

STAFF GRIEVANCE PROCEDURE

Date of Last Review: February 2016

Date of Next Review: February 2019

Responsibility:

Advisory Body Signature:



1. SCOPE

1.1 It is our policy to ensure that all Employees¹ have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance an Employee raises, hold a meeting to discuss it, inform the Employee in writing of the outcome, and give the Employee a right of appeal if they are not satisfied.

Issues that may cause grievances include:

- (a) terms and conditions of employment;
 - (b) health and safety;
 - (c) work relations;
 - (d) bullying and harassment;
 - (e) new working practices;
 - (f) working environment;
 - (g) organisational change; and
 - (h) discrimination.
- 1.2 This Procedure applies to all Employees, teaching and support staff. Employees' grievances can arise in many ways. Some grievances are minor or straightforward, while others may be difficult to resolve, or concern fundamental issues related to statutory or contractual rights. The principle underlying this procedure is that grievances should be dealt with as close to their source and as informally as circumstances permit, and that the level of formality used in resolving the grievance should reflect the gravity of the issue.
- 1.3 The procedure contains both informal and formal stages. Employees and their representatives are urged to make every reasonable attempt to resolve a grievance informally before using the formal part of the procedure. Where the grievance is directed against a more senior member of staff who would normally hear the case, the matter may be heard by another member of staff of equal standing.

¹ "Employee" throughout this procedure means a teacher or other member of staff employed by the Company or engaged otherwise than under a contract of employment.

1.4 Members of staff may be accompanied and supported at any stage by a companion, who may be a fellow E21C employee or a recognised and appropriately trained trade union representative or official, providing their presence would not prejudice the hearing. If an Employee has difficulty at any stage of the Grievance Procedure because of a disability or because English is not the Employee's first language, he/she should discuss the situation with their line manager or the Deputy Head, Staff Development as soon as possible.

1.5 This document sets out the procedures to be followed in situations where an employee at the school, including the Headteacher, has a grievance.

This procedure is intended to:

- give clear guidance to all concerned in grievance situations;
- enable grievances to be resolved as fairly and quickly as possible;
- minimise the prospect of damage to relationships at the school;
- promote sound employment practices and encourage a harmonious working environment.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If the Employee is dissatisfied with any disciplinary action, he/she should submit an appeal under the appropriate procedure which is available from the Deputy Head, Staff Development.

1.6 This procedure has been adopted and is published as part of the staffing procedures of the Company. It applies to all employees at E21C regardless of their length of service.

2. MATTERS OUTSIDE THE SCOPE OF THIS PROCEDURE

2.1 The Grievance Procedure is entirely separate from Disciplinary, Sickness Absence and Capability Procedures. The following are, however, excluded from the application of the procedure:

- Complaints from or towards ex-employees, members of the public or LA officers;
- Personal disagreements or disputes between school employees not connected with their duties/roles within the school;
- Issues which are the subject of the Disciplinary, Sickness Absence or Capability Procedures;
- Appeals related to any pension scheme (for which details may be obtained from the Chair of the Local Governing Body);

- Grading appeals, appraisal matters, performance management or other conditions of service issues covered by separate procedures;
- Income Tax, National Insurance and similar matters, which are outside the scope of the Company (details of any statutory appeal rights may be obtained from the Chair of the Board of Trustees).

2.2 E21C has adopted a separate "Whistleblowing Procedure", giving members of staff guidance on the correct way to make a disclosure of malpractice, it may be more appropriate to invoke that procedure in some circumstances. A copy of this policy is available from the Web site.

3. GENERAL PRINCIPLES

3.1 All documentation and discussions at meetings within this procedure are confidential to all those involved in the procedure. The issue of confidentiality will be brought to the attention of all parties involved in a grievance at an early stage.

3.2 An employee will be given a copy of this procedure upon raising a grievance with E21C. In any event, a copy of this policy is available from the web site.

3.3 At any meeting convened under this procedure, access to an adjournment should not be unreasonably refused.

3.4 With the exception of a grievance against the Headteacher, individual member(s) of the Local Governing Body are not to be involved prior to the formal stage of a grievance.

3.5 Details of any grievance case will only be divulged in a general way to member of the Local Governing Body/Company Trustees so as to avoid the dissemination of any prior knowledge to any such member of the Local Governing Body/Company Trustees who may be involved in hearing the grievance or any subsequent appeal. The Chair of the Local Governing Body will be kept informed of general progress, but not given access to detailed information.

3.6 The formal stage of the Grievance Procedure will include a right of appeal within 7 school working days of written notification.

4. Right to be accompanied

- 4.1 The Employee may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. The Employee must tell the Deputy Head Staff Development, or the person holding the grievance meeting who their chosen companion is, in good time before the meeting.
- 4.2 At the meeting, the Employee's companion may make representations and ask questions, but should not answer questions on the Employee's behalf. The Employee may talk privately with their companion at any time during the meeting.
- 4.3 Acting as a companion is voluntary and the Employee's 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 companion.
- 4.4 If the Employee's choice of companion is unreasonable we may ask you to choose someone else, for example:
- (a) if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
 - (b) if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five school working days afterwards.
- 4.5 We may, at our discretion, allow the Employee to bring a companion who is not a colleague or union representative (for example, a member of their family) if this will help overcome a disability, or if the Employee has difficulty understanding English.

5. Investigations

- 5.1 In some cases it may be necessary for E21C to carry out an investigation into the Employee's grievance. The amount of any investigation required will depend on the nature of the allegations 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 may be carried out by your line manager or someone else appointed by us.
- 5.2 The Employee must co-operate fully and promptly in any investigation. This may include informing E21C of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.
- 5.3 E21C may initiate an investigation before holding a grievance meeting where E21C consider 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 you after our investigation and before we reach a decision.

6. GRIEVANCE AGAINST A COLLEAGUE

(A) INFORMAL STAGE

- 6.1 Most grievances can be resolved quickly and informally through discussion with the Employee's line manager or the Headteacher. If the Employee feels unable to speak to their line manager, for example, because the complaint concerns him or her, then the Employee should speak informally to a more senior manager. If this does not resolve the issue, the Employee should follow the formal procedure below.
- 6.2 Where the Employee has a grievance against the Headteacher s/he should first try to resolve the matter by a direct approach to the Headteacher or alternatively, a member of the Senior Management Team.
- 6.3 Where the Employee has a grievance against another employee(s) at the school, s/he may wish to first try to resolve the matter by a direct approach to the employee(s) concerned, or through the head of department or other appropriate colleague in the management structure. The line manager should seek to resolve the problem either personally or in consultation with the other employee(s) concerned.
- 6.4 If appropriate, mediation may be arranged. The appropriate Human Resources Officer may attend any informal meeting.

(B) FORMAL STAGE

- 6.5 If it is not possible to resolve a grievance informally, the Employee should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance.
- 6.6 This should be done in writing to the Headteacher, or the Chair of Trustees if the grievance is against the Headteacher, and should contain a brief description of the nature of the Employee's complaint, including any relevant facts, dates and names of individuals involved. In some situations E21C may ask you to provide further information.
- 6.7 This written grievance notice should be received within 7 school working days of the outcome of the informal process ending. (The written account, in

the case of a grievance against the Headteacher, will be passed to the Clerk to the Trustees who will make appropriate arrangements as necessary.)

- 6.8 This written notice should set out the details of the grievance, including what steps have been taken so far and what resolution is sought. It should be accompanied by any supporting documents. The Headteacher will, on receipt of the written notice, appoint an investigating officer who will coordinate the evidence and interview the parties concerned to collect any further information pertaining to the grievance.
- 6.9 If the grievance is against the Headteacher, the Clerk to the Trustees will appoint an appropriate investigating officer who will carry out the investigation and interview the appropriate people. This information will be reported back to the Clerk for appropriate action within the guidance of the procedure.

Procedure at the formal hearing

- 6.10 The Employee bringing the grievance and any other Employee involved with the grievance will be invited to a meeting with the Headteacher and the Investigating Officer. Both parties may be accompanied by an appropriately qualified trade union representative or an E21C employee, as per paragraph 4 of this policy. The Employee and their companions should make every effort to attend the meeting. The purpose of a grievance meeting is to enable the Employee to explain their grievance and how they think it should be resolved, and to assist E21C in reaching a decision based on the available evidence and the representations the Employee has made.
- 6.11 At this meeting the Headteacher will allow for the introduction of relevant additional documentary evidence and if necessary adjourn the meeting to allow further investigation to take place if any new facts arise.
- 6.12 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.
- 6.13 E21C will write to the Employee, usually within one school working week of the final grievance meeting, to inform them of the outcome of the grievance and any further action that we intend to take to resolve the grievance. E21C will also remind the Employee of their right of appeal. Where appropriate we may hold a meeting to give you this information in person.

(C) APPEALS

- 6.14 Where an Employee feels that their grievance has not been satisfactorily resolved, they should appeal to the Appeals Committee of the Local Governing Body. They should let appeals committee know in writing the grounds for their appeal within 7 school working days of the date on which the decision was sent or given to you.
- 6.15 The appeal should be heard without unreasonable delay and at a time and place which should be notified to the Employee in advance. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although E21C may ask anyone previously involved to be present).
- 6.16 The Employee has a right to be accompanied (see paragraph 4) by an appropriately qualified trade union representative or a fellow E21C Employee. An appropriate human resources officer may also be invited to be present to advise the Appeals Committee.
- 6.17 The procedure at the Appeal Hearing shall be the same as that for the Formal Hearing. The Headteacher shall summarise the grievance and the decision reached at the Formal stage. The employee will be asked to set out their grievance and indicate what resolution is sought.
- 6.18 The Appeal Panel will be entitled to reach a different conclusion and impose a different sanction than that imposed at the Formal Hearing. The outcome of the appeal will usually be communicated to the Employee within 7 school working days of the appeal hearing.
- 6.19 This is the end of the procedure and there is no further appeal.

Appendix 1

Sample Letters

1. Letter to Employee following receipt of Notice of Grievance.

Dear *[Name]*

Your Grievance

I confirm that your Notice of Grievance has been received relating to *[brief summary of grievance]* *[together with the following supporting documents]* *[list]*. Please confirm to me within [X] school working days that my understanding of the scope of your grievance is correct.

The investigating officer will prepare a report on the situation in the next 10 school working days and will request - *[name of the Employee against whom the grievance is being raised]* to make a written response within 7 school working days of receiving the headteacher's request. You will receive a copy of *[Name of other Employee]* response, together with any supporting documents they provide.

As soon as I receive the Investigating Officer's report, I will arrange a date to meet to hear your case. I will circulate all relevant papers to you not later than 7 school working days before the hearing. I also enclose a copy of the school's Grievance Procedure for your information.

You are entitled to bring a fellow Employee or a trade union representative to this meeting in accordance with our Grievance Procedure. If you wish to bring a companion, please let me know their name as soon as possible.
Yours sincerely,

[Clerk to the Local Governing Body of [Name] School]
Enc.

2. Letter to employee arranging a meeting

Dear *[Name]*

Grievance Proceedings

Further to my letter dated *[date]* I confirm that the Local Governing Body Appeal Committee will meet to hear your grievance on *[date]*.

It is understood that the basis of your grievance is [INSERT DETAIL OF GRIEVANCE].

I enclose the following documents:

- Notice of Grievance;
- Response;
- *[List of supporting documents]*

You may be accompanied by an E21C colleague or appropriately qualified representative of your trade union. If you or your representative are unable to attend on the date given, please contact me immediately and I will try to arrange a mutually convenient alternative. If there is any aspect of the Procedure upon which you require clarification please contact me.

Yours sincerely,

[Clerk to the Local Governing Body of [Name] School]

Enc.

3. Letter to employee advising of outcome of the Appeal Committee

Dear *[Name]*

Grievance Proceedings

I refer to the meeting held by the Headteacher on *[date]* to consider *[brief details of the grievance]*. The Headteacher concluded that *[details of decision]*.

You have the right to appeal against this decision to the Local Governing Body's Appeals Committee. If you wish to appeal, you should submit a written Notice of Appeal to me within 7 school working days of the date of this letter. Any notice of appeal should include the grounds of appeal and should identify how you think it should be resolved. Please also enclose any supporting documents not previously considered by the Headteacher. I will then contact you within 7 school working days of receiving the Notice of Appeal with the date for the appeal hearing. Please be advised that any decision of the Appeal Committee will be final.

I enclose a copy of this letter for your representative.

Yours sincerely,

[Clerk to the Local Governing Body of [Name] School]

Enc