



London Borough of Waltham Forest

GRIEVANCE MODEL PROCEDURE FOR SCHOOL BASED STAFF December 2016

Date Adopted by GB:	
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Signed:	

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SECTION 1: OUTLINE OF THE POLICY

1.0 INTRODUCTION

- 1.1 The Governing Body believes that all employees should be treated fairly and with respect, however it recognises that from time to time employees may wish to seek resolution for grievances relating to their employment.
- 1.2 The grievance process can be defined as: “a means of dealing with concerns, problems or complaints that employees raise with the employer”.
- 1.3 This policy sets out:
- lawful, non-discriminatory, fair and effective arrangements for dealing with employee concerns or grievances
 - employee responsibilities when raising problems and concerns
 - Headteacher responsibilities for the resolution of issues quickly and consistently in order to maintain good working relationships
- 1.4 The Governing Body is committed to ensuring:
- that no employee will suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
 - that witnesses are protected against detriment as a result of acting as a witness during a grievance process.
- 1.5 This policy has been developed in line with the ACAS Code of Practice.

2.0 SCOPE

- 2.1 This policy applies to both teaching and support staff in Community, Voluntary Controlled, Voluntary Aided schools and Academy Trusts following adoption by the Governing Body.
- 2.2 This procedure does not apply to ex-employees, however if they have concerns they wish to raise they can ask for an exit interview with either a nominated governor from the Local Governing Body or in exceptional circumstances a representative of the school's accountable body e.g. Local Authority or Academy Trust Board/Director.

3.0 AIMS OF THE POLICY:

- 3.1 The aim of the policy is to provide a fair process to resolve grievances to:
- a) enable staff to raise and have the school address effectively any employment related grievance or problem at work relating to them specifically.
 - b) ensure that effective, fair and prompt action is taken to deal with all concerns.
 - c) give managers the opportunity to deal with issues that might otherwise undermine staff morale.
 - d) give senior managers the opportunity to demonstrate that the organisation deals fairly with staff.

- 3.2 However, the procedure cannot be used for the following:
- a) to question any decisions taken under any other employment procedure e.g. disciplinary, redundancy, capability or sickness which already offers the employee a right of appeal.
 - b) to address an anonymous grievance; if an employee wishes to raise an anonymous grievance the individual should refer to the School's whistle blowing procedures.
 - c) to make any frivolous, malicious or vexatious claims, which if proven may result in disciplinary action.
 - d) to make any complaints 3 months after the event.
 - e) to be used to raise a counter claim against management action being taken under other school policies such as: Disciplinary, Managing Underperformance and Managing Sickness Absence Policies etc.
- 3.3 Grievances should be raised when "something is believed to be wrong or unfair". Employees should be aware that they must not use this Policy to raise concerns without good cause or with the intention of causing distress to others.
- 3.4 A grievance that is not upheld is not necessarily one that could be deemed as frivolous, malicious or vexatious but could have been a subject of misunderstanding.
- 3.5 If a grievance has been defined as frivolous, malicious or vexatious, the matter may be investigated under the Disciplinary Policy.

SECTION 2: PROCESS

1.0 OUTLINE OF PROCEDURE

- 1.1 This procedure has an informal stage followed by two formal stages. Except in exceptional circumstances there will be an attempt to seek to resolve the grievance at the informal stage. Subject to the agreement of all parties, mediation and/or counselling may be arranged where appropriate to help. At the informal stage, it is assumed that wherever possible the issues will be dealt with in a no-blame setting. At formal stages, the School may invoke the disciplinary procedure if the matter being raised involves a breach of the School's disciplinary rules.
- 1.2 An employee can opt to deal with a matter **informally** by raising it with an appropriate manager to seek an **informal, no blame resolution**. All parties are encouraged to seek a resolution at the informal stage. If action is recommended to resolve the issue it should be set out clearly and followed up to ensure it is taken.
- 1.3 An employee can lodge a formal grievance within 10 working days of the end of the Informal Stage.
- 1.4 The **formal** stage gives employees a right of appeal against the outcome of the first formal stage. Any appeal must be raised within 10 working days of the end of the first formal stage using the **Appeal Form**.
- 1.5 The manager who conducted the first formal stage will prepare a written outline response to the appeal panel and provide it to all parties at least 5 working days before the hearing. Any further comments, relating to the grounds of appeal, from the employee should be provided at least 1 working day before the appeal hearing.

If any documentation is provided on the day of the appeal hearing it will only be accepted at the discretion of the panel. The decision of the appeal will be final.

- 1.6 Each stage of the procedure should take no longer than 20 working days. In the event that the completion of the process will need to be extended then all parties should be informed.
- 1.7 Where a panel of Governors is required this should be made up of 3 non-staff governors.

2.0 INFORMAL STAGE

2.1 It is the responsibility of the employee aggrieved to raise the nature of their grievance with their immediate line manager. This can be done in writing or verbally at an informal meeting that the employee has requested. Where the grievance involves the immediate line manager then the employee or group of employees must raise the matter to the next chain of command.

2.2 The appropriate manager dealing with the grievance will hold individual meetings with the person who raised the grievance and the person against whom the allegations(s) have been made.

2.3 The employee is entitled to:

- a) raise the matter informally with their manager who will be responsible for conducting the investigation.
- b) put their side of the complaint.
- c) be accompanied by their trade union representative, work colleague or another person e.g. friend, family member (but not a legal representative).
- d) to be taken seriously.
- e) have the case treated as a confidential matter.
- f) be told before the meeting the purpose of any meeting they are called to and the names of those who will be present.
- g) be told what action management intends to remedy the matter.
- h) move the matter to the formal stage only when the informal process has not proved to be sufficiently resolved for the individual.

2.3 The Line Manager will:

- a) explore the issues promptly with the employees concerned.
- b) keep the parties informed of progress and likely timescales.
- c) explore the issues with the employees involved.
- d) inform the employee of the outcome of the informal stage.
- e) where appropriate offer independent support or counselling to the employee.
- f) take notes and provide these to the employee(s) concerned as soon as possible.

2.4 Possible outcome of the grievance:

- a) no further action at this stage, but to record any future incidents and to keep the situation under review, enabling the employee to seek further advice in the future if necessary.
- b) mediation is an option within the Informal Stage. However it is only feasible if both parties agree to undertake the process with the intention of finding a solution.

- c) If the other party has not already been approached, then discuss the grievance with them, giving them an opportunity to explain and if appropriate, ask them to stop the behaviour. Keep the situation under review.
- d) The individual proceeds to make a formal grievance under the appropriate stage of the procedure.

3.0 FORMAL STAGE

3.1 If the grievance has already been raised informally with the employee's line manager and has remained unresolved, it may be appropriate to refer the grievance directly to the Headteacher. In the event of the grievance being made against the Headteacher, the matter should be referred directly to the Chair of Governors, on behalf of the Governing Body and will be dealt with at this stage of the procedure.

3.2 It is the responsibility of the employee aggrieved to raise the matter with their immediate line manager stating the nature of their grievance. They need to provide detailed grounds of their grievance, with supporting evidence and documentation that they intend to rely on. It is not sufficient to provide loose grounds or a general statement. This is in order to ensure that whoever is bringing a grievance has considered properly and fully the grounds of their grievance and that the party against whom the grievance is raised is able to respond appropriately.

3.3 The employee is entitled to:

- a) raise the matter formally with their manager who will be responsible for conducting the investigation.
- b) reasonable notice (normally 5 working days but less by mutual agreement) in writing of the date, time and place of the formal meeting.
- c) the opportunity to be represented by their trade union representative, work colleague or another person e.g. friend, family member (but not a legal representative).
- d) postpone meetings to another reasonable time normally within 5 working days of the original date – if their representative will not be available at the time proposed.
- e) hear and know what the other employee has to say, put their own side of the matter and contribute to any action plan that may resolve the issue.
- f) a written record of any agreed action plan to deal with the problem.
- g) be told the outcome of the investigation (excluding information that would breach the confidentiality of others).
- h) appeal within the time period of the action plan and 10 working days afterwards.

3.4 The Line Manager will:

- a) deal with the matter promptly as a formal complaint, aiming to meet the parties within a week and complete the stage within a month.
- b) keep the parties informed of progress and likely timescales.
- c) explore the issues with the employees involved.
- d) investigate the matter thoroughly to the standard set out in the school's disciplinary procedure (investigation stage) including a report and outcome letter for all parties.
- e) meet with the employees, (together or separately) to develop a plan of action to resolve the issue – including reasonable time scales and monitoring. (subject to any appeal at the Final Formal stage the investigation officer's decision is final).

- f) where appropriate, consult a competent independent advisor on the issues in the case.
- g) where appropriate:
 - i. take formal disciplinary action against the employee being complained about.
 - ii. involve the police, audit or other external assistance (normally only a governor or their nominee will make a decision to involve the police).
 - iii. offer independent support or counselling (or both).
- h) make appropriate notes and records.

3.5 There are a number of possible outcomes:

- a) where allegations are fully or partially substantiated it may be appropriate to take disciplinary action/remedial action against the person who is the alleged perpetrator.
- b) where allegations are unsubstantiated, no further action will be taken.
- c) whilst there may be some evidence of inappropriate or insensitive conduct, this may not be considered serious enough to warrant a formal sanction. However there is scope for resolution through training, counselling and/or mediation.
- d) the complainant has raised a vexatious claim and therefore may be subject to disciplinary proceedings.

3.6 If the complaint is about the manager the employee can raise the matter with the Headteacher or if it is about the Headteacher to the Chair of Governors.

The complaint must be in writing on the “grievance” form.

- i. The dates of meetings should be in consultation with all parties, including the employee’s trade union representative, to avoid unnecessary postponements.

4.0 APPEAL

4.1 The employee has the right of appeal and is required to specifically state in writing the reasons for the appeal providing clear grounds and all documentation on which they intend to rely on in the hearing. It is essential that the documentation is provided at this stage in order for the appeal to proceed.

4.2 The employee is entitled to:

- a) appeal (using appeal form) against decisions at the first formal stage within 10 working days.
- b) reasonable notice (normally 5 working days unless by mutual agreement) in writing of the date of the hearing.
- c) the opportunity to be represented by their trade union representative, a work colleague or another person e.g. friend or family member (but not a legal representative).
- d) postpone meetings to another reasonable time normally within 5 working days of the original date – if their representative will not be available at the time proposed.
- e) put their side of the matter and present evidence as to why they feel the original decision of the manager maybe incorrect. .
- f) a letter, normally within 5 working days confirming the issues discussed.

4.3 A Panel of Governors will:

- a) acknowledge receipt of the grievance within 5 days of receiving the letter of appeal.
- b) hear the appeal within 15 working days; if this timescale is exceeded then the individual should be given an explanation as to why there is a cause for delay.
- c) consider (in a hearing) any grounds of appeal based on:
 - i. the outcome of the investigation into the case.
 - ii. the action plan to deal with the problem, including the time scale.
 - iii. the remedy the employee is seeking.
- d) take into account the right to fair treatment of any employee being complained about.
- e) where appropriate, consult a competent independent advisor on the issues in the case.
- f) put right any defect they may find in the handling of the case.
- g) confirm their decision in writing

4.4 The appeal must be lodged in writing with the Chair of Governors. It must set out the grounds for an appeal. The Chair of Governors will appoint a panel of 3 Governors to hear the appeal, supported by an HR Adviser.

4.5 With good communication there should be no need for any delay. More than a single postponement would be unusual.