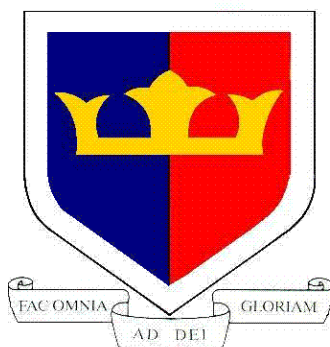




KINGSDALE FOUNDATION SCHOOL

Grievance Procedure

1. INTRODUCTION

The regulation of conduct at the school and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment shall be under the control of the Governing Body.

This procedure provides opportunities for individual employees to raise concerns related to their employment including matters relating to the Governing Body and its members. Where an application is received from a group of employees with the **same** complaint, this grievance will be progressed jointly. The aim of the procedure is to resolve individual grievances in an equitable way, as quickly and as close to the source of the grievance as possible. For the sake of clarity, the interpretation of this procedure is ultimately a matter for the Governing Body.

2. SCOPE

This grievance procedure applies to all staff who are permanent or fixed-term employees within the establishment of the school, whether full-time or part-time, in teaching or support posts, including the Headteacher and Deputies. The Headteacher should use his/her discretion on whether to apply the procedures to long-term contractors.

The staff grievance procedure deals with staff complaints, matters of alleged discrimination, harassment or victimisation of employees.

The grievance procedure *is not to be used* for the following matters:

- Matters covered by collective bargaining arrangements between the LA/School and Trade Unions
- Redundancy. Appeals on redundancy will be dealt with via the Reorganisation, Redeployment and Redundancy Procedure
- Disciplinary and capability issues, including appeals

In addition, employees may not simply complain about the School's established procedures, although a complaint about the way those policies and procedures have been applied should be allowed to proceed.

Appeals against staff grading or pay awards will be dealt with by the school's pay policy appeal system.

Grievances raised by an employee relating to or in connection with the operations of or whilst they are subject to other procedures such as disciplinary, capability or sickness and absence must be dealt with as part of those other procedures. It is not permitted for the same or materially similar grievances to be considered concurrently or sequentially under two different procedures.

It is prohibited for materially the same or a similar grievance or part thereof to be considered more than once under this or any other school procedure.

3. GRIEVANCE AFTER TERMINATION OF CONTRACT

The staff grievance procedure is intended to benefit employees in current employment. Where the contract is terminated with a grievance still outstanding, the grievance will only continue if it concerns matters that survive the termination of the contract.

4. PARTICIPANTS & RESPONSIBILITIES

The School's personnel policies should set out those with powers to hear grievances. The people responsible are normally:

Stage 1 - The local manager who is usually the Headteacher or nominated representative

Stage 2 - 3 members of the Governing Body supplemented if necessary or deemed suitable by independent qualified persons. However, this may be less if deemed appropriate or pragmatic

If the grievance relates to the employee's immediate line manager, the Headteacher will decide on the appropriate manager to hear Stage 1.

The Chair of Governors must nominate a Governor to hear grievances at Stage 1 against the Headteacher or an appropriate independent individual.

Throughout the procedure no person is authorised to adjudicate where he or she has considered the case or represented either party at an earlier stage or where their prior involvement prejudices objectivity.

5. REPRESENTATION

Throughout the process both parties to a grievance may be represented by a recognised trade union representative or by a work colleague. For avoidance of doubt, a Headteacher will not be entitled to representation when acting in the role of investigator.

The trade union representative or work colleague may also address the meeting and confer with the employee, but may not answer questions on their behalf.

The employee should make their own arrangements to be represented or accompanied. Where the employee's chosen trade union representative or colleague is not available at the proposed time and date, the employee may propose an alternative time. If this suggestion is reasonable, possible and falls within 5 school days of the original date, the meeting should normally be postponed to that date and time.

It is good practice for a mutually agreed time to be arranged for meetings.

6. TIMING

Grievances should normally be conducted within the timescales laid down in the procedure. However, where there is a valid reason to do so, timescales can be

varied by management. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 school days. It is good practice to acknowledge receipt of a formal written grievance within 5 school days.

7. PRELIMINARY INFORMAL PROCESS

Most routine complaints and grievances should be resolved informally in discussion with the employee's line manager or through the agreed line management structure. This can often lead to a speedy resolution of the problem.

Even if the employee submits a grievance under the formal procedure, or even if the matter is specifically excluded, managers should try to resolve the underlying problem as part of good management practice and not merely take a strictly procedural approach.

In certain circumstances it may, with mutual agreement, be helpful to seek external advice or assistance. An external facilitator may be able to resolve the problem.

A preliminary investigation or enquiry may be conducted in writing as well as in person.

Where the grievance cannot be resolved informally then it should be referred to the formal procedure.

8. FORMAL GRIEVANCE PROCEDURE - STAGE 1

The employee must put the grievance in writing to the Headteacher, using the recognised pro forma, shown in Appendix 1. **The grievance procedure cannot proceed until the pro forma has been completed and submitted to the Headteacher.**

A formal grievance must normally be submitted no later than 25 calendar days after the act or omission complained of, or no later than 25 calendar days after the last act or omission in a series of linked events, unless there is a just and equitable reason for the delay. A grievance submitted outside of this timescale without the necessary justification may not be considered formally under this procedure. In order to comply with natural justice, any grievance submitted after a period of 3 calendar months following the alleged relevant act or omission complained of may not be considered under this procedure. Where an employee wishes to submit a late grievance, the reason(s) for the delay must be provided in writing on the grievance pro forma to enable a decision to be made promptly as to whether or not it would be appropriate to proceed. Whilst there is no right of appeal over such a decision, a request can be made by the employee for a determination 'not to proceed' to be reviewed.

Please be advised that a determination not to proceed does not prohibit participation in mutually agreed mediation or a similar conflict resolution process.

A reasonable amount of detail must be given on the pro forma. It is not sufficient to put generalisations e.g. "I wish to complain about victimisation". The nature of

the grievance should be explained such as what is alleged to have occurred by whom and when. The employee should state what outcome he/she seeks by raising a formal complaint/grievance. The evidence or names of employee witnesses to be relied upon must be provided with or on the grievance pro forma including signed witness statements, if appropriate, as hearsay evidence cannot be considered. The evidence provided must be current, relevant and given freely without any real or perceived witness interference or intimidation. Evidence provided which is not relevant to the employee's case for grievance or not current (within a maximum period of 3 calendar months) should only be considered in exceptional circumstances. Evidence older than 6 calendar months may not be considered. Employee witnesses must be informed that their evidence is subject to full disclosure and they may be invited to attend a hearing or participate in an investigation. It is the responsibility of the employee to arrange their own witness representation where applicable. Statements which cannot be corroborated by witness testimony are not eligible for consideration under this procedure.

The procedure that will be followed is given in Appendix 2, attached.

9. FORMAL GRIEVANCE PROCEDURE - STAGE 2

If the employee is dissatisfied with the response at Stage 1, s/he may appeal. The procedure is given in Appendix 2, attached. Notification of the appeal under Stage 2 must be given in writing on the pro forma in Appendix 1. This must give specific grounds such as why the employee is not satisfied with the outcome at Stage 1 and what outcome(s) they are seeking at Stage 2.

The manager will submit the written notification of the employee's intention to take the grievance to Stage 2 to the Clerk of the Governing Body, with the documentation from Stage 1.

The grievance will normally be heard by 3 members of the Governing Body. The procedure is given in Appendix 2, attached.

The panel's decision will be final.

10. CONDUCTING STAFF GRIEVANCE HEARINGS

Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

Panel Chairs should:

- Introduce members of the panel and ask others present to do the same
- Check everyone has the same papers
- Explain the way the meeting will be structured, including any time constraints
- Provide opportunity for comments and clarification before commencement of meeting

- Advise that should it become necessary to adjourn the meeting a target timescale for this will be agreed at the meeting

The procedure should be as follows:

- The employee will introduce their submission, explain the relevance of the complaint and why they are dissatisfied with the Stage 1 outcome
- The panel may ask questions during or after the employee's presentation
- The employee may present witnesses who may be questioned by the panel and the respondent
- The respondent and/or representative for the grievance may ask questions at the end of the presentation
- The respondent and/or his/her representative will respond and the panel may ask questions during or after the presentation
- The employee (or representative) may ask questions at the end of the respondent's presentation. The respondent is entitled to provide written responses or no responses at all to questions from the employee or his/her representative
- Both parties will have the opportunity to sum up beginning with the employee bringing the grievance
- The panel will have a final opportunity to clarify any points
- The panel will then adjourn the hearing to consider the complaint. All parties except the panel and anyone advising will then withdraw

11. PANEL DELIBERATIONS

The Panel will consider what was said by all parties together with any written submissions.

If the panel are confident that they have sufficient information to reach a decision, then the decision should normally be given verbally to all parties and in any event confirmed in writing within 5 school days

The panel's decision will be final.

12. RECORD KEEPING

It is important that an accurate record is kept throughout the process, including any initial informal process, the outcome and full reasons for the decision.

Records should be held in a secure and confidential manner. Often the issues raised by an employee are particularly sensitive and it is essential that information is shared on a need to know basis only.

Part 2 – Please refer to Appendix 2.

GRIEVANCE PROCEDURE PRO FORMA

This form is designed for all stages of the procedure. PLEASE WRITE CLEARLY.

NAME:	TRADE UNION:
PAY NO:	REPRESENTATIVE'S NAME:
DESIGNATION:	
DEPT:	CONTACT ADDRESS:
SCHOOL:	
WORK TEL NO:	
DATE OF COMPLETION:	
DATE OF RECEIPT:	

PART ONE – Please continue on a separate sheet if necessary. All sections must be fully completed for grievance process to proceed further.

NATURE OF THE GREIVANCE. Please write down your specific grievance. Any supporting documents must be submitted with this completed pro-forma including signed witness statements you intend to rely on. *Please read Grievance Procedure carefully with specific reference to Section 8 before completing:

Please state what outcome(s) you seek:

The name(s) of your witness(es) must be given here but must only be provided with prior authority or permission:

Late Grievance Submission: If you wish a late grievance submission to be considered i.e. after 25 calendar days of the act or omission complained of, or later than 25 calendar days after the last act or omission in a series of linked events, please provide a just or equitable reason why you believe your grievance should be considered in accordance with the specific guidance for late submissions set out within this procedure:

Once completed, send to the Headteacher, or to the Chair of the Governing Body, if your grievance is against the Headteacher. The procedure and strict deadlines are given in Appendix 2.

RESPONSE BY MANAGER/HEADTEACHER FOLLOWING INTERVIEW

The procedure for responding and strict deadlines are given in Appendix 2.

PART TWO – Complete if you wish to appeal against the decision under Stage 1. Please continue on a separate sheet if necessary. You must give specific grounds as to why you are not satisfied with the outcome at Stage 1 and what outcome(s) you seek at Stage 2.

SPECIFIC GROUNDS FOR APPEALING AGAINST THE STAGE 1 DECISION

Please state what outcome(s) you seek.

The procedure and strict deadlines are given in Appendix 2.

GOVERNING BODY GRIEVANCE FINAL DECISION FOLLOWING CONSIDERATION OF THE GRIEVANCE

The procedure is given in Appendix 2.

Appendix 2

Grievance Procedure to be followed for formal stages under the Grievance Policy

1. Preparation for Formal Stages of Grievance Procedure

- 1.1 The formal stages of the grievance procedure cannot proceed until the pro forma has been fully and accurately completed and submitted to the Headteacher (or Chair of Governors if the grievance is against the Headteacher). Hereafter where the "Headteacher" is referred to in dealing with the procedure, unless an alternative is provided, if the grievance is against the Headteacher the words "Chair of Governors" should be substituted.
- 1.2 The employee making the grievance (the applicant) should make certain that all relevant information is provided on or with the pro forma. Papers submitted later will not normally be accepted by the Headteacher or nominee/Governor. If the matter is to be dealt with fairly and properly it is important that time is available before the hearing for their proper consideration by those attempting to conciliate the grievance.
- 1.3 Similarly, the applicant should provide the names of all witnesses, whom s/he intends to call to support the grievance, on the pro forma. Arrangements should be made in advance to release those witnesses who are employees at the school, who wish to attend, from their duties to enable them to attend the meeting, when required.
- 1.4 The Headteacher may decide that the grievance is inadmissible if it does not satisfy the requirements set out in the grievance procedure. The Headteacher will inform the applicant of his/her reasons in writing together with the any alternative action available to them, if appropriate or possible.
- 1.5 If the grievance falls within the remit of the grievance procedure, the pro forma may be provided to the person against whom the grievance is being taken (the respondent). The respondent may be required to give a written response, within 5 school days, to the information provided on the pro forma together with any supporting papers and the names of witnesses supporting his/her response. If for some reason the respondent requires a longer period than 5 school days s/he must make a formal written request for an extension to the Headteacher. The Headteacher will respond within 2 school days of receipt in person of the request, giving a decision with written reasons for the decision. If the extension is granted the applicant will also be advised of the extension together with reasons for it being granted.
- 1.6 At an appropriate time, the Headteacher will arrange for the Clerk to the Governors or other suitable person to send to each party copies of the pro forma, the response and all associated documents. Once those papers have been issued to each party there will then be one opportunity for each side to add any further documents or names of witnesses willing to support their case. The complainant must provide additional papers to the Clerk to the

Governors/nominee within 3 working days of the receipt of documents from the Clerk. Any additional papers will then be forwarded to the respondent who will then have 3 school days to provide any further papers in response to the claimant's additional papers. In each case receipt of the papers will normally be taken as having occurred two working days after their dispatch by "first class post". No further exchanges of documents will be allowed unless requested by the Headteacher (or the Chair of Governors or nominee governor). The Clerk will inform the parties of the timescale for return of documents when issuing documents and the timescale shall be in accordance with the limits set out in this appendix. Papers submitted outside of the dates given by the Clerk will not normally be accepted unless agreed by the Headteacher (or the Chair of Governors or nominee governors).

2. The Formal Stage 1 Meeting

- 2.1 The Clerk or the School will arrange the meeting between the two parties together with the Headteacher or the member of staff nominated by him/her (or governor nominated by the Chair of Governors where the grievance is against the Headteacher) within 15 school days. Hereafter where the procedure refers to the "Headteacher" the words "nominated governor" shall be substituted if the grievance is against the Headteacher.
- 2.2 Each party will be invited to meet with the Headteacher with a view to resolving/conciliating the grievance. Opportunity will be given for the Headteacher to meet with the parties individually and if appropriate, together. The Headteacher may interview both parties and the witnesses, individually.
- 2.3 The applicant and the respondent may be accompanied by a trade union representative, or a colleague, at any meeting with the Headteacher.
- 2.4 The Headteacher shall come to a decision regarding the grievance and inform both parties in writing of the outcome, normally within 5 school days of the last meeting with the parties using the pro forma (Appendix 1). If the grievance is not upheld, the employee must be informed of the right to take the grievance to a Stage 2 appeal hearing.
- 2.5 If the Headteacher considers the grievance is such that disciplinary action is appropriate the matter will be referred to be dealt with under the appropriate disciplinary procedure of the school.

3 The Formal Stage 2 Appeal Meeting

- 3.1 If the applicant decides to appeal against the decision after the Stage 1 meeting s/he may do so to an appeal panel of 3 Governors. The decision to appeal must be in writing to the Clerk within 5 working days of receiving the Stage 1 decision, using the pro forma (Appendix 1).
- 3.2 The Clerk will arrange a meeting of the appeal panel as soon as possible and the date shall be given in writing within 14 days of receipt of the decision to

appeal.

3.3 No documents or witnesses may be provided to the appeal panel in addition to those considered at Stage 1. The appeal panel shall also be provided with a copy of the written decision at Stage 1.

3.4 The procedure to be used at the appeal hearing will be as follows: -

- Introductions by the Chair of the appeal panel
- Appellant will present his/her grievance, referring to documents presented to the hearing and by calling witnesses
- Any witnesses called by the appellant may also be questioned by the respondent and then by the members of the appeal panel. Each witness will only remain in the hearing during the giving of evidence and questioning
- The appellant may be questioned at the conclusion of his/her presentation of case by the respondent and then by the members of the appeal panel
- When the appellant has concluded his/her case the respondent may present his/her response to the grievance by referring to documents presented to the hearing and by calling witnesses
- Any witnesses called by the respondent may also be questioned by the applicant and then by the members of the appeal panel. Each witness will only remain in the hearing during the giving of evidence and questioning
- The respondent may be questioned at the conclusion of his/her or representative's presentation of case by the applicant and then by the members of the appeal panel. The respondent is entitled to provide written responses or no responses at all to questions from the employee or his/her representative.
- The applicant may then sum up his/her case
- The respondent may then sum up his/her case
- Both parties will then leave the appeal panel to deliberate in private
- Both parties and individual witnesses shall be recalled in the event that the panel has a question for either of the parties
- Both parties will be recalled for the decision of the panel unless the panel decides that the decision will be given in writing
- The decision will be confirmed in writing within 3 school days of the conclusion of the hearing
- The decision of the appeal panel is final
- Both parties may be accompanied by a trade union representative or by a colleague who may present the case on behalf of the appropriate party

- Both the applicant and the respondent can be questioned as indicated above, notwithstanding that his/her case is being presented for him/her by a representative
- The appeal panel may be advised by an adviser, who may ask questions of clarification during the course of the hearing and who will advise the panel on the conduct of the proceedings
- Only members of the appeal panel may vote on the decision of the panel

The appeal panel may decide that the matter under consideration is more appropriately dealt with under the appropriate school disciplinary procedure. In such circumstances the matter will be referred for consideration under that procedure by different personnel to those who have considered the grievance.

N.B. The grievance procedure would not normally be used by a Headteacher where the Headteacher has a concern about the conduct or capability of a member of staff, when the school's disciplinary procedures should be used.

The model procedure on which this is based has been agreed by the recognised trade unions of the LA and supersedes all previous Grievance Procedures.