

Newport Infant School

Grievance Policy

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| Policy Lead | Rebecca Overthrow |
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It is the policy of Newport Infant School to follow the Telford and Wrekin Grievance Policy. This is included in the Appendix (1).

Appendix 1

Introduction

This procedure has been drawn up following consultations with the recognised trade unions and teachers' professional associations. Once adopted by the governing body, this procedure applies to all school staff.

The Corporate Director for Children and Young People and their officers are available to provide advice and guidance at this and any stage of the policy. The chair and governing body are recommended to seek that advice at all times.

Aims

It is recognised that from time to time individual employees may have a grievance against their employer. Usually head teachers or other appropriate managers will be able to deal with concerns as part of their day to day management however there may be occasions when this is not possible or does not happen.

This scheme is only intended for use where informal discussion has not achieved resolution of a situation. It is not a substitute for discussion between individuals and their head or manager.

It is expected that most problems an employee may have with their employment will be dealt with satisfactorily and informally in the course of the normal working relationship between the employee concerned and their head teacher or immediate manager.

Aided Schools

The references in this procedure to the Authority and the Corporate Director for Children and Young People apply where the governing body of the school agrees with the Authority to accord advisory rights to the Director in relation to employee grievances.

The agreement of the governing body to accord these rights will be in writing and may only be withdrawn by notice in writing to the Authority. However, where a grievance is already in progress in which the Authority has given advice, then it is strongly recommended that existing advisory rights are not withdrawn during the process.

Where advisory rights have not been agreed, the governing body will be responsible for adopting its own procedures and solely responsible for dealing with employee grievances.

1. Purpose

- 1.1 The purpose of this scheme is to provide a mechanism within which grievances can be resolved swiftly and at the lowest level possible. The scheme is designed around the principles of natural justice and has to be operated in a flexible manner to achieve this aim.

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- 1.2 Staff are advised to consult their union representative before using the Grievance Procedure.
- 1.3 This policy is not intended to be used for issues which are covered by other policies. For example issues relating to a disciplinary decision - where the appeals procedure contained within the Disciplinary Policy must be utilised. Issues concerning dignity at work are best dealt with using the appropriate policy. Where there is a specific appeals procedure in place this should be used.
- 1.4 This scheme applies to individual and collective issues and may be applied in appropriate circumstances where a group grievance exists.
- 1.5 The three stage grievance policy is applicable whilst the employee is employed. If an employee ends their employment whilst the grievance procedure has not been completed, then the grievance procedure should be continued until the procedure has been exhausted.
- 1.6 If employment has ended and at any point it becomes not reasonably practicable for one or other party to follow the above policy or both parties agree in writing that this is the case the **Modified Procedure** may be followed instead. Details of the Modified Procedure can be found at section 7.0.

2.0 Informal Procedures

- 2.1 Where a person has a grievance which is against another employee, the head or the governing body at the school and wishes to pursue that grievance, they will first endeavour to resolve the matter by a direct approach to the individual involved. This may involve at his or her request discussions with appropriate senior members of staff.
- 2.2 Where a member of staff requests a personal interview with an appropriate senior member of staff or the head, it will be granted within five working days of the request being made unless this is impossible due to sickness or other unavoidable absence. This timescale can be varied by agreement between the parties. If the matter is concerning the head it may be appropriate to speak to the chair of governors.
- 2.3 Once such an approach has been made, the appropriate senior member of staff, or the head, will seek to resolve the problem personally. With the consent of both parties involved in the grievance there may be subsequent consultation with other persons employed to work at the school, or with the chair of the governing body, officers of the local authority, representatives of recognised trade unions and professional associations.

3.1 Grievance Procedure

Stage One

- 3.2 Where informal discussion has not resolved an issue and an individual remains dissatisfied about any matter affecting their employment the matter should be formally registered in writing. It is recommended that this is done via completion of the Stage One form found at Appendix One. The submission must include a

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sufficient explanation of the basis for the grievance. Any individual may request representation from their trade union.

- 3.3 The employee concerned should submit their written stage one grievance to their line manager as detailed in Appendix Three of this document. The employee concerned should send a copy of the written notice to the person against whom the grievance lies. If the grievance is against their line manager then the employee may approach the head or other appropriate member of staff to register the formal grievance. If the grievance is against the head then the employee must pass the grievance to the chair of governors (or nominee) to register the grievance.
- 3.4 The person in receipt of the stage one grievance should initiate an investigation by appointing a senior member in school to interview the parties and produce a written response to the matter. The written response should be produced as quickly as possible and a copy supplied to the employee and the person against whom the employee has made the complaint.
- 3.5 Either a written response will be completed and dispatched within five working days of the receipt of the written grievance / Stage One form, or a meeting convened to resolve the issue which may involve a further investigatory process to gather more information. That meeting should be convened without delay in order to meet the spirit and purpose of the procedure.
- 3.6 In very unusual circumstances it may not be possible to respond within the specified time period. In these circumstances the employee and / or their trade union representative should be given an explanation for the delay and told when a response should be expected. In any case the employee should be told of the delay no later than ten working days.

4.1 Stage Two

- 4.2 Where the employee is dissatisfied with the response at stage one the employee or representative may invoke the next stage of the procedure in writing. It is recommended that this is done using the Stage Two form found at Appendix Two within ten working days of receiving the stage one response. Acknowledgement of receipt of the written stage two grievance must be issued. If the employee is dissatisfied with the response from the line manager they must pass the stage two grievance to the head. If the initial procedure (stage one) was handled by the head or chair of governors (or nominee) then the second stage will be handled by a committee of three governors nominated for this purpose.
- 4.3 The employee, or their representative, will be invited to a meeting to consider the matter. The employee may be accompanied to this meeting by a workplace colleague or trade union representative. Witnesses may be called if appropriate.
- 4.4 Any governor involved at this stage should not sit on any subsequent panel hearing the matter.

4.4 The Stage Two Hearing

At this stage a grievance hearing will be convened. It will comprise of an appropriate chairperson, advised by the Human Resources department, the employee and trade union or other representative.

The hearing requires:

- Both sides to present their case and witnesses may be called if appropriate.
 - Documentary evidence may be submitted provided it has been circulated at least three working days in advance of the hearing.
 - The aim of the meeting is to achieve a resolution to the grievance submitted.
 - The role of the chair is to remain impartial throughout the process and will adopt an approach aimed at reaching an agreed outcome. This may not be possible in some cases where the original decision will be confirmed or an alternative substituted.
 - The chair has the responsibility to ensure that all individuals have the opportunity to put forward evidence in support of their argument and that this is considered in an objective manner.
 - The chair of the panel will write to all parties within eight working days of the grievance hearing explaining the decision reached. In very unusual circumstances it may not be possible to respond within the specified time period. In these circumstances the employee should be given an explanation for the delay within the timescale and told when a response can be expected.
- 4.5 Limited additional documentary evidence may be submitted to the chair 24 hours in advance of the hearing. However, this should not be used as an opportunity to table papers which could have been submitted earlier. Where there is a dispute the chair will decide. If vital new evidence becomes available that could not have been submitted earlier, the chair can decide to adjourn the hearing in order to consider the new evidence. The adjournment should not be more than five working days.
- 5.0 Stage Three**
- 5.1 If the employee or their trade union representative is dissatisfied with the outcome of the stage two hearing, then the employee or the trade union representative must submit within ten working days of receiving the hearing response a written notification of an appeal to the appeals committee. This should detail the grounds upon which the appeal is based.
- 5.2 The clerk to the governing body will arrange a committee of the governing body meeting as quickly as possible, and within 20 working days of the receipt of the appeal. The employee should be given reasonable notice of the date, time and venue of the meeting. Please see section 6.10 regarding arrangement of meetings.
- 5.3 All relevant documents shall be submitted to the parties concerned as well as the appeals committee of the governing body for the purpose of hearing the appeal within three working days of the appeal together with a clear statement of the grounds for appeal. The parties concerned, if they so wish, may make additional

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submissions, and should be present at the hearing, or may be required to attend and may be accompanied by a representative or a friend. There will be an opportunity for the employee, or the employee's representative, to comment on any new evidence arising during the appeal before any decision is taken. The procedure will be as set out at 4.4 and 6.6 of this policy.

- 5.4 The committee of the governing body will have regard to any guidance issued from time to time by the local authority on conducting an appeal hearing.
- 5.5 The committee of the governing body may dismiss the appeal, uphold the appeal or modify the action proposed at Stage Two to resolve the grievance.
- 5.6 The committee of the governing body may announce its decision to the employee in person or subsequently in writing as it may determine. An oral announcement shall be confirmed in writing by the clerk to the governing body within *eight* working days of the hearing.
- 5.7 The decision of the appeal committee of the governing body is final.

6.0 Grievance Procedure General Points

- 6.1 There should be clear demarcation and independence of roles throughout this process. The same line manager or governor will not be responsible for the formal hearing of the three stages in this process in respect of any one case.
- 6.2 The Corporate Director for Children and Young People and their officers are available to provide advice and guidance at this and any stage of the policy. The chair and governing body are recommended to seek that advice at all times.
- 6.3 Where the issue relates to projected changes, the status quo will be applied until the grievance process is completed.
- 6.4 Where changes have been implemented the revised arrangements will remain in place until the grievance process is completed.
- 6.5 The same grievance may not be resubmitted within six months of being subject to this procedure.
- 6.6 The following procedure will apply at grievance hearings:
- (i) Opportunity will be given for each side to present a case, with the aggrieved party speaking first. Witnesses will not normally be called at the meeting.
 - (ii) Opportunity will be given for questioning by the parties
 - (ii) The panel will have opportunity to question each side
 - (iv) At the completion of questioning, each side will summarise its position, with the aggrieved party speaking first.

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- (v) Opportunity will be given for adjournment at any stage of the hearing. Either side can request such an adjournment.
 - (vi) A note will be made of the hearing under arrangements agreed by the governing body.
 - (vii) The decision of the panel will be communicated in writing within eight working days together with a note of the hearing. Where possible, an oral decision will be given at the hearing, following an adjournment.
- 6.7 It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Copies of meeting minutes will be given to the employee concerned. It is desirable that the employee or their representative will agree the formal notes and minutes of the meetings held, but in certain circumstances this may not be possible. In these cases the notes and minutes must be recorded as 'not agreed.'
- 6.8 In exceptional circumstances the employer may withhold some information e.g. if the employer believes there to be a risk of intimidation or harassment, (in accordance with the Freedom of Information Policy).
- 6.9 Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain personal data.
- 6.10 Before setting dates to discuss any grievance; reasonable efforts should be made to arrange with both the employee and the employee's representative that they are able to attend. If the meeting falls through on two occasions due to the employee and/or representative and/or trade union, the employer will be under no obligation under the statutory procedures to rearrange it again. If this is the case the chair may decide to make a decision based on the information to date.
- 6.11 If an employee raises a grievance regarding the fact they are subject to disciplinary or capability action both issues can be combined if they are linked and dealt with via one process. There will be no resulting delay to the grievance procedure in these circumstances.
- 6.12 There may be occasions where an employee may have not labeled an issue as a grievance and the employer has a duty of care to regard the issue as a potential grievance. In these circumstances the employee should be asked to confirm in writing if the issue is or is not a grievance. The issue should then be dealt with via the correct mechanism.

7.0 Modified Grievance Procedure

- 7.1 The modified grievance procedure should apply in circumstances where the standard grievance procedure would otherwise apply but where employment has ended and either:

| | |
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| Name: | Signature: |
| Name of TU Rep: | Date: |
| Name of Line Manager: | |

Appendix Three

Outline of the Procedure

The grievance procedure has three formal stages, although employees should seek to resolve matters informally if possible prior to using the formal process.

There should be clear demarcation and independence of roles throughout this process. The same line manager or governor will not be responsible for the formal hearing of the three stages in this process in respect of any one case.

The table below summarises who should deal with / hear the grievance at each stage.

| Stage | Against | | |
|--------------------|--|---------------------------------|---------------------------------|
| | Colleague | Head | Governing Body |
| Informal | Raised and resolved by the employee concerned with assistance from any other appropriate individual. | | |
| Stage One | Appropriate senior member of staff or head | Chair of governors (or nominee) | Chair of governors (or nominee) |
| Stage Two | Head or appropriate senior member of staff | Committee of 3 governors | Committee of 3 governors |
| Stage Three | Appeals committee of GB | Appeals committee of GB | Appeals committee of GB |