

Grievance Resolution Policy For Schools and Academies

(Policy Agreed with All Recognised Trade Unions)

Document Number: 24

Date: April 2021

Contact: Human Resources – 01905 844 560

© HR Consultancy for Schools (This edition 2021)
Copyright free to schools which purchase HR Consultancy service

Contents

Grievance Resolution Policy	3
1. Introduction	3
2. Scope	3
3. Equality and Diversity	3
4. Roles and Responsibilities.....	3
5. Key Principles.....	4
6. Collective Grievances.....	5
7. Policy Review	5

Grievance Resolution Policy

1. Introduction

- 1.1 A grievance is defined by ACAS as a concern, problem or complaint that an employee raises with their employer. This may relate to an employee's physical working environment, working relationships, health and safety, discrimination and other employment related matters such as organisational change or new working practices.
- 1.2 The purpose of this Policy is to encourage employees to resolve issues informally; it is in the interests of all to resolve problems at an early stage, before they escalate. Where that has not been possible, there will be scope for employees to raise grievances formally. The school is committed to ensuring that grievances are resolved quickly, fairly and consistently.

2. Scope

- 2.1 A grievance can be raised by any school employee. It will not apply to ex-employees; ideally grievances should be addressed before an employee leaves employment, however, if it has been raised and not concluded prior to leaving, the process may be continued
- 2.2 This Policy does **not** apply where a grievance concerns for example, job evaluation/grading/pay or flexible working, where other procedures will apply, or in other instances where it is beyond the school/employer's power to resolve, e.g. tax/NI issues, where redress should be sought with the appropriate external agency.
- 2.3 Employees who have a complaint about another employee, including bullying or harassment are encouraged to raise such concerns following the school's Fairness and Dignity Policy. Where an employee is concerned about possible malpractice, wrong-doing or illegal activities at work, where complaints are not personal and which are in the public interest, they should raise their concerns using the school's Whistleblowing Policy.
- 2.4 If the grievance is raised about the Governing Body as the employer (or body with delegated employer authority) this Policy will apply. Where the grievance is directed at one individual member of the Governing Body, including the Chair, it may be more appropriate to use the Fairness and Dignity Policy/Procedure.

3. Equality and Diversity

- 3.1 Equality and diversity underpin all school employment policies, procedures and practices. The school actively promotes equality of opportunity and values diversity among its employees. The potential equality impact of this Policy has been assessed.

4. Roles and Responsibilities

- 4.1 All parties are expected to co-operate and have a responsibility to contribute to the effective implementation of this Policy.

Employee/s – raise concerns promptly and informally and co-operate with procedures and attempts to resolve matters.

Line Manager – responsible for considering the nature of the complaint and whether it should be progressed under another procedure. They will need to establish the facts and relevant evidence, be clear about the resolution being sought and whether further investigation will be necessary.

Headteacher/SLT/Governing Body – promote culture of open communication and mutual respect, encouraging employees to raise concerns at an early stage and ensure the procedure is applied fairly and consistently.

4.2 Advice can be sought from HR at any point.

5. Key Principles

- 5.1 Every effort should be made by all parties to resolve matters **informally**. Employees are encouraged to seek resolution of any concerns promptly and informally with their manager before they raise a grievance. Wherever possible, concerns about work/working environment should be discussed informally as part of normal supervision arrangements. There is no right for the employee to be accompanied at informal meetings.
- 5.2 Concerns raised should be addressed without unreasonable delay. Timescales within the procedure may be varied subject to the agreement of all parties.
- 5.3 If the grievance is directed against the employee's manager/Headteacher, then the matter should be raised with their manager's manager, in the case of a Headteacher, with the Chair of Governors.
- 5.4 Where there has been a genuine and reasonable attempt (by both parties) to resolve informally, which does not resolve an employee's issue or where it is serious, employees can raise their grievance following the formal grievance procedure.
- 5.5 If the grievance involves other employees, they will be informed and given an opportunity to provide their own evidence.
- 5.6 Mediation and/or counselling may be considered as a possible, neutral, means of resolving parties in dispute to reach agreement.
- 5.7 Employees have the right to request they be accompanied by a work colleague or trade union representative at a formal grievance meeting and/or appeal hearing, although a formal meeting and/or appeal should not be unreasonably delayed because their chosen companion is unavailable.
- 5.8 Formal meetings and hearings are internal proceedings, external representatives such as solicitors or family members will not be permitted to attend.
- 5.9 The grievance procedure cannot be used as an additional route of appeal against a decision made under another policy.

- 5.10 Complaints regarding any disciplinary action taken should be dealt with as an appeal under the Disciplinary Procedure. Where an employee raises a grievance during a disciplinary/performance/attendance process, the process will either be temporarily suspended whilst the grievance is addressed, or where they are related matters, they are likely to be dealt with concurrently.
- 5.11 Any complaint raised under this Policy should be made in good faith; if found to be knowingly false, malicious or vexatious it may result in disciplinary action.
- 5.12 Appropriate written records of grievance cases will be kept on the employee's personal file and in accordance with General Data Protection Regulations.
- 5.13 The employee may withdraw their grievance at any time by advising, in writing, to the person dealing with their grievance.
- 5.14 **Right of Appeal** – where the employee who raised the grievance believes that their grievance has not been satisfactorily resolved, they have a right to appeal. The grounds of appeal must be clear and in writing. This will determine whether a review or rehearing is appropriate.
- 5.15 Once a final decision on a grievance has been made and appeal process exhausted, the grievance will be considered closed. The same complaint cannot be raised again under the procedure unless there is a significant change of circumstances or evidence.

6. Collective Grievances

- 6.1 When a complaint or concern is shared by two or more employees in relation to the same matter and the employees wish the matter to be resolved in the same process, the Collective Grievance Procedure will be applied at either an informal or formal stage.
- 6.2 For a collective grievance, the same principles apply as above. Please note:
- 6.3 With a collective grievance, there will be only one process and one outcome which will apply to all employees involved and only one right of appeal. Where individuals would like different concerns addressed, the individual grievance process will be more appropriate.
- 6.4 The matter cannot be considered as a collective grievance if it has been raised already as an individual grievance and vice versa.
- 6.5 Usually, a spokesperson will be nominated from within the group to speak collectively on their behalf. A trade union representative can raise a collective grievance on behalf of employees.

7. Policy Review

- 7.1 This Policy will be reviewed and adopted by Governors May 2022 next review due May 2023