

BARTON PRIMARY SCHOOL AND EARLY YEARS CENTRE.



Grievance Procedure for School Staff

DATE: October 2011

TO BE REVIEWED: October 2012

Signed..... Chair of Governors

Date.....



**BARTON PRIMARY SCHOOL & EARLY YEARS CENTRE
GRIEVANCE POLICY & PROCEDURE**

POLICY OWNER: HEAD OF HUMAN RESOURCES

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1. GRIEVANCE POLICY STATEMENT

The School and the Isle of Wight Council aim to ensure that there are positive working relationships between all employees and secure a work environment in which employees feel valued, are able to voice dissatisfaction with aspects of work when such issues arise and to have them resolved. Employees are encouraged to resolve all personal grievances informally with her/his Line Manager/Headteacher as this allows for problems to be resolved quickly between those concerned. Should this not be possible, then the procedure set out below exists to help resolve grievances promptly, sensitively, fairly and as near as possible to their point of origin.

It is the responsibility of Headteachers, Line Managers and employees to develop good constructive working relationships. It is important that employees are treated as individuals with needs and expectations and these are balanced together with the needs and objectives of the School. Employees should feel able to raise matters that cause them concern and to have them addressed without fear of victimisation or other detriment. When dealing with a formal grievance, both Headteachers/Line Managers and employees have a shared responsibility in identifying solutions to problems or concerns.

The purpose of the grievance policy and procedure is to resolve matters that cause employees concern in the workplace and, if working relationships have been affected, to restore productive working relationships. It is written in accordance with ACAS standards. Employees have a right to be accompanied at formal grievance resolution meetings by a fellow worker or recognised trade union official.

2. SCOPE

This policy and procedure applies to all employees of this School, including the Headteacher.

This policy and procedure does not apply to matters relating to a breach of, or decision made where there are separate rights of appeal under another policy or procedure, for example job evaluation, disciplinary, capability etc.

3. HEADTEACHER RESPONSIBILITIES

The Headteacher is responsible for treating employees equitably and fairly, consulting with them on changes in working practices and helping them to understand what to do if they wish to raise a grievance. The Headteacher must ensure that problems and concerns raised informally by employees are addressed promptly and where relevant take action to prevent the matter arising again.

Headteachers are required to nominate Senior Officers from their Senior Management Team to be available to undertake investigations and any other action that is required under this policy.

4. EMPLOYEE RESPONSIBILITIES

All employees are expected to act in a professional manner and in doing so this will assist in preventing the likelihood of a grievance arising. Employees are responsible for raising any grievance in good faith and for co-operating with the implementation of this procedure e.g. taking all reasonable steps to attend any scheduled grievance resolution and/or appeal meetings.

If it is established that the employee has raised a fabricated, malicious or vexatious grievance then disciplinary action may be taken.

5. THE ROLE OF THE HUMAN RESOURCE SERVICE

- To assist all parties to identify the full facts of the case and advise on the appropriate action(s) at all stages of the procedure, in writing if and when requested.
- To seek to ensure fairness and consistency in the application of this procedure and advise on the HR implications of relevant codes of practice.
- To maintain confidential grievance files.
- To attend all formal grievance and/or appeal hearings

6. STANDARDS IN APPLICATION OF PROCEDURE

Headteachers applying this procedure should:

- contact HR for advice and support as required and seek HR's involvement in the formal stages of the procedure;
- ensure the grievance is fully investigated, promptly and with sensitivity to the concerns of the aggrieved, having regard to the individual circumstances of the case and/or any mitigating circumstances and/or any relevant medical advice;
- provide an opportunity for all parties affected by the grievance to present her/his perceptions of the issues raised;
- seek to resolve the grievance at the lowest possible level through support, problem solving and active employee involvement;
- provide an opportunity for the aggrieved to progress her/his grievance at any stage of the procedure;
- make arrangements for the release of witnesses and arrange a note taker for any formal grievance hearing and/or appeal hearing;
- make the appropriate administrative arrangements for such meetings eg. arranging the date, time, venue, the note taker and documentation.
- observe the timescale set out in this procedure as far as possible and notify the employee where the timescale is unlikely to be met;
- have regard to the School's Equality and Diversity Policy/Dignity at Work Policy
- maintain appropriate records, having regard to such issues at the Data Protection Act 1998.

7. THE GRIEVANCE PROCEDURE

7.1 Informal Grievance Resolution

If an employee has a grievance relating to her/his work, working conditions, pay and benefits, working hours, treatment by fellow workers, health and safety requirements or any other issue affecting her/his employment they should in the first instance talk the matter over with the Headteacher on an informal basis. Headteachers will discuss these concerns in confidence, make discrete investigations and attempt to resolve the matter speedily and fairly. Should this stage conclude the grievance then the Headteacher will respond in writing to the complainant summarising the agreed resolution.

7.2 Formal Grievance Resolution – Stage 1

Depending on the nature of the grievance, employees may prefer to put her/his grievance on a more formal footing. Formal Grievance Resolution will be conducted in the following manner:

- The employee submits her/his grievance to her/his Headteacher in writing using the Grievance Resolution Form attached at Appendix 1. All questions on the form must be answered and it must be dated and signed and given to her/his Headteacher. Any formal grievance must normally be lodged by the employee within ten working days of the alleged incident unless it is an accumulation of alleged incidents over a period of time in which case within ten working days of the latest incident.
- Where the grievance is against the employee's Headteacher or a member of the Governing Body, the completed Grievance Resolution Form should be given to the Chair of the Governing Body and will move straight to Stage 2 of Grievance Resolution.
- Where the grievance is against the Chair of Governors the completed Grievance Resolution Form should be given to the Headteacher and will move straight to Stage 2 of Grievance Resolution. If the Headteacher is unable to solve the problem the Director for Children and Young People or a senior nominated officer will be contacted for assistance.
- The Headteacher will formally register the grievance by acknowledging it within five working days of its receipt, in writing to the aggrieved employee.

7.3 Investigation

The Investigator meets with the employee and her/his representative as appropriate, to review the Grievance Resolution form, clarify facts and discuss potential solutions. The Investigator may also need to hold separate discussions with any witnesses or other relevant people that are related to the grievance.

Any required investigation must be completed as speedily as possible but within a maximum of fifteen working days. Where this is not possible, the Investigator must provide an explanation for this and advise the employee when it is expected that the investigation will be completed.

7.4 The Grievance Resolution Meeting

The Headteacher arranges a Grievance Resolution Meeting to take place, normally within 5 working days of the conclusion of any investigation.

The employee is allowed one change to the grievance resolution meeting date if either they or her/his representative is unable to attend for reasons which were unforeseen when the meeting was arranged. This reconvened meeting must take account of the availability of all parties and be within five working days of the original date or by mutual agreement. Sickness will only be treated as a reason for non attendance where the health condition of the employee is such that they cannot attend the hearing or follow the proceedings.

Account must be taken of any reasonable adjustments required by the employee under the Disability Discrimination Act 1995 (DDA).

At the Grievance Resolution Meeting, the Headteacher will obtain the views of the employee on the findings of the investigation and discuss any recommendations made. Where possible the Headteacher should communicate her/his decision on the day of the grievance resolution meeting and the reasons for it, verbally to the employee. The outcome must be confirmed in writing to the employee within five working days and inform them of her/his right to appeal, if not completely satisfied with the outcome, together with the name of the person to whom the appeal should be made. The appeal should be made to the Clerk of the Governing Body.

7.5 Grievance Resolution – Stage 2

If the employee remains dissatisfied with the outcome, they must lodge an appeal in writing within five working days of the date of the written confirmation of the Headteacher's decision. The employee will be required to submit the completed original Grievance Resolution Form as well as a written statement which sets out:

- Why they remain dissatisfied
- How the grievance affects them
- What they propose as a resolution
- Any other supporting evidence

Stage 2 of Grievance resolution will be undertaken by a panel of three members of the Governing Body which must not include the Headteacher. On receipt of the employee's appeal the Clerk to the Governing Body will arrange for a further meeting to take place within 20 working days to discuss the grounds of the appeal in accordance with the procedure set out above.

The decision must be confirmed to the employee in writing within 5 working days.

7.6 Grievance Resolution – Stage 3 (only applicable if commenced at stage 2)

Where an employee continues to be dissatisfied with the outcome after a stage 2 grievance resolution meeting they may appeal to the Governing Body's Appeal's Committee, consisting of three governors who have so far not been involved in the case within 5 working days of the date of written confirmation by the previous panel, following the same procedure set out above.

On receipt of the employee's appeal letter, the Clerk to the Governing Body will arrange for a further meeting within 20 working days to take place to

discuss the grounds of the appeal in accordance with the procedure set out above.

The decision must be confirmed to the employee in writing within 5 working days.

The decision of the Appeal's Committee is final.

8. SPECIAL CONSIDERATIONS

Where either the Local Authority or a recognised union determines that the matter is a collective issue, the grievance may, at any stage be transferred to the appropriate local negotiation procedure.

In exceptional circumstances, it may not be appropriate for the Governing Body to hear the grievance; if, for example, the grievance is against the Governing Body. In those circumstances, a panel of governors from other Schools may be arranged by the Employer's Human Resources department.

9. SICKNESS ABSENCE DURING THE GRIEVANCE PROCEDURE

An employee who is unfit to attend a scheduled grievance resolution meeting must provide a medical certificate confirming that s/he is incapable of attending the meeting.

In such circumstances where the delay arising from any such absence may become problematic, the Headteacher discusses with the employee's representative and HR to attempt to resolve the grievance and then invite the aggrieved to attend any subsequent grievance resolution meeting as soon as is practicable.

Where sickness absence has made it impossible to arrange a grievance resolution meeting at any stage of the procedure within twenty working days, the Headteacher should write to the employee with the proposed resolution and where appropriate, inform them to whom the grievance can be referred if they remain dissatisfied.

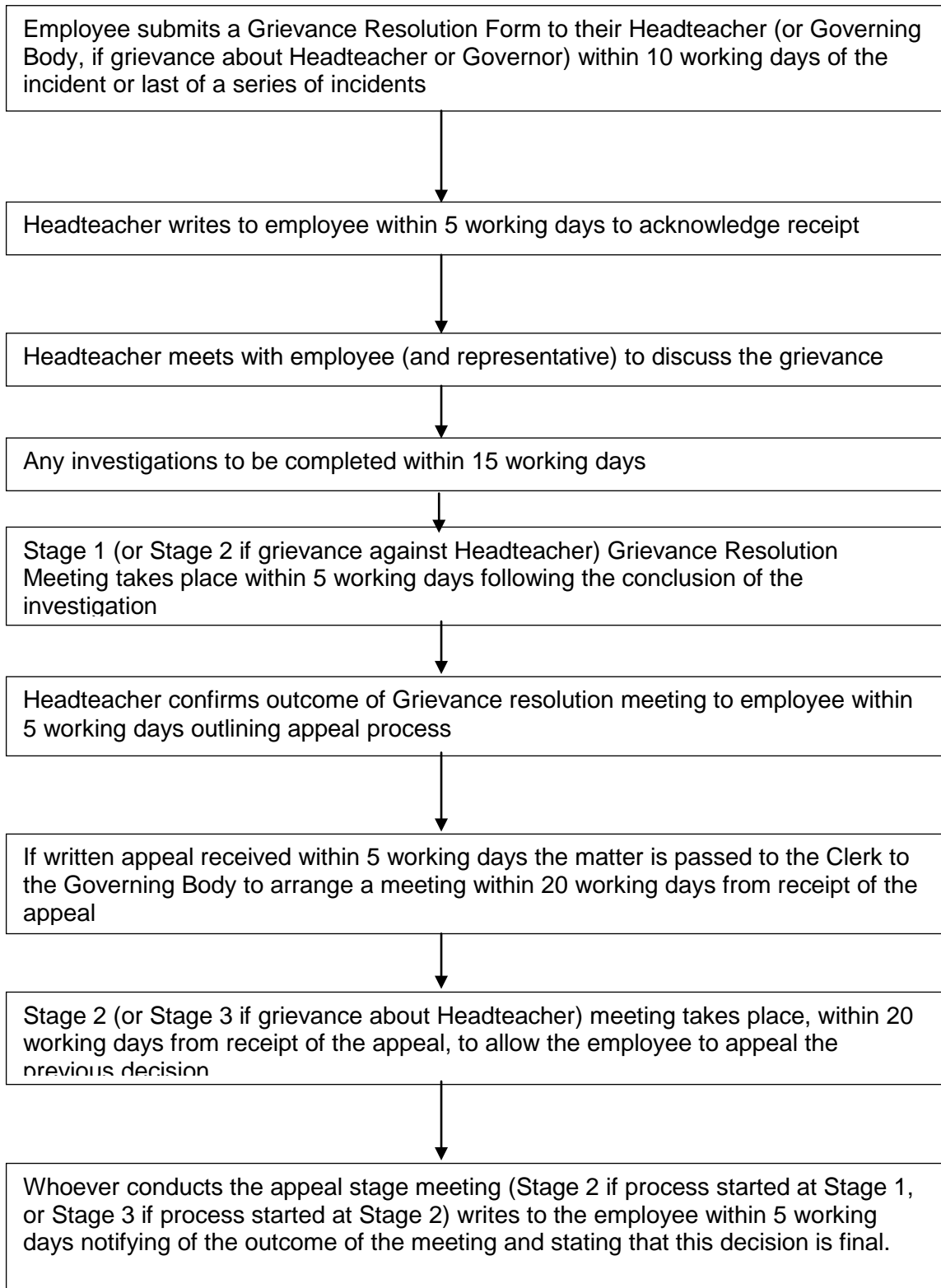
10. POST EMPLOYMENT GRIEVANCES

Wherever possible a grievance should be dealt with before an employee leaves the employment of the Isle of Wight Council. Where a grievance is initiated before an employee leaves, all reasonable efforts will be made to continue to apply the Grievance Procedure until a point where the grievance is either resolved or internal processes are exhausted.

Where an employee has already left employment and the Grievance Procedure has not been commenced all reasonable efforts will be made to continue to apply the Grievance Procedure. However, it may be agreed in writing between both parties that a "modified" procedure be used. Under the modified procedure, the employee should write to her/his Headteacher setting out the grievance as soon as possible after leaving employment and the Headteacher must respond in writing within 10 working days, setting out her/his response.

APPENDIX B

FORMAL GRIEVANCE PROCEDURE



ORDER OF PROCEEDINGS FOR A GRIEVANCE HEARING

The format of any formal grievance hearing will be as follows:

- The purpose of a formal grievance hearing will normally be to establish the facts about the employee's grievance and determine what (if any) action can reasonably be taken to resolve it.
- The person leading the hearing ("the Chair") will introduce the hearing, and explain its purpose and how it will be conducted.
- The employee will be entitled to be accompanied at the hearing, if s/he wishes, by a work colleague or trade union official of his/her choice.
- The parties present at the hearing will introduce themselves and confirm her/his respective roles in the hearing.
- The Chair will state whether or not any witnesses have been asked (by either party) to give evidence at the hearing, and if so, who they are.
- The Chair will state that the hearing is being conducted as part of the School's formal grievance procedure and confirm that a written record of the hearing is being made.
- The Chair will invite the employee to state his/her case, i.e. the circumstances that have led to the grievance, the nature of the grievance and why s/he feels aggrieved. The employee may do this personally, or the employee's representative (if s/he has elected to be represented) may do this on his/her behalf.
- Then the other party and the Chair may ask any questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.
- Any witnesses whom the employee has decided to call will be called into the hearing and firstly the employee (or her/his representative) and then the other party and finally the Chair may ask questions of the witness that are relevant to the employee's grievance.
- The employee may on request confer with his/her representative at any time during the grievance hearing.
- Then it is the turn of the other party's witnesses, if any, with the employee and the Chair also being entitled to ask questions.
- Once all the evidence has been heard, the Chair will sum up the key points of the hearing.
- The Chair should always try and ensure a decision can be made on that day, In exceptional circumstances the Chair will inform the employee of when a decision will be made about what, if any, action will be taken to resolve or otherwise deal with the grievance.
- The Chair will inform the employee that he/she will have the right to appeal against the outcome of the grievance hearing (if not a final hearing) if he/she is not satisfied with it.
- The Chair will thank the parties for attending and close the meeting.
- At any point during the hearing, the Chair may adjourn the proceedings if it appears necessary or desirable to do so, including the purpose of gathering further information or investigating any allegations made, following discussion with all parties.

N.B. For an appeal hearing the same structure will take place, with the employee stating her/his case for the appeal first and the other party will respond