Grantham Villages' CE Primary Schools Federation

Marston Thorold's Charity Church of England Primary School

Grievance Resolution Policy and Procedure

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Schools Grievance Resolution Policy and Procedure

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools

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GRIEVANCE RESOLUTION POLICY AND PROCEDURE

Purpose

Lincolnshire County Council (LCC) and the school believe that all employees should be treated fairly and with respect. There may be occasions where employees have problems or concerns about their work, working conditions, or relationships with colleagues that they wish to talk about to find a resolution. This policy and procedure provides a framework for employees to do this in a safe and supportive environment.

LCC, Governing Bodies and Headteachers are committed to attempting to resolve issues or concerns informally and as such, encourage employees to bring matters of concern to the attention of their manager. Through developing open and constructive working relationships, coupled with a genuine desire from all to find resolutions, it is expected that most issues should be able to be resolved through these discussions. Employees may wish to talk to the relevant manager to find a resolution. This policy and procedure provides a framework and outlines how they can do this in a safe and supportive environment. Where attempts to resolve issues informally do not work, it may be appropriate for an employee to raise a grievance under this procedure.

A grievance should be concerned with the way in which an employee believes they have been treated by the school or Headteachers/Managers acting on its behalf, colleagues or about an aspect of their work. Issues and concerns that may cause grievances include concerns regarding allocation of work, working environment or conditions, the opportunities for development, or the way in which an employee has been treated. All employees are expected to act as role models for the school and proactively challenge behaviour and actions that may adversely affect employee health and wellbeing.

Complaints or grievances that amount to an allegation of misconduct on the part of another employee may also result in that employee being referred to the Disciplinary Policy and Procedure (GVSF Schools Disciplinary Policy). Generally, issues that are the subject of collective negotiation or consultation with trade unions will not be considered under the grievance procedure. Complaints that an employee may have about any disciplinary action taken against them, should be dealt with as an appeal under the disciplinary procedure. Grievances may occur at all levels, and this procedure applies equally to everyone.

Principles

In order to resolve issues in a timely manner, to enable individuals and schools and Governing Bodies to operate effectively, the following principles will apply:

- Headteachers/Managers and employees should raise and deal with issues promptly and openly;
- Headteachers/Managers will undertake any necessary investigations or enquiries to understand the concerns and issues raised;
- Employees will provide full details of the nature of their concerns, including:
    - dates and times of relevant events,
    - names of individuals involved
    - any steps the employee has taken to informally resolve the concerns where this has been possible
    - a resolution the employess hopes to achieve
- Employees will be required to identify the outcome(s) they are seeking, in order for managers to understand how a resolution may be reached;

- Grievances may be raised by one or more employees or in respect of one or more issues/employees. Where raised by a group of employees they may choose to elect one or more of the group to represent them through the procedure;
- Employees wishing to raise concerns about malpractice at work (e.g. fraud, corruption, financial malpractice, serious health and safety breaches) can alternatively refer to the GVSF Whistleblowing Policy (Confidential Reporting Code)
- The grievance procedure is not to be used where specific appeal provision exists, e.g., in respect of disciplinary, flexible retirement/working and job evaluation/grading decisions;
- A grievance cannot be raised against a Governor however, where an employee has concerns in respect of a Governor these should be raised and dealt with in accordance with the GVSF Complaints Procedure which is a requirement of all maintained schools as detailed within Section 29 of the Education Act 2002.

Collective Grievance

This applies where two or more employees share a genuine common concern, problem or complaint arising from the same circumstances and wish for their grievance to be heard together as one, rather than separately. The same procedure applies to collective grievances and enables Head Teachers/Managers and employees to follow the same stages with the exception that aggrieved employees can elect a trade union representative or nominate employee spokesperson.

Where it is considered that the collective grievances are in fact not related, or at a later date become personal to one employee, arrangements will be made to respond to the grievances individually.

Mediation

Mediation may be considered at any stage of this procedure, depending on the nature of the grievance. A Headteacher/manager may recommend it as a means of finding a resolution, and will encourage all involved to agree to this. Mediation involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Harassment and Bullying

Headteachers are committed to creating a work environment in schools free of harassment and bullying, where everyone is treated with dignity and respect. The harmful effects of harassment and bullying are recognised, and the school will not tolerate harassment and bullying of any kind. This includes behaviour from other employees, parents, pupils, members of the public or people working with us from other organisations.

Allegations of harassment and bullying will be investigated and, if appropriate, disciplinary action will be taken.

Headteachers will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence. These provisions apply not only at the workplace during working hours but at other work related activities during and outside of working hours – e.g., training courses, conferences and social functions.

Harassment

There are three types of harassment which are unlawful:

- Harassment related to a protected characteristic
- Sexual harassment, conduct of a sexual nature
- Less favourable treatment of a worker because they submit to, or reject sexual harassment or harassment relating to sex or gender reassignment

Harassment occurs when someone engages in unwanted conduct relevant to at least one of the above grounds, that:

- violates someone else's dignity
- creates an intimidating, hostile, degrading, humiliating or offensive environment
- unwanted means unwanted by someone from their perspective; it can be subjective

It is essential to understand that:

- a single, serious incident may amount to harassment
- a person may experience harassment even if not the intended 'target' of the behaviour in question. For example, racist jokes create an offensive environment. People do not need to belong to an ethnic group for racist jokes to be harassment.
- a person need not possess a relevant protected characteristic themselves. They may experience harassment due to:
- their association with another person who has a protected characteristic
- a perception that they have a protected characteristic, even if that perception is wrong
- a person's conduct might amount to harassment even if there was no intention to offend
- it is also unlawful for an employer to harass a job applicant
- there may be circumstances where conduct that is accepted, at some point 'oversteps the mark' and becomes unwanted.

Harassment by Others

School as the employer are likely to be liable where harassment from governors, children, parents, clients and contractors has occurred on at least two previous occasions; that they are aware that it has taken place and have not taken reasonable steps to prevent it from happening again.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This kind of conduct is usually sustained.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so; or they submit to or reject sexual harassment or harassment . An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Any allegations which are specifically proven to have been made maliciously will be taken seriously and the Head Teacher/Manager will take appropriate action, disciplinary or otherwise, where necessary.

Informal Resolution

Employees should bring to the attention of their Headteacher/Manager, as soon as possible issues about which they feel aggrieved to request support in finding a resolution. Employees are

encouraged to speak up and be open about what is happening, how it is impacting them and how things can be improved. Meetings concerning issues or concerns at this stage will normally involve the employee and Headteacher/Manager only. The employee may use their 1 to 1 or supervision meetings as an opportunity to discuss issues or concerns with their manager. The Headteacher / Manager will look into the issues or concerns raised and consider whether any support arrangements are necessary to protect the health, wellbeing and safety of any individuals raising concerns, the subject of a concern or anyone else who may be affected.

The following options may help an employee to resolve the difficulties.

- keeping a record of what happened
- raising concerns directly with the colleague or manager that the concerns relate to
- taking time to sit down together to discuss and reflect on what has happened and how to resolve the issues
- asking a manager to raise the concerns with the person for them
- a facilitated conversation so that a third party can help the employee to raise their concerns.
- Mediation

All attempts to find a resolution will be explored, and the employee will be supported. Whilst these are informal discussions, Head Teachers/Managers will keep a record of the conversation, the issues raised, and actions taken to resolve the matter.

Grievance Procedure

The following principles apply in the grievance procedure:

- "Working days" are defined as weekdays (Monday -Friday), excluding bank holidays and statutory holidays; and periods of school closure/holidays, regardless of the actual days worked by any employee.
- Grievances must be raised within 3 months of the incident or action giving rise to it, unless exceptional circumstances apply. A grievance raised outside of this may not be considered.
- Through the formal procedure, employees have the right to be accompanied by a trade union representative, a work colleague, or an official employed by a trade union. No other companions will be permitted to attend the meeting. Where there are grounds for a reasonable adjustment for a disabled employee to be made, to permit an alternative companion, the employee should discuss this with the leader hearing the grievance. In all cases, the employee must tell the leader who their chosen companion is, at least 24 hours before the meeting.
- If the trade union official is not known to the School, they will be required to provide documentation from the trade union in question, stating that the companion is a union representative and is authorised by that union to represent employees.
- The companion, if employed by the School, is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If the employee or the companion is unavailable at the time the meeting is scheduled, a request can be made to re-schedule it to take place within the following 5 working days. Employees will be advised at that time that if they fail to attend the rearranged hearing, their grievance and/or representation may be considered by management in their absence, based on the written submissions; or the grievance may be considered to have been withdrawn and no further consideration of it will be given.
- The companion will be allowed to address the meeting to present and sum up the employee's grievance, respond on behalf of the employee to any views expressed at

the meeting and confer with the employee. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from questioning the employee.

Grievance Resolution Meeting

The first step of the formal grievance procedure is for the employee to put their complaint in writing to their Headteacher/Manager. This written statement will form the basis of any subsequent meetings and any investigations. It is therefore important that it clearly sets out the nature of the grievance, dates and times of relevant events, names of anyone involved and any witnesses, the actions taken to date and to indicate the outcome(s) the employee is seeking to revolve the grievance. If the grievance is unclear, employees may be asked to clarify the issues before any meetings take place. Employees may complete the Grievance Submission Form (Appendix 1), or provide their own written correspondence via letter or email which provides the equivalent information. In situations where a grievance involves an employee's manager, the employee should raise the grievance with an alternate manager, or with the Headteacher.

The Headteacher/Manager will arrange a grievance meeting to take place, as soon as reasonably possible, ideally within 15 working days, with a minimum of 5 working days' notice, where possible, to seek a resolution to the matter. The Headteacher/Manager may also request a note taker to attend.

In cases of bullying and harassment or working conditions, the Headteacher/Manager will undertake a risk assessment to identify any action required to protect the health, wellbeing and safety of any employees involved in either raising the issues, as the subject of a concern or who may be affected by the issues or the process. This will include reviewing any support already in place.

At the meeting, the employee will be asked to explain their grievance and discuss all the relevant facts concerning the matter, so the Headteacher/Manager fully understands the issues. Any subsequent meetings arranged to discuss the matter, will include providing all those present copies of any relevant documentation.

The Headteacher/Manager will hold as many meetings as necessary to fully consider and investigate, where relevant, the grievance. Where appropriate, the Headteacher/Manager may appoint an independent investigator to gather facts and information, including interviewing witnesses. In cases where a grievance is raised against other employees, it is important that all involved are provided with the opportunity to fully respond to the issues raised. The Head Teacher/Manager will deal with the matter in a supportive and timely manner, in order to find resolutions for those involved.

Following full consideration of the matters raised, and once all the relevant investigations have concluded the outcome will be communicated by the Headteacher/Manager in writing within 5 working days. Where the manager deems it appropriate, a meeting may take place with the employee who submitted the grievance to discuss any actions to be taken to resolve matters. These findings and actions will be confirmed in writing within 5 working days.

Following full consideration, the Headteacher/Manager will share the outcomes:

- The findings
- Conclusions about issues raised
- Any actions to be taken to resolve matters
- Advise right of appeal

It is important to note that if as a result of a formal grievance, disciplinary action or other action is being considered towards other employees, the individual who raised the grievance issue will not

be advised of the outcome of those proceedings. This is confidential and private to the employees involved.

Grievance Resolution Appeal

If the employee is dissatisfied with the outcome or in cases where mediation has not secured agreement by all parties, the employee has a right of appeal. The employee will need to clearly state the grounds of the appeal, including the basis on which the employee believes that the findings and actions to be taken to resolve the matter were wrong.
The employee should notify the Headteacher/Manager of their intention to appeal within 5 working days of either:

- receipt of the outcome notification
- or confirmation from the mediator that mediation has not secured agreement

A grievance resolution appeal will be heard by a panel of 3 Governors, who will hear the appeal as soon as is practicable. The employee will be given a minimum of 7 working days' notice of the appeal and will be reminded of their right to be accompanied. The school may also invite their HR provider to be present, and a note-taker. The Head Teacher/Manager who heard the formal grievance will also be required to attend, to describe the investigations and considerations they made, and the reasons for the decisions they reached. The appeal is not intended for the purpose of re-hearing the entire grievance or raising any new issues.

The day-to-day management of school employment matters is delegated to school Governors and it is expected that normally any Panel required will be constituted of Governors from the school. However, there may be occasions where the school requires a Governor(s) from another school to be used, contact Governor Services to assist. The policy permits this to occur without the need for that individual to be co-opted onto the Governing Body.

The appeal panel will consider the grounds the employee has put forward for the appeal, and discuss the resolution the employee seeks. They will assess whether or not the conclusion reached in the formal stage of the grievance was appropriate and communicate their decision.

The outcome of the hearing may be communicated to the employee at the end of the appeal, following an adjournment, or will be confirmed as soon as is reasonably possible in writing with 5 working days.

This decision is final and marks the end of the grievance resolution procedure.

GRIEVANCE AGAINST A HEADTEACHER / EXECUTIVE HEADTEACHER

Where a grievance is against a Headteacher, the employee will raise the matter with the Chair of Governors, who will first attempt to resolve the matter informally with the employee and Headteacher. If this is not possible or appropriate, the Chair of Governors will be required to consider the matter in line with the formal stages of the Grievance Resolution Procedure.

Where an Executive Headteacher is in place, grievances about the Headteacher / Head of School would be submitted to and dealt with by the Executive Headteacher, rather than the Chair of Governors. Where a grievance is about the Executive Headteacher, this should be raised with the Chair of Governors.

Appendix 1 Grievance Resolution Request Form

Name: School:

Manager: Job Title :

What matters do you want resolving? Include dates and times of relevant events, names of anuone involved and any witness

What actions has been taken so far to resolve the grievance, by whom, and what was the result?

What is your desires outcome from this grievance? What would you like to see as a resolution?

Signed …….. Date ……..

Please submit this form to your Headteacher/Manager, or if this concerns your manager, a senior manager or Headteacher.