



HR Advisory

GRIEVANCE COMPLAINTS PROCEDURES

Status of Policy:

This policy was reviewed and updated in October 2011.

It replaces the previous policy of the same name that was dated September 2001.

Changes cannot be made to this document without the approval of the HR Business Partner for Adults, Children and Education (ACE).

If you have any queries about the application of this policy/procedure please contact the Employee Relations Team.

Scope:

This policy applies to all teaching and support staff in schools.

For non-delegated directorate services – please refer to the relevant Corporate policies.

Owner: Chair of Governors

Purpose: This procedure is designed to resolve grievances raised by staff in relation to their employment. It aims to provide means by which grievances can be settled as quickly and as close to the point of origin as possible.

This policy and procedure should be applied in accordance with the aims of the Council's Equalities Policy Statement.

Date policy agreed

Human Resources

Teachers Panel.....

Finance

Legal Services



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1. Aims of the Procedure

- 1.1 The Grievance Procedure is designed to encourage good working relations across the school by:
- Encouraging the settlement of grievances informally.
 - Ensuring grievances are resolved fairly.
 - Ensuring grievances are resolved speedily.
 - Giving employees the right to raise grievances and collective disputes with their manager.
- 1.2 The procedure is not appropriate for dealing with:
- Matters relating to pay and grading.
 - Discipline and Capability.
 - Organisational Change e.g. restructures and reorganisation.
 - Sickness Absence.
 - Collective Disputes.
 - Matters relating to serious malpractice – see the Whistleblowing Guidance.
 - Bullying and Harassment – see the Prevention of Bullying Policy.
- 1.3 It should be noted that individuals or groups of staff can raise grievances and this procedure applies to both scenarios. Members of staff cannot raise grievances on behalf of colleagues or groups of colleagues.
- 1.4 It is anticipated that wherever possible grievances should be resolved informally. However, where that is not possible, the formal procedure will be invoked.
- 1.5 Every effort will be made to resolve grievances as quickly as possible. However, cases will take time to investigate thoroughly. For this reason, it may be necessary to extend the timescales to respond to grievances, as documented in this procedure. This would be done in discussion with the member of staff raising the grievance and/or their representative.
- 1.6 It is recognised that where members of the Governing Body and or Trade Union representatives are involved there may be unavoidable delays due to their availability. It is expected that these are kept to a minimum to aid resolution.
- 1.7 The school will take seriously any knowingly false, malicious or vexatious claims or allegations made by any member of staff and this may result in disciplinary action.
- 1.8 At all stages of this procedure the member of staff raising a grievance is encouraged to think about what resolution they are looking for as a result of raising any concerns they may have.
- 1.9 If the grievance is against a member of the Governing Body or Chair of Governors the headteacher working with the Chair of Governors or Vice Chair of Governors, should determine who is best placed to hear the grievance either informally or at the formal Stage 1.



1.10 If a grievance is raised against a member of staff's line manager, the member of staff can raise their grievance with a more senior manager.

2. Resolving grievances informally

- 2.1 It is recognised that there may be occasions when members of staff feel the necessity to express dissatisfaction with aspects of their employment or a perceived injustice.
- 2.2 In such circumstances, the member of staff is encouraged to raise such issues verbally with their line manager, explaining exactly what their dissatisfaction is in relation to and all the circumstances of the grievance. There is an implicit assumption that this would be done in a professional and constructive manner.
- 2.3 The line manager will undertake to respond fully to the complaint as quickly as possible and every effort will be made to resolve the grievance through informal discussion.
- 2.4 If the grievance is against the Headteacher, in the first instance the issues should be discussed with them directly through the informal process.
- 2.5 However, if the member of staff raising the grievance either does not feel able to discuss the matter with the Headteacher or is not happy with the headteacher's response at the informal stage, they should contact the school's Chair of Governors to progress the grievance. (*Appendix A should be completed*).
- 2.6 Where a member of staff has raised a formal grievance against the Headteacher, the Chair of Governors will appoint an independent member of the Governing Body to investigate and Stage One of this procedure will be invoked.

3. Stage 1

- 3.1 This is the formal start of the procedure.
- 3.2 Following the informal procedure, if the member of staff is still unhappy with their line manager's decision, the grievance should be put in writing to the Headteacher, detailing all the circumstances of the grievance and the reason for any dissatisfaction with the response given so far. (*Using the template in Appendix A*).
- 3.3 If the grievance is against the headteacher, the member of staff should put the details of their grievance in writing to the Chair of Governors, (*using Appendix A*) who will appoint a single member of the governing body to investigate the matter. This will be conducted as a Stage One Grievance under the formal procedure.
- 3.4 The headteacher, or nominated governor, will arrange a meeting with the member of staff to discuss the matter. The meeting should take place within ten working days of the receipt of the written grievance. A suggested format for this process can be found in *Section 6*.



- 3.5 The person raising the grievance has the right to be accompanied in this meeting (see section 5).
- 3.6 It may be possible to resolve the matter to the member of staff's satisfaction at this meeting.
- 3.7 It may be that further investigation including meeting with other members of staff at the school may need to be convened. If this is the case, the member of staff raising the grievance will be notified of any delays. An estimated timescale of when a response to the grievance will be provided to the staff member and their Trade Union representative.
- 3.8 The member of staff will be informed of the Stage One decision as soon as possible, and confirmation will be sent in writing within 10 working days.
- 3.9 Example outcomes may include:
- The grievance is upheld in full with recommendations made.
 - The grievance is partially upheld with recommendations made to both parties.
 - The grievance is not upheld with reasons given.
 - The matter may be referred to mediation as part of any of the above options.

4. Stage 2 – Appeal

- 4.1 This is the second and final stage of the formal procedure. A letter template to invite the member of staff to the meeting can be found in *Appendix C*.
- 4.2 If the member of staff is still dissatisfied with the headteacher's/appointed governor's decision, they can take the matter a stage further and appeal the decision as notified by completing *Appendix B*.
- 4.3 The member of staff can request that their grievance is considered by a panel of governors who were not involved in the original grievance investigation.
- 4.4 This request should be in writing (*using Appendix B*), stating the full and detailed reasons for the appeal and sent to the Chair of Governors for consideration. This should be done within 10 working days following receipt of the Stage 1 decision in writing. Additional evidence to support the appeal should be provided at this stage. It is not sufficient to write to the Chair of Governors stating the intent to appeal (without details to be within the timescales for appeal).
- 4.5 New evidence can be raised as part of the appeal however new points cannot be added for consideration at this stage of the grievance.
- 4.6 The panel of governors will arrange a meeting with the member of staff appealing the original decision. The meeting should take place within 10 working days of receipt of the appeal. However, it is acknowledged that this timeframe may need to be extended to allow for a panel of governors to be convened.
- 4.7 At the Stage 2 meeting, the person who heard the Stage 1 grievance will present the case to the panel of governors, stating how they reached their decision. A suggested format for this appeal meeting is in *Section 7*.



- 4.8 All documentary evidence that was used to determine the Stage 1 decision should be provided in advance of the meeting.
- 4.9 Any documents that the member of staff intends to use to support their appeal should be submitted to the panel of governors and the person presenting the Stage 1 case at least five working days prior to the Stage 2 meeting. The sharing of documents via electronic means is preferred.
- 4.10 Either side may call witnesses to appear before the Appeal Panel. If the grievance is against another member of staff that person has the right of appearance and representation.
- 4.11 The member of staff raising the grievance may be accompanied and/or represented by a trade union representative or another person and should make the necessary arrangements and advise the panel accordingly (see section 5).
- 4.12 The grievant will be given written confirmation of the panel of Governor's decision within 10 working days following the Stage 2 grievance meeting.
- 4.13 The second appeal stage of the grievance procedure is the final stage. There is no further right of appeal against the outcome of a Stage 2 Grievance.

5. Accompaniment

- 5.1 The member of staff raising a grievance may wish to be accompanied in meetings by a work colleague, or a trade union representative. If a work colleague is chosen, they must have permission from their manager to be absent from work to attend any formal meetings.
- 5.2 The member of staff raising the grievance should advise the person/panel investigating the grievance of the name of their accompanying colleague/trade union representative. This must be done in advance of the meeting.
- 5.3 As a result of the Employment Relations Act 2004, the accompanying work colleague/trade union representative for the member of staff is permitted to address the meeting in order to do any or all of the following:
 - Put the member of staff's case
 - Sum up that case
 - Respond on the member of staff's behalf to any view expressed at the meeting
 - Confer with the worker during the meeting
 - Take notes at the meeting

However, this does not require the school to permit the member of staff's representative to:

- Answer questions on their behalf.
- Address the meeting if the member of staff indicates that s/he does not wish their representative to do so.



- Prevent the Manager or Headteacher from explaining their case or prevent any other person at any meetings from making their contribution.
- 5.4 It is recommended that the person investigating the grievance is accompanied in formal and informal meetings at least by a note taker. Notes taken should be provided to the parties present at the meeting.
- 5.5 It is intended that the allegations made against another member of staff will be put to the relevant person to allow them to respond and provide supporting evidence to be considered by the investigating manager.
6. Suggested Format for Dealing with a Formal Grievance at Stage 1
- 6.1 Acknowledge grievance within 10 days of receipt, inviting the staff member to a meeting (*Using the letter template in Appendix C*).
- 6.2 Review materials provided in advance by the staff member and draw up a list of people that may need to be seen as part of the investigation as well as a list of questions that may be asked of any involved parties.
- 6.3 Where a grievance has been raised against another member (s) of staff - ensure they are made aware of the allegations and the support in place for them. Arrange a meeting to discuss the grievance and review any evidence they wish to provide. Consider asking if there is anyone who can support their view and encourage this person to contact the named staff member to confirm they are happy to be interviewed as part of the process.
- 6.4 Copies of minutes of the meetings should be taken and provided to attendees as soon as possible after the meeting.
- 6.5 Where it is not believed that a response can be made within 10 days of meeting the complainant, keep the member of staff (and/or their representative) regularly informed of any delays and the reasons for this. Agree and communicate a revised date for completing the response.
7. Suggested Agenda for Stage 2 Appeal Meeting
- 7.1 Select a Chair of the Panel who will then make the necessary introductions and outline the procedure for the appeal meeting.
- 7.2 Where members of the HR department are in attendance they would be entitled to ask questions and raise points of clarity on behalf of the school, investigating governor or panel of governors that they are in support of.
- 7.3 The person who responded to the original grievance presents how they reached their original conclusion.
- 7.4 The Panel, followed by the complainant and/or their representative may then ask questions.



- 7.5 The complainant and/or their representative present their case.
- 7.6 The Panel, followed by the person who responded to the original grievance may then ask questions.
- 7.7 Summing up by the Governors who investigated formal grievance followed by summing up by the complainant and/or their representative. During summing up it is not permissible to introduce new evidence.
- 7.8 If a witness is called by one of the parties, he/she will be invited by the panel to join the hearing at an appropriate time. After the witness has made a statement and/or answered any questions, raised by either party and or the panel he/she will be asked to leave the hearing.



Appendix A – SUBMISSION OF A FORMAL GRIEVANCE (Stage 1)

Form to be completed electronically by the member of staff submitting a formal grievance.

Please read carefully the School's Grievance procedure which outlines where this document should be sent before completing.

Section One – to be completed by the member of staff raising a complaint:

<i>Full Name</i> (If group grievance please name all complainants)	
<i>Job Title</i>	
Line Manager's name Line Manager's job title	
Has this matter been the subject of a previous grievance? If yes, what was the result and the date you were notified of the outcome?	
Have you attempted to resolve this matter informally? <i>If yes, please provide details of the informal action taken.</i>	
Please detail why you are still dissatisfied with the situation? <i>Please include dates and names of people involved.</i>	
Please outline the grounds for submitting the formal grievance.	
What resolution are you looking for as a result of raising this grievance.	



Member of Staff's Signature:

Date:

Section Two – to be completed by the School:

Summary of the Decision:

Date response communicated to the member of staff:

Verbally –

In writing -



Services for Schools

From YORK EDUCATION



Name:

Role:

Signature:

Date:



Appendix B – SUBMISSION OF A GRIEVANCE APPEAL (Stage 2)

Form to be completed electronically by the member of staff submitting an appeal against the outcome of a Stage 1 grievance.

Please note that this appeal is against the original points raised which have been responded to. The appeal will consider new evidence in relation to the original grievance however no new points can be raised for consideration at Stage 2.

Please read carefully the School's Grievance procedure which outlines where this document should be sent before completing.

Section One – to be completed by the member of staff raising a complaint:

<i>Full Name</i> <i>(If group grievance please name all complainants)</i>	
<i>Job Title</i>	
Key Points of the Original Grievance and whether each was upheld or not.	
Please detail why you are still dissatisfied with the situation?	
Please outline the grounds for submitting the appeal against formal grievance.	
Please refer to any additional documents that you wish to provide as evidence <i>This needs to be provided in advance of any meeting.</i>	
What resolution are you looking for as a result of this grievance?	

Signature:

Date:



Appendix C – INVITATION TO STAGE 1 GRIEVANCE MEETING

To be sent from the person investigating the grievance within 10 days of receiving the grievance in writing to the member of staff who raised the formal grievance.

A copy should be sent to HR for file.

PRIVATE and CONFIDENTIAL

<Name>

<Address>

<Date>

Dear <Name>

Invitation to Grievance Meeting – Stage One

I am writing in response to the grievance you have raised on <date> that was received by the school/Chair of Governors on <date>.

Your grievance comprises of the following key point(s): **<summarise below>**

1. A
2. B
3. C

A meeting has been arranged to hear your grievance as follows:

Grievance to be heard by: <Name>, <Title>
Date: <Date>
Location: <Location>

I/The person responding to the grievance will be accompanied in the meeting by <name>, **<to take notes/from Human Resources>**.

Information you wish to rely on to support the points you have raised in your grievance should be provided no later than 5 working days before the date of the meeting. Please send information electronically, where possible to the following e-mail address:

<insert email address> or postal address <details here> for documents that you do not have electronically.

You have the right to be accompanied by a trade union representative or work colleague of your choice at this meeting and you should make the necessary arrangements. If your chosen companion cannot attend on the date proposed you can offer an alternative date so long as it is no more than five working days after the original date proposed.

Please notify the school as soon as possible as to who will be accompanying you.



Following the meeting it may be necessary to speak to other people in relation to your grievance or to do additional research, which may involve further meetings. You will therefore be kept updated as to when you can expect to receive the written response. This may be outside of the 10 day time frame outlined in the policy. Additional meetings may be required with you as a result. Please advise as soon as possible if you do not agree with this process suggestion.

I have enclosed a copy of the School's grievance procedure for your reference.

If you have any additional queries or concerns in relation to this matter, please do not hesitate to contact me directly.

Yours sincerely

Name

Title

Contact Details

cc: <name> Employee Relations Advisor
HR File
<name> Trade Union Representative/work colleague

Enc: Copy of School's Grievance Procedure



Appendix D – INVITATION TO STAGE 2 GRIEVANCE APPEAL MEETING

To be sent from a member of the panel investigating the grievance or *the* Chair of Governors within 10 days of receiving the grievance in writing to the member of staff appealing.

A copy should be sent to HR for file.

PRIVATE and CONFIDENTIAL

<Name>

<Address>

<Date>

Dear <Name>

Invitation to Grievance Appeal Meeting – Stage Two

I am writing in response to the grievance appeal you have lodged on <date> that was received by the Chair of Governors on <date>.

Your grievance appeal comprises of the following key point(s): **summarise below**

1. A
2. B
3. C

A meeting with a panel of governors from the school has been arranged to hear your grievance appeal as follows:

Grievance to be heard by: <Name>, <Title>
Date: <Date>
Location: <Location>

The panel of governors are <insert names> and will be accompanied by a member of the HR department <name> and a note taker <name if known>.

Information you wish to rely on, as part of the appeal should be provided no later than 5 working days before the date of the meeting.

Therefore, please send electronic copies of any evidence you wish to rely on as part of your appeal to the following email address:

<insert email address>

If you do not have some of the documents electronically please send them to the following postal address marked for <name/my> attention.



< insert postal address >

I will make sure this information is provided to the panel and the person presenting the reason for the Stage 1 decision.

You have the right to be accompanied by a trade union representative or work colleague of your choice at this meeting and you should make the necessary arrangements. If your chosen companion cannot attend on the date proposed you can offer an alternative date so long as it is no more than five working days after the original date proposed.

Please notify me as soon as possible as to who will be accompanying you.

I have enclosed a copy of the School's grievance procedure for your reference.

You should be aware that this is the second formal appeal hearing and is the final stage in the Grievance Procedure. There is no right to appeal following the decision reached by the panel of governors.

If you have any additional queries or concerns in relation to this matter, please do not hesitate to contact me directly.

Yours sincerely

Name

Title

Contact Details

cc: <name> Employee Relations Advisor
HR File
<name> Trade Union Representative/work colleague

Enc: Copy of School's Grievance Procedure



Appendix E – TEMPLATE OUTCOME LETTER (Stages 1 and 2)

To be sent from either the person who investigated at Stage 1 or the Chair of the panel at Stage 2. The letter should be sent as per the procedure's timeframes.

A copy should be sent to HR for file.

PRIVATE and CONFIDENTIAL

<Name>

<Address>

<Date>

Dear <Name>

Response to Grievance Stage 1 <OR> Grievance Appeal Stage 2

Further to our meeting(s) on <date(s)> where we met to hear your grievance/grievance appeal.

You chose to be accompanied by <name> who is your <work colleague/Trade Union Representative>. I was accompanied by <name(s)> <from Human Resources/to take notes etc>.

Your grievance/appeal comprises of the following key point(s): **summarise below**

1. A
2. B
3. C

<At Stage 1 – if applicable>

In reaching my the decision I have met with the following people:

- Name, Job Title
- Name, Job Title
- etc

The following information has also been taken into consideration:



- Evidence type; dated, content etc.
- Evidence type; dated, content etc.

<DECISION OPTIONS>:

- a) I/the panel can therefore confirm that the decision was taken to uphold all the points of your grievance and the following recommendations will be made to take this forward:
- List of recommendations
 - List of recommendations
- b) I/The panel have taken the decision to uphold some points of your grievance <insert point numbers> but not others <list points>. The following recommendations are being made to take this forwards:
- List of recommendations
 - List of recommendations
- c) I/The panel have taken the decision to not uphold any of the points of your grievance for the following reasons:
- List of reasons
 - List of reasons

The following recommendations are being made to take this forwards:

- List of recommendations
- List of recommendations

<If Stage 1>:

You do of course have the right to appeal against the outcome of this Stage 1 grievance. If you wish to exercise this right, please complete Appendix B, detailing the full nature and reasons for your appeal to the school's Chair of Governors, <name>, <contact email/home address> no later than 10 working days from the date you receive notification of this decision in writing.

<If Stage 2>:

This is the second formal appeal hearing and is the final stage (Stage 2) in the Grievance Procedure. There is no right to appeal following this decision reached by the panel of governors.

I would like to take this opportunity to thank you for your time and the way you have conducted yourself during this process. If you would like to ask me any points of clarity around this letter, please do not hesitate to contact me directly.

Yours sincerely



Name

Title

Contact Details

cc: <name> Employee Relations Advisor
HR File
<name> Trade Union Representative/work colleague

Enc: <if any required>