



# PATCHAM HIGH SCHOOL

One Team, One Dream

## **Grievance Procedure**

## **PROCEDURE FOR RESOLVING INDIVIDUAL GRIEVANCES** **SCHOOLS/COLLEGES WITH A DELEGATED BUDGET**

### **Introduction**

- 1 This procedure has been prepared in consultation with all the recognised trade unions in the Education Service. It is commended to governing bodies to enable them to meet their obligation under the Employment Act 2002 to determine and make available to staff a grievance procedure. It applies to all categories of employee within the school/college, and is designed to enable individual grievances which arise in the course of employment to be resolved as fairly and as quickly as possible and to minimise any effects of the grievance upon relationships at the school/college.
- 2 Whilst employment legislation requires that this procedure be available to staff, it is in the interests of the parties to any grievance to seek to resolve it at the earliest possible stage by any appropriate informal means available to them.
- 3 The following matters cannot be raised under this grievance procedure.-
  - (i) Disciplinary matters (for which there is a separate disciplinary/dismissal procedure which makes provision for the hearing of appeals);
  - (ii) Matters relating to income tax, national insurance and other statutory deductions from pay;
  - (iii) Matters raised by a group of staff (for which a collective disputes procedure is to be made available)
  - (iv) Appeals against the grading of posts;
  - (v) Matters over which the council or school has no control e.g. compliance with and implementation of health and safety legislation
  - (vi) Employment-related matters raised by ex-employees after their service with the school has ended
  - (vii) Capability matters (dealt with under the separate Capability Procedure).
  - (viii) Matters where separate procedures apply e.g. whistleblowing.
- 4 In this grievance procedure, reference to days means working days when the school/college is in session.
- 5 The parties to a grievance may on occasion, and by mutual agreement, modify the time limits referred to in this grievance procedure.

- 6 If a grievance is not dealt with within the time limits laid down in the grievance procedure, or within any extended time limits mutually agreed under paragraph 5 above, the employee will be entitled to move to the next stage of the procedure.
- 7 Where the grievance is against another employee (other than a supervisor or manager where the grievance relates to that role), initially it may be more appropriate to hear the grievance without that other employee present. An adjournment, a later separate meeting with that other employee, possibly resulting in bringing both parties together, should then be considered.
- 8 All parties using the procedure should endeavour to settle the grievance as near as possible to the point of origin. The overall aim should be to use the procedure appropriately, fairly and speedily to ensure that its spirit and intention is observed at all times. The value of an impartial approach to the consideration of grievances is recognised by all parties.

Under current legislation, former employees may also raise a grievance. The procedure detailed below should be followed unless the former employee and the manager agree in writing to follow what is known as a 'modified procedure' (contact HR for further details).

#### Representation

- 9 An employee raising a grievance may, if he/she so wishes be advised and/or represented by a trade union representative or accompanied by a colleague who is an employee of the school at every stage of the formal procedure.**
- 10 Notwithstanding the above, the employee has a statutory right to be accompanied at any grievance hearing which concerns the performance of a duty by school or council in relation to the employee i.e. a legal duty arising from statute or common law.
- 11 The term "trade union representative" throughout this document means either a lay trade union official (i.e. a steward/representative or full-time official) or a full-time official employed by a trade union.
- 12 Trade union representation will be afforded to any employee, irrespective of whether or not he/she belongs to a trade union recognised by the school.
- 13 In cases where the employee has a statutory right of accompaniment, and his/her chosen companion cannot attend on the date proposed for a meeting, the employee can offer an alternative time and date, any alternative time and date must be reasonable and fall within five working days beginning with the first working day after the date originally proposed by management.

#### Informal Stage

- 14 The headteacher/principal shall be considered to be responsible as part of his/her overall management responsibilities for the oversight of matters capable of causing

grievances amongst employees, and shall seek to resolve such grievances as they arise without recourse to formal procedures. In cases where grievances are against the headteacher/principal then the Chair of Governors or his/her nominated governor shall assume the role of the headteacher/principal given above. The resolution of grievances by these means is encouraged, and the informal assistance of the Director of Children's Services (or their representative) and the recognised trade unions may be sought for this purpose in appropriate cases.

- 15 The formal stages of the procedure set out below shall be applied for the purpose of resolving any grievance held by an employee arising in the course of his/her employment which cannot be resolved through informal discussion amongst those involved as part of the everyday management of the school/college by the headteacher/principal, Chair of Governors (or his nominee) and senior staff.

## **Formal Procedure for employees (other than Headteachers/Principals)**

### **Grievances contained within the school**

- 16 In the event that a grievance is not informally resolved within ten days of it being raised, or earlier if the employee decides, the employee shall be entitled formally to present his/her grievance in writing to the headteacher/principal in summary or in detail.

#### **Stage 1**

- 17 A grievance should in the first instance be dealt with by the headteacher/principal, who should conduct a formal meeting(s) with the aggrieved employee and any other parties involved within ten days following receipt of the grievance in written form. The headteacher/principal may be advised by a senior colleague in the school/college, the Chair of Governors or by an officer of the local authority. The value of seeking to resolve any grievance against another employee (other than a supervisor or manager where the grievance relates to that role) initially by a separate meeting should be considered. The aggrieved employee and any other employee (except as part of a supervisory or management role) is entitled to be represented at any such meeting by a trade union representative or colleague employed at the school.
- 18 The procedure at any meeting should be as follows:  
The headteacher/principal shall allow the aggrieved employee or his/her representative to make a statement. Where it has been decided to involve more than one party, the aggrieved person or his/her representative shall make the opening statement and be allowed to call any witnesses. There shall be an opportunity for questioning by the other party and the headteacher/principal. The same opportunity to make a statement and call witnesses shall then be afforded to the other party. There shall be an opportunity to make a closing statement. The person raising the grievance shall make his/her closing statement last.
- 19 If the circumstances permit, the headteacher/principal should give his/her decision on the grievance orally, normally after an adjournment to consider the decision. This decision shall be confirmed in writing within three working days.

- 20 Alternatively the circumstance may require further review and/or enquiries. This should be confirmed orally at the end of the meeting. A decision should be given orally within five working days of the meeting and confirmed in writing within three further working days.

## **Stage 2**

- 21 Where the employee is not satisfied following Stage 1, he/she should send written details of his/her grievance to the headteacher/principal within ten working days of receiving the written decision. The headteacher/principal should arrange through the clerk to the governors a meeting of a panel of governors authorised by the governing body to hear grievances. Members of the panel must not have had any previous involvement in the matter. Normally the meeting shall take place within twenty working days of the receipt of the written grievance by the clerk.
- 22 The procedure followed by the panel during the meeting shall be the same as at Stage 1.

## **Stage 3**

- 23 In the case of the grievance remaining unresolved, cases will be considered by a separate panel authorised by the governing body to hear grievance appeals.
- 24 The procedure followed by the governors will be the same as for the Stage 1 hearing. The time scales will be as for the Stage 2 hearing.
- 25 The decision of the grievance appeal panel will be final.

## **Grievances against the Local Education Authority**

- 26 In the event that a grievance is not informally resolved within 10 days of it being raised, or earlier if the employee decides, the employee shall be entitled formally to present his/her grievance in writing to the headteacher/principal in summary or in detail.

## **Stage 1**

- 27 A grievance should in the first instance be dealt with by the headteacher/principal, who should conduct a formal meeting(s) with the aggrieved employee and any other parties involved within ten days following receipt of the grievance in written form. The headteacher/principal may be advised by a senior colleague in the school/college, Chair of Governors or by an officer of the local authority. The value of seeking to resolve any grievance against another employee (other than a supervisor or manager where the grievance relates to that role) initially by a separate meeting should be considered. The aggrieved employee and any other employee (except as part of a supervisory or management role) is entitled to be represented at any such meeting by a trade union representative or colleague employed at the school.
- 28 The procedure at any meeting should be as follows:

The headteacher/principal shall allow the aggrieved employee his/her representative to make a statement. Where it has been decided to involve more than one party, the aggrieved person or his/her representative shall make the opening statement and be allowed to call any witnesses. There shall be an opportunity for questioning by the other party and the headteacher/principal. The same opportunity for questioning by the other party and the headteacher/principal. The same opportunity to make a statement and call witnesses shall then be afforded to the other party. There shall be an opportunity to make a closing statement. The person raising the grievance shall make his/her closing statement last.

- 29 If the circumstances permit, the headteacher/principal should give his/her decision on the grievance orally, normally after an adjournment to consider the decision. This decision shall be confirmed in writing within three working days.
- 30 Alternatively the circumstances may require further review and/or enquiries. This should be confirmed orally at the end of the meeting. A decision should be given orally within five working days of the meeting and confirmed in writing within three further working days.

## **Stage 2**

- 31 Where the employee is not satisfied following Stage 1, he/she should send written details of his/her grievance to the Director of Children's Services within ten working days of receiving the written decision. The Director (or their representative) should arrange a meeting to hear the grievance. Normally the meeting shall take place within twenty working days of the receipt of the written grievance by the Director.
- 32 In the case of grievances that remain unresolved the matter will be considered by a senior officer appointed by the Director of Children's Services.
- 33 The procedure followed by the senior officer of the LA at this meeting shall be the same as for the Stage 1.

## **Stage 3**

- 34 In the case of the grievance remaining unresolved, cases will be considered by a separate panel authorised by the City Council to hear grievances.
- 35 The procedure followed by the councillors will be the same as for the Stage 1 hearing. The time scale will be as for the Stage 2 hearing.
- 36 The decision of the panel will be final.

## **Grievances Raised By Headteacher/Principal**

- 37 In the case of grievances raised by the headteacher/principal, which he/she cannot resolve at an informal stage with the Chair of Governors and/or the Director of Children's Services the following formal arrangements will apply: -

- (i) A grievance contained within the school will be considered by the panel authorised by the governing body with any appeal to the grievance appeal panel established by the governors;
- (ii) A grievance against the Local Authority will first be considered by a senior officer appointed by the Director of Children's Services. Where the grievance remains unresolved, the matter will be considered by a panel authorised by the City Council to hear grievances.

38 At these stages the procedure followed will be the same as for the Stage 1 hearing. The time scales will be the same as for the Stage 2 hearings (see paragraph 20 and 30 above).

**Records**

39 Details of any grievance and the steps and decisions taken in an effort to resolve it should be retained on the personal file(s) of the person(s) involved.