Gardener Schools Group

Grievance Procedure

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1. Introduction

1.1 Directors of schools with delegated powers are responsible for determining arrangements for dealing with grievances. Directors are required by law to establish procedures to give employees opportunities for seeking resolution of grievances relating to their employment, and make these procedures known to employees at the school.

1.2 The Grievance Procedure serves a fundamentally different purpose from other procedures including those relating to discipline, performance capability and medical capability and should be operated as a separate procedure.

1.3 Grievances raised by employees can be the source of potential employee relations difficulties within a school and need handling expeditiously and with sensitivity. A Formal Grievance Procedure available to all employees can contribute to successful interpersonal relations within a school, provided always that it is fairly and properly operated if and when the need arises.

1.4 Employees can choose to be accompanied at any formal meeting associated with their grievance by a Professional Association or Trade Union representative or workplace colleague.

3. Remit of the Procedure

3.1 This procedure applies to all staff employed by the School/Group.

4. Statement of General Principles

4.1 Grievances can be the source of employee relations difficulties within a school and need handling fairly, consistently and with sensitivity and at the earliest opportunity. This document is designed to clarify the rights of employees in respect of grievances and related matters. A less formal approach and the use of counselling is advocated in the early stages. This may avoid relatively minor matters escalating and encourage a supportive attitude to matters that are of concern to employees. The incidence of grievances should be reduced if there exists within a school effective induction and management of probation for all new staff, regular individual supervision, team meetings and training.

4.2 Employees are often reluctant to raise formal grievances, even though they may feel very strongly about an issue relating to their employment. There can be a perception that, by having to register formally a grievance, they will be brought into conflict with other members of staff, particularly more senior staff and may be regarded as troublemakers. This is cited as the main reason why little use is made of formal Grievance Procedures in organisations, rather than as an indication that the workforce is contented. It is important to emphasise therefore that an informal approach in addressing employee grievances is much more likely to produce a satisfactory resolution in the initial stages.

4.3 Employees should always raise the matter initially with their Line Manager if possible in person, and if not in writing. The issue in some circumstances may be such as to render this inappropriate in which case the matter should be raised with the appropriate managerial level above.

4.4 This Procedure has been designed to enable an employee to express and seek resolution for a grievance relating to their employment from their Line Manager or a more Senior Manager. It is impossible to provide a list of all the issues that might give rise to a grievance but some of the more common include:

- Terms and conditions on employment
- Health and safety
- Relationships at work
- New working practices
- Organisational change and fair treatment

All grievances should be treated seriously and given proper consideration. Grievances should be dealt with confidentially and in accordance with the stages set out in this Procedure. It is important that grievances are dealt with as soon as possible. It is also important that the employee is clear as to the specific outcome they are seeking and that this is achievable.

4.5 Those staff involved in the resolution of a grievance at the informal stage are strongly advised to keep a shared record and agreed minutes of the resolution.

5. Counselling

5.1 Employees should be advised that, if possible, they should attempt to resolve the problem informally in the first instance with their Line Manager. In some cases it will be sufficient for the employee to explain the problem clearly to the person giving rise to the grievance or their Line Manager or Headteacher and a satisfactory solution agreed. If the issue cannot be raised with the Line Manager, then the matter should be raised with the next level of management. Employees may at any stage seek advice from their Trade Union or Professional Association or a workplace colleague. Staff should also be encouraged to contact the Counselling Service which is available free of charge to those schools which subscribe to this service. The current provider is Health Assured who can be contacted on 0800 028 0199.

5.2 If an employee is provided with an opportunity to discuss their grievance in confidence with an appropriate counsellor, concerns may be allayed. The counsellor, having heard and discussed the employee's complaint, may find that the employee does not wish to pursue the matter further. The counsellor may offer to take the matter up personally with a colleague or a relevant manager, and then discuss the matter further with the employee. Alternatively, the counsellor may recommend that the employee should invoke the formal Grievance Procedure.

5.3 The relevant Manager may also consider the use of mediation as a means of resolving the issues.

6. Stage One

6.1 Where an employee decides to register a grievance they should firstly discuss the matter with their Line Manager, who should ensure that the employee is provided with a copy of this Procedure, and the Notification of Grievance form which the employee must complete (see Appendix 1). The nature of the grievance should be clearly stated on the form as well as the outcome which the employee seeks to achieve. The outcome must be specific and/or quantifiable and/or achievable. Vague and unspecific feelings of discontent with employment in general, a manager in particular, the school as a whole will not be possible to address where no specific outcome can reasonably be achieved. The Grievance Procedure cannot be used to counter action which has already been initiated under the Disciplinary, Capability (Performance), Capability (Medical) or the Reorganisation Procedure including issues relating to redundancy, unless the employee can show that the reason for the action is unrelated to the other procedure/s. The Grievance Procedure can only be used for individual issues and cannot be used for collective or group issues. However, where an issue is of concern to more than one member of staff at the school, consideration can be given to hearing the grievance collectively or individually as appropriate (see 6.4).

6.2 The Line Manager or whoever is dealing with the grievance initially should reply verbally to the grievance as soon as possible, and in any case confirm the decision in writing within 5 working days.

Stage Two

6.3 If the employee is dissatisfied with the reply they may seek further advice from a Professional Association/Trade Union representative or workplace colleague who may assist in raising the matter with the next level of management who will decide whether a meeting with the employee is necessary. Supporting documentation may be submitted and names of any witnesses forwarded. The HR Advisor may be consulted and attend relevant meetings to give advice.

6.4 There will be instances where more than one employee wishes to register a grievance. This may be because two or more staff feel aggrieved about the same issue, or because members of staff bring counter grievances against each other. In such cases the Headteacher or Manager will need to decide whether a meeting will be necessary and whether it is appropriate to consider evidence from members of staff jointly or separately. The desirability of joint meetings will be influenced by the likelihood that meetings can be conducted objectively in the presence of more than one party. Clearly where more than one employee intends to present evidence to substantiate the same issue, it would make sense to hear the evidence at a joint meeting. However, where the views of the employees concerned are contradictory, joint meetings may only serve to inflame the situation.

6.5 Where a joint meeting is held the Headteacher or designated Manager should ensure that each of the employees, and/or their representatives are given an opportunity to present their evidence and call witnesses. The use of cross questioning by employees, or their representatives, may be appropriate to clarify points of evidence, but the Manager should ensure that cross-questioning is confirmed to clarification and not used to intimidate employees.

6.6 The Headteacher or nominated Manager should reply in writing to the complainant/s as soon as possible and in any event within 5 working days of the meeting.

6.7 If the complainant is not satisfied with the response they can choose to take their grievance to the Grievance Panel. This will be attended by the employee and a Professional Association/Trade Union representative or workplace colleague. Documentation to be used at the hearing and names of witnesses must be sent to the person nominated by the Chair of the Panel no later than 5 working days prior to the hearing. The HR Advisor may be invited to be present to offer guidance.

6.8 Where a formal grievance is registered against a Headteacher it is inappropriate for the Headteacher to hear the grievance. In such circumstances the Line Manager or Head of Department should discuss the grievance with the Headteacher to try to resolve the matter informally. Where the employee is dissatisfied with the reply given by their Line Manager or Head of Department, they may seek advice from the HR Advisor. They should inform the manager or head of department that they wish to pursue the grievance through the grievance panel. The Manager or Head of Department should inform the Headteacher of the nature of the complaint and the employee's decision. The Procedure for Directors Grievance Panel Hearings should then be followed.

6.9 The Directors may consider the appointment of an independent investigator should this be deemed to be necessary.

7. Stage 3
Directors Grievance Panel – Conduct of the Meeting

7.1 All parties should be given adequate notice of the time and date of the meeting and any supporting documentation that they propose to present and the names of any witnesses should be sent to the panel in advance of the meeting. Any documentation together with the names of witnesses to be called should be notified to the Headteacher or other nominated person 5 working days before the date of the appeal in order that it can be shared with all the parties.

7.2 Where more than one employee has registered a grievance in relation to the same issue, the Chair of the Director Grievance Panel should decide whether the grievances will be heard separately or jointly. Where it is decided to hear them separately it may be appropriate in some circumstances e.g. counter grievances, for any decision to be reserved until all grievances are heard. The employees should be notified accordingly.

7.3 The Chair of The Director Grievance Panel has responsibility for the conduct of the meeting. The Chair will make all necessary introductions at the start of the meeting and will confirm the purpose and conduct of the meeting. The meeting should be investigatory rather than adversarial. The purpose is to obtain all the facts in order to arrive at a fair decision.

7.4 The employee/s or their representatives will present their case and call any witnesses. Where more than one employee's grievance is being heard the Panel should ensure that each of the employees, or their representatives, are given an opportunity to present evidence and call witnesses. The use of cross -questioning by employees, or their representatives, may be appropriate to clarify points of evidence, but the panel should ensure that cross- questioning is confined to clarification and not used to intimidate.

7.5 The Headteacher or his/her representative may question the employee/s or their representatives and any witnesses called.

7.6 The Headteacher or his/her representative will present evidence and may call witnesses.

7.7 The employee/s or their representative may question the Headteacher or his/her representative and any witnesses called.

7.8 Members of the Directors Grievance Panel and any adviser (HR Advisor) they have in attendance may question the employee/s or their representatives, the Headteacher, or his/her representative and any witnesses.

7.9 The Headteacher or his/her representative, followed by the employee/s or their representatives, should summarise their position including any new evidence.

7.10 The Headteacher, employee/s and any representatives will be asked to withdraw while the panel, together with the HR Advisor, if in attendance, considers its decision. The employee/s should only be recalled to clarify points of uncertainty on evidence already given. If recall is necessary both parties and the clerk should return notwithstanding only one party may be concerned with the point giving rise to doubt.

7.11 The decision of the Directors Grievance Panel will be given verbally to the employee/s at the end of the hearing if this is possible and in writing within 5 working days.

7.12 The employee/s may appeal against a decision by the Directors to the Directors appeal panel.

8. Final Stage
Appeals to the Directors Body Appeal Panel

8.1 The Directors should have delegated to the appeal panel the power to deal with grievance appeals.

8.2 The employee/s bringing the grievance shall notify their intention to appeal, in writing, to the Directors Appeal Panel within 5 working days of receiving the decision of the Directors grievance panel.

8.3 The Directors Appeal Panel will be attended by the employee/s and their Professional Association/Trade Union representatives or a workplace colleague and the Headteacher or the Headteacher's representative. The HR Advisor may be present to offer advice.

9. Directors Appeal Panel – Conduct of the Meeting

9.1 All parties will be given a minimum of 10 working days notice of the date and time of the meeting. Any supporting documentation that the employee/s or the Manager propose to present and the names of any witnesses should be sent to the Chair of the Panel in advance of the meeting, but not less than 5 working days before the hearing.

9.2 Where more than one employee has notified their intention to appeal in relation to a grievance that was heard jointly, the Chair of the Directors Appeals Panel should decide whether the appeals will be heard separately or jointly. Where it is decided to hear them separately it may be appropriate in some circumstances for any decision to be reserved until all appeals are heard. The employees should be notified accordingly.

9.3 The Chair of the Directors Appeals Panel will have responsibility for the conduct of the meeting. The Chair will make any necessary introductions at the start of the meeting and will confirm the purpose and conduct of the meeting. The meeting should be investigatory and not adversarial. Its purpose it to obtain all of the facts in order to arrive at a fair and appropriate decision.

9.4 The employee/s or their representatives will present the case and may call witnesses. Where more than one employee's appeal is being heard the Panel should ensure that each of the appellants or their representatives is given an opportunity to present their evidence and call witnesses. The use of cross-examination by employees, or their representatives may be appropriate to clarify points of evidence, but the panel should ensure that cross-examination is confined to clarification and not used to intimidate.

9.5 The Headteacher or his/her representative may question the employee/s or their representatives and any witnesses called.

9.6 The Headteacher or his/her representative will present evidence and may call witnesses.

9.7 The employee/s or their representatives may question the Headteacher or his/her representative and any witnesses he/she has called.

9.8 Members of the Directors Appeal Panel and any advisor (HR Advisor) they have in attendance may question the employee/s or their representatives, the Headteacher or his/her representatives and any witnesses.

9.9 The Headteacher or his/her representative, followed by the employee/s or their representatives should summarise their respective positions, without including any new evidence.

9.10 The Headteacher, employee/s and any representatives will be asked to withdraw while the panel, together with the representative of the HR Advisor, if in attendance, considers and reaches its decision. The parties should only be recalled to clarify points of uncertainty on evidence already given. If recall is necessary both parties and the clerk should return notwithstanding only one party may be concerned with the point giving rise to doubt.

9.11 The decision of the Directors Appeal Panel shall be communicated to the Headteacher and the employee/s orally after the conclusion of the appeal or in writing within 5 working days if this is not possible.

10. Referrals to the DfE

10.1 Issues which are considered to be outside the power of the school to decide should be submitted to the DfE with a written statement setting out the grievance and why it is felt that the matter should be considered by the DFE / DfE.

10.2 Where any action has already been taken locally the Headteacher will submit to the DfE a written account of the action already taken in accordance with the Grievance Procedure and his/her response to the grievance.

11. DfE Grievance Panel – Conduct of the Meeting

11.1 This meeting will be conducted in line with the DfE guidelines.

12. Grievance Procedure for Headteachers

12.1 This procedure applies only to Headteachers.

12.2 Where a Headteacher has a grievance he/she should firstly endeavour to resolve the matter by direct approach to the person concerned.

12.3 Where a matter remains unresolved the Headteacher should discuss it with the Chair of Directors or his/her Professional Association representative, who may also by mutual agreement seek consultation with the chair of Directors, or with representatives of the Trade Unions and Professional Associations concerned as may be thought appropriate.

12.4 If there is no agreement, the matter will then be heard by the Directors Grievance Panel. Such a meeting should be arranged within 7 working days, or as soon as is practicable thereafter. The HR Advisor can be requested to attend to offer advice. The Headteacher will attend together with her/her Professional Association representative or colleague if he/she wishes. Supporting documentation may be forwarded and witnesses called.

13. Directors Grievance Panel - Conduct of the Headteachers Meeting

13.1 The Headteacher or his/her representative will present his/her case and may call witnesses.

13.2 The Headteacher or his/her representative may question appropriate members of the Directors and any witnesses and representatives called.

13.3 The Governors or their representatives may question the appropriate Governors, the Headteacher or his/her representative and any witnesses.

13.4 Members of the Directors grievance panel and any adviser they have in attendance may question the appropriate Governors, the Headteacher or his/her representative and any witnesses.

13.5 The Headteacher or his/her representative, followed by the Governor/s or their representatives, should summarise their position to the panel without adding any additional evidence.

13.6 Both parties should be asked to withdraw while the panel considers and reaches its decision.

Issues in the Power of the Directors to Decide

13.7 The decision of the Directors Grievance Panel will be confirmed in writing within 5 working days.

13.8 If the Headteacher continues to be aggrieved he/she shall have the right of appeal to the Directors Appeal Panel (see sections 14 & 15).

Issues in the Power of the DfE
(In accordance with the Procedure set out in sections 10 & 11)

13.9 The decision/recommendation of the Directors grievance panel will be confirmed in writing within 5 working days. Details of the decision/recommendation should also be sent to the DfE.

13.10 If the Headteacher continues to be aggrieved the matter will then be referred to the DfE (see sections 16 & 17).

14. Directors Appeal Panel

14.1 The Directors should have delegated to the Appeal Panel the power to deal with grievance appeals.

14.2 The Headteacher must inform, in writing, the Directors Appeal Panel of his/her intention to appeal.

14.3 The meeting of the Directors Appeal Panel should be arranged within 7 working days of receipt of the appeal, or as soon as is practicable thereafter. The Headteacher will attend together with his/her Professional Association representative or colleague if he/she wishes. Supporting documentation may be forwarded and witnesses called.

15. Directors Appeal Panel – Conduct of the Meeting

15.1 The Headteacher or his/her representative will present his/her case and may call witnesses.

15.2 The Headteacher or his/her representative may question the appropriate members of the Directors and any witnesses and representatives called.

15.3 The Directors or their representatives may question the appropriate Directors, the Headteacher, their representative and any witnesses.

15.4 Members of the Directors Appeal Panel may question the appropriate Directors, the Headteacher, their representatives and any witnesses.

15.5 The Headteacher or his/her representative followed by the Directors or their representatives, should summarise their position without adding any new evidence.

15.6 Both parties will be asked to withdraw while the panel considers and reaches its decision.

15.7 The decision of the Directors Appeal Panel will be confirmed in writing within 5 working days.

16. DfE Grievance Panel – Preliminary Arrangements

16.1 The Headteacher bringing the grievance shall submit to the DfE a written statement setting out the grievance.

16.2 The Directors Grievance Panel shall submit to the DfE a written account of the action already taken in accordance with this grievance procedure, and the response to the grievance.

16.3 Both documents will be made available to all members of the DfE Grievance Panel, the Headteacher and the appropriate Directors.

17. Appeals to the DfE Grievance Panel – Conduct of Meetings

17.1 This meeting will be conducted in line with the DfE guidelines

18. Guidance Notes

18.1 It is recommended that a Panel of 3 be a reasonable number. One Panel Member should act as Chair. Panel members must be impartial. The panel should be elected by the Directors as a sub-committee, except where matters outside the power of the school to decide are referred to the DfE

18.2 It is important that all stages of this Procedure are effected within the specified time periods (unless otherwise mutually agreed) in the interests of both Management and employees.

18.3 The Headteacher or Directors as appropriate should arrange for a clerk to take notes at all meetings.

Appendix 1
Confidential

Notification of Grievance

This form is designed to facilitate the provision of all the information required for the proper consideration of your grievance. Please provide as much detail as possible.

First name_____ Surname _____

Designation _____

School _____Contact No _____

Name and Designation of Immediate Line Manager_____

1. Please state clearly the nature of your grievance as fully as possible. Include dates, times, places and the people involved (continue on a separate sheet if necessary).

2. Please state clearly what you would perceive to be a satisfactory outcome of the grievance. The outcome must be specific and achievable (continue on a separate sheet if necessary).

3. Have you attempted to resolve the grievance informally? Y / N

If "yes" what was the outcome. If "no" why was this?

4. If you wish to exercise your right to be represented by a Trade Union or a work colleague, then please provide the representative's name and status (i.e. the name of the Trade Union and/or the position your colleague holds within the organisation. You may supply these details later if they are not available at present.

Name of individual _____

Union and/or status _____

Contact No _____

I submit this grievance in accordance with the school's Grievance Procedure.

Signed _____

Print name _____

Job Title _____

Date _____

Please return this form to your Line Manager (or where he/she is the subject of the grievance, your Headteacher, who will advise you of the next step.