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## **Employment Policies, Procedures & Guidelines for Schools**

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## **Grievance Procedure**

Please note the term school is used throughout this policy and refers to a school or Academy.

### **Document Summary**

This document sets out the School's Grievance Procedure. A grievance is a concern, problem, issue or complaint that an employee, or employees (collective) may have about their work, working conditions or relationships with colleagues, that they may wish to discuss with management. This procedure sets out an informal and a formal procedure to endeavour to resolve the issue.

## **1.0 Introduction**

- 1.1 The School promotes a positive working environment and has developed policies and procedures to support this. However, it is recognised that from time to time, employees will have concerns, problems or complaints about an aspect of their employment. A grievance could include concerns about the work they are doing or a problem in their working environment. This procedure has been developed to support employees who feel that they have an issue which they need help to resolve.
- 1.2 This procedure provides employees with an opportunity to resolve their grievances in a timely, fair and consistent manner, to help to maintain effective working relationships. Employees will not be treated any less favourably or suffer any detriment in their employment as a result of raising a grievance under this procedure.
- 1.3 Employees are very much encouraged to resolve their grievance informally, wherever possible. Line managers will support employees in doing this. However, in circumstances where this is not possible or where the informal route has failed, employees should follow this formal grievance procedure.

## **2.0 Definition**

- 2.1 A grievance is a concern, problem or complaint that an employee may have about their work, working conditions or relationships with colleagues, that they may wish to discuss with management.

## **3.0 Alternative Procedures**

- 3.1 An employee wishing to raise a grievance may also wish to consider the School's policies on the following:
  - Harassment at Work
  - Whistleblowing
  - Anti-Fraud and Corruption
- 3.2 These policies are available on the intranet and can also be provided by Headteachers or HR.

- 3.3 The School may determine in respect of any issue raised that it will be considered under an alternative procedure, where it considers it appropriate to do so.

#### **4.0 Grievance and Disciplinary Cases**

- 4.1 Where an employee raises a grievance during a disciplinary process the process may be temporarily suspended in order to deal with the grievance. However, where the issues are related then both matters may be considered concurrently.

#### **5.0 General Principles for Managing Grievances**

- 5.1 Headteachers and/or Governors will deal with grievances professionally and without unreasonable delay. Employees will be kept informed of intended timescales and will receive regular updates as to how the investigation is proceeding.
- 5.2 The aim of the procedure is to try to resolve the grievance satisfactorily and in a timely manner. Everyone involved in the grievance should ensure that discussions are open and constructive.
- 5.3 A trade union representative or an appropriate work colleague may accompany the employee at all formal stages of this procedure and may assist the employee in completing a written statement where necessary. In advance of the meeting, the employee should inform the Headteacher of who will be accompanying them. On occasion, it may be reasonable to request that the employee chooses another person to accompany them at the meeting, for example, if the person chosen may prejudice the hearing.
- 5.4 All meetings will be held in private. If either the employee or the person accompanying them has any special requirements they should inform the Headteacher prior to the meeting and, where appropriate, reasonable adjustments will be made.
- 5.5 Where a specific grievance has been dealt with under the formal procedure the same grievance cannot be raised again at a later date. This provision applies even where an employee feels the grievance has not been resolved to their satisfaction, following appeal. This provision does not prevent an employee from pursuing an employment tribunal claim in respect of the reason for raising the grievance.

#### **6.0 Procedure**

- 6.1 When raising a grievance, employees must follow the procedure detailed below.

#### **7.0 Informal Stage**

- 7.1 Concerns, problems and complaints are often easily resolved informally enabling effective working relationships to be maintained.

- 7.2 Grievances should always be raised promptly and informally with the Headteacher, wherever possible. If the Headteacher is unavailable (i.e. due to holiday, sickness etc), or is not the most appropriate person to discuss the matter with, an employee should contact an alternative manager or Governor. A Trade Union representative or a work colleague may also be able to support the employee in exploring an informal approach to resolving the issue with the Headteacher.

## **8.0 Mediation**

- 8.1 Mediation has been proven to help resolve certain issues. It is a voluntary, confidential way of helping two or more individuals or groups reach a solution that's acceptable to everyone. The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past. Mediation can be used at any stage but is most effective before situations become formal.
- 8.2 The Council provides mediation support which can be accessed by contacting the HR Advice Team.

## **9.0 Formal Grievance Procedure**

- 9.1 When a matter cannot be resolved informally, the employee should then follow the formal procedure detailed below.

### **Written Statement**

- 9.2 To raise a formal grievance an employee must submit a written statement detailing the grievance to the Headteacher without unreasonable delay (as long as the Headteacher is not the subject of the grievance). Wherever possible, the grievance should be made using the form attached at Appendix 1. The employee must include specific details of the grievance and how they think it could be resolved.
- 9.3 Where an employee seeks to raise a grievance against the actions of their Headteacher, a Governor or the Governing Body they should follow the process set out in this policy.
- 9.4 Where it is unclear if the written statement received is intended to be treated as a grievance the recipient of the written statement shall seek to clarify this, without unreasonable delay.

### **Stage 1 - Grievance Hearing**

- 9.5 The grievance will normally be heard and determined by the Headteacher or their authorised officer unless this would be inappropriate, advised by HR. The employee will be invited to attend a meeting to discuss the grievance, without unreasonable delay, and they will be advised of their right to be accompanied by a Trade Union representative or an appropriate work colleague. The employee and the person accompanying them must take all reasonable steps to attend the meeting.

- 9.6 At the hearing the employee will be given the opportunity to explain their grievance and how they think it could be resolved.
- 9.7 The Headteacher or their authorised officer will decide the outcome of the grievance, advised by HR, and will notify the employee in writing of the decision and the right of appeal. The employee will be informed if further investigation is required before a decision can be reached.

### **Stage 2 - Appeal**

- 9.8 To appeal, the employee will notify the Personnel Appeals Committee of the Governing Body via the Clerk to the Governing Body in writing setting out that they wish to appeal the decision within 10 working days from receipt of the letter confirming the decision.
- 9.9 To appeal the employee is also required to submit a written statement setting out the detail of their grounds for appeal to the Clerk to the Governing Body. The employee will have a further 5 working days to submit this written statement.
- 9.10 If an appeal is received outside of this timescale, the School will consider that the grievance is resolved. Only in very exceptional circumstances will an appeal be considered after this timescale, and there must be a valid and reasonable reason for the delay.
- 9.11 Once a grievance appeal is submitted for consideration by the Personnel Appeals Committee of the Governing Body, an Appeal Hearing will be arranged without unreasonable delay. The employee will be invited in writing to attend the Appeal Hearing, which will include notification of their right to be accompanied by a trade union representative or an appropriate work colleague. The Headteacher or Authorised Officer who made the decision at the previous hearing will be present at the appeal to explain their decision.
- 9.13 The Personnel Appeals Committee of the Governing Body will be advised by HR.
- 9.14 The decision made at the Appeal will be confirmed in writing to the employee, without unreasonable delay, and will be final with no further internal right of appeal.

## **10 Raising a Grievance against a Headteacher**

### **Stage 1 – Grievance Hearing**

- 10.1 In the event the Headteacher is the subject of the grievance, an employee must submit a written statement detailing the grievance to the Personnel Committee of the Governing Body of the school via the Clerk to the Governing Body using the form attached at Appendix 1. The employee must include specific details of the grievance and how they think it could be resolved.

- 10.2 The employee will be invited to attend a meeting of the Personnel Committee of the Governing Body to discuss the grievance, without unreasonable delay, and they will be advised of their right to be accompanied by a Trade Union representative or an appropriate work colleague. The employee and the person accompanying them must take all reasonable steps to attend the meeting.
- 10.3 At the hearing the employee will be given the opportunity to explain their grievance and how they think it could be resolved.
- 10.4 The Personnel Committee will decide the outcome of the grievance, advised by HR, and will notify the employee in writing of the decision and the right of appeal. The employee will be informed if further investigation is required before a decision can be reached. Where further investigation is required the Personnel Committee may nominate one Governor to carry out this work with the support of HR and feedback to the Personnel Committee.

### **Stage 2 – Appeal**

- 10.5 The process for appeals will be as in 9.8 to 9.14 with the Chair of the Personnel Committee attending to explain the Personnel Committee's decision.

## **11 Raising a Grievance Against a Full Governing Body/Chair of the Governing Body**

- 11.1 Should a grievance be received against the Full Governing Body or Chair of the Governing Body, the school in conjunction with HR will look at the appropriate method of hearing the grievance according to the individual circumstances of the case.
- 11.2 The appeal mechanism will also be considered according to the circumstances of each case at the time of submission.

## **12 Grievance Raised by a Headteacher**

### **Stage 1 – Grievance Hearing**

- 12.1 To raise a formal grievance a Headteacher must submit a written statement to the Personnel Committee of the Governing Body without unreasonable delay. Wherever possible the grievance should be made using the form attached at Appendix 1. The Headteacher must include specific details of the grievance and how they think it could be resolved.
- 12.2 The Headteacher will be invited to attend a meeting of the Personnel Committee of the Governing Body to discuss the grievance, without unreasonable delay, and they will be advised of their right to be accompanied by a Trade Union representative or an appropriate work colleague. The

Headteacher and the person accompanying them must take all reasonable steps to attend the meeting.

- 12.3 At the hearing the Headteacher will be given the opportunity to explain their grievance and how they think it could be resolved.
- 12.4 The Personnel Committee will decide the outcome of the grievance, advised by HR, and will notify the Headteacher in writing of the decision and the right of appeal. The Headteacher will be informed if further investigation is required before a decision can be reached. Where further investigation is required the Personnel Committee may nominate one Governor to carry out this work with the support of HR and feedback to the Personnel Committee.

### **Stage 2 - Appeal**

- 12.5 The process for appeals will be as in 9.8 to 9.14 with the Chair of the Personnel Committee attending to explain the Personnel Committee's decision.
- 12.6 In exceptional cases where no Governor is able to give an objective view the policy allows for a formal collaboration to be made with another Governing Body to hear the grievance.

## **13 Collective Grievances**

- 13.1 There may be occasions where two or more employees wish to raise the same grievance together. This will be treated as a "collective grievance", and the grievance will be dealt with in one process. This has advantages for all parties ensuring connecting grievances are dealt with in a consistent and timely manner. Where the School identifies that two or more individual grievances are connected, it may determine that the grievances are dealt with as a "collective grievance".
- 13.2 The collective grievance procedure reflects the individual grievance procedure. Wherever possible, the aim should be to resolve the grievance informally. Where this is not possible, the collective grievance should then be raised using the Formal Grievance Procedure set out above. However, the form attached at Appendix 2 should be used, as appropriate.
- 13.3 Employees raising a collective grievance must be aware that they cannot then raise an individual grievance for the same issue.
- 13.4 The School has a separate procedure for dealing with collective (i.e. employment relations) disputes between the Council and a group of employees, which may involve the Trade Unions, where matters of principle with wide-ranging or School/Council-wide effect are raised. Please see the Collective Disputes Procedure for more information.
- 13.5 If the School determines that a collective issue raised would be better dealt with under the alternative procedure it will advise of this accordingly.

Appendix 1

**Grievance Statement – Stage 1** (Please complete this form in full)

<b>Name:</b>	<b>Payroll Number:</b>
<b>Job Title:</b>	<b>School:</b>
<b>Signature:</b>	<b>Date:</b>

**Details of the Grievance.** Please describe specifically the grievance and include any relevant details such as name of person you are raising the grievance about, any relevant information you are referring to, dates of relevant incidents etc.

**Informal Stage.** Please describe how you have tried to resolve your grievance informally and the outcome of this stage. Alternatively, please set out why you consider that the grievance cannot be dealt with informally.

**Outcome of your Grievance.** Please set out how you think the grievance can be resolved.

**Notes on completion:**

- You can extend each box or attach additional sheets to this document if you require more space, however, please ensure you have included information relating to all 3 sections.
- When complete, sign and date this form and forward it to your Headteacher.
- You should retain a copy of your Statement for your information.
- If you need assistance with the completion of this form, please contact HR.



## Appendix 2

### Collective Grievance Statement – Stage 1 (Please complete this form in full)

**Each employee submitting this collective grievance must complete and sign this section** (please extend this table or continue on a separate sheet if required)

Name	School	Payroll No.	Signature
<b>Date:</b>			

**Details of the Grievance.** Please describe specifically the grievance and include any relevant details such as name of person you are raising the grievance about, any relevant information you are referring to, dates of relevant incidents etc.

**Informal Stage.** Please describe how you have tried to resolve your grievance informally and the outcome of this stage. Alternatively, please set out why you consider that the grievance cannot be dealt with informally.

**Outcome of your Grievance.** Please set out how you think the grievance can be resolved.

#### Notes on completion:

- You can extend the boxes above, or attach additional sheets to this document if you require more space, however, please ensure you have included information relating to all 3 sections.
- When complete, sign and date this form and forward it to your Headteacher.
- You should retain a copy of your Statement for your information.
- If you need assistance with the completion of this form, please contact HR.

## **Appendix 3**

### **Procedural Guidance for Stage 1 and Stage 2**

#### **Procedure to be followed at Stage 1**

- All parties to enter the hearing (please note if the grievance is against another individual the employee and the person that the grievance is directed against will be spoken to separately by the hearing officer).
- The employee or his/her representative to present the terms of the grievance.
- The hearing officer/panel of governors may ask questions for clarification during or after the employees presentation.
- The hearing officer/panel of governors may call in individual witnesses to question or the subject of the grievance (the employee will not be present during this process).
- The hearing officer/panel of governors will give the employee the opportunity to summarise the issues and ask any questions.
- Clarification to be sought on the outcome of the grievance the employee is hoping for.
- The meeting will adjourn whilst the hearing officer/panel of governors make a decision.
- The hearing officer/panel of governors will either announce the decision or advise the employee they require more time to investigate the grievance.
- The employee will be notified in writing of the decision and this response will include the right of appeal.

It is important to note that any Governors implicated in the grievance cannot take part in this process.

#### **Procedure to be followed at Stage 2 (Appeal)**

- All parties to enter the hearing (please note if the grievance appeal is against another individual the employee and the person that the grievance is directed against will be spoken to separately by the panel of governors). Any witnesses will be called into the hearing as and when required and will leave the hearing room once their evidence has been presented.
- The chair of the appeals committee will invite introductions and clarify the procedure to be followed within the hearing.
- The appellant or his/her representative to present the basis for appeal.
- The appeals committee may ask questions for clarification during or after the employees presentation.
- The hearing officer/chair of the panel from the stage 1 hearing to present the basis for their decision.
- The appeals committee may ask questions for clarification during or after the presentation from the hearing officer/chair of the panel.
- The appellant or his/her representative has the opportunity to sum up their case.

### **Appendix 3**

- The hearing officer/chair of the panel has the opportunity to sum up the basis for their decision.
- The hearing will adjourn whilst the appeals committee make their decision.
- The appeals committee will either announce the decision or advise the employee they require more time to investigate the appeal.
- The employee will be notified in writing of the decision and this response will confirm that the decision of the appeals committee is final.

It is important to note that any Governor implicated in the grievance cannot take part in the process.