDING OF YORKSHIRE COUNCIL
GRIEVANCE FORM- FORMAL STAGE 1**

NAME OF EMPLOYEE:

TEL NO:

JOB TITLE:.....

NAME OF MANAGER:.....

WHAT IS YOUR GRIEVANCE?
(Describe the basis of the concern, problem or complaint)

(Continue on a separate sheet if necessary)

DESCRIBE YOUR INFORMAL ATTEMPT(S) AT RESOLVING YOUR GRIEVANCE.
(Who has considered it? What was the result?) If not raised informally, explain why not.

DESCRIBE WHAT, IN YOUR VIEW, WOULD RESOLVE YOUR GRIEVANCE TO YOUR SATISFACTION

Signed:

Date:

Dear

Grievance

I acknowledge receipt of your written grievance form.

*In accordance with the Councils Grievance Policy and Procedure your grievance will be investigated and I will contact you again shortly to arrange a meeting to discuss the grievance.

*However, before I arrange a meeting I would like you to provide me with some further information as follows:

*In accordance with the Councils Grievance Policy and Procedure your grievance will be investigated. In order to explore your grievance and any possible resolutions I would like you to attend a meeting with me at x time, x date in x place.

*The meeting will be chaired by myself and you have the right to be accompanied by either a work colleague or trade union representative at the meeting. There may also be a minute taker in attendance. Please note the meeting will be digitally recorded to ensure accuracy and transparency.

*Please confirm your attendance at the meeting by x date by telephoning/e-mailing x.

I attach a copy of the Grievance Policy and Procedure for your information.

Yours sincerely

Manager

*Use or delete as appropriate.

Grievance Procedure Flow Chart (Schools)

