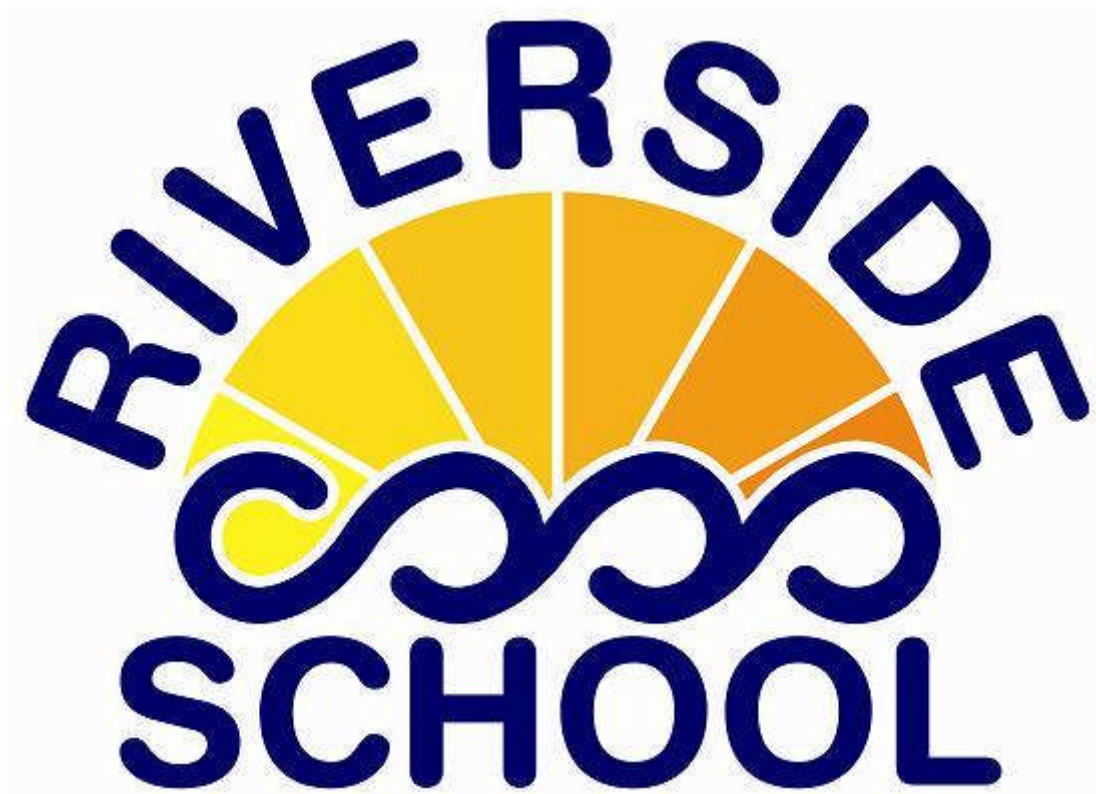


RIVERSIDE SCHOOL



GRIEVANCE PROCEDURE FOR STAFF

APPROVED BY GOVERNORS ON 23rd FEBRUARY 2010

DUE FOR REVIEW - FEBRUARY 2012

RESPONSIBLE PERSON – HEADTEACHER

SIGNED BY CHAIR OF GOVERNORS _____

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1. INTRODUCTION

- 1.1 Grievances can arise from a variety of sources. They can arise among members of staff or with the senior manager. They can be of a relatively simple nature or of fundamental importance. They can involve the managers or governors of the school or the administration of the school and the local authority. Where a contractual grievance arises in relation to the delivery of a sold service however then the provisions contained within the service level agreement for dealing with such matters should be exercised rather than the use of this procedure.
- 1.2 Wherever possible an attempt should be made to resolve grievances informally in the first instance but where this fails or is inappropriate a formal approach should be adopted. This procedure is designed to cover both eventualities and has been drawn up with the aim of settling grievances fairly, promptly and as near as possible to the point of origin before they develop into major problems and potential collective disputes.
- 1.3 It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance but some of the most common would include:
- terms and conditions of employment
 - health and safety
 - relationships at work
 - new working practices
 - organisational change
 - equal opportunities issues
- 1.4 In order for grievance procedures to be effective, it is important that all employees are made aware of their existence. Whenever possible, every employee will be given a copy of the procedure or provided with access to it as part of the induction process.

2. STATUTORY REQUIREMENTS

The Employment Rights Act 1996 imposes an obligation on employers to specify in each written statement of employment particulars, the person, by description or otherwise, to whom the employee can apply for redress of any grievance relating to his or her employment, and how such applications should be made. Excluded from these requirements are grievances and grievance procedures which relate to health and safety at work. Employees also have a statutory right to be accompanied by a work colleague or trade union representative where s/he is required or invited to attend a grievance hearing (see para 4 below).

3. SCOPE

The procedure applies to all staff on the complement of the school as follows:

- (a) all employees covered by the Scheme of Conditions of Service of the National Joint Council for Local Government Services;
 - (b) all teachers employed under the Teachers' Pay and Conditions Act 1987, and any successor Act and the Conditions of Service for School Teachers in England and Wales;
with the exception of staff employed on a casual day-to-day basis.
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4. REPRESENTATION

Both sides have the right to be accompanied at all stages of the formal grievance procedure and at the stages outlined in the informal procedure. Employees may be represented by a recognised trade union or a work colleague of their choice. (See 2 above)

5. DEFINITIONS AND AUTHORITY TO DEAL WITH GRIEVANCES

- 5.1 In small or primary schools, the line manager/supervisor will be the Head Teacher ("Senior Manager"). In larger or secondary schools, the line manager will be some other person with senior management responsibilities with delegated authority to deal with such matters.
- 5.2 Committees and Appeal Committees will be those established by the Governing Body to deal with formal grievances. The Governing Body may establish the committees it thinks necessary to deal with a particular function. The Grievance Committee and Grievance Appeal Committee must be separate Committees, the latter consisting of Governors who have taken no part in the original decision against which the appeal is made.
- 5.3 Reference in this procedure to the Senior Manager, employee, Chairman of Governors and Director of Children and Young People Services shall include their personal representatives as appropriate.
- 5.4 Reference to 'days' will mean working days or consecutive days if it is necessary to progress matters outside term time.

6. INFORMAL STAGE

- 6.1 Where a member of staff has a grievance which involves another or other members of staff, he/she should first of all endeavour to resolve the matter by direct approach to the staff members involved.
- 6.2 Where a member of staff seeks a personal interview with the immediate supervisor, senior member of staff or Head Teacher to seek their assistance in resolving the grievance informally, the request for such a meeting shall be made in writing and shall be granted within **five working or seven consecutive days** of it having been made.
- 6.3 The supervisor, or other appropriate senior member of staff, or the Head Teacher should seek to resolve the problem personally or, by mutual agreement, in consultation with the other member(s) of the staff. The Head Teacher may also, by mutual agreement, consult with the Chairman of Governors, officers of the LA or representative of any recognised employees' association as appropriate.
- 6.4 Where a member of staff has a grievance involving the Governing Body of the school he or she may also seek a personal interview in accordance with the above. In such cases, and by mutual agreement, an attempt will be made to resolve the grievance in consultation with the Chairman of Governors and/or officers of the LA as appropriate having particular regard to the nature and level of involvement necessary for

resolution of the specific grievance to take place.

- 6.5 Where the matter has not been resolved under the informal procedure detailed above the employee may decide to invoke the formal stage of the Grievance Procedure. Both the manager and employee may find it useful to keep a note of such informal meetings.
- 6.6 The Head Teacher has the right to attend all hearings called by the Governing Body under the formal grievance procedure.

7. FORMAL STAGES

First Stage

- 7.1 The employee should submit a formal written notice of the grievance to the immediate line manager with a copy to the other party concerned (**Appendix 1**). The written notice should give full details of the grievance together with any supporting documentation, and should include the steps which have already been taken to resolve the matter.
- 7.2 If the grievance is against the Senior Manager the written notice should be sent direct to the Chairman of the Governing Body with a copy to the Senior Manager.
- 7.3 The other party to the grievance will make a formal written response to the Head Teacher or Chairman of Governors as appropriate within **five working or seven consecutive days** of receipt of the original written notice of the grievance.
- 7.4 The line manager (where he/she is not otherwise concerned) will also submit a formal written report to the Head Teacher/Chairman of Governors within **five working or seven consecutive days** of receipt of the original written notice of the grievance.

Hearings Convened Under the First Stage

Preamble

- 7.5 It is good practice to agree a mutually convenient date for any formal hearing with the employee and their representative. This is to ensure that hearings do not have to be delayed or postponed at the last minute. Where the chosen representative cannot attend the date proposed the employee can offer an alternative date and time so long as it is reasonable and falls before the period of **five working or seven consecutive days** beginning with the first day after the day proposed by management.
- 7.6 The employee must have regard to the availability of the managers involved with the case. The location and timing of any alternative hearing should be convenient to both the employee and management.
- 7.7 If a grievance is contested, within **five working or seven consecutive days** of receipt of the written reports the line manager will arrange for a meeting before the Head Teacher to hear the grievance. The hearing will be held not later than **seven working or ten consecutive days** after receipt by the Senior Manager of the reports and at least **five working or seven consecutive days'** notice will be given of the hearing to both parties. In exceptional circumstances either party to the grievance or Senior Manager may request an extension to the timescales in this paragraph and

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only by mutual agreement will any such longer period apply.

- 7.8 Both parties to the grievance should be invited, in writing, to attend the hearing and may each be accompanied by a work colleague or trade union representative of their choice. The Senior Manager may request the attendance of any appropriate advisory officer.
- 7.9 The procedure to be followed at the meeting is detailed in **Appendix 2**. A note must be kept of the contents of the meeting.

Second Stage

- 7.10 If the matter cannot be resolved at the First Stage or the grievance is against the Head Teacher as Senior Manager, a meeting of the appropriate Committee of the Governing Body will be convened to hear the grievance. Again, full details of the grievance, responses received as well as any other supporting documentation will be submitted to the Committee for consideration.

Hearings

- 7.11 The hearing will be held not later than **seven working or ten consecutive days** after receipt by the Chairman of Governors of the documentation and at least **five working or seven consecutive days'** notice will be given of the hearing to both parties. In exceptional circumstances, either party may request an extension to the timescales set out in this paragraph and only by mutual agreement should any longer period apply.
- 7.12 Both parties to the grievance should be invited, in writing, to attend the hearing and may each be accompanied by a work colleague or trade union representative of their choice. The Committee may request the attendance of an appropriate advisory officer.
- 7.13 The procedure to be followed at the hearing is detailed in **Appendix 2**. All Committee meetings must be clerked.

Appeal Stage

- 7.14 Both parties to a grievance shall have a right of appeal against the decision of the Senior Manager or that made by the Grievance Committee. If the grievance concerns a matter directly under the control of the Governing Body the appeal will be heard by an Appeal Committee of the Governing Body consisting only of members who have taken no part in the original decision against which an appeal is made. The right of appeal must be exercised within **seven working or ten consecutive days** of receipt of the decision letter. No further right of appeal beyond this level will apply.
- 7.15 Any appeal must be made in writing to the Senior Manager or Chairman of Governors, as appropriate, within **seven working or ten consecutive days** of receipt of written notification of the original decision.
- 7.16 Within **seven working or ten consecutive days** of receipt of a notice of appeal the Senior Manager will arrange for an Appeal Committee to hear the matter. Such a hearing will take place within **seven working or ten consecutive days** of receipt of a written notice of appeal. In exceptional circumstances either party to the grievance

or the Appeal Committee may request an extension to the timescale in this paragraph and only by mutual agreement will any such longer period apply. Again, both parties will be invited, in writing, to attend the hearing and will at the same time be notified of their rights of representation. The Appeal Committee may request the attendance of an appropriate advisory officer and the meeting must be clerked. The procedure to be followed by the Appeal Committee is set out in **Appendix 2**.

8. GRIEVANCES AGAINST THE LEA OR OFFICERS OF THE LEA

If the grievance is with the LA or an officer of the LA and it does not fall within the provisions of a service level agreement the employee must submit the written notice to the Director of Children and Young People Services with a copy sent to the Chairman of Governors for information. Any grievances concerning a matter relating to a decision made by the LA will be heard by the Director of Children and Young People Services or his/her representative where the matter falls within an area of his/her delegated authority.

9. PROCEDURE FOR RAISING CONCERNS IN SCHOOLS

The Procedure for Raising Concerns in Schools (Section 7, Personnel Handbook for Schools) provides a route through which employees may raise concerns about serious wrongdoing (eg fraud or other financial irregularities) in schools. All employees should be notified of its existence during the induction process.

GRIEVANCE REPORT FORM

To be completed by employee when raising a formal grievance

Name _____ Place of Work _____

Designation _____

Date first raised with Line Manager _____

Date reply received from Line Manager _____

Statement of Grievance

Name of Trade Union or other Representative consulted (if any)

Reasons for being dissatisfied with Line Manager's reply

Name of a Trade Union or other Representative (if any) whom you will bring to any formal hearing convened under this procedure

Signed _____ Date _____

APPENDIX 2

PROCEDURE TO BE FOLLOWED AT HEARINGS UNDER THE FORMAL GRIEVANCE PROCEDURE

Both parties should be sent a letter (with a duplicate copy for any representatives) notifying them of the hearing to be received not less than **seven working or ten consecutive days** before the hearing itself.

In this procedure reference to the employee means the person who has initiated proceeding under the formal grievance procedure, reference to the respondent means the other party to the grievance; both shall include their personal representatives. At appeal stage the “appellant” will take the place of the “employee” as designated under the procedure.

- (a) The written reports of both parties shall be submitted to the Senior Manager or Committee hearing the case setting out details of the grievance and any steps already taken to resolve the matter. Copies of all documentation shall be sent to all parties **at the same time as the notice of the date and time of the meeting**. Both the employee and the respondent shall be entitled to attend the hearing and to be accompanied by a work colleague or Trade Union representative and to call witnesses and produce relevant documents.
- (b) The Senior Manager/Committee hearing the grievance will introduce those present, explain the purpose of the hearing and the procedure to be followed.
- (c) The Senior Manager/Chairman of the Committee will establish whether witnesses are to be called by either side.
- (d) The employee shall state the case in the presence of the respondent and may call such witnesses as he/she considers appropriate.
- (e) The respondent shall have the opportunity to ask questions of the employee and of the witnesses on the evidence given by them.
- (f) The respondent shall put his/her case in the presence of the employee and call such witnesses as he/she wishes.
- (g) The employee shall have the opportunity to ask questions of the respondent and his/her witnesses (if any).
- (h) The Senior Manager/Committee shall have the opportunity to ask questions of both parties and their witnesses.
- (i) Both parties shall have the opportunity to sum up their cases if they so wish, the respondent's side have the right to do so last.
- (j) The employee and the respondent and any witnesses shall withdraw.

- (k) The Senior Manager/Committee, and any advisory officer present, shall deliberate in private, only recalling both parties together to clear points of uncertainty on the evidence already given. The person taking notes of the hearing shall also remain. If recall is necessary, both sides are to return even if only one is concerned with the point giving rise to doubt.
- (l) Having heard both parties to the grievance the Senior Manager/Committee will make a decision having regard to the substantial merits of both sides. In this respect they may wish to give a determination on a particular matter having regard to the possible recurrence in the future of similar circumstances.
- (m) The Senior Manager/Committee shall announce the decision and/or recommendation to both sides, personally or in writing as it may determine, and its findings shall in any event be confirmed in writing within **five working or seven consecutive days** of the decision being taken, together with reasons for any action taken, and any right of appeal.

It is important that individuals who have previously been concerned in a grievance should not be involved in the deliberations of the Governing Body, Grievance Committee or Appeal Committee although they may appear before the Governors either as witnesses or to present the case. Any advisory officer asked to attend will not previously have been involved in the matter in question.