



Policy for Resolving Individual Staff Grievances within Schools

This policy is designed to provide a mechanism for dealing with individual grievances as fairly, quickly and as near as possible to the point of origin. A grievance exists where an individual employee feels that they have cause for complaint in relation to their employment

Key points

- The principle features of this grievance procedure have been defined in accordance with the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Grievance Procedures at Work
- Employees can raise issues that they believe to be unfair relating to the application of terms or conditions of service or other work related issues
- The initial aim is to attempt to resolve grievances informally
- There are different categories of grievances dependant on the nature of the grievance: A, B, C, D
- A modified procedure for grievances raised by former employees

1. Introduction

1.1 Although the County Council seeks to ensure fair treatment of all its employees and to enter into successful relationships with them, individual or collective problems may sometimes arise in the course of employment. This grievance procedure provides a mechanism for individual grievances to be dealt with fairly, quickly and as near as possible to the point of origin, before they develop into major problems. There is a separate policy relating to collective grievances Resolution of Collective Disputes. These guidelines conform with and include advice contained in the revised ACAS Code of Practice on Grievance Procedures (2005). The County Council will ensure that, where grievances arise, all employees are subject to fair and consistent treatment in accordance with the Promoting Diversity and Equality in Employment Policy.

2. Application of the Procedure

2.1 This procedure applies to all teaching and support staff employed directly in schools

2.2 For staff who are required to work term time only all procedures are

suspended during school holidays

2.3 In the policy where it states headteacher/principal, this can also be substituted for a person appointed by the headteacher/principal.

2.4 The procedure **does not normally** apply to:

- Any issue for which a separate procedure is applicable (e.g. disciplinary and dismissal or capability matters)
- Matters relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, pensions)
- Appeals against grading
- Issues of strategic policy for the school
- Collective grievances i.e. those raised by a group of staff

3. Categories of Grievance to be dealt with under this procedure

Informal Resolution

3.1 Headteachers/principals should strive to resolve all grievances through informal discussion amongst those involved, within 10 working days of their being formally raised; however if this is not achievable and if the grievance cannot be resolved informally then the headteacher/principal should decide within which category to formally proceed.

Formal Resolution

3.2 The headteacher/principal has the responsibility for deciding which category(ies) apply/applies to the grievance. In the case of category C grievance the headteacher/ principal will consult the chair of the governing body; in the case of category D grievances the head teacher/principal must consult the Director of Children’s Services.

In the event that a grievance cannot be reasonably be placed within one category but also cannot be reasonably dealt with under two categories, then in deciding how to proceed the grievance should be dealt with under a single category, as agreed by all parties. If there is failure to agree, the grievance should be dealt with at the higher level.

A	Between members of staff requiring an arbitral decision to settle the matter e.g. personal disputes
B	The solution to which lies within the responsibilities of the headteacher/principals, e.g. general management matters, application of personnel policies
C	The solution to which requires a decision of the governing body e.g. matters of general policy

D	The solution to which requires a decision of the County Council e.g. general conditions of service policy

NB for grievances raised by former employees there is a modified procedure for resolving the grievances raised by such employees, detailed later.

4. Grievances raised by the headteacher/principal

4.1 In the cases of grievances raised by the headteacher/principal that cannot be resolved informally with the chair of governors and/or the Director of Children's Services the following formal arrangements will apply.

- i) A category C grievance will be considered by the panel authorised by the governing body with any appeal to the grievance appeal panel established by the governors;
- ii) A category D grievance will first be considered by a senior officer appointed by the Director of Children's Services. Where the grievance remains unresolved, the matter will be considered by a panel of elected members to hear grievances.

4.2 At these stages the procedure followed will be the same as for the stage one hearing under categories A and B. The time scales will be the same as for the stage two hearing under categories A and B.

5. Essential Features of the Grievance Procedure

5.1 The grievance will be treated as confidential by all parties.

5.2 It is intended that the operation of this procedure ensures that all employee's rights under current employment legislation are protected.

5.3 A complainant who has invoked the grievance procedure will not be victimised in any way.

5.4 In the event that an employee raises a grievance in the course of a disciplinary process, or there remains an outstanding grievance, the school will consider suspending consideration of the disciplinary process until the outcome of the grievance process is known; each case will, however, be considered on its merits to ensure that the Council is acting reasonably.

6. Time Limits

6.1 It is in the interest of the school/college and employees that grievances should be resolved quickly. The time limits are intended as a guide to ensure grievances are resolved without undue delay and to ensure that there is no advantage to be gained by either party by stalling for time. However, it is

recognised that some alterations in the time limits may be necessary from time to time to ensure a thorough investigation of the grievance. Where additional time is required by either party, this should be mutually agreed and where it can be demonstrated that an extension is genuinely required it will not be unreasonably refused. However, where there is no mutual agreement, if management exceeds the time limits, the grievance is automatically referred to the next level of the procedure, if the employee exceeds the time limits without good reason the grievance will be considered as being out of time and no further action will be taken.

7. Right to Representation

- 7.1 Employees have the right to be accompanied by a recognised trade union representative, or colleague (not acting in a professional capacity), at all stages of the grievance process. There is no right to legal representation at any stage of this procedure.
- 7.2 The trade union representative or colleague has no legal right to answer questions on the employee's behalf, but does have the right to address the hearing and to ask questions. They can also confer privately with the employee in the hearing room or outside, as well as requesting an adjournment as and when required.
- 7.3 Headteachers/principals should inform an employee of their right to representation in writing if the formal stage of the procedure is invoked, advice may be sought from their usual contact in Professional Services, Personnel and Training.
- 7.4 Where the grievance is raised against a headteacher/principal they have the right to have representation from their trade union. In some circumstances headteachers/principals may seek advice and/or representation from Professional Services, Personnel and Training.
- 7.5 Grievances raised against a headteacher/principal will be investigated by a governor who will be advised by Professional Services, Personnel and Training.

8. Records

- 8.1 Records should be kept at each stage of the formal grievance procedure detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. All parties involved in the grievance should have the opportunity to check their accuracy.
- 8.2 All records kept should be confidential and processed in accordance with the Data Protection Act 1998 which provides for an employee to have access to data about themselves.

9. Revision of the Procedure

9.1 The operation of the procedure will be kept under review by Professional Services, Personnel and Training.

10. Initiating a Grievance - Grievances within Category A and Category B

10.1 If a resolution cannot be reached informally under categories A and B there are 2 formal stages to follow. In the first instance the headteacher/principal (or a person delegated by them) shall conduct the procedure.

Stage One

10.2 A formal meeting should take place within 10 working days of receipt of the grievance in written form. The headteacher/principal will be advised by an officer from Professional Services, Personnel and Training

10.3 Where the grievance is against another employee, initially it may be appropriate to hear the grievance without that other employee present, prior to a joint meeting.

10.4 The structure of the meeting is as follows:

1. The aggrieved employee or his/her representative to make a statement and to call any witnesses.
2. The other side may question.
3. The headteacher/principal and/or their personnel advisor may question.
4. The accused employee or his/her representative to make a statement and to call any witnesses.
5. The other side may question.
6. The headteacher/principal and/or their personnel advisor may question.
7. The accused employee or his/her representative may sum up.
8. The aggrieved employee or his/her representative may sum up.
9. The headteacher/principal and their personnel advisor adjourn to reach a decision.

10.5 If possible the headteacher/principal should give his/her decision orally and this decision should then be confirmed in writing within 3 working days of the meeting. If however the headteacher/principal is unable to come to a decision as the circumstances require further review or enquiries, this must be confirmed orally at the end of the meeting. A decision must then be reached within 5 working days of the hearing and confirmed in writing within 3 working days of the oral feedback.

Stage Two

10.6 If the aggrieved employee is not happy with the outcome at stage one s/he must send written details of his/her reason for the dissatisfaction to the headteacher/principal within 10 working days of the date of receiving the written decision.

10.7 The grievance will then be heard by a panel of governors, authorised by the governing body to hear grievances. Ideally this meeting should take place within 20 working days of receipt of the written grievance.

- 10.8 The panel of governors will be advised by a personnel adviser, who will not be the same officer who advised at stage one and will follow the same format as at stage one.
- 10.9 The decision reached by the panel of governors is final.

11. Initiating a Grievance - Grievances within Category C and Category D

- 11.1 If a resolution cannot be reached informally under categories C and D there are 3 formal stages to follow.

Stage One

- 11.2 Following receipt of a written request for formal proceedings to commence, if it has not been possible to resolve the grievance informally the headteacher/principal will then follow stage one of the formal procedure. The headteacher's/principal's role is not to give a formal decision, but to seek guidance by whatever means are available, including discussions with the chair of the governors and/or the Director of Children's Services or his/her representative.
- 11.3 The headteacher/principal must meet to discuss all options to the aggrieved employee within 10 working days of receipt of the written request.

Stage Two – Category C

- 11.4 If the grievance remains unresolved, the aggrieved employee needs to put their concerns over the proposed solutions at stage one into writing within 10 days of their meeting with the headteacher/principal. The matter will be considered by a panel of governors authorised to hear appeals. The meeting will take place within 20 working days of receipt of the aggrieved employee's letter.
- 11.5 The structure of the meeting is as follows:
1. The aggrieved employee or his/her representative to make a statement and to call any witnesses.
 2. The other side may question.
 3. The governing body and/or their personnel advisor may question.
 4. The accused employee or his/her representative to make a statement and to call any witnesses.
 5. The other side may question.
 6. The governing body and/or their personnel advisor may question.
 7. The accused employee or his/her representative may sum up.
 8. The aggrieved employee or his/her representative may sum up.
 9. The governing body and their Personnel advisor adjourn to reach a decision.
- 11.6 If possible the governing body should give his/her decision orally and this decision should then be confirmed in writing within 3 working days of the meeting. If however the governing body is unable to come to a decision as the

circumstances require further review or enquiries, this must be confirmed orally at the end of the meeting. A decision must then be reached within 5 working days of the hearing and confirmed in writing within 3 working days of the oral feedback.

Stage Two – Category D

11.7 This is the same as stage two for category C except that the matter will be considered by a senior officer appointed by the Director of Children's Services and not a panel of governors.

Stage Three – Category C

11.8 If the grievance remains unresolved and the aggrieved employee is not satisfied with the outcome at stage two, then the aggrieved employee needs to put their concerns over the proposed solutions at stage two into writing addressed to the headteacher/principal, within 10 working days of receipt of the written decision. Ideally the meeting at stage three will take place within 20 working days receipt of this letter.

The grievance will then be heard by a separate panel of governors authorised by the governing body to hear grievance appeals. The procedure they follow will be the same as at stage two.

11.9 The decision of this panel of governors will be final.

Stage Three – Category D

11.10 This is the same as stage two for category C apart from the fact that the grievance will be heard by a panel of members authorised by the appropriate committee to hear grievances.

11.11 The decision of this members' panel will be final.

12. Initiating a Grievance - Modified Grievance Procedure raised by employees after they have left employment

12.1 This procedure will apply in circumstances where employment has ended and the normal procedures set out above have not already been completed in relation to the employee's grievance.

12.2 The Modified Procedure will apply where

- The employee has ceased to be employed by the County Council
- The standard Grievance Procedure had not been commenced or, if it had been commenced, had not been completed before the last day of the employee's employment
- The parties have agreed in writing, after the employer became aware of the grievance that the modified procedure should apply in relation to that grievance

Informal Stage

12.3 As the employee has left employment there is no informal stage to this process, upon receipt of a written grievance the process will begin at the formal stage.

Formal Stage

12.4 .1 The employee must set out in writing

- o their grievance
- o the basis for it

12.4.2 The employee must send the written grievance to their former headteachers/principals (or in the case of headteachers/principals the chair of governors)

12.4.3 Upon receipt of the grievance the headteachers/principals/County Council must set out their response in writing and send the statement or a copy of it to the employee. This response is final and there is no appeal process.

13 Circumstances when a Grievance will not be accepted

13.1 There are however some circumstances in which grievances will not be accepted:

- Where an employee has ceased to be employed and, since the employment ended, it has ceased to be reasonably practicable for the employee or the County Council to comply with the requirement of following the procedure,
- Where an employee's grievance is about an actual or contemplated dismissal,
- Where an employee's grievance is about action short of dismissal that the employer has taken or is contemplating taking. This does not however apply where the employee's grievance is one of the following:
 - the disciplinary action taken or being contemplated by the County Council amounts or would amount to unlawful discrimination
 - the grounds on which the County Council took or is contemplating taking in relation to the disciplinary action is unrelated to the issue of the grievance.

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