WHOLE SCHOOL MODEL GRIEVANCE PROCEDURE

1 INTRODUCTION

1.1 This Model Grievance Procedure has been determined by the Local Authority in agreement with recognised trade unions, teachers' associations and the Governors Council. This procedure is recommended to schools for adoption immediately; should schools choose to develop their own procedure, they will need to reopen trade union consultations on an individual basis.

1.2 In all circumstances where the formal Grievance Procedure is invoked, the Governing Body should inform the Local Authority's Schools Employee Relations Team where the complainant is employed by the Local Authority. Governors are recommended to seek the advice of the Employee Relations Team in the management of all complaints raised by employees, either formally or informally.

1.2 It is recognised that management structures/administrative arrangements will vary according to the size of the school and therefore, in small schools, the procedure may be limited to two formal stages only, ie with the procedure commencing at Stage Two.

1.3 'School days' refers to days on which the school is open to pupils, however with the agreement of all parties these arrangements may be varied.

1.4 This procedure does not cover all circumstances regarding individual grievances and Headteachers and Governors are encouraged to seek the advice of the Schools' Employee Relations Team on matters of procedural interpretation.

1.5 Should a grievance be raised against a Headteacher, s/he is advised to contact her/his professional association for advice.

2 PURPOSE

2.1 To promote the early, effective and satisfactory resolution of individual employment related to grievances, by providing a structured framework through which individual members of staff can seek redress.

2.2 Broadly, a grievance may be raised about any matter arising from employment, including grievances amongst members of staff, with the Headteacher, the Governing Body or the Local Authority.

2.3 This policy also applies to instances of alleged bullying or harassment in the workplace. The Governing Body of Perran-ar-Worthal School has expectations about the standards of language and behaviour that all members of staff have the right to expect and are expected to show to others in their communication and behaviour at work. It aims to assist in the development and maintenance of a working environment in which

bullying and harassment are known to be unacceptable and to ensure that, where it occurs, there are adequate arrangements in place for raising and dealing with it and for preventing reoccurrence. In circumstances where an employee holds a concern of this nature, this Procedure provides the framework to address the concern.

2.4 The Headteacher, other managers and the Governing Body have specific responsibilities to direct the work of members of staff and to manage performance. It is not the intention of the application of this Procedure to affect the Headteacher, other managers or the Governing Body from exercising these responsibilities appropriately and fairly. This includes issuing instructions, providing critical feedback to allow employees to improve their performance, taking action to control absence or to deal with misconduct, even whether employees feel that the action is unjustified or unfair.

2.5 This procedure is not the appropriate recourse for the following employment matters:

- Any outcome of a disciplinary process (in such circumstances the Appeals' Procedure established within the Disciplinary Procedure applies);
- Any issue relating to the pay grade of a school support staff job (in such circumstances the Council's established Pay and Grading Arrangements for school-based support staff provide for a process for grade review in accordance with the recognised Job Evaluation Scheme);
- Any issue relating to the pay progression of a Teacher (in such circumstances the Whole School Pay Policy provides a process for teachers to seek redress with regard to any concern relating to pay progression);
- Whistleblowing (in such circumstances, the Schools' Whistleblowing Procedure applies);
- Matters relating to the rules of the Local Government Pension Scheme or Teachers' Pension Scheme (such matters will be referred to the Scheme Administrators and ultimately Pensions' Ombudsman).

3 SCOPE

3.1 The procedure applies to all staff employed at Perran-ar-Worthal school.

4 POLICY STATEMENT

4.1 The Governing Body of Perran-ar-Worthal School values the contribution made by all members of staff to the delivery of a high quality education service for the benefit of the school and the community of Cornwall. We recognise that the quality of this contribution will be influenced and enhanced if all members of staff can enjoy a working environment which supports and encourages them in working to their full potential.

4.2 The Governing Body is committed to promoting and sustaining a working environment in which all members of staff feel valued and respected and in which they co-operate and communicate effectively with each other in seeking to achieve the highest standards of work performance. It is recognised that situations may arise where a member of staff may wish to seek redress for grievances arising from their employment. Accordingly, the Governing Body is committed to ensuring that staff are able to raise grievances in the first place, and where possible, have them resolved without unreasonable delay and to the satisfaction of all concerned.

4.3 Most issues should be discussed and can be dealt with satisfactorily within the course of normal working relationships where staff should feel that their problems and opinions can be discussed frankly and freely with each other and/or with their line manager or member of the senior management team.

4.4 However, where an employment-related individual grievance has not been resolved informally or where it is considered inappropriate to resolve the issue on an informal basis, the staff member will:-

- be given a fair hearing on any grievance;
- have the right to take the issue to the Headteacher/representative of the school management team and/or representative of the Governing Body as appropriate;
- if still not resolved to the complainant's satisfaction, have the right to take the issue further to a Committee of Governors by way of an appeal.

4.5 Where the Procedure is invoked, the Governing Body/Headteacher is committed to ensuring that the grievance is addressed as quickly as is reasonably practicable.

4.6 The Governing Body/Headteacher is committed to fair and respectful treatment of all staff. Where an employee raises a concern in respect of their employment, he/she will not suffer from any detriment or less favourable treatment as a consequence of raising a concern or making a complaint. The Governing Body/Headteacher is committed to this principle in its application of the Grievance Procedure. The School's Whistleblowing Policy also enforces this principle.

5.0 POLICY STATEMENT REGARDING DIGNITY AT WORK

5.1 Any language or behaviour which has the effect of undermining, humiliating or threatening another person, including harassment and bullying, is unacceptable and will be neither permitted nor condoned. We believe that most members of staff will actively support this commitment and will use language and behaviour that is consistent with our expectations. We also recognise, however, that we need to have clear

arrangements in place for raising and addressing any instance of the use of language and behaviour that is incompatible with these expectations.

5.2 The Governing Body will demonstrate its commitment to a working environment and working relationships which are based on respect for and recognition of the individual contribution made by all members of staff by:

- clearly communicating the standards that all members of staff have the right to expect and are expected to demonstrate to others in all workplace communications;
- equipping the Headteacher and Managers with the knowledge and skills required to influence a positive working environment and working relationships;
- alerting all members of staff to the type of language and behaviour that is not acceptable and, where this occurs, how this will be dealt with;
- identifying a range of sources of information and assistance for members of staff to help them decide what to do if they experience unacceptable language or behaviour;
- recognising a Grievance Complaints' Procedure that establishes appropriate informal and formal arrangements for members of staff to raise instances of unacceptable language or behaviour as set out in this Policy and Procedure document;
- ensuring that complaints are handled sensitively and are fully investigated through appropriate procedures. Information concerning these arrangements are given in the Procedures and Notes of Guidance accompanying this Policy;
- monitoring the implementation of this policy and evaluating its effectiveness.

5.3 The Governing Body is committed to protecting employees against unacceptable behaviour of this nature that may be encountered by employees through contact with representatives from the wider school community in the context of their work, ie: parents, pupils or members of the public. The processes and strategies available to the Governors for dealing with issues of this nature are set out in Appendix 3 of this Procedure.

Further information and guidance on the definitions of bullying and harassment is provided in Appendix 2.

6 INFORMAL APPROACH AND MEDIATION

6.1 Attempts should always be made to resolve workplace grievances on an informal basis. Even if the problem relates to senior management or decisions made by senior management, attempts should still be made to resolve this issue on an informal basis and directly with the person(s) concerned.

6.2 It is important that any issue is raised as soon as possible after the event has occurred, so that resentment or worry does not build up. Also if an

investigation is required, this can take place as soon as possible in order to ensure clear and accurate details are recalled before memories' fade.

6.3 Where the aggrieved employee holds a grievance with a work colleague or manager, attempts should be made to meet with the other party on an informal basis to discuss the situation and attempt to resolve the concern. This informal process should be encouraged and managed by an appropriate manager or senior manager not directly involved in the case. The manager should conduct a facilitated meeting, taking into account arrangements that are mutually agreeable to all parties, in order to encourage an open dialogue between the parties with a view to resolving the concerns held by the aggrieved employee at the earliest opportunity. The aggrieved employee may request to attend an informal meeting with a trade union representative for the purpose of attempting to resolve a work-related complaint informally. Such a request will not unreasonably be refused.

6.4 As an alternative to a facilitated meeting and prior to evoking the formal procedure, formal mediation may be arranged between the relevant parties. Formal mediation can be arranged through the appointment of an independent trained mediator. Formal mediation is only a viable option where both parties agree to engage in the mediation process and agree to commit to a Mediation Agreement at the conclusion of the process. In accordance with the principles of mediation, mediation meetings are held with the two parties concerned and the mediator only. Trade union representatives or companions will not attend mediation meetings on either party's behalf. Further information on mediation is provided in Appendix 5.

7 FORMAL PROCEDURE

7.1 Where an employment problem is considered by the member of staff to be of a sufficiently serious nature to be termed a 'grievance', the matter has not been resolved as a result of an informal approach or it is considered inappropriate to deal with the matter on an informal basis, the member of staff may invoke the Grievance Procedure. This procedure is designed to achieve the objective referred to in the above policy statement in an effective and efficient manner.

7.2 It will not normally be considered appropriate for an employee to pursue a formal grievance unless first of all the issue has been raised with his or her line manager and informal resolution has been considered where appropriate.

7.3 An employee wishing to invoke the Procedure should normally raise his/her concerns within 20 school days of the event or the latest in a series of events that has resulted in the grievance. Early notification of a grievance will help ensure early resolution.

7.4 At all stages of the formal procedure, the member of staff raising the grievance is entitled to take advice from and/or be accompanied or

represented by a workplace colleague or trade union representative. Staff are encouraged to consult their trade union representatives or professional associations prior to invoking the grievance procedure.

7.5 Where the member of staff chooses not to be accompanied or represented by a trade union representative or workplace colleague it will be noted in the written summary that representation was offered and declined.

7.6 The Governing Body/Headteacher is committed to addressing employee grievances in a timely manner and in all cases will endeavour to adhere to the time limits referred to throughout this Procedure. However, parties may, by mutual agreement, modify the time limits referred to in the Procedure.

In certain circumstances this may not be practicable, for example, delays in convening meetings due to school holiday periods and complex cases requiring lengthy investigations. In the interests of best practice, fair treatment and the health and wellbeing of staff, meetings may be held during school holidays with the agreement of all parties (ie: the staff member concerned, trade union representative/workplace colleague, investigating manager/Governor). If however this is not agreeable to any party, the employee will be kept informed of the progress of the Procedure.

7.8 Stage One

(a) If a member of staff has a work-related concern and the matter cannot be resolved informally, s/he should raise the matter formally with his/her line manager by completing the Grievance Form (see Appendix 1). Where the concern relates to the line manager, s/he should raise the matter with the Headteacher or appropriate member of the senior management team by completing the Grievance Form. It is recommended that the employee contacts his/her trade union representative for advice and support in initiating the formal Grievance Procedure.

(b) If the employee's concern relates to a senior manager or Headteacher, the formal Procedure will be invoked at Stage 2 (see para 7.9).

(c) On notification of a formal grievance, an investigatory meeting will be arranged with the employee by the manager to which the concern was raised as soon as possible. This meeting will normally take place within **10 school days** of notification of the grievance (subject to para 7.6). The employee may attend the meeting accompanied by a work colleague or a trade union representative.

(d) At the meeting the manager will listen to the details of the grievance and will endeavour to devise an appropriate resolution. In the event of the requirement for further investigation to be undertaken, the manager will

clarify this at the close of the meeting and give an indication of the likely timescales required for the completion of the investigation. The manager will arrange for notes of the meeting to be taken, copies of which will be provided to all parties.

(e) Once the manager hearing the grievance has completed any further investigation required and reached a decision, he/she will confirm the outcome of the grievance, including any proposed resolutions, in writing to the employee. Normally, written confirmation of the outcome of the grievance will be provided within 5 school days of the grievance meeting, with the exception of cases where further investigation is required. In such circumstances, the manager hearing the case will determine an appropriate timescale with due consideration to the need for a swift resolution whilst allowing sufficient time to conduct the necessary additional investigations.

(f) In exceptional circumstances, where the staff member considers that the issue is not appropriate to raise with his/her immediate line manager, senior management representative or headteacher, s/he may initiate the formal Procedure at Stage Two. Circumstances where it may be appropriate to invoke the Procedure at Stage 2 would include situations where the resolution sought may require the authority of the Governing Body.

7.9 Stage Two

(a) If the staff member is not satisfied with the outcome of the grievance determined at Stage 1 of the Procedure, disagrees with the decision that was made at the meeting or cannot accept the proposed period before action is to be taken, s/he may decide to refer the matter to Stage 2 of the procedure by referring the matter to a Committee of Governors. Additionally, there may be circumstances which are considered to be sufficiently serious to warrant the consideration of the Governing Body, in which case the Procedure should be invoked at Stage 2.

(b) Where an employee raises a grievance against the headteacher, such matters will be automatically considered by the Governors at Stage 2 of the Grievance Procedure.

(c) Grievances raised under Stage 2 of the Procedure will be heard by a Panel of Governors from the Personnel Committee of the Governing Body.

(d) To invoke Stage 2 of the Procedure, the employee must confirm in writing the details of the grievance by completing the Grievance Form (Appendix 1), or by confirming in writing the reasons for continued dissatisfaction in respect of the outcome of the grievance at Stage 1 of the Procedure. The written confirmation for invoking the Procedure at Stage 2 should be addressed to the Chair of Governors.

(e) Where Stage 2 of the Grievance Procedure is invoked as a consequence of the employee's concern not being resolved to his/her satisfaction at Stage

1 of the Procedure, this must be confirmed in writing to the Chair of Governors within **10 school days** of receipt of the written outcome at Stage 1 of the Grievance Procedure.

(f) Where Stage 2 of the Procedure is invoked as the first stage of recourse, the employee is required to complete the Grievance Form as a means of initiating the formal Procedure within **20 school days** of the event or the latest in a series of events representing the employee's concerns. The employee should submit the Grievance Form to the Chair of Governors. It is recommended that the employee contacts their trade union representative for advice and support in initiating the formal Grievance Procedure.

(g) On notification of a formal grievance at Stage 2 as the first stage of recourse, the Chair of Governors will appoint a representative on behalf of the Governing Body as an investigating officer to investigate the employee's concerns. It is recommended that the Chair of Governors also contacts the Schools' Employee Relations Team to consider the appropriateness of appointing a representative from the Local Authority to assist the investigating officer. An investigatory meeting will be arranged with the employee by the investigating officer as soon as possible. This meeting will normally take place within **10 school days** of notification of the grievance (subject to para 7.6). The employee may attend the meeting accompanied by a work colleague or a trade union representative.

Following the investigation meeting, the investigating officer may undertake further investigations as is deemed appropriate to ascertain the full facts. Having ascertained the full information, the investigating officer will complete an investigation report.

(h) Where Stage 2 is invoked as a consequence of an employee's dissatisfaction with the outcome determined at Stage 1 of the Procedure, a Panel of Governors will be convened for a grievance hearing at Stage 2 within **20 school days** (where practicable) of receipt of the employee's written notification of his/her dissatisfaction with the outcome determined at Stage 1. Additionally, where the circumstances of the concern are such that the matter is addressed at Stage 2 from the outset, a Panel of Governors will be convened for a grievance hearing at Stage 2 within **20 school days** of completion of the investigation report by the investigating officer.

(i) Prior to the Grievance Hearing, the parties concerned will make their submissions to the Grievance Panel of Governors who should be sent all relevant documents in advance of the hearing no later than one calendar week before the grievance hearing. It is strongly recommended that the Panel of Governors invite a representative from the Local Authority to act as adviser to the Panel.

(j) The employee will be informed of the date of the grievance hearing in writing and will be offered the opportunity to submit any documents to the

Panel of Governors in advance of the hearing, but no later than five school days prior to the hearing. All documents to be presented at the hearing in relation to the investigation of the grievance or documents relating to earlier considerations of the employee's grievance at Stage 1 of the Procedure where applicable will be provided to the employee no later than **5 school days** prior to the hearing.

(k) At the Grievance Hearing, the employee will have the opportunity to present his/her concerns along with any evidence or documents, which he/she considers to be pertinent to the concerns. The employee may be accompanied at the hearing by a work colleague or a trade union representative. As an alternative to the employee presenting their case, the employee's representative may present the case on behalf of the employee. The manager of the employee or headteacher has the right to present a response to the concerns or, in cases where Stage 1 has been invoked, may present information and explanation on the outcome of the Grievance at Stage 1 of the Procedure for the Governors' consideration.

(l) The decision regarding the outcome of the grievance may be given at the hearing but will be confirmed in writing within **5 school days** of the hearing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and advised when a response will be provided.

(m) See **Appendix 4** – Procedure to Be Followed at a Stage Two Grievance hearing.

(n) See **Appendix 6** – Flowchart of Grievance Process and Timescales.

8.0 APPEALS

8.1 The employee has the right of appeal against the outcome at Stage Two of the Grievance Procedure if dissatisfied with any aspect of the outcome.

8.2 Grievance appeals will be heard by a Panel of Governors from the Appeals' Committee of the Governing Body, comprising of a Panel of Governors who have had no prior involvement in the case. The Procedure to be followed at the Appeal Meeting is as set out in Appendix 3.

8.3 An employee wishing to exercise the right of appeal may do so by confirming his/her reasons for appeal in writing to the Chair of Governors within **5 school days** of receipt of the written outcome of the Grievance at Stage 2 of the Procedure.

8.4 The Appeals' Panel of Governors will hold the appeal, where practicable, within **20 school days** of the receipt of the written request for an appeal. The employee will be informed of the date of the appeal hearing in writing and will be offered the opportunity to submit any documents to the Panel of Governors in advance of the hearing, but no later than five school days prior to the hearing.

8.5 The manager/Headteacher previously involved in addressing the grievance will also have the opportunity to make submissions to the Appeals' Panel of Governors in response to the employee's appeal. The Appeals' Panel of Governors should be sent all relevant documents in advance of the hearing no later than one calendar week before the hearing. It is strongly recommended that the Panel of Governors invite a representative from the Local Authority to advise as appropriate.

8.6 All documents to be presented at the hearing in relation to the appeal will be provided to the employee no later than **5 school days** prior to the hearing. The procedure for the appeal hearing is set out in Appendix 4.

8.7 At the Appeal Hearing, the employee will have the opportunity to present his/her reasons for dissatisfaction with the outcome of the grievance process determined at the previous stages of the Procedure, along with any evidence or documents, which he/she consider to be pertinent to his/her grounds of appeal. If appropriate, the manager of the employee or headteacher may present a response to the appeal that may include presentation of information on the outcome of the grievance at earlier stages of the Procedure for the Panel's consideration.

8.8 The decision regarding the outcome of the appeal may be given at the hearing but will be confirmed in writing within **5 school days** of the hearing. If it is not possible to respond within the specified time period the employee will be given an explanation for the delay and advised when a response will be provided.

8.9 The decision of the Appeal Committee of Governors is final.

9 HEADTEACHER GRIEVANCES

9.1 Where a Headteacher has a grievance, s/he should first endeavour to resolve the matter by direct approach to the relevant person. If the grievance remains unresolved and arises from actions/decisions of the Governing Body, s/he should initially seek to resolve it in discussion with the Chair of the appropriate Committee and/or the Director of Children, Schools & Families or delegate.

9.2 Should the grievance remain unresolved, the Headteacher should lodge the formal grievance in writing to the Chair of the Governing Body with a copy to the Director for Children, Schools & Families.

9.3 The Chair of Governors will arrange a Grievance Hearing chaired by a Committee of Governors as per paragraph 7.9 (points 'c' & 'h' to 'm') above, within **20 school days** (where practicable) of receipt of written notification of the grievance. The Procedure for the Hearing will be as set out in Appendix 4. The Panel of Governors convened to consider grievances raised by the headteacher shall comprise of no less than three Governors, and will not normally include any staff governor representative.

9.4 The Headteacher, and any other staff member who may be involved, is entitled to be accompanied at the meeting, by a workplace colleague or a trade union representative.

9.5 If the grievance is still unresolved, the Headteacher may appeal to the Appeals' Committee of the Governing Body in accordance with paragraph 8 of this Procedure. The Headteacher must confirm the grounds for appeal in writing, within **5 school days** of receipt of the outcome of the grievance at the previous stage of the Procedure. The Appeal's Panel of Governors established in accordance with paragraph 8.3 will hear the appeal, where practicable, within **20 school days** of receipt of the written notification of the appeal. The Appeals' Panel of Governors shall comprise no less than three Governors who have had no prior involvement in the case. The decision of the Appeals' Panel of Governors will be given at the hearing and confirmed in writing within **5 school days.**

9.6 The decision of the Appeals' Panel of Governors will be final.

9.7 At any Stage of the procedure, the Headteacher is recommended to seek advice from an appropriate source such as their professional association or the Local Authority. For the advice to be as informed and effective as possible, it may be necessary to provide to them copies of all documentation associated with the grievance.