

RIVERSIDE SCHOOL



Grievance Policy and Procedure for Staff

APPROVED BY GOVERNORS

RESPONSIBLE PERSON – HEADTEACHER

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1. Introduction

The purpose of the Grievance Policy and Procedure for Staff is to provide a framework for the quick and effective resolution of problems or concerns that may arise in the workplace. The aim is to ensure that employees with a grievance are given the opportunity to have their concerns heard and, where possible, to secure a mutually acceptable resolution.

The Governing Board is mindful of its obligations under the Equality Act 2010 and its commitment to the School's Equality, Diversity and Inclusion (EDI) Policy. This procedure will be applied fairly and consistently to all employees. The Governing Board and those with line management responsibility will give due consideration to any concerns about equality or discrimination that may be raised and will seek additional advice on such matters as necessary. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the school aims to:

- Provide a platform for grievances to be processed and handled fairly and consistently;
- Constructively resolve grievances in a way that avoids damaging professional relationships;
- Enable any employee to have their grievances heard and addressed; and
- Encourage a harmonious working environment.

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

- All employees covered by the Bromley Localised Pay and Conditions;
- All teachers employed under the Teacher's Pay and Conditions Act 1987, and any successor Act, and the Conditions of Service for School Teachers in England and Wales.

2. Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection (UK GDPR)
- Equality Act 2010
- ACAS (2015) 'Code of practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Disciplinary Procedures for Staff
- Staff Code of Conduct
- Data Protection Policy

- Whistleblowing Policy
- Equality, Diversity and Inclusion Policy and Procedure for Staff
- Pay Policy

3. Policy Statement

The Governing Board recognises that employees may from time to time have concerns about matters relating to work which they wish to have addressed, whether on an informal or formal basis.

In particular, the Governing Board is committed to:

- Fostering good working relationships between managers and employees and a climate where employees feel able to raise concerns relating to their employment;
- Ensuring that grievances are addressed promptly and informally where possible;
- Encouraging responsible use of the procedure and addressing malicious or vexatious grievances about colleagues robustly.

4. Roles and Responsibilities

The Governing Board is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that all members of staff read and understand the provisions in this policy.
- Assuming the headteacher's responsibilities, where a grievance is in relation to the headteacher.
- Determining the outcome of a grievance appeal.
- Ensuring no member of staff is discriminated against, in accordance with the Equality Act 2010.
- Handling any incidents of malicious grievance reporting.
- Handling any disciplinary actions following a grievance being raised.

The Chair of Governors is responsible for:

- Assuming the role of grievance and investigation officer in the event that the grievance is against the headteacher, or appointing a suitable representative to fulfil this role.
- Where they are the investigating officer, receiving assistance from the LA's HR department, as required.

The Clerk to Governors is responsible for:

- Forming an appeal panel, where necessary.

The headteacher is responsible for:

- The day-to-day implementation of this policy.

- Handling any grievances that are brought to their attention.
- Overseeing any grievances that are brought to their attention.
- Overseeing any grievances raised by employees.
- Acting as the grievance officer, unless the grievance concerns them, or assigning the role to another suitable member of the school's SLT.
- Assessing information during grievance meetings and investigations, and assisting the investigation officer in determining the best course of action.
- Writing and delivering grievance outcome letters.

Line managers are responsible for:

- Monitoring the working environments of colleagues to identify any conflicts.
- Promoting positive working environments.
- Managing the informal stages of the grievance procedure.
- Working with the investigation officer and headteacher to investigate any grievances within their department.

The grievance officer is responsible for:

- Resolving employees' formal grievances promptly.
- Assisting with the grievance investigation.
- Presenting information at grievance meetings and during any appeal hearings.
- Making any reasonable adjustments to ensure employees are able to attend meetings.
- Remaining unbiased and listening to all sides of the grievance to uncover the truth.
- Appointing an impartial investigation officer.
- Being a witness at appeal hearings.
- Determining what the grievance outcome will be – unless the grievance goes to an appeal, in which case the Governing Board is responsible.
- Working with the headteacher and keeping them informed of developments, as appropriate (where the grievance officer is not the headteacher and the grievance does not involve the headteacher).

The grievance officer is typically the headteacher, however, another suitable member of the school's leadership team may fulfil the role.

The investigation officer is responsible for:

- Investigating the facts of a grievance, as directed by the grievance officer, and headteacher where applicable.
- Providing evidence at grievance meetings.
- Standing as a witness during any appeal hearings.

Employees are responsible for:

- Raising grievances without unreasonable delay.
- Submitting formal grievances in writing to the grievance officer within three months, using the employee grievance form.

- Ensuring any grievances that they raise are truthful and fair.

5. Addressing the Grievance Informally

Raising the Grievance

Where possible, employees should first seek to resolve their grievance informally and at an early opportunity; employees who are members of a union may find it useful to seek initial advice from their union at this stage. Employees are expected to raise concerns within no more than a three-month period following the act or decision complained of, or show good reason for a longer delay.

If the employee's grievance relates to a colleague, they should normally attempt to raise and resolve the grievance directly with that individual. Where this is not possible, and for all other cases, the employee should raise the concerns with their line manager in the first instance. The line manager will then arrange for an informal meeting to discuss the matters raised, with a view to achieving a satisfactory outcome.

Where the grievance involves the employee's line manager, or in cases where the employee is not comfortable with raising the matter with their line manager, the employee should take their concern to the next most senior manager or the headteacher who will either meet with the employee informally or identify another appropriate person to address the grievance.

Concerns which in some way relate to the actions of the headteacher should be taken to the Chair of Governors, who will nominate a member of the Governing Board to address the grievance.

If the headteacher has a grievance, they should inform the Chair of Governors in the first instance, who will either seek to resolve the grievance themselves, or identify another governor to do so, where this is more appropriate.

If the manager, upon hearing the nature of the complaint, believes that it is more appropriately addressed by another established procedure, they will advise the employee accordingly and provide a copy of the appropriate procedure.

Informal Grievance Meeting

The purpose of meeting informally to discuss the employee's grievance is for the manager to clarify the exact nature of the grievance and what reasonable outcomes the employee is seeking in order to resolve the matter.

Where third parties are involved, the line manager will use the initial meeting to gather relevant facts. It may then be necessary to adjourn the meeting to allow for further investigation and to interview other parties.

The manager will conclude any necessary further investigation and then follow up with

the employee, explaining their findings and any action to be taken as a result. The manager will also explain that, if the employee remains dissatisfied with the outcome, s/he may raise the matter as a formal grievance within 10 school working days. The manager will keep a brief written record of the informal grievance, the outcomes and any agreed action. This will remain confidential to the manager and will only be shared with the employee and other relevant parties.

6. Addressing the Grievance Formally

Raising the Grievance

Where informal attempts to resolve a grievance have been unsuccessful, the employee may consider formalising their grievance by putting it in writing and submitting an Employee Grievance Form (see appendix 1). They may wish to seek advice from their union representative on how best to take the matter forward. The formal grievance must be presented to the headteacher (or the Chair of Governors if the grievance relates to the headteacher) within 10 working days of the employee's last involvement with the informal grievance). Formal grievances received after this time may still be considered if the manager hearing the case is satisfied that there are valid reasons for the employee's delay.

The written grievance should include the following:

- The fact that the employee intends the matter to be raised as a formal grievance;
- A detailed account of the concern/ complaint(s), including dates when any incident(s) took place and the names of any other people who may have been involved;
- A summary of what took place during the informal stage, who dealt with the complaint and why they were not satisfied with the outcome;
- What resolution the employee is seeking by making the formal grievance; and
- Any supporting documentation which the employee wishes to be considered.

It is particularly important that the employee identifies what resolution (or options for resolution) s/he would deem to be acceptable. If a resolution is not identified, the employee may be asked to give the matter further consideration before the grievance is taken further.

An employee may wish to seek assistance with drafting the letter from a work colleague or trade union representative. An employee with a disability which affects their ability to put the grievance in writing should also inform their line manager or the headteacher who will consider what reasonable adjustments can be put in place.

Once complete the formal grievance in writing is to then be submitted to the headteacher (or Chair of Governors), and a copy provided to the other party concerned.

Formal Grievance Meeting

On receipt of the formal grievance, the headteacher (or Chair of Governors) will

determine whether they will hear the grievance or whether it should be referred to another senior manager or governor.

The person responsible for hearing the grievance will invite the employee to attend a formal meeting to discuss the matter; this meeting should normally take place within 10 working days of receipt of the grievance letter. Where circumstances prevent this, the employee should receive a formal response within this timescale with the meeting being held as soon as possible thereafter.

It is good practice for the meeting to be arranged at a convenient date for all involved, to prevent delay or postponement. If for any reason a date is not a viable option for all parties, including consideration to a representatives' availability then the employee can propose a reasonable alternative date and time as long as it falls within 5 to 7 consecutive days from the first day after the original date.

The other party whom the grievance concerns will have the opportunity to provide a formal written response to the headteacher (or Chair of Governors)) within 5 to 7 consecutive days after receipt of the formal written grievance letter.

The employee has the right to be accompanied at this meeting by either a work colleague or trade union representative and should make every effort to attend the meeting at the proposed time (see also section 7 'Scheduling Formal Meetings').

During the meeting, the employee will be given the opportunity to explain their grievance and desired outcome. If the person hearing the grievance determines that the matter warrants further investigation or other advice needs to be sought, they should adjourn the meeting so that any appropriate actions can be undertaken, such as interviewing witnesses or gathering evidence.

Within 10 days of the meeting taking place, the person hearing the grievance must write to the employee, either:

- a) Informing them of the outcome and any actions to be taken as a result; or
- b) Updating them on the progress of any subsequent investigation, including the date by which it is expected that the investigation will be completed and an outcome may be communicated.

The letter informing the employee of the outcome should also include confirmation of the right to appeal in the event that s/he remains dissatisfied. This right should be exercised in writing within 5 school working days of receipt of the letter. The appeal may be heard by the headteacher, if they were not involved in the initial decision, otherwise it will be directed to the Clerk to the Governors, who will convene a governor's hearing for the purpose (see also section 7 below – Appeals).

7. Appeals

There shall be a right of appeal against the outcome of any grievance which has been raised under the formal stage of the procedure. In exercising this right, the employee must confirm the grounds on which they are making the appeal. If the appeal letter/ completed template (see appendix 2) does not contain this information the employee will be asked for further particulars before the appeal hearing takes place.

Appeals will be heard by the Headteacher or one or more governors, in accordance with the scheme of delegation in place and bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against their own decision. Appeals against grievances which have been heard by a governor will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date. As before, the employee has the right to be accompanied at this meeting by either a work colleague or trade union representative.

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the grievance. New evidence may be considered at the appeals stage but no additional grievances can be raised.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

8. Procedural Points & Specific Circumstances

Grievances Relating to Equality, Diversity and Inclusion (EDI)

The school has a zero-tolerance policy to any unlawful discrimination, bullying and harassment and victimisation of any staff, contractors, pupils and parents under its obligations to the Equality Act 2010. Any concerns or complaints relating to the above will be dealt with in accordance to the Equality, Diversity and Inclusion Policy and the Anti-Bullying Policy. If an EDI concern or complaint is relating to a work practice or policy, this may be dealt with under this Grievance Policy and Procedure.

Collective Grievances

A 'collective grievance' for the purposes of this procedure is defined as a grievance put forward by two or more employees who have the same concerns or problems to raise, and who have agreed to raise these jointly rather than separately. Collective grievances are not used to consider issues which are already the subject of collective negotiation or consultation with recognised trade unions.

Collective grievances will be addressed in accordance with the general framework

outlined in this procedure and there is therefore a presumption that efforts will be made initially to resolve the grievance on an informal basis.

Where the employees are trade union members, their trade union representative(s) may raise the grievance on the employees' behalf and act as their spokesperson. In doing so, s/he will need to identify the employees who are raising the grievance.

Where a collective grievance reaches the formal stage, there will in most cases be a single grievance hearing convened and a single outcome communicated to all. It may, however, be necessary to discuss with the employees and/ or their spokesperson how the procedure will be managed as it may need to be adapted according to the circumstances and nature of the case.

Where employees do not agree to use the collective grievance process each grievance will be heard on an individual basis.

An appeal, conducted in accordance with section 7, will be convened when at least one employee who was party to the collective grievance seeks to exercise the right. Employees who are satisfied with the outcome of the grievance may choose to withdraw from the process at this stage.

Grievances Arising Post Employment

Grievances which are already under construction before a member of staff leaves employment will usually be seen through to conclusion in accordance with the timescales and process outlined in this procedure unless the employee no longer wishes to engage with the process or there is clearly no purpose to be served in seeking to resolve the employee's complaint after they have left.

This procedure does not apply to grievances which are not raised until after the employee has left. Employees are expected to raise genuine concerns prior to employment ending. Concerns or complaints which are not raised until after employment has ended will be considered only on a discretionary basis, bearing in mind the nature of the concerns raised, the length of time since the employee left and any other relevant factors. The manager or governor assigned to consider the case may determine that the matter requires further investigation without necessarily treating the employee's concerns as a formal grievance.

Frivolous and Vexatious Grievances

The Governing Board expects all staff to act with honest intent when raising a grievance and will treat all genuine grievances seriously. Employees who raise concerns with vexatious or malicious intent may be subject to disciplinary action as a result.

In order for a concern to be duly treated as a grievance, employees are expected to demonstrate that they have a substantive complaint, even if this may have arisen from a genuine misunderstanding of the matter in question. Repeated grievances which

replicate the same matters already addressed under the procedure will not be reconsidered unless new evidence has come to light which justifies reopening the grievance.

The Role of Mediation

In seeking to resolve a grievance, it may sometimes be appropriate for mediation to be considered, depending on the nature of the grievance. A third-party mediator may be asked to discuss the issues with those involved and seek to facilitate a resolution. Mediation will only be used where all parties involved in the grievance have agreed to it.

Scheduling Formal Meetings

Meetings should be held during the employee's usual working day. Other arrangements can be made by mutual agreement. Closure periods will generally result in a temporary suspension of the procedure.

The employee is expected to make every effort to attend meetings at the required time. The relevant manager/ governor will, where reasonably practicable, seek to liaise with the employee regarding the availability of their chosen work colleague or trade union representative to ensure that postponements are not necessary. If the employee's work colleague or trade union representative is unable to attend, an alternative date may be suggested by the employee. This will not be unreasonably declined provided it can be accommodated by those conducting the grievance meeting or appeal, and does not result in an unacceptable delay. As a general rule, a delay of up to 5 school working days will be acceptable but each request will be considered on its own merits. Any subsequent postponements, or a failure of the employee to turn up to a scheduled meeting without good reason, is likely to result either in the grievance being decided on the basis of other available evidence or a decision that the grievance will not be given further consideration.

Ill-Health Absence

The Governing Board aims, through this procedure, to deal with all grievances with the minimum of delay, in the best interests of all parties. The ill-health absence of an employee during the procedure will not result in any delay to convening meetings or appeals beyond what is reasonable in the circumstances. One attempt to reschedule a grievance meeting or appeal will be made where ill-health absence intervenes, and it should be explained to the employee that if they are still unable to attend on the rescheduled date, the relevant manager/ governor(s) will either:

- a) proceed to investigate the grievance (or consider the appeal) without meeting with the employee first, in which case the employee will be offered the option of making a written submission, or asking their companion to attend the rescheduled meeting on their behalf; or
- b) where it is not practical to proceed with investigating the grievance or hearing the appeal without further clarification from the employee, inform the employee that the grievance will not be pursued further at this time due to the employee's

absence.

Absence which appears to have been triggered by the grievance itself will usually be referred immediately to Occupational Health to obtain advice. If the absence becomes long-term then this will be dealt with in accordance with the relevant Absence Management policies.

Data Protection

The school processes personal data collected during informal complaints and the formal grievance procedures in accordance with its data protection policy. The headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to an employee's grievance is held securely, accessed by and disclosed only to those who have direct involvement in dealing with or responding to the grievance, except in cases where disclosure may be a legal obligation or where there is a reporting duty to the local authority or other outside agencies.

In order to investigate a complaint or concern thoroughly, it will often be necessary to speak to members of staff or other people associated with the school. Disclosure to individuals will be based on what they need to know in order to contribute effectively to investigation, emphasising the need for strict confidentiality. If in doubt, the investigating manager will clarify with the employee what details will be disclosed in advance.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary Procedure.

Grievance Relation to Other Procedures

Grievances which relate directly to investigation or operation of procedures to address disciplinary, capability or attendance concerns will be handled in accordance with the rights under those procedures to state a case and to appeal against any formal action taken.

9. Monitoring and Review

The content and operation of this procedure is reviewed on an annual basis by the Governing Board. The Policy is discretionary and does not confer any contractual rights.

Appendix 1 – Employee Grievance Form

Employees who wish to raise a formal grievance are required to complete this form and submit it to their line managers. If employees wish to raise a formal grievance immediately, they should give this form to the headteacher. This form is for formal grievances only. Please include:

- The fact that the employee intends the matter to be raised as a formal grievance.
- A detailed account of the concern/ complaint(s), including dates when any incident(s) took place and the names of any other people who may have been involved;
- A summary of what took place during the informal stage, who dealt with the complaint and why s/he was not satisfied with the outcome;
- What resolution the employee is seeking by making the formal grievance;
- Any supporting documentation which the employee wishes to be considered.

Please note: grievances should be raised within three months of the incident that led to the grievance. The form is provided as a template, but a grievance can be raised via a letter, as long as it contains all the advised necessary information and titled "Formal Grievance Letter".

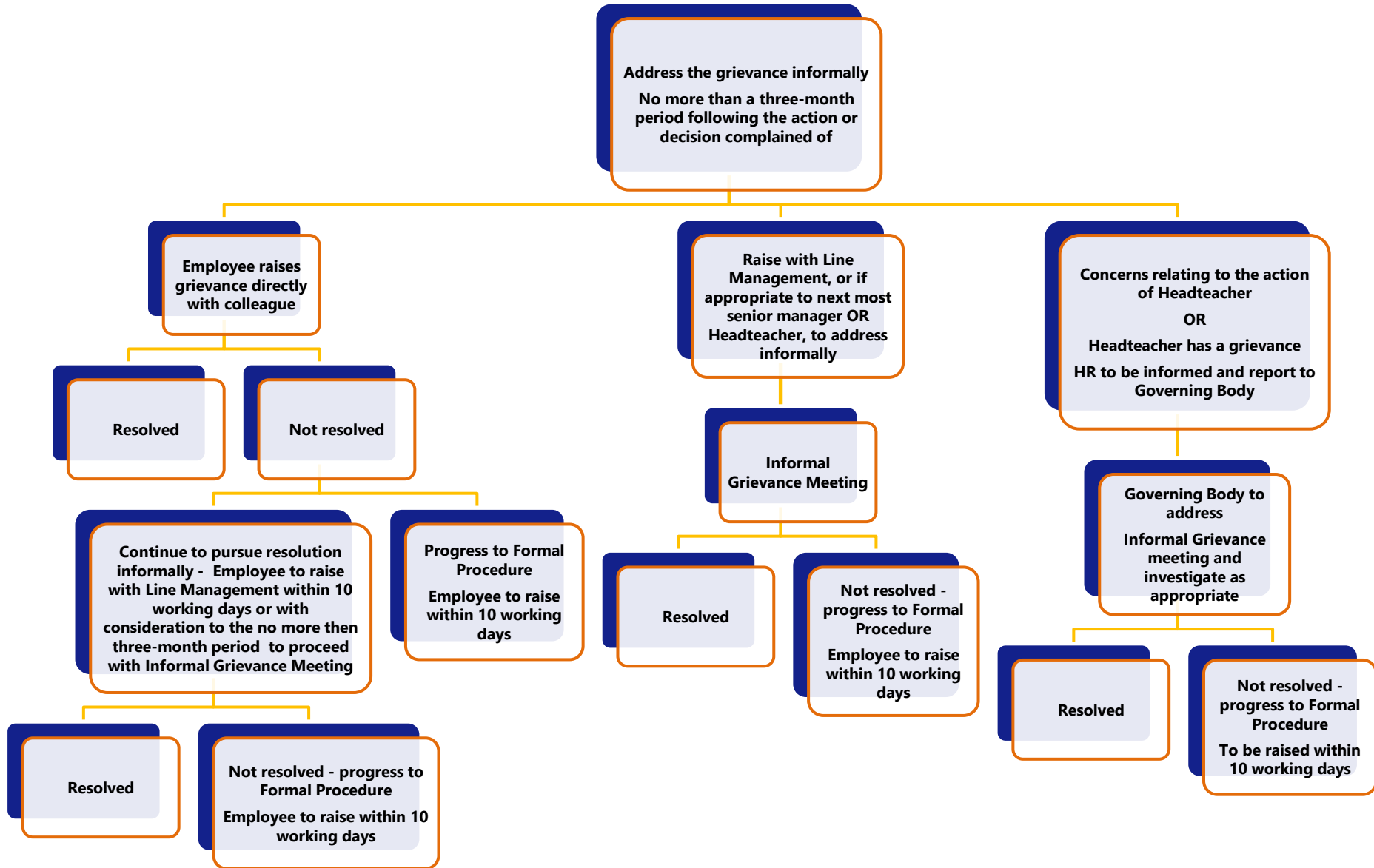
Employee Details			
Name (forename and surname)			
Job title and site location		Form completion date	
Grievance Details			
Does your grievance relate to another member of staff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If the grievance relates to your line manager, give this form to the headteacher			
If the grievance is related to the headteacher, give this form to the Chair of Governors			
Date of last incident relevant to grievance			
Please provide details of the grievance:			
please detail any individuals involved:			
Please provide details of your desired solution:			
Are you being supported by a colleague, trade union official or trade union representative?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, please provide their name:			
Employee's Signature			

Appendix 2 – Grievance Appeal Form

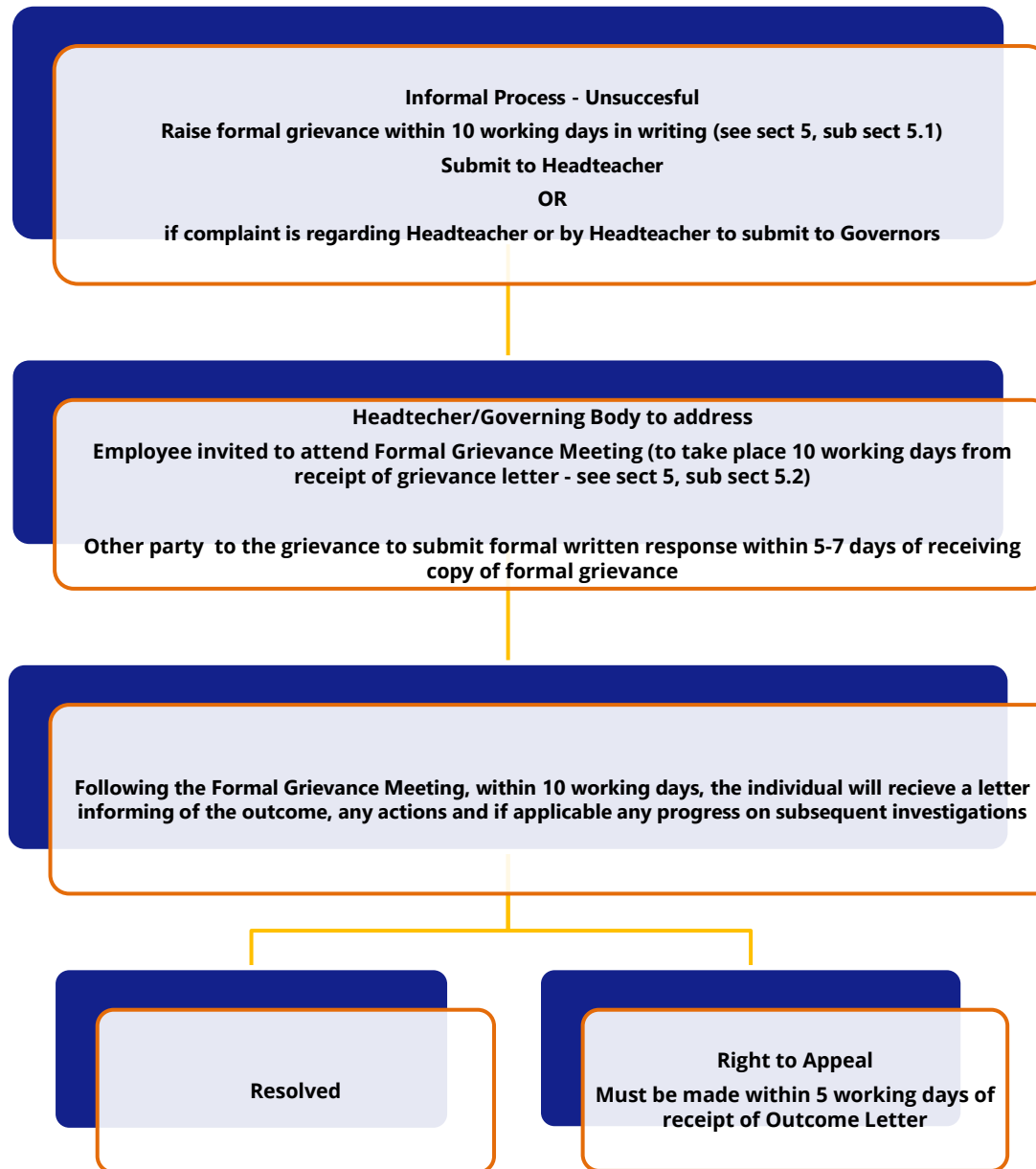
Please submit this form to the Clerk to Governors within 10 working days of receiving the grievance outcome letter.

Employee Details			
Name (forename and surname)			
Job title and site location		Form completion date	
Grievance Appeal Details			
Date of grievance meeting			
Outcome of grievance meeting			
Please provide details of the reason for grievance appeal:			
Please provide details of your preferred solution:			
Are you being supported by a colleague, trade union official or trade union representative?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, please provide their name			
Employee's signature			

Appendix 3 – Grievance Policy and Procedure Flow Chart



Formal Process



Appeal

