

NORHAM
ST. CEOLWULF'S
C OF E SCHOOL



Norham St Ceolwulf's

C of E First School

Staff Grievance Policy

2017-18

Date	November 2017
Date to be Reviewed	November 2018
Head teacher	Mrs M O'Donnell
Signed:	
Chair of Governors	Mr D Watkin
Signed:	

PROCEDURE FOR RESOLVING GRIEVANCES

Introduction

1. Grievances are concerns, problems or complaints that employees raise with their employer.
2. This Grievance Procedure is a means of allowing employees to raise issues with management about their work, working conditions or relationships with colleagues that they wish to be addressed and if possible, resolved. It is impossible to provide a comprehensive list of all the issues that may give rise to a grievance but some of the more common include terms and conditions of employment, health and safety, relationships at work, bullying and harassment, new working practices, working conditions, organisational change and discrimination.
3. Grievances raised by employees may be of a relatively simple nature or of fundamental importance significantly affecting the employee's ability to work effectively.
4. Unresolved grievances are likely to detract from the achievement and maintenance of satisfactory work standards. All grievances should be examined carefully and dealt with as quickly as possible. Long delays can make the situation worse and may give employees the impression that their managers are reluctant to deal with their complaints.
5. This procedure applies to all employees of Northumberland County Council with the exception of employees who are employed under the JNC terms and conditions for Chief Executives, and employees who are employed under the Scheme of Conditions of Service of the National Joint Council for Local Authorities' Fire Brigades or employees who are the responsibility of school governing bodies.
6. This procedure has been written in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures, issued April 2009.

Principles

7. Employees should aim to settle most grievances informally with their line manager, through informal discussion without the need to invoke the grievance procedure.
8. This procedure cannot be used where separate specific procedures exist for "grievances" to be dealt with, e.g. appeals against the issue of disciplinary warnings and dismissals, redundancy, grades, or requests for flexible working. Grievances regarding ongoing redundancy, capability, disciplinary, sickness or disability proceedings will be dealt with through the stages in those procedures.
9. Some grievances will be of a sensitive or controversial nature and a balance must be struck between the need to preserve confidentiality and the need for informed discussion on the issues raised.
10. This procedure is designed to address genuine grievances. Issues raised purely out of malice or without reasonable belief may constitute a disciplinary offence.
11. The County Council will not engage in a process, which results in favouring one set of beliefs over another. The procedure aims to protect all employees and is not a charter to advance personal crusades or ideology.

12. Where a grievance relates to another employee, it is essential that all parties are supported during any investigatory process. In this vein it is important that issues are investigated quickly and grievances are resolved as soon as possible.
13. Should the employee who raised the grievance subsequently go off sick the employee's Trade Union or other representative will be used to facilitate an investigation.
14. The complainant and, where appropriate, the person(s) complained against are entitled to be accompanied by a trade union or by a work colleague at any stage of the procedure. It will be for the individuals involved to judge whether support at any particular stage should be active or rather more low-key.

Discrimination complaints

15. Any complaints by employees of discriminatory bias or prejudice in employment matters on grounds of sex, race, disability or other personal factors or of sexual, racial or personal harassment should be pursued through this procedure.
16. The complaint of discrimination or harassment should normally be taken up with the immediate manager although, in some circumstances, it is accepted that this may not be appropriate. With this in mind, the County Council has set up an informal network of trained Listening Officers. It is not intended that these Listening Officers should attempt to resolve the complaint or take definite remedial action, but rather they would act as a first point of contact and be able to give information and support to staff as the complaint is processed.
17. When a manager receives a complaint of this nature, they must inform their Head of Service immediately who will ensure that the Head of Corporate Services is informed without delay. The relevant manager in consultation with the Head of Corporate Services will make arrangements for the complaint to be investigated and heard by an appropriate person. An appropriate person would normally be an individual that has an understanding of the wider legal and/or social issues which relate to the protected characteristic referred to in the grievance. For example where there is a complaint of sexual harassment towards a female employee every effort will be made to have the complaint investigated by a female manager with an understanding of what constitutes sexual harassment in an employment setting.

Time limits

18. Time limits for employee action and management response are included within the procedure. These are felt necessary in order to reinforce the need to deal with grievances as quickly as possible so that the employee is able to return to full concentration on work duties.
19. The time limits specified for management to give their decision are a guide, as some grievances will take longer to be dealt with in sufficient depth.
20. In the event of no management response, the employee may proceed to the next stage of the procedure. In the event of no employee response, the grievance will be deemed to have been satisfactorily resolved.

Grievance Meetings

21. Grievances are usually best resolved through direct dialogue between the employee and the relevant manager. At each stage of the procedure the employee is entitled to a personal meeting with the manager dealing with the grievance. Before this meeting takes place, it would be prudent for the manager concerned to have discussed the case with an appropriate officer from HR, and for the complainant to have discussed the case with his or her representative (if any).
22. Grievance meetings should be held in private.
23. The manager may invite someone to attend the meeting to take a record of what is discussed.
24. Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions
25. Managers should carry out any necessary investigations to establish the facts surrounding the complaint

Records

26. At all stages, records detailing the nature of the grievance raised and the actions taken to try to resolve the grievance should be maintained.

Records should include:

- Details of grievance meetings
 - The nature of the grievance
 - What was decided and actions taken
 - The reason for the actions
 - Whether an appeal was lodged
 - The outcome of the appeal
 - Any subsequent developments
27. Records should be treated as confidential and should be kept in accordance with the Data Protection Act
 28. Copies of meeting records may be given to the employee including copies of any formal minutes that may have been taken in relation to their complaint. In certain circumstances (for example to protect a witness) the County Council may withhold some information.

Mediation

29. In exceptional circumstances the manager may decide that it is appropriate to appoint a mediator to help resolve the grievance. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. The role of the mediator is not to make decisions or judgements in relation to the grievance but to facilitate the procedure to enable those involved to reach an acceptable outcome.

30. Mediation is not necessary or appropriate in the vast majority of grievance cases and should not be used as a means of absolving managers from taking responsibility for a grievance. A mediator may only be appointed with the authorisation of the Head of Transformation. The cost of a mediator will be met by the service where the complainant is employed.

PROCEDURE

31. Most routine complaints and grievances are best resolved informally in discussion with the employee's immediate line manager. Dealing with grievances in this way can lead to the speedy resolution of problems. Both managers and employee should keep a record of any informal meetings that take place. Where the grievance cannot be resolved informally, it should be dealt with under the following procedure.
32. If more than one grievance is submitted on the same or similar grounds, the Head of Corporate Services may, at his/her absolute discretion, decide that there will be a group hearing. A representative group of employees will be selected to meet with an appropriate manager appointed by the Head of Corporate Services at stage 1 and, if then necessary, the same group at stage 2 of the procedure. In these cases there will be no right to an individual grievance hearing. The Head of Corporate Services may delegate this responsibility to another appropriate person.

STAGE 1

33. In the first instance, the employee should raise the grievance, in writing, with his or her immediate manager. The letter should state that the matter is being raised under the formal grievance procedure and include the precise nature of the grievance and any supporting evidence. The employee should also indicate how they envisage their complaint can be resolved. Although there is no guarantee that the matter will be resolved in the way they suggest, this does at least give managers an indication of the aggrieved employee's desired outcome.
34. The manager should then meet with the employee without delay, ideally within 5 working days of receiving the letter, to discuss the grievance. The manager, the employee and their representative should take all reasonable steps to attend the meeting. The purpose of this meeting is to discuss the grievance and clarify the facts.
35. Following the meeting the manager should carry out any necessary investigations in order for them to reach a decision. The manager's decision should be communicated to the employee in writing, without unreasonable delay and ideally within 10 working days of the Stage 1 meeting. The employee must be notified of their right to progress to Stage 2 of this procedure if they are not satisfied with the response.
36. At any point within Stage 1, a more senior manager nominated by the Head of Service concerned may deal with the grievance.
37. Where the immediate manager is the subject of the grievance then the matter should be raised with the next level of management. If the grievance relates to another employee it may be appropriate for the manager to make arrangements for the employees and other interested parties to meet to discuss the matter. Such situations need careful handling and the manager should act as a "broker" for the meeting, allowing both parties the opportunity to state their case with a view to reaching a mutually satisfactory resolution of the problem.

38. If the employee is satisfied with the response they should advise the manager accordingly.

STAGE 2

39. If the aggrieved employee feels the matter remains unresolved they may request that their grievance be considered by a Head of Service under Stage 2 of the procedure. This should be in writing to the Head of Corporate Services within 15 working days of receiving the Stage 1 decision. The Head of Corporate Services should nominate a Head of Service as soon as reasonably practicable. The employee will be notified in writing of the arrangements and of the procedure. The grievance must be substantially the same as that raised under Stage 1, new issues cannot be introduced at Stage 2. The manager who dealt with the case at Stage 1 should provide details of their investigation and the conclusion reached at that stage. Where appropriate, as at Stage 1, a joint meeting should be considered between the parties in order to try to resolve the problem.

40. This is the last stage within which the grievance can be considered by the County Council, which means that the decision of the Head of Service will be final so far as the County Council is concerned. However, where either the employee or the County Council feels that an important issue of principle has arisen, which could be considered through other appropriate machinery, then either party may attempt to have the matter resolved through that machinery.

41. The Head of Service will inform the employee of the decision and that the decision is final.

Note:

- Heads of Service, including the Head of Corporate Services, may delegate their role under the procedure to another appropriate person, except at Stage 2 where a Head of Service will hear the case.
- Where a Head of Service or Director is the aggrieved employee it will normally be appropriate for the relevant Director or the Chief Executive (in consultation with his or her professional association if so desired) to approach the Head of Corporate Services to seek advice and assistance.
- If the grievance is about an Elected Member or Members, with a committee or with the County Council collectively, it will be the responsibility of the Head of Corporate to endeavour to find a solution to the grievance using any appropriate machinery.
- There are numerous possible responses to a grievance, including the initiation of other processes or procedures e.g. an investigation under the capability and disciplinary procedures leading to a disciplinary sanction.