



**Brook  
Green**

CENTRE FOR LEARNING

**Brook Green  
Centre for Learning  
Grievance Policy & Procedures  
working together with PLPCIC**



Dates: 16<sup>th</sup> April 2021

Review Date: Summer 2022

## **Changes**

September 2009: Policy Implemented

June 2010: Styling revised in line with corporate guidelines

April 2016: General update throughout

September 2017: Re-write to include new role of Grievance Officer

If you have any questions regarding this policy, please contact your HR Consultant.

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## **1 Introduction**

Brook Green Centre for Learning is committed to promoting excellent working relationships within a positive work environment where employees feel able to discuss any work-related problems they may have. The school recognises there may be occasions when employees want to raise a grievance and this policy provides a clear and transparent process by which such steps can be taken.

Most problems that arise can be quickly and satisfactorily resolved informally through discussion between those staff directly involved, where necessary, with the support of the Headteacher or other senior member of staff. This policy aims to ensure that whenever reasonable and practicable employees will, in the first instance, utilise this informal approach when seeking to resolve concerns they may have.

Where informal steps fail to resolve a concern the formal stages of this grievance policy may be applied. In such cases the Investigating Officer and Chair of the Grievance Hearing will be responsible for ensuring all complaints are dealt with in accordance with this policy.

Employees who raise a grievance will be given the opportunity to fully explain the issue of concern and the remedy they are seeking. The school will listen to concerns raised in accordance with this policy before deciding how best to respond taking into account both the interests of the individual and the school as a whole. Employees can be confident any genuine grievance raised will be addressed in an atmosphere of trust and confidentiality.

Staff raising or responding to a grievance will have a duty to act honestly and without malice. Misuse of this policy for the purpose of making a false complaint, with or without malicious intent, will be dealt with in accordance with the school's disciplinary policy.

Employees raising a grievance have the right to be accompanied by a work colleague or represented by a trade union official during all stages of the procedure.

The school may vary its Grievance Policy and/or Grievance Procedure Guide, where it is appropriate to do so, and in order to comply with any statutory duty.

## **2 Definition of a Grievance**

A grievance is a concern, problem or complaint raised by an employee with their employer about an action which the school has taken, or is contemplating taking, in relation to their work.

Grievances can relate to:

- terms and conditions of employment which are at the discretion of the school
- failure to address a health and safety issue
- failure to deal with difficult working relationships
- failure to address an incidence of bullying and harassment
- failure to consult on the introduction of new working practices
- failure to address working environment issues
- discrimination/unfair treatment

\*This list is not exhaustive

## **3 Scope**

This policy applies to all school employees, apart from in the following cases:

- Where alternative appeal processes exist. (e.g. pay appeal process)
- Where the issue has previously been addressed under this policy and there is no new evidence.
- A collective dispute which should be raised by the Trade Union formally in writing to the Chair of Governors.
- Where the matter relates to the application of conditions of service outside the school's control e.g. arising from national, provincial or local agreements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.

## **4 Principles**

Formal grievances will be handled as quickly and fairly as possible. Informal grievances will initially be addressed in accordance with the Section 5 of this policy. Timescales specified will apply unless varied by agreement between both parties.

If the grievance relates to bullying, harassment, discrimination or victimisation, please refer to the Anti Bullying and Harassment Policy.

## **5 Informal Procedure**

Steps that may be taken as part of the informal procedure include;

- Unaccompanied discussion between those individuals directly involved.
- Discussion between those individuals directly involved supported by a line manager.
- Discussion between those individuals directly involved supported by the Headteacher.
- Discussion between those individuals directly involved supported by the Chair of Governors.
- Line manager, Headteacher, Chair of Governors acting as intermediary between those parties directly involved.

\* in all cases any request from the employee for trade union involvement will not be unreasonably refused.

In all but the most serious circumstances employees are strongly encouraged to raise a grievance informally in the first instance. Raising a grievance informally will not devalue the importance of the matter. Seeking to address a grievance informally should provide the opportunity for open honest discussion that could lead to an early resolution before the matter escalates further.

Employees should in the first instance, and where practicable to do so, take all reasonable steps to resolve their concerns as close to the source as possible. Where reasonable and practicable to do so this should be directly with those other individuals involved. Where necessary this may follow a conversation with the Headteacher or other senior member of staff to check this course of action is appropriate in the circumstances. The informal input and involvement of the Headteacher or other senior member of staff may be agreed at this stage. Employees who feel unable to discuss their concerns directly with other individuals involved should approach their line manager or Headteacher, verbally or in writing, to

request their input. Where an employee feels the informal input of their line manager or Headteacher is not reasonable or practicable may approach the Chair of Governors.

Any individual approached directly or indirectly, verbally or in writing, about a grievance will take all reasonable steps to help resolve the grievance whilst maintaining confidentiality. Maintaining confidentiality does not prevent advice if necessary being taken from senior colleagues or a union representative. If the matter is satisfactorily resolved at this stage, the Headteacher will be informed and a note of the outcome placed on the aggrieved employee's file.

In the event of a grievance being raised against the Headteacher or member of the senior leadership team the employee may, if they wish, bring this to the attention of the Chair of Governors who will then make arrangements to resolve the matter informally.

Matters to bear in mind when approached informally by an aggrieved employee;

- Ask relevant questions that will assist in understanding the employee's concern/s and what outcome/s they are seeking.
- Consider whether it may be necessary to meet more than once to discuss the matter.
- Consider who else it may be helpful to involve in the discussion or in finding and agreeing appropriate outcomes.
- Remain calm and patient when discussing the matter.
- Resolve to find a suitable outcome at the earliest opportunity.
- Report to a senior colleague any concerns the complaint is based on mistruths and or with malicious intent.
- It is good practice to make a note of the conversation outlining the issues discussed and the outcomes from the meeting and provide a copy to each party.

If the aggrieved employee feels their grievance has not been satisfactorily resolved through informal discussions, the matter may be moved into the formal procedure.

## **6 Formal Procedure**

### **Step 1: Statement of Grievance**

An employee wishing to raise a formal grievance should at the earliest opportunity submit their statement of grievance (see Appendix 2) formally, in writing to the Grievance Officer, (normally the Headteacher) setting out clearly and precisely the nature of their grievance, all relevant facts and information and the outcome they are seeking. Where the grievance relates to the actions of the Headteacher, the statement of grievance should be forwarded direct to the Chair of Governors who will act as the Grievance Officer.

The Grievance Officer will acknowledge the grievance in writing within 5 working days and will arrange a meeting to take place within a further 5 working days.

### **Step 2: Formal Meeting**

The Grievance Officer will arrange a meeting with the aggrieved employee within 10 working days of receipt of the formal grievance. The employee will be invited to be accompanied by a union representative or work colleague. In the event of a union representative being unable to attend on the date given a suitable alternative date will be agreed usually within the following 5 working days. In exceptional circumstances, a longer period may be granted in order to facilitate union representation.

Unreasonable and lengthy delays caused by the none availability of a representative will not be accepted and the school will reserve the right to proceed with a formal meeting in the absence of a chosen representative where such a delay is considered not to be in the interests of the aggrieved employee or the school.

The Grievance Officer may also invite the school's HR Adviser to be present to offer advice.

The Grievance Officer will lead the meeting and ensure the employee has a full opportunity to explain their concerns and how they believe the matter can be resolved. Where it is not possible for the Grievance Officer to make a decision at this stage due to lack of information Step 3 of the formal process will be actioned.

Where possible the Grievance Officer will seek to resolve the grievance at the meeting. This should only occur where the Grievance Officer is confident they have been fully appraised of all the facts and further investigation is not required. Where the Grievance Officer is able to make a decision in response to the grievance they will send an outcome letter to relevant parties within 5 working days. The outcome letter will confirm;

- Whether the grievance is upheld in full, is upheld in part or is rejected in full.
- The reasons for the decision.
- Any recommendations or agreed actions for the parties to take regarding resolution of the grievance (where different actions apply to different parties only those actions applicable to that individual will be included within their letter.)
- The employee's right to appeal the decision which must be within 5 working days of receipt of the outcome letter.

### **Step 3: Investigation**

Where necessary further investigation may be undertaken in order to establish facts or clarify particular points. Where the issues requiring clarification are easily addressed the Grievance Officer may adjourn the meeting at Step 2 and make such enquiries that are felt necessary prior to reconvening the meeting so that an informed decision can be made.

Where a full investigation is required into more detailed and complex issues the Grievance Officer will appoint an Investigating Officer. The Grievance Officer will provide clear terms of reference (see appendix 1) for an investigation and instruct the investigating officer to take such steps that may be necessary in order to establish as clearly as possible the facts relating to the grievance.

The Investigating Officer will as necessary arrange separate meetings with relevant witnesses and such other investigations as may be necessary. All investigations will be conducted in a timely and confidential manner.

The investigating Officer will comply with the following specific time scales;

- Contact all those who s/he requires to meet within 5 working days of being appointed to the case.
- Arrange meetings within 10 working days (in exceptional circumstances these time scales may be amended with the agreement of all parties.)
- An investigation report will be passed to the Grievance Officer within 10 working days of completing the investigation meetings.

On receipt of the investigation report the Grievance Officer will convene further meetings with the parties involved. Reasonable notice of follow up meeting's will be given and a copy of the investigation report findings provided to the aggrieved employee in advance. At the conclusion of the final meeting decisions and outcomes will be conveyed verbally and followed up in writing within 3 working days.

#### **Step 4: Appeal**

An employee who wishes to appeal must formally write to the Grievance Officer confirming their grounds for appeal and the resolution they are seeking. This must be submitted to the school within 5 working days of receiving written confirmation of the outcome of the Grievance Hearing. The Grievance Officer will forward the letter to the Chair of Governors (or to the MAT Board Chair if the Grievance officer is the chair of Governors). The Chair will acknowledge the letter of appeal in writing within 5 working days of receiving the request and arrange for an appeal hearing to take place within a further 10 working days.

The appeal will be heard by three members of the Governing Body with one acting as Chair of the meeting. A clerk will be present to take notes of the meeting and an HR advisor may also be present to advise the panel. The appeal panel will seek to understand both the employee's original concern and their reasons for raising an appeal. The panel will review the paperwork and will invite the Grievance Officer to the meeting as a witness, to provide information.

Following an adjournment to consider all information received the appeal panel will make a decision. Where possible the panel will let the employee know the decision verbally immediately following deliberations. The rationale for the decision will be recorded in the notes of the meeting. The decision will also be confirmed in writing at the earliest date following the meeting

The Appeal Hearing is the final stage of the procedure.

## **7 Procedure for People Who Have Left Employment**

Wherever possible complaints should be dealt with before an employee leaves employment. However, an employee who has left employment retains a statutory right to have any grievance properly considered by their former employer. This right encompasses a 3 step procedure;

- To lodge a grievance
- To have a meeting
- To appeal against the outcome to the meeting

An ex-employee who wishes to raise a grievance should write to the Headteacher (or if the complaint relates to the Headteacher the Chair of Governors), setting out their complaint as soon as possible after leaving employment. Governors will reserve the right not to consider complaints received longer than 3 months after the date employment ceased.



On receipt of a grievance the ex-employee will be asked whether they wish to pursue the grievance and if they do, given the choice of following the above 3 step procedure or a modified 2 step procedure;

- To submit in writing to the Headteacher or Chair of Governors
- The Headteacher or Chair of Governors responds in writing within 28 days of receipt of the grievance letter.

The Headteacher/Chair of Governors will respond to the issues raised in writing direct to the employee.

## **8 Keeping Records**

All documents relating to formal complaints and grievances processes will be kept for an appropriate period in accordance with the requirements of the Data Protection Act 1998. Records will include:

- The nature of the grievance
- A copy of the written grievance
- The Headteacher or governor's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Any subsequent developments

All records will be treated as confidential. In exceptional circumstances, for example to protect a vulnerable witness, the school might exercise a duty of care and withhold or extract some information. If witnesses reasonably request to remain anonymous, all practical steps will be taken to protect their identity, however in some circumstances it may be inevitable that an employee's identity is revealed. Maintaining an employees' anonymity therefore cannot be guaranteed.

## **9 Support Available For Employees**

Employees can approach the Headteacher or Chair of Governors for advice and support. Where appropriate consideration will be given to a referral to the schools Occupational Health provider for counselling or counselling from other resources available to the school. Additionally, employees who are a member of a Trade Union may wish to contact their representative for advice and support.

We confirm that the governors have adopted this policy as their own.

## **APPENDIX 1: Grievance Investigation**

## **EXAMPLE TERMS OF REFERENCE**

As commissioning officer I would like to appoint you as investigating officer to undertake an investigation and prepare a report relating to a formal grievance made by [insert name]. The specific complaints made are:

- [insert name] belief that he/she has been less favourably treated compared to colleagues in relation to his/her performance management and appraisal objectives set during the 2016/17 academic year.
- [insert name] view that her assignment to a [insert year group] from September 2017 is unreasonable given her wish to remain a [insert year] class teacher.

Your task as investigating officer is to establish as clearly as possible the facts relating to the employees complaints. Your investigation will need to be conducted in accordance with Section 6 of the Governor's agreed Grievance Policy. As part of your investigation could you:

- Organise an interview with the employee and her representative at the earliest mutually convenient time.
- Organise interviews with relevant witnesses who may be able to assist establish the facts relating to the employees complaints.
- Organise a note taker to attend interviews and prepare draft statements.
- Ensure all statements are checked and agreed before being signed by each witness.
- Gather any relevant documentation including letters, emails notes of meetings and school policies/procedures.

In order to complete your investigation and write your report in an open and fair manner, please contact [insert name] on [insert telephone number], the school's HR Consultant who can offer advice and guidance to you both prior to and during your investigation.

Please make sure that all witnesses are reminded of the requirement for confidentiality and that information gathered is treated in the strictest confidence and completed in a timely manner.

## **APPENDIX 2: Sample Letter To Submit A Grievance**

**PRIVATE & CONFIDENTIAL**

Dear [insert Headteacher/Chair of Governors name]

I am writing to inform you that I wish to raise a grievance in line with [insert name of school] Grievance Policy.

I would like this matter dealt with informally/formally (please delete). The details of my grievance and the basis for that grievance are given below.

[Insert details]

My grievance took place on [date] or between [relevant dates].

I have already taken the following steps to try and resolve my grievance's but have not been able to achieve the outcome I am seeking.

[Insert details]

I would consider the following to be a satisfactory outcome.

[Insert details]

I would like you to arrange for my grievance/s to be addressed in accordance with the informal/formal stage of the governor's agreed Grievance Policy.

I intend to exercise my statutory right to be Accompanied/Represented at that meeting by a colleague/Trade Union/Professional Representative. My colleague's/Trade Union Representatives name is [insert name] and their contact details are [insert telephone number and/or email].

Yours sincerely,

[name]  
[position]