

# Elmsett C. of E. V.C.P. School Grievance Policy

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Adopted by the Governing Body at the full committee meeting held on

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Signed: .....

Terry Smyth, Chair of Governors

# Elmsett C. of E. V.C.P. School

## Grievance Policy

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## Document Control

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# Contents:

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1. Introduction .....	4
2. Scope.....	4
3. Confidentiality.....	4
4. Exclusions.....	4
5. Roles and Responsibilities .....	5
6. Informal stage .....	6
7. Formal grievance process .....	6
7.1 Investigation .....	6
7.2 Hearing.....	6
7.3 Appeal.....	7
8. Collective grievances .....	7

## **1. Introduction**

Grievances are concerns, problems or complaints that employees raise with their employers. These may be about any aspect of their work, treatment that they have received, or relationships with colleagues. This policy is also used when dealing with complaints of bullying and/or harassment. The purpose of this policy is to ensure that complaints are dealt with swiftly, fairly and consistently.

## **2. Scope**

This policy applies to all teaching and support staff at Elmsett Primary School (including those seconded to other schools or organisations) in which the governing body has adopted them for use.

This policy specifies where there are differences from schools based staff, for example, in relation to the decisions and the route for any subsequent appeal against the decision. The schools concerned are those Community and Controlled schools which have delegated budgets under S.45 of the School Standards and Framework Act 1998, or successor legislation. The Education (Modification of Enactments relating to Employment) Order 1999 provides for the governing bodies of schools concerned to be deemed the employer for the purpose of this policy.

Academies and Free Schools, which are not maintained by the local authority, may choose to adopt this policy, with appropriate modification to reflect their employment status.

An employee working within a school but employed on another organisation's terms and conditions of employment should have any grievance managed under their own organisation's appropriate policy/procedure.

## **3. Confidentiality**

All grievance proceedings, including details of any investigation and statements relating to it, are confidential to the parties concerned, with the exception of official bodies which have a right to require disclosure of information. The delegated committee of the Governing Body will be notified of the outcome of any formal process, once it has concluded. Any breach of confidentiality may also be considered under the disciplinary policy.

## **4. Exclusions**

This policy does not apply to complaints of professional malpractice, wrong doing or criminal activity: such complaints should be raised immediately via the Whistleblowing Policy. Similarly, this policy will not be used to raise complaints where any other policy (such as the disciplinary policy) applies.

Pay and Grading Appeals will be considered under the specific arrangements in place for that purpose.

The grievance policy will not be used to deal with complaints made after employment has ended, for any reason. However, if a grievance has been raised and not concluded before an employee leaves, he or she will be invited to continue with the grievance process.

## **5. Roles and Responsibilities**

Any complaint raised under this policy should be made in good faith. Any complaint found to have been made for malicious, false or similar reasons may give cause for disciplinary action. All employees are expected to co-operate in the implementation of this policy and the accompanying Harassment and Bullying Policy (where applicable) both of which are intended to secure fair and reasonable treatment and equality of opportunity for all employees.

Whether raised at the informal or formal stages of this process (see below) it is important that the employee approaches the right person with his/her grievance.

Within a school, the following applies:

If the complaint is an informal one and involves other employee(s) the employee may make a direct approach to the individual(s) concerned.

Otherwise, he/she should directly approach his/her line manager, or the Head Teacher (who may wish subsequently to delegate this matter to a senior member of staff, as appropriate) in order to explore resolution of the matter.

Where the grievance is about the Head Teacher, or the Governing Body, it should be referred to the Chair of Governors.

Where the Head Teacher has an informal grievance of his/her own, this should be referred to the Chair of Governors in the same way.

The same principles apply within the formal stages (see below) of this procedure, with the grievance being submitted to the Head Teacher or Chair of Governors as appropriate. The grievance would then be heard by the Head Teacher, or by the Hearings Committee of the Governing Body, accordingly. Where an employee reaches the appeal stage, he/she would lodge the appeal with the person, or the Chair of the Committee, who heard the first formal stage. The Governors' Appeal Committee will then be convened to hear the appeal. For Head Teachers' grievances, the formal grievance hearing will be carried out by the Governors' Hearings Committee and any subsequent appeal by the Governors' Appeal Committee.

In exceptional circumstances, e.g. where the grievance is against the Governing Body and it is not possible for the Head Teacher or the governors to address the grievance, with the agreement of all the parties the grievance may be referred to the Director for Children and Young People (or his/her nominated representative). A meeting of the respective parties will be called, usually in accordance with the timescales set out in this policy.

In Voluntary Aided Schools an appropriate officer of the Diocesan Authority may be able to assist particularly if a complaint is against the Chair of Governors. However the complaint must ultimately be dealt with by the Governing Body, using the principles in this policy.

For "unattached" teachers employed directly by the Local Authority, a grievance would be raised with the immediate manager. In the case of the grievance being about this person it would be raised with the manager's manager. Hearings will be conducted by officers of the Local Authority, with any appeal being heard by a different (usually more senior) officer.

## **6. Informal stage**

Many grievances can be resolved informally and quickly, and there is an expectation that employees will seek to do this, without unreasonable delay, before formal steps are considered. The relevant person (see paragraph 5 above) receiving the complaint will try to resolve it informally with the party or parties concerned wherever possible. Where there is a dispute between employees, it may be appropriate to involve a trained mediator in these circumstances, with the various parties' agreement.

## **7. Formal grievance process**

If a complaint has not been satisfactorily resolved via informal measures then the employee raising it should set the complaint down in writing, without unreasonable delay, and state what steps have already been taken to resolve the grievance, and what he/she believes to be the solution to it. This complaint should be given, together with any supporting documentation, to relevant person as set out in section 5 above.

### **7.1 Investigation**

In some cases it may be necessary to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by the relevant person or someone else appointed by the relevant person.

The employee must co-operate fully and promptly in any investigation. This may include disclosing the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

The investigation may be instigated before holding a grievance hearing where this is considered appropriate. In other cases the grievance hearing may be held before deciding what investigation (if any) to carry out. In such cases a further grievance hearing will be held with the employee after the investigation and before any decision is reached.

### **7.2 Hearing**

The relevant person will arrange a hearing, usually within two working weeks of the employee's written grievance being received although this may depend on what if any investigations are being carried out.

The hearing will be conducted in a manner which allows the employee to explain the grievance and how it might be resolved.

At the formal hearing the employee is entitled to be accompanied by a trade union representative or a workplace colleague. The person accompanying will be allowed to address the hearing, to help state the employee's case. This person does not have the right to answer questions on the employee's behalf.

A decision may be given at the end of the hearing, but in any case will be set out in a written response to the employee within two working weeks. This response may also contain what action is intended to resolve the grievance, if any part of it is upheld.

In some cases it may be necessary to adjourn the process to allow for further investigation to take place in order to allow a thorough consideration of the grievance, and to make

recommendations for action. If so, the employee will be kept informed regarding the process and a further grievance hearing will be held following the further investigations.

### **7.3 Appeal**

If the employee feels that his/her grievance has not been satisfactorily resolved, then he/she may appeal against the findings. A written notice of appeal should be submitted, stating the grounds for the appeal. An appeal hearing will be arranged, usually to take place within two working weeks.

New evidence is admissible for an appeal, providing that it is submitted at least a week before the hearing. The hearing will usually take the same format as the formal grievance hearing at 7.2 above. The employee has the same right to be accompanied.

A written response will be issued to the employee within two weeks of the date of the hearing, unless further investigation or similar is required. The decision made at the appeal is final. The employee will not be able to raise another grievance about the same matter.

## **8. Collective grievances**

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so, whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way it cannot then be raised by the same employees individually. A collective grievance procedure will follow the same timescales and process as one raised individually.