

West Park

'A caring school where we put pupils and their achievement first'



Grievance Policy

Reviewed November 2022

Introduction

The School understands that on occasions, employees may want to raise a grievance related to their employment. This procedure is to encourage communication between employees and the Head to ensure that problems arising during the course of employment can be expressed and quickly resolved.

The purpose of the grievance procedure is to ensure that, as far as possible, grievances are dealt with and resolved informally through discussion between the employee and their line manager, or the Head.

Grievances are concerns, problems or complaints raised by an employee and must be made in writing. However, before using the grievance procedure it is expected that an employee and the School will try to resolve the complaint informally. The formal stage of the procedure should only be used when the informal stage has failed to resolve the issue or is not making progress at reasonable speed.

General

A grievance is a complaint made by an employee about an action which the School has taken, or is contemplating taking, or a situation in relation to their work.

Grievances can relate to:

- terms and conditions of employment
- health and safety
- difficult working relationships
- bullying and harassment
- new working practices
- the working environment
- discrimination/unfair treatment

Please note that this list is not exhaustive.

The School's Grievance Procedure applies to all employees regardless of their length of service.

This procedure does not apply in the following cases:

- Where alternative appeal processes exist;
- Where the employee has not submitted their grievance following legislative requirements;
- Where the case has already been heard and there is no new evidence;

- If the matter relates to a collective grievance concerning two or more employees. A collective grievance should be raised by the appropriate Trade Union formally in writing and submitted to the Head. Collective grievances will be dealt with as appropriate to the facts of the case;
- Where the matter relates to the application of conditions of service laid down by the School arising from national, provincial or local agreements; or
- If the employee raises a concern in compliance with the Public Interest Disclosure Act. In cases such as these please refer to the School's Whistleblowing Policy for further details. The School's Whistleblowing Policy enables employees to report illegal activities, wrongdoing or malpractice. However, where employees are directly affected by the matter in question, or where employees feel they have been victimised for an act of whistleblowing, they may raise the matter under this procedure.

In addition, this procedure should not be used to complain about dismissal or disciplinary action. If employees are dissatisfied with any disciplinary action, they should submit an appeal under the appropriate procedure, copies of which are available from the Head.

Reasonable adjustments will be made if the employee has a protected characteristic as defined under the Equality Act 2010.

This procedure does not form part of any employee's contract of employment and it may be amended at any time.

Principle

Grievances will be handled as quickly and fairly as possible. Informal grievances should initially be resolved with the employee's line manager where possible, or if not resolved, with the Head. If the employee's complaint relates to the Head, it will be dealt with by an appropriate member of the Governing Body.

In the event that the complaint relates to a member of the Governing Body, the matter should be raised with the Head in the first instance. If the complaint cannot be resolved informally, the panel of Governors will not, where possible, include any Governors previously involved in the matter.

There may be occasions where it is not immediately apparent that issues raised under the Grievance Policy, should be addressed under this procedure. In some circumstances it may be appropriate to refer and investigate the issues under a different policy, for example:

- Capability Policy
- Attendance Management Policy
- Disciplinary Policy

A grievance should normally be raised within 3 months of:

- The occurrence of the incident about which the employee is aggrieved.
- The date the employee first raised it informally with no satisfactory resolution. This is presuming that the employee initially raised the issue within 3 months of the incident

occurring.

Historical grievances will be considered if they are related to a current grievance that is being dealt with and meet the criteria above.

Informal Procedure

Employees should discuss their concerns in the first instance with their line manager. If they are unable to approach and resolve the matter with their line manager, they should approach the Head to resolve their concern. Finally, they can informally approach the Chair of Governors to discuss their concerns.

The Head or the employee's line manager will seek to resolve the grievance on an informal basis with the employee, taking advice if necessary from other parties. Once resolved, the Head or the employee's line manager should make a note of the outcome on the employee's file.

If a grievance cannot be resolved via informal discussions, the formal procedure may then be used.

Formal Procedure

Statement of Grievance

An employee who wishes to raise a formal grievance should put their grievance formally, in writing without unreasonable delay, to the Headteacher or the employee's line manager setting out the nature of their grievance. Where the grievance is about the Head, it should be submitted to the Chair of Governors.

The employee should contain a brief description of the nature of their complaint, including any relevant facts, dates, and names of individuals involved. In some situations, the School may ask the employee to provide further information.

The employee should indicate, as part of their formal written statement, what resolution they seek.

Investigation

An investigation will be undertaken following receipt of a grievance and an Investigating Officer will be appointed. The School should ensure, as far as is reasonably practicable, that they can act impartially and have no conflict of interest.

Employees should co-operate fully and promptly in any investigation. This may include informing the Investigating Officer of the names of any relevant witnesses, disclosing any relevant documents to the Investigating Officer and attending interviews, as part of their investigation.

The Investigating Officer may produce a report to summarise the basis of the grievance and their recommendation of the outcome. Alternatively, the Investigating Officer may decide the case would be best considered in its entirety at a grievance meeting.

Grievance Meeting

Grievance Meetings will usually be conducted by either the Head, except in cases where the Head is the:

- Investigating Officer
- Witness to the investigation
- Subject of the complaint

In certain instances, a nominated senior member of staff may replace the Head.

The Headteacher will write to the employee confirming a date for a Grievance Meeting, normally within 10 working days of the investigation being completed.

If the Head is a witness or the complaint relates to the Head, or the Head has been appointed as the Investigating Officer, the matter will be referred to a panel of Governors. The Clerk to the Governors will arrange for a panel (normally three Governors) to meet to hear the grievance.

The employee should take all reasonable steps to attend the Grievance Meeting. If the employee or their companion cannot attend at the time specified, they should inform the School immediately and we will try, within reason, to agree an alternative time.

Failure to attend the Grievance Meeting without reasonable justification will be investigated and appropriate action taken.

The employee has the right to be accompanied to the Grievance Meeting by a work colleague, a trade union official or professional representative.

The purpose of a Grievance Meeting is to enable the employee to explain their grievance and how they think it should be resolved, and to assist the School in reaching a decision based on the available evidence and the representations they have made.

For a meeting conducted by the Head, the Head will either find the grievance unfounded or upheld. If upheld, the Head will decide the appropriate resolution.

For meetings conducted by a panel of Governors, the panel will either find the grievance unfounded or upheld. If the panel upholds the grievance the resolution will be decided by the Governing Body.

After the Grievance Meeting, the School may carry out further investigations and hold further grievance meetings as it considers appropriate. Such meetings will be arranged without unreasonable delay.

After the Grievance Meeting and/or any further investigations have been completed, the Chairperson will write to the employee to confirm the outcome of the grievance, normally within five working days. Employees will have the right to appeal such.

Appeal

If the employee wishes to appeal the outcome of the grievance, they must formally write to the Head/Chair of Governors confirming their grounds for appeal. This must be received within 5 days of receiving written confirmation of the outcome of the grievance.

An Appeal Meeting will be arranged, normally within 10 working days of receiving the employee's written appeal. This will usually be dealt with by a panel of Governors who have not previously been involved in the case (although they may ask anyone previously involved to be present). Employees have a right to be accompanied at the Appeal Meeting by a work colleague, trade union official or professional representative at the meeting.

The School will confirm its final decision in writing, usually within 10 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

Keeping Records

Written records should be kept throughout the grievance process. These records should include:

- details of the nature of the grievance;
- a copy of the written grievance;
- the Head's or Governor's response;
- details of any action taken;
- reasons for any action taken;
- whether there was an appeal and, if so, details of the outcome; and
- details of any subsequent developments.

All records will be treated as confidential.

In certain circumstances, for example to protect a witness, the School might withhold some information. Please note that if witnesses request to remain anonymous, all practical steps will be taken to protect the identity of employees, however in some circumstances it may be inevitable that their identity is revealed. Confidentiality of the employees' identity therefore cannot be guaranteed.