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| **Document Control Sheet** |

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# Model Grievance Policy and Procedure

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**LA Grievance Policy and Procedure**

**1. Introduction**

A grievance is a concern, problem, or complaint that an employee has in relation to their work or the people they work with. The grievance process may also be used when dealing with complaints of bullying and harassment (refer to the Bullying and Harassment Policy)

The purpose of the Grievance Policy and Procedure is to ensure matters of concern are dealt with thoroughly, fairly, swiftly, and consistently. Employees, their representatives, and managers are required to seek a resolution to any grievance as quickly as possible and within the timeframes set out in this policy.

This policy contains both informal and formal stages.

For the formal stages of the grievance procedure there is a statutory entitlement for the aggrieved employee to be represented by a work colleague or trade union representative.

**2.** **Scope**

This policy applies to all teaching and support staff employed in schools in which the governing body has adopted them for use.

An employee working within a school but employed by another organisation should raise any grievance in line with that organisation’s Grievance Policy and Procedures.

**3.**  **Confidentiality**

All grievance procedures, including details of any investigation and statements relating to it, are confidential to the parties involved in the process, except for official bodies who have a right to require disclosure of information.

Any breach of confidentiality may be considered under the Disciplinary Policy.

**4. Exclusions**

This policy does not apply to complaints of professional malpractice, wrongdoing, or criminal activity. Such concerns should be made immediately, in accordance with the Whistleblowing Policy.

**5.** **Roles and Responsibilities**

Any concern or complaint raised in accordance with this policy must be raised in ‘good faith’.

Any grievance should be raised in a timely manner without undue delay. In usual circumstances a grievance that is raised due to an event that occurred more than six months previously will not be considered. The only exceptions will be:

* when there is evidence that a grievance relating to a recent event(s) is clearly linked to a series of events that may have begun more than six months ago;
* when an acceptable rationale for the delay is presented;
* where harassment, bullying or discrimination is alleged in circumstances that made it difficult for the employee to voice their grievance at the time.

Any concern or complaint found to have been raised for malicious, vexatious, false, or similar reasons may give cause for disciplinary action to be taken against the complainant(s).

It is expected that employees, their representatives, and managers make every reasonable attempt to resolve a grievance quickly and informally before invoking the formal processes of this policy.

It is also expected that when raising an informal or formal grievance, the aggrieved party will clearly state their desired outcome and focus on resolution from the beginning of the process.

All employees are expected to cooperate with the implementation of this policy and procedure and where appropriate the accompanying Bullying and Harassment Policy.

**6.** **Grievance Procedure**

Whether raised at the informal or formal stages of the process it is important that the aggrieved employee approaches the right person with their grievance.

Anyone who wishes to raise a concern(s) or complaint(s) under the grievance procedure should speak to their manager or Head Teacher in the first instance.

If the concern or complaint is about the Head Teacher, then the individual should speak to the Chair of Governors.

In exceptional circumstances where the grievance is against the Governing Body and it is not possible for the Head Teacher or Governors to address the grievance, with the agreement of all parties, the grievance may be referred to the Director for Children and Young People (or their nominated representative). A meeting of the respective parties will be called in accordance with the timescales set out in this policy (refer to flowchart at appendix 1).

**7. Informal and Formal Stages**

Many grievances can be resolved informally and quickly, and there is an expectation that all parties will seek to do this without unreasonable delay before any formal steps are considered. The relevant person (see 6 above) receiving the grievance will try and resolve it informally with the party or parties concerned as soon as possible.

On receipt of an informal grievance a meeting should be held within 10 working days.

There is no statutory right to be accompanied by a colleague or Trade Union Representative at the informal stage of the grievance process, but it may be beneficial to allow this to support the process.

Where the grievance has been raised due to a dispute between employees the relevant person could consider involving a trained mediator to help resolve the situation (the employees in dispute must all agree to the mediation process for it to be invoked). Or the relevant person could make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked.

It is expected that all parties are encouraged to take prompt action regarding meetings, decisions and communications.

If it has not been possible to resolve the grievance informally, and the aggrieved employee wishes to pursue the matter formally, they should do so in writing (if they have not already done so), without unreasonable delay. The written grievance must be submitted to the relevant person (see 6 above) and clearly state the grounds on which the grievance is formally being raised, what steps have already been taken to resolve the issue(s) along with the resolution(s) the employee is seeking.

**8.** **Investigation & Grievance Hearing Meeting**

On receipt of the formal written grievance, the relevant person (see 6 above) should acknowledge the grievance in writing within 5 working days.

It may be necessary to carry out an investigation. The length of the investigation will depend on the nature of the concerns or complaints and will vary from case to case. This may involve interviewing and taking statements from the aggrieved and any witnesses, and/or reviewing relevant documents. The investigation may be carried out by the relevant person or someone else appointed by the relevant person.

Employees must co-operate fully and promptly in any investigation. This may include informing the relevant person of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

However, in other cases the relevant person may decide it is necessary to discuss the formal grievance before deciding if an investigation is commissioned. This meeting should be held within 10 working days after receipt of the formal grievance unless the employee has been advised an investigation will be undertaken beforehand. The employee will be given the opportunity to explain their grievance in full and confirm the resolution they are seeking. The relevant person will also have the opportunity to question the employee about their grievance and explore the reasons for the grievance and consider any evidence provided in full.

It is still good practice for the relevant person to make one final attempt to explore with the complainant whether the grievance can be resolved informally before the formal process is invoked.

It is expected that all parties are encouraged to take prompt action regarding meetings, decisions and communications.

The employee has the statutory right to be accompanied at a formal grievance meeting by a colleague or Trade Union Representative. If the chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee may be asked to choose someone else.

In some cases, it may be necessary to adjourn the process to allow for further investigation to take place to ensure thorough consideration of the grievance and to make recommendations for action. If so, the employee will be kept informed regarding the process and the hearing meeting will be reconvened following these investigations.

**9. Outcome**

Any decision made by the hearing manager following a formal grievance (without investigation) must be conveyed to the employee verbally in the first instance, and followed up in writing within 10 working days, summarising the rationale for the decision.

The decision should be clear on whether the grievance is upheld, partially upheld, or not upheld and detail relevant recommendations for resolutions where appropriate. It is the responsibility of the hearing manager/chair of hearings panel to follow up and ensure any recommendations are implemented.

The employee is entitled to be accompanied at the outcome meeting by trade union representative or work colleague.

Following a formal investigation the employee should be invited, in writing, to a meeting with the hearing manager/chair to hear the findings of the investigation, whether their grievance is upheld, partially upheld or not upheld and deliver relevant recommendations for resolutions where appropriate.

The employee is entitled to be accompanied at the outcome meeting by trade union representative or work colleague.

The employee may ask questions at the meeting, but the meeting is not a platform to rehear the grievance, reopen the investigation or hear any new complaint(s) (the scope of the grievance investigation will have been agreed at the original grievance hearing meeting).

It is the responsibility of the hearing manager or /chair of hearings panel to follow up and ensure any recommendations are implemented.

Following the meeting, the decision must be followed up in writing within 10 working days, summarising the outcome and rationale for the decision.

The employee will be reminded of their right of appeal if they do not agree with the outcome.

**10. Appeal**

The employee has the right to appeal any part of their grievance that they feel has not been satisfactorily resolved. An appeal must be in writing setting out the employee’s reasons for disputing the decision. New evidence may be considered at this stage if further investigations are to be undertaken before an outcome / decision can be made.

An appeal must be received within 10 working days of the date of the outcome letter of the grievance. An appeal hearing will usually be arranged within 10 working days of receipt of the appeal letter. The appeal should be heard by a different person or panel with delegated responsibility from the original grievance. Following the appeal hearing a final decision will be conveyed to the employee within 10 working days of the hearing and confirmed in writing.

**12. Further Action**

It is important that arrangements are made to follow up any recommendations and/or actions as required. This can be agreed as part of the grievance outcome to ensure they are implemented as per the decisions.

Where a grievance has been submitted and there is evidence to suggest it is demonstrably vexatious, malicious, or false the school reserves the right to consider appropriate action under the disciplinary process.

**13. Collective Grievances**

A collective grievance occurs where a group of staff feel aggrieved about the same issue. Where this occurs, the employees will be asked if they wish to have the grievance considered collectively and if so whether they want to nominate one employee as a spokesperson. If the grievance is dealt with in this way it cannot then be raised by the same employees individually. The collective grievance procedure will follow the same timescales and process as that for individual grievances.

**Appendix 1**

Grievance Process Flow-Chart

Employee Raises Grievance

Grievance ‘heard’ by hearing Manager

Can grievance be resolved informally?

No

Yes

Agree solution and Hearing Manager to facilitate solution. Summarise outcome in writing.

If formal, grievance to be submitted in writing (if not already done so) by employee clearly stating desired outcomes/resolution.

Is further investigation required to collect evidence in relation to formal grievance?

Yes

No

Hearing manager to make decision and any potential recommendations. Decision and (any) recommendations to be conveyed to employee in writing giving right to appeal the decision (if necessary).

Hearing Manager and aggrieved employee to agree matters to be investigated. Hearing manager to summarise in writing and appoint investigating officer to conduct fact finding meetings/collect evidence in relation to grievance.

On completion of investigation invite employee to a meeting where the hearing manager will deliver the outcome of the investigation and convey decision to the employee. Advise employee of their right to appeal (if necessary). Decision and appeal rights to be confirmed in writing.

Appeal

Appeal to be received within 14 days of original outcome decision letter clearly stating grounds of appeal.

Different Hearing Manager to be appointed to hear grievance (and review investigation if relevant). Decision to be conveyed in writing to employee. No further right to appeal.

**Table of substantive changes from previous edition**

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| **Section** | **2021 Change(s) made** |
| 1 Introduction | Moved information about basic principles of policy from ‘Scope’ into introduction section so they are very clear from start. |
| 2 Scope | Removal of wording relating to PRU’s, Community and Controlled Schools Voluntary Aided and Foundation Schools as not sure on necessity of it being in the policy |
| 3. Confidentiality | Tidied up wording |
| 4 Exclusions | Tidied up wording to make it more concise |
| 5. Roles & responsibilities | Tided up wording to make it more concise.  Extended exceptions for hearing grievances about events which took place more than 6 months ago. |
| 6. Grievance Procedure | Formerly ‘Informal Stage’. Clearly expresses procedure and who a grievance should be raised with. |
| 7. Informal stage | Similar to previous policy but focusses on importance of trying to resolve a grievance informally and ASAP which is why meeting to hear the grievance convened within 5 working days by relevant person/hearing manager |
| 8. Formal Grievance Process | (New Section) Short concise section to make it clear that if a grievance is raised formally what the written grievance must outline |
| 9. Grievance Hearing Meeting | (formerly 7a)  Shorten Timespan so that formal meeting held within 5 days of grievance being raised – it is in everyone’s interest to attempt to resolve a grievance ASAP. Grievance MUST be heard at this stage and prior to an investigation as if at the meeting it is deemed an investigation is required the scope will be agreed here. |
| 10. Investigation | Sets out basic investigation process and parameters. |
| 11. Outcome Meeting | Details the process and procedure for the Outcome Meeting. Clarifies that this is not a meeting to reopen any investigation and that the meeting is to deliver the outcome of the grievance based on the evidence uncovered by the investigation (the scope of which was agreed at the original grievance hearing). |
| 12. Appeal | Standard information on Appeal. The old policy states, ‘New evidence is admissible in an appeal this has been omitted as new evidence should not be considered at the appeal stage. Appeal deadline changed back to 14 calendar days. |
| 13. Further Action | Makes it clear that where actions have been agreed the relevant person/hearing manager is responsible for ensuring these are followed through.  Also makes it clear that where there is evidence to suggest the grievance was vexatious, malicious, or false disciplinary action may be taken. |
|  | May 2023  Reviewed but no changes made |
|  | 2024 changes:  Timeframe extended to meet when grievance is lodged  Rewording but no other changes made |