

Grievance Policy and Procedure

Applicable to all community and voluntary controlled schools (where Warwickshire County Council is the employer) and voluntary aided, foundation and academy schools participating in the Warwickshire Consultation Framework.

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The Governing Body/Trust Board is responsible for creating positive working relations between all employees. If employees have concerns, complaints, or a grievance, the Governing Body/Trust Board wishes to ensure that workplace problems or disagreements are handled constructively and that matters are resolved as near as possible to their point of origin.

This policy applies to all staff employed within the school.

An employee who has a grievance or complaint relating to work, working conditions, benefits, working hours, treatment at the hands of other employees, or concerns about a health and safety issue, a breach of statutory employment rights or any other issue affecting employment, should first talk the matter over on an informal basis with their immediate Line Manager/Headteacher/ Chair (in the case of the Head). They will discuss the matters in confidence, make discreet investigations, and attempt to resolve the matter speedily and fairly.

Where informal resolution has not been possible mediation should always be considered (prior to the formal stage) as a means of resolving the grievance at an early stage. For information on mediation providers please contact your HR Provider.

In instances where informal attempts to resolve the concerns have been unsuccessful and where the line manager is implicated in the grievance, the next line manager (or the Chair of Governors where the Headteacher is implicated) should be approached.

Please note as a matter of policy in all formal meetings that the school requires that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and does not allow recording of meetings.

2. Definition

The ACAS code of practice defines a grievance as “a concern, problem or complaint that an employee raises with his or her employer”.

3. Purpose

This procedure is based on the ACAS code of practice on disciplinary and grievance procedures and its accompanying guidance. The code is brief in its handling of grievance issues but emphasises the importance of seeking an informal resolution of the grievance, followed, if necessary, by the holding of a grievance meeting with a right of appeal. Compliance with the code is not a legal requirement, although breach of its provisions may be considered by any Employment Tribunal considering a claim, where the code is relevant.

The procedure does not apply to settling differences relating to any of the following:

- dismissal, (including redundancy and the non-renewal of a fixed term contract) disciplinary or capability matters
- statutory matters (e.g., Health and Safety Legislation) or matters over which the Council/school has no control
- nationally agreed pay and terms and conditions
- pay or pay grading (which should be dealt with through the pay policy)
- any situation/process where alternative appeal procedures exist
- complaints from parents or students
- a matter that should be considered under the whistleblowing policy.

This procedure provides for individual employees to raise concerns related to their employment and gives the opportunity for the issue to be properly identified and fully investigated in a reasonable, equitable, timely and constructive manner.

An employee who feels aggrieved should, wherever possible, seek to resolve their grievance as near as possible to its point of origin and as soon after the event as possible.

Any Line Manager/Headteacher/Chair contemplating using this procedure beyond the informal stage should seek guidance from their Human Resources (HR) provider.

Employers are obliged to deal with any grievance an employee raises in writing within defined timescales as laid out in the procedure. A meeting must be held to discuss the matter and how it might be resolved. The employee can appeal against any decision at the formal stage that they may consider unsatisfactory.

Employees are required, as part of the formal procedure, to set out in writing the reasons for their grievance, who they believe to be responsible for their grievance and what solutions or desired outcomes they would like to resolve the issue. The grievance cannot proceed beyond the informal stage unless the grounds for the grievance and the expected outcomes are clearly set out.

Employees will not suffer any discrimination, victimisation or other repercussions for raising a grievance.

5. Procedure

Except for the informal stage an employee is entitled to be accompanied by a recognised Trade Union representative or work colleague if they so wish. In the event of any action being proposed involving a Trade Union representative under this procedure, then the appropriate full time official of that Trade Union should be notified prior to the procedure being used. (For further information please refer to the ACAS Code of Practice).

5.1. Informal Stage

The aim is to resolve an employee's grievance or concerns informally with their Line Manager/Headteacher/Chair wherever possible. This can be done in most cases by the employee and Line Manager/Headteacher/Chair meeting and discussing the issues of concern and agreeing a way forward.

If the complaint concerns the Line Manager/Headteacher/Chair and the employee is unable to discuss the matter directly with them, they should then approach the next immediate senior role in the organisation.

It must be emphasised that both parties should make every effort to seek to resolve the grievance informally before the formal stage is used. The party bringing the grievance should make it clear to the other party what they are seeking as an outcome which may assist in seeking to resolve the grievance.

As this is an informal one to one discussion, employee representation will not normally be appropriate at this stage, neither is there a need to submit the complaint in writing unless it assists in clarifying the details for those concerned.



people in dispute to attempt to reach an agreement. The agreement comes from those in dispute not from the mediator. Mediation can be used at any stage of the grievance process. This will mean that any formal procedures are halted whilst mediation route is pursued. If mediation is unsuccessful, the process will revert to the stage reached prior to mediation.

5.2. Formal Stage

If a grievance cannot be settled informally the employee should raise it formally in writing with their Line Manager/Headteacher/Chair. In situations where a complaint is against the Line Manager/Headteacher/Chair the formal complaint may be addressed to the next immediate senior member of the school organisational hierarchy.

5.2.1. Outlining the grievance

An employee must set out in writing, full details of the grievance and state clearly the desired outcome/s they are seeking. The Line Manager/Headteacher/Chair must respond by issuing a written invitation to the employee to attend a meeting to discuss the grievance giving 5 working days' notice and the right to be accompanied by a work colleague or a trade union representative. The employee should have enough time to prepare for the meeting. Depending on the nature of the grievance there may be occasions when it is necessary for those considering the grievance to have first carried out an investigation.

If the work colleague/representative is unable to attend the meeting on the date proposed, the meeting will be rearranged as mutually agreed. The alternative date should normally be within five working days from the original date.

If an employee's chosen companion will not be available at the time proposed for the meeting by the employer, the employer must postpone the meeting to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

5.2.2. Confirming the outcome of a grievance

Following the meeting the Line Manager/Head Teacher/ Chair must inform the employee in writing of the response to the grievance. This should be within five working days of the meeting. The employee will be informed of their right to appeal against the grievance outcome.

5.2.3. Appeal against the grievance outcome

If the employee wishes to appeal against the written response to the grievance, they should inform their Line Manager/Headteacher/Chair and complete the Appeal Against Grievance Outcome Forms (See Guidance Document 4). The Appeal will normally be heard by a nominated Senior Manager or Governor (i.e. a panel of one). Appeals will be dealt with wherever possible by a manager who has not been previously involved in the case.

The reason for the appeal must be set out in writing within five working days of the formal notification of the original decision. The employee can raise an appeal if they feel the outcome does not resolve the problem or any stage of the grievance procedure was wrong or unfair. The appeal should detail all the pertinent facts of the case and the reasons for the dissatisfaction with the decision.

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The person hearing the appeal must then invite the employee to attend a meeting to consider the appeal, giving 5 working days' notice.

notice. The employee will again be informed of their right to representation from a recognised Trade Union representative or a workplace colleague.

If an employee's chosen companion will not be available at the time proposed for the meeting by the employer, the employer must postpone the meeting to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

The employee must be informed of the Appeal decision within five working days of the meeting.

The Appeal decision will mark the end of the internal grievance procedure.

6. Investigation

In certain circumstances, the senior manager may need to instigate a formal investigation either before or after meeting with the employee. In such circumstances the working day response time may not be achievable. Where this is the case, the employee shall be kept informed of progress and the likely date when they can expect a decision. The employee will be advised that their full co-operation will be required to prevent any further delay in the process and to co-operate fully and promptly with any investigation so all relevant facts can be considered.

An appropriate senior member of staff/Governor will be nominated to undertake the role of Investigating Officer so the complaint can be considered as impartially as is practically possible. If this is not possible then the matter should be referred to the Chair of the Governing Body/Trust Board to nominate a suitable party to support the process moving forward.

7. Overlapping Grievance and Disciplinary Cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

8. Confidentiality

All matters, including written records, relating to the application of the grievance procedure will be treated as confidential by all parties concerned except where it is necessary to notify or involve other parties in order to meet legal or regulatory requirements. In some circumstances there may be other individuals who may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual should also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information they will be given.

9. Sharing Information

Under data protection law (UK GDPR), consent should be gained from the person who provided information before sharing it.

The following documents are for information/guidance only and may be amended by the school from time-to-time. They are not, nor intended to be, incorporated into individuals' Contract of Employment.

Guidance Document 1 – Frequently Asked Questions

Guidance Document 2 – Standard Template letters

Guidance Document 3 – How to Conduct a Grievance Meeting

Guidance Document 4 – Appeal Against Grievance Outcome

Guidance Document 5 – Grievance Policy and Procedure Flow Chart

a grievance meeting?

A1 Yes, an employee may be accompanied by a recognised Trade Union Official or a work colleague throughout the formal stages of the procedure. The work colleague will be from the same employer.

Q2 What is the work colleague's/Trade Union Representative's role at a grievance meeting?

A2 The work colleague/Trade Union Representative may address the meeting to put the employee's view across and respond on the employee's behalf to any view expressed at the meeting. They will also be permitted to confer with the employee during the meeting. The work colleague/Trade Union Representative has no right to answer questions on behalf of the employee or to address the meeting if the employee does not wish them to do so.

Q3 Does the work colleague/Trade Union Representative have the right to time off to act as a companion at a grievance meeting?

A3 Yes, an employer must allow a worker to take a reasonable amount of paid time off to act as a companion to another of its employees. It would also be reasonable to give time off to allow them to familiarise themselves with the case and confer with the employee they are accompanying both before and after the meeting.

Q4 Can an employee choose to go straight into the formal stage of the process without the informal stage being considered?

A4 As the process aims to resolve any disputes as close to their source as possible in all circumstances the employee should, wherever possible, raise the matter informally with their Line Manager/Headteacher/Chair before referring to the formal stage. Only in exceptional cases where an employee feels they are unable to discuss the matter with their Line Manager (next senior manager)/ Headteacher/Chair, should the informal stage not be used, and formal stage used immediately.

Q5 Where an ex-employee raises a grievance after having left the school what should the school do?

A5 Grievance procedures should focus on resolving disputes with employees. A former employee might have a dispute with his or her ex-employer that could form the basis of tribunal or court proceedings, and the employer may feel that it is appropriate to engage in dialogue with the individual in the hope of resolving the issue.

Q6 If a resignation letter is received detailing a complaint should this be treated as a grievance?

A6 Yes, the grievance should be pursued even if the employee is leaving the organisation, whilst still employed (i.e., serving notice of their resignation) every attempt should be made to resolve the matter and reduce any potential risk of future claims

Q7 How should employers inform employees that a grievance procedure exists?

A7 This would normally form part of the induction process. Where an employee has a problem, they should talk to their Line Manager/Headteacher/Chair about this procedure and explore an informal resolution or possibly mediation prior to submitting a formal grievance. Trades unions will be able to provide advice to their members.

Q8 What will happen if my work colleague or Trade Union Representative is unable to attend the proposed date for the grievance meeting?

A8 The meeting must be postponed to a time proposed by the work colleague/representative which is mutually convenient. The alternative time must be reasonable and fall before the end of the period of five working days beginning with the first working day after the day proposed by the employer.

Q9 I believe I am being bullied and I am concerned that if I raise a grievance that this may result in further harassment. What do I do?

A9 The Dignity at Work (anti-harassment and bullying) Policy should be used in cases of this nature. You should refer your concerns to your Line Manager/Headteacher/Chair or your Trade Union Representative.

Q10 Will my grievance be treated confidentially?

A10 Any grievance raised will be treated in the strictest confidence as far as possible e.g. any grievance may give rise to disciplinary or criminal investigation even if the member does not want to pursue it.

Q11 Will I be notified of the outcome of the grievance meeting?

A11 You will normally be notified in writing of the outcome within five working days of the date of the grievance meeting and appeal meeting.

Q12 Can I appeal against the outcome of a grievance?

A12 You have the right to appeal the grievance outcome. You should let your employer know the grounds for your appeal without unreasonable delay and in writing. The grounds of the appeal may outline where new evidence arises not previously considered, or due to technical or procedural deficiencies, you may appeal following a decision. Once this has been concluded the decision will be final as the internal procedure is exhausted.

Q13 I am going through the disciplinary process, and I want to raise a grievance related to the case. What will happen?

A13 If, in the course of the disciplinary process you raise a grievance that is related to the case, the employer may consider suspending the disciplinary procedure for a short period while the grievance is dealt with or it may be appropriate to consider both matters concurrently.

Q14 If the Senior Manager/Headteacher/Chair has been implicated what should happen?

A14 Where the line manager is implicated the grievance should be heard by the next higher tier of management up or if necessary, moved sideways to another Senior Manager/Deputy Headteacher/Governor(s). Where the Headteacher is implicated, it may be necessary to put the complaint in writing to the Chair of Governors to hear this stage of the process. Wherever possible an appeal should be heard by a manager who has not previously been involved in the case.

Q15 What should the written request for an appeal meeting include?

A15 As much detail of the complaint as possible, including dates, times, and documentary evidence. It should also include any objection to a particular person hearing the grievance and the reasons for that objection. If you have in mind a desired outcome, it would be helpful to also include this.

Q16 In the case of a grievance being received against a Governor who should hear it?

A17 In this case the Governing Body/Trust Board will nominate the Vice Chair/another Governor/senior manager within the Governing Body/Trust to hear the grievance.

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Guidance Document 2 – Standard Template letters

Letter 1 - Inviting an employee to attend a grievance meeting

Dear,

I am writing to confirm receipt of your formal grievance dated [date]. In accordance with our grievance procedure, which is enclosed, you are now invited to a meeting at [time] on [date] to discuss the issues that you have raised. The meeting will take place [at [location] / remotely via [video conferencing platform]].

The meeting will be chaired by [me / name of individual]. You are entitled to be accompanied at the meeting by a work colleague or trade union official of your choice if you wish. Please inform me as soon as possible of your chosen companion so that I can add them to the meeting invitation.

The purpose of the meeting is to allow you to explain your grievance and discuss how it can be resolved. If you wish to rely on any documents, please send copies to me, if possible, in advance of the meeting.

If you are unable to attend the meeting, please let me know as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

If you require any reasonable adjustments to be made for the meeting, please let [me/name of individual] know as soon as possible.

Should you have any queries generally about this process or questions about what the grievance meeting will involve, please let me know and I will be happy to discuss the arrangements in detail with you.

I will write to you to confirm the outcome within five working days of the grievance meeting and will advise you of your right to pursue the matter further through an appeal to the next most appropriate senior member of the management team.

If I am unable to resolve your concerns within this period, I will give you my reasons in writing.

Please contact me to confirm that you will be able to attend the meeting at the suggested time and whether it is your intention to bring someone with you.

Yours sincerely,

Letter 2 - Informing an employee of the Line Manager/ Headteacher/Head of Education decision and right of appeal following a grievance meeting.

Dear

Following the meeting that was held with you to discuss (details of employee's grievance), I am now writing to you to confirm the outcome.

After listening carefully to everything that you said, I have reached the following conclusions:
[Explain findings in relation to each allegation made by the employee.]

As a result of these findings, I propose to take no further action.
(Detail reasons).

(or)

As a result of these findings, I propose to take the following action:

(Details of action to be taken)

(or)

If you disagree with the decision that has been taken in relation to your grievance, you have the right of appeal in writing to (nominated Senior Manager Headteacher/Head of Education). Once your appeal has been received (nominated Senior Manager/Headteacher/Head of Education) will arrange to meet with you to discuss the grounds for it.

Yours sincerely,

Letter 3 - Inviting an employee to attend a grievance appeal meeting.

Dear

I am writing to confirm receipt of your appeal dated [date] in relation to the grievance meeting held with you on [date], the outcome of which was sent to you on [date].

In accordance with the grievance procedure, you are now invited to attend a meeting to discuss your appeal. The meeting will take place at (time) on (date). The location of the meeting will be (location) and will be chaired by me with *(please give details also in attendance and role.* (Line Manager/Headteacher/Head of Education).

You are entitled to be accompanied at the meeting by a work colleague or trade union official of your choice if you wish. Please inform me as soon as possible of your chosen companion so that I can add them to the meeting invitation.

The purpose of the meeting is to allow you to explain the grounds on which you believe the findings of the original grievance meeting were wrong and should be changed.

If you are unable to attend the meeting, please let me know as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

If you require any reasonable adjustments to be made for the meeting, please let me know. I (Line Manager/Headteacher/Head of Education) will inform you of the outcome of your appeal within five working days.

Should you have any queries generally about this process or questions about what the grievance meeting will involve, please let me know and I will be happy to discuss the arrangements in detail with you.

Yours sincerely,

Letter 4 - Informing an employee of the Line Manager/ Headteacher/Chair decision following a grievance appeal meeting.

Dear

Following the meeting that was held with you on [date] to discuss your appeal against the outcome of your formal grievance, I am now writing to you to confirm the outcome.

After listening carefully to everything that you said, I have concluded that the findings of the original grievance meeting should be upheld. My reason for this conclusion is as follows:
[Insert reasoning behind rejecting the appeal.]

[OR

After listening carefully to everything that you said, I have concluded that the findings of the original grievance meeting should be overturned to the following extent:
[Explain findings of the appeal.]

As a result, I am now directing that the following action should be taken [explain action to be taken as a result of the appeal being allowed].]

I hope that this now resolves the matter. [Should you wish to appeal further, you may do so by setting out your grounds of appeal to me in writing by [deadline for appeal].]

In line with the grievance procedure this is the end of the internal grievance procedure, and you have no further right of appeal.

Yours sincerely,

Guidance Document 3 – How to Conduct a Grievance Meeting

Any meeting should be held in private and without interruption.

Inform the employee of their right to be accompanied at any formal meeting to discuss the grievance. Be careful that any informal discussions of a grievance do not turn into something that could be classed as a formal meeting triggering the right to be accompanied.

Ensure (where possible) all relevant facts are available and, when appropriate, written statements from witnesses.

It may be useful to have an impartial person, to take notes at meetings so the Line Manager/Headteacher/Head of Education is free to give their full attention to the employee.

Before the first meeting, find out whether similar grievances have been raised before, how they were resolved, and if any action has been necessary? This is to assist in providing background or assisting working toward a solution.

Invite the employee to outline in writing detail of their grievance and how they would like it to be resolved.

Encourage as open a discussion of the grievance as possible, asking open-ended questions to get the employee to speak more freely, such as 'what happened next?', 'what did they say to that?' and so on.

You may reach a point in the meeting where you are not sure how to deal with the grievance, so adjourn the meeting to get advice if necessary.

Tell the employee when they might expect a response if one cannot be made immediately - for example, where you may need to investigate further/gather information, consult, or take advice from an external source. Tell the employee what will happen next.

Respond to the grievance in writing within the agreed time scale.

Keep records for future reference, detailing the nature of the grievance raised, the response, action taken, reasons for action taken, whether there was an appeal and if so, the outcome.

If relevant (depending on the nature of the complaint) advise that the outcome of the grievance/grievance investigations can lead to disciplinary proceedings.

The Formal /Appeal Meeting format

A Chair is appointed (no more than a panel of one required but optional to have additional panel members) for the meeting.

The employee or their representative will outline the grounds for their case.

The Chair of the meeting will then discuss with the employee or their representative.

The Headteacher/investigating officer will then present their case responding to the issues that have been raised.

The Chair of the meeting will have the opportunity to discuss with the Head/management side/investigating officer the information provided.

Both parties will then withdraw whilst the Chair of the meeting considers the information.

The outcome of the formal /appeal meeting will be confirmed in writing normally within five working days.

The decision of the Chair of the shall not be subject to any further review beyond the appeal stage under the procedure.

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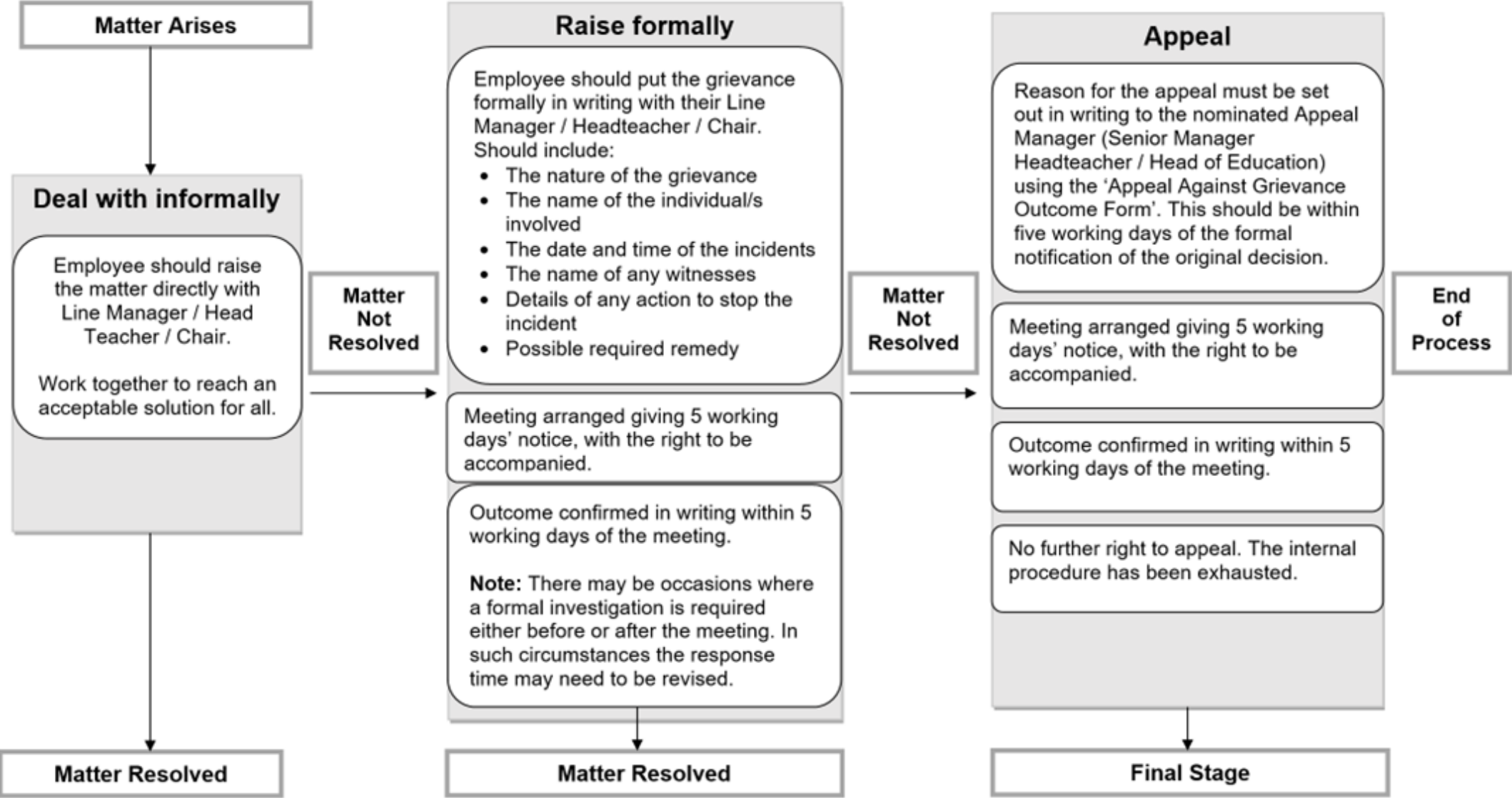


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Guidance Document 4 – Appeal Against Grievance Outcome Form

APPEAL AGAINST GRIEVANCE OUTCOME			
<p>This form should be completed and delivered to (Name) in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.</p> <p>I wish to submit a grievance appeal as outlined below:</p>			
PERSONAL DETAILS			
Your Name:			
Your Job Title:			
Your Contact Telephone No:			
Your email address:			
Union/ Representative (if known):			
Name of Line Manager/ Headteacher/ Chair taking decision:			
Date of receipt of written decision:			
GROUND OFS OF APPEAL			
<p>Please provide further detail for your grounds of appeal providing as much detail as possible, including any grounds for considering the grievance procedure to have been flawed, misinterpretation or lack of evidence and why you consider the outcome to have been wrong in those circumstances).</p>			
WITNESSES INVOLVED IN YOUR APPEAL (IF APPLICABLE)			
<p>Please provide the names and contact details of any witnesses you wish to call during your appeal.</p>			
OUTCOME REQUESTED FROM THE APPEAL			
<p>Please set out what outcome you would like to see from your appeal, and why and how you believe that this will resolve the issue.</p>			
Form completed by signature:		Print Name:	
Date of signature:			
<p>Please send this completed document to the named person given in your outcome letter as the person to address your appeal. You will be advised shortly regarding the next arrangements. Please ensure you have supplied sufficient and specific information to support your case.</p>			

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