



# NEWLAND SCHOOL FOR GIRLS

**Pride**   **Aspire**   **Excellence**

## STAFF GRIEVANCE Procedure

Draft	June 2006
Re-draft	September 2014
Approved by IEB	September 2015
Review	3 Yearly

# **NEWLAND SCHOOL FOR GIRLS**

## **Grievance Procedure for Teaching and Support Staff in Schools**

### **1.0 INTRODUCTION**

- 1.1 It is essential that a fair and established procedure should exist in every school whereby staff may air a grievance related to their employment and ensure that it is resolved. The IEB should adopt the procedure set out in this document and ensure that it is readily available to, and understood by, management and staff at the school.
- 1.2 Most grievances will involve other members of staff or the IEB of the school and will therefore be capable of resolution at school level. Some grievances will, however, need the Local Authority to assist in their resolution.
- 1.3 The Local Authority undertakes to implement any legal decision of an IEB on a grievance relating to a matter under the Local Authority's control, except in cases where it is impractical to do so. The Local Authority will grant staff a meeting with the Director of Children & Young People's Services (or designated officer) before any decision is taken on the practicability of implementation and shall in such event seek an alternative agreed remedy.
- 1.4 It is not intended that this procedure should apply to matters relating to applications for regrading or grading appeals, rates of pay, allowances, payroll matters (including pensions) and changes to conditions of service; these are outside the scope of the procedure. Disciplinary, sickness and capability matters, model pay policies and any other policies/procedures, which contain a right of appeal, are subject to separate procedures.

### **2.0 APPLICATION OF THIS GRIEVANCE PROCEDURE**

- 2.1 Grievances can arise from a variety of sources. They can arise amongst members of staff or with the headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the IEB of the school or the administration of the school or the Local Authority. To meet this situation, this procedure sets out:
  - a) procedures which may enable grievances to be resolved informally and without recourse to any formal procedures; and
  - b) formal procedures where informal procedures are inappropriate or have failed.
- 2.2 This grievance procedure is established by the IEB of the school and its operation shall be under the IEB's control.

- 2.3 The IEB's Appeals Committee (or nominated committee) shall be responsible for considering all grievance cases referred to it under the formal stages of the procedure.
- 2.4 The chair of IEB members shall not sit on the Appeals Committee in order that he/she is free to advise the headteacher when considering the grievances of staff, other than the headteacher, and to seek advice in cases involving the headteacher from the Local Authority.
- 2.5 Where any complaint involves a grievance against the headteacher, the role of the headteacher as set out below should be undertaken by either the chair of IEB members or an IEB member nominated for this purpose by the IEB.
- 2.6 Sections 4.0 and 5.0 set out the procedures to be followed by staff who have a grievance. The procedures to be followed by headteachers are set out in Sections 6.0 and 7.0.

### **3.0 REPRESENTATION**

- 3.1 The employee has a right to be accompanied at all stages of the formal grievance procedure by his/her trade union representative or work colleague of his/her choice.

### **4.0 INFORMAL STAGE**

- 4.1 It is hoped that most grievances will be resolved at the informal stage and the necessity to proceed to the formal stage will not be required.
- 4.2 The aggrieved member of staff shall approach any other member(s) of staff concerned to seek to resolve the grievance by discussion or, if necessary, in discussion with the assistant headteacher, head of department or other appropriate senior member of staff. If the grievance is against the headteacher the employee shall contact the chair of IEB members.
- 4.3 No staff member shall be required to approach any person against whom they have a grievance if they feel uncomfortable about doing so. The member of staff may, instead, put their concerns to the person in writing.
- 4.4 Where the grievance is against the IEB or the Local Authority, the aggrieved member of staff shall discuss the grievance with the headteacher, who shall then raise the issue with the IEB or the Local Authority.
- 4.5 Where the member of staff requests a personal interview with a senior member of staff or assistant headteacher, the request shall be granted within 5 working days.

- 4.6 Where appropriate, the senior member of staff or assistant headteacher shall seek to resolve the problem personally or, by mutual agreement, in consultation with other members of staff. The assistant headteacher may also, by mutual agreement, seek consultation with the chair of IEB members, the Director of Children & Young People's Services (or his/her representative), or with representatives of the trade union(s) concerned, as may be thought appropriate.

## **5.0 FORMAL STAGE**

### **5.1 STANDARD 'THREE-STEP' GRIEVANCE PROCEDURE**

#### Step 1 – The Written Statement

You must report the grievance, in writing, to your headteacher or, if your grievance is against your headteacher, you should report it to the chair of IEB members. A simple Grievance Form, shown at Appendix 1 has been designed for this purpose. Completion of the form will help you to clarify the nature of your grievance. You should retain a copy for your own information.

#### Step 2 – The Meeting

- a) Your headteacher (or chair of IEB) will acknowledge your grievance in writing and will arrange a meeting to discuss the matter with you and investigate your grievance within 10 working days of receipt of your letter and your completed grievance form. You must take all reasonable steps to attend the meeting. You should be in a position to show the headteacher (or chair of IEB) any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance.
- b) You will receive a written reply from your headteacher (or chair of IEB), normally within 10 working days after the initial meeting, informing you of the decision unless, by agreement, the period is extended. You will also be told of your right to appeal if you are not satisfied with the decision.

#### Step 3 – The Appeal Meeting

- a) If you are dissatisfied with the outcome and wish to pursue the matter further, you may appeal by sending a copy of your completed grievance form with a covering letter explaining why you wish to appeal to the clerk of the IEB. Again, please ensure that you retain a copy for your own information.

- b) The clerk to the IEB will acknowledge your grievance in writing. You will be invited to attend a meeting with the Appeals Committee of the IEB, and a set of papers will be circulated, prior to the meeting, including (i) the written reply from your headteacher (or chair of IEB members), (ii) your completed grievance form and (iii) any other papers either party may wish to submit. At the meeting you will need to explain what the grievance is, against whom you have a grievance and how the grievance might be resolved. At the meeting you must be in a position to demonstrate to the IEB members any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance. This meeting will take place within 10 working days unless it is mutually agreed that there is a different timescale. You must take all reasonable steps to attend the meeting. The headteacher (or chair of IEB members) who initially investigated the grievance will also be present on behalf of the school to explain their decision.
- c) Within 10 working days of meeting with you to discuss your grievance, the chair of the committee that heard the grievance (or his/her nominee) will respond to you, in writing, to give a decision following the meeting; further investigation may be required, dependent upon the information presented at the meeting from both the employee and the headteacher (or chair of IEB members). If the grievance is particularly complex the chair of the committee (or nominee) will write within this period to give an interim reply and a commitment when a final decision will be available. There will only be one such interim reply unless it is mutually agreed to vary this. The decision of the committee shall be final and shall be implemented in relation to any matter under the control of the IEB, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.
- 5.2 The school will record each case on an official Grievance Register Form, and forward a copy to the Director of Children & Young People's Services annually, as requested.

## **6.0 INFORMAL STAGE - HEADTEACHERS**

- 6.1 Where the headteacher has a grievance he/she shall, first of all, endeavour to resolve the matter by direct, but informal, approach to the person(s) who they believe are causing them to feel aggrieved.
- 6.2 Where the matter remains unresolved, the headteacher shall discuss it with the chair of IEB who may, by mutual agreement, seek consultation with the Director of Children & Young People's Services or his/her representative, or with the representatives of the trade union(s) concerned, as may be thought appropriate.

## 7.0 FORMAL STAGE - HEADTEACHERS

### 7.1 STANDARD 'THREE-STEP' GRIEVANCE PROCEDURE

#### Step 1 – The Written Statement

You must report the grievance, in writing, to your chair of IEB or, if the grievance is against your chair of IEB, you should report it to the clerk to the IEB who will forward it to the nominated IEB member. A simple Grievance Form, shown at Appendix 1, has been designed for this purpose. Completion of the form will help you to clarify the nature of your grievance. **You should retain a copy for your own information.**

#### Step 2 – The Meeting

- a) Your chair of IEB (or nominated IEB member) will acknowledge your grievance in writing and will arrange a meeting to discuss the matter with you and investigate your grievance within 10 working days of receipt of your letter and completed grievance form. You must take all reasonable steps to attend the meeting. You should be in a position to show the chair of IEB (or nominated IEB member) any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance.
- b) You will receive a written reply from your chair of IEB (or nominated IEB member), normally within 10 working days after the initial meeting, informing you of the decision unless, by agreement, the period is extended. You will also be told of your right to appeal if you are not satisfied with the decision.

#### Step 3 – The Appeal Meeting

- a) If you are dissatisfied with the outcome and wish to pursue the matter further, you may appeal by sending a copy of your completed grievance form, with a covering letter explaining why you wish to appeal, to the clerk to the IEB. **Again, please ensure that you retain a copy for your own information.**
- b) The clerk to the IEB will acknowledge your grievance in writing. You will be invited to attend a meeting with the Appeals Committee of the IEB and a set of papers will be circulated prior to the meeting, including (i) the written reply from your chair of IEB members (or nominee), (ii) your completed grievance form and (iii) any other papers either party may wish to submit. At the meeting you will need to explain what the grievance is, against whom you have a grievance and how the grievance might be resolved. At the meeting you must be in a position to demonstrate to the IEB members any supporting evidence of your complaint or to indicate any witnesses of the events of the grievance. This meeting will take place within 10 working days unless it is mutually agreed that there is a different timescale. You must take all reasonable steps to attend the meeting. The chair of IEB members, or nominee, who initially investigated the grievance will also be present on behalf of the school to explain their decision.

- c) Within 10 working days of meeting you to discuss your grievance, the chair of the committee that heard the grievance (or his/her nominee) will respond to you, in writing, to give a decision following the meeting; further investigation may be required as this is dependent upon the information presented at the meeting from both the employee and chair of IEB members. If the grievance is particularly complex he/she will write within this period to give an interim reply and a commitment when a final decision will be available. There will only be one such interim reply unless it is mutually agreed to vary this. The decision of the committee shall be final and shall be implemented in relation to any matter under the control of the IEB, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.
- 7.2 The school will record each case on an official Grievance Register Form, and forward a copy to the Director of Children & Young People's Services annually, as requested.

## **8.0 NOTES ON THE STATUTORY PROCEDURE**

- 8.1 The employee has a right to be represented at all formal stages of the grievance procedure by his/her trade union representative or fellow worker of his/her choice.
- 8.2 The responsibility for the attendance of witnesses lies entirely with the person, i.e. the employee or headteacher, whoever requires the witness (es) to attend. If, however, the witness is an employee of the school, reasonable facilities will be allowed to enable him/her to attend. In this context, any time off should normally be paid on a 'no loss of earnings' basis during the witness' normal working hours. Attendance outside of normal working hours will be unpaid.
- 8.3 Support is available to employees who feel they need help in coping with stress arising from the application of the grievance procedure via the Occupational Health Unit; advice can be given by the headteacher or by contacting their professional association.

## **9.0 MODIFIED 'TWO STEP' GRIEVANCE PROCEDURE FOR EMPLOYEES WHO HAVE LEFT THE SERVICE OF A PARTICULAR SCHOOL**

- 9.1 In 2004 the law was changed to allow individuals who had left employment to initiate a grievance against their former employer or, in the case of teachers/support staff, their former school which acted as their employer. "The modified (two-step) grievance procedure will apply in circumstances where the standard grievance procedure would otherwise apply but where the employment has ended and either:

- the employer was not aware of the grievance before the employment ended; or
- if the employer was so aware but the standard grievance procedure had not started or had not been completed by the time the employment ended; and
- the parties must have agreed in writing that the modified, rather than the standard, grievance procedure shall apply.

9.2 The modified procedure is applicable in such cases as it would be unreasonable to oblige the parties to follow the standard procedure, including attending meetings, where there is no ongoing employment relationship and the parties have no interest in following the standard procedures, and where they are in mutual agreement on this point.

It is not reasonably practicable for one or other part to carry out the standard procedure. For example if one of them has left the country for an extended period. ("§.62 - Guidance on the Employment Act 2002 (Dispute Resolution) Regulations 2004 and associated provisions in the Employment Act 2002")

9.3 If this is the case, the 'Two Step Grievance' is as follows:-

- i) You must set out the grievance and the basis of it in writing and send the statement to the headteacher of your former school (your former employer).
- ii) Your headteacher or his/her nominee will investigate your grievance and will set out their response in writing and send you the statement normally within 10 working days from receipt of your statement.

NB - If you are no longer an employee of a particular school and you believe that you have a grievance against the actions or inactions of your previous school you should take appropriate advice from your trade union, or some other qualified adviser, as soon as practicable.

## **10 CIRCUMSTANCES IN WHICH THE PARTIES ARE TREATED AS HAVING COMPLIED WITH THE PROCEDURE**

10.1 In some circumstances, under employment legislation the parties are treated as having complied with the grievance procedure, even where they have not. These situations include the following:

- a) Where the employee follows a grievance procedure in a collective agreement. This provision will allow grievances to be dealt with collectively where more than one employee has the same grievance. This will save the time and resources of both employer and employees." (§.62 - Guidance on the Employment Act 2002 (Dispute Resolution) Regulations 2004 and associated provisions in the Employment Act 2002).



- b) Where a trade union representative or work colleague has raised the grievance on behalf of two or more named employees, the employees sharing the grievance may choose one person to act as their representative. The “appropriate representative” is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has authority to do so under an established procedure to resolve grievances.
- c) Where the grievance is that disciplinary action short of dismissal is, or would be, unlawful discrimination or that the actual grounds for the employer's actions are not the grounds cited by the employer and the employee sends a written statement of the grievance to the employer before any disciplinary appeal hearing takes place or employment tribunal claim is lodged.
- d) Where the standard grievance procedure applies, an employee who is no longer employed has sent a written statement of the grievance and since the end of his or her employment it has ceased to be reasonably practicable for the parties to comply with the requirements in relation to the step-two meeting or the step-three appeal. If the parties have had a meeting to discuss the grievance the employer must still inform the employee of its response to the grievance or it will be treated as having failed to comply.

## **11.0 ADDITIONAL INFORMATION**

- 11.1 Through all stages of the procedure you will be expected to continue working normally. However, in exceptional circumstances with the agreement of all parties if this is not practicable then it may be possible for the person to be moved elsewhere within the school. If your grievance is against your headteacher/line manager you should still carry out your normal day to day duties, wherever possible.
- 11.2 Every effort will be made to deal with the grievance as speedily as possible. It should be remembered, however, that some cases need time to investigate fully. You will be given every opportunity in the meeting to explain the details of the case.
- 11.3 You are asked only to raise questions which are related to your employment.





## **APPENDIX 2**

### **FORMAT OF GRIEVANCE APPEAL MEETING**

#### **THE GRIEVANCE PROCEDURE FOR TEACHING AND SUPPORT STAFF IN SCHOOLS**

1. Introduction by the Chair of the Committee and a reminder to all present of:
  - a) the procedure under which the meeting has been called;
  - b) the manner in which the meeting will be conducted as set out below in paragraphs 2-12;
  - c) the degree of confidentiality;
  - d) those present and the purpose of the meeting;
  - e) the supporting papers.
2. Explanation by the member of staff who raised the grievance, and/or representative, as to why an appeal has been lodged at Step 3 of the procedure and against whom, and how the grievance might be resolved. Witnesses (where appropriate) may be called. When witnesses have given evidence and answered all questions put to them, they should leave the room.
3. Questions by the IEB members.
4. Explanation by the headteacher/chair of IEB (depending upon who investigated the grievance) regarding their decision.
5. Questions by the IEB members.
6. Opportunity for the member of staff and/or representative to submit any final points.
7. Opportunity for the headteacher/chair of IEB to submit any final points.
8. Withdrawal by the member of staff and representative(s) and the headteacher or nominated person; the meeting has concluded.
9. Consideration of the matter by the committee. The Director of Children and Young People's Services or his nominee, together with the clerk to the committee, will be present during the deliberations.
10. Within 10 working days of the meeting, the chair of the committee (or his/her nominee) to confirm the decision of the committee to the employee, in writing, following, if appropriate, further investigation of any matters raised.
11. If the grievance is particularly complex the chair (or his/her nominee) will write to the employee with an interim reply and a commitment when

a final decision will be reached. There will only be one such interim reply unless it is mutually agreed to vary this.

12. The decision of the committee shall be final and shall be implemented in relation to any matter under the control of the IEB, and shall be the subject of a recommendation to the Local Authority in relation to a matter under the Local Authority's control. Such final decisions are, however, subject to the right of the employee to take their complaint to an Employment Tribunal.