

Grievance Procedure

Stroud High School

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1 Procedure Statement

- 1.1 It is Stroud High School's (the 'School') policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where an employee makes the School aware that they have a complaint, the School will hold a meeting to discuss it with the employee, carry out any necessary investigation where required, inform the employee in writing of the outcome, and give the employee a right of appeal if they are not satisfied.
- 1.2 Issues that may cause grievances include:
 - 1.2.1 terms and conditions of employment
 - 1.2.2 health and safety
 - 1.2.3 work relations
 - 1.2.4 new working practices
 - 1.2.5 working environment
 - 1.2.6 organisational change
 - 1.2.7 discrimination
- 1.3 This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The School may also vary application of this procedure, including any time scales for action, as appropriate.
- 1.4 The procedure has been implemented following consultation with staff and a recognised trade union and has been formally adopted by the Trust Board.

2 Who is Covered by the Procedure?

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3 Using this Procedure

- 3.1 Employees should raise matters promptly and without unreasonable delay. Matters that occurred over three months ago may not be considered. The School will deal with matters in the same way.
- 3.2 Complaints that may amount to an allegation of misconduct on the part of another employee will be investigated in accordance with this procedure and may be referred to

and dealt with under the Disciplinary Procedure if appropriate, and the employee will be informed if this is the case.

- 3.3 This Grievance Procedure should not be used to complain about pay or performance management, dismissal or disciplinary action or the outcomes of other procedures where there will be relevant appeal procedures in place. If an employee is dissatisfied with any disciplinary action, they should submit an appeal under the Disciplinary Procedure.
- 3.4 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 3.5 The School has a separate Anti-Bullying Policy that may be useful if an employee believes they have been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people.
- 3.6 The School operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where the employee feels they have been victimised for an act of whistleblowing, they may raise the matter under this Grievance Procedure.
- 3.7 Collective grievances can be made where there are two or more employees with the same grievance. However, issues that are the subject of collective negotiation or consultation with the trade union will not be considered under this procedure and should be addressed through the appropriate joint collective negotiation and consultation arrangements.
- 3.8 This procedure should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 3.9 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the grievance. This is an informal process which involves the appointment of a third-party mediator, who will discuss the issues raised by an employee's grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

4 Confidentiality and Data Protection

- 4.1 It is the aim of the School to deal with grievance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with grievance matters as confidential.
- 4.2 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings conducted under this procedure.

- 4.3 During any action, including any decisions taken under this procedure, the School will collect, process and store personal data in accordance with its Data Protection Policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the grievance procedure. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time.

5 Low Level Concerns

- 5.1 All staff are encouraged to report complaints that amount to low level concerns. Low level concerns are defined as any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult working in or on behalf of the School may have acted in a way that:
- 5.1.1 is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
 - 5.1.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).
- 5.2 Examples of such behaviour could include, but is not limited to:
- 5.2.1 being over friendly with children
 - 5.2.2 having favourites
 - 5.2.3 taking photographs of children on their mobile phone
 - 5.2.4 engaging with a child on a one-to-one basis in a secluded area or behind a closed door
 - 5.2.5 humiliating children
- 5.3 Low level concerns should be reported to the Headteacher, or the Co-Chairs of Trustees if the concern is regarding the Headteacher.

6 Raising Grievances Informally – Step 1

- 6.1 The School believes that most grievances can be resolved quickly and informally through open communication and discussion with the employee’s line manager or the Headteacher. The School always aims to resolve an employee’s grievance informally where possible and employees are encouraged to seek informal resolution. If an employee feels unable to speak to their manager, for example, because the complaint concerns them,

then the employee should speak informally to the Headteacher or a more senior manager. If this does not resolve the issue, the employee should follow the formal procedure below.

- 6.2 Whilst the School encourages the informal resolution of complaints, it recognises that this is not always possible or appropriate. In such a situation, the School will consider matters that are raised and may, depending on the severity and in discussion with the employee, deal with the matter formally at Step 2 (below).

7 Formal Written Grievances – Step 2

- 7.1 If the employee's grievance cannot be resolved informally, the employee should put it in writing and submit it to the Headteacher indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Headteacher, it should be submitted to the Co-Chairs of Trustees.
- 7.2 The written grievance should contain a brief description of the nature of the employee's complaint, including any relevant facts, dates, and names of individuals involved. In some situations the School may need to ask the employee to provide further information. The employee should also state what their desired outcome would be to resolve the situation. The employee should note that where their grievance relates to another employee, in order for them to provide a response they will be given a copy of the grievance.

8 Investigations

- 8.1 In some cases it may be necessary for the School to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the complaint 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 will usually be carried out by the Headteacher or someone else appointed by the Headteacher. In the case of an investigation into a complaint against a Headteacher, the Co-Chairs of Trustees will determine who will carry out the investigation.
- 8.2 The employee must co-operate fully and promptly in any investigation. This may include informing the School of the names of any relevant witnesses, disclosing any relevant documents to the School and attending interviews, as part of the investigation.
- 8.3 The School may initiate an investigation before holding a grievance meeting where the School considers this appropriate. In other cases the School may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases the School will hold a further grievance meeting with the employee after the investigation and before a decision is reached.

9 Right to be Accompanied

- 9.1 The employee may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the person holding the grievance meeting who their chosen companion is, in good time before the meeting.
- 9.2 Should the employee choose to bring a companion to the hearing, they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the meeting.
- 9.3 At the meeting, the employee's companion may make representations to the School and ask questions, but should not answer questions on the employee's behalf. The employee may request an adjournment to speak to their companion privately at any time during the meeting.
- 9.4 Acting as a companion is voluntary and the employee's colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 9.5 If the employee's chosen companion is unavailable at the time a meeting is scheduled, the employee may propose an alternative time for the meeting to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, the School will postpone the meeting. If the employee's chosen companion will not be available for more than five working days afterwards, the School may ask the employee to choose someone else.
- 9.6 The School may, at its discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of their family) as a reasonable adjustment if they have a disability, or if they have difficulty understanding English.

10 Grievance Meeting

- 10.1 The School will arrange a grievance meeting, normally within five working days of receiving the written grievance.
- 10.2 The employee and their companion (if any) should make every effort to attend the grievance meeting. If the employee or their companion cannot attend at the time specified, the employee should inform the School immediately and the School will try, within reason, to agree an alternative time.
- 10.3 The purpose of a grievance meeting is to enable the employee to explain their grievance and how they think it should be resolved, and to assist the School to reach a decision based on the available evidence and the representations made. Everyone involved in the process is entitled to be treated calmly and with respect. The School will not tolerate

abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

- 10.4 After an initial grievance meeting the School may carry out further investigations and hold further grievance meetings as it considers appropriate. Such meetings will be arranged without unreasonable delay.
- 10.5 The School will write to the employee, usually within five working days of the final grievance meeting, to inform them of the outcome of their grievance and any further action that the School intends to take to resolve the grievance. The School will also remind the employee of their right of appeal. Where appropriate the School may hold a meeting to give the employee this information in person.

11 Appeals – Step 3

- 11.1 If the grievance has not been resolved to the employee's satisfaction, the employee may appeal in writing to the Headteacher stating their full grounds of appeal, within five working days of the date on which the decision was sent or given to the employee.
- 11.2 The School will hold an appeal meeting without unreasonable delay, normally within ten working days of receiving the employee's written appeal. This will be dealt with impartially by the Headteacher/more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). Where the Headteacher has made the decision at the grievance meeting a panel of Trustees will hold the appeal meeting. The employee has the right to bring a companion to the meeting (see paragraph 9).
- 11.3 The School will confirm a final decision in writing, usually within five working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

12 Collective Grievances

- 12.1 If an employee and another employee (or more than two employees) have identical grievances and all wish them to be addressed in the same grievance process, the employee and their colleagues can raise a collective grievance via this grievance procedure, but please refer to paragraph 3.7 above. The employee and all their colleagues must agree (without any pressure being exerted on staff members to join the collective process) to do this.
- 12.2 Where an employee and their colleagues do not entirely voluntarily agree to this arrangement or if an employee's grievances are not identical, the School will arrange to hear the grievances on an individual basis.
- 12.3 If the employee and their colleagues are all members of the same trade union, their trade union representative can (if they all wish him or her to do so) raise the grievance on their

behalf. Alternatively, an employee and their colleagues can agree to nominate one of them to act on behalf of all of them.

- 12.4 The collective grievance will be managed in accordance with Steps 1 to 3 above. However, the written collective grievance statement should also:

12.4.1 Ideally identify the employee and each of their colleagues who wish to raise the grievance

12.4.2 Identify any nominated trade union representative or colleague to represent all employees that are part of the written collective grievance

12.4.3 State that employees that are part of the written collective grievance have voluntarily consented to use the collective grievance procedure

12.4.4 Confirm that employees that are part of the written collective grievance understand that the grievance will give each employee the right to usually one collective grievance meeting, one identical outcome (if applicable), one appeal meeting and one identical appeal outcome

- 12.5 If, following the grievance outcome, some employees are satisfied with the outcome and do not wish to proceed to an appeal, the request for an appeal should clearly identify those withdrawing from the process and those wishing to pursue the appeal.

13 Disciplinary Proceedings

In the event the grievance is upheld (either following the hearing or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the School instigating the organisation's Disciplinary Procedure against individuals identified of potential misconduct as a consequence of this procedure.

Date of Policy:	October 2023
Date of Review:	March 2025
Reviewed by:	Resources Committee
Date of Next Review:	March 2027