

# Grievance Procedure for Schools



St. Helens Council

Children and Young People's Services  
Human Resources Section  
Atlas House  
Corporation Street  
St Helens  
Merseyside  
WA9 1LD

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## **1.0 Introduction**

This procedure is intended for use by an individual who is still in employment and provides a useful procedure through which he/she can raise a complaint or an issue about any matter relating to employment. It has been drafted in accordance with the ACAS Disciplinary and Grievance Procedures Code of Practice (April 2009).

Reasonable attempts should be made to address concerns, problems or complaints at the earliest possible stage through an informal process. This procedure exists so that staff have a mechanism to address issues as they arise and via a relevant and agreed process. It is accepted that in some cases this is either not possible or deemed not to be appropriate and issues may be dealt with formally from the outset. Complaints of bullying and harassment will be dealt with under this procedure at the most appropriate level.

## **2.0 Scope**

The procedure is open to all employees of the School, excluding where:

1. there has been failure to comply with the reasonable time limits in the procedure, unless by agreement a particular time limit has been waived;
2. there is an attempt to restart the procedure in respect of the same complaint, unless any action agreed by management to redress the original complaint has not been implemented;
3. the employee concerned is subject to other procedures of the Council where there is an inbuilt appeal mechanism in that procedure, and that the grievance is demonstrably linked to this issue e.g. the Disciplinary Procedure
4. The complaint raised by a representative of a recognised trade union or other appropriate workplace representative affects other employees. These grievances will be handled in accordance with the collective disputes resolution process.
5. A matter over which the School / Council has no control;
6. Any matter which affects a change to National or Local Conditions; and
7. Any matter which affects other employees of the Council or which is classed as a "point of principle".

## **3.0 Representation**

Any employee who is invited to attend a formal meeting / hearing that deals with a complaint about a duty owed by the employer to the employee, e.g. that the employer is not honouring the employee's contract, or is in breach of legislation has a statutory right to be accompanied by a representative of a recognised trade union, an official employed by a trade union or an employee/workplace colleague of his/her choice.

Where the employee or representative requests a postponement then this will be addressed in line with the Employment Relations Act 1999.

## **4.0 Overlapping grievance and disciplinary / performance improvement cases**

Where an employee raises a grievance during a disciplinary or capability process decisions will be taken at school level on an individual basis which may or may not result in the process being temporarily suspended whilst the grievance is dealt with.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues within the disciplinary process concurrently. Grievances raised by

an individual who is subject to the Employee Performance Improvement Procedure will not normally be considered where it is deemed that they are wholly related, or have been raised in direct response, to being managed under the procedure and / or to the manager conducting the procedure. Employees wishing to raise any issues should do so within the Employee Performance Improvement Procedure itself.

## **5.0 Protection against Victimisation**

Employees have the right to make a complaint without fear of victimisation, subsequent discrimination or disadvantage. However, malicious or vexatious complaints without foundation will not be tolerated and may lead to disciplinary action being taken.

Support for the Complainant – employees who are subject to grievances at work may experience emotional or psychological reactions to their experiences. Support and/or counselling via Occupational Health should be offered to the employee concerned. Support may also be offered by the employee's Trade Union.

Support for the Respondent – where any grievances are not substantiated no record of that complaint or investigation will be maintained on the Respondent's file. The Respondent must be shown a similar degree of sensitivity, protection and discretion as the person making the allegation. Only in exceptional circumstances should it be necessary to make alternative arrangements for working whilst the investigation is being carried out and advice should be taken from Human Resources if this is being considered.

## **The Procedure**

### **5.0 Informal Stage**

If it is reasonably possible, attempts should be made to address issues at this stage. The manner in which the issue is addressed at the informal stage can vary dependant upon the nature and complexity of the matter. This may include for example meetings, discussion or mediation.

#### **5.1 What the employee should do**

Where an employee has a grievance about any matter relating to his/her employment then the matter should be discussed informally in the first instance with the employee's immediate manager or supervisor.

Where the individual's grievance is regarding the immediate manager or supervisor, then the issue should be raised with a relevant, more senior manager.

In the case of a grievance against the Head teacher / Principal, then the matter should be brought to the attention of the Chair of Governors. The Chair of Governors may nominate another Governor to address any such matter at this stage.

#### **5.2 The role of the Line Manager at the Informal Stage**

The role of the manager at this stage is to make reasonable attempts to facilitate a process, which will allow the aggrieved individual to seek a resolution to their issues. This may involve for example facilitation of meetings, involvement in discussions or, informal management mediation.

It is not the role of the manager receiving the grievance at the informal stage to investigate grievances and to provide a management response.

The manager receiving the grievance may form the view that because of the nature and complexity of the matter the issue cannot be dealt with at the informal stage. In cases where it is clear that management investigation and response is the most appropriate manner in which to deal with the matter, advice should be taken from a relevant more senior manager. The matter should also be discussed with Human Resources.

The manager in receipt of the complaint should ensure that relevant reasonable management notes are made of the grievance itself, the process followed in attempting to address the issue and the outcome. These notes should include:

- detail of the grievance,
- relevant times and dates
- overall content of any actions, discussions and meetings
- who was present.

Any notes taken do not need to be verbatim, merely provide sufficient documented evidence that the issue was addressed. These are management notes and should be stored confidentially so that they can be referred to should the matter be progressed to a formal stage.

### **5.3 Moving to the Formal Stage**

Where an employee is unable to raise their complaint informally, or if the matter remains unresolved after the informal stage, the matter should progress to the formal stage of the procedure.

### **6.0 Formal Stage**

Where an employee:

- (a) is unable to raise their complaint informally or
- (b) the Informal Stage has been followed and the employee is dissatisfied with the outcome,
- (c) the manager has decided that the Informal Stage is not the most appropriate way to address the grievance

then the individual should provide written notification of their grievance.

### **6.1 Written Notification**

This written notification must set out the full details of the complaint and, if applicable following the Informal Stage, detail why the employee remains dissatisfied. The grievance should indicate relevant dates, times, witnesses to any relevant incidents. Further, the written grievance should include details of the resolution sought. The grievance should not include or attempt to resurrect any previous issues that have been raised and addressed.

The complaint should be raised as soon as practicable following the incident(s) to which the complaint relates, or within 10 working days of notification of the outcome of the Informal Stage.

The written Grievance should be addressed to the Head teacher / Principal. Where the grievance is regarding the Head teacher the written Grievance should be addressed to the Chair of Governors. The Chair of Governors may nominate another Governor (or panel of Governors) to address the matter.

### **6.2 Advice / Appointment of the Appropriate Management Representative**

It is advisable that upon receipt of a written grievance at the Formal Stage of the procedure, advice is sought from Human Resources.

The Head teacher / Principal (Governor, Panel of Governors or Chair of Governors if applicable) will investigate and respond to the grievance. In relevant circumstances this may be delegated to another manager. The manager appointed to hear and respond to grievances will be advised by the Human Resources Service at all stages in this process.

### **6.3 The role of the Management Representative**

The appointed manager will confirm receipt of the written grievance and arrange a hearing. Ideally this hearing should take place within 10 working days of the receipt of the written grievance.

The role of the Management Representative is to consider the grievance, take reasonable steps to investigate the matter and provide a response to the individual.

This may include speaking to the individual who has raised the grievance and any other individual who the Management Representative deems relevant to allow a response to be formulated.

The Management Representative will reserve the right to decide how the grievances will be dealt with, including which other individuals or pieces of evidence are required to enable a reasonable response to be provided. This may include a meeting with any manager who facilitated any action taken under the Informal Stage of the procedure.

Throughout the process the responding manager may take advice from Human Resources regarding the scope of the process and the potential for referral to other procedures, for example the disciplinary procedure.

#### **6.4 Grievance Meetings**

Unless agreed otherwise in advance, any meeting will be undertaken with the individual who will have the right to be represented / accompanied as outlined earlier in this procedure. The Management Representative may be accompanied at any meeting by a Human Resources advisor or any other relevant individual who may take management notes.

Only in exceptional circumstances will a meeting not be required with the individual raising the grievance. This will only be the case when the individual has confirmed in writing that they have provided all possible detail and supporting evidence in their written grievance.

In any case, a hearing with the aggrieved individual may still be called at the discretion of the Management Representative who may wish to ask further questions, seek clarification or make further enquiries. Should for any reason the individual unreasonably refuse to attend a hearing or there are any unreasonable delays, the Management Representative reserves the right to continue to address the grievance on the basis of the evidence.

#### **6.5 Management Response**

The employee will be notified of the decision reached at the end of the process. This will be confirmed in writing which will be delivered to the employee (copied to the representative) ideally within ten working days of the original hearing, or as soon as practicable following the conclusion of any grievance process.

The Management Representative may choose to meet with the employee to confirm the outcome. The notes of this outcome meeting may form the written management response. In such cases the notes will be management notes, not minutes or a verbatim record of the discussion. The notes do not require agreement from the individual or their representative.

In any case the management response at the Formal Stage will include the right to appeal.

Where complaints or allegations have arisen and have been made against other employees then the Management Representative will take reasonable steps to inform the individual(s) of any decision that is relevant to them.

Part of any management response (to the aggrieved or any other relevant employee) may include advice or instruction regarding certain matters and the Management Representative may take reasonable steps to ensure that any such advice or instruction is acted upon.

## **7.0 Appeal**

If the employee remains dissatisfied with the decision then he/she should inform the Chair of Governors of the grievance, and why they are dissatisfied, in writing. Any appeal should also include any resolution sought. This must be done within ten working days of the receipt in writing of the original decision.

Where the Chair of Governors was the management respondent at the Formal Stage, then any appeal letter should be addressed to the Vice Chair of Governors.

### **7.1 Appointment of Appeal Respondent / Panel**

Where possible, the Chair of Governors will allow the appeal to be addressed by the Head teacher / Principal or relevant other senior manager. This is possible where the Head teacher / Principal/ relevant senior manager is not the subject of the grievance and has not had any significant involvement in the Informal or Formal Stage of this procedure. Where this is not possible, the appeal will be addressed by a panel of Governors.

In any case the Appeal Respondent/Panel addressing the appeal will be advised by Human Resources.

### **7.2 Appeal Meetings**

The appeal management representative /panel will confirm receipt of the appeal and arrange a hearing. Ideally this hearing should take place within 10 working days of the receipt of the written grievance.

Only in exceptional circumstances will a hearing not be required with the individual raising the grievance. This will only be the case when the individual has confirmed in writing that they have provided all possible detail and supporting evidence in their written grievance.

In any case, a hearing with the aggrieved may still be called at the discretion of the appeal respondent/panel who may wish to ask further questions, seek clarification or make further enquiries. Should for any reason the individual unreasonably refuse to attend a hearing or there are any unreasonable delays, the appeal respondent/panel reserves the right to continue to address the appeal on the basis of the evidence.

Unless agreed otherwise in advance, any appeal meeting/hearing will be undertaken with the individual (i.e. the appeal respondent / appeal panel meeting with relevant people on an individual basis). Any individual will have the right to be represented / accompanied as outlined earlier in this procedure.

The appeal will take the form of a review of the formal stage. The appeal respondent/panel will consider all information gathered by the Formal Stage responding manager, including any evidence submitted by the aggrieved employee at the formal stage. The panel will also consider the content of the management response and the written appeal.

The manager involved at the Formal Stage may be invited to attend a meeting with the appeal respondent/panel and provide an explanation of their decision.

### **7.3 New Evidence**

New evidence will not be accepted at appeal unless it is agreed by the appeal respondent/panel.

If any new evidence emerges in the period between the Formal Stage response and any appeal hearing, then dependant upon the nature and significance of the evidence this may be remitted back to the original Management Respondent at the Formal Stage of the procedure, for their consideration.

The appellant must show why the evidence is new and why it was not possible to produce this evidence at the original hearing.

### **7.4 Appeal Response**

The outcome of any appeal should be communicated in writing and delivered to the employee (copied to the representative) within ten working days of the end of the appeal process.

The appeal respondent/panel may choose to meet with the employee to confirm the appeal outcome and the notes of this meeting may form the written management response. In such cases the notes will be management notes, not minutes or a verbatim record of the discussion. The notes do not require agreement from the individual or their representative.

Where complaints or allegations have been made against one or more other employees than the appeal respondent/panel will take reasonable steps to inform the individual(s) of any decision that is relevant to them.

Part of any appeal response (to the aggrieved or any other relevant employee) may include advice or instruction regarding certain matters and the appeal respondent may take reasonable steps to ensure that any such advice or instruction is acted upon.

The Individual Grievance Procedure will end at this level.

### **8.0 Monitoring of Grievances**

St.Helens Council has a statutory obligation to undertake monitoring in respect of race, gender and disability. Grievances submitted are one of the items that must be monitored under this obligation to ensure that they are free from discriminatory bias in respect of their content and handling.

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