

The ContinU Plus Academy





10 – Grievance Resolution Procedure For Schools

(Procedure Agreed with All Recognised Trade Unions)

HR Consultancy

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Grievance Resolution Procedure

1. Key Procedural Principles

- 1.1 Wherever possible, all stages of the grievance procedure (apart from any Appeal) should be managed by the aggrieved employee's line manager/Headteacher as part of their supervisory responsibilities, in the interests of continuity, maintaining good relationships and early resolution. Where the Headteacher is the subject of the grievance, it will be appropriate for the Chair of Governors to manage the grievance.

- 1.2 If the complaint is raised by two or more employees – refer to ‘Collective Grievance Procedure’ below.
- 1.3 If other employees are involved, they should be made aware and be given opportunity to provide their evidence/response. The manager will determine whether this will be in the form of written submission or through an interview. If they are the subject of a formal grievance, they should be informed in writing of the concerns raised and of a formal investigation.
- 1.4 Mediation may be considered as a possible alternative to raising or pursuing a grievance at any stage. Mediation is a voluntary process supporting two or more people or parties to explore the reasons and issues at the heart of poor working relationships. Information and advice about mediation services is available from HR.
- 1.5 If during the investigation/grievance procedure it appears that a possible disciplinary or capability issue has arisen, it may be appropriate to switch to the relevant disciplinary or capability procedure and agree to address through that route.
- 1.6 Where a grievance arises in connection with a disciplinary matter, it may be appropriate to deal with both issues concurrently.
- 1.7 Advice can be sought at any stage from HR.

2. Informal Stage

- 2.1 Employees and managers should seek to resolve grievances informally by discussing their concerns with their line manager in the first instance. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.
- 2.2 The manager should be clear that they have understood the nature of the grievance, resolution sought, established facts and whether they need to speak to anyone else or conduct a broader investigation.
- 2.3 The manager should keep a brief note of any informal consideration of the grievance raised including a brief outline of the discussion, any measures taken to resolve the employee’s concerns and timescales for assessing their impact alongside any training or support offered. A copy should be given to the employee and any comments made in response noted.

3. Investigation

- 3.1 The manager hearing/reviewing the grievance will carry out any investigation necessary (if they are not involved in the matter).

- 3.2 Any investigation will be conducted in accordance with ACAS principles of conducting investigations.
- 3.3 The purpose will be to ascertain facts and circumstances around the grievance and gather any relevant evidence. The extent of the investigation will be proportionate to the complexity and seriousness of the grievance. This may include interviewing witnesses and taking statements if appropriate. It will be for the investigator to be satisfied that they have sufficient information to reach a reasonable resolution.
- 3.4 Investigation will take place without undue delay; employees will be kept updated about progress.

4. Formal Procedure – Formal Resolution Meeting

- 4.1 If it has not been possible to resolve the matter informally or it is agreed that it is appropriate, employees may raise their grievance under the Formal stage in writing to their manager (within 5 working days of the informal stage outcome if applicable), setting out the details, including steps already taken, reason for the grievance and the resolution being sought using the Statement of Grievance Form – see Appendix 1.
- 4.2 If an employee has difficulty setting out their grievance in writing they are encouraged to obtain assistance from their line manager, a work colleague or a trade union representative.
- 4.3 The manager will arrange a meeting to discuss the grievance with the employee who has raised the grievance, where possible within 10 working days of receipt of the written grievance, depending upon what investigation, if any, is necessary. Invitations to a grievance meeting will confirm the employee's right to be accompanied at the meeting.
- 4.4 Formal Resolution meetings will be conducted in line with the Agenda at Appendix 3. The purpose will be to hear/review the grievance and resolution sought along with any evidence arising from investigation, review any informal actions already taken to resolve the matter and engage in a discussion with the aim of reaching an appropriate resolution.
- 4.5 Employees should let the manager/Appeal Manager know in advance, the name and capacity (trade union or colleague) of who will accompany them to enable their inclusion in the arrangements for the meeting.
- 4.6 The employee and their representative should take all reasonable steps to attend the meeting. If an employee's chosen representative is not available, the meeting can be rearranged to a suitable time, not more than 5 working days after the date originally proposed, otherwise the school may ask the employee to choose someone else.

- 4.7 Where appropriate and with prior agreement both the manager and employee can call witnesses to the grievance meeting if helpful given the circumstances of the case.
- 4.8 Any evidence to be referred to at the meeting should be exchanged by both parties (manager hearing the grievance and employee) in advance of the meeting, allowing reasonable time to read/prepare.
- 4.9 Their representative can address the formal meeting, present and sum up the employee's case, comment on the employee's behalf to any views expressed at the formal meeting and confer with them during the formal meeting. They may also request an adjournment and ask questions of anyone present. They do not have the right to answer questions on the employee's behalf, address the formal meeting if the employee does not wish it or prevent the manager from explaining their position.
- 4.10 If the grievance requires further investigation, the meeting will usually need to be adjourned/postponed; but will be rearranged without undue delay.
- 4.11 Once an employee's grievance has been considered, where possible the manager will deliver the outcome verbally and confirm in writing within 5 working days:
- whether the grievance has been upheld, in full or part or not and reasons
 - any action/s that will be taken to resolve the grievance and timeframes, including actions to rebuild working relationships for all parties to the complaint
 - the employee's right to appeal if they remain dissatisfied.

5. Formal Procedure – Grievance Appeal

- 5.1 Employees who feel their grievance has not been satisfactorily resolved following the Formal meeting have the right to appeal. Appeals will be heard by the Appeal Manager (usually a more senior manager with no prior involvement, e.g. Chair of Governors/Panel of governors – see School Scheme of Delegation). An employee must set out the grounds for their appeal using the Appeal Form at Appendix 2.
- 5.2 Appeals should be lodged with the Headteacher/Chair of Governors (whoever heard the original grievance) within 5 working days of receiving written confirmation of the Formal Meeting outcome.
- 5.3 The Appeal manager will arrange and conduct an appeal meeting within 10 working days of receipt of the appeal.
- 5.4 Usually, the Appeal will not be a rehearing of the original grievance, but rather a specific consideration of the areas which the employee is dissatisfied with in relation to the original grievance, unless the Appeal manager determines that a rehearing is necessary, for example if the grounds concern procedural flaws.

- 5.5 An Agenda is provided at Appendix 4.
- 5.6 Based upon the information provided in the Appeal meeting, the Appeal manager will consider the grounds for the appeal and the outcome. The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution and will be confirmed in writing within 5 working days.
- 5.7 A decision at this stage of the procedure is final.

6. Collective Grievance

- 6.1 Where a collective grievance is raised on the same matter by two or more employees wishing to resolve using the same process, the same principles and process will apply as above.
- 6.2 A formal collective grievance must be in writing, making clear its status, the nature of the grievance and resolution sought and including the names of the aggrieved employees and the nominated spokesperson (usually there will be a nominated spokesperson for the group of employees). The spokesperson may be accompanied by one of the other employees or their trade union representative.
- 6.3 The outcome will apply to all employees involved and there will be only one right of appeal at the formal stage (employees involved will need to agree to raise an appeal).

7. Record-keeping

- 7.1 The school will keep appropriate, secure written records of any grievance cases it deals with in accordance with General Data Protection Regulations.

This form is intended to help you to make a clear statement of your grievance. You should send the completed form to the line manager/Headteacher. If your grievance is against your line manager, you should send the completed form to the Headteacher. If your grievance is against the Headteacher you should send the form to the Chair of Governors.

Details of the grievance
Who is the grievance against?
Please provide details of your grievance. You should include all relevant details information, e.g. dates, times, locations and the names of other people present (witnesses). Please continue on a separate sheet and attach if necessary.
Have you raised your grievance informally with your line manager/Headteacher? If so, what action was taken? (Please give detailed information and provide dates.)

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How do you think your grievance should be resolved? Please say how you would like the school to deal with your grievance. You should set out why and how you believe this could resolve your grievance. Please continue on a separate sheet and attach if necessary.

Name, address and contact number of trade union representative or colleague who will accompany you:

DECLARATION

By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations.

Employee's signature: _____

Date: _____

Appendix 2 Statement of Grievance Appeal Form

GRIEVANCE APPEAL FORM

If you feel your grievance has not been resolved, you have the right of appeal. Appeals will be heard by the Grievance Appeal Manager/Panel. To appeal, you should complete this form and send it to the Clerk of Governors within 5 working days of the receipt of your grievance decision.

Employee Details	
Name:	
Job role:	
Contact details (telephone and email):	

Summary of your appeal	
Date the outcome of your grievance was confirmed:	
Please set out the grounds for your appeal (there was a procedural error, new evidence has emerged which was not available at the grievance meeting or the conclusion reached by the Headteacher was unreasonable). You should also include the names of other people who are involved (including any witnesses). Please continue on a separate sheet and attach if necessary.	

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What outcome do you want from your appeal? You should set out why and how this will resolve your grievance. Please continue on a separate sheet and attach if necessary.

DECLARATION

By submitting this form, I confirm that the information I have provided is true to the best of my knowledge. I understand that the school may take disciplinary action against me if I make false, malicious or untrue allegations.

Employee's signature: _____

Date: _____

Appendix 3 – Agenda for Formal Grievance Meeting

Present: Headteacher*
Employee
Employee's representative (TU representative or colleague)
HR Consultant
Note-taker

1. Introductions (Headteacher* will chair the meeting and may be advised by HR**).
2. Statement/re-statement of grievance and how it may be resolved by aggrieved employee or representative.
3. Questions by Headteacher[□] and/or HR Consultant.
4. Any witnesses*** called one at a time (present only to provide evidence and answer any questions)
5. Summary and review of evidence (including from any investigation) – Headteacher*
6. Questions by employee/representative
7. Open discussion aiming to achieve resolution (if applicable)
8. Summary statement – employee (optional – no new information)
9. Interested parties withdraw
10. Consideration of grievance by the Headteacher*.
11. Interested parties return
12. Announcement of decision and comment by the Headteacher*.

* or Line manager, or Chair of Governors if grievance is against Headteacher – whoever is hearing the grievance

** a HR Consultant can attend and may ask questions

*** attendance of witnesses should be agreed ahead of the meeting, for example, other respondents/ employees involved

Appendix 4 – Agenda for Formal Grievance Appeal Meeting

Present: Appeal Manager*
 Employee
 Employee's representative (TU representative or colleague)
 HR Consultant
 Note-taker

1. Introductions (Appeal Manager* will chair the meeting and may be advised by HR**).
2. Statement of Grievance Appeal and reasons for appeal by aggrieved employee or representative.
3. Questions by Headteacher[□] and/or HR Consultant.
4. Any witnesses*** called one at a time (present only to provide evidence and answer any questions)
5. Review of evidence - Appeal Manager* (usually only review of specific points raised in appeal and not a full re-hearing)
6. Questions by employee/representative
7. Open discussion aiming to achieve resolution (if applicable)
8. Summary statement – employee (optional – no new information)
9. Interested parties withdraw
10. Consideration of grievance by the Appeal Manager*.
11. Interested parties return
12. Announcement of decision and comment by the Appeal Manager*.

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- * or Panel of governors (check School Scheme of Delegation) - whoever is hearing the grievance appeal (more senior manager, no prior involvement)
- ** a HR Consultant can attend and may ask questions
- *** attendance of witnesses should be agreed ahead of the meeting, for example, other respondents/employees involved

A policy summary is included in the ContinU Plus Grievance Resolution Procedure is published in its entirety on the CPA's website (www.continuplus.org.uk).

Date Policy Created:	April 2021 - reviewed and adapted annually by Liberata
Member of Staff Responsible:	Sara Devo (Headteacher)
Review Date:	April 2022

Signed: 

(Headteacher)

Signed: 

(Chair of Governors)

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