

Elmhurst Junior School
Grievance Procedure 2019

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1. Introduction

- 1.1 The purpose of the procedure is to allow the school to deal fairly and consistently with a concern or complaint relating to a workplace dispute. The school wants to ensure that when an employee raises a concern or a complaint, it will be dealt with promptly and an effective resolution achieved.

Once adopted this procedure will apply to:

- concerns or complaints relating to workplace disputes.

Some examples would include concerns about:

- working relationships with other colleagues or Managers;
- bullying, harassment, victimisation and discrimination;
- new work practices i.e. working patterns, new systems;
- changes to the working environment;
- the impact of organisational change;
- health and safety.

This procedure will not apply where the school already has well established alternative procedures for dealing with such matters as:

- pay and grading;
- selection for compulsory redundancy;
- ill health retirement;
- requests for flexible working;
- whistle blowing;
- disciplinary matters.

Please contact the schools HR Advisor if further advice is needed.

2. Principles

- 2.1 The primary objective of the Grievance Procedure is to seek to resolve workplace disputes as quickly as possible in a non-adversarial way and as close to the source of the problem as possible.
- 2.2 Individuals must be reassured that they will not be victimised for raising a concern or acting as a witness or representative for another employee. If there is an allegation of victimisation against an employee by the complainant or witness, the matter will be dealt with through the disciplinary procedure.
- 2.3 The school expects that all concerns are raised in good faith. Any employee raising a concern which is considered to be vexatious or malicious will be dealt with through the disciplinary procedure.
- 2.4 It is important that it is recognised that there is frequently more than one party in a workplace dispute:
- The person who experiences the problem (the complainant); and
 - The person or persons identified as being the cause of the problem (the subject of the complaint).

In seeking a resolution, it is important that no party is pre-judged.

2.5 The school expects as far as possible all parties to be involved in the process of seeking a resolution and expects all parties to co-operate with the process of achieving a resolution of the conflict.

2.6 All parties should be provided with support/contact from a manager who is not involved in the process.

3. Disciplinary Action

3.1 During the procedure of trying to achieve a resolution, if at any time Managers identify that a breach of the Dignity at Work Code of Practice has occurred, or other breaches in procedures by staff they should consider applying the Disciplinary Procedure and undertaking a formal investigation under that Procedure.

3.2 Where it is decided to invoke the Disciplinary Procedure, management reserves the right to determine the level of confidentiality to be maintained regarding the outcome of the hearing. While it would be considered appropriate for the complainant to know there has been a disciplinary hearing / disciplinary action, in most cases, it would not be considered appropriate to report to the complainant the details of the disciplinary action taken.

4. Counter Claims

4.1 Managers / Governors should be aware of the potential for counter claims to be made by those against whom the original complaint has been made.

4.2 A process to seek a resolution to the original complaint should not be discontinued merely because a counter claim is raised subsequently. If possible, the two complaints should be considered together when seeking a resolution.

5. Confidentiality

5.1 As a general principle, confidentiality will be agreed and maintained wherever possible throughout the process of dealing with a complaint.

5.2 However there may be circumstances where it will be necessary in order to achieve the required resolution for other employees/clients to be made aware of the nature of the complaint.

5.3 Although a complaint may have been made in confidence, the school will not knowingly aid unlawful behaviour or cases where there is violence or an existing threat of violence and may have no alternative but to breach that confidence in order to comply with its duties under the law.

6. Internal Advice and Support

6.1 Trade Unions and Professional Associations can play an important role in assisting all parties to a complaint. The school welcomes the clearly stated support for this policy and procedure from the recognised Trade Unions and Professional Associations.

- 6.2 All parties will be able to contact Care First, the confidential counselling service. (01823 359450)
- 6.3 Complainants may wish to seek advice on how best to resolve a particular complaint from Care First, a Trades Union or an Employee Support Network.

7. **Informal Options**

- 7.1 A formal process has the potential to polarise positions and ultimately make achieving a satisfactory resolution longer and more difficult. Most complaints are best resolved informally via discussion between the parties concerned.
- 7.2 However, informal processes must not be used in the event of a serious allegation of racial or sexual bullying or harassment, or of an abusive or violent attack, as potentially a criminal act has taken place.
- 7.3 The Health and Safety Executive “Violence at Work Guidelines” recognise that “violence includes any incident in which a person is abused, threatened or assaulted in circumstances that relate to their work”.
- 7.4 If the Line Manager is the perceived source of the problem the individual should initially raise it formally with either the Line Manager’s Manager or in the case of the Headteacher the Chair of Governors.
- 7.5 Unless the allegation is of a very serious nature, the decision as to how the case should be taken forward will rest with the complainant.
- 7.6 The following set of Informal Options are not obligatory and the complainant may decide, if they so wish, to proceed immediately to the First Formal stage.
- 7.7 **Informal Option 1: One to One**

The complainant may choose to talk directly to the person who is seen to be causing the problem.

This may be appropriate when:

- there are times when the working relationship is acceptable;
- the problems are recent;
- both parties are assertive (i.e. not passive or aggressive).

This may not be appropriate when:

- there have been threats or threatening behaviour.

Before the meeting, the complainant should prepare by setting out in writing:

- the behaviour/working practice/dispute that is the source of the grievance;
- specific times, dates.

The complainant may find completing the Employee Concern Form a helpful guide when setting out the problem in writing.

At the meeting, the complainant should be prepared to:

- clearly describe the behaviour/working practice/dispute that they are aggrieved about;
- explain why it is unacceptable;
- describe the behaviour/working practice/dispute that would be appropriate/acceptable;
- seek a resolution.

Benefits of this approach are:

- Issues can be resolved quickly.
- Relationships can be improved.

7.8 Informal Option 2: Facilitation

The complainant may prefer to talk directly to the person who is seen to be causing the problem, but with a Line Manager or HR Advisor in attendance to facilitate the discussion.

This may be appropriate when:

- there are times when the working relationship is acceptable;
- the problems are recent;
- both parties are assertive (i.e. not passive or aggressive).

This may not be appropriate when:

- the Line Manager is seen as causing the problem;
- there have been threats or threatening behaviour.

The complainant should first set out in writing, using the Employee Concern Form:

- the behaviour/working practice/dispute that is the source of the grievance;
- specific times, dates and send this to their Line Manager or an HR Advisor with a request for them to facilitate a one to one discussion with the person who is seen as causing the problem.

The benefits of this approach are that:

- it allows preparation time;
- it enables the complainant to state what they want;
- it provides the complainant with a third party who can help to ensure an open and fair dialogue;
- it acts as a record.

Please note: HR advisors can only facilitate these discussions with the express permission of the Chair of Governors or Headteacher.

7.9 Informal Option 3: Mediation

If the complainant wishes to seek mediation, they should complete the Employee Concern Form and send this to their Line Manager, or a more Senior Manager if the Line Manager is seen as causing the problem, who may then explore options around mediation.

This approach is appropriate when:

- there is a need for support in dealing with a workplace dispute;
- there is agreement on the existence of a problem;
- both parties are willing to work for a win-win solution.

It would not be appropriate when:

- one or more people are unwilling to take part in the process;
- there has been serious bullying or victimisation;
- the parties are not able or prepared to negotiate.

The mediator will:

- identify what has happened by speaking confidentially to all parties separately;
- assess the best way to bring the parties together;
- hold a joint meeting;
- explore the issues;
- build the agreement for future working relationships.

The mediator will not:

- be able to solve the dispute;
- stick in the past;
- look to apportion responsibility/blame.

The benefits of this approach are that:

- it increases the likelihood of a resolution;
- it can improve working relationships.

See the Mediation Process for more detail.

8. First Formal Stage

- 8.1 If the complainant does not wish to resolve the workplace dispute informally or has tried the informal approach unsuccessfully, they can raise the matter formally in writing with their Line Manager.

This is the first formal stage of the process. The Grievance Form - 1st Formal Stage should be completed.

- 8.2 The Manager/ Governor dealing with the complaint must see all parties to the dispute as soon as possible separately or talking to them together. Advice can be sought from the HR Advisory Service.

- 8.3 In addition, following the meetings with all parties, the Manager/ Governor may decide that an investigation should be undertaken by them or a Manager / Governor not involved in the case which may include interviewing witnesses.
- 8.4 The school does not allow meetings or investigatory interviews to be electronically recorded.
- 8.5 The Manager / Governor must then exercise discretion as to the most appropriate means of reaching a resolution, taking into consideration the content of discussions with each party and the conclusions of any investigation undertaken.
- 8.6 The Manager / Governor will invite each party to a meeting, normally within 10 working days to explain the proposed resolution. All parties have the right to be accompanied (only by their trade union official or a work colleague of their choice). All parties must take all reasonable steps to attend this meeting. If this is not possible the meeting should be rearranged for a date normally not more than 5 working days after the date originally proposed by the Manager/ Governor.
- 8.7 All parties may, by mutual agreement, modify the time limits referred to above.
- 8.8 Adjournments may be sought by any party at any time during meetings.
- 8.9 The Manager/ Governor must inform all parties of the proposed resolution in writing, normally within 5 working days of the meeting.

9. Second Formal Stage – The Appeal

- 9.1 If the complainant is still dissatisfied, they can raise an appeal by completing the Grievance Form – 2nd Formal Stage.
- 9.2 A panel of at least 2 Governors (no less Governors will hear the appeal than made the original decision around resolution) will deal with the appeal to provide a degree of objectivity and will follow the same procedure as in the first formal stage.
- 9.3 The matter will end at this stage unless it is agreed between the school / Council (where the Council is the employer) and the Trade Unions concerned that an important matter of principle has arisen which should be considered in accordance with the appropriate negotiating machinery.

10. Monitoring the Resolution

- 10.1 Managers must ensure that the dispute has been resolved and that no retaliation occurs against any of the parties.
- 10.2 Managers should undertake a meeting with all parties after 3 to 6 months to review the progress of the resolution.

11. Recording

- 11.1 The Health and Safety Executive “Violence at Work Guidelines” recognise that “violence includes any incident in which a person is abused, threatened or assaulted in circumstances that relate to their work”.
- 11.2 Any violent incident involving an employee and a service user or a member of the public should be dealt with in accordance with guidelines for completing the relevant EEC Form.
- 11.3 All schools have specific guidelines around Health and Safety and further advice can also be sought from the Schools Health and Safety Advisor.

12. Complaints Having Left Employment

- 12.1 Wherever possible, an employee should raise a concern before leaving employment.
- 12.2 If an employee wishes to raise a complaint having left employment, the employee should write to the Headteacher / Chair of Governors setting out their complaint as soon as possible after leaving.
- 12.3 Where a complaint is received from an employee who has left employment, the Headteacher / Chair of Governor / another appropriate Governor will send a written response to the complainant. There will be no right of appeal in these situations.

13. The Disputes Procedure

- 13.1 Where a recognised Professional Association/Trade Union is in dispute with the Governing Body, on behalf of its members, regarding a decision taken by the Governing Body, which cannot be resolved in discussions between the Chair of Governors, the Headteacher and the Association/Union representatives, the matter should be referred to the Governors Personnel Committee and then, if appealed, onto the full Governing Body. From the outset the Headteacher or Chair of Governors, should seek advice from the HR Advisory Service. Professional Associations/Trade Unions should set out, in writing, the dispute that their members have with the Governing Body. They should also state what resolution they are seeking on behalf of their members.
- 13.2 Where a dispute has arisen out of an attempt to change practices, other than in accordance with normal notice provisions, no change in the arrangements shall take place before the matter has been resolved to the satisfaction of both parties or until the procedures have been exhausted.
- 13.3 If the disputes procedure fails to resolve the issue, it may, by mutual agreement, be referred to, the Advisory, Conciliation and Arbitration Service with a view to conciliation. If the dispute has not been resolved by conciliation, the matter may, by mutual agreement between employer and Professional Association/Trade Unions, be referred to arbitration. The decision shall be final and binding on both parties.

Additional Resources:

Useful Forms

Informal Employee Concern Form: [Appendix 1](#)

Grievance Form- 1st Formal Stage: [Appendix 2](#)

Grievance Form - 2nd Formal Stage: [Appendix 3](#)

Employee Concern Form

- We encourage you to sort things out by talking it through with the people concerned informally.
- If you have a concern relating to your employment at our school, please use this form to write down your concern. A written record helps those involved to understand your concerns and the outcome that you are seeking.

Personal and Confidential	
RAISING A CONCERN WITH YOUR MANAGER OR SUPERVISOR	
Name:	Support / Teaching:
Year / Faculty:	
In your own words, please describe the issue that is concerning you. Use another sheet of paper if you need to.	
Please state briefly who you have already spoken to about this issue and what came out of those discussions.	
Please describe what outcome you are seeking.	
Signed:	Dated:
Once you have completed this form, please pass it to your Line Manager/Supervisor.	

Grievance Form - 1st Formal Stage
PERSONAL AND CONFIDENTIAL

- If you have a grievance relating to your employment at our school we want to deal with it quickly and fairly and we encourage you to sort things out by talking it through with the people concerned before taking formal action (see informal procedure where applicable).
- Please use this form to write down your grievance. Having a written record helps those concerned to understand your grievance and what you would like to happen as a result of raising this concern.
- If you have difficulty or are uncomfortable in completing this form you can ask to see your Line Manager, who will be able to help you complete the form. You may also want to seek help from a colleague or your Trade Union representative.
- Your Line Manager / appropriate Manager / Governor will ask to meet you to decide on the best way to handle your grievance.
- There is a procedure on how the school deals with grievances, which you should read. The response to your grievance will be written on this form, discussed and returned to you.
- If you are not satisfied with this outcome, you have the right to take the matter further by going to Stage 2 of the procedure.
- If you wish to provide any relevant documents/statements alongside your form you may do so.

To: Manager/Governor

From:(Please print).....(Job Title)

My Manager is: Date:

My grievance is that: In your own words, please summarise the issue(s) that is/are concerning you. Please use another sheet of paper if you need to. *Please include details such as dates and times, who is involved and what their relationship is to you, e.g. Manager.*

Please state who you have already spoken to about this issue; include brief details of the outcome of these discussions.

Please describe what outcome(s) you are seeking:

At any meeting you may be accompanied. If you wish to be so, please tick the appropriate box:
 A school employee of my choice OR my Trade Union representative

OUTCOME OF FORMAL GRIEVANCE HEARING - stage one

(to be completed by the Manager hearing the grievance)

The outcome of the meeting held on/...../..... (date) was that

- I have upheld the grievance
- I have not upheld the grievance
- Some other conclusion

Because:

The agreed actions were:

Signed:.....(Manager / Governor)

Date:.....

(Please return this form to the Employee with a copy placed on file)

DECISION BY EMPLOYEE RAISING GRIEVANCE

- I am satisfied with the outcome.
- I am still dissatisfied and want to go to Stage 2.
- Any other comments (Please use to record all other outcomes, including withdrawing the grievance due to resolution outside this process).

Signed:(Employee) Date:

(Please return this form to your manager)

Grievance Form – 2nd FORMAL STAGE (Appeal)

PERSONAL AND CONFIDENTIAL

- Please use this form to write down the grounds for your appeal. Having a written record helps those concerned to understand your appeal and what you would like to happen as a result of raising this appeal.
- If you have difficulty or are uncomfortable in completing this form you can ask to see your line manager, who will be able to help you complete the form. You may also want to seek help from a colleague or your Trade Union representative.
- Your Line Manager/ appropriate Manager / Governor ask to meet you to decide on the best way to handle your appeal.
- If you wish to provide any relevant documents/statements alongside your form you may do so.

To:..... Manager/Clerk to Governors

From:.....(Please Print)(Job Title)

My Manager is:.....Date:.....

In your own words, please summarise the unresolved issue(s) that is/are concerning you. Please use another sheet of paper if you need to. *Please include details such as dates and times, who is involved and what their relationship is to you, i.e. Manager.*

OUTCOME OF FORMAL GRIEVANCE HEARING - stage two - appeal

(to be completed by the Manager hearing the grievance)

The outcome of the meeting held on/...../..... (date) was that

- I have upheld the appeal
- I have not upheld the appeal
- Some other conclusion

The reasons for reaching this conclusion are as follows:

The agreed actions were:

There are no more stages to the process. This decision is final.

Signed:.....(Manager / Governor)

Date:.....

(Please return this form to the Employee with a copy retained on file)