



Grievance Policy

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Statement of intent

Saltergate Infant School works to develop good professional relationships between colleagues; however, we understand that sometimes conflicts may arise. Through maintaining open communication, we want our employees to feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour.

Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the school aims to:

- Provide a platform for grievances to be processed and handled fairly and consistently.
- Constructively resolve grievances in a way that avoids damaging professional relationships.
- Enable any employee to have their grievances heard and addressed.
- Encourage a harmonious working environment.

GRIEVANCE

1.0 OBJECTIVE & SCOPE

- 1.1 The aim of this procedure is to achieve fair and equitable treatment for all employees of the School in relation to the management of grievances in the workplace.
- 1.2 The procedure applies to all employees of the School. This procedure does not form part of any employees' contract of employment.
- 1.3 Whilst this procedure recommends that employees submit a written notice of grievance in order to have the matter dealt with formally, (see appendix 1), the School recognises that Grievances are best dealt with at an early stage, informally with the immediate line manager.
- 1.4 However, a formal procedure is in place to enable the academy to give reasonable consideration to any issues which can't be resolved informally and to deal with them fairly and consistently. Pursuing the formal route should be a last resort rather than the first option. Every effort should be made to resolve grievances through an informal process including, where appropriate the use of mediation.

The procedure may be used for grievances:

- between colleagues where there is no line management relationship;
- between an employee and management including the Headteacher or a Governor;

1.5 The procedure may be used for concerns relating to the employee's own work, contract of employment or working relationships with colleagues.

The procedure may not be used for grievances regarding:

- disciplinary action
- termination of employment
- National Insurance, Income Tax or pensions
- pay
- performance capability/performance appraisal or

All of which are covered by separate procedures.

1.6 An employee cannot raise a grievance on the same grounds they have cited in an earlier appeal heard under any other policy. The Grievance Policy cannot be used to lodge a complaint about the outcome of any other formal procedure which has its own appeal process.

2.0 PRINCIPLES

2.0 The grievance procedure is designed to help school local Governing Bodies, Headteachers and staff resolve individual or collective grievances by:

- affording the employee the opportunity of putting his/her case should they have a complaint which they are unable to resolve through regular communication with their line manager
- fostering good relationships between school management and staff by encouraging the speedy and effective resolution of grievances
- resolving grievances as near as possible to their point of origin in an atmosphere of school and confidentiality

2.1 This procedure should be freely accessible to all staff, and a copy should be given to the parties at the outset of the formal stages.

2.2 The time limits in the procedure should be adhered to whenever possible, though they may be altered to meet particular circumstances by agreement between the parties.

2.3 All grievances should be raised within 3 months of the incident or action giving rise to it, recipients of grievances outside of this timeframe should seek advice from the School HR Advisor.

3.0 ROLES & RESPONSIBILITIES

- 3.1 By their nature, grievances are internal matters and may involve a number of people. It is not possible, nor desirable, given the emphasis upon dealing informally with grievances, to prescribe specific roles. However, the following broad guidelines may be helpful.

The Headteacher

- 3.2 The Headteacher, who may or may not be the subject of the grievance, will have a crucial role, together with the line-manager where appropriate, in achieving a resolution of the grievance at the Informal Stage.

Chair of Governors

- 3.3 If a Governor or Governors are approached about a grievance, they should refer it without detailed discussion to the Chair of Governors, who will arrange a meeting under the formal stage, if it appears that all opportunities to resolve the matter informally have been exhausted. If the Grievance is about the Headteacher the grievance should be referred to the Chair of Governors.

- 3.4 Where the Headteacher is the subject of the grievance, the Chair of Governors assumes the responsibilities of the Headteacher in arranging for the grievance to be considered.

Other Governors

- 3.5 For reasons stated above, it is not appropriate for other Governors to be involved in detailed discussion of the substance of a grievance (unless, of course, they are themselves the subject of the grievance), because they may be needed for the formal meeting or appeal.

Expert Advice

- 3.6 The Headteacher or Chair of Governors may need to seek expert advice, either at the informal stage or at formal hearings. The School HR Advisor should be contacted to advise on the grievance process and attend meetings or hearings.

Representative of a Professional Association or Trade Union

- 3.7 Similarly, in the interests of good employer/employee relationships, representatives have a role in advising and offering early support to their member at all stages with a view to seeking an agreed resolution as early as possible. Employees should be afforded the right to representation at all stages.

Guidance for Participants

- 3.8 Appendix 2 sets out guidance for line managers (who may be the Headteacher) and Governors about conducting grievance meetings.

Appendix 3 sets out guidance for employees about how to raise a grievance.

Right to be accompanied

3.9 An employee has the right to be accompanied and supported, at any formal stage of the procedure, by a work colleague or a Trade Union Representative and no-one else.

The Trade Union representative or work colleague may:

- assist the employee in preparing their case
- confer with the employee before and after the hearing
- present and sum up the employee's case, as agreed with the employee
- address the hearing and ask appropriate questions, as agreed with the employee
- respond on the employee's behalf to any view expressed at the hearing and
- ask for adjournment if necessary

3.10 The Trade Union representative or work colleague is not permitted to:

- answer questions on behalf of the employee
- address the hearing if the employee indicates that he/she does not wish the Professional Association/Trade Union representative or work colleague to do so
- prevent the school from explaining the case
- prevent any other person at the hearing from making his/her contribution

3.11 Trade Union representatives are entitled to take a reasonable amount of time during normal working time to fulfil this responsibility. The Trade Union representative or work colleague shall agree the amount of time required and when this can be taken with the Headteacher.

3.12 The employee should give advance notice if he/she is to be accompanied, and by whom. If the /Trade Union or work colleague is unavailable at the time of the hearing, the employee should contact the individual organising the hearing to rearrange (once) to a time that is mutually convenient. Any postponement should not normally extend beyond 5 working days.

3.13 Where it is known that an employee is a member of a Trade Union and the name and contact details of their representative are available it is advised that the representative in question be consulted when arranging any formal meetings in order to minimise the possibility of delays.

An employee will not be subjected to a detriment by the school by reason of having acted as a companion in grievance proceedings.

4.0 STAGES IN THE GRIEVANCE PROCEDURE

Informal Stage

4.1 If an employee has a grievance that involves another member(s) of staff, he/she should first of all endeavour to resolve the matter informally by approaching the person(s) involved and, if necessary, request the involvement of the appropriate

manager, who may be the Headteacher or a member of the leadership team. This allows for problems to be resolved quickly and normal working relationships to resume.

- 4.2 Employees should be able to demonstrate that they have made every effort to discuss the issue(s) informally, before the formal process is commenced. It is acknowledged however that there may be occasions where employees may not feel able to follow this route, in such circumstances dialogue with the Headteacher or Chair of Governors where appropriate is recommended in order to discuss the concern(s).
- 4.3 An informal meeting will be arranged within 7 days with the employee to discuss the concerns with their line manager. The employee may have their trade union representative or a work colleague with them, the School HR adviser may also attend to support the meeting.
- 4.4 The purpose of the informal meeting is to look at resolving the concerns raised, a resolution will be discussed at the meeting. Following the informal meeting the manager will arrange a feedback meeting with the employee to discuss the outcome of their investigation this will also be provided in writing to the aggrieved party in within 10 working days of the meeting. If the employee is not satisfied with the outcome, they have the option of pursuing a formal grievance.

Grievances concerning issues that are more than 3 months old will not be investigated unless there are exceptional circumstances.

Mediation

- 4.3 During the informal stage, it may be appropriate to explore the use of mediation, depending on the nature of the grievance. This will involve the appointment of a third- party mediator who should be considered impartial by both parties.

Formal Stages

- 4.4 Any reference to the Hearing Manager relates to the Headteacher, Chair or school governing body members, i.e. the person conducting the meeting/hearing.

Grievance in relation to	Informal meeting	Formal Hearing Manager	Formal Appeal Managers
Member of staff	Line Manager	Headteacher	3 Governors
Headteacher	Governor	Chair of Governors (plus 2 governors)	3 Governors

There may be circumstances where dependent on the grievance alternative arrangements are made for Hearing and Appeal Manager

Formal Grievance meeting

- 4.5 Where an employee's grievance remains unresolved, he/she should submit a written notice of grievance form (see appendix 1) within 10 working days of the outcome of the informal meeting to the Headteacher or, if the Headteacher is the subject of the grievance, the Chair of Governors. A formal grievance meeting should not take place unless the employee has submitted their grievance in writing, clearly stating the nature of their grievance.
- 4.6 When submitting a grievance the employee should give as much detail as possible, including what outcome they are looking for. Evidence that the informal stage has been undertaken should also be submitted at this stage. Where this has not happened the aggrieved party should explain clearly why they did not feel able to go through the informal stage.
- 4.7 Any formal meeting should be arranged **without unreasonable delay and within 14 days of receipt of the grievance**. If there is a substantial delay, the reason for this should be communicated to the employee. The employee has the right to be accompanied (see section 4); the person hearing the grievance may wish to be accompanied by a School HR Adviser.
- 4.8 The person hearing the grievance or Chairing the Panel should ensure that a notetaker attends the hearing in order to record the main points and actions.
- 4.9 Where an employee has a grievance with a Governor that does not involve any other member of staff, he/she should discuss the matter with the Headteacher before making an approach to the Chair of Governors.
- 4.10 It is important that all grievances are considered fairly. It is important that all parties have advance access to any written statement or evidence to be used at the grievance meeting. This should be in sufficient time (5 working days) to enable full consideration of the material. Both parties have the right to be accompanied (see section 5).
- 4.11 Separate meetings with each of the parties involved may be held if this is deemed more appropriate. The manager considering the grievance will decide (in conjunction with the employee) who should be present at any meeting.

Witnesses

- 4.12 A 'witness' is someone who is neither the subject of the grievance nor raising their own grievance, but can provide an account of the matters directly relating to the grievance.
- 4.13 There may be a need to investigate one or more elements of a grievance, which could necessitate the appointment of an investigator by the person hearing the grievance. If either party chooses to present evidence from a witness the principles of this section should also be followed.
- 4.14 A witness should be aware that:
- Any information provided will be included in their statement; information not relevant should not, therefore, be disclosed
 - He/she will be given one opportunity to review and amend the statement, without changing or removing the general content of the information provided

- His/her statement is likely to be referred to during a grievance hearing if one is required and
 - A copy of his/her factual statement will be shared with each party
- 4.15 A witness who is not a school employee may provide a witness statement (not a testimonial) but would not usually attend a grievance hearing.
- 4.16 Any witness to be called at a hearing must have submitted a written statement of their knowledge of the case in advance of the hearing which has been exchanged with all parties in accordance with the normal rules for exchanging paperwork.
- 4.17 If any witnesses are called, they should be given appropriate notice and authorisation they may need to be given by their manager in order to ensure their release from work. The person hearing the case must be informed not later than 4 working days before a formal grievance hearing of the names of any witnesses who will be attending.
- 4.18 If the Hearing Manager reaches a point in the meeting where he/she needs further information, the meeting should be adjourned to allow for any relevant investigation to take place. This information should be sought before the Hearing Manager reaches a final decision.
- 4.19 The outcome will be confirmed to in writing within 7 working days of the decision by the Hearing Manager. It is not necessary for the Hearing Manager to reconvene the meeting to communicate the decision.

Appeal

- 4.20 Employees may appeal in writing to the Chair of the appeal panel (see 4.4 for the relevant level) **within 10 working days** of receiving the written decision. The appeal notice should make clear the reasons for the appeal. The Chair of the appeal panel will arrange for 2 other members of the Governing Body/School Board not previously involved, to hear the appeal and they may be supported by a HR Adviser. Whilst new evidence on the same grievance may be submitted, no new grievance(s) may be added to the proceedings. New evidence will only be considered if relevant to the grievance outcome decision and there was a good reason why this had not been included as part of the original grievance.
- 4.21 The hearing will take place **without unreasonable delay** of the Chair receiving the written notice of appeal. This is not a reinvestigation of the original grievance but a review of the decision made by the original Hearing Manager. The person that heard the formal stage grievance should attend and may be supported by an HR Adviser.
- 4.22 The original Hearing Manager or Chair of the Panel who considered the grievance initially will present their reason for reaching their decision to the Panel. Alternatively a statement clearly setting out why the decision was reached can be submitted to the hearing.
- 4.23 If the grievance was investigated by an Investigating Officer other than the Hearing Manager the Investigating Officer may be called as a Management witness.
- 4.24 If the Panel reaches a point in the appeal hearing where further information is required, the meeting should be adjourned so that advice can be obtained. Following

the appeal hearing, the Chair of the Panel considering the case will give a response to the grievance. The Chair of the Panel will send written confirmation of the outcome to both parties within 7 working days of the decision, and their decision is final. There is no further right of appeal.

See Appendix 2 for guidance on grievance meetings and appeals.

Collective Grievances

- 4.25 Where a group of employees take out a grievance, this will be heard using the process above in section 4 i.e. one grievance claim. It may be appropriate for the aggrieved employees to appoint one or two individuals to present the grievance. This could be a Trade Union representative.

Vexatious, malicious and frivolous grievances

- 4.26 All grievances will be taken seriously, but only those which raise a legitimate or genuine concern will be heard or investigated. The Headteacher or Chair of Governors as appropriate will not consider any frivolous or vexatious grievances or any repeat complaints which have already been responded to. Evidence of malicious grievances may result in formal disciplinary action being taken against the employee(s) concerned.

Appendix 1

EMPLOYEE'S NOTIFICATION OF GRIEVANCE

This form should be used to submit a grievance in accordance with the formal Grievance Procedure.

You and, where appropriate your Trade Union representative should complete the form and hand it to either the line manager or the head teacher. You are advised to keep a copy.

1. Name: School:

Post held:

2. Describe briefly:

a) The nature of your grievance.

b) When did you first raise your grievance, and with whom?

c) What action has been taken on your grievance at the informal stage?

3. Has your Professional Association/Trade Union representative been informed? YES/NO

If YES: (a) do you wish the representative to receive correspondence? YES/NO

(b) please identify the representative and where he/she may be contacted

Signed: Date:

Appendix 2 – Guidance for Headteachers, Line Managers and Hearing Panels

Conducting a Grievance Meeting

- Hold the session in private, away from interruption
- Listen carefully to what the employee has to say
- Stay calm, especially during any more emotional moments
- Find out precisely what the grievance is about, i.e. don't concentrate solely on the facts; try to understand the feelings behind them
- Ask open questions (i.e. questions that can't be answered with a simple 'yes' or 'no')
- Carefully summarise what the employee has said
- Look for solutions
- Once feelings have cooled down – and it is possible that all the person wanted to do was to let off steam – begin to look for constructive solutions to the problem by:
 - encouraging the person to suggest constructive solutions;
 - making your own suggestions to solve the problem;
 - seeking an adjournment if necessary;
 - thinking carefully before taking a decision;
 - considering whether or not the issue should go to the Headteacher (if the meeting is being conducted by a line manager);
 - accepting that it may not be possible to satisfy everything the employee wants.
 - Follow up the session by writing a summary of the key points and the agreed actions to the employee and, subsequently, by checking that actions promised (if any) actually took place.

Order of Business:

- The Hearing Manager will ensure that everyone is introduced and will explain how the meeting will be run.
- The aggrieved employee (or their representative) will be asked to explain the grievance, if necessary supported by documents/and or witnesses. The aggrieved employee may be asked questions by the individual or Panel hearing the grievance, and if present, the employee whom the grievance is against.
- In cases where a grievance is against another employee, the employee will be asked to respond. Again, questions can be asked.
- Both sides will sum up their presentation
- If further information/investigation is required in order to allow the Hearing Manager to make a decision, the meeting can be adjourned until the information is gathered.
- Following the meeting and any appropriate further investigation the Manager considering the grievance will give a response, this must be confirmed in writing within 10 working days.

Hearing a Grievance Appeal

The Panel's Proceedings

The Panel will need to elect a Chair. The following is the usual and fair way to proceed.

- Let the individual or representative explain their reasons for appeal, introducing witnesses, where necessary.
- If there is an individual who is the subject of the grievance, allow this individual or representative to ask any relevant and pertinent questions of the aggrieved party and witnesses. Governors may also ask questions at this point.
- Where there is an individual who is the subject of the grievance, allow him/her to make a statement in response to the appeal issues introducing witnesses where necessary.
- Let the aggrieved party ask any relevant and pertinent questions arising from the response. Governors may also ask questions at this point.
- The Hearing Manager from the original hearing is asked to explain the reasons for their decision.
- The Chair and members of the Panel ask any remaining questions of clarification.
- The parties summarise the main points relating to the grievance, the aggrieved person or representative speaking second.
- The parties withdraw but can be recalled if the Panel requires clarification.
- The Panel's decision is conveyed orally to both parties and confirmed in writing within 5 working days. The Panel may, particularly after a lengthy hearing, adjourn and reconvene at another time to consider its decision.

APPENDIX 3 – Guidance for Employees on How to Raise a Grievance

What is a grievance?

Examples of a grievance include (but are not limited to): conditions of employment, health or safety, relationships at work and new working practices. If you are a member of a Trade Union or Professional Association, you should seek advice from your representative at the earliest stage some concerns are dealt with through different procedures, and you need to check section 2 of this procedure before setting out on a formal procedure.

What should I do if I have a grievance?

Always try to resolve the grievance at source, if necessary by talking it through with your line manager. This allows for problems to be resolved quickly and normal working relationships to resume.

What is the informal process for handling a grievance?

Talk to your line manager at one of your regular one-to-one meetings or, if such a meeting is a long way off, by requesting a special meeting for this purpose.

What do I do if the grievance cannot be resolved informally?

Provide a written submission (see section 4)

What information should I include in the Notice of Grievance?

- What the grievance is about. (Be clear and specific)
- Who is involved and when
- Why the grievance has not been resolved at an earlier stage
- How you think the grievance can be resolved

What happens once I have submitted notice of a formal grievance?

A meeting will be arranged at which you have the opportunity to set out your grievance. This is the formal stage of the procedure. All parties may be accompanied or represented by their Trade Union or Professional Association representative or by a work colleague. The Chair of the meeting will tell you what the outcome is.

What happens if I don't like the outcome of this meeting?

The job of the Hearing Manager at a formal meeting is to reach a conclusion that is fair and equitable to all sides. If the employee feels that the outcome is not fair, then an appeal meeting before a Panel can be requested. The decision of the Panel at this stage is final: there are no further hearings.