



# Grievance Policy for school-based staff

ORGANISATIONAL DEVELOPMENT DIVISION

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This document is also available in Welsh / Mae'r ddogfen hon hefyd ar gael yn Gymraeg

# Version Control

This document is intended for:

- Council staff only     School-based staff only     Council & School-based staff

Version	Key Changes	Approved By
Oct 2023	There have been some changes to align the wording to that of the Corporate Grievance Policy, including adding information regarding duty of care during investigations.	DMT

This document may be reviewed and amended at any time and without consultation in response to legal requirements or in response to an organisational requirement and where the changes do not reflect a fundamental change or affect the spirit or intent of the document.

## Contents

1. Policy Statement .....	3
2. Definition .....	3
3. Scope .....	4
4. General Principles .....	5
5. Roles and Responsibilities .....	7
6. Duty of Care During Investigation .....	8
7. Informal Grievance Procedure .....	8
8. Formal Grievance Procedures .....	9
9. Collective Disputes.....	12
10. Former Employees .....	12
11. Keeping Records.....	12
12. Withdrawing A Grievance.....	12
13. General Information.....	13
Appendix 1: Stage 1 – Written Notification – Grievance Report Form .....	14
Appendix 2: Grievance Investigation Report.....	16
Appendix 3: Stage 3 – Appeal – Grievance Appeal Form.....	17
Appendix 4: Stage 1 – Written Notification – Collective Grievance Report Form.....	18
Appendix 5: Collective Grievance Investigation Report .....	20
Appendix 6: Stage 3 – Appeal – Collective Grievance Appeal Form .....	21
Appendix 7: Guidance for Mediation .....	23
Appendix 8: The role of the Companion in the Grievance Process.....	25
Appendix 9: Preparing for a Formal Grievance Meeting – Guidance for Managers .....	27
Appendix 10: Guidance for Conducting Investigations .....	28

# 1. Policy Statement

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- 1.1 The Grievance Policy has been developed to ensure that school-based employees, Managers and companions are clear about their individual roles and responsibilities for raising and resolving individual and collective grievances in the workplace.
- 1.2 Anyone working for the school may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss. It is also clear that it is in the school's interest to resolve problems before they can develop into major difficulties for all concerned.
- 1.3 This policy has been developed in line with ACAS Code of Practice 1 - Disciplinary and Grievance Procedures.
- 1.4 This policy may be reviewed and amended at any time and without consultation in response to legal requirements, changes to the ACAS Code of Practice 1 - Disciplinary and Grievance Procedures and where the changes do not affect the spirit or intent of the policy.

# 2. Definition

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- 2.1 A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues or Managers.
- 2.2 Issues that may cause a grievance include:
  - terms and conditions of employment
  - health and safety
  - work relations
  - new working practices

Matters covered by other policies and procedures – this procedure cannot be used to challenge formal decisions and outcomes in other procedures which have an appeal process, namely:

- Capability
- Attendance Management
- Disciplinary
- Dismissal for any other reason (e.g. redundancy, or some other substantial reason)

- Complaints against Governors/Members by Employees – separate protocols in place
- Former employees
- Grievances that have previously been dealt with

### 3. Scope

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- 3.1 This procedure covers all school-based employees, regardless of status or length of service.
- 3.2 This policy does not apply to grievances/complaints against **individual** members of School Governing Bodies. If a Council/School employee feels they have a grievance/complaint against a member or members of a School Governing Body, they should contact the Clerk to the Governing Body via the Education Achievement Service Governor Support Team who will be able to provide the employee with details of the School's Complaints Policy. You may also obtain the name and contact details of the Clerk to the Governing Body from the headteacher with whom you may wish to share your concerns with prior to raising a complaint.
- 3.3 Where reference is made to Managers, this relates to the person to whom the employee reports. It should be noted that this could be the Business Manager, Head of Department, Deputy Headteacher, Headteacher or the Chair of Governors (in the case of the Headteacher).

#### 3.4 Collective Grievances

This procedure will also apply to a collective grievance, whereby a number of employees have the same grievance at the same time. A collective grievance is a grievance brought by a group of employees (i.e. 2 or more who have an identical grievance) and it should be lodged on behalf of the group of employees



4.10 If, in the course of any disciplinary process, an employee raises a grievance, consideration must be given as to whether it is appropriate to temporarily suspend the disciplinary process in order to deal with the grievance. Where the disciplinary and grievance cases are related it may be appropriate to deal with both concurrently. Any suspension of the process should not be unnecessarily protracted and should

The principles of this procedure will also apply to collective grievances, although where a grievance is raised concerning terms and conditions of employment, the resolution mechanisms may be varied to involve appropriate levels of management, dependent upon the groups of employees raising the grievance. The School in consultation with the Trades Union representatives, will determine the appropriate mechanism to be followed in each case.

## 5. Roles and Responsibilities

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- 5.1 The following is provided as guidance only. There may be circumstances which require different roles and responsibilities.

**Employees** should raise their grievance promptly usually with their Manager, clearly explaining the problem or concern and suggesting how it can be resolved at the informal stage, where appropriate. When explaining the grievance employees are reminded to stick to the facts and avoid subjective or inflammatory comments. Employees are encouraged to work with their Manager to try and resolve their grievance informally to maintain positive working relationships. If the grievance relates to the employee's Manager then the employee should raise their concern with an appropriate Senior Manager or Headteacher.

**Managers** are usually responsible for dealing with the grievance raised by the employee. The Manager is responsible for acting promptly, clarifying the grievance raised, establishing the facts and confirming decisions to the employee (with advice from Organisational Development). The Manager should take care to listen to the grievance in a calm, fair and objective manner and explore all reasonable options for informal resolution, where appropriate. If it is considered inappropriate for the Manager to examine the grievance, another Manager may take the lead (please speak to Organisational Development for advice). Any written records held by the

## **6. Duty of Care During Investigation**

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- 6.1 The Council/School has a Duty of Care towards all employees, therefore depending on the nature of the allegations, and to ensure that the integrity of the investigation is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate to consider temporary redeployment (if available) or suspension, however, it would be advisable in situations like this to contact your OD Team to discuss alternative options in the first instance. In cases where suspension is being considered this must be done in line











## **13. General Information**

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- 13.1 This policy will be made available to all employees through both electronic and hard copy versions and it is an amendment to the employee's terms and conditions of employment.



I wish to make a formal Grievance in line with the School's Grievance Procedure. Please provide full details of the grievance including dates/witnesses wherever possible (if necessary continue on additional sheets of paper). Copies of any relevant documents that relate to the grievance should also be attached.

What outcome are you seeking to resolve your grievance? (Please specify):

Signature:

Date:

*In signing this form, I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. I also agree for the sharing of information with my named representative.*

*Please forward the completed form to the Headteacher/CoG.*

Date received by Headteacher/CoG:

Date copy sent to OD:

Date received by Manager:

Date sent to OD:

Grievance received from:

Investigating Officer:

OD Representative:

Date grievance was registered:

**1. DETAILS OF THE GRIEVANCE**







We wish to register a formal Collective Grievance in line with the Council's Grievance Policy and Procedure. Please provide full details of the collective grievance including dates/witnesses wherever possible and including details of the desired outcome. (if necessary continue on additional sheets of paper)

Copies of any relevant documents that relate to the collective grievance should also be attached

(If required please use a continuation sheet)

What resolution are you seeking to resolve this grievance?

*In signing this form, I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the organisation. I also agree for the sharing of information with my named representative.*

Signatures of all staff:

Date:

*Please forward the completed form to the appropriate Manager/Headteacher.*

Date received by Headteacher/CoG:

Date sent to OD:

# Appendix 5

## Collective Grievance Investigation Report

Collective grievance received from:

Investigating Officer:

OD Representative:

Date collective grievance registered:

### 1. **DETAILS OF THE COLLECTIVE GRIEVANCE**

Summary of main points:

### 2. **ABBREVIATIONS OR TERMS USED WITHIN THIS REPORT**

### 3. **BACKGROUND TO THE COLLECTIVE GRIEVANCE/CHRONOLOGY OF MAIN EVENTS**

### 4. **OUTLINE OF THE INVESTIGATION**

The following investigatory interviews took place:

Other written material inspected:

Interim action taken (If applicable):

### 5. **INVESTIGATION FINDINGS AND CONCLUSIONS**

Findings

Conclusion

### 6. **OVERALL SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

*To be completed by staff group/trade union representative/nominated representative.*

To: Governing Body Appeals Committee (via the Clerk)

From:

Name	Job Title	School

We are not satisfied with the decision reached at Stage 2 o178.7cm48001 ref\*EMC /SF1 12 TfG6m48001 n

The outcome we are seeking to achieve is:

Signatures of all staff:

Date:

Please enclose a copy of the original Stage 2 – Collective Grievance Report Form and forward the completed form to the Governing Body Appeals Committee (via the Clerk).

Date received by Clerk to Governing Body







## **Introduction**

1. Employees who raise a grievance are entitled to be accompanied at appropriate stages of the

9. Work colleagues or trade union representatives do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

### **What is a reasonable request?**

10. When choosing a companion an employee should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest. Nor would it be reasonable to ask to be accompanied by a colleague from a geographically remote location when someone suitably qualified is available on site. The request to be accompanied does not have to be in writing.

### **Training and time off for acting as a companion**

11. Trade unions should ensure that their representatives are trained in the role of acting as an employee's companion. Even when a trade union representative has experience of acting in the role, there may still be a need for periodic refresher training.
12. An employee who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the meeting and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the worker before and after the meeting.

### **Applying the Right**

13. The Council should allow a companion to have a say about the date and time of a meeting. If the companion cannot attend on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than **5 working days** after the original date.
14. Before the meeting takes place, the employee should tell the Council who they have chosen as a companion. In certain circumstances (for instance when the companion is an representative of a non-recognised trade union) it can be helpful for the companion and a representative from the Council to make contact before the meeting.
15. The companion should be allowed to address the meeting in order to:
  - put the employee's case;
  - sum up the employee's case;
  - respond on the employee's behalf to any view expressed at the meeting.
16. The companion can also confer with the employee during the meeting. It is good practice to allow the companion to participate as fully as possible in the meeting, including asking witnesses questions. The Council is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the Council from explaining their case.
17. Employees should not be disadvantaged for using their right to be accompanied or for being companions.

(Extract from ACAS Guide – Discipline and Grievances at Work)

### **What is a grievance meeting?**

In general terms a grievance meeting deals with any grievance raised by an employee.

### **Preparing for the meeting**

Managers should:

- arrange a meeting promptly, in private where there will not be interruptions e.g. telephones should be diverted and mobile phones switched off;
- consider arranging for someone who is not involved in the case to be a note taker at the meeting;
- whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment;
- consider whether any reasonable adjustments are necessary for a person who is disabled and/or their companion;
- consider whether to offer independent mediation ([Appendix 7](#)).

### **Conduct of the meeting**

Managers should:

- remember that a grievance meeting is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution;
- make introductions as necessary;
- invite the employee to re-state their grievance and how they would like to see it resolved;
- put care and thought into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time. Make allowances for any reasonable 'letting off steam' if the employee is under

## **Confidentiality**

Due regard must be given at all stages to the need for confidentiality in respect of the investigation. The process may raise many anxieties for employees, and you are likely to become aware of matters of a sensitive and confidential nature.

Information should only be shared with those who have a genuine need to know. You should remind interviewees of this when sensitive information is being discussed.

## **Preparation**

Understand the nature of the grievance and work out who you need to see, know the boundaries of what you are being asked to do.

Once you have worked out who you need to see, do so as soon as is practical.

Have your questions prepared in advance and typed up as this saves time and ensures you don't forget to cover key points. It is likely that you may have additional questions to ask once the witness has responded to your initial questions. These will need to be recorded during the interview.

Employees have the right to be accompanied at their investigation interviews by a trade union representative or work colleague – therefore you need to advise them of this when you invite them to a meeting with you. If a witness wishes to be accompanied they may do so but it must be clear that the witness statement they are providing is their own and not a joint statement.

When arranging interviews consider whether you require a person to assist in notetaking as this is not the role of Organisational Development. It is imperative that this person understands the confidentiality of the role they will be undertaking. You will need to ensure that an employee

Persist with questions if necessary; do not be afraid to ask the same question twice.

Use open, not leading questions.

Ask single not multiple questions.

Do not express opinions in words or attitude or make judgements.

Make notes of each answer given.

Try to separate hearsay evidence from fact by asking interviewees how they know about a particular issue.

Deal with conflicts of evidence by seeking corroborative details. If this is not available, consider other ways of clarifying the matter. It will sometimes be necessary to conclude and record that there are different versions or understandings of events.

Evaluate answers against records, policy, practice, standards and legislation.

Confirm the evidence.

At the end of each interview, summarise the main points covered by the interviewee and ask if there is anything to add. Inform the interviewee that you may need to discuss issues further at a later date if it is necessary to clarify any other matters.

Arrange for statements to be finalised as soon as possible after the interview while the memory