Grievance Policy



Mansbridge Primary School

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Grievance Policy
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1. Policy Statement

The majority of everyday issues of concern for employees in schools can be resolved informally through open and honest communication with headteachers/managers, colleagues or the School's HR Provider. This is normally the best way of dealing with things and wherever possible all employees are encouraged to attempt to resolve concerns about their work, working environment or working relationships in this manner. Where informal resolution to a concern is not possible or appropriate, the formal grievance procedure should be followed.

The School expects that all parties involved in a grievance will honour and act in accordance with the spirit and intentions of the procedure to enter into a genuine attempt to find a mutually acceptable conclusion in an open, fair and timely way. The Confidentiality Clause applies to all employees involved in a grievance process.

Issues concerning the following matters are outside the scope of this Policy and separate procedures will apply:

- Complaints, issues or appeals for which provision is made in other procedures; for example redundancy, disciplinary, capability or the outcome of a job evaluation.

- Income tax, National Insurance and Pension matters – should be raised with the school's payroll provider.

Please note that if a grievance relates to a decision, action or proposed action by the Governing Body or headteacher/manager, the raising of the grievance will not necessarily stop the decision or action being implemented. However, there may be instances where it is necessary to place a decision on hold in which case the issue must be escalated immediately to the headteacher (or suitable appointed nominee) to approve the pause in the process. Advice should be sought from the School's HR Provider.

The Grievance Policy & Procedure forms a key part of the contract of employment between school employees and the school/Council.

2. This applies to:

All staff (including teaching staff) directly employed by the school and volunteers, where the governing body has ratified the policy.

People working in or with the school who are not direct employees of the school (agency staff / contractors) cannot use the Grievance Procedure to raise a complaint. They should use the school's complaints procedure or raise the matter with the person responsible for managing their company's contract with the school/Council.

3. Roles & Responsibilities:

Employees must:

- Raise their concern within 3 months of the most recent incident (unless justification can be given for considering a longer timeframe)
- State the remedy they are seeking
- Continue to attend work and conduct themselves in a professional manner whilst their grievance is being dealt with.
- Be willing to speak openly to the headteacher or delegated manager about their issue and the resolution they are seeking.
- Comply with confidentiality requirements.
- Take responsibility for putting any agreed resolutions into practice.

Headteachers must:

- Encourage good communication with their employees and respond to complaints openly and quickly, attempting to resolve grievances, where possible, within the framework of the policy.
- Inform employees of their legal right to be accompanied at any formal grievance meetings.
- Comply with confidentiality requirements.
- Confirm timescales for agreed actions and take responsibility for putting any agreed management resolutions into practice

4. Right to be accompanied

Employees have a legal right to be accompanied by a companion at formal grievance meetings. The chosen companion can be an accredited trade union representative, or a work colleague of the employee's choice. The employee must notify the headteacher/manager in advance of their wish to be accompanied at a meeting or hearing, giving details of the person.

5. Sickness

The school's aim is to resolve all grievance matters with the minimum of delay. The grievance process may therefore continue during periods of sickness absence, including collecting relevant information or conducting interviews or meetings. The headteacher, in consultation with the school's HR Provider, will decide how or when to continue to attempt to resolve the issue taking into account the nature of an employee's illness and the likely length of the absence.

Periods of sickness absence will be managed under the Procedure for Managing Absence where the appropriate trigger points are met for the frequent short term or long term absence procedures

6. Mediation

In some cases it may be helpful to consider a process of mediation which will enable both parties to talk through the grievance with an impartial third party present facilitating discussion of the issues. This may be especially helpful where grievances are about relationships between staff.

It is important to remember that the role of the mediator is not to make judgements or to determine outcomes but to ask questions that assist in uncovering underlying problems, help both parties understand the issues and to work with them to clarify the options for resolving the differences.

There is further helpful information on the process of mediation on the ACAS website: http://www.acas.org.uk/index.aspx?articleid=1680

Where there is not a suitable impartial third party available to the school or in complex cases the school may wish to purchase mediation support from a trained external provider. The Council has staff who have been trained in workplace mediation skills and can provide this service to schools if they wish to purchase it from the Local Authority.

Schools are encouraged to explore mediation as a first and early option to prevent grievances escalating to the formal stages.

7. Discrimination Complaints

Complaints involving allegations of bullying and harassment should be dealt with in accordance with the Dignity at Work and Harassment Procedure. Allegations of discrimination require sensitivity and particular consideration. If a complaint of this nature is received the school is advised to seek support from their HR provider.

8. Collective Grievances

Workplace issues that apply to more than one person or to a group of staff may be dealt with collectively. A representative of a recognised trade union may raise workplace issue on behalf of two or more members. The outcomes of a collective workplace issue apply to all staff who raised the issue.

9. Review

This policy will be reviewed regularly to ensure that it complies with current employment legislation and the requirements of the school/Council. Any future amendments to this policy will be consulted upon and negotiated with the recognised trade unions.

10. Timescales for Raising a Formal Grievance

Grievances should normally be raised without unreasonable delay and in any event within 3 months of the decision or action the employee is concerned about. Employees wishing to raise a grievance outside of this 3 month period will need to give a satisfactory explanation as to why they did not meet this timescale.

11. Informal Resolution (Stage 1)

It is expected that most issues will be dealt with and resolved as part of normal day-to-day working with staff. If employees have concerns they should in the first instance raise these informally with their manager and/or the colleague causing the concern. Many grievances can be straightforward to resolve through open discussion with co-workers, a manager, or the headteacher.

Issues should be raised directly with the member of staff or manager in question and discussed in an honest way whilst ensuring a calm, respectful and professional approach. An appropriate confidential environment should be chosen to enable the matter to be discussed openly.

All parties must take joint responsibility for putting any agreed resolutions into practice. Where management intervention is required, it is the manager's responsibility to follow up on outcomes to ensure the resolutions are implemented and are working in practice.

If appropriate, the line manager may propose mediation between the parties as an appropriate way forward to help find a resolution to the issues (see section 6). It should be noted that mediation is voluntary and employees cannot be compelled to engage in it if they do not want to.

If the concerns or issues cannot be resolved in this way then the employee may raise it at Stage 2 (formal stage of the grievance process).

12. Formal Resolution (Stage 2): Discussion Meeting (any investigation) and Written Response

If it is not possible or appropriate to resolve a grievance through informal means, employees can raise a grievance in writing, setting out the nature of their grievance and any suggestions they have that may help resolve the issue. The written grievance should be sent to the headteacher (or the Chair of Governors if it relates to the headteacher).

The headteacher will contact the employee within 10 working days to make arrangements to meet with the employee (where the grievance relates to the

headteacher then the Chair of Governors will make arrangements for a member of governing body to meet with the employee.)

The employee will be invited in writing to attend a meeting to discuss the nature of their concern and the remedy sought. The employee will be informed of their right to be accompanied by either a trade union representative or a work colleague. An HR Advisor may also attend the meeting if required by the headteacher (governor).

If, during the course of the meeting, it becomes apparent that the issues require further investigation, the headteacher (governor) will adjourn the meeting in order for the investigation to take place and inform the employee accordingly together with anticipated timescales. In most cases, the headteacher (governor) will undertake the investigation themselves, however, in certain circumstances it might be appropriate for a separate independent investigator to be appointed. HR advice should be sought in this event. The investigation should normally be completed within 15 working days. If the investigation needs to be extended then the headteacher (governor) is responsible for advising the employee of this and the reasons why.

Once the investigation is complete, the headteacher (governor) will provide a written response to the issues raised and any action already taken/proposed as a result of the investigation. The headteacher (governor) will need to either provide a copy of the investigation report or a summary of the findings and recommendations in the written response to the employee. The headteacher is responsible for ensuring that the agreed outcomes are implemented.

The written response must also detail the procedure for the employee to proceed to the Appeal stage if they are not satisfied with the headteacher's (governor's) response.

If the employee is happy with the response the procedure ends at this point and no further action is required.

13. Appeal (Stage 3)

If the employee continues to feel dissatisfied following Stage 2 they may progress to a Stage 3 Appeal.

Upon receipt of an appeal request, an Appeals Panel will be set up. It is recommended that governing bodies set up an Appeals Panel of not less than 3 members, one of whom should ideally be the Chair or Vice-Chair of Governors. Appeal governors must maintain strict impartiality and avoid the possibility of bias. No member of the Appeals Panel should have had any prior involvement in the grievance being considered. Occasionally, in order to ensure an impartial hearing and to avoid delay to an appeal being heard, it may become necessary for a school to use governors from another Southampton school to be part of the Panel. This should always be discussed and agreed with the employee and their representative prior to the hearing.

Whilst staff governors cannot be automatically excluded from playing a part in the appeal process, there will be occasions when it may be either inappropriate for them or they should excuse themselves from being involved.

The procedure for appeal is as follows:

- If the employee wishes to appeal against the grievance outcome they should write to the Clerk to the Governing Body setting out the grounds for the appeal in full within 10 working days of being notified of the outcome of their Stage 2 grievance.

- An appeal hearing will be arranged without unreasonable delay and normally within 20 working days of receiving the appeal notice. The employee will be notified of the arrangements in writing.

- In exceptional circumstances the timescales can be extended by mutual agreement.

- The employee will be invited to attend the meeting and has the right to be accompanied, if the employee so wishes, by an accredited trade union representative or a work colleague.

- The Appeals Panel representatives may be advised (if required) by the School's HR Provider during the hearing.

- At this meeting the Appeals Panel will call upon such evidence as may be required to review fairly the situation and give the employee full opportunity to present their case. This can include the attendance of parties involved in the grievance so that a balanced understanding of the case is obtained before decisions are made.

- The Appeals Panel may decide to either uphold or not uphold the decision of the headteacher/manager.

- The outcome should be confirmed in writing by the Appeals Panel within 10 working days of the hearing.

- There will be no further internal right of appeal.

14. Headteachers raising grievances

If a headteacher raises a grievance, it will be the responsibility of the Chair of Governors to endeavour to find a solution to the grievance. It may be that a representative from the Local Authority can assist the school in these particular circumstances. The Chair of Governors should also seek support from the school's HR provider.

CONFIDENTIALITY CLAUSE:

As part of Disciplinary and Grievance processes those involved may have access to information that is of a personal, confidential, sensitive and/ or proprietary nature, for example: personal information related to staff such as names, e-mail addresses, salaries, employment information, and/or service issues, data, financial information ("Confidential Information"), for the purpose of fulfilling procedural obligations.

All involved with any application of the grievance policy / procedure must:

- Hold all confidential information in trust and strict confidence and agree that it shall be used only for the purposes required to fulfil employment obligations, and shall not be used for any other purpose, or disclosed to any third party.
- Keep any Confidential Information in a physically secure location
- Maintain the absolute confidentiality of personal and confidential information in recognition of the privacy rights of others at all times, and in both professional and social situations.
- Comply with all privacy laws and regulations, which apply to the collection, use and disclosure of personal information
- At the conclusion of any discussions, or upon demand by management, return all confidential information, including prototypes, code, written notes, photographs, sketches, notes taken, to Council possession and the responsible manager/director.
- Not disclose confidential, personal and/or proprietary information to any employee, consultant or third party unless they agree to execute and be bound by the terms of this agreement and have been approved by the Council / Trade Union in an official, legal capacity.

A breach of confidentiality or misuse of information could result in disciplinary action up to and including termination of employment.