

Schools Grievance Procedure – Advice for Employees

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1. Overview

- 1.1. These advice notes have been produced to provide you with some guidance in using the Model Schools Grievance Procedure. If you require clarification of any point please approach your headteacher, or West Berkshire Human Resources.
- 1.2. The grievance procedure does not apply to the following types of grievance:
 - 1.2.1. Group complaints or grievances - these are dealt with under employee relations arrangements agreed between the Council and its recognised trade unions;
 - 1.2.2. Complaints about an actual or potential dismissal under one of the Council's formal procedures;
 - 1.2.3. Concerns raised as a 'protected disclosure' e.g. such as whistleblowing;
 - 1.2.4. Grievances related directly to matters being dealt with under disciplinary procedures – these will normally be considered as part of the disciplinary process;
 - 1.2.5. Grievances related directly to matters being dealt with under capability procedures – these will normally be considered as part of the capability process;
 - 1.2.6. Grievances related to selection for redundancy – you may appeal against selection for redundancy using the school's redundancy procedure;
 - 1.2.7. Grievances related directly to matters being dealt with under the sickness absence procedures – these will normally be considered as part of the sickness absence process.
 - 1.2.8. Grievances related to a teachers' pay decision – these appeals should be raised under the school's Pay Policy.

2. General Principles

- 2.1. Wherever possible you should attempt to resolve your concerns informally in the first instance. You should discuss this with your line manager (See section 3 below for further details).
- 2.2. You have the right to be accompanied by a work colleague or trade union representative at all formal meetings held under the grievance procedure (See section 9 below for further details).
- 2.3. The time limits within the grievance procedure may be altered by mutual agreement.
- 2.4. You will be given copies of any formal minutes taken during hearings on request.

3. Raising your concern informally

- 3.1. If you have concerns about your employment you should raise these with your line manager. If your concern is about your line manager try to raise your concerns with

him/her in person in the first instance if possible. If you do not feel able to do this you should contact your manager's line manager, or the headteacher. If your concern is with the Headteacher, a discussion with them is advised if you wish to resolve the matter informally.

- 3.2. At the meeting explain as clearly as possible what your concern is, giving details of dates and events if possible. Explain whether you have taken any action to try to resolve the problem. Explain how you would like to see your concern resolved.
- 3.3. The investigating manager may need to investigate the matter further before he/she can respond to your concern. He/she may ask you whether there is anything that should be included in the investigation.
- 3.4. Once the investigation is complete the investigating manager will meet with you to explain how they will handle your concern, and the reasons for this.

4. Formal Grievances

- 4.1. If you believe that your concern cannot be handled informally, or where you have tried an informal approach but still remain dissatisfied, you may choose to raise your concern formally using the grievance procedure. To do so you should write to the headteacher, as described in section 5 of the grievance procedure.
- 4.2. You can also find a form as an appendix of the procedure to raise your grievance formally. You should:
 - 4.2.1. Fill out the form as fully as possible, you can add extra pages if you need more space.
 - 4.2.2. If you are a member of a trade union you may want to ask a trade union representative to help you complete the form.
 - 4.2.3. Include all relevant details – describe incidents or behaviour, with dates and give details of any witnesses where possible.
 - 4.2.4. Describe anything that you have done to try to resolve the grievance informally.
 - 4.2.5. Explain clearly how you would like the grievance resolved – what needs to happen or stop happening?
- 4.3. The headteacher will identify who will handle your grievance.
- 4.4. The person handling your grievance will contact you to arrange a mutually convenient time for a grievance hearing to be held. This will normally be within 20 working days of the date on which the headteacher received your written grievance. You will receive a letter confirming the details of the hearing.
- 4.5. Please note, if your grievance amounts to an allegation of bullying, harassment and/or discrimination the resolution may be for it to be investigated under the disciplinary procedure.

5. The Grievance Hearing

- 5.1. The purpose of the hearing is to allow you to fully explain your grievance and how you would like to see it resolved.
- 5.2. You have the right to be accompanied at the hearing by a trade union representative or a work colleague. This person is referred to as the 'employee's representative' in these advice notes, and in the grievance procedure. You should tell the person hearing your grievance the name of your representative before the hearing. (Further details of the role of your representative can be found in section 9 below.)
- 5.3. An adviser from West Berkshire Human Resources will normally be present at the hearing to advise the person hearing the grievance on procedural matters. There will normally also be someone present to take notes.
- 5.4. At the hearing the person hearing the grievance will:
 - 5.4.1. Introduce those at the hearing and explain why they are present.
 - 5.4.2. Explain the purpose of the hearing.
 - 5.4.3. Ask you to explain your grievance and to provide supporting evidence where possible.
 - 5.4.4. Ask you how you would like your grievance to be resolved.
 - 5.4.5. He/she and/or the HR adviser may ask you questions to gain a full understanding.
 - 5.4.6. Where the person hearing the grievance believes that an investigation is necessary, they may ask you whether there is anything that you think needs to be included in the investigation. He/she will indicate when the hearing is likely to be reconvened.
- 5.5. When you are explaining your grievance take your time and try to remain calm. Explain what has happened or failed to happen, giving details of any dates and witnesses, and providing copies of any supporting documentary evidence as appropriate.
- 5.6. Clearly explain how you would like the grievance resolved.

6. The reconvened hearing (where the first hearing was adjourned for investigation)

- 6.1. The person hearing your grievance will:

- 6.1.1. Introduce those present and, where appropriate, explain their role at the reconvened hearing.
- 6.1.2. Summarise the main issues raised at the initial hearing.
- 6.1.3. Explain the findings of the investigation. This is likely to include sharing the investigation report.
- 6.1.4. Ask you if you have any questions about the investigation, and to comment upon it.
- 6.1.5. Having listened to your comments the person chairing the reconvened hearing will decide whether any further investigation should be carried out.

7. Receiving the decision

- 7.1. The person hearing your grievance will need to consider how it is best resolved. He /she will take into account how you would like the grievance resolved, the facts from any investigation, and the wider implications of possible resolutions.
- 7.2. The person hearing your grievance will write to you with his/her decision, normally within five working days of the hearing/reconvened hearing. You will have the right to appeal this decision by writing to the Clerk to Governors within 5 working days of receiving written confirmation of the grievance hearing decision (Section 7 of the grievance procedure). You should explain why you are not satisfied with the outcome of the grievance hearing and explain how you would like your grievance resolved.

8. Appeals

- 8.1. The purpose of the appeal is to allow you to explain why you are not satisfied with outcome of the grievance hearing, and so that you can explain how you would like your grievance resolved. The appeal will be considered by a panel of three governors. The person who heard your grievance will usually attend the appeal hearing to explain the reasons for his/her decision at the earlier stage. An adviser from West Berkshire Human Resources will normally attend to advise the person/panel hearing the appeal on procedural matters. There will also be a note taker.
- 8.2. You will be informed in writing of the date, time and location of the appeal hearing, and the names of the people hearing the appeal.
- 8.3. You will be entitled to be accompanied at the appeal by a trade union representative or work colleague.
- 8.4. At the hearing the chair of the panel will:

- 8.4.1. Introduce those present and explain their role.
- 8.4.2. Explain the purpose of the appeal and the agenda for the appeal hearing.
- 8.4.3. Ask you to explain why you are not satisfied with the response to your grievance, and ask you to explain why you would like to see it resolved.
- 8.4.4. Ask the person who heard your grievance to explain why they reached their decision.
- 8.5. After you have explained why you are dissatisfied with the outcome of your grievance, you may be asked questions by the manager who heard your grievance, the panel hearing the appeal and/or the Human Resources advisers.
- 8.6. After the manager who heard your grievance at the earlier stage has explained their decision, you and/or your representative may ask him/her questions. He/she may also be asked questions by the panel hearing the appeal and/or the Human Resources adviser.
- 8.7. If the panel hearing the appeal believe further investigation is required they may adjourn the appeal hearing whilst this is carried out. The outcome will be discussed at a reconvened appeal hearing.
- 8.8. The panel hearing the appeal will then decide whether to uphold the previous decision or to resolve the grievance in some other way. They will inform you of the decision in writing within 5 working days of the appeal hearing/reconvened appeal hearing. This decision is final.

9. The employee's representative

- 9.1. Your representative cannot be someone whose presence would prejudice the meeting or who might have a conflict of interest.
- 9.2. With your agreement your representative may:
 - 9.2.1. Confer with you during hearings
 - 9.2.2. Explain your case
 - 9.2.3. Ask questions
 - 9.2.4. Sum up
 - 9.2.5. Respond to views
- 9.3. Your representative may not answer questions on your behalf, except in exceptional circumstances.

10. Reasonable Adjustments

- 10.1. If you are disabled, or if English is not your first language, you may need adjustments to be made to enable you to raise your grievance.

- 10.2. If you need assistance in order to express a formal grievance in writing, you can contact West Berkshire Human Resources to request this assistance. If you are a trade union member your union may also be able to offer this assistance.
- 10.3. Once a manager has been assigned to hear your grievance please make them aware of any particular adjustments you may need to the process or meetings.

11. Postponements

- 11.1. The school will normally try to arrange a mutually agreeable date for grievance hearings and appeals. Sometimes this can be difficult.
- 11.2. If your union rep or colleague is unable to attend on two dates offered, you can suggest one more date so long as it is reasonable and no more than five working days after the date originally proposed. An extension to this time limit can be made by mutual agreement.
- 11.3. If you are unable to attend a hearing or appeal once a date has been set e.g. because of illness, then another hearing will be arranged. If you are unable to attend a second time, the hearing will normally go ahead as arranged, and a decision may be taken in your absence.
- 11.4. It is difficult for a manager to hear a grievance in your absence and we would encourage you to make every effort to attend a hearing that has been set up unless you are unable to do so.
- 11.5. If you have a medical certificate which states that you are unfit for work, you will be given the option to either delay the hearing until your return to work, or for the hearing to take place in your absence.

12. Witnesses

- 12.1. You may be asked to meet with an investigating officer who is investigating a grievance because you have been identified as a witness by the employee, the investigating officer or someone else. The meeting will be chaired by the investigating officer. He/she may be supported by an HR adviser. A note taker may also be present.
- 12.2. The investigating officer will ask you some questions which relate to the matters raised by the employee as part of their grievance. Try to be honest and open in your responses.
- 12.3. The notes of the meeting will be shared with you. The notes can often be kept confidential and not shared with the employee.
- 12.4. Witnesses are not entitled to be accompanied to investigation meetings, but you can seek support from your trade union before and after the meeting.

13. Where your conduct or behaviour has been complained about

- 13.1. If the grievance is about your behaviour or conduct towards another employee, you are still a witness during a grievance investigation, unless the conduct complained about might be considered to be bullying, discrimination or harassment (see below). Where the complaint is about a decision you have made or another matter, the

investigating officer will arrange to meet with you as a witness (see above), share some information with you about the concerns and ask you to share your views and recollections. You can also share documentary evidence e.g. emails.

13.2. Some grievances are used to raise concerns about conduct or behaviour which may constitute bullying, discrimination or harassment. If these sorts of concerns are raised about your conduct:

13.2.1. You will be informed, when the grievance is received, that a complaint has been raised. The name of the complainant will be shared with you. You will not be given details of the concerns at that point.

13.2.2. Once an investigating officer has been appointed, and the grievance hearing has taken place you will be given a summary of the concerns raised by the individual. This should help you to prepare for an investigation meeting with the investigating officer.

13.2.3. The investigating officer will invite you to an investigation meeting. This is an investigation meeting under the grievance procedure; it is not a disciplinary meeting. The purpose of the investigation is to establish whether there is initial evidence which might lead to a disciplinary investigation against you in relation to bullying, harassment or discrimination.

13.2.4. An HR adviser may also be present and there will be a note taker. You can be accompanied to this meeting by a trade union representative or a work colleague.

13.2.5. At the meeting you will be asked some questions and documentary evidence may also be shared with you.

13.2.6. After the meeting, you will be given a period of time, usually a week, to provide any further information or comment to the investigating officer.

13.3 Once the investigating officer has completed the investigation, the draft recommendations will be shared with the employee who raised the grievance first. You will be informed shortly afterwards of the results of the investigation. If the initial investigation concludes that a disciplinary investigation should take place, this will be the recommendation. The employee does not have a right to know the outcome of the disciplinary process.

13.4 Further information on the disciplinary procedures is available in the *Model Disciplinary Procedure for Schools* and the *Disciplinary Procedure - Advice for School Employees*.