



# PLYMSTOCK SCHOOL

## Grievance Procedure Policy

Governors' Committee: Personnel

Lead Officer: Headteacher

Date for Review: Summer 2017

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### 1. Policy statement

- (a) It is the School's policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. Where they make us aware that they have a complaint we will investigate any formal grievance that is raised, hold a meeting to discuss it with them, inform them in writing of the outcome, and give them a right of appeal if they are not satisfied.
- (b) Issues that may cause grievances include:
- (i) terms and conditions of employment;
  - (ii) health and safety;
  - (iii) work relations;
  - (iv) new working practices;
  - (v) working environment;
  - (vi) organisational change; and
  - (vii) discrimination.
- (c) This procedure does not form part of an employee's contract of employment and it may be amended at any time following consultation. The employer may also vary application of this procedure, including any time scales for action, as appropriate.

- (d) The policy has been implemented following consultation with staff and recognised trade unions. It has been formally adopted by the Governing Body.

## **2. Who is covered by the procedure?**

- (a) This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors, but may be applied in part or whole if considered appropriate to the particular circumstances such as health and safety or discrimination issues.

## **3. Using this procedure**

- (a) Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and dealt with under the Disciplinary Procedure and you will be informed if this is the case.
- (b) This Grievance Procedure should not be used to complain about dismissal or disciplinary action or the outcomes of other procedures. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.
- (c) Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- (d) The employer operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this grievance procedure.
- (e) This procedure does not apply to grievances concerning two or more employees (collective grievances) raised by a representative of the trade union or other representative body. These will be dealt with as appropriate to the facts of the case.
- (f) Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be processed in accordance with our Data Protection Policy.
- (g) It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of your grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by your 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.

## **4. Raising grievances informally – Step 1**

- (a) We believe that most grievances can be resolved quickly and informally through open communication and discussion with your line manager and/or other appropriate senior member of staff. We would always aim to resolve your grievance informally where

possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager. If all informal avenues have been exhausted and this does not resolve the issue, you should follow the formal procedure below.

**5. Formal written grievances – Step 2**

- (a) If your grievance cannot be resolved informally you should put it in writing and submit it to the Headteacher indicating that it is a formal grievance. If the grievance concerns, or is raised by, the Headteacher it should be submitted to the Chair of Governors via the School.
- (b) The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may need to ask you to provide further information. You should also state what your desired outcome would be to resolve the situation.

**6. Investigations**

- (a) In some cases it may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the complaint and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by a Manager or someone else appointed by the Headteacher. In the case of an investigation into a complaint against a Headteacher the Chair of Governors will determine who will carry out the investigation.
- (b) You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- (c) The employer may initiate an investigation before holding a grievance meeting where the employer considers this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with the member of staff after our investigation and before we reach a decision.

**7. Right to be accompanied**

- (a) An employee may bring a supporter to any grievance meeting or appeal meeting under this procedure. The supporter may be either a trade union representative or a work colleague. The member of staff must tell the person holding the grievance meeting who the chosen supporter is, in good time before the meeting.
- (b) At the meeting, the supporter may make representations to us and ask questions, but should not answer questions on the member of staff's behalf. The member of staff may request an adjournment to speak to them privately at any time during the meeting.

- (c) Acting as a supporter is voluntary and colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a supporter.
- (d) If the choice of supporter is unreasonable we may ask the member of staff to choose someone else, for example:
  - (i) if in our opinion the companion may have a conflict of interest or may prejudice the meeting; or
  - (ii) if the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

## **8. Grievance meeting**

- (a) The Headteacher will acknowledge the grievance within 5 working days of receiving it and will also arrange a grievance meeting, normally within 10 working days of receiving a written grievance.
- (b) The member of staff and their supporter (see paragraph 7) should make every effort to attend the grievance meeting. If they or their supporter cannot attend at the time specified, they should inform us immediately and we will try, within reason, to agree an alternative time.
- (c) The purpose of a grievance meeting is to enable the member of staff to explain their grievance and how they think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations they have made. The Headteacher will seek to resolve the problem personally or in consultation with other members of staff and/or representatives/trade unions.
- (d) Everyone involved in the process is entitled to be treated calmly and with respect. The School will not tolerate abusive or insulting behaviour from anyone taking part in grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.
- (e) After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.
- (f) We will write to the member of staff, usually within 5 working days of the grievance meeting, to inform them of the outcome of their grievance and any further action that we intend to take to resolve the grievance. Where appropriate we may hold a meeting to give them this information in person.

## **9. Appeals – Step 3**

- (a) If, after the grievance meeting the grievance has not been resolved to the member of staff's satisfaction they may appeal in writing to the Appeals Committee of the Governing Body stating the full grounds of appeal, within 5 working days of the date on which the decision was sent or given to them.

- (b) We will hold an appeal meeting without unreasonable delay, of receiving the written appeal. This will be dealt with impartially by the Appeals Committee who have not previously been involved in the case (although they may ask anyone previously involved to be present). The member of staff has a right to bring a supporter to the meeting (see paragraph 7).
- (c) The Appeals Committee will confirm a final decision in writing, usually within 5 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.
- (d) If the Headteacher has a grievance, they should first endeavour to resolve the issue by direct approach to the person concerned. If the grievance pertains to the actions/decisions of the Governing Body, the Headteacher should seek to resolve this in discussion with the Chair of the Committee. If the grievance remains unresolved, the Headteacher may, within 5 working days notify the Appeals Committee in writing. An appeal meeting will be held, normally within 10 working days and the outcome of the appeal meeting confirmed in writing within 10 days of the meeting taking place.

**10. Review of policy**

- (a) This policy is reviewed and amended annually by School. We will monitor the application and outcomes of this policy to ensure it is working effectively.